A PRELIMINARY HISTORICAL STUDY OF THE WYATT TRACT OF 1641 (Including a Grant to Richard Kemp in 1638) ON JAMESTOWN ISLAND IN COLONIAL NATIONAL HISTORICAL PARK - 1940

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By: Charles E. Hatch, Jr., Junior Historical Technician

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By:
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UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
YORKTOWN, VIRGINIA

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YORKTOWN NATIONAL CEMETERY

A Preliminary Historical Study of the Wyatt Tract of 1641 (Including a Grant to Richard Kemp in 1638) on Jamestown Island in Colonial National Historical Park

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I. Definition of the Problem.

The purpose of this study is to treat historically a half acre grant of land made to Richard Kemp at Jamestown in 1638. Kemp was a prominent colonial Virginian who served as secretary of state for the colony, and was governor "pro tem" of Virginia for a year, 1644-1645.[1] As far as the documentary evidence available is concerned, this grant of a half acre (80 poles) constituted his land holdings at Jamestown, and it must have been on this plot that he constructed his brick house so highly spoken of by Sir John Harvey

---

1. See the biographical sketch of Richard Kemp given in Appendix A.1.

in 1639.[2]

Because of the difficulty in locating the Kemp tract it has been necessary to include additional property in this study. In 1641 the Kemp half acre became a part of a larger holding. Before 1641 Sir Francis Wyatt acquired Kemp's house and property at Jamestown, and in that year patented, by court order, three acres adjoining it. From this point, and for many years the two areas became identified as one tract which for convenience in this study is called the Wyatt tract. The fact that Walter Chiles, a later owner of the property, added to his holdings a small section, owned in 1638 by Edward Hill, is considered. This appears to have been east of the Kemp tract and in the southeastern part of the tract which is called here the Wyatt tract.[3]

The scope of this study is the treatment of the three and

2.
In the historical files at Jamestown there is a "mass" of collected material from various sources, primary and secondary, collected by former employees. This is classified under the headings L (signifying relation to land, or land holdings), J (meaning general references to Jamestown), and V (pertaining to Virginia history with some relation to Jamestown). In this study the documentation of these cards will be given by letter division and number (see below). The source as given on each card will be given in parenthesis after the number.
J-171 (Report of Governor Harvey, January 18, 1638/9 in Virginia Historical Magazine, Volume III, pp. 29-30).

3.
See chain of title to Wyatt tract given later. It seems that Walter Chiles may have been the first owner to have acquired all of the area here considered, for convenience, as the Wyatt tract.

one half acre Wyatt tract, and an attempt is made to locate and define the boundaries of the property. It is thought that through a detailed and critical study of the documentary data available, as well as of previous archaeological research, that at least a part of the seventeenth century significance of the area can be determined. Because of the nature of the study emphasis is on land holdings, location on the ground, building activity, and other forms of physical development.

It should be pointed out that the ruins of the Jaequelin-Ambler house, so called, are located on this tract. These ruins are of a period later than the seventeenth century and are not considered in this study. Since they constitute one of the few above ground remains on Jamestown Island, since they represent a period later than the seventeenth century, since they are associated with property including and beyond the Wyatt tract, and since they are associated with a single family for more than a century, it seems fitting that a separate, detailed study should be made that would include a discussion of the ruins, the associated property, the family, and the relation to Jamestown after 1700.

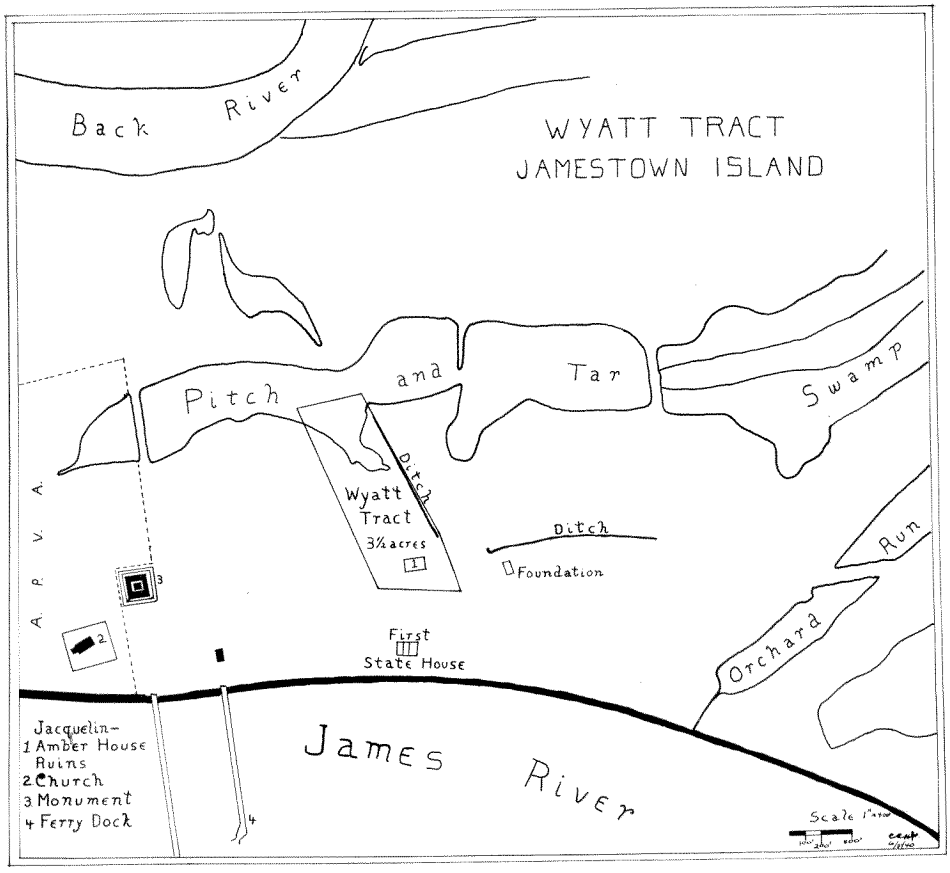
II. Description of the Property Today.

The Wyatt Tract, as determined from the discussion that follows, was a three and one half acre tract that lay around, and, for the most part, to the west, northwest, and north of the present Jacquelin-Ambler house ruins. These ruins, of a date that has not as yet been determined, yet presumed to be that of an eighteenth century dwelling,[4] stood in the southeastern part of the area. Having a width of approximately 244' on the south, the property extended back to, and into, the marsh known as Pitch and Tar Swamp.

Today the highest ground in the tract is in the south section. The back portion of more than one half is marsh, or semi-marsh. If this were the case in the seventeenth century, only the southern part of the lot would have been suitable for building purposes. The topographical map of this section of the island now in preparation will graphically show this feature of the terrain. Photograph No. 1 is a view of the Wyatt tract looking from the south to and across the area.

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4. "Memorandum for Superintendent Cox" by Thor Borresen dated October 4, 1939 (A Report on the Jacquelin-Ambler House Ruins for Purposes of Preservation), p. 2.



Map No. 1.

CNHP No. 8363



Photograph No. 1.

The Wyatt tract today, looking from the south toward and across the area.

CUHP Photograph No. 8234



Photograph No. 2.

The Jacquelin-Ambler House Ruins.

CNHP Photograph No. 7157.

III. Early Grants in, or near, the Wyatt Tract.

The use of the area covered by the Wyatt tract prior to 1638-1641 is none too clear. The existing land records tell little of property holdings in this area. However, there are two grants that may have been in, or near, the Wyatt tract. In 1624 Captain Roger Smith received four acres that were bounded north on the ground of Sir George Yeardley, and it is thought that this Yeardley property was approximately north of the Wyatt tract.[5] Yeardley had seven acres.

5.
L-18 (Tyler, Lyon G., Cradle of the Republic, p. 47).
Roger Smith, prominent in the affairs of the Virginia colony for more than a decade, appears to have seen service in the Low Countries before he came to Virginia. After some twelve years of service he reached Virginia in 1620. Within a year he had a seat on the council, and served regularly as a member of the General Court, at least until 1629, as can be seen from the records of that body. In April, 1622 shortly after the devastating Indian massacre, Smith was given "absolute power and command over all the people in Pasbehay and the maine", also, Henrico Island, Coxendale, and Charles City "and to charge and command all the said people...upon paine of death to obey him".
In 1623 he was instructed to build a fort at "Warrascoyacke" and six months later the governor and council wrote "Have with much earnestness importuned Capt. Smyth's patience to stay upon the place, who hath done as much as could be expected of him". In all probability this venture near the oyster banks at Blunt Point was not successful, yet in 1624 the council and General Court ordered Smith's salary to be paid - 1,200 pounds of tobacco and 12 barrels of Indian corn.
In 1623 Captain Roger Smith was a resident in the corporation of James City, presumably at Jamestown. His wife, Joane, was in Virginia with him. In 1624/5 there was an interesting statement that Richard Alforde, aged 24, was living at Captain Roger Smiths "over the water from James City". Also Sarah Mayecock was living in his family. The phrase "over the water" seems to imply a residence away from Jamestown. It is a fact that in December, 1625 Smith, by court action,

[f.n. 5 continued]
was permitted as "an old planter" to take out four acres at Jamestown and 96 acres at the mouth of Back river, across from the Island. It was described as "already seated and planted". Also, in 1625 Smith had 100 acres on Hog Island. (Hening, William Waller, Statutes at Large Being a Collection of the Laws of Virginia (Richmond, 1809), Vol. 1, pp. 111, 143; Nugent, Nell Marion, Cavaliers and Pioneers, Abstracts of Virginia Land Patents (Richmond, 1934), Vol. 1, p. 2; William and Mary College Quarterly Historical Magazine, Second Series, Vol. 7, pp. 42-7, 208; Virginia Magazine of History and Biography, Vol. 16, p. 12; Vol. 19, pp. 118,374-89; Vol. 21, p. 288; Vol. 23, p. 16; Vol. 24, p. 247; Vol. 25, p. 342; Vol. 28, pp. 6,9,97,98-106, 219-224,321.)

one rood, that bounded north on Back river and south on Roger Smith.[6] Smith's northern boundary was near the town for it was "upon the pale of the Governor's Garden,...". Placing the Yeardley grant north of Smith's and fixing the north boundary on Back river, the south boundary of Smith's grant would fall in or near the town. On the basis of this it seems that the Roger Smith property lay in or near the Wyatt tract. If such were the case, then the governor's garden, enclosed with a "pale" fence, in 1624 must have extended into the Wyatt tract. West of the garden may have been that section described as the government "parke".[7] This would tend to support the supposition that the governor's house in 1624 was in the location of the later Country House.[8]

In the Roger Smith patent of 1624, which Lyon G. Tyler in The Cradle of the Republic says that he copied from the original, there is mention that Smith was bounded on the east by "the bridge in the said highway leading into the Island", and also "upon the yard of Captain William Pierce". If this bridge that was referred to was in

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6.
L-13 (Richmond Land Office, County No. 16, Index to Jmes City); Yonge, Samuel H., The Site of Old "James Towne", 1607-1698 (Richmond, 1926), map between pp. 16-17.

7.
L-16; Forman, Henry Chandlee, Jamestown and St. Mary's Buried Cities of Romance (Baltimore, 1938), pp. 78-9.

8.
Forman, Jamestown and St. Mary's, pp. 78-9.

the same position as the bridge shown on survey plats of William Sherwood in 1680 (see Photograph No. 6) and John Knowles in 1664 (see Photograph No. 4) then Smith's grant would have extended to the east of the Wyatt tract. If it referred to some other bridge to the west then the yard referred to as that of Captain William Pierce, conceivably could have touched in or near the Wyatt tract.[9]

9.
L-16.
Captain William Pierce came from England in the Sea Venture in 1609 and became one of the leading members of the colony for many years. In 1623 Governor Wyatt appointed him "the said William Pierce (captain in my guard and company) Lieutenant Governour and commander of James citty, of the Island, of the Blockhouses, and of all other places belonging to the same, and also of all the people there resident". In 1623 he led an expedition against the Chickahominies "with no small slaughter", and in 1627 he repeated the same expedition. It was in 1623 that George Sandys, Treasurer of Virginia, wrote to England that William Pierce "was inferior to none in experience, ability and capacity and recommended him for appointment to the council".
When in England in 1629 Pierce prepared "A Relation of the Present State of the Colony of Virginia, by Capt. William Perse, an ancient planter of twenty years standing there". W. G. Stanard thinks that it may have been Pierce's wife, Joan, who was living at Jamestown in 1623/4, that was mentioned in a pamphlet published in 1629:

> "Mrs. Pearce, an honest, industrious woman, after passing twenty years in Virginia, on her return to England reported that she had a garden at Jamestown, containing three or four acres, where in one year she had gathered a hundred bushels of excellent figs, and that of her own provision she could keep a better house in Virginia, than in London for three or four hundred pounds a year, although she had gone there with little or nothing." (Virginia Magazine, Vol. 1, p. 447.)

In 1631 Pierce was appointed to the council and became a strong opponent of Harvey's unpopular government. He was among those called to England to answer Harvey's charges. He went and appeared before the Court of the Star Chamber although he was not prosecuted. Later he

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[f.n. 9 continued]
returned to Virginia where he resumed his seat on the council.[c] In 1640 he appeared in court to lay charges against the instigators of a projected servant's escape which affected six of his servants.

The last mention of Pierce is on February, 1644/5 when he attended a meeting of the council, and after this date little is known of him. Perhaps he died about this time, or returned to England. He had at least one daughter who became the third wife of John Rolfe. (Tyler, Lyon Gardiner, Encyclopedia of Virginia Biography (New York, 1915), Vol. 1, pp. 101-2; Virginia Magazine, Vol. 1, p. 447; Vol. 5, pp. 234-37; Vol. 9, p. 269; Vol. 15, p. 17 and Vol. 16, p. 3; William and Mary College Quarterly, Second Series, Vol. 7, p. 209.

Unfortunately at the present time too little is known to attempt to fix the location of the Pierce and Smith properties. They are discussed because there is a strong probability that the Roger Smith tract, and a vague possibility that the William Pierce holding, was in or near the Wyatt tract. If such were the case some physical evidence dating from their ownership may remain to be located during future archeological excavation in the Wyatt tract. Apparently both Smith and Pierce had dwellings at Jamestown.

In 1623 in one of the acts passed by the Assembly mention was made of "the new dwelling house of Captain William Pierce".[10] It is said that George Sandys, when treasurer of the colony, lived in Pierce's house and in April of 1623 wrote to John Farrar concerning "his own Chamber at Lieut. Peirce's, the fairest in Virginia".[11]

10.
"Documents Sir Francis Wyatt, Governor, 1621-1626" in William and Mary College Quarterly, Second Series, Vol. 7, pp. 125-131.
The act stated that tobacco was "to be brought in by them [those taxed] to James Citty...by the last of October next, to the new dwelling house of Captain William Pierces...".

11.
L-178 (Virginia Carolorum, p. 61); Tyler, Lyon G., The Cradle of the Republic: Jamestown and James River (Richmond, 1906), p. 47.
Tyler stated that it was his belief that on the west of John Potts' twelve acre holding [see Photograph No. 2] there was a small tract belonging to William Pierce. On this tract he had a house called by George Sandys the "fairest in Virginia". Sandys had a room there in which he raised silk worms and turned into English the Latin of Ovid's Metamorphosis.

Smith too had a dwelling. In 1625 a court order to patent land was granted to him which included his patent of a year earlier and it read "he havinge allreadie seated and planted uppon the said lande".[12]

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12. L-196 (Minutes of the Council, p. 79).

IV. Chain of Title to the Wyatt Tract, 1638-1780.

The chain of ownership of the Kemp tract began in 1638 with the grant of eighty poles (approximately one-half acre) to Richard Kemp. Kemp conveyed this property to Sir Francis Wyatt and from that transfer the one half acre became a part of a larger tract of three and one half acres.

1. Patent TO Richard Kemp[13]	"...a Peell of Land scituate lying and being in James Citty conteyning tenn pole in length towards the water side and eight pole in breadth...betweene the Land of Mr Thomas Hill and Richard Tree..."	Aug. 1, 1638
2. Patent TO Sir Francis Wyatt[14]	"The Court hath ordered that... a Patient be granted unto ye	Oct. 13, 1641

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13. Jamestown: Land Patents from the State Land Office, Richmond, Virginia, [in typescript form bound into one volume, dated January, 1935, in C.W.H.P. Historical Division files] pp. 55-6. (Richmond Land Office, Patent Book 1, Vol. 2, pp. 587-8.)
There is a photograph of Richard Kemp's grant in Tyler, Cradle of the Republic (1906), page 55 which is titled "Richard Kemp's Grant of an half acre in New Towne in 1638. A copy about 1683."

14. Ambler Papers from the Library of Congress, Washington, D. C. [in typescript form bound into one volume, dated April 8, 1935; in C.W.H.P. Historical Division files] p. 2 (Ambler Paper No. 3).
For a biographical sketch of Sir Francis Wyatt see Appendix A,3.
A photograph of this item can be found in Tyler's Cradle of the Republic (1906) on page 56. The title states that it is from "a copy about 1683".

		Sd Sr Francis Wyat Kt for three acres of land in James Citty Island, adioining unto ye land formerly granted unto Mr Richd Kemp, and since conveyed unto ye Sd Sr Francis Wyat by ye Sd Mr Kemp."	
3.	Sir Francis Wyatt (attorney for) TO Sir William Berkeley[15]	In the deed of transfer of the above mentioned three and one half acres from Sir William Berkeley to Walter Chiles (Sr.) in 1649 it is recited that it was "purchased by ye sd Sr Wm Berkeley of Capt Wm Peirce attorney for ye sd Sr ffrancis Wyatt..."	
4.	Sir William Berkeley TO Walter Chiles (Sr.)[16]	"Sr W Berkeleys deed of sale to Mr Chiles of the Brick house formrly Mr. Secry Kemps with ye 3 acres land." "All yt his messuage or mansion house, together wth All gardens orchards yard Backsides, out houses buildinges and hereditamts & appurtenances ...late in ye tenure and occupation of Richd Kemp esqr and	March 23, 1649

15.
Ambler Papers, pp. 3-6 (Am. P. No. 4).
Sir William Berkeley came to Virginia as governor in February, 1641/2 and served until 1652 when he was replaced by Richard Bennett. In 1660, by election from the Assembly and appointment by the King, he became governor for a second time, and continued in office until his removal after Bacon's Rebellion. He was quite active in affairs at Jamestown including property holding. It was he who built his country residence at Green Spring. (Tyler, Encyclopedia of Virginia Biography, Vol. 1, p. 46.)
16.
Ambler Papers, pp. 3-6 (Am. P. No. 4).
For a biographical sketch of Walter Chiles, Sr., see Appendix A,4.

		by him Conveyed unto Sr ffrancis Wyatt Kt..." and "three acres more or Lesse ...in James City...adioying to ye Land whereon the sayd messuage standeth..."	
5.	Walter Chiles (Sr.) TO Walter Chiles (Jr.)[17]	Walter Chiles (Sr.) died about 1655 and left this property to his eldest son Walter Chiles (Jr.): "The said Messuages, outhouses, & premisses, and the said three acres of land..."	c. 1655

[Since it appears that a house and land sold by Edward Hill to Walter Chiles in 1658 was a part of the area called in this study the Wyatt tract, it seems best to include this item in the chain of title. See A1, below.]

6.	Susanna Wadding (wife of Walter Chiles) TO John Page[18]	"All that the said Messuage or Mansion House, heretofore in the possession of the said Richard Kempt Esqr... and alsoe all that other Messuage or tenement built by the said Walter Chiles the son,...And alsoe the said three acres of Land, adioyning to the Land, whereon the said Messuage or Mansion house standeth."	Nov. 20, 1673

17.
Ambler Papers, pp. 54-64 (Am. P. No. 24).
For a biographical sketch of Walter Chiles, Jr., see Appendix A,5.

18.
Ambler Papers, pp. 54-64 (Am. P. No. 24).
John Page was born in Middlesex, England, and came to Virginia about 1650. He received considerable land in exchange for transporting persons into the colony and in 1657 represented York County in the House of Burgess.[es] His estate suffered heavily in Bacon's Rebellion. In 1681,

[f.n. 18 continued]
then a burgess, he was appointed to the council and attended meetings as late as 1689. In 1686 he, with two others, was named to revise and annotate the laws of the colony. As owner of Middle Plantation it seems quite natural that he gave 120# toward building the church there. He died in 1692. (Weddell, Virginia Historical Portraiture, (Richmond, 1930), p. 97; Tyler, Encyclopedia of Virginia Biography, Vol. 1, p. 134.

Reverend James Wadding, sometime after May, 1672, married Susannah, second wife of Walter Chiles, Junior. Wadding was minister at Jamestown at the time, yet afterwards moved to Gloucester where he was rector of Petsworth Parish. At the outbreak of Bacon's Rebellion, he was a staunch loyalist and refused to take the oath of allegiance as authorized by Bacon, encouraging others to do likewise. Whereupon Bacon "committed him to the Gard, telling off him that it was his place to preach in the church, not in the camp. In the first, he might say what he pleased, but in the last, he was to say no more than what should please him [Bacon]; unless he could fight to better purpose than he could preach". Later when Bacon became very ill Wadding attended him during his last sickness at Major Pate's house on Poropotank Creek in Gloucester County. (Tyler, Cradle of the Republic, (1900), p. 142; Tyler, Dictionary of Virginia Biography, Vol. 1, p. 348; "The Chiles Family in Virginia", compiled by W. B. Cridlin in Virginia Magazine, Vol. 19, p. 212.)

7.	John Page TO William Sherwood[19]	In a deed of transfer for a small tract of land from William Sherwood to John Harris in 1696 it is stated that it is a part of "a parcel of Land purchased by ye sd Sherwood of John Page Esqr late deed..." The "parcel" purchased of Page by Sherwood was surveyed on October 27, 1682 and found to consist of 3 1/2 acres. It included "Ye Ruins of Sqr Kemps old Brick house".	Feb. 6, 1681

[In 1696 William Sherwood sold a small tract of land to John Harris. This section of the three and one half acre Wyatt tract will be treated in B1-B5, below.]

8.	William Sherwood TO Jeffrey Jeffreys[20]	Will of William Sherwood: "...I Give to my Loving wife Rachell all my Lands houses and other Real Estate She keeping ye same in sufficient Repair dureing her naturall Life and after her decease I Give the same to Jeffrey Jeffreys Esqr..."	Will dated Aug. 18, 1697
9.	Jeffrey Jeffreys TO Edward Jaquelin[21]	"...All that plantacon Togeather with all messuages Edifices Buildings Orchards Lands Tenements meadowes pastures and hereditaments whatsoever of the said Sr Jeffrey Jeffreys	Dec. 11, 1704

19.
L-133 (Library of Congress, Ambler (59)).
For a biographical sketch of William Sherwood see Hatch, "Historical Study of Unit A", pp. 82-86 (full citation given below in f.n. #22).

20.
Ambler Papers, pp. 161-166 (Am. P. No. 65).

21.
Ambler Papers, pp. 170-172 (Am. P. No. 72).

heretofore in the possession of William Sherwood Gentleman and now of the Said Edward Jaquelyn containing by Estimacon ffeare hundred Acres lying in James Citty James Citty Island and James Citty County..."

10. Elizabeth the daughter of Edward Jacquelin married Richard Ambler. Through this marriage Richard Ambler inherited considerably property at Jamestown. This property remained in the Ambler family for almost a century.[22]

[Since this study deals with the seventeenth century history of the Wyatt tract of 1641 it will not be necessary to extend the title of ownership beyond 1750.]

A1.	Edward Hill TO Walter Chiles[23]	"All the right title and Interest that they or either of them have to One Brick house scituate in James Citty aforesaid beinge ye next house on ye Westward end of Mrs Nix her house, and now in ye possession of ye said Edward Hill as alsoe all ye right title & Interest they have to all the outhouses and Land belonging to ye above said house."	Aug. 5, 1658

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22. "A Preliminary Historical Study Unit A Northwestern End of Jamestown Island in Colonial National Historical Park", by Charles E. Hatch, Jr., dated October 24, 1939, pp. 65-66.

23. Ambler Papers, pp. 8-9 (Am. P. No. 6).
Apparently this could refer to the forty pole patent to Thomas Hill in 1638: "a Peell of Land scituate lying and being in James Cittie Island Containing six pole in breadth and Eight pole in Length the totall forty eight pole adjoyning in a direct line on the west side to the Land of Richard Kemp Esqr." (Jamestown Land Patents, p. 64 (R.L.Off. Patent Book 1, Vol. 2, p. 588)).
For biographical sketch of Edward Hill see Appendix A.6.

31.	William Sherwood TO John Harris[24]	"...a quantity of Land scituate Lying & being in James City aforesd, being part of a parcel of Land purchased by ye sd Sherwood of John Page Esqr late dead, being late in ye Occupation of Mr Secretary Worsley..." It included "one dwelling house in & upon ye same erected with a brick chimney..."	May 11, 1696
32.	John Harris TO William Drummond (Sr.)[26]	This was the transfer of the above mentioned tract sold by Sherwood to Harris in 1696.	Nov. 4, 1701
33.	William Drummond (Sr.) TO William Drummond (Jr.)[25]	This was the transfer of the above mentioned tract sold by Sherwood to Harris in 1696.	
34.	William Drummond (Jr.) TO Edward Champion Travis[27]	This was the transfer of the above mentioned half acre sold by Sherwood to Harris in 1696. In this deed the area was defined as "one Half Acre more or less".	June 15, 1753

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24. Ambler Papers, pp. 147-180 (Am. P. No. 59); L-163 (Library of Congress, Ambler (123)).
For biographical sketch of John Harris see Appendix A,7.

25. Ambler Papers, pp. 229-232 (Am. P. No. 114).

26. Ibid.

27. Ibid.

35.	Edward Champion Travis TO Richard Ambler[28]	This was the transfer of the above mentioned half acre sold by Sherwood to Harris in 1696. The bounds given in 1696 are repeated in this deed.	Oct. 8, 1753.

At this point the half acre sold by Sherwood to Harris in 1696 becomes property of the Ambler family and for the purposes of this study it will not be necessary to trace the property title beyond this point.

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28. Ambler Papers, pp. 233-236 (Am. P. 115).

V. Archeological Discoveries That Aid in Locating the Property.

By means of physical features already uncovered through archeological study at Jamestown coupled with documentary data, it appears that the Wyatt property may be located on the ground -- at least approximately. Of course, this is assuming that the physical features in question have been identified correctly (see maps Nos. 1 and 2). The features that aid in locating the three and one half acre tract under study include those mentioned below.

1. Through excavations in 1935, 1938 and 1939 at the May-Hartwell site, Structure 86 (see map No. 2) was uncovered, and has been identified as the house of William White, Henry Hartwell and possible that of William May. The reasons for these conclusions are set forth in J. C. Harrington's Archeological Report May-Hartwell Site Jamestown.[29]

2. A long ditch running north from near the Jacquelin-Ambler House ruins (see map No. 2) was uncovered during the excavations in 1938.[30] This has been identified as the "Chiles ditch", so called because it marked a part of the eastern boundary of Walter Chiles' three and one half acre tract -- the property under consideration. This ditch is shown on the Knowles survey plat of 1664 (see Photograph No. 4) and mentioned in the land records.[31] Its location conforms

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29. pp. 115-117. This report was made January 22, 1940 by J. C. Harrington, Archeologist-in-Charge of the Jamestown Archeological Project.

30. "Archeological Field Notes" kept by Phoebus Jones, Archeological Foreman, April 29 to May 10, 1935 in C.W.H.P. files at Jamestown.

31. Harrington, Archeological Report, p. 119; L-88 (Richmond Land Office, Patent Book 5, pp. 83-85).

with known information and features.

3. Brick foundations, Structures 31 and 38 (see map No. 2) were uncovered during excavations in 1935 and from an analysis of available information, one of these appears to have been the structure known as the Country House, or Governor's Residence.[32] However, the excavation of these foundations was not completed and no report has been written in which they have been definitely identified.[33] For this reason conclusions based on them are tentative.

4. Knowles ditch (see map No. 2) so called for it was mentioned in Knowles patent of 1665 and shown on the Knowles survey plat, was located through excavations in 1935, 1936, and 1939. Its course was found to conform exactly with that shown on the survey plat.[34]

5. During excavations in 1934-1935 a building was located that has been identified as the First State House at Jamestown (see map No. 2).[35] This structure conforms with the evidence at hand concerning the First State House, and the position of it in relation to James River checks with the information in the land patents.[36]

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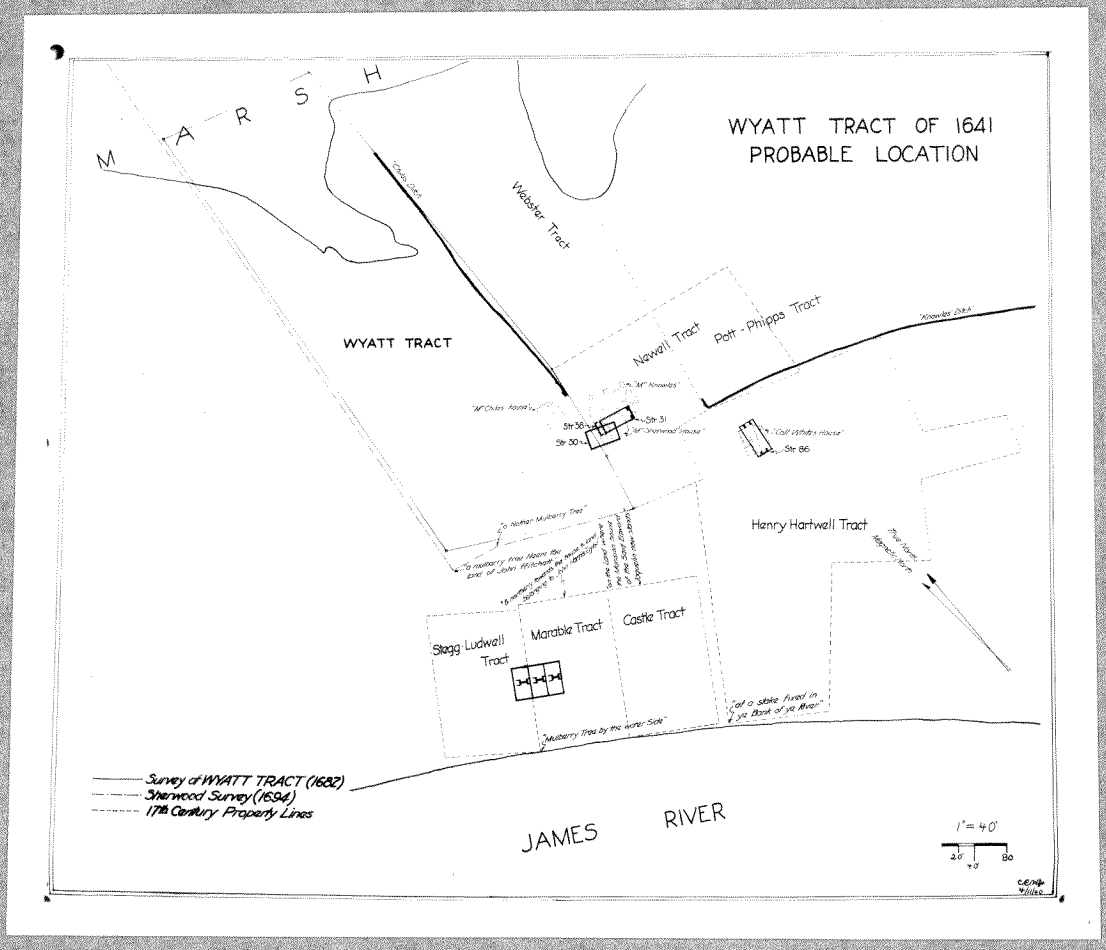
32. "Progress Map; Jamestown Excavations Unit B", prepared by F. F. Parris, September 21, 1936, Map No. NHP Col. 1183, in the park files at Jamestown; Harrington, Archeological Report, p. 119; Forman, Jamestown and St. Mary's, pp. 125-7.

33. Harrington, Archeological Report, p. 119.

34. Jamestown: Land Patents, p. 93 (R.L.Off., Patent Book 5, pp. 63-5); Harrington, Archeological Report, pp. 120-1.

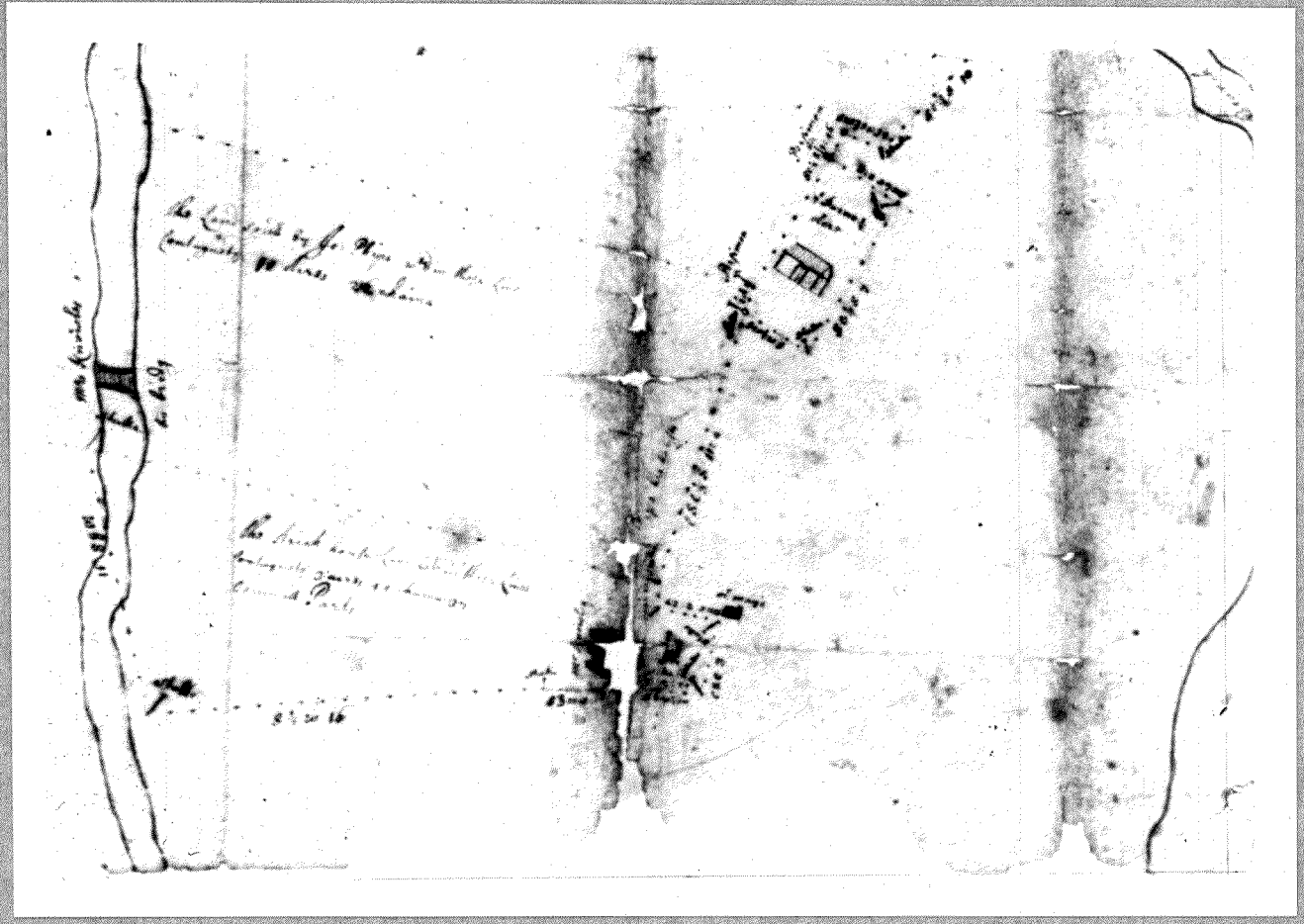
35. "Progress Map; Jamestown Excavations Unit B".

36. Jamestown: Land Patents, pp. 130-1 (R.L.Off., Patent Book 6, p. 223).



Map No. 2.

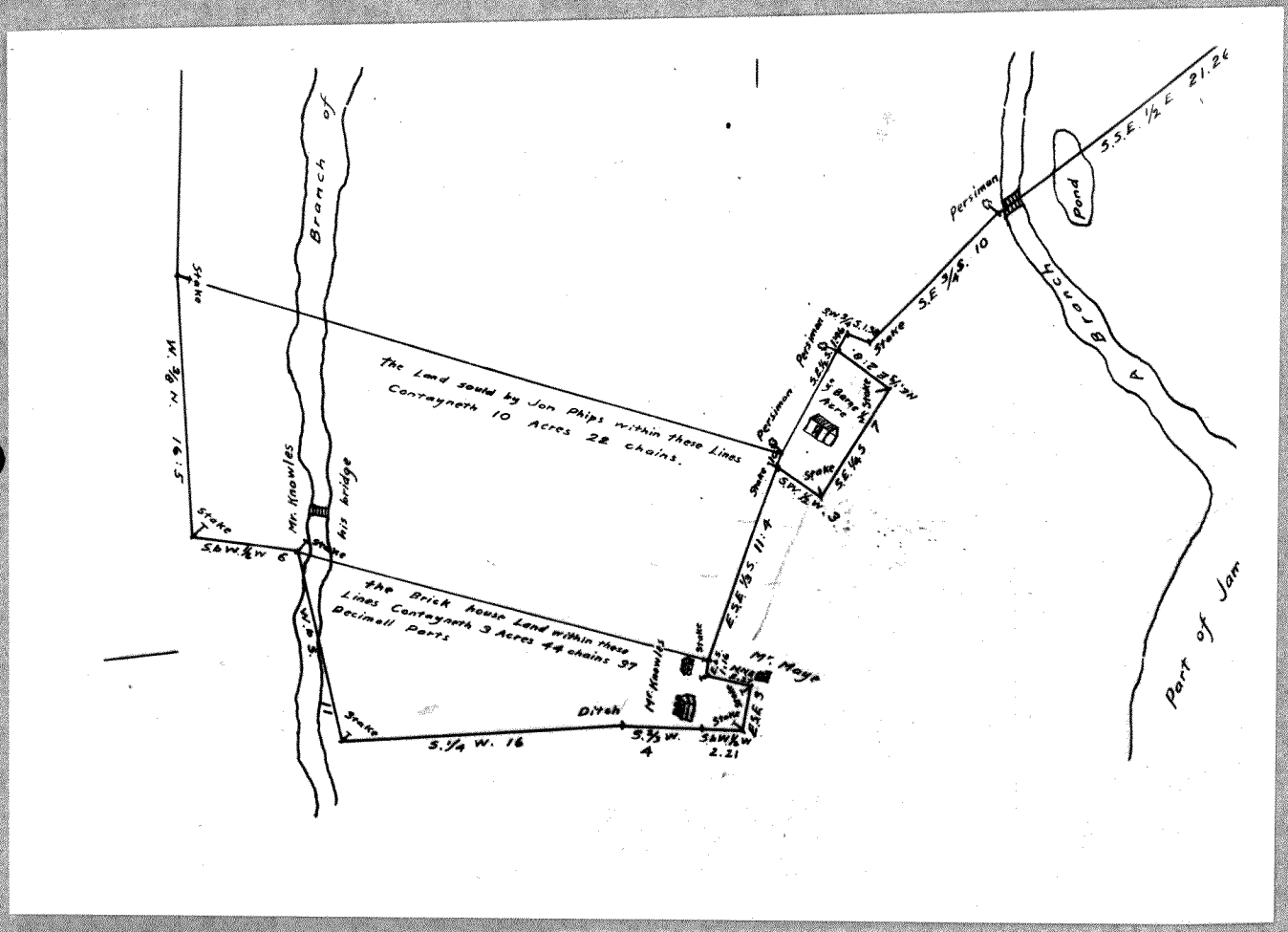
CNHP No. 8364



Photograph No. 3.

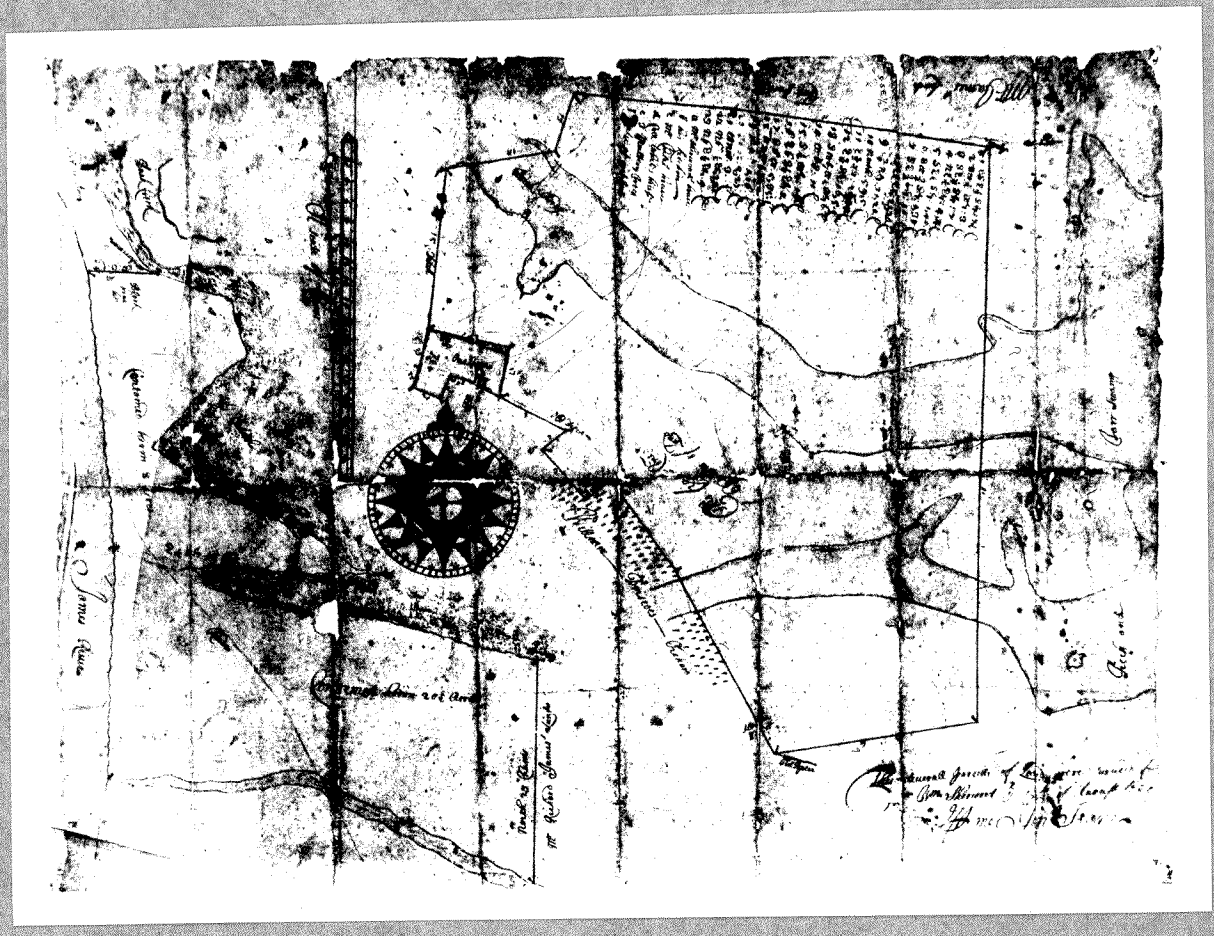
A Section of the Knowles Survey Plat
of 1664.

CNHP Photograph No. 6619



Photograph No. 4.

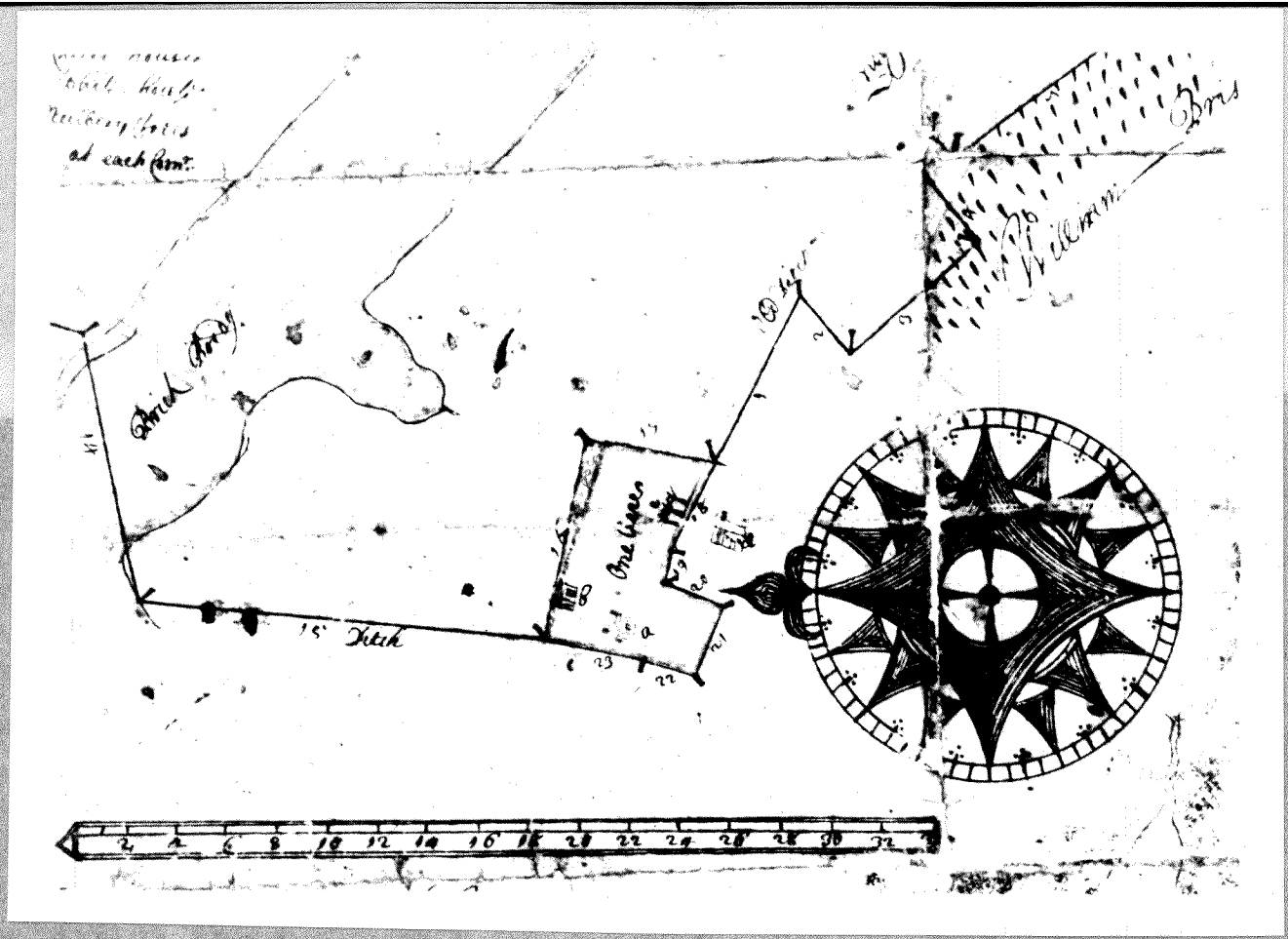
A Prepared drawing of a section of the Knowles Survey Plat of 1664.



Photograph No. 5.

The Sherwood Survey Plat of 1680.

CNHP Photograph #3672.



Photograph No. 6.

A Section of the Sherwood Survey of 1680.

CNHP Photograph #6618.

VI. The Probable Location of the Property Under Study.

1. The Wyatt Tract.

Since the Wyatt tract has been reviewed as to extent of area, early history, and ownership, the next step is to attempt to fix its location and to relate it to other property in James City. A perusal of the deeds and patents relating to the Wyatt tract shows that there are points that link it with other holdings. In the survey of the Wyatt tract in 1682 it is stated that the survey of the three and one half acres, which included the "Ruins of Sr Kemps old Brick house", began "at ye S. W. Corner of his acre of Land". Thus the tract had a point in common with the acre of ground purchased by Sherwood from Newell in 1677 called on the Sherwood plat of 1680 "One Acre" (see Photograph No. 8 and Country House chain of title in Appendix C).[37] In a patent to Knowles May 6, 1655, roughly speaking, his northern boundary ended at "the lower end of Mr Walter Childes's Ditch", and his western boundary followed "up the same" 16 chains (528'). This ditch evidently constituted the eastern boundary of the Wyatt tract in 1655, then in the possession of Walter Chiles (Jr.).[38] The Knowles

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37. Ambler Papers, p. 96 (Am. P. No. 34).

38. L-88.

survey plat of 1664 (see Photograph No. 4) shows the ditch mentioned in the patent and also identifies the Knowles property bordering on the ditch as the "Brick house [Country House] Land" which "Contayneth 3 acres 44 chains 37 Decimall Parts". This gives the Wyatt tract a common boundary with the Webster tract (see map No. 2). The Sherwood patent of April 20, 1694 covering 386 acres in James City and Jamestown Island bears this out.[39]

On February 23, 1656 John Phipps patented 120 acres "lying in James City County part thereof in James Cities Liberties".[40] Part of this (12 acres) was patented in 1628 by Doctor John Pott.[41] In 1650, as has been pointed out, Phipps secured the 3 acre, 44.37 chain tract from the wife of Richard Rix. This adjoined his property and intervened between his 120 acre tract and the Wyatt property (see map No. 2). According to a patent issued to John Knowles on May 6, 1665, he secured ownership of the Phipps property which included the Pott-Phipps, and Webster tracts.[42] In 1664 Knowles had a survey made of his holdings

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39.
L-126 (Richmond Land Office, Patent Book 8, pp. 384-386).

40.
Jamestown Land Patents, pp. 112-3 (R.L.Off., Patent Book 4, pp. 101-2). Twelve acres of this was the old 12 acre grant to John Pott in 1628 and 108 acres "on a new Title Beginning at the Easterment Corner of the first Survey". This places the Pott tract east of the 108 acres and adjoining to the Webster tract.

41.
Jamestown Land Patents, pp. 60-2 (R.L.Off., Patent Book 1, pp. 61-2).

42.
L-87 (Library of Congress, Ambler (16)).

(see Photographs Nos. 3 and 4). This gives a definite idea of the location of the various tracts in their relation to one another, their shape, and the survey bearings. Knowles' property passed to Jonathan Newell who died without heirs. David Newell, brother of Jonathan, came into ownership and in 1677 sold one acre to William Sherwood.[43] The one acre tract is called, for convenience, the Newell tract on Map No. 2. It included the southern part of the Webster tract as well as the corner of the Pett-Phipps tract. The bounds of it were given in the patent issued to William Sherwood in April, 1681.[44]

On February 5, 1681/2 William Sherwood purchased the Knowles tract from which his "One Acre" had been taken. In August 1680, he had a section of this tract surveyed as shown on the plat (see Photographs Nos. 5 and 6). The survey included the Newell tract, the Webster tract and the Pett-Phipps tract. In February, 1681 Sherwood acquired the Wyatt tract which adjoined the area shown on the plat of 1680. In 1694 he was granted a patent for 386 acres which covered his holdings at Jamestown. The survey bounds for this patent included the Wyatt tract and traced its course from the northwest corner of the

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43.
See Country House chain of title in Appendix C.

44.
L-106 (Richmond Land Office, Patent Book 7, p. 98).

property along the western and southern sides and definitely linked it with the Webster and Newell tracts.[45]

On April 20, 1689 Henry Hartwell received "two acres one Rood twenty four poles & a half" in a grant at Jamestown. This tract had a point of beginning "at a Stake fixed in ye Bank of ye River" and went north to "ye Land now or late of Mr Sherwood" and "thence along that Line". It followed the line of Sherwood's property along four separate bearings. This fixes the northern boundary along the Sherwood property while the southern boundary went "thence along ye bank side of ye River".[46]

If the courses given in the Phipps patent (1656), the Knowles patent (1665), the Sherwood patents (1682 and 1694), and the Hartwell patent (1689), along with the courses given in the Knowles survey (1654) and the Sherwood survey (1680), are plotted and drawn to scale, their conformity as to boundaries that are common is, generally speaking, good.[47] When such a drawing is placed over a map of the section of Jamestown concerned showing the exact location of features already located archeologically there is a means of tying the property to the

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45. L-126.

46. Jamestown: Land Patents, pp. 147-9 (N.L.Off., Patents 7, p. 701).

47. This has been done by J. C. Harrington and the drawing is in the park files at Jamestown.

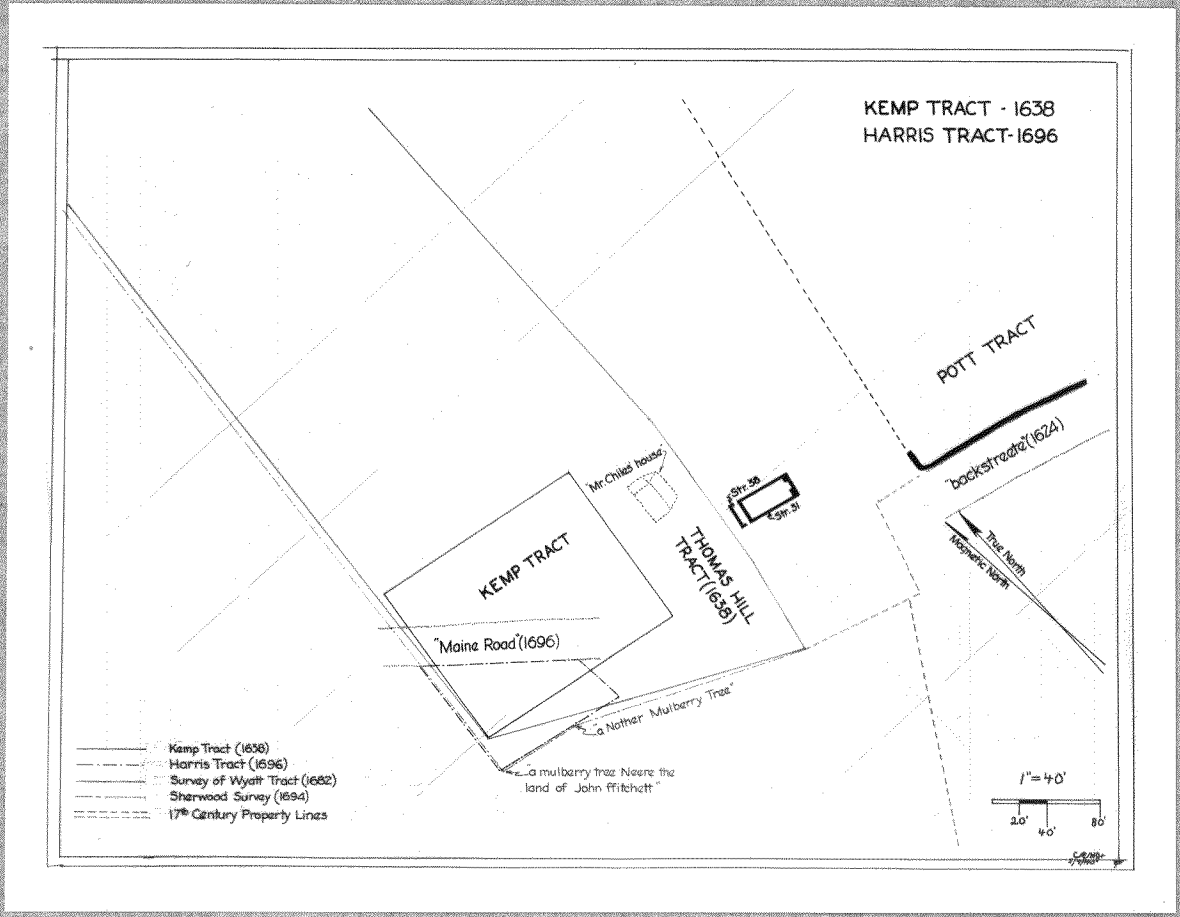
Note: In numbering, page 26 was omitted.

ground, at least approximately. Since the various properties have common boundaries when fitted together they form a solid block of holdings. Likewise, if one is located it seems reasonable that the approximate position of the others can be determined. This has been done in part at least. "Hartwell's two and one-half acre tract can now be exactly located as a result of the findings of the 1938-1939 excavations." [48]

When the drawing of the patents and surveys is imposed on the map of Jamestown the "Chiles" ditch fits roughly as the boundary between the Webster and Wyatt tracts, and the "Knowles" ditch falls as the boundary mentioned in the Knowles patent and as shown on the Sherwood survey plat. Apparently these two ditches can serve as points in location. Other archeological study bears this out. The buildings shown on the two survey plats were located on the map of survey and patents and then transferred to map No. 2. The fact that the White-Harwell house foundation was actually located in the position indicated may be significant. Also several building foundations (Structures 30 and 31) were located in the position indicated as the site of the Knowles house and Sherwood house. This certainly has some weight as evidence as to the location of the various tracts.

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48. Harrington, Archeological Report, p. 119.



Map No. 3.

CNHP No. 8366

Working in another direction the approximate, or general, location of the Wyatt tract can be checked. As previously stated the First State House has been identified and patents giving survey lines in relation to it can be drawn as has been done on map No.2 for the grants of one half acre each to George Marable (1663) and Robert Castle (1663).[49] In 1654 Thomas Woodhouse owned both the Castle and Marable grants and at that time his eastern boundary went "thence from high water mark towards Mr Chiles' Orchard".[50] This indicated that Chiles had property to the north of Woodhouse. Again in 1721 when Castle's half acre passed to Edward Jacquelin, it was bounded "On the North on the Land where the Mansion house of the said Edward Jaquelin now stands". This conforms with the belief that Jacquelin lived to the east of or somewhere in the vicinity of the present Jacquelin-Ambler house ruins — on or close to the Wyatt tract.[51]

2. The Kemp Tract.

Now that the Wyatt tract seems to be located on the ground

49.
L-84 (Richmond Land Office, Patent Book 5, pp. 253-4); L-85 (Richmond Land Office, Patent Book 5, p. 272).

50.
L-59 (Richmond Land Office, Patent Book 3, p. 380).

51.
L-135 (Library of Congress Ambler (62)); L-136 (Library of Congress, Ambler (101)).

with some certainty it still remains to deal with the Kemp tract. The original patent of August 1, 1638 is very indefinite. It states: "a Peell of Land scituate lying and being in James Citty conteyning tenn pole in length towards the water side and eight pole in breadth the totall being Eighty pole betweene the Land of Mr Thomas Hill and Richard Tree".[52] Thomas Hill's patent issued also in August, 1638 reads "A Peell of Land scituate lying and being in James Cittie Island conteyning six pole in breadth and Eight pole in Length the totall forty eight pole adjoyning in a direct line on the west side to the Land of Richard Kemp Esqr".[53] This means that the south and north boundaries of the Hill and Kemp grants extended in a line for sixteen poles (264') and adjoined each other.

The Kemp tract was a part of the Wyatt property. When Wyatt added his three acres he added it to the Kemp half acre and it is stated that it adjoined "unto ye land formerly granted unto Mr Richd Kemp".[54] This proves little. Did it adjoin on the north, east, south, or west, on one side, on several sides, or on all sides? References to buildings which will be discussed later indicate that

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52.
Jamestown: Land Patents, pp. 55-6.

53.
Ibid., p. 64 (R.L.Off., Patent Book 1, Vol. 2, p. 588).
For biographical sketch of Thomas Hill, see Appendix A,2.

54.
Ambler Papers, p. 2.

the half acre was in the southern section of the Wyatt tract. The nature of the land today shows the high ground in the three and one half acre grant in the southern part. If the land has changed little since the seventeenth century then the back portion of the lot was in the seventeenth century unsuitable for building. However, evidence does indicate that the Kemp property may not have faced along the southern edge of the Wyatt property, although it remains as a possibility. The meager data that has bearing on the location of the Kemp tract is given below:

A. In 1658 Edward Hill and Elizabeth, his wife, sold to Walter Chiles "one Brick house Scituate in James Citty aforesaid beinge ye next house on ye Westward end of Mrs Rix her house, and now in possession of ye said Edward Hill", also right and title to "all the outhouses and Land belonging to ye above said house".[55] This is the first knowledge of this house that has come to light. In 1658 Chiles owned the Wyatt tract.

In 1638 Thomas Hill patented forty eight poles on the east side of Richard Kemp, and if the Kemp tract, as seems the case, was in the southern section of the Wyatt tract then roughly speaking Hill's tract must have been between Kemp and the Country House property (Webster tract), or extended over into the Country House property.

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55. Ibid., pp. 8-9.

However, the latter does not seem to have been the case. The house sold by Edward Hill to Chiles in 1658 apparently, from the data at hand, could have been on the old Thomas Hill property.

The relationship between Thomas and Edward Hill, if any, has not been determined. If Thomas Hill's forty eight poles passed to Edward Hill, there seems to be no existing record of the transfer. Such may have been the case, however. Both men were from Charles City County and may have been related. Then, too, the Thomas Hill property of 1636 and Edward Hill's house and property seem to have been in approximately the same location. Thomas Hill was east of Richard Kemp and Edward Hill was west of "Mrs Rix her house" (see map No. 3). In 1658 Richard Rix, who may have been dead, and his wife, in all probability, owned "the brick house formerly called the Country house".[56] From this it appears that Richard Kemp was separated from the Country House by the Hill property, or at least by the house of Edward Hill in 1658.[57] If this assumption is true, the Wyatt tract did not assume the shape shown on map No. 2 until the transaction between Edward Hill and Walter Chiles in 1658.

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56. Jamestown: Land Patents, pp. 138-140 (R.L.Off., Patents 7, p.98).

57. George C. Gregory for the year 1640 located the Hill tract in the relative position shown on map No. 3. In 1640-50 he located a Hill grant roughly in the same position - southeast corner of the Wyatt tract. (George C. Gregory, Miscellaneous Maps of Jamestown; rough drafts showing the town at different periods. In the park files at Jamestown.)

B., In 1649 Walter Chiles purchased the Wyatt tract and "quietly enioyed the same for diverse yeares", that is, "the said Messuage [Kemp House] & premises, & three acres of land". After his death his son Walter Chiles inherited "the Said Messuages [could this mean another house in addition to the Kemp House?]". "Walter Chiles the sonn accordingly entered into the Said Messuage, out-houses,...and by himselfe & his tennants quietly, held and enioyed the same, & built a Brick house...neare adioyneing to the aforesaid Messuage [Kemp House]". Apparently Chiles erected his house near the Kemp building.[58]

On the Sherwood plat of 1680 "Mr Chiless house" is shown or indicated (see Photograph No. 5). Although the Sherwood survey was not concerned with the Wyatt tract, the house was sketched in, probably as a landmark. The position shown may be only approximate yet other buildings shown on this plat have been located, particularly "Coll Whites house". It may be safe to assume that this position shows approximately the location of the Chiles house, possibly the house built by Walter Chiles, Jr. since the Kemp house at this date was still referred to as such.

The date of construction of the Chiles house is not

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58. Ambler Papers, pp. 54-64.

known. If it was it might shed light on the Hill property. It may be assumed, however, since the date of construction is not now known that it was after 1658 for Walter Chiles (Jr.) "held and enioyed" his inheritance and "built a Brick house", possibly the one shown on Sherwood's survey plat. It was in 1658 that Chiles purchased the Edward Hill house and property. After that date he may have constructed his house described as thirty seven feet long. This structure appears to have been on the property purchased from Hill.[89] All this seems to indicate that Edward Hill had a house on the southeastern section of the Wyatt tract just west of the Country House, and that west of Hill was the Kemp house and half acre. In 1658 Walter Chiles bought the Hill house and property and added it to his inherited property. Later he constructed his thirty-seven foot dwelling. These conclusions based on incomplete data seem to be the best explanation of the known facts.

If the Kemp, Hill and Country house properties abutted against one another, east and west, then the location of the Kemp tract would be north of the southern boundary of the Wyatt tract and toward the western side of it as shown on map No. 3. Following the above line of thought the Kemp house seems to have been toward the

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89. Ambler Papers, pp. 64-64.

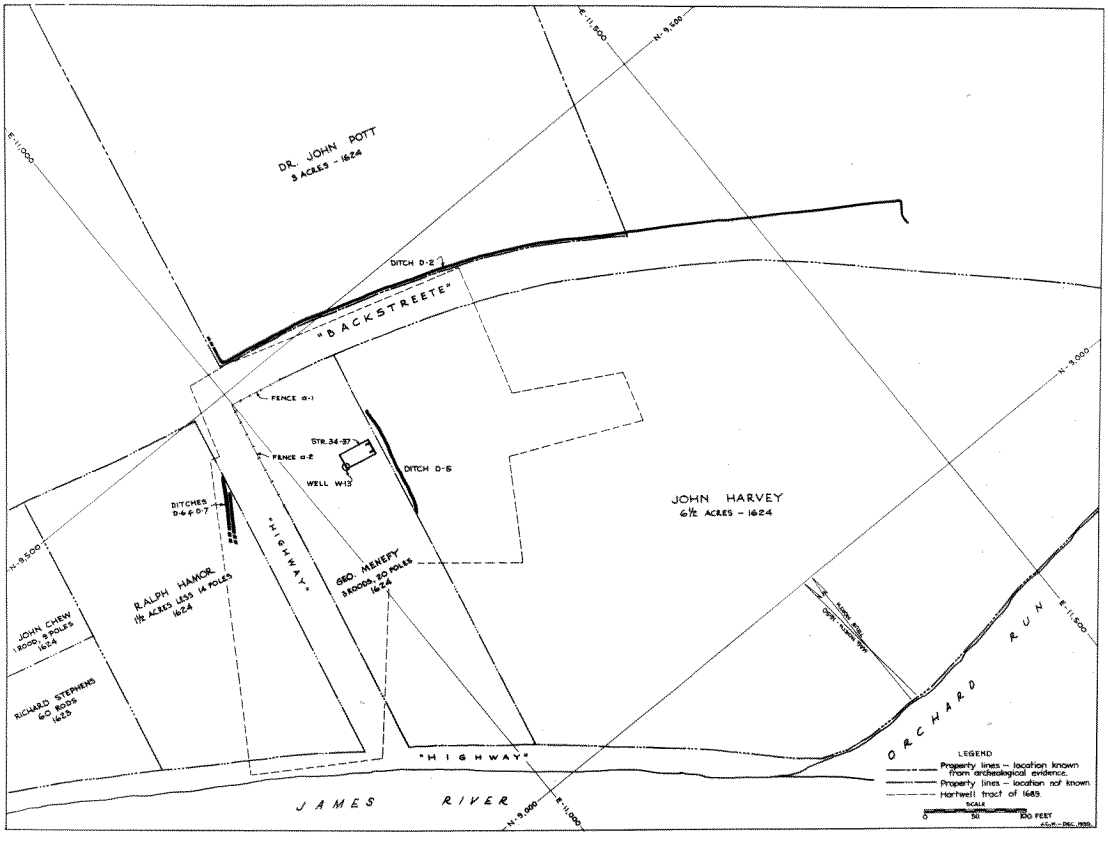
eastern side of the eighty pole tract. If the location of the Chiles house on the Sherwood survey plat is approximately correct and if this house is the one built by Walter Chiles (Jr.) then for the Kemp house to have adjoined it, even approximately, it would have been near the east side of the Kemp tract of 1638.

C. The position of the Kemp tract as shown on map No. 3 also recognizes that "back streets" of "New Towne" may have existed in 1638 and extended in front of Kemp's property, although this has not been determined.

Back Street, probably so named on account of its location back from the river, or behind the town, was in use as early as 1624 and possibly earlier.[60] It probably came into prominent use with the development of "New Towne", and was a thoroughfare paralleling the highway near the river and connected with it by cross streets.[61]

60.
Yonge, Site of Old "James Towne", p. 14.

61.
Ibid., p. 55; L-5 (Richmond Land Office, Patent Book 1, pp. 5-6); L-17 (Richmond Land Office, Patent Book 1, pp. 5-6).
Tyler writes (Cradle of the Republic (1906), p. 48): "The parts of the Back Street located by the patents extended from Orchard Run to the ruins of the Jacquelin-Ambler mansion, a distance of about 400 yards. The 'street' was sixty feet wide, and had the same general direction east and west as the highway referred to in the patents as the 'way along the Greate River' or 'the Maine River', which constituted the front street of the New Towne. 'The Back Street' says Mr. Yonge 'could not have been a street in the modern signification of the word, with sidewalks and pavements, for paving before the doors of houses, even in 'London Towne' was not introduced until 1614. It seems to have merged into the 'old Greate Road', which led to the head of the Island and passed near the northeast corner of the old churchyard, a few rods from the same corner of the present one, near which there appears to be traces of a road.'"



Photograph No. 7.

"Suggested location of early property and streets in 'New Towne', shown in relation to certain excavated features and the Hartwell tract of 1686." (Taken from Harrington's Archeological Report, p. 104.)

CWMP Photograph #8067.

Presumably it joined with the "old Greate Road" leading from the island.[62] The general east to west direction of "back streets" is usually accepted, yet there are different interpretations as to its exact course.[63]

"Back Street...can be accurately located for a distance of over 400 feet".[64] In 1624 John Pett received a patent for three acres of ground "lying and being about his said house in the back streets and abutting Southward upon the said back street..."[65] This fixes the Back Street as the south boundary of the Pett tract. As has been stated, in 1628 John Pett received a twelve acre patent and this included the three acres of 1624. This passed to Phipps, and to Knowles and later to Sherwood. This property, see map No. 2, can be tied down with some degree of accuracy, and in so doing a section of "back streets" becomes fixed.

62.
Tonge, Site of Old "James Towne", p. 55 and map opposite p. 16.

63.
Ibid; Gregory, "Miscellaneous maps" at Jamestown; Tyler, Cradle of the Republic (1906), map of Jamestown; Forman, Jamestown and St. Mary's, map on inside of front cover.

64.
Harrington, Archaeological Report, p. 111.

65.
Jamestown: Land Patents, pp. 11-12 (R.L.Off., Patent Book 1, pp. 8-9).

For the purpose of this study only that section of Back Street along the Wyatt or Kemp property need be discussed. The question of when did Back Street cease to function is important, yet apparently at the present time this cannot be answered within a very close date. After 1623 there are practically no references to this street. "It is doubtful,...that this street was in use as late as the middle of the century."[66] It could have been out of use by 1638 when Kemp patented his half acre, and for this reason Kemp's property could have included a part of Back Street, yet of this there is only negative proof. It is a fact that in 1661 William May patented one half acre "bounded...Westerly & Northerly With the Land of John Phipps" which places it in the northwest corner of the Hartwell tract (see map No. 2) over a section that must have been Back Street.[67]

It remains to determine as nearly as possible the extension of "back street" westward from the west side of the Pott-Phipps

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66.
For a discussion of Back Street see Harrington, Archaeological Report, pp. 104, 109-111.

67.
Jamestown Land Patents, p. 118 (R.L.Off., Patent Book 4, p. 475).
J. Luther Kibler makes a definite statement concerning Back Street. He writes, in commenting on the "Ancient Highways" at Jamestown: "Back Street, until 1655. This street was in New Towne, and ran parallel with the river, close by the present Jacqualin-Ambler House ruins." It would be interesting to know on what basis he made this statement. If it is true, then Back Street was functioning in 1638 when Kemp received his patent. (Kibler, J. Luther, Colonial Virginia Shrines, a guide book (Richmond, 1936), p. 11).

tract. At the present time it is not possible to do this except in a more or less conjectural manner. One interpretation (see Photograph No. 7) is that Back Street continued its course for some distance without any sharp turn -- that is to say, it continued toward the west from the Pott tract curving toward the river. At some point the highway probably ran out parallel with the river and then continued west.[68] If there was a curve or an extension somewhat northward, it may have occurred before Back Street passed the western limits of the Wyatt tract.[69] However, such a northerly curve or change in direction in Back Street itself does not seem to have been the case. Such is indicated by a patent for one half acre less fourteen poles issued to Ralph Hamor in 1624. Since this tract was bounded south "upon the high way along the banke of the maine river Northward upon the back streete" it fell between the two streets. On the west side this tract was "nineteene pole [313.5']" long and on the "East side twenty twoe pole [363']" and "in breadth alwayes Eleaven pole".[70] Although the

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68.
Forman, Jamestown and St. Mary's, map inside of front cover; Yonge, Site of Old "Jamestown Towne", pp. 55-58.

69.
George C. Gregory on his miscellaneous maps indicates his belief that in 1640 and 1640-55 a road branched from, or intersected Back Street at the southwest corner of the Pott tract and ran diagonally across the later Newell tract and the Wyatt tract, to the back of the Kemp and Hill grants of 1638. This apparently is a branch road and not Back Street itself that Gregory indicates.

70.
Jamestown Land Patents, pp. 29-31 (R.L.Off., Patent Book 1, pp. 5-6).

Mamor tract cannot be definitely located, it seems probable that it lay south, more or less, of the later Newell tract.[71] Assuming that this is roughly correct and that the highway along the river followed the course of the river, then the shortness of the western side of the Mamor grant can be explained only on the basis of a curved northern boundary - "back streets". An exact orientation of the Mamor tract on the river, that is in a north and south direction, would determine the intensity of the curve.

If it is assumed that the review of facts shown in Photograph No. 7 is approximately correct, then the extension of "back streets" across the intersecting street and along the Mamor tract would be about 211.5' and would extend midway of the Wyatt tract. To the west of Mamor were two grants, one to John Chew in 1624, and one to Richard Stephens in 1623. The bounds of John Chew are given as "Northward upon the said back streets...Eastward upon the ground of Capt Mamor...Westward upon the high way leading up into the said back streets...and Southward upon the Land of Mr Richard Stephens".[72] This means that Back Street continued past the Mamor tract and along the Chew tract to the next cross street, probably without any great departure

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71. See Photograph No. 7.

72. Jamestown: Land Patents, pp. 32-3 (R.L.Off., Patent Book 1, pp. 7-8).

from its westerly course. From this point west little is said of "back street".

As appears evident the evidence regarding Back Street is fragmentary, not definite and not a suitable medium from which to draw any except tentative conclusions. Archeological investigation may help to untangle this problem.

3. The Harris Tract.

On May 11, 1695 William Sherwood (see chain of title) sold to John Harris "a quantity of Land scituate Lying & being in James City aforesd, being part of a parcel of Land purchased by ye sd Sherwood of John Page Esqr late dec'd, being late in ye Occupation of Mr Secretary Wormley bounded as followeth...beginning at a stake in ye Line on Omoonoes Land formerly ffitchettes Land, &

[a] "running along on ye South side of ye Mulberry trees ninety foot,

[b] "thence Nely towards ye maine road forty foot,

[c] "thence N: W: near ye sd Maine Road to ye Corner of Omoonoes Land one hundred foot,

[d] "& so along ye line of Omoonoes Land to ye place or stake it first began..." [73]

The location of this tract is by no means certain. How-

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73. L-133; Ambler Papers, pp. 147-150.

ever, it was a part of the Wyatt tract which John Page sold to William Sherwood in 1681.[74]

The Sherwood patent of 1694 included the Wyatt tract as shown on map No. 2. Two points along the Wyatt tract are defined. One is described as "a mulberry tree Neere the Land of John ffitchett" and the other as "a Nother Mulberry". These two points may indicate relation to the Harris tract of 1695 since it refers to "a stake in ye Line of Omoonces Land formerly ffitchetts Land" and "along on ye South side of ye Mulberry trees ninety foot...". This seems to imply that the Harris area may have been cut from the southwest corner of the Page tract as indicated on map No. 3. This would mean that Omoonces land was to the west, or southwest of the Wyatt tract. This may have been the case.[75]

The area of the Harris tract was not given in 1695, yet in a later transfer to the same property it was stated to be one half

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74.
L-163.

75.
L-133; T-126.
The grant to Harris states that the area was "late in ye Occupation of Mr Secretary Wormley", and Yonge in the Site of Old Jamestowne (p. 151) concludes that "Ralph Wormley, while secretary of state resided on the Page [Wyatt] tract, on or very near the Kemp grant". This implies a location similar to that indicated on map No. 3. On the basis of meager facts this tentative conclusion appears to be the only one possible.

acre. The Harris tract as noted on map No. 2 does not cover a half acre. If it were enlarged to that size it would run counter to the known facts. It may be possible that there was an error in the transcription of the deed since the first definite mention of size was made in 1753, fifty seven years after the grant in 1696. From the nature of the bounds given in the Harris deed of 1696 it does not seem that it could refer to a half acre.

At this point it may be well to comment on the difference between the Wyatt tract survey in 1682 and the Sherwood survey of 1694. The latter survey included the western and southern boundaries of the Wyatt tract, yet the line as given in 1694 differs from that given in 1682. There seems to be no explanation of this. The land patents, deeds, and transfers do not explain the discrepancy. The western boundary, it should be mentioned, has the same compass bearing at each date (running south in 1682 it was N10°W, running south in 1694 it was S10°W), yet the southern boundary in 1682 was a continuous line, while in 1694 it was a broken line with different bearings.[76]

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76. Ambler Papers, p. 96; L-126.

VII. Physical Development in the Area -- Seventeenth Century.

Now that the location of the property in question has been determined as accurately as the facts at hand permit, it remains to review the data regarding the seventeenth century physical development in the area. Here again information is incomplete as regards the types of development, and exact locations of the development. However, certain facts are known that tell something of the building and construction activity that took place in the Wyatt tract. The possibility of development before the grant to Richard Kemp in 1638 has already been considered in some degree. Apparently both Roger Smith and William Pierce had dwellings at Jamestown, and Smith at one time (1624) seemingly owned a part of the Wyatt tract. Possibly the same was true of Pierce, yet the probability seems that his holdings were to the east of the Wyatt tract.

1. The Kemp House.

On February 20, 1636 the colonial assembly passed an act stating that "all Undertakers to build upon James Island should be encouraged by a graunt of a Convenient Pporcon of ground for housing and a garden plott". In line with this act, on August 1, 1638, Richard Kemp patented his eighty poles. The patent continued that should he "not build upon the said Pcell of Land wthin the time or terms of

six months after the date of these presents that then it shall bee lawfull for any other to make Choice of the same Land and build upon the same...".[77]

Evidently Kemp fulfilled the terms of this patent for he retained the property and transferred it to Sir Francis Wyatt. More important than this is direct mention of his house. In the report of Governor Harvey and the Council to England under the date of January 18, 1638/9 it was stated that since the act of assembly [mentioned above],"...there are twelve houses and stores built in the Towne, one of brick by the Secrtarye, the fairest that ever was knowen in this countrye for substance and uniformitye, by whose example others have undertaken to build framed houses to beautifye the place, consonant to his maties Instruction that wee should not suffer men to build slight cottages as heretofore."[78] From this it is learned that Kemp constructed his dwelling between August 1, 1638 and January 18, 1638/9. And, in the words of the report, until January 18 only

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77.
Jamestown: Land Patents, p. 65-6; "Virginia Under Governor Harvey (Colonial Papers, Vol. 10, No. 57)" in Virginia Magazine, Vol. 3, pp. 29-30.

78.
Virginia Magazine, Vol. 3, pp. 29-30.
The report continued: "Such hath bene our Indeavour herein that out of our owne purses wee have Largely contributed to the building of a brick church, and both masters of shipps and others of the ablest Planters have liberally by our p'suasion underwritten to this work. A Levye likewyse by his maties comand is raised for the building of a State howse at James Cittie, and shall with all diligence be p'formed".

"one of brick" had been constructed. This is the earliest direct mention of a brick house at Jamestown. Several months before Kemp received his patent he had been watching the building activity at Jamestown for on April 13, 1638 he had written, "The people of late, given to affect good buildings, scarce any inhabitants but hath his garden and orchard planted."[79]

On what portion of his lot did Kemp build is the next question that suggests itself, and here again the answer is not clear. The best guess seems to be on the eastern section of his eighty pole grant, possibly in line with the Country House. This is on the basis of its implied relationship to the later Chiles house, and the general building activity on the Wyatt tract east of the Kemp property, and on the Newell tract.[80]

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79. Richard Kemp to Secretary Windebanke, April 7, 1638 in Virginia Magazine, Vol. 10, pp. 271-2. Tyler in his Cradle of the Republic (1906) on pp. 66-7 speculates that the bricks for Kemp's house may have been made by Alexander Stoner, "brick maker", on his tract "near the brick kiln" at the head of the island. "It was doubtless from this brick kiln that the bricks for Kemp's house referred to by Harvey, and for the other brick buildings now erected, were obtained". (For a discussion of Stoner's grant see Hatch, "Unit A Study", pp. 13-15.)

80. Various opinions as to the location of the Kemp house have been advanced: 1) Tyler writes: "On the west of the country house was Richard Kempe's old brick house,...very near the site of the present Jacquelin-Ambler House." (Cradle of the Republic (1906), p. 66.) 2) Yonge states: "The evidence, though slight, shows that the house was near the southwest corner of the Page [Wyatt] tract." (Site of Old "James Towne", p. 151.) 3) Forman implies that it was not far from the boundary of the Wyatt and Newell tracts, just west of the Country House. (Jamestown and St. Mary's, p. 127.) 4) J. L. Kibler places it "South of the Jacquelin-Ambler ruins". (Colonial Virginia Shrines, p. 11.)

Kemp's house was a dwelling that was used by various persons for many years, yet at this point it is interesting to speculate as to the probability that Kemp maintained his office as secretary for the colony in his dwelling. Kemp was secretary for many years (1635-1649). Later in the seventeenth century the secretary's office was in the State House. On October 20, 1673, it was "Ordered That Mr Secretarie be assigned the Eastern garret over the Statehouse to make an office of", and when the State House was rebuilt after Bacon's Rebellion one room was fitted up as "Mr Secretaries Office".[81] However, in the years of the first State House, or in the days before the first State House was acquired, or built, it seems probable that Kemp may have maintained an office in his house, although there is no positive evidence of this.

Kemp did not retain possession of his dwelling for a very long period. At some time before October 13, 1641 he disposed of it to Sir Francis Wyatt, then governor of Virginia. Kemp may have sold it before he returned to England for a time in 1640 to clear himself of charges brought against him there. In any case it was transferred to the new governor, who may, and probably did, reside in it during a part of, or all of his term of office.[82] This is highly probable since the Kemp dwelling was one of the best houses in the town.

81.
L-274 (Journals of the House of Burgesses, 1659/60-1693, p. 60); L-363 (Journals of the House of Burgesses, 1659/60-1693, p. 282).

82.
He was governor of Virginia from 1639-1641.

Some time after Wyatt's departure from Virginia after he had been replaced as governor in 1642, and before his death on September 24, 1644, he conveyed his Jamestown holding to Sir William Berkeley, the new governor, though his attorney Captain William Pierce. It is not known that Berkeley lived in the Kemp house, although he may have for a time. Certainly it was as suitable as any of the residences at Jamestown.[83]

In 1649 Berkeley sold to Chiles for 26,000 pounds of tobacco the Wyatt tract and "All yt his messuage or mansion house, together with All gardens orchardes yard backsides, out houses, buildings and hereditmts & appurtenances whatsoever to ye sayd messuage or mansionhouse belonging...late in ye tenure and occupacon of Richard Kemp esqr and by him Conveyed unto Sr ffrancis Wyatt Kt ".[84] This phraseology although legal and technical may imply development around the Kemp house. This seems quite logical considering the conditions of the time. It was customary to have dependent buildings associated with the

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83.
Soon after his arrival in Virginia Berkeley was given ex-governor Harvey's "orchard with two houses" and by 1646 he had patented Green Spring and had built or was in the process of building there (Forman, Jamestown and St. Mary's, p. 106). With this in mind there is a possibility that Berkeley did not dwell in the Kemp House. Tyler is of the opinion that he did. "Sir William Berkeley, who appears to have made the same building [Kemp House] his residence till he sold it to Walter Chiles in 1649..." (Cradle of the Republic (1906), p. 159).

84.
Ambler Papers, pp. 3-6.

main structure, as well as a garden, orchard, and even a pale fence.

Walter Chiles, who purchased the Wyatt tract and the Kemp house "entred into & upon the same, & every part thereof, & quietly enioyed the same for diverse yeares". He died about 1653 and his son Walter Chiles (Jr.) "accordingly entred into the Said Messuage, out-houses, land & premises with the appurtenaces, and by himselfe & his tennants quietly, held & enioyed the same". Thus it was that two generations of the Chiles family lived in the Kemp house. Sometime after 1653, probably after 1658, Walter Chiles (Jr.) built another house, which in all probability became his residence. After this he evidently leased the Kemp house for in 1673 it was described as "late in the possession of Thomas Sully".[85]

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85. Ibid., pp. 54-54.
In 1624 there was a Thomas Sully in Virginia who was described as a "yeoman and ancient planter". In that year he patented six acres of land at Jamestown. He had come to Virginia in the ship Sarah in 1611. His wife, Mandlyn, came over nine years later in the London Merchant. In 1625 Thomas Sully was 36 and his wife 30 years of age. It would be interesting to know if this was the Thomas Sully that later lived in the Kemp House (Virginia Magazine, Vol. 1, p. 98; Vol. 2, p. 88; Vol. 20, p. 154; Vol. 21, pp. 274-289; Tyler, Encyclopedia of Virginia Biography, Vol. 1, p. 334). There is a court order of November 30, 1624 concerning Thomas Sully that gives a human touch to seventeenth century life at Jamestown: "It is ordered yt whereas Thomas Sully hath broken yg Sabeth daye in goinge a huntinge, as by Mr Richard Kingsmell hath been complayned one in Courte, That he shall paye five pound sterlinge in good Tobacco Towards the Church Charge, and acknowledge his falte in the Church before the Congregatione" (Mallwaine, H. R. (ed.) Minutes of the Council and General Court of Colonial Virginia, 1622-1632, 1670-1676 (Richmond, 1924), p. 33).

On November 15, 1671 Walter Chiles made his will leaving his wife the sole "Exacutrix" and directing that all of his property at Jamestown be sold. The sale was made to John Page, November 20, 1673.[86] Possibly from this time until the destruction of Kemp's house, it was leased, or stood idle. It seems more than likely that John Page had fixed his residence long before he acquired the Wyatt tract.

Since the Kemp house was destroyed or fell into disrepair between 1673 and 1681, the time that Sherwood purchased it, it seems highly probable that the Kemp house, built in 1638, was destroyed by fire in the burning of Jamestown during Bacon's Rebellion. In 1682 the building, or what remained of it, was described in the Sherwood survey of the Wyatt tract as "ye Ruins of Sqr Kemps old Brick house".[87]

The Kemp House was one of the landmarks at Jamestown in the last half of the seventeenth century, remaining in use for approximately four decades. At the time of its construction it was "the fairest that was knowen in this countrye for substance and uniformitye", the first direct mention of a brick house at Jamestown. Yonge comments:

> The above house [Kemp house] was the first brick house built at Jamestown. It was 16 by 24 feet in plan and was referred to by Gov. Harvey in 1639, with considerable pride, as being the first that ever was known to the country for substance and importance. By the locating of the Page tract,

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86. Ambler Papers, pp. 54-64.

87. Ibid., p. 96.

> therefore, the site of the first brick dwelling house in Virginia becomes approximately known."[88]

The date of construction for the Kemp house has been given consideration by students of American architectural history. Harold Donaldson Eberlein in his The Architecture of Colonial America concludes that "it was probably the first dwelling constructed of brick in the south".[89] Fiske Kimball and George Harold Edgell advance the same opinion.[90]

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88. Site of Old "James Towne", p. 151.

89. (Boston, 1915), p. 86.

90. A History of Architecture (New York, 1918), p. 533. In Domestic Architecture of the American Colonies and the Early Republic (New York, 1922), pp. 39-40, Fiske Kimball writes: "In 1638 Richard Kemp, secretary of the colony, constructed a residence entirely of brick in Jamestown,...As to New England, it has often been repeated that William Coddington built the first brick house in Boston, prior to 1638, butthis is an error. Just when the first brick house was built is uncertain...".

2. The Chiles House.

In 1649 Walter Chiles (Sr.), as previously stated, acquired the Wyatt tract and the "messuage or mansion house...late in ye tenure and occupacon of Richd Kemp esqr".[91] He occupied this as his residence and at his death it passed to his son Walter Chiles, who continued to use it. However, at some time he built a new brick house near it -- "a Brick house or tenement conteyning in length thirty Seven foote,neere adioyneing to the aforesaid Messuage [Kemp house]"[92] This language is difficult to interpret. Does "adioyneing" mean attached to, near, or very close to? The patents and deeds tell very little. However, since Chiles was living in the Kemp house and built another "Brick house", it seems that he must have been referring to a completely new structure. If by adjoining was meant attached it seems logical to assume the wording of the deed would have stated this. Thus, it seems plausible to assume that Kemp's house and the Chiles house constituted two separate and distinct structures.

The terminology of the deed in 1675 does indicate that the two structures were close to one another, and when sold to John Page the sale included "all gardens, orchards, yards, backsides, outhouses, buildings, & appurtenances whatsoever to the said two Messuages

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91. Ambler Papers, p. 3.

92. Ibid., p. 56.

belonging or in any wise appertayning, and alsoe the said three acres of Land, adioyneing to the Land, whereon the said Messuage or Mansion howse standeth;..."[93] It may not be correct to draw too heavily on this phraseology, yet there are certain lines of thought here. The Chiles house throughout this deed is referred to as the "Messuage or tenement" and the Kemp house as the "Messuage or Mansion house". Above the two are linked in common ownership and referred to as "two Messuages". However, the two are separated and only the "Messuage or Mansion House" is mentioned in locating the three acre tract for it reads: "the said three acres of Land, adioyneing to the Land, whereon the said Messuage or Mansion howse standeth". This seems to imply that the Chiles House, though near the Kemp house, was located on neither the Kemp half acre nor the three acres patented by Wyatt. If this were true, where was the Chiles house? It could have been on the land associated with the Edward Hill house bought by Walter Chiles (Jr.) in 1658.[94]

The above speculations generally agree with the location of the Chiles house as shown on the survey plat of 1681, which places it just west of the line between the Wyatt and Newell tracts (see map

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93.
Ambler Papers, p. 58.

94.
Ibid., pp. 8-9; 54-64.

No. 2). If this is approximately correct the next step is to consider the date of construction. It was built after 1653, the approximate date of the death of Walter Chiles (Sr.), and before 1671, the date of the will of Walter Chiles (Jr.). To occupy a position on the Edward Hill property it could not have been built before 1656. Then again the fact that it is not shown on the Knowles plat of 1664 and is shown on the Sherwood plat of 1681 may indicate that it was built after 1664. In any case, it was standing in 1671.

Data regarding the history of the Chiles house is all too fragmentary. It seems to have been leased at some time before 1673 for in the deed of transfer of that year it is described as "lately in the tenmare & occupacon of Majr Theophilus Hone". Possibly it was rented after the death of Walter Chiles (Jr.) and the marriage of his widow to James Wadding.[95] In any event by this time it appears that the value of the Wyatt tract had declined.

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95. Ambler Papers, pp. 54-64.
There appears to be evidence that Major Theophilus Hone was the son of Thomas Hone of Farnham, Essex County, England. It is not known just when he came to Virginia, yet it was sometime before 1652. In that year he was a justice in Warwick County. A year later he represented Elizabeth City County in the assembly. It is said that he brought two brothers and two sisters to the colony before he patented 720 acres on the Rappahannock River in 1652. In 1653 he patented 1,000 acres in Elizabeth City County. Evidently he was active in the affairs of Elizabeth City for in 1655 he was

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[f.n. 95 continued]
serving on the House of Burgess committee for "private causes". In 1656 he was sheriff of the county protesting that his county had been overrated in the list of tithables. Apparently he was a man with some legal background or training for in 1661 he was representing a client before the assembly.

Some time before 1666 Hone moved to Jamestown where he remained prominent in affairs representing James City in the assembly of that year. In this assembly he became a member of several committees, one to regulate ordinary prices, another to enforce the rules of the assembly, and still another to wait upon the governor. It seems that he returned to the assembly in 1667 for he was a committee member to prevent the violation of the law prohibiting "wares in the Face of the Town". In that same year he, with William Drummond and Colonel Mathew Page, contracted to build a fort at Jamestown with walls ten feet high and ten feet thick next to the river. However, because of neglect, or otherwise, in 1673 the fort was still unfinished, and Hone together with his co-contractors was called up to explain. Because of the delay he was ordered to appear before the Council to answer questions and to be punished according "as their offence shall Merritt". Evidently he managed to escape serious punishment.

In 1676 Hone was sheriff of James City County. When the commissioners came over to investigate Bacon's Rebellion he worked with them serving on a committee to inquire "into the estates and forfeitures of Delinquents, which during the late Rebellion devolved to the Crown". Major Hone himself had been a sufferer during the burning of the town, for he "had also a House & Garden destroyed by the Fire". Seemingly Hone was not settled permanently during his residence at Jamestown. At some time before 1673 he lived in the Chiles house, and for a time before 1675 he apparently lived in some house on the Newll tract as the "tennant" of Jonathan Newell. By 1675, however, it would seem that he had acquired a dwelling of his own, the one destroyed during the Rebellion. This structure seems to have been not far from the church and last State House. Moreover, in 1675 he received a lease with permission to rebuild two houses in town, yet seemingly he did not do this for in 1680 this same lease was granted to another party. Major Hone died before 1689, for in that year his widow, Katherine Armistead Hone married Major Robert Beverley. (Hening, Statutes, Vol. 1, p. 373 and Vol. 2, pp. 159-160, 249, 250, 253; Virginia Magazine, Vol. 8, p. 388; Vol. 17, pp. 130, 236, 342; Vol. 21, p. 360; Vol. 24, pp. 215-216; Tyler, Encyclopedia of Virginia

[f.n. 95 continued]
Biography, Vol.1, p. 260; Ambler Papers, pp. 54-64; 67-68; Crozier, William Armstrong, Virginia Heraldica (New York, 1908), p. 91; Nugent, Abstracts of Virginia Land Patents, Vol. 1, pp. 380-540; J-187 (Public Records Office, Colonial Office Papers, Series 5, photostats, L.C.); L-270 (Minutes of the Council, p. 342); L-275 (Minutes of the Council, p. 367); L-278 (Journals of the House of Burgesses 1659/60-1693, p. 73); L-290 (Journals of the House of Burgesses 1659/60-1693, p. 152)).

In 1649 Walter Chiles purchased it for 26,000 pounds of tobacco, and his son added a building (a dwelling house of brick), yet the estate in 1673 sold the property and development for 10,000 pounds of tobacco.

Little more is known of the Chiles house. It is sketched on the Sherwood plat of 1680 as shown on maps Nos. 2 and 3, yet the importance of this sketch is doubtful. It might be in error to consider it in any light other than giving general location. The fact that it is shown on the plat in 1680 and not mentioned in Sherwood's survey of the Wyatt tract in 1682 may be significant. Could it mean that the building had survived Bacon's Rebellion to be destroyed in some manner between 1680 and 1682? The only reference to a structure on the Wyatt tract in the 1682 document is "ye Ruins of Sqr Kemps old Brick house".[96]

3. The Hill House.

On August 5, 1658 Edward Hill of Charles City County and Elizabeth, his wife, sold to Walter Chiles (Jr.) "One Brick house Scituate in James Citty aforesaid beinge yt next house on yt Westward end of Mrs Nix her house, and now in ye possession of yt said Edward

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96. Ambler Papers, p. 96.

Hill as alsoe all ye right title & Interest they have to all the out-houses and Land belonging to ye above said house".[97] This is the first and last mention of this Edward Hill house, and it leaves many questions unanswered. Was it built by Thomas Hill who patented forty eight poles east of Kemp in 1638? Was it built by Edward Hill? How long was the house in use before and after 1658? Evidently it must have been a living unit because of the direct mention of outhouses and associated land. The mention here differs from the usual legal phraseology.

As previously mentioned the only plausible location for the Hill house seems to have been west of the Country House and west of the boundary between the Newell and Wyatt tracts. Apparently it was one of the better houses when it was constructed, having been built of brick. Its location must have been near the site of the Chiles house, which seemingly was built after 1658. Could it be that the building fell into disrepair, or burned, before Chiles erected his thirty seven foot dwelling? Such may have been the case as there is no mention of it in later patents and deeds and it is not shown on the Knowles and Sherwood plats of 1664 and 1680.

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97. Ibid., pp. 8-9.
Could the phrase "now in ye possession of ye said Edward Hill" mean that he did not first patent the land, and did not erect the "Brick house" but rather acquired them from another holder?

4. An Unidentified Structure.

When William Sherwood sold one half acre of the Wyatt tract to John Harris on May 11, 1696 for 35 ℔ sterling it included "one dwelling house in & upon ye same erected wth a brick chimney...". A further statement "late in ye occupation of Mr Secretary Wormley" points out that the building had been in use before 1696 and was used by Ralph Wormley, secretary of state for the colony.[98] The actual date of construction is not known. It could not have been the Kemp house for that was in ruins in 1682. It is not mentioned in any of the earlier transfers covering the Wyatt property. After 1681 this

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98.
Ambler Papers, pp. 147-50.
Could this house with a brick chimney mean a frame house with a brick chimney? One comment on the burning of Jamestown during Bacon's Rebellion stated that "The Towne consisted of 12 new brick Houses besides a considerable number of fframe houses with brick Chimneys,..." (J-188 (Public Record Office, Colonial Office Papers, Series 5, photostats, L.C.)).
Ralph Wormley, son of Ralph Wormley, burgess and councilor, was born about 1650. Educated in England he returned to spend the rest of his life in Virginia. In 1674 he was a member of the House of Burgesses, in 1677 received appointment to the council, and in 1693 became secretary of the state for the colony and president of the council. "His home, Rosegill [on the Rappahannock river in Middlesex County], was for many years the centre of a lavish hospitality, and from him descended a long line of men who stood at the forefront of the economic, social, and political life of the Commonwealth" (Weddell, Virginia Historical Portraiture, p. 137; Tyler, Encyclopedia of Virginia Biography, Vol. 1, p. 143).

tract for a number of years was the property of Sherwood. Could this have been one of the houses that Sherwood was building in 1685?[99]

Several months after Harris bought his half acre on November 12, 1695 George Marable sold to William Sherwood his half acre next to the first state house and in a description of its bounds the deed stated "northerlye towards the house & land belonging to John Harris Taylor,...."[100] Does this mean John Harris, Taylor? If so, it would add confirmation to the general location as given on map No. 3, and may indicate that the dwelling was located toward the eastern part of the half acre purchased by John Harris in 1696. If the location indicated on map No. 3 is correct, then the Harris property included a part of the old Kemp eighty pole tract, and the house may also have been on that property.[101]

In the later transfers of the Harris tract there is no specific mention of the dwelling house. When William Drummond sold the same half acre to Edward Travis in 1753 it included "one Parcel

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99.
On September 20, 1683, Lord Culpepper wrote "However...Col. Bridger and one Mr Sherwood are goeing about severall [houses] wch will bee finished this or the next yeare" (J-203 (Public Records Office, Colonial Office Papers, Series I, transcripts, L.C.)).

100.
L-135.

101.
This coincides with Tonge's opinion: "Ralph Wormley, while secretary of state resided on the Page [Wyatt] tract, on or near the Kemp grant." (Site of Old "James Towne", p. 151).

or Lott of Land...and the Appurtenances thereunto belonging...".[102]

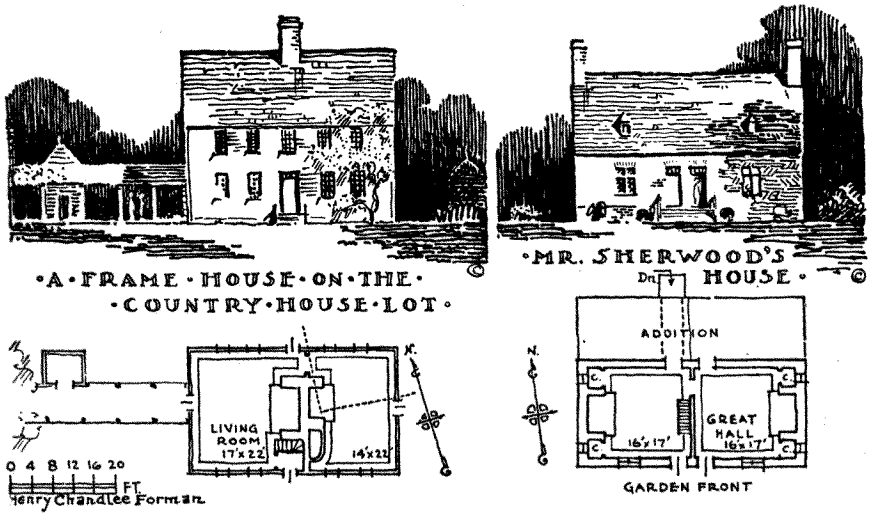
5. Structure No. 30.

As will be discussed later, archeological study has already revealed the foundation of one structure, called Structure 30, that extends from the Newell tract over into the Wyatt tract (see map No. 4). Additional excavating may reveal more data pertaining to it. At present, identification seems out of the question. It must have been constructed, however, late in the seventeenth century after the Wyatt and Newell tracts had come under the same ownership. This did not happen until William Sherwood, who owned the Newell tract, purchased the Wyatt property in 1681. This points to the fact that the building may have been late seventeenth, or eighteenth century, belonging to the Sherwood, Jacquelin, or Ambler period of ownership.

Ownership of the property passed from one to the other in succession, and each lived at Jamestown, yet the residence occupied by each family has not been determined. Sherwood had a house built after Bacon's Rebellion on, or near, the Country House site. It was a

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102.
Ambler Papers, p. 229.
Tyler (Cradle of the Republic (1906)), map opposite page 22, shows an "Ancient house foundation" to the west of the Jacquelin-Ambler house ruins which would seem to be on the southwest section of the Wyatt tract.



TWO RECONSTRUCTION DRAWINGS OF JAMESTOWN HOUSES

Based by the writer on studies of the foundation and of the Ambler plats. The foundation of the *Frame House on the Country House Lot* overlapped the southeast corner of Sherwood's foundation (shown dotted on left-hand plan). The *mansion house of William Sherwood*, built about 1677-80, had a Great Hall, little back room and cellar, quarters which the Virginia government rented for several years. The dotted lines in Sherwood's plan represent a cellar passageway under the addition.

Photograph No. 8.

H. C. Forman's conception of two houses at Jamestown. "A Frame House on the Country House Lot" refers to Structure 30, and "Mr. Sherwood's House" refers to Structure 31. (Jamestown and St. Marys, p. 126.)

CNHP Photograph #8367

good, substantial dwelling with a cellar.[103] He continued to live in it until his death in 1697. After that his wife and possibly her third husband, Edward Jacquelin, lived there.[104] If this is true, then Structure 30 may be the remains of an early eighteenth century structure, and could have been erected by Jacquelin or Richard Ambler, the next owners of the property. If these assumptions can be made it would appear that Structure 30 would enter into a discussion of the Jacquelin-Ambler house ruins and related topics, which, for reasons already given, are not included in the scope of this study.

6. Jacquelin-Ambler House.[105]

For the purpose of this study it is necessary to at least

103.

Ambler Papers, pp. 85-88 (Am. P. No. 32); L-384 (Journals of the House of Burgesses, 1659/60-1693, p. 288).

104.

L-426 (Journals of the House of Burgesses, 1695-1696, 1696-1697, 1698, 1699, 1700-1702, p. 214).

Marshall, Charles E., "Summary of Historical Data Relating to the Governor's House at Jamestown", a preliminary compilation of data dated January 22, 1936 in the files of C.W.N.P. at Jamestown. Marshall states: "William Sherwood later had a quite extensive house which appears to have also been in later times the Jacquelin residence. Whether this was on the site of the old country house or, elsewhere, perhaps the site of the present Ambler House ruins it is impossible to determine at present".

105.

So called because it is not known at what date, or by what person, it was built. It seems safe to say that Edward Jacquelin, or Richard Ambler, or a later member of the Ambler family constructed this building.

make mention of the Jacquelin-Ambler house ruins. These ruins stand on the Wyatt property, and apparently are not very far from a number of earlier structures -- the Kemp, Hill, and Chiles houses. Being of eighteenth century origin it is reasonable to assume that many of the earlier structures, particularly associated dependent buildings, were lost from view when the Jacquelin-Ambler house was constructed.[106] It is quite possible that in the vicinity of the Jacquelin-Ambler house or some distance from it there may have been overlapping in structural activity in the various periods of building, and in garden, orchard and fencing developments, if there were such, and it appears that there must have been. In archaeological study this fact may introduce complications.[107]

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106. Tyler (Cradle of the Republic (1906) p. 23), states that the Ambler house was built by Edward Jacquelin about 1710, in 1739 it passed to Richard Ambler, and during the Revolution it was burned. John Ambler restored the building, which burned again in 1862. It was rebuilt and burned a third time in 1895. In 1856 Bishop Meade wrote: "About two hundred yards below the church and a hundred from the river, is the old brick house of the Amblers, or a large part thereof, built, it is supposed more than a hundred years since." (J-84 (Meade, Bishop William, Old Churches, Ministers, and Families of Va., Vol. 1, pp. 114-115)).

107. In the deed from Micajah Perry to Edward Jacquelin in 1721 covering the Castle half acre (see map No. 2) it is stated that on the north near "the Mansion house of Said Edward Jaquelin" (Ambler Papers, pp. 204-6 (Am. P. No. 101)). In 1744 there is reference to land running to the "Gardin Pales of Richard Ambler, Esquire (formerly of Edward Jacquelin)" (L-158 (Library of Congress, Ambler (97-8)). Such references to "Mansion house" and "Gardin Pales" further supplement the idea of development around the Jacquelin and Ambler residences at Jamestown. For a discussion of a formal garden near the Jacquelin-Ambler House ruins see Harrington's Archaeological Report, pp. 77-91; 126-129.

7. Other Development.

The possibility of use in the Wyatt tract prior to 1638 has been mentioned in the discussion of earlier grants. Consideration was given to the Smith and Pierce grants along with reference to their residences, the paled government, or governor's garden, and the government park. Beyond this inadequate treatment little can be said with assurance.[108]

At this point, however, some recognition should be given to the possible extension of a highway across the Wyatt tract in 1696. It will be recalled that the bounds of the Harris tract are stated as "thence Nely toward ye maine road forty foot, thence N: W: near ye sd Maine Road to ye Corner of Cmon Land one hundred foot".[109] On map No. 3 an attempt has been made to show the Harris tract and to give it a tentative location. If this is approximately correct then the position of the "Maine Road" becomes generally correct. At least the "N: W:" bearing as shown in the patent is correct. If this is the line of the road it ran in a nor southwestern direction and probably entered the course of earlier Back street near, or south of, the Jacqualin-Ambler

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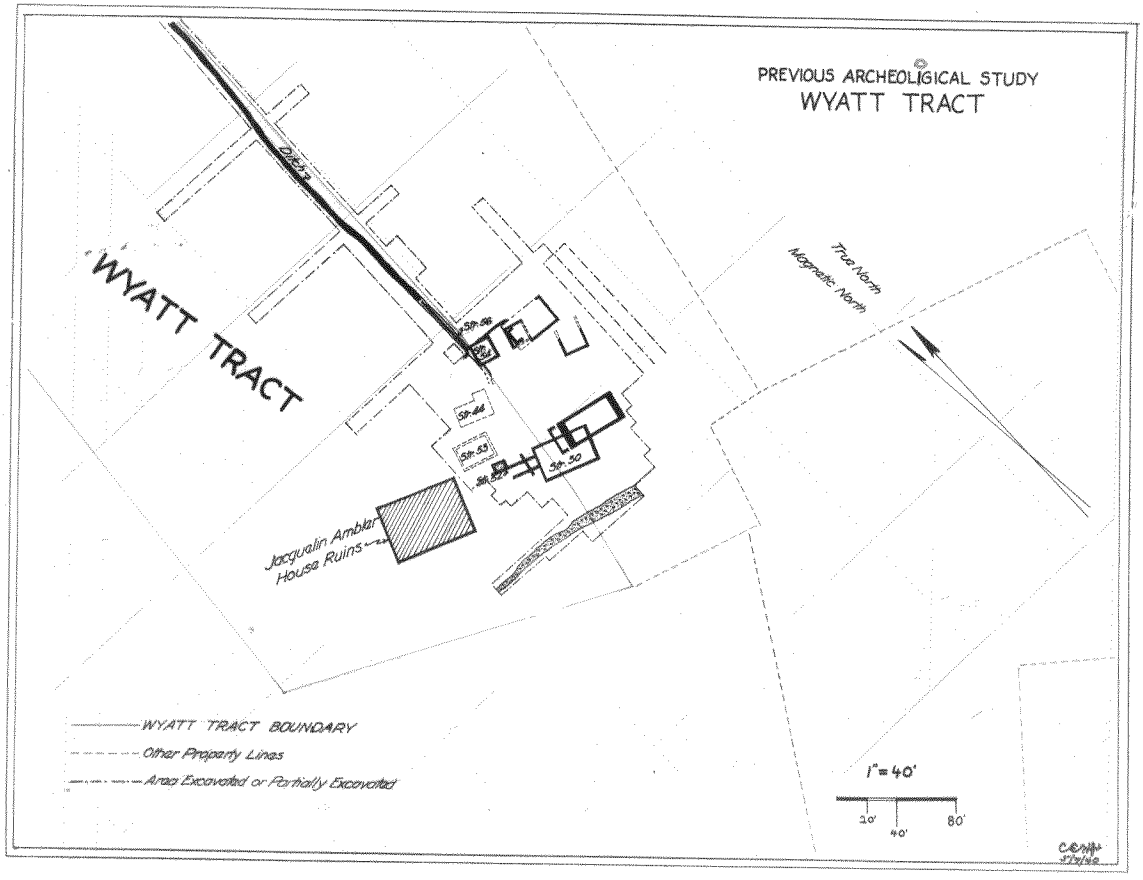
108.
Forman (Jamestown and St. Mary's) on his frontispiece map shows a road running westward out into the Wyatt tract some distance from Pitch and Tar Swamp. It seems to be a branch road from the "way" shown as running from Back Street east of the Newell tract and extending across the swamp by bridge. Neither of these roads is that shown by Gregory that branched off from Back Street and ran diagonally across the Newell and Wyatt tracts.

109.
L-133.

house ruins. Its destination is not yet known. Perhaps, it connected with the way leading from the island across the isthmus at the head of the island. Just when this "Maine Road" came into use is not clear.[110] It is mentioned in 1696 and the mention of a "Common Road" in a patent of 1685 may have referred to its extension westward at that date.[111]

110.
In 1652 John Fitchett patented one half acre at Jamestown, and what little evidence there is points to the fact that it may have been west of the Kemp and Wyatt tracts. It reads, "Beginning on the North side of the path that goes to Mr Chiles next unto the office Northeast by North to the next path that goes to Mr Chiles & thence up the said path Northwest by West for his Length and thence to the aforesaid place to the place where it first Began" (L-78 (Richmond Land Office, Patent Book 4, p. 423)). If this is sketched on paper it will appear that the southern boundary was on a path as was also the southwest by west boundary. Could these paths be roads, and could the one along the south be Back Street or a later descendant, and the northwest by west path be the "Maine Road" of 1696 that ran northwest?

111.
In 1684 the land around, or next to, the northwest corner or northwest section of the Wyatt tract was described as "formerly belonging to one Thomas Woodhouse" (L-126). A deed for three-fourths acre to George Lee from William Browne in 1685 was described as "formerly estate of Thomas Woodhurst [Woodhouse?] deced", and bounded "Easterly" on the land of William Sherwood and south as far as the "Common road" (L-114A (Virginia Historical Society, Ludwell Papers, I, No. 109)). In 1685 Sherwood owned the Wyatt tract. Could this mean that west of the northern portion of the Wyatt tract lay this tract that extended down to the "Common road" -- an extension of the "Maine Road" as given in the Harris deed of 1696?



Map No. 4.

CNHP No. 8365.

VIII. Previous Archaeological Study of the Wyatt Tract.

In 1935 and 1936 archaeological excavations were carried on in a small section of the Wyatt tract (see map No. 4). During the work a number of structures were uncovered, or partly excavated. It has been difficult to arrive at other than brief, partial, preliminary identification of these structures. This is due, in some degree, to incomplete archaeological study, and incomplete archaeological record.

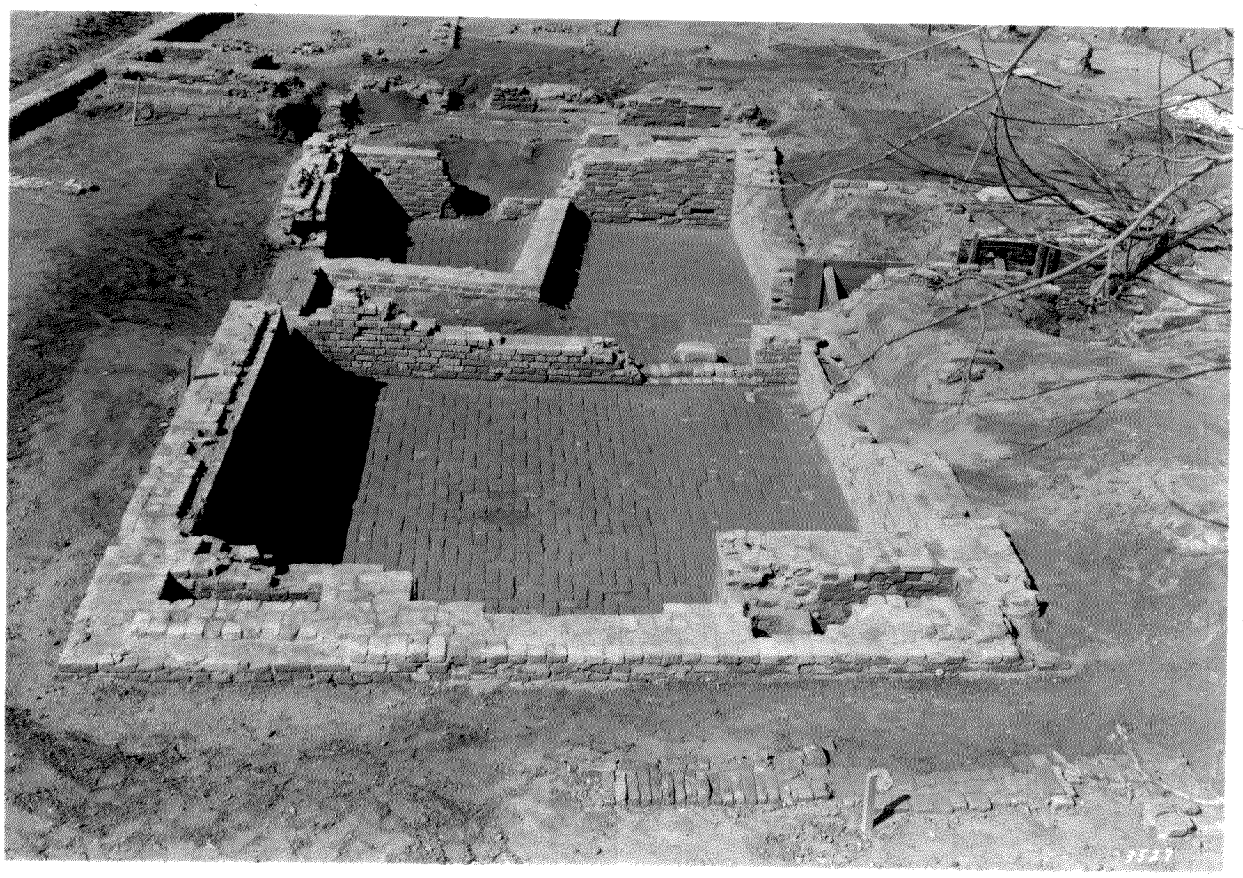
1. Structure 30.

The remains of a building, probably a dwelling, were uncovered and described as 40' x 24', the "Remains of a brick foundation 14" wide & aprox 10" high (three to four brick courses) The Wall is built upon a 6" layer of debris (brick, plaster & pebbles)".[112] This structure, identified as a residence, was located in May, 1936.[113] It is interesting that the northeast corner of this structure rests on the foundations of two earlier buildings, Structures 38 and 31. This would establish the fact that Structure 30 was later in point of time than either 31 or 38. As has been stated, the identity of this structure has not yet been determined, yet it appears to have been constructed

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112.
Archaeological field, and other, drawings for lots B68,B69,B81,B82, B42,B54 in the files of C.W.F. at Jamestown.

113.
"Progress Map; Jamestown Excavations Unit B".



Photograph No. 9.

View of Structure 31 (in center). Structure 20 is the foundation cutting across Structure 31 in the upper corner.

CNHP Photograph #3527



Photograph No. 10.

Brick work, about mid-way of the south side of Structure 30.

CMHP Photograph #3058.

after Bacon's Rebellion. The fact that it rests on two earlier foundations, and crosses the property line between two tracts of land that did not come under the same ownership until 1681 add weight to this assumption.

Forman, who had "direct supervision" of the excavations in 1935 has written this account of Structure 30:

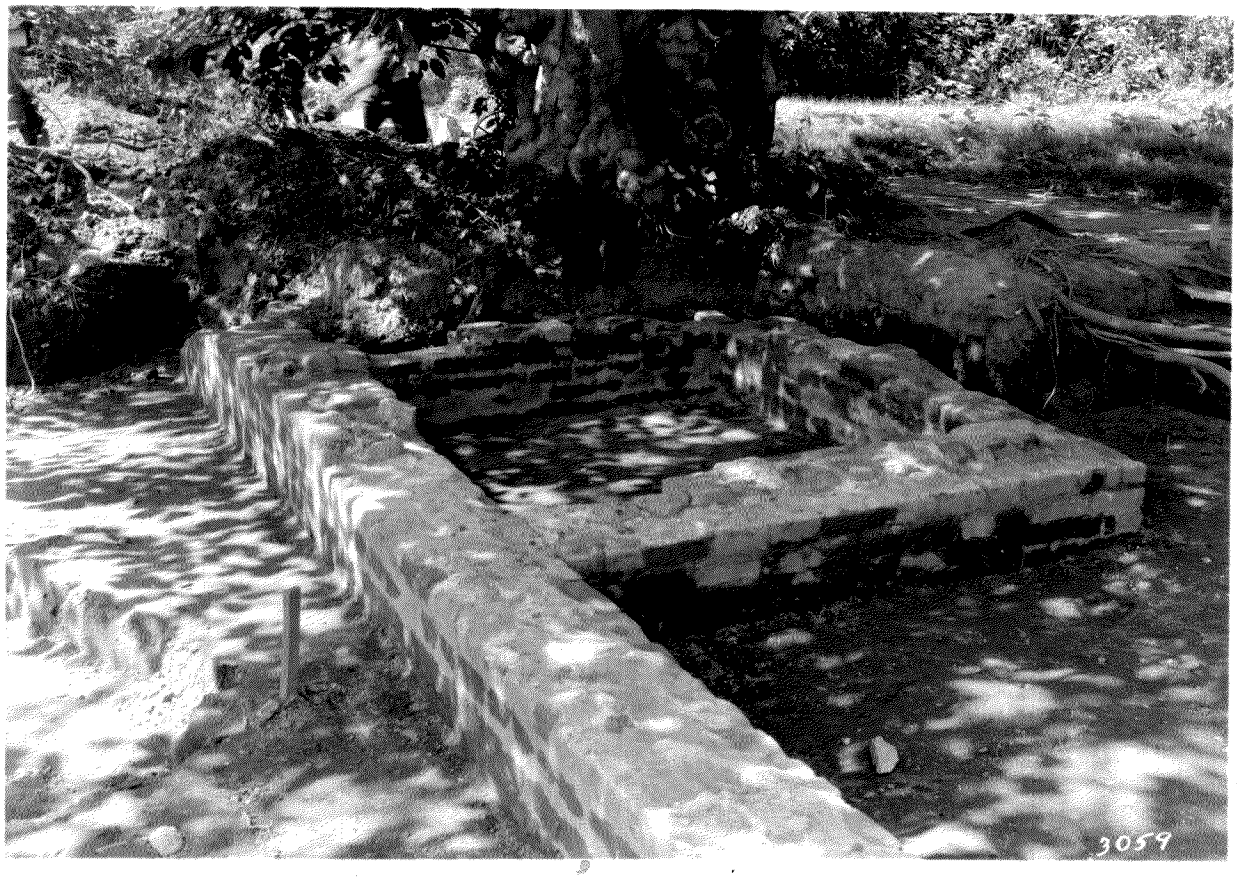
> This latest building, which we have called 'The Frame House on the Country House Lot' for lack of other means of identification at present, was larger than Sherwood's [which he calls Structure 31] and built sometime after 1694, probably in the eighteenth century. Nor did it have the same orientation as Sherwood's, but faced the river to the southwest. It had no basement, like Sherwood's, and where the brick footings overlapped the southwest corner of Sherwood's cellar, the footings were carried down to a level of a few inches above the herring-bone brick floor. In length, the foundation of the frame house is slightly over forty feet, and in width twenty-four feet. Near the center are the fragmentary remains of two back-to-back fireplaces. Off the west side extends a wing, twenty-nine feet in length to the point where the brick footings have been broken away. This wing is only eight feet wide and was probably a colonnade. A small structure about eight feet square stood on the north side of the wing, adjoining it, and might have been some out building, like a garden house."[114]

2. Structure 32.

This structure was a small foundation, approximately 8'

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114. Jamestown and St. Mary's, pp. 125-7.



Photograph No. 11

Structure 32, probably related to Structure 30.

CMHF Photograph #3059.

by 56', located off the west end of Structure 30 in line and orientation with it. It was attached to Structure 30 by a brick extension 14' wide. This extension ran from Structure 30 to, along the side of, and past Structure 32. To the south a similar extension ran parallel with it about 6' away. The only assumption made is that Structure 32 was related to Structure 30 in some manner.[115]

3. Structure 53.

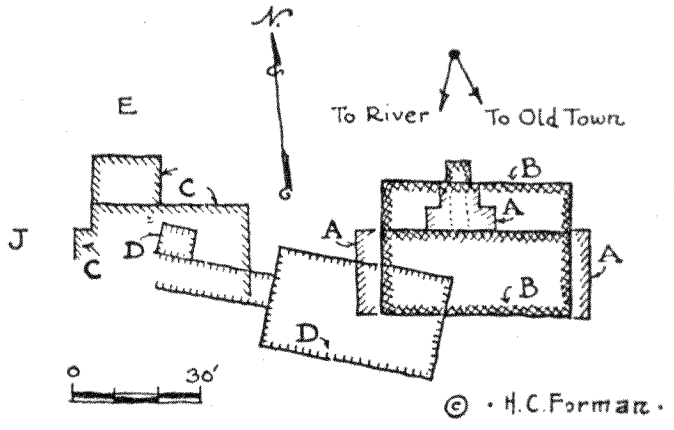
Structure 53 has been temporarily identified as an outbuilding, yet it has not been completely excavated. It is a foundation approximately 24' by 19.5' with irregular walls. Materials associated with it included a section of brick floor, stone, moulded plaster, and tile. A section of the wall had caved in.[116]

This structure is oriented with Structure 31 and not with 30. This, probably, is not significant, however, since Structure 53 is on property that is not associated in ownership with the adjoining property until 1681. Possibly, if it was an outbuilding, it was associated with some structure on the Wyatt tract that has not been

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115.
Archeological field and other drawings; "Progress Map: Jamestown Excavations Unit B".

116.
Ibid.



KEY CHART OF COUNTRY HOUSE LOT BUILDINGS

A. Governor's House.
B. Sherwood's House, built about 1677-80 on top of A.
C. Perhaps Chiles House, built contemporaneously with B, or sooner than B.
D. "The Frame House on the Country House Lot," built on top of A, B and C.
E. Fragmentary Dutch Brick Floor (Kemp's ?).
J. Ruins of Jacquelin-Ambler Mansion.

Photograph No. 12.

Archeological findings according to H. C. Forman in Jamestown and St. Mary's, page 126. A refers to Structure 38, B to Structure 31, C to "Perhaps Chiles House", and D to Structure 30.

CHHP Photograph No. 8374



Photograph No. 13.

A view of Structure 53.

CNHP Photograph #3131.

located.[117]

4. Structure 44.

This structure is referred to as tile pavement on the "Progress Map: Jamestown Excavations Unit B" and is located as shown on map No. 4. This structure needs additional archeological study before definite conclusions can be reached.[118]

5. Structure 56.

Structure 56 was a brick drain that emptied into the "Chiles" ditch. Its obvious function was drainage. It had connection with one of the minor structures on the Newell tract, and there is evidence that a branch drain from it extended over into the Wyatt

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117.
Forman (Jamestown and St. Mary's, pp. 126-127) on a drawing, "Key Chart of Country House Lot Buildings", gives more details concerning this structure than do the park records (see Photograph No. 13). He treats Structure 55 as a part of a larger foundation that he tentatively identifies as Walter Chiles' house built after 1653. "The brick footings of this foundation are only partial, but measure approximately 37 feet by 21 feet, with a projection on the west side, probably a fireplace, only a very few feet from the Ambler house ruins. This foundation is about twenty-four feet west of the Sherwood foundation, with which it is parallel. A small deep cellar adjoins the western part of the 37-foot wall on the north side, and north of the cellar are paved floors, possibly some remnant of Kemp's house. The 'Frame House on the Country House Lot' was built over this 'Chiles' foundation, as it was over Sherwood's. More research will have to be done to identify the 'Chiles ruin and the remains north of it'".
At this point it is interesting to recall that Edward Hill's house was "ye next house on ye Westward end of Mrs Hix her house [Country House]".

118.
Forman hints that this may have been the location of the Kemp house (see f.n. 117).



Photograph No. 14.

Section of Brick Drain, Structure 56.

CNHP Photograph #3732.

tract. It is conceivable that Structure 44, spoken of as a tile pavement, had some relation to Structure 56. More archeological study may reveal the interrelation, if any, of these structures.[119]

6. Structure 54.

This structure, a foundation 16' x 16' with walls 13" to 14" thick, was for the most part on the Newell tract, yet its northwest corner rested on the "Chiles" ditch. It has been referred to as a "Probable Kitchen" and, if so, it may have had a functional relationship with one of the major structures on the Newell tract. It may be that its construction over the brick drain, Structure 56, is significant in helping to fix its date of construction.[120]

7. "Chiles" Ditch.

The "Chiles" ditch, so called, was described during archeological excavations as a ditch running north to the marsh, approximately 3' 4" to 3' 6" wide, gradually nearer the surface as the ground sloped toward the marsh. It had a uniform depth and "seemed to run out at the edge of the marsh". It was assumed to be a property ditch, and because of the nature of its construction, it must have been a drainage

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119.
Archeological field and other drawings: "Progress Map: Jamestown Excavations Unit B".

120.
Ibid.



Photograph No. 15.

A view showing a corner of Structure 54, a section of the Brick Drain (Structure 55) and the excavation of the property ditch ("Chiles ditch").

CNHP Photograph #3860.

ditch as well.[121]

8. An Unidentified Feature.

Somewhat south or southeast of the Jacquelin-Ambler house ruins, in 1935, was found a disturbance that invites speculation. As reported it consisted of a nucleus of bricks and bats surrounded with pebbles. The pebbles were mixed in with the brick fragments and were above and below them. This condition extended for some distance, with a width of from 9' to 11' overall. Toward the west end it narrowed to from 2.5' to 5' in width being approximately 12" to 15" deep. It is not possible to identify this feature yet, and more archeological work will be necessary at each end of it to discover its course and more of its features. However, its composition might suggest a path or a narrow road of some sort.[122]

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121. Jones, "Archaeological Field Notes".

122. Ibid., notes for Lot #81.

IX. What Archeological Study of the Wyatt Tract May Reveal.

In the light of the foregoing discussion it is interesting to speculate from the historical point of view, as to what an archeological study of the Wyatt tract may reveal, even though only actual excavation can determine this.

1. It may be possible to locate and identify the Richard Kemp house.

2. It may be possible to locate and identify other structures that we know to have been on the Wyatt Tract -- primary structures, associated dependent buildings, and property lines.

3. It appears that a large quantity of artifact material should be recovered from this area giving additional information concerning seventeenth century life at Jamestown.

4. Excavation of the Wyatt tract would complete certain archeological excavations that have already been partly done and would supplement the incomplete records already at hand.

5. Evidences of, and information concerning the course, nature, and position of Back Street may be found as well as information about other roads in the area.

6. Archeological findings may add additional features that will serve to check work already done, and give a stronger basis for work to be done in the future.

X. Appendices.

Appendix A -- Biographical Sketches.

1. Richard Kemp.

It appears that Richard Kemp, Secretary in Virginia, 1634-1649, was a son of Robert Kemp, Esquire, of Gissing, Suffolk, England, and a nephew of Edmund Kemp who like Richard migrated to Virginia. Richard, baptised in 1600, was the third son in a large family. His oldest brother received the bulk of the estate and he inherited only 40£ sterling.[1]

Little is known, or rather little has come to light, regarding Kemp's activity in England before he came to the colony. It can be said that he had built up strong and influential friends, for it was "at the instance" of the Duke of Lenox and the Earl of Pembroke that he received appointment as secretary of state for Virginia in August, 1634. He delayed his sailing for a time due to the progress of the movement to re-establish the Virginia Company. It was not until December that he reached the colony. Seemingly he became an adherent of Governor Harvey from the start. Possibly he wished to avoid any misunderstanding, or controversy, with the governor, as had been the case

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1. "Virginia Gleanings in England" communicated by Lothrop Withington in Virginia Magazine, Vol. 20, pp. 73-5.

with his predecessor.[2]

As secretary of state Kemp filled one of the most important offices in the colony, a fact of which he was aware, and the strength of which he wished to maintain. In 1640 the duties of the office included answering and writing all letters directed to, or sent from, the governor and the council, as well as "All things which pass the Governor's hand or the Signet and the recording of them" such as patents, commissions, charters, "freedoms", and "extraordinary warrants", "All things that pertain to the admiralty" and "all things belonging to the prerogative Court", "all express and writs", "all business for trials by common law, all these judgments", orders of Court, fines, alienations, search of record, and "copy of all these". In addition the secretary issued passes to persons leaving the colony, licenses to hunt or trade, permissions to go aboard ships, probate of wills and administrations, and recorded wills, inventories, accounts and

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2.
Weddell, Virginia Historical Portraiture, p. 43; "Virginia in 1639-40" (Abstracts and copies of documents) in Virginia Magazine, Vol. 13, pp. 396-7; "The Mutiny in Virginia, 1635" (documents) in Virginia Magazine, Vol. 1, pp. 420-1; "Declaration of Sir John Harvey" (documents) in Virginia Magazine, Vol. 1, p. 429; "Abstracts of Virginia Land Patents" prepared by W. G. Stanard in Virginia Magazine, Vol. 1, p. 314; "Virginia in 1636" (Abstracts and copies of documents) in Virginia Magazine, Vol. 8, pp. 302-6.
It "was thought fitting petitioner should attend his dispatch until the setling of the patent to the new Company of Virginia "("Virginia in 1632-33-34" (abstracts and copies of documents) in Virginia Magazine, Vol. 8, p. 160.

licenses for marriage. These powers are extensive, yet they did not include the use of the "Colony Seal", a power held by the secretary until 1640. During Kemp's absence in England in August, 1640 the General Court created the office of "keeping the Colony Seal". The occupant of this office was to seal patents, charters, grants, commissions and such documents after they had been passed by the governor and council and had been recorded by the secretary. Besides, the keeper of the seal was to file petitions, answers, and interrogateries, as well as to seal subpoenas.[3]

In 1634 when Kemp accepted the office of secretary he may have been bound by an old act of the assembly that established the secretary's hours from eight o'clock to ten in the morning and from two to five in the afternoon, Sunday excepted. Apparently he kept an eye on all of his various duties, and in his reports to England he did not hesitate to speak his mind. In 1635 he openly admitted that he counseled Governor Harvey to go to England to defend himself. A year later he vividly described custom evasion in Virginia, and proposed a customs reorganization in the colony. In 1638 he took a stand against confining tobacco shipments to Jamestown. Later he argued against the rechartering of the old Virginia Company, and opposed a

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3. "Decisions of the General Court" (documents) in Virginia Magazine, Vol. 5, pp. 365-6.

change of government in the colony.[4]

As compensation for his work Kemp was paid solely in fees. Quite often the law stipulated payment of fees in hard money, yet he found that tobacco was the usual medium and accepted it. In February, 1637/8 he wrote that he had been forced to take his fees in tobacco and that the difficulty in collecting it plus costs, freight, custom, and import duties consumed about half of his income. In 1636 his income was augmented by the order from England for the appointment of an officer to register all exports from Virginia. For a time at least he was named to "certifye the Invoices" and to "keep Register". As compensation he was to receive two pence per cask for tobacco. In regard to this, in 1638 Kemp wrote home apologizing for "excepting produce & tob. for fees instead of money".[5]

In 1637 Kemp sought to return to England for a time to attend to his private business affairs there. However, at the same time he wanted to retain his position in Virginia. To this end he wrote to

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4.
Hening, Statutes at Large, Vol. 1, p. 223; "Virginia in 1638-39" (abstracts and documents) in Virginia Magazine, Vol. 11, p. 173; "Virginia Under Governor Harvey" (abstracts or documents) in Virginia Magazine, Vol. 3, pp. 21-34; "Virginia in 1636-8" (documents or abstracts) in Virginia Magazine, Vol. 10, pp. 270-2; "Virginia in 1637" (documents or abstracts) in Virginia Magazine, Vol. 9, pp. 170-1; Virginia Magazine, Vol. 8, pp. 202-6.
In the absence of the governor the secretary was to sign commissions, passes, and such like and to manage Indian affairs.

5.
Hening, Statutes, Vol. 1, p. 176; "Virginia in 1637-8 (documents or abstracts), Vol. 9, pp. 408-9; Virginia Magazine, Vol. 8, pp. 25-7.

Robert Reade, secretary to Sir Francis Windebanke on March 20, 1637. His purpose was to have a letter from the King sent to the governor and council "requiring them to confirme mee in the place of Secretarye, and alsoe to settle uppon mee the office of certifeing the Invyces of Tobacco". He was careful to mention that he would make George, the brother of Robert Reade, deputy secretary in his absence. Already he had conferred "uppon him the proffitt of the warrant and orders of Court, an employment will be none the least of his benifitts". Apparently he was unable to achieve his purpose, or possibly other development prevented his projected trip. A year later he erected his often mentioned brick dwelling at Jamestown.[6]

In 1639 and 1640 Kemp became involved in a legal case against Reverend Anthony Panton of York and Kiskiack parishes which, had it not been for his personal energy and friends, might have cost him his position in Virginia. In any case Reverend Panton was thoroughly disliked by Governor Harvey and his friends, particularly so by Richard Kemp. Perhaps Kemp was motivated by an earlier attack upon him by Panton.

> "Mr. Panton abuses Mr. Sec'y Kemp by calling him Jackanapes & saying ye King was misinform'd of him, that he was unfit for his place would be shortly turned out as ye other Secr'y was, that

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6.
V-165 (Calendar of State Papers, Colonial Series 1574-1660, p. 258); "Virginia in 1636-8" (documents or abstracts) in Virginia Magazine, Vol. 10, pp. 268-9; Virginia Magazine, Vol. 10, p. 272.
George Reade came to Virginia in 1637. He was the friend and adherent of Governor Harvey and Secretary Kemp.

he was poor and proud and that he'd preach ag't his pride of a Lock he had tyed up with a ribbon as old as Paule".[7]

Panton was charged with disobedience to the Governor (Harvey); "mutinous speeches", "scandals against Mich. Kemp", and other like offences and brought to trial in Virginia. Kemp, a member of the council, a judge in the case, seems to have acted as chief prosecuter. Needless to say, the case was decided against Reverend Panton, who was deprived of his possessions and holdings in the colony, and banished on penalty of death if he returned. He fled to England where he appealed to the Privy Council, and evidently presented a good case against his opponents, particularly Harvey and Kemp. In August, 1639 the case was reviewed by the Privy Council, a body that exonorated Panton on all charges. Sir Francis Wyatt, preparing to return to Jamestown for his second term as governor, was entrusted to reopen the case. Harvey and Kemp were expressly forbidden to take part in the trial.

Richard Kemp realized that he was in an embarrassing position just at a time when there was to be a change of government. He resolved to go to England with, or without, permission. Some time after April 24, 1640 he departed without license "carrying with him both the main depositions, whereupon the said sentence was grounded and other material

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7. "Notes from Council and General Court Records" by Conway Robinson in Virginia Magazine, Vol. 13, p. 391; V-275 (Miscellaneous Records, 1606-1692, Jefferson Mss. L.C.).

writings concerning" Panton's trial. Thomas Stegge, who aided his departure for England, was fined 50£ sterling for rendering him assistance. In England Kemp apparently presented a satisfactory case. He stated his reasons for coming, and answered the charges which Panton had lodged against him.

In Virginia Wyatt reopened the case in June, 1640, and the earlier decision was reversed. Panton was restored to his charge together with his income. It was at this time that William Claiborne, on petition, secured the creation of the office of keeper of the seal, which absorbed some of the secretary's power. Beyond this Kemp's position remained intact and in October, 1640 the General Court gave evidence that George Reade, whom Kemp named as deputy secretary on his departure, was performing the duties of the office.[8]

Without doubt Kemp's presence in England with the records that he had carried with him together with his influential friends, Lord Baltimore, Duke of Lenox, Lord Cottington, Lord Maltravers, Sir Francis Windebanke, and Robert Reade, managed to extricate him from a very embarrassing situation. In the early part of 1642 Kemp returned to

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8.
"Virginia in 1639-40" (documents or abstracts) in Virginia Magazine, Vol. 12, pp. 275-288; "Virginia in 1638-9" (documents or abstracts) in Virginia Magazine, Vol. 11, p. 170; "Notes from Council and General Court Records" by Conway Robinson, Virginia Magazine, Vol. 13, pp. 393-4; "Virginia in 1641-49" (documents or abstracts) in Virginia Magazine, Vol. 17, pp. 15-16; "Virginia in 1639" (documents or abstracts) in Virginia Magazine, Vol. 12, p. 385; "Notes from Council and General Court Records" by Conway Robinson in Virginia Magazine, Vol. 14, p. 198.

Virginia and took up his seat on the council along with the office of secretary of state. Occasionally he served as a lawyer in matters of private concern.[9]

In 1637 Richard Kemp had received 600 acres of land in James City County on the basis: "that in respect of the necessary attendance of the Secretarie at James Citty in the execution of his place & office 600 acr. seituate as neare James Citty as might conveniently be found should bee laid out & taken upp to belong to the place of Secretarie, etc.".[10] In 1638, before he built at Jamestown, he patented 840 acres on the mainland. Later in the year he increased this to 1,200 acres in the area "comonly called the Rich Neck, in Archers Hope Cr", also 100 acres between the 1,200 acres and the palisades of Middle Plantation. In 1643 he enlarged his holdings at the head of Archers Hope Creek to 4,332 acres, part of it claimed for transporting forty four persons into Virginia. His holdings were not confined to this area, however. In 1644 he had land in Isle of Wight (300 acres), later on Mobjack Bay (3,500 acres), and in Gloucester County (1,500 acres).[11]

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9. Tyler, Lyon Gardiner, Encyclopedia of Virginia Biography, Vol. 1, p. 47; Weddell, Virginia Portraiture, p. 43; Nugent, Virginia Land Patents, p. 157; "Virginia in 1639" (documents or abstracts) in Virginia Magazine, Vol. 12, pp. 390-3.

10. Nugent, Virginia Land Patents, p. 75.

11. Ibid., pp. 75, 104, 105, 143, 182, 222.

Not so much is known of Kemp's activity after his return from England. Apparently he continued in office performing his duties satisfactorily. When Berkeley returned to England in June, 1644 "the Counsell elected Richard Kempe, Esq. Governor". He "continued till Sir William returned back which was about the 16th of June, 1645". Since little has been said concerning Kemp after 1645 it may be that he was leading a less agressive life than when he first came to Virginia. He did continue as secretary and councilor until his death in 1649.[12]

In Kemp's will dated January 4, 1649, and proved in London December 6, 1655, he identified himself as "Richard Kempe of Rich Neck in the Collonie of Virginia Esquire". He named his "deare and careful wife" Elizabeth, and his "poore child" Elizabeth executrices of his estate in Virginia and in England expressing the desire that "Rich neck" be sold and that his "wife and child departe this Country". To George Reade he left 50 acres in "barren Neck". He, also, directed that "my parte of the house Att Towne be sould [this seems to indicate that he still owned property at Jamestown]". After his death his wife, Elizabeth, became the third wife of Sir Thomas Lunsford.[13]

12.
Hening, Statutes, Vol. I, pp. 4-5,282,288; Nugent, Virginia Land Patents, pp. 204, 212; Crozier, William Armstrong, Virginia Heraldica, p. 34.

13.
"Two Wills of the Seventeenth Century" (documents) in Virginia Magazine, Vol. 2, pp. 174-6; "Virginia in 1641-9" (documents and abstracts) in Virginia Magazine, Vol. 17, p. 38.

2. Thomas Hill.

Thomas Hill probably came to Virginia at some time before 1629, and returned to England for a few years before settling in the colony. He married Mary Persey, who, born in England in 1614, came to Virginia with her sister in 1623. Through this marriage Hill became part heir to the estate of his wife's father, Abraham Persey, who, at his death about 1627-1628, left "the best Estate that was ever yett known in Virginia". However, the transmission of the estate to the lawful heirs was complicated by Persey's second wife and her second husband, Samuel Mathews. The case dragged out in the courts in Virginia and in England for a number of years. Evidently Thomas Hill for a time gained possession of a part of the estate, for in 1639 Governor Wyatt was ordered to restore to the Mathews estate that part of Persey's estate still in Hill's hands.[14]

In 1638 Hill patented forty eight poles at Jamestown, and at that time his wife and two children were living in Virginia.[15] Possi-

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14. "Abstracts of Virginia Land Patents" prepared by W. G. Stanard in Virginia Magazine, Vol. 1, p. 188; "Virginia in 1638-39" (documents and abstracts) in Virginia Magazine, Vol. 11, pp. 176-181; "Virginia Gleanings in England" communicated by Mr. Lothrop Withington in Virginia Magazine, Vol. 11, p. 360; "Virginia in 1639" (documents and abstracts) in Virginia Magazine, Vol. 12, p. 394.

15. Thomas Hill's land holdings included areas in Isle of Wight, Charles City, Norfolk, and James City counties (Nugent, Virginia Land Patents, Vol. 1, pp. 104,108,114,131,145,160,195,198,208).

bly they resided at Jamestown. Three years later "Mr Tho. Hill" was a member of the assembly from "James Cittie". Later it seems he moved to York County and established himself at "Essex Ledge" on 600 acres first taken up by Captain William Brocas of the council in 1635. From later deeds and patents it appears that by 1657 Thomas Hill was dead and his widow with five children (John, George, Thomas, Mary, and Frances) had married Thomas Pushrod.[16]

3. Sir Francis Wyatt.

Sir Francis Wyatt was born in 1588 and matriculated at St. Mary's Hall, Oxford, July 1, 1603 and at Gray's Inn in 1604. He was knighted in 1608 and married Margaret, daughter of Sir Samuel Sandys. His younger brother, Reverend Hawte Wyatt, came to Virginia with him in 1621. The sons of Reverend Wyatt in later years made their home in the new world where they established the family.[17]

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16. "Colliers of York County" in William and Mary Quarterly, First Series, Vol. 8, p. 257; Tyler, Encyclopedia of Virginia Biography, Vol. 1, p. 258.

17. Crozier, Virginia Heraldica, p. 60; "Letter of Sir Francis Wyatt, Governor of Virginia, 1621-1626" in William and Mary College Quarterly, Second Series, Vol. 6, pp. 114-121; "Abstracts of Virginia Land Patents" prepared by W. G. Stanard in Virginia Magazine, Vol. 3, pp. 177-8; Tyler, Cradle of the Republic (1906), pp. 158-9.

Sir Francis Wyatt was recommended for the post as governor of Virginia by the Earl of Southampton who stated that he "was well reported of in respect of his parentage, good education, integrity of life and fair fortune".[18] He received the post and came to Virginia with lengthy instructions regarding the reduction of tobacco planting, an order to take a census, to establish a fishery, and other such items. He brought copies of all commissions and instructions drawn up in 1618 and instituted by Yeardley in 1619 including the "grate charter" and the ordinance providing for the assembly together with orders to make the government conform to these documents.[19]

In late 1621 and early 1622 Wyatt saw developments move smoothly in Virginia. There was peace with the Indians, plans for a school in Charles City as well as a college at Henricopolis, with salt, glass, and iron works under way as well as experiments with vines and mulberries. Into this picture, however, came the massacre of 1622 that disrupted life in the colony and temporarily shut down the wheels of progress. It took some time to recuperate from this blow. For the

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18.
"Virginia Gleanings in England" contributed by Reginald H. Glenerose in Virginia Magazine, Vol. 31, p. 243.

19.
Hening Statutes, Vol. 1, pp. 114-8; Craven, Wesley Frank, Dissolution of the Virginia Company (New York, 1932), p. 328; "Sir Francis Wyatt, Governor (documents, 1624-1626)" in William and Mary Quarterly, Second Series, Vol. 8, pp. 157-167.

moment Wyatt saw only one hope -- that of moving the settlers to a new site farther up the bay. To this end he began to act although the plan never materialized. Wyatt lost all faith in the Indian and wrote to the London Company "that neither fair war nor fair quarter could be held with Indians". In April of 1622 he placed the counties and subdivisions of the colony under military commanders and ordered reprisal. In 1622 and 1623 various expeditions attacked the enemy and burned, or destroyed in other ways, Indian crops, huts and settlements. For relieving want in the colony commissioned traders were dispatched up the bay to trade with Indians there, if possible; if unsuccessful in trade they were to seize by force the things they sought.[20]

For the next few years Wyatt tried to bring the colony back to normal and to stimulate growth and security. Efforts were made to suppress swearing, stealing, and drunkenness, as well as to curb engrossing of commodities, double contracts, and high prices. At the same time encouragement was given to planting staple crops, vines and mulberries.[21]

20.
Craven, Dissolution of the Virginia Company, pp. 208-9; "Documents, Sir Francis Wyatt, Governor 1621-1626" in William and Mary Quarterly, Second Series, Vol. 7, pp. 42-7; 204-214; "Virginia in 1622-1629" in Virginia Magazine, Vol. 19, p. 115.

21.
"Wyatt Manuscripts" in William and Mary Quarterly, Second Series, Vol. 7, pp. 246-54 and Vol. 8, pp. 48-57.

In 1624 the Virginia Company was dissolved by order from the Crown, a step with which Wyatt did not agree. He denounced the government of the colony during the administration of Sir Thomas Smith, yet strongly favored the Southampton rule. He did oppose the operation of a tobacco monopoly, and expressed his views on this subject. Despite his point of view Wyatt was retained as royal governor by James I, who issued a commission to this effect on August 26, 1624.[22]

In 1625 Wyatt did not convene the assembly, yet he held several conventions, or informal meetings, of elected representatives which discussed the business of the moment. In writing of these meetings Wyatt spoke of the governor, council, and colony of Virginia assembled together. During this period he urged security before additional exploration and discovery were begun, recommending the palisade across the peninsula that was later erected. Besides, he urged a reduction in the tobacco crop, an increase of cattle, and additional money for circulation in the colony.[23]

Wyatt resigned in 1626 to return home to manage his private affairs. In May, 1625 before he resigned he offered some excellent advice to the

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22.
Ibid., Vol. 7, p. 129; Craven, Dissolution of the Virginia Company, p. 328; Weddell, Virginia Historical Portraiture, pp. 85-6; Smith, Margaret Vowell, Virginia 1492-1892; a History of the Executives, (Washington, 1893), pp. 66-7; "Virginia in 1624-25" (abstracts or documents) in Virginia Magazine, Vol. 7, pp. 134-6.

23.
William and Mary Quarterly, Second Series, Vol. 8, pp. 162-7.

home government:

> "Who ever shall take a reviewe of the managing of the affaires of this plantacon, from the beginning untill this tyme, may easily finde that the slew proceeding of the groth therof, is not so much to bee attributed to the difficulty inthe worke itself (though in itt self much subject to casualty and uncertainety) as to the improper and preposterous courses, that have beene followed: The Maine reason whereof, as wee conceave, hath bene that the advises and information from the counsell here, have not had soe much creditt, wth those in England, wch superintended the affaires of Virginia, as the contrary misinformations of privat planters, either out of theire particular ends or ignorance, wch also have been the better receaved, partly by reason of the factions at home partly because in soe greate a Distance the conceptions of them and those here, are not alwaies the same,..."[24]

It seems reasonably certain that the people in Virginia for the most part liked Governor Wyatt, and were sorry to see him resign. However, they were equally glad to see him return for a second term in 1639. His presence was a relief after the stormy and tyrannical administration of Governor Harvey. It has been suggested that Wyatt's appointment in 1639 was due to the old Virginia Company group still agitating for a regrant of their charter. While Wyatt was in Virginia the movement seemed to gain momentum, yet the renewal of the Company never became a fact.[25]

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24. William and Mary Quarterly, Second Series, Vol. 8, p. 164.

25. Tyler, Encyclopedia of Virginia Biography, Vol. 1, pp. 42-3; Waddell, Virginia Historical Portraiture, pp. 85-6; "Virginia in 1639-40" (documents and abstracts) in Virginia Magazine, Vol. 13, p. 381

On his return to the colony Wyatt took up the problems of the hour. In March, 1640 he wrote, "Since my arrival in Virginia we have beene (in a manner) wholly taken up about the regulation of tobacco the excessive planting whereof hath beene so greate an hinderance to the growth of the Colony".[26] He came to Virginia fortified with instructions to encourage the established religion, to convene the assembly each year, to license Indian traders, to encourage cattle raising, planting gardens and orchards, to increase the practice of the trades, to insist on planting staple commodities, and to stint tobacco. The legislature of 1639-1640 attempted a solution of some of these problems. It was decided that all bad tobacco and one half of the good should be destroyed while the price was to be stabilized at a fixed figure. Debts and other financial matters were to be held in accordance with these provisions. In another field the assembly authorized that surplus cattle, if any, could be shipped to New England.[27]

From the standpoint of Jamestown development Wyatt had important instructions. In the first place he was to consider the possibility, or feasibility, of moving the capital to a new site, however, the idea

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26. Virginia Magazine, Vol. 13, pp. 375-88.

27. "Virginia in 1638-39" (documents and abstracts) in Virginia Magazine, Vol. 11, pp. 54-7; Hening, Statutes, Vol. 1, pp. 224-9.

was abandoned and the assembly declared that "James City [was] to be the Chief town and Governor is to have his residence there". (It was under Wyatt, in his first administration, that "New Towne" had been surveyed and laid out by William Claiborne.) With this settled Wyatt couldact on other instructions -- to have people stop building "slight cottages", to regrant deserted land, to provide a state house, and to have every one owning 500 acres of land build a "House of brick" twenty four feet long and sixteen feet wide with a cellar. It has not been discovered just how successful he may have been with these orders.[28]

After a short term Wyatt was recalled in favor of Sir William Berkeley who came over in 1642. After retiring to England he lived for a few years and died in 1644. His will dated August 6, 1644 and probated September 24, 1644 made no mention of property in Virginia. In all probability his agent Captain William Pierce had disposed of it as he had done with the Wyatt tract at Jamestown.[29]

28.
Hening, Statutes, Vol. 1, pp. 224-9.

29.
Nugent, Virginia Land Patents, Vol. 1, pp. 25,126,145,148; "Virginia Gleanings in England" contributed by Reginald M. Glenerosa in Virginia Magazine, Vol. 31, p. 238.
Possibly this Captain William Pierce is the same person that has been referred to in f.n. #9 in the body of this study.

4. Walter Chiles, Senior.

Walter Chiles, Sr., was born in England and came to Virginia before 1638, evidently bringing with him in his own ship his wife Elizabeth, and two sons, William and Walter, as well as four other persons. For the transportation of himself and the seven others he was granted 400 acres in Charles City County. In 1642, through the transportation of four others, he increased this to 613 acres, and in 1649, by purchase, to 813. It was in 1648 that he acquired the Wyatt tract at Jamestown. Besides he came into possession of other property on the Island in the vicinity of Black Point.[30]

Walter Chiles was a merchant and interested in discovery. In 1642 he indicated that he was keeping on the alert for new fields of endeavor. In that year, together with Walter Ashton, Rice Hoge, and Joseph Johnson, he petitioned the assembly for permission to "undertake the discoverye of a newe River or unknowne land bearinge west southlye from Appomattock River". They were successful in their first effort for the assembly granted them "all p'fitts whatsoever they can make unto them by wch discovery aforesd for Fourteene years". It would be interesting to know just what success the venture had. A

30.
Nugent, Virginia Land Patents, pp. 103,140,186,198; L-94 (Richmond Land Office, Patent Book 6, p. 413); "The Chiles Family in Virginia" compiled by W. B. Cridlin in Virginia Magazine, Vol. 19, pp. 104-6.

decade later this act to encourage discoveries to the west and south was discontinued in favor of a like grant of discovery to William Claiborne and Captain Henry Fleet to discover unknown places and new sources of trade.[31]

Chiles became prominent at Jamestown although it is not known that he actually lived there until after 1649. He may have, however, for he represented James City County in the House of Burgesses in 1645, 1646, and 1649.[32] In 1653 he represented "James Cittie" itself. In the latter year, in spite of the recommendation of the governor, he was elected as speaker of the assembly "haveing by plurality of votes been chosen", yet he resigned since legislation affecting his private interests was scheduled to come up for settlement by the House of Burgesses. From the data available it seems safe to assume that Walter Chiles was a man of some significance in the colony. In 1651 he was a member of the Council, and by this date he had obtained a military rank of lieutenant-colonel.[33]

Apparently his mercantile efforts were not confined to Virginia,

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31.
Nugent, Virginia Land Patents, pp. 87,103; Hening, Statutes, Vol. 1, pp. 262, 376-7.

32.
In 1642 and 1643 Chiles represented Charles City County.

33.
Hening, Statutes, Vol. 1, pp. 298,322,358,379; "List of Colonial Officers" (from County records) in Virginia Magazine, Vol. 8, p.107.

for as a ship owner he traded with Holland, England, and possibly Brazil. In 1651 his ship "The Fame of Virginia" sailed, with the owner aboard, for Rotterdam. In 1652 he returned stopping first on the eastern shore of Virginia, and later set sail for Jamestown. On the last lap of the journey the ship was seized by Captain Richard Husband on the grounds that Chiles did not have a license from Parliament and that he had a cargo destined for Brazil. During the controversy that followed Husband apparently sailed off with the vessel.

It was in 1653 that the matter came before the House of Burgesses and Chiles resigned from the speakership of that body saying that his "extraordinaire occasion in regarding to the dispatch of some shiping now in the Country, in which he was interested" prevented him from serving. The assembly granted him the ship Leopoldus of Dunkirk, a ship that had been seized for violation of the Navigation Acts, together with its equipment and guns, provided he would pay the price of 400£. In July 1653 the sale was executed and Chiles became the owner of the Leopoldus of Dunkirk, a ship of about 300 tons burden, together "with her guns, tackle, apparel and ffurniture".[34]

Shortly after this it seems that Walter Chiles died, leaving his property at Jamestown to his son, Walter.[35]

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34. Virginia Magazine, Vol. 19, pp. 104-8; Hening, Statutes, Vol. 1, pp. 382-3.

35. Ambler Papers, pp. 54-64.

5. Walter Chiles, Junior.

Walter Chiles, Jr., was probably born in England and came to Virginia with his father before 1638. Apparently he lived at Jamestown with his father and, as the oldest son, took over the property there at his father's death. From then, c. 1653, until his death he continued to live at Jamestown and was active in the life of the town. He married, first, Mary, the daughter of Colonel John Page, by whom he had two children, a son, John, and a daughter, Elizabeth. At the death of Mary he married, a second time, Susannah ------, and by this marriage had a son, Henry.[36]

As a citizen of James City and "James City County" he became a member of the House of Burgesses in 1658-1659, 1660, 1661, 1663 and probably in other years. Besides he was churchwarden at Jamestown, and figured in the settlement of various estates. While a member of the assembly he was entrusted with several responsible duties. In March, 1660/1 he was named to a select committee with power to act in the absence of the governor, or upon his direction in the absence of the assembly. In 1654 he was one of a committee of three "to examine and

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36.
Nugent, Virginia Land Patents, pp. 103-4; Tyler, Encyclopedia of Virginia Biography, Vol. 1, p. 208; "The Chiles Family in Virginia", compiled by W. B. Cridlin in Virginia Magazine, Vol. 19, pp. 211-13.
Elizabeth Chiles married Henry Tyler of Middle Plantation, ancestor of President John Tyler.

state the records as they now are". Apparently the colonial records were in a state of severe neglect, for it was ordered that "for the future soe soone as there is a place convenient to receive them, noe person may have a view of them (unlesse upon publique order) but the clerke of the office or whome else the secretary shall appoint".[37]

At Jamestown Chiles inherited the Wyatt tract from his father along with seventy acres at Black Point. In addition to this he evidently added, or inherited, other property in the town and along the river. He built a residence at Jamestown and among other things grew an orchard. His location must have been a central one for several "paths" converged upon it from other parts of the town. Across the Back river in "Passbehaves" on the "Main" Walter Chiles made improvements that included the construction of buildings. As a result of this improvement, made according to a court order of 1638, his wife, in 1672 received a ninety nine year lease to 200 acres in that quarter.[38]

37.
L-94A ("Foreign Business and Inquisitions", 1665-1676, MSS Div., L of C.Folio 156); L-261 (Minutes of the Council, p. 247); Hening, Statutes, Vol. 1, p. 506 and Vol. 2, pp. 21-2; 197;210-11; Tyler, Cradle of the Republic (1906), p. 92. A further statement concerning the records reads: "It being impossible to keepe the records certaine, when they are prostituted to the view of every one that will looke into them, who may as their interest leads read out what may make against them,..."

38.
Tyler, Encyclopedia of Virginia Biography, Vol. 1, p. 208; L-89 (Richmond Land Office, Patent Book 3, p. 308); L-94 (Richmond Land Office, Patent Book 6, p. 413); L-110 (Richmond Land Office, Patent Book 7, pp. 228-9); Virginia Magazine, Vol. 19, p. 212.

On November 15, 1674 Chiles made his will and probably died in a short time. His will directed that his brick house and land at Jamestown be sold and that the proceeds be added to his estate. His widow married the Reverend James Wadding who moved from Jamestown to Gloucester County a few years later.[39]

6. Edward Hill.

Edward Hill of Charles City County, an enterprising and energetic early Virginian, may have been the son of Edward Hill of Elizabeth City County who distinguished himself in the defence of his home against the Indians in 1622 and who died before 1624. In 1636 Edward Hill of Charles City patented 450 acres of land in that county, and later in 1660, enlarged the grant by 2475 acres. In 1642 he owned land in Henrico County and thirteen years later took out 4,000 acres on the Rappahannock River. The latter grant was due him for the transportation to the colony of eighty "Irish" immigrants.[40]

Hill became a prominent resident of Charles City County. As a member of the militia he rose to the rank of colonel, and served as commander-

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39.
Ambler Papers, pp. 54-54; Virginia Magazine, Vol. 19, pp. 211-13.

40.
Tyler, Encyclopedia of Virginia Biography, Vol.1, pp. 119-20; Nugent, Virginia Land Patents, Vol. 1. pp. 6,93,140,324,405,457.

in-chief in Henrico and Charles City Counties supervising powder and arms as well as helping to maintain contact with the Indians. He served his county in various capacities such as tobacco receiver and justice of the peace, however, not always without criticism.

His interest included the colony and adjoining territory. As early as 1642 he sat in the House of Burgesses. In 1642 along with the governor and other burgesses he took a stand against the re-establishment of the Virginia Company. In 1654 he was elected by unanimous vote to be speaker of the assembly, and was cleared of the accusation brought against him by William Hatcher that he was "an athiest and blasphemer". In 1651, 1655 and at various times until his death he served as a member of the colonial council.[41]

In March, 1645/6 Edward Hill and Thomas Willoughby were commissioned to go to Maryland to demand the return of persons who had left Virginia and gone there. While in Maryland Hill was selected as governor by an insurrectionist party and held office for a short time. When Governor Calvert returned to the capital, however, Hill withdrew and went

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41.
Hening, Statutes, Vol. 1, pp. 229; 230-6, 283, 289, 339, 348, 359, 369, 386, 387, 408, 499, 506, 526, and Vol. 2, p. 199; "Historical and Genealogical Notes and Queries" in Virginia Magazine, Vol. 12, p. 206; "Extracts from Virginia County Records" in Virginia Magazine, Vol. 12, p. 289; "Acts, Orders and Resolutions of the General Assembly of Virginia" (1643-1645) in Virginia Magazine, Vol. 23, p. 229; "List of Colonial Officers (from county records)" in Virginia Magazine, Vol. 8, pp. 107-8.

back to Virginia.[42]

In 1647 Captain Edward Hill petitioned for the right to seat at "Manattico" at the head of the Rappahannock River, and to have a monopoly of the trade on the "Bay of Chispeake". He promised to furnish forty armed men at that point to oppose the Indians if necessary, to supply the settlers with corn at a fixed rate, to enforce trade regulations for the government, and to return all runaway servants that came that way. His petition was granted with certain reservations and: "It [was] enacted and graunted unto the said Capt Hill and his associates that he and they [could] have use and ffreely injoy to theire owne benifitt and behoofe the sole trade of the Bay as aforesaid for and during the tyme and terme of eleaven yeares".[43]

In 1650 Edward Hill was called before the Council because he had without license collected fifty men and conducted an expedition to the lands west of the fall line with the intention of finding gold and silver. However, in March, 1655/6 he was given one hundred men to remove six or seven hundred western Indians that had settled near the falls of the James River. His force, together with that of the friendly

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42.
Hening, Statutes, Vol. 1, p. 321; Tyler, Encyclopedia of Virginia Biography, Vol. 1, pp. 118-120; "Historical and Genealogical Notes and Queries" in Virginia Magazine, Vol. 17, p. 441.

43.
"Acts, Orders and Resolutions of the General Assembly of Virginia" (1643-1646) in Virginia Magazine, Vol. 23, pp. 25-284.

Pamunkey Indians, was severely defeated. This brought down upon him the censure of the assembly which in December, 1655 acted to suspend him from all military and civil offices, and burdened him with the expense incidental to making peace with the "Richahecrians".[44]

It seems safe to assume that the penalties, particularly that debaring him from office, were soon suspended, for in a year or two he was back in the assembly, and remained active until the time of his death about 1663. He left two heirs, Edward Hill and Elizabeth, who married John Carter of "Corotoman" in Lancaster County.[45]

7. John Harris.

John Harris, who purchased one half acre at Jamestown from William Sherwood in 1596 may have been a tailor, and it is probable that he lived in the house on the land which he purchased. After five years he sold his tract, possibly an indication that he left Jamestown. At that time the town was fast being supplanted by the rise of Williamsburg at Middle Plantation. Beyond this, at the present time, little

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44.
Hening, Statutes, Vol. 1, pp. 402-3,426,422-3; Tyler, Encyclopedia of Virginia Biography, Vol. 1, pp. 119-20.

45.
Crozier, Virginia Heraldica, p. 45.

more can be said of John Harris. It may be of interest to note that the name occurs throughout the seventeenth and eighteenth centuries in widely scattered places and at various periods.

As early as 1622 a John Harris and his wife lived in Shirley Hundred, and six years later he represented "Shirley Hundred Maine" in the House of Burgesses. In 1633 there was a John Harris in Northampton County. In 1682 "John Harris of Virginia, Planter" received an indentured servant, a copy of which indenture is a matter of record. Possibly this reference was to John Harris, prominent citizen and office holder in Northumberland County, who sat in the House of Burgesses in 1703-1704. In 1701 there was a John Harris living on "Lower Machotique" creek having a contract to carry the post for a year. In the early part of the eighteenth century there are several mentions of a John Harris. In 1704 John Harris owned 600 acres of land in Nansemond County, 110 in Norfolk, and 145 in New Kent; in 1732 there was a John Harris in King William County; and in 1726

John Harris is supposed to have settled the site of Harrisburg.[46]

There is a possibility, although there is no proof, that the John Harris here in question may have been from the Harris family of Isle of Wight County. The will of Thomas Harris of that county made and proved in 1672 mentions five children, one of them John, and in 1704 John Harris owned 365 acres in Isle of Wight. As late as 1725 there is reference to John Harris deceased who at one time leased land not far from Jamestown.[47]

46.
Hening, Statutes, Vol. 1, pp. 138, 147; Tyler, Encyclopedia of Virginia Biography, Vol. 1, p. 252; "Public Officers in Virginia, 1680" in Virginia Magazine, Vol. 1, p. 226; "Some Colonial Virginia Records" in Virginia Magazine, Vol. 11, p. 168; "Moravian Diaries of Travels Through Virginia" edited by Rev. William J. Hinke and Charles H. Kemper in Virginia Magazine, Vol. 12, p. 138; "The Randolph Manuscript" in Virginia Magazine, Vol. 16, p. 10; "Major John Harris, Northumberland County" in Virginia Magazine, Vol. 25, pp. 417-9; "List of Tithables in Northampton County, Virginia, August, 1666" in Virginia Magazine, Vol. 10, p. 259; "Indenture of a Servant Going to Virginia" in Virginia Magazine, Vol. 35, p. 299; "Virginia Quit Rent Rolls, 1704", in Virginia Magazine, Vol. 31, p. 221; Vol. 29, p. 404; and Vol. 30, p. 24; "Vestry Book of King William Parish, Virginia, 1707-1750", in Virginia Magazine, Vol. 13, p. 70, 275.

47.
"Isle of Wight County Records" in William and Mary Quarterly, First Series, Vol. 7, p. 237; "James City County Petitions" in Tylers Quarterly Historical and Genealogical Magazine, Vol. 2, p. 182; "Virginia Quit Rent Rolls, 1704", in Virginia Magazine, Vol. 29, p. 338.

Appendix B - Some Pertinent Deeds, Patents and Documents.

1. Kemp Patent, 1638.

(Jamestown: Land Patents, pp. 65-6 (R.L.Off., Patent Book 1, Vol. II, pp. 537-538.)

To all to whome these presents shall come I Sr John Harvey Kt Governr &c send &c Whereas for the building and peopling of James Citty it was enacted at a Grand Assembly holden the 20th of ffebruary 1636 that all Undertakers to build upon James Island should bee encouraged by a graunt of a convenient Pporcon of ground for howsing and a gardin plott &c Now Know yee therefore that I the said Sr John Harvey Kt doe by these presents according to the said Act of Assembly give and graunt unto Richard Kemp Esqr a Poell of Land scituate lying and being in James Citty conteyning tenn pole in length towards the water side and eight pole in breadth the totall being Eighty pole betweenthe Land of Mr Thomas Hill and Richard Tree To have and to hold the said Poell of Land &c To bee held of or Soveraigne Lord the King his heires and Successors as of &c Yeilding and paying unto or said Soveraigne Lord the King his heires and Successors forever to his or their Governr or Leift for the time being for the said Poell of Land yearely at the feast of St Thomas the Appstle the rent of one Capon Provided alwaies that if the said Richard Kemp his heires and assignes shall not build upon the said Poell of land within the time

or terme of Six monthes after the date of these presents That then it shall bee lawfull for any other to make Choice of the same Land and build upon the same Given at James Cittie the first of August 1638 Ut in aliis (Vist) in Alexander Stoners pattent for Land in James Cittie Island

[Endorsement]

Richard Kemp Esqr a tract of Land in James Citty 80 poles

2. Wyatt Patent, 1641.

(Ambler Papers, p. 2 (Am. P. No. 3)).

Att a Court holden Att James Citty 13th of Sher ---
1641

Present

Sr:Francis Wyat Knt: Governr
Capt: John West — Mr Wm: Broeas
Capt Wm: Peirce — Mr Amb: Harmar
Mr: Geo: Menefye — Mr Richd: Bennet

The Court hath ordered that a Lease shall be drawen for twenty one yeares to ye Rt: Worpld Sr:Francis Wyat Knt: Governr &c for fifty acres of land in Paspyhaies, as alsoe yt a Pattent be granted unto ye Sd Sr Francis Wyat Knt: for three acres of land in James Citty Island, adioining unto ye land formerly granted unto Mr Richd Kemp, and Since conveyed unto ye Sd Sr Francis Wyat by ye Sd Mr Kemp

Copia Vera

Read Mdwd: Chilton Cl eff

[Endorsements]

Mr. Sherwood his paper

Coppy grant of 3 acr Land to Sr ffra: Wyatt - 13d Sbr 1641

3. Berkeley to Chiles, Dead, 1649.

(Ambler Papers, pp. 3-5 (Am. P. No. 4)).

This Indenture made the three & twentyth day of March Anno Domi 1649 & in the second yeare of yo reign [tera] of or Lord Charles by yo grace of god King of England Scotland ffrance & Ireland defendr of yo ffayth &c yo second of that name. Betweene the Honorable Sr Willm Berkeley Govr and Capt genll of Virginia of yo one Pt and Watr Chiles of James Citty in Virginia gent. of yo other Pt Witnesseth That yo sd Sr Wm Berkeley for and in Consideracon of yo sume of six & twenty thousand pounds of tobacco to him in hand payd by yo sd Watr Chiles before yo ensealing & delivery thereof, for woh hee acknowledgeth himselfe fully satisfyed & from woh paymt hee hath fully discharged the sd Watr Chiles his heyres executrs and Admrs, hath given granted Bargained sold alienes assigned & sett over & doth by these prates give grant Bargain sell Alein, Assign and sett over, unto yo sd Water Chiles his heyres and Assignes for ever. All yt his messuage or

mansion house, together wth All gardens orchardes yard Backsides, out houses buildinges and hereditamts & appurtenances whatsoever to yᵉ sayd messuage or mansion house belonging, or in any wise Appertayning scituate lyeing & Being in James Citty, late in yᵉ tenure and occupacon of Richd Kemp esqr and by him Conveyed unto Sr ffrancis Wyatt Kt & purchased by yᵉ sd Sr Wm Berkeley of Capt Wm Peirce attorney for yᵉ sd Sr ffrancis Wyatt, all wch writings remayne uppon record in yᵉ Secretaryes office in James as relat [tora] thereunto being had more at Large appeareth together also wth one Peell or plott of ground granted to yᵉ sd Sr ffrancis by ordr of court Conteyning three acres more or Lesse and being in James Citty aforesayd adioyning to yᵉ Land whereon the sayd messuage standeth To have and to hold the sayd houseing land and other the prmises aforesayd wth his due shares of all mines and mineralls herein Conteyned wth all rights and priveledges thereunto belonging, unto the sayd Watr Chiles his heyres & Assi for ever in as Large and ample manner & forme to all Intents & purposes as yᵉ sd Prmises are or have beene formerly granted, unto them the sd Richd Kemp, Sr ffra: Wyatt, or the sayd Sr Wm Berkeley, by vertue of any former deeds of grant made unto them either by pattent or Conveyance To have and to hold the aforesayd pmises and every Pt and Peell thereof undr the tenures, rents, services, & condicoyn in yᵉ sd deedes of grant menconed and expressed unto the sayd Watr

Chiles his heyres and Assi. for ever And the sayd Sr Wm Berkeley for himselfe his heyres executors & Admrs, doth Covenant and grant to & wth ye sd Watr Chiles his heyres executrs & Admrs yt hee is at this prsent seized of an undefeizible estate in ye prmisses, in fee simple according to ye tenor and purpose of ye afore mencoed deedes of grant, and if the prmisses are free and Clea [torn] and shall bee alwayes made free and Cleare by ye sd Sr Wm Berk [torn] heyres executrs and Admrs, from all former Bargaines Sales, forfeitures, dowres, Judmts executions or any other Incumbrances whatso [torn] made donne or suffered by ye sayd Sr Wm Berkeley, Sr ffra: Wyatt or Richd Kemp esqr afforesayd And the sayd Sr Wm Berkeley [torn] these presents furthr Covenant & grant to and wth ye sd Watr Chiles his heyres and Assi, yt hee ye sayd Sr Wm Be [torn] his h[torn] & Admrs shall and will at all tymes hereafter warrt & defend ye forecited [torn] to ye sd Watr Chiles his heyres [torn] exec [torn] Admrs [blurred] Psons whatso [blurred] Witne [torn] Berkeley hath hereunto put his hand and seale the day and yeare above written ---

Signed sealed and delivded
in Psence of Tho: Culpeper

William Berkeley

Edw: Hill
Rich Lee

[Endorsement]

Sr W Berkeleys deed of sale to Mr Chiles of the Brick house ferarly Mr. Secry Kemps with ye 3 acres land

4. Wadding to Page, Deed, 1673.

(Ambler Papers, pp. 54-54 (Am. P. No. 24))

This Indenture made the Twentieth day of November In the ffive & twentith yeare of the Reigne of our Soveraigne Lord Charles the second by the grace of God king of England, Scotland, ffrance, & Ireland, defendr of the ffaith &c Annoqr Dn 1673. Betweene James Wadding of the parrish and County of James Citty Clerke, and Susanna his wife, late the wife, & Executrix of Walter Chiles of James Citty aforesaid Gent deceased, of the one Pt, and John Page of the parrish of Brewton in the County of Yorke Merchant, of the other Pt, Whereas by Indenture beareing date the three & twentith day of March one thousand six hundred fforty Nine, made betweene the Rt honble Sr William Berkeley knt Governr & Capt Generall of Virginia of the one part, and Walter Chiles of James Citty aforesaid Gent, (father of the aforesaid Walter Chiles) of the other Pt, The said Sr William Berkeley, for a good & valuable consideracon to him paid by the said Walter Chiles the father, Did give, grant, bargaine, & sell, to the said Walter Chiles, his heires & Assignes, for ever, All that Messuage or Mansion howse, together with all Gardens, orchards, yards, backsides, outhowses, buildings, hereditaments, & appurtences, to the said Messuage or Man-

sion howse belonging, or in any wise appteyning, scittuate, lyeing & being in James Citty, then late in the tenmure & occupacon of Richard Kemp Esqr and by him conveyed to Sr ffrancis Wyatt knt and purchased by the said Sr William Berkeley, of Capt William peirse, Attorney of the said Sr ffrancis Wyatt, togeather with one Peell or plott of ground, granted to the said Sr ffrancis Wyatt, by order of Court, conteyning by estimacon three acres be the same more or less, & being in James Citty aforesaid, and adioyneing to the land, whereon the said Messuage standeth, To Have and to Hold, the said howseing, land, and other the premisses aforesaid, with it's due share of all Mines & Mineralls therein conteyned, with all rights, & priviledges thereto belonging, (and to the Rents & services & condicons in the first deed of graunt mencoth) unto the said Walter Chiles the father, his heires & Assignes, for ever, As in & by the said Indenture amongst other Covents therein conteyned, relacon thereunto being had, more fully & att large itt doth, & may appeare, By vertue of which said Indenture of bargaine & sale, the said Walter Chiles the father, became lawfully & rightfully seized in his demesne as of ffee simple, to him & his heires for ever, of in & to the said Messuage & premisses, & three acres of land, with theire & every of theire Appurtences, And accordingly entred into & upon the same, & every part thereof, & quietly enioyed the same for diverse yeares,

And in or about the yeare of our Lord, one thousand six hundred ffifty & three, the said Walter Chiles the father dyed, (leaveing the said Walter Chiles (late husband to the said Susanna Wadding Pty to these pats) his eldest son & heire att law) By which meanes the said Messuages, outhowses, & premisses, and the said three acres of land, with theire & every of theire appurtences descended & came, to the said Walter Chiles the sonn, and the said Walter Chiles the sonn accordingly entred into the Said Messuage, outhowses, land & premisses with the appurtences, and by himselfe & his tennants quietly, held & enioyed the same, & built a Brick howse or tenement conteyning in length thirty Seven foote, neere adioyneing to the aforesaid Messuage, And the said Walter Chiles the sonn being soe seized of a good estate of ffee simple of in & to the said Messuages or tenaments, & three acres of land, with theire & every of theire appurtences, the ffifteenth day of November Ao Dom, one thousand six hundred Seventy one, he the said Walter Chiles the son made his last will and testament in writeing, and Susanna his then wife (now Susanna Wadding Pty to these presents) sold Executrix thereof, And in the said Will, amongst other things therein conteymed, did direct & appoint, that his Brick howse, with the land & appurtences, and all other his Land, att James Citty, should be sold, and the produce thereof to be added to his the said Walter Chiles Estate; Shortly after the makeing of which will the said Walter

Chiles the son dyed, After whose decease the said Susanna, [illegible] relict, & Executrix of the said will, proved the same in the County Court held for James Citty, and tooke upon her, the Execucon thereof. As in & by the said will remaineing upon Record, in the Records of the County Court of James Citty, relacon thereunto being had, more fully & att large, itt doth and may appeare, Now this Indenture wittnesseth, that the said James Wadding, and Susanna his wife, Executrix of the last will & testament of the said Walter Chiles, (In Psuance & Pformance of the said last will & testament of the said Walter Chiles) ffor & in consideracon of the Sume of Tenn thousand pounds of sweete scented tobacco & Caskes to them or one of them in hand paid, by the said John Page, the receipt whereof they the said JamesWadding, & Susanna his wife, doe hereby acknowledge, and thereof, & of every part thereof, doe acquitt, exonerate, & discharge the said John Page, his heires, Execurs & Admstrators for ever, & for diverse other good causes & consideracons them hereunto moveing, Have, given, granted, bargained, sold, alisned, enfeoffed, & confirmed and by these pnts, doe fully, freely, & absolutely, give, grant, bargaine, sell, aliene, enfeoffe, & confirme, unto the said John Page, his heires & Assignes for ever All that the said Messuage or Mansion howse, heretofore in the possession of the said Richard Kempt Esqr and late in the possession of Thomas Sully, And alsoe all that other Messuage

or tenement built by the said Walter Chiles the son, lately in the tenure & occupacon of Majr Theophilus Home, And all gardens, orchards, yards, backsides, outhowses, buildings, & appurtences whatsoever to the said two Messuages belonging or in any wise appertayning, And alsoe the said three acres of Land, adioyneing to the Land, whereon the said Messuage or Mansion howse standeth; together with all Mines & Mineralls therein contayned, with all rights & priviledges to the same, or any part thereof belonging. To Have and toHold the said two Messuages or tenements, and the said land, with all gardens, orchards, yards, backsides, outhowses, buildings, & appurtences whatsoever, together with all rights, priviledges, preffitts, & comodities to the same or any Pt thereof belonging, unto the said John Page his heires & Assignes, to his & theire owne perp use & behoofe from henceforth for ever, and to noe other use, intent, or purpose whatsoever; he the Said John Page his heires & Assignes, paying & dischargeing the Rent, service, & condicons in the first deed of sale mencoed & expressed, And the said James Wadding & Susanna his wife, doe for themselves theire heires, Execrs & Admistrators Covent, promise, grant, & agree, to & with the said John Page his heires & Assignes by these presents; That they the said James Wadding & Susanna his wife, or one of them, (by vertue, & in Pformance of the last will of the said Walter Chiles, and notwithstanding any act or things don by the said James Wadding & Susanna

his wife, or either of them to the contrary) Have att the time of thensealeing & delivery of these presents, full power, just right, & lawfull authority, to grant, bargaine, & sell, the said two Messuages, Land & prmisses, & every Pt & Peell thereof, with theire & every of theire appurtences, to him the said John Page, his heires & Assignes for ever in such manner and forme as is before in & by these presents mencoed & expressed, And that the said Messuages, Land, & premisses sold, & assigned to the said John Page his heires & Assignes in manner and forme as aforesaid, with the appurtences; Shall for ever remaine & continue unto the said John Page his heires & Assignes, ffreely & cleerely exonerated and discharged, of & from all and all manner of former or other, bargaines, sales, guifts grants, dowers, Joyntures, Leases, Rents, uses, entayles, forfeitures, Judgments, & Incumbrances whatsoever had, made, comitted, or don, or willingly or wittingly Pmitted, to be comitted or don, by the said James Wadding & Susanna hiswife, or either of them, or by the said Walter Chiles late husband to the said Susanna, or the said Walter Chiles father of the said Walter, or by his, her, either, or any of theire assent, privity, or procurement, And that he the said John Page his heires & Assignes, shall & may att all times for ever, from and after the date of these presents, Lawfully, peaceably, & quietly, have, hold, occupye, & possess, & enioy, according to the true intent

and meaneing of these presents, The said two Messuages, land, and premisses, with theire and every of theire appurtences, without the lett, suite, trouble, eviction, or disturbance of them the said James Wadding & Susanna his wife, or either of them, theire or either of theire heires Execrs or Administrator or of the heires or Assignes of the said Walter Chiles the father, or Walter Chiles the son, or either of them, And alsoe against the claime, right, title, and interest, of any other Pson or Psons whatsoever, claimeing or lawfully haveing, or which may hereafter have, or lawfully clayme, any right title, or interest; of, in, or to, the said bargained premisses, or any part or parcell thereof, And the said James Wadding & Susanna his wife, doe further for themselves & either of them, Covent promise grant & agree, with the said John Page, his heires & Assignes by these pnts: That they the said James Wadding & Susanna his wife, & either of them, theire or either of theire heires, Shall and will att any time & times hereafter, (within the Space of Seven yeares) att the reasonable request, & att the costs & charges in Law, of the said John Page his heires or Assignes, make, doe, acknowledge, and execute, or cause to be made, don, acknowledged, and executed, all & every such further and other, lawfull & reasonable act, & acts, things & things, devise, & devises, conveyances and assurances in the Law whatsoever for the further, better, & more Pfect assureing and sure makeing, of the said Messuages, land, and premisses before

mencoed to be granted, bargained, and sold & every Pt, and Peell thereof, unto the Said John Page his heires & Assignes for ever, as by the said John Page his heires or Assignes or his or theire Councell learned in the Law, Shall be reasonably, devised, advised, or required, be itt by deed or deeds, feoffment, acknowledgment in Court, or by any other waies or meanes whatsoever; In witness whereof the Ptie̅s afore said to these present Indentures of bargaine and sale Interchangably, have putt theire hands and seales the day and yeare first before written.

Memoranda that this twentieth day of November 1672. the said James Wadding & Susanna his wife, did enter into & upon the Messuages Land & prmisses before mencoed, and Livery & Seizen of the same, did deliver to the said John Page by twigg & turfe, To be hold, by the said John Page his heires & Assignes for ever, according to the true intent and meaneing of these presents; And alsoe this deed was by them the said James Wadding & Susanna his

wife, Signed, Sealed and delivered

in presence of us

Qu Jaine

Edw: Harrison

The 8th Debr. 1673

This Deed Acknowledg'd

in Court by the abovenamed

James Waddinge And Susan

Wadding & is ordr'd to be

Recorded which is Accordingly

Done:

Test

Jon: Kirkman

Cl Curo

James Waddinge (...) (SEAL)

Susan Waddinge (SEAL)

[Endorsements]

No. 60

Deed from Mr Waddinge & Susanna his wife for the Brick

Houses at James City

Recordy ꝑ Mr Wadding Debr 1673

Waddinge to John Page 1673 [in pencil]

5. Hill to Chiles, Deed, 1658

(Ambler Papers, pp. 8-9 (Am. P. No. 6))

This Indenture made ye fifth day of August in ye years of our lord 1658 Betweene Edward Hill of Charles Citty county in Virginia esqr and Elizabeth his wife on the one part and Water Chiles of James Citty in Virginia aforesaid gent: on ye other part Witnesseth That ye said Edward Hill and Elizabeth his wife for a valuable Consideration in hand received hath given granted bargained sold assigned and set over and doth by these presents give grant bargaine sell assigne & set over unto the said Water Chiles All the right title and Interest that they or either of them have to One Brick house Scituate in James citty aforesaid beinge ye next house on ye Westward end of Mrs Rix her house, and now in ye possession of ye said Edward Hill as alsoe all ye right title & Interest they have to all the outhouses and Land belonging to ye above said house, and the said Edward Hill and Elizabeth his wife doth hereby Covenant and grant to and with the said Water Chiles his heyrs Execrs Admrs and assignes that hee or they shall quitely & peaceably have hold occupy possess and enioy the right and Interest that the said Edward Hill and Elizabeth his wife or either of them have to the aforesaid premises or any part or parcell thereof without ye least trouble molestation or disturbance of them the said Edward Hill

and Elizabeth his wife or either of them or either of theire heyrs Exrs Admrs and assignes or any other persons whatsoever by theire procurement, In Witness whereof the said Edward Hill and Elizabeth his wife hath hereunto set their hands and seales ye day & yeare above written

Edw: Hill:

Signed Sealed & delivered in ye presence of us

Eliza: [torn]

Her marke

Mathew Edloe

Edward Sanderson Jr

James Citty August ye 6th 1658
Acknowledged in Cort
Test Ro: Meriwether Cl Cur

[Indorsement]

to Mr Water [Chiles] August 10th 58 Recorded in the records of James Citty County Cort Teste W. Meri-wether Cl Cur

6. Sherwood Survey, 1682.

(Ambler Papers, p. 96 (Am. P. No. 34))

Survey'd ye 27th day of October 1682 for mr Wm Sherwood three Acres & halfe of Land in James Citty Island bounded as followeth:

begning beginning at ye S W. Corner of his Acre of Land & runing N 88° 0' Wly 7,4. ch N 10° 0'. Nly 19,5. ch: to Pitch & Tarr Swamp & down it S. 70° 0': Nly 6,28. ch to his forme Land & along ye Same S 5° 30'. Wly: 15. ch: S 12° 45'. Wly 4. ch S: 16° 45. Wly 2,21 ch to ye place it began: Including ye Ruins of Sqr Kemps old Brick house

Jno Soane

[Endorsement]

No. 74

Cert of ye Survey of ye. land f --- bought of Coll page

7. Sherwood to Harris, Deed, 1695.

(Ambler Papers, pp. 147-150 (Am. P. No. 59))

This Indenture made this eleventh day of May Anno Domini 1695 by and between Wm Sherwood of James Citty Gent on ye one part, And John Harries of ye same place on ye other part Witnesseth that the said Wm Sherwood for divers good causes & consideracons him thereunto moveing, but more especially for & in Consideracon of twenty pounds sterl. in hand already recd & paid by ye sd John Harries, as also ye sum of fifteen pounds sterl secured to be paid, doth by these presents bargaine sell alienate confirm, convey, & make over, & hath by these presents bargained sold alienated, confirmed,

conveyed & made over unto ye sd John Harriss a quantity of Land situate Lying & being in James City aforesd, being part of a parcel of Land purchased by ye sd Sherwood of John Page Esqr late decd, being late in ye Occupation of Mr Secretary Wormley bounded as followeth (viz) beginning at a stake in ye Line on Cmeences Land formerly ffitchetts Land, & runing along on ye South side of ye Mulberry trees ninety feet, thence Wely towards ye maine road forty foot, thence N: W: near ye sd Maine Road to ye Corner of Cmeences Land one hundred foot, & so along ye line of Cmeences Land to ye place or stake it first began. To have, and to hold, ye sd parcel or quantity of Land, wth all & singular its rights members Jurisdictions & appurtenances, together wth one dwelling house in & upon ye same erected wth a brick chimney, & all ways, easmts enclosures, profits & comodities thereupon & there unto belonging or in any wise appertaineing, & in as full & ample a manner to all intents Constructions & purposes as is granted by Patent, And to ye only proper use & behoofe of him ye sd John Harris, his heires & assignes for ever, And ye sd Wm Sherwood doth hereby covenant, promise grant, & agree for & in behalf of himself, his heires &ca to & wth ye sd John Harriss his heires & assignes to warrant & defend ye above granted premisses, & every part & parcel thereof, wth its rights members Jurisdictions & appurtenances to be free & clear & freely & clearly acquitted exonerated & discharged off & from all, & all manner of former & other

gifts, grants, bargains, sales sealed Indentures leases, ffeofmts Jointure thirds dower title of dower, entailes Wills, & all other titles, charges, & incumbrances wtsoever and further that ye sd John Harriss his heires & assignes may & shall from time to time & at all times for ever hereafter, use occupy possess & enjoy ye above granted premisses, & every part & parcel thereof peaceably & quitely, And have receive & take ye issues profits & comodities thereof, to his & their proper use & behoof for ever, wthout any lawful let mute trouble denial interruption, eviction or disturbance of him ye sd Wm Sherwood his heires &c or of any other persons wtsoever, claimeing by, from, or under him, them, or any of them, or by his, or their meanes, act, title, or procurement; And the sd Wm Sherwood doth further covenant & agree for himself, his heires &c to & with ye sd John Harriss his heires & assignes, to make do perform & accomplish, all & every such further & other Act & Acts, thing & things, devise & devises wtsoever in ye Law, for ye better strengthening & confirming of ye premisses, be it by deed or deeds, enrolled, or not enrolled ye enrollmt of these presents, wth relinquishmt of Dower or by any other way whatsoever, as shall be ye sd John Harris his heires or assignes, or by his or their Counsil learned in ye law, be reasonably devised advised or required at his or their cost & charges in Law In witness whereof ye sd parties to two Indentures

both of this Tenour & date have interchangeably Set their hands & Seales ye day & year above written these words (at his or their cost & charges in Law)

interlin'd before sign'd & Seald

Signed, sealed & deliverd in.

the presence of us John Harris (SEAL)

Dionisius Wright

John Watson

[Endorsement]

No. 45

Counter Pt of ye Deed to John Harris

Appendix C - Fragment of Chain of Title to the Country House and Associated Property.

The Country House, or Governor's Residence, at Jamestown as a result of archeological and historical research seems to have been located on the Newell tract. The house and associated property originally "belonged to the Country" and was "sould" by the General Assembly.[1]

General Assembly To Major Richard Webster	"the brick house formerly called The Country house which said house and land formerly belonged to the Country and by the Honeble The Grand Assembly was sould and assigned to Major Richard Webster"	(2)
Richard Webster To Richard Ricks (or Rix)	Transfer of the above mentioned property.	(3)
Elizabeth Shipdham (wife of Richard Rix) To John Phipps	Transfer of Country House and associated land.	October 17, 1690 (4)

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1. Jamestown Land Patents, p. 138 (Patents 7, p. 98).
2. Ibid.
3. Ibid.
4. Ambler Papers, pp. 10-12 (Am. P. No. 10)

John Phipps To John Knowles	"The Brick house comonly called and knowne by the name of the Country house with all the Land thereto belonginge..."	October 5, 1651 (5)
John Knowles To Jonathan Newell	In 1668 John Knowles sold a large tract of more than 133 acres to Jonathan Newell. It included the Country House and land associated with it.	April 18, 1668 (6)
Jonathan Newell To David Newell	The property of Jonathan Newell at his death passed to David Newell "The onely Brother & hiere of Jonathan Newell, late of Yorke County Merchant dced."	(7)
David Newell To William Sherwood	David Newell sold "...the ruines of the aforesaid house [Country House] scittuate att James City on wch ye said Majr Neme formrly lived, with one full Acre of Land lyeing next, & adioyneing to ye said house..."	(8)

(On February 7, 1675 the above one acre and "A certaine messuage or Tenement" had been sold to William Glasborne, Jr. and William Sherwood, however it was resold, October 31, 1676 to David Newell.)

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5. Ambler Papers, pp. 10-13. (Am. P. No. 10).
6. Ambler Papers, p. 92 (Am. P. No. 38).
7. Ibid., pp. 67-8 (Am. P. No. 26).
8. Ibid.

In 1681 William Sherwood Acquired a patent for this one acre tract	"one acre of land scituate lying and being in James City on which formerly stood the brick house formerly called The Country house...[from]...the said David [Newell] by deed of sale under his hand and seale dated the sirth of ffebruary One Thousand six hundred seaventy & seven". It included "the ruins of the said house and the said acre of land..." (This patent includes a survey of the acre.)	April 23, 1681 (9)

On February 5, 1681/2 William Sherwood acquired the entire tract (133 acres, 35 chains, 9 decimal points, including the one acre bought in 1677) which passed from John Knowles to Jonathan Newell in 1668. This included the areas shown on Map No. 2 as the Potts-Phipps and Webster tracts.[10]

Charles E. Hatch, Jr.
Junior Historical Technician.

Report submitted for typing, June 7, 1940.
Typing completed, July 11, 1940.
Photographs received and report bound, August 23, 1940.

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9. Jamestown Land Patents, pp. 138-40.
10. Ambler Papers, pp. 92-5.

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