

Getting his place in history

Founder of Clark's Corner, now Harrington, honored

By **PATRICIA TALORICO**

Special to The News Journal

HARRINGTON — They came from as far away as Houston, Texas, to honor the man who founded a town.

About 300 people gathered Sunday for the unveiling of monuments honoring Matthew Jarrard Clark, founder of Clark's Corner, now known as Harrington. The celebration drew about 50 members of the family.

"It was wonderful to see this family together ... and you could hear people say things like, 'Oh, look, there's so and so,' and, 'Oh, there's my second cousin ...,'" said Grace C. Welch, who organized the event.

Clark's ancestors came to the area in 1733. Judge Thomas Clark bought the first piece of land and passed it to his descendants. Matthew Jarrard Clark, the last to receive land, sold several lots in 1856. He also laid out the town, built the first railroad depot and became the first postmaster of Clark's Corner.

No Clark family members now live in Harrington. The state legislature changed the name in 1859 to honor Samuel M. Harrington, who was responsible for bringing the railroad to the city.

Ronald H. Clark of Newark initiated the Founders Day celebration after he began researching his family roots more than a year ago. He said he had heard "rumors" when he was a child that a family member had founded a town, "but I dismissed them because I never found it on a map."

When he found out his great-grandfather, Matthew Jarrard Clark, was the town's founder, he "was elated. This whole year has been amazing."

Ronald Clark said he met "a lot of family" Sunday that he hadn't known before. They included cousin William Clark and his family, who were on vacation from Houston, Texas.

A state historical marker was placed at Mechanic and Commerce streets, near the spot where the Clark Tavern once stood, said Jean Miller, chairman of the archives committee. A marble marker was unveiled



Special to The News Journal/**DAVID CROUT**

A sign honoring Matthew Jarrard Clark is unveiled Sunday.

at Mechanic street in front of the fire company at the site of the Clark Cemetery.

Dr. Howard Row, acting director of the Delaware Heritage Commission, was scheduled to unveil the marker — but he declined in favor of Ronald Clark's young nephews, Benjamin "Champ" and David John Clark.

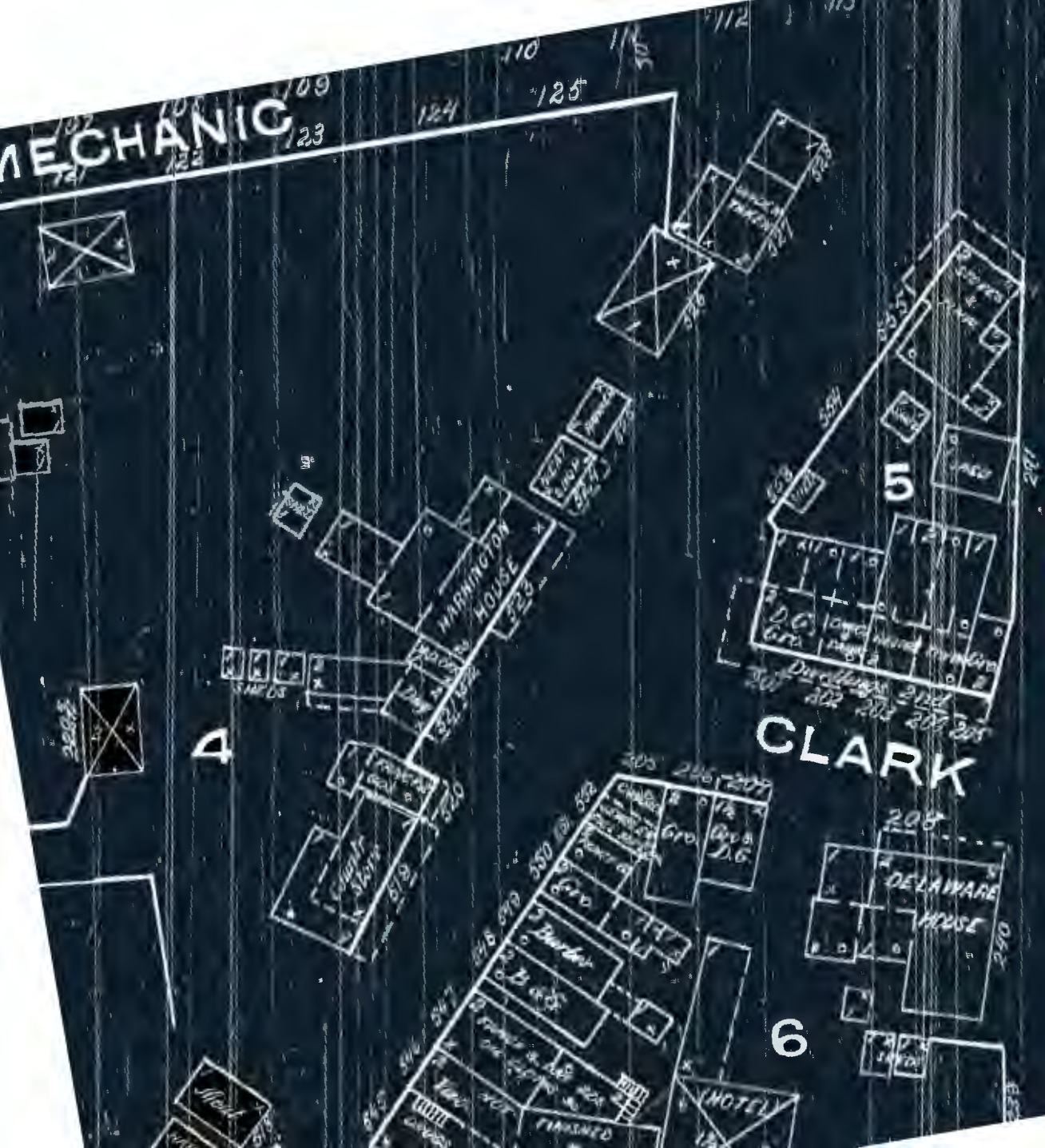
An Act to incorporate the Town of Harrington

Section 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring) That William T. Pauley, Thomas H. Dorman, William Shaw, James H. Hickory and Martin H. Harrington, are hereby appointed Commissioners whose duty it shall be with the assistance of some skilful Surveyor to be by them chosen to survey and lay down on a plot the town of Harrington in Kent County establishing its limits and marking and describing its streets, alleys, lanes and sidewalks and shall when all the service is performed return the plot under their hands to the Recorder's office at Dover to be recorded and the original and the record or certified copy thereof shall be evidence; all the Commissioners must act but the decision of a majority shall govern. They and the Surveyor before entering on the duties under this section shall take an oath or affirmation to discharge them with fidelity; and the aforesaid return shall show that this qualification was complied with.

appointed Commissioners whose duty it shall be with the assistance of some skilful Surveyor to be by them chosen to survey and lay down on a plot the town of Harrington in Kent County establishing its limits and marking and describing its streets, alleys, lanes and sidewalks and shall when all the service is performed return the plot under their hands to the Recorder's office at Dover to be recorded and the original and the record or certified copy thereof shall be evidence; all the Commissioners must act but the decision of a majority shall govern. They and the Surveyor before entering on the duties under this section shall take an oath or affirmation to discharge them with fidelity; and the aforesaid returns shall show that this qualification was complied with.

Section 3. And be it further enacted, That the Commissioners hereby appointed and their successors in office be elected as hereinafter provided shall be and they are hereby created a body politic and corporate in law and in fact and the said Commissioners and their successors shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts in this State by the

MECHANIC



RAIL ROAD AV

CLARK

6

P. W. B. R. H.

Wm. H. R.

An Act to change the name
of the place called Clark's
Corner or Junction Station.

1-31-1889

copied

An Act to change the name of the place called Clark's Corner or Junction Station.
 Section 1. Be it enacted by the Senate and House of Representatives of the State of
 Delaware in General Assembly met: That the place called Clark's Corner or Junction
 Station on the Delaware Rail Road in Millsville Hundred, Kent County and State
 of Delaware shall, from and after the passage of this act, be called and known by the
 name of Harrington, which shall be its proper designation.

Passed at Dover January 31. 1859.

Wm. P. Jackson Speaker
 of the House of Reps.

M. M. Clarke

Speaker of the Senate

To the honourable Nicholas Ridgely Chancellor of the State
of Delaware,

Humbly complaining sheweth unto your Honour your
Oratrix Sarah Harrington of Kent county in the said State,
widow

That on or about the eighteenth day of February in the year
of our Lord one thousand seven hundred and ninety four
Francis Mangy Esquire then Recorder of Deeds in Kent county
aforesaid in due manner according to the form of the Act of the
General Assembly in such case made and provided issued a
special warrant under his hand and seal of office bearing date
the said day and year directed to George M^cCall Esquire Surveyor
of Kent^{county}, by which warrant after a recital therein, that Benjamin
Clark and Matthew Clark of the county aforesaid had
applied to the said Francis Mangy Recorder of Deeds in the
county aforesaid to issue a special Warrant to survey and locate
some land adjoining their land, situate in Mispillion Hun-
dred in Kent county aforesaid which they alleged was vacant
and uncultivated, he the said Surveyor was authorized to
survey and locate the said land and to return a plot there-
of which should contain the courses and distances of the several
lines thereof, a description of the boundaries, creeks, branches and
rivulets surveyed or lying within the lines of the said plot, the
names of the Owners of the contiguous or adjoining lands, and the
quantity of land thereby surveyed together with that warrant
within six months after the date thereof, to the Examiner
appointed and commissioned by the Governor, who was there-
by required to examine said plot, and if it should be imper-
fect to return the same to the Surveyor &c, but if it should be appro-
ved by him, to certify his approbation thereof on said plot,
signed by him and return the same to the Recorder of Deeds

for Kent county aforesaid and that warrant; and the said George M. Tall Esquire then being surveyor of Kent county aforesaid did by virtue of said warrant on the third day of June in the same year survey and locate for the said Benjamin Clark and Matthew Clark a tract of land situate in the Forest of Missillion Hundred in Kent county aforesaid containing one hundred and two acres and seventy two square perches of land, swamp and branch cripple called Overplus, and adjoining a tract of land called Clark's Folly and did return a plot thereof in due manner made to Thomas White Esquire the Examiner for the time then appointed and commissioned by the Governor and the said Thomas White Esquire as such Examiner did approve the same and afterward to wit on the thirtieth day of December in the same year did certify under his hand on the said plot his approbation thereof and return the same with said warrant to the said Francis M. Recorder of Deeds as aforesaid and afterward to wit on the seventh day of May in the year of our Lord one thousand seven hundred and ninety five Thomas Sipple Esquire the Treasurer of the State of Delaware for the time then being by his receipt of that date under his hand as such Treasurer acknowledged that he had received from the said Benjamin Clark and Matthew Clark the sum of fifty one dollar and forty five cents for the said land so located and surveyed being fifty cents per acre therefor; as by the said warrant recorded in the office for recording of Deeds in and for Kent county aforesaid in Warrant Book A. fo 30 and the said plot, certificate of approbation and receipt recorded in the same office in the same book fo. 100, to which records your oratrix craves leave to have reference at large appears; and that afterward to wit on the fourteenth day of

September in the year of our Lord one thousand seven hundred and ninety five a Patent was in due manner and form pursuant to the Premises issued, signed by Joshua Clayton Esquire then the Governor of the State of Delaware, by James Booth Esquire then Secretary of the said State and by Simon Wilson Esquire then Recorder of Deeds for Kent county aforesaid, and with the Great Seal of the said State affixed thereto and by the said Patent the aforesaid tract of land called Overplus containing One hundred and two acres and seventy two perches was in consideration of the aforesaid sum of fifty one dollars and forty five cents granted to the aforesaid Benjamin Clark and Matthew Clark, to Have and to Hold to the said Benjamin Clark and Matthew Clark their heirs and assigns forever as theirs and their Absolute and unconditional estate and property free and clear of all reservations of rents and services whatsoever. As by the said Patent recorded in the Office aforesaid in Patent Book A. fo. 31, to which record your Oratrix refers and prays that the same together with the record of the warrant and survey aforesaid may be considered as parts of this her Bill, at large appears;

And your Oratrix further sheweth to your Honour, that although the aforesaid warrant was issued, and the aforesaid survey was made, and the aforesaid Patent was granted, in the joint names of the aforesaid Benjamin Clark and Matthew Clark, that in fact all the charges and expenses, and the aforesaid Consideration of fifty one dollars and forty five cents were paid and born by the said Benjamin Clark solely, and the said Matthew Clark paid no part of the charges and expenses of the aforesaid proceedings or of the aforesaid Consideration, and that the said Benjamin Clark was the father of the said Matthew Clark and of your Oratrix; and that the said Benjamin Clark afterward desiring and intending to make provision for his children and being seized in his demesne as of fee of certain Lands and Tenements in Kent county aforesaid and among others of the Lands and tenements hereinafter mentioned to be

devised to the said Matthew Clark did on the twentyfifth day of January in the year of our Lord one thousand seven hundred and ninety six sign, seal and publish his last will and testament in writing in the presence of three credible witnesses, who in his presence attested and subscribed the same and thereby devised to the said Matthew Clark his heirs and assigns forever a part of a tract of land called Folly, a tract of land called Addition and also his the said Benjamin's dwelling plantation, after his ^{the said Benjamin's} wife's death and also by said will and testament gave to the said Matthew three negroes therein named, and also the said Benjamin Clark in and by his said will and testament devised to youratrix her heirs and assigns the residue of the aforesaid tract of land called Folly and also the aforesaid tract of land called Overplus so as aforesaid surveyed and patented by a Clause in his said will and Testament of the tenour following to wit.

"I give and bequeath unto my daughter Sarah Harrington wife of John Harrington the residue of that tract of land called Folly whereon him the said John Harrington now dwell, containing one hundred and twenty acres, be the same more or less and also a new tract of land lately surveyed and patented under a warrant in the present land office called the Overplus likewise one negro girl called Rose, unto her the said Sarah Harrington and her heirs and assigns forever." and of this will and testament the said Benjamin Clark appointed his sons Thomas Clark and the aforesaid Matthew Clark the executors, and afterwards to wit about the month of March in the year last mentioned the said Benjamin Clark died possessed of the said as aforesaid of the said lands and tenements so mentioned, as aforesaid ~~the~~ devised to the said Matthew Clark by the aforesaid last will and testament, without revoking or altering the said will and testament and leaving the said Thomas Clark, Matthew Clark and your

Oratrix his children him surviving, and after the death of the said Benjamin Clark to wit on the twenty fifth day of March in the year last mentioned the aforesaid last Will and Testament was exhibited by the said Thomas Clark and Matthew Clark the said Executors thereof and duly proved approved and allowed before the Register for the probate of Wills and granting letters of administration in and for Kent County aforesaid for the time then being, who granted letters testamentary thereupon to the said Thomas Clark and Matthew Clark the said Executors, As by the said last will and testament and probate thereof and grant of letters testamentary thereupon recorded in the Office of said Register in Book N. fo 145 to which your Oratrix refers and prays that the same may be taken as part of this, her Bill at large appears.

And your Oratrix further sheweth unto your Honour, that the wife of said Benjamin Clark named in his will died soon after him; and that after the decease of the said Benjamin Clark, the said Matthew Clark did by virtue of the aforesaid last Will and Testament enter into the said Lands and Tenements to him the said Matthew in and by the said Will and Testament devised as aforesaid and become ^{and held the same during his life} seised thereof in fee simple, taking the esplees, (the said Benjamin Clark having been at and before the time of making and publishing his said last Will and Testament and during his life afterwards and at his death seised in his demesne as of fee of the said Lands and Tenements so to the said Matthew Clark devised as aforesaid) - and that the said Lands and Tenements which the said Matthew Clark so entered into and became seised of as aforesaid far exceeded in value the aforesaid tract of Land called Overplus so as aforesaid patented and surveyed and devised to your Oratrix and the other Lands devised to your Oratrix as aforesaid; that the said tract of Land called Overplus and the said other Lands so devised to your Oratrix were in the life time and at the time of the death of the aforesaid Benjamin

of said John Harrington and the said John Harrington having
departed this life, your Oratrix since his death has always held and
still holds possession of said tract of land called Overplus, and said
other lands so to her devised as aforesaid; the said tract of land called
Overplus and the said other lands so to your Oratrix devised as aforesaid
constituting one Farm and having been since the death of the said
Benjamin Clark and before held and being now held ^{together} as one Farm and
the said tract of land called the Overplus cannot be separated and taken
from said other lands without prejudicing and spoiling the said Farm;
and your Oratrix well hoped, that she, her heirs and assigns, would
have been forever permitted to hold and enjoy the aforesaid tract
of land called Overplus without interruption or adverse claim
as in Equity and good conscience she ought to have been and that
the aforesaid Matthew Clark or his heirs would never have done
any act tending to disappoint the aforesaid devise of said tract of
land to your Oratrix her heirs and assigns; For that in addition to
the Equity of your Oratrix under said devise aforesaid mentioned, the
said Matthew Clark wrote the aforesaid last will and testament
and not only did not object to the said devise to your Oratrix her
heirs and assigns of the said tract of land called Overplus, but ex-
pressly assented and agreed thereto; But Notwithstanding
this the said Matthew Clark after the death of the said Benjamin
Clark conceiving that the said Benjamin Clark could not
devise the aforesaid tract of land called Overplus because the
said Benjamin and Matthew were according to the form of the

hundred and three by an Indenture then made between the said
Matthew Clark of the one part and his Nephew Abner Harrington of
the other part in consideration of the good will and natural
love and affection, which he had for, and bore to, his said Nephew
Abner Harrington and of one dollar give and grant to the said
Abner Harrington his heirs and assigns forever the aforesaid
tract of land called Overplus by the lines and bounds contained
in the aforesaid survey and patent thereof To Have and To Hold the same
to the said Abner Harrington, his heirs and assigns, to the use of
the said Abner Harrington, his heirs and assigns forever. As by
the said Indenture recorded in the Office for recording of Deeds in
Kent County aforesaid in Book H. 2nd fo 5 & 6 to which youratrix
refers and prays that the same may be taken as part of this her
Bile at large appears; and the said Matthew Clark afterward
to wit on or about the twenty seventh day of February in the
year of our Lord one thousand eight hundred and four signed
sealed and published his last Will and Testament in writing in
the presence of three credible Witnesses who in his presence attested
and subscribed the same and thereby devised as follows viz- "It is
"my will and desire and I hereby expressly give unto my dear
"and loving wife Mary Clark all my estate both real and perso-
"nal during her natural life and no longer, then my will and
"desire is that my lands shall descend unto my two sons Ladock
"Crappier Clark and Matthew Jarret Clark in manner and form
"following; beginning for the dividing line between my said two
"sons at an old stump standing near Sarah Harrington's
"fence, it being a boulder of land, formerly the property of Benja-
"min Clark deceased & as well a boulder of land, formerly
"the property of Archibald Curry and running from said stump
"so as to leave all the house, the garden on the farm whereon"

"I now live also to include seven large red oak trees which stand,
"near my dwelling house, the said line to be continued until
"it intersects my out lines, at or near a small hill or rising ground
"which said line divides my lands into two parts and all the land
"to the westward of the said dividing line I leave to my said son
"Iadock Crapper Clark & to his lawful issue begotten of his body for
"ever, except a tract of land called Lantorn, ridge - I give devise
"and bequeath unto my said son Matthew Jarrett Clark a tract of
"land called Lantorn, ridge and all the lands by what so ever name
"they may be called lying to the eastward of the said dividing line to
"him and the issue of his body lawfully begotten forever; It is my
"will and desire that in case either of my sons should die without
"lawful issue begotten of his body that the land, and personal
"estate shall descend unto his brother and the heirs of his body
"lawfully begotten." And that the said Matthew Clark afterward
died without altering or revoking his said last will and testament,
leaving the aforesaid Mary Clark his wife and two children
namely the aforesaid Iadock Crapper Clark and Matthew Jarrett
Clark him surviving and after his death to wit on or about the
eighth day of May in the year of our Lord One thousand eight
hundred and four the said last will and testament was duly
proved before the Register for the probate of wills, and granting
letters of administration in and for Kent county, ^{of said} for the time
then being, as by the same last will and testament recorded in
the office of said Register with the probate thereof in Book O.
fo. 95 & 96 at large appears; and the said Matthew Clark hav
ing been greatly in debt at the time of his death, James Finsth
wait and Thomas Clark, to whom administration of all and
singular the goods and chattels, rights and credits, which
were of the said Matthew Clark at the time of his death, with
said last will and testament to the administration annexed

was in due manner granted by the Register for the probate
of wills and granting letters of administration in and for
Kent county aforesaid did by Authority of an order of the Or-
phan Court of the State of Delaware made in the said Court
held at Dover in and for Kent county on the twenty first day
of February in the year of our Lord one thousand eight hundred
and six, as such Administrator, sell for the payment of said
Matthew Clark's debts, all and every the lands lying to the west-
ward of the dividing line mentioned in the last will and testa-
ment aforesaid, which belonged to the said Matthew Clark and
were included in the aforesaid devise to the said Zadock Crapper
Clark and the aforesaid tract of land called Santorn's ridge
devise aforesaid to the said Matthew Jarret Clark and the
said sale was afterward confirmed in said Orphan Court, as the
records of said Court do shew; and that all the residue of said lands
so ^{as aforesaid} devised by the aforesaid Matthew Clark remained unsold to pass
according to the form of the aforesaid last will and testament; and
that of all the said residue remaining unsold of the said lands,
so by the said Matthew Clark ^{devised} as aforesaid, he the said Matthew
Clark became and was in his life time and at the time of his
death seised in fee simple by means of the aforesaid last will
and testament of the aforesaid Benjamin Clark, he the said
Benjamin Clark having in his life time and at the time of his
death been seised in fee simple of the lands and tenements con-
stituting the said residue so remaining unsold of the said lands,
and the said residue being parcel of the lands and tenements,
so devised by the said Benjamin Clark to the said Matthew
Clark as herein before mentioned;

And your oratrix further sheweth unto your Honour, that she never
discovered, and had no knowledge or information of the aforesaid conveyance
to the aforesaid Abner Harrington until several years after the same
was made and that she first gained information thereof in conse-

quence of one of the Assessor of Kent county aforesaid inquiring of her concerning the lands of the said Abner Harrington; and she charges, that the said Abner Harrington at the time when the said conveyance to him was made as aforesaid knew of the aforesaid last will and testament of the aforesaid Benjamin Clark and of the devise therein to your Oratrix of the aforesaid tract of land called Overplus, and that your Oratrix held and had held quietly and peaceably the said tract of land under the said devise, and also knew of the aforesaid devise to the aforesaid Matthew Clark of the lands and tenements hereinbefore mentioned to have been devised to him and that he had taken possession of and held said land and tenements, devised to him under the aforesaid will and testament and that these lands and tenements, far exceeded in value the aforesaid tract of land called Overplus and all the other benefits, which your Oratrix took under said will and testament of her father Benjamin Clark; your Oratrix also charges, that the said conveyance to the said Abner Harrington was voluntary and since she has obtained information thereof, she has been informed and she believes it to be true, that the equitable right of your Oratrix to the said tract of land called Overplus was perfectly understood by the parties to said conveyance at the time of making it and that the intention which they had and, as your Oratrix has since understood and believes, expressed, was that your Oratrix should not during her life be interrupted in the possession of said tract of land during her life, but that the said conveyance should be kept secret from her, and that at her death the said Abner Harrington should hold the said tract of land to the exclusion of her other children; and your Oratrix further charges, that the said Abner Harrington has since the aforesaid conveyance procured the aforesaid tract of land called Overplus to be transferred to him on the assessment lists

of Kent county aforesaid and paid the taxes thereof in order to
the strengthening of his title thereto.

And your Oratrix further sheweth unto your Honour, that
the aforesaid Mary Clark named in the aforesaid last will and
testament of the aforesaid Matthew Clark has intermarried with
and is now the wife of John White of Kent county aforesaid
and that the said John White and Mary his wife under the aforesaid
last will and testament of the said Matthew Clark hold
the residue remaining unsold of the land and tenements
by the said Matthew Clark devised aforesaid and to which land
and tenements constituting said residue said Matthew Clark became entitled under the last
will and testament of said Benjamin Clark.

And your Oratrix further sheweth to your Honour,
that in the hope that the said Abner Harrington would
amicably consent to convey to her the aforesaid tract of land
called Overplus to hold to her, her heirs and assigns forever
according to the intention of the aforesaid Benjamin Clark
expressed in his aforesaid last Will and Testament, and in Equity
and good conscience he ought to have done, she caused
a friendly application to be made to the said Abner Har-
rington, requesting such conveyance and at the same
time offering to re-pay to him all sums which he might
have paid for the taxes thereof; But NOW so it is, may
it please your Honour, the said Abner Harrington
combining and confederating with divers the aforesaid John White
and Mary his wife, Isadore Crapper Clark and Matthew Jarret
Clark and divers other persons to your Oratrix unknown, whose
names when discovered she prays she may have leave to insert
in this Bill with apt words to charge them, contriving how
to aggrieve and oppress your Oratrix in the premises, altogether
denied her aforesaid friendly application and request and

did not and would not convey to your Oratrix the said tract of land called Overplus and on the contrary insisted upon his legal title thereto and required ^{that} to your Oratrix should render to him rent therefor; & that she should let him into the possession thereof; All which Actings and doings are contrary to Equity and good conscience; In Tender consideration whereof and for that your Oratrix is without remedy in the premises at common law and can obtain no adequate relief except in this honourable Court, where matters of this nature are properly cognizable: To the END therefore that the said Abner Harrington, John White and Mary his wife, Isack Crapper Clark and Matthew Jarret Clark may on their oath respectively and according to the best of their knowledge, remembrance and belief make full true and perfect Answer to all and every the premises as fully, directly and categorically, as if they were interrogated to each and every of the aforegoing allegations and charges, but especially that they may answer and say, Whether such Warrant, survey and patent as hereinbefore mentioned was not issued, made and granted and the aforesaid tract of land called Overplus taken up, surveyed and granted as herein before alleged? Were not the expenses and charges of locating & surveying said land and of the said Warrant and Patent borne and paid by the aforesaid Benjamin Clark solely and was not the aforesaid fifty one dollar & forty five cents ^{the said consideration of said land} paid solely by said Benjamin Clark & did said Matthew Clark pay any part of said charges, expenses or consideration? Was not said Benjamin

Clark the father of the said Matthew Clark and your
Oratrix? Was not said Benjamin Clark desirous to make
provision for his children and was he not seized in his de-
meme as office of the Land and Tenements hereinbefore men-
tioned to have been devised to the said Matthew Clark
and being so seized thereof did he not make and publish
his last will and testament in writing as herein before
alleged for that purpose? Did not the said Benjamin
Clark by his said last will and testament devise to the said
Matthew Clark his heirs and assigns the Land and Tenements
herein before mentioned for that purpose and did not the
said Benjamin Clark also by said will and Testament
devise to your Oratrix, her heirs and assigns the afore-
said tract of land called Overplus so as aforesaid surveyed
and patented? Did he not appoint Matthew Clark a pre-
named and Thomas Clark Executors of this will? Did he not
die seized as aforesaid of the said land and tenements so
to say Matthew Clark devised as aforesaid? Without altering
or revoking his said will and testament and leaving the
children herein before named? and was not said
will and testament proved and letters testamentary
thereupon granted as herein alleged? Did not the
wife of the said Benjamin Clark die many years
ago? Did not the aforesaid Matthew Clark by vir-
tue of the last will and testament of the said
Benjamin Clark enter into the Land and Tenements

devised by the said Benjamin Clark to your Oratrix? Did
not your Oratrix and her as^d husband John Harrington
hold the aforesaid tract of land called Overplus and the other
lands devised to her by the said Benjamin Clark during
and was not said tract called Overplus & said other land held as one Farm in said Benjamin Clark's life
the life of her said husband, has she not since his death con-
tinued to hold and does she not still hold possession of
the said tract of land called Overplus and said other lands so
devised to her as aforesaid and does not the said tract of land
& did it not said Benjamin Clark's life time & since constitute
called Overplus and said other lands constitute one farm
and what is the size thereof? and would not the taking
away of the said tract called Overplus greatly prejudice
and spoil said Farm? And did not the said John
Harrington in the life time of the aforesaid Benja-
min Clark hold said tract of land called Over-
plus and said other lands so to your Oratrix devised
as one Farm? Did not the aforesaid Matthew Clark write
the aforesaid last will and Testament of the said Benja-
min Clark, and did he not assent and agree to the
aforesaid devise to your Oratrix of the aforesaid tract of
land called Overplus? Did not the said Matthew

time and at his death

Clark make and publish his last will and testament in writing in manner and form herein before alleged and therein devise as herein before recited for that purpose? Did he not die without altering or revoking said will and testament leaving his aforesaid devisees Mary Clark, Zadock Crapper Clark and Matthew Janet Clark him surviving? Was not said will and testament proved as herein alleged? Did not the aforesaid Administrator of said Matthew Clark by authority of an Order of the Orphans Court sell for the payment of his debts the lands and tenements herein mentioned for that purpose to wit all the said lands devised to the said Zadock Crapper Clark and the aforesaid tract of land called Lantons ride and was not said sale confirmed? Were not all the said lands and tenements so devised by said Matthew Clark as aforesaid and which remain unsold, devised to the said Matthew Clark by the aforesaid Benjamin Clark in and by the said Benjamin's aforesaid last will and testament? and was not the said Benjamin seized thereof in fee simple at and before the making and publishing his aforesaid last will and testament and afterwards till and at his death? Was it not several years after the making of the aforesaid conveyance to said Abner Harrington before your Oratrix discovered the same and did not said Abner at the time of making said conveyance and before know of the aforesaid last will and testament of said Benjamin Clark and that said tract of land called Overplus was then by devised to your Oratrix as aforesaid, and that she had always quietly held said tract called Overplus under said devise and was then in peaceable possession thereof and that the same constituted with the other lands devised by said will to your Oratrix one Farm and also that the said Matthew Clark under the said

will held the said lands and tenements thereby devised to him
and that said lands and tenements so to him devised far exceeded
in value the said tract of land called Overplus and said other
lands devised to your Oratrix and was not said conveyance
to said Abner voluntary and was not the equitable right of your
Oratrix to said tract of land called Overplus perfectly un-
derstood at the time of said conveyance and was it not
intended by the parties to said conveyance and so expressed
that your Oratrix should never be interrupted in possession
of said tract of land called Overplus during her life but that
said conveyance thereof should be kept secret from her, did
said Abner Harrington ever & when inform her of said
conveyance? Has not said Abner Harrington procured
said tract of land called Overplus to be transferred to him
on the Assesment List and why? and paid the taxes
thereof & what was his design in so doing? Have not the
aforesaid Mary Clark & John White intermarried and do
they not hold under said Matthew Clark with the lands &
tenements devised by said Matthew which remain unsold?
Has not your Oratrix made friendly application to said
Abner Harrington for a conveyance of said tract of land
called Overplus to hold to her her heirs & assigns & offering
to repay to him all sums by him paid for taxes thereof & has
he not refused such request and did he not insist that
your Oratrix should pay him rent therefor? And did
he not insist upon his legal title to said tract of land?

And that the aforesaid Abner Harrington may
be compelled by a decree of this Honourable Court to

convey and assure to your Oratrix, her heirs and assigns to the use of your Oratrix her heirs and assigns forever by a good and sufficient Deed the aforesaid tract of land called Overplus by the meter and bounds contained in the aforesaid survey and Patent thereof, and that your Oratrix, her heirs and assigns may be quieted in the possession of kind title of the said tract of land called Overplus against all claims of the said Abner Harrington, his heirs and assigns and of the heirs, devisees and assigns of the aforesaid Matthew Clark deceased, and that all acts requisite to this end may be decreed to be done by the parties respectively, and an Injunction of this Court awarded for quieting your Oratrix her heirs and assigns in such possession;

Or otherwise that your Oratrix may have and receive an equivalent for the said tract of land called Overplus, of the lands and tenements, whereof the aforesaid Benjamin Clark deceased was seized as aforesaid and which were by the said Benjamin Clark devised to the said Matthew Clark as aforesaid and remain unsold as aforesaid, and that in such case so much of the said lands and tenements last mentioned as shall be an equivalent to your Oratrix for the said tract of land called Overplus may be decreed to be conveyed and assured to your Oratrix her heirs and assigns, and she put into and quieted in the possession thereof by the decree of this Court;

And that your Honour will grant to your Oratrix such further and other relief in the premises, as the nature and circumstances of her case shall require and to your Honour shall seem meet according to Equity and good Conscience;

May it Please your Honour, the premises considered, to grant to your Oratrix a writ of the State of Delaware of Subpoena to be directed to the Sheriff of Kent county for summoning the aforesaid Abner Harrington, John White and

Mary his wife, Iadock Crapper Clark and Matthew Jarret Clark
to appear before your Honour in this Court on some certain day
therein to be appointed, then and there on oath to answer all
and singular the Premises and stand to and abide such further
order and decree therein as to your Honour shall seem meet
According to Equity and good conscience:

And your Oatrix shall be.

Sarah Harrington.

Willard Hale Solic^r for
complainant — }

Sarah Harrington

vs

Aline Harrington

John White &

Mary his wife

Iadock Crapper Clark &

Matthew Jarret Clark.

Bile in Chancery.

File Bile and your sub.

Wm Willard Hale

May 25 1815

1815 May 29th Filed

Wm Willard Hale

Wm Willard Hale

Wm Willard Hale

Sarah Harrington

by

Abner Harrington, John
White and Henry his wife
Ezra Crapper Clark and
Mather Janet Clark

answering of the above named
John White wife and
Ezra C. Clark -

Recd of the Chancellor 10

Nov. 1816. & paid -

Another, Reg. C. C.

Sarah Harrington ? In Chancery Court on 4th 2

vs.
Abner Harrington
John White & Mary his
wife, Zadock Crapper
Benjamin & Matthew
Black.

The joint and several answers of John White and Mary his wife and Zadock Crapper Black then of the defendants to the bill of complaint of Sarah Harrington complainant:

These defendants now and at all times hereafter saving and reserving to themselves all and one all manner of benefit and advantage of exception to the manifold errors and insufficiencies in the complainant's said bill contained, for answer thereto on to so much thereof as these defendants are advised is material for them to make answer unto, they answer and say, That they do admit that on or about the day for that purpose in the said Bill mentioned Francis Many then Recorder of Deeds in North County aforesaid in due manner according to the form of the act of the General Assembly in such case made and provided issued a special warrant under his hand and seal of office bearing date the said day and year directed to George McCall Esquire Surveyor of North County, by which warrant after the recital therein, as mentioned in the said Bill, he the said Surveyor was authorized to survey and locate for Benjamin Black and Matthew Black the land in the said bill mentioned and to return a plot thereof which should contain the course and distances of the several lines thereof a description of the boundaries creeks branches and rivulets surveyed or lying within the lines of the said plot, the names of the owners of the contiguous or adjoining lands and the quantity of land thereby surveyed together with that warrant within six months after the date thereof, to the examiner appointed and commissioned by the Governor, who was thereby required to examine said plot and if it should be approved by him to certify his approbation thereof on said plot signed by him and return the same to the Recorder of Deeds for North County aforesaid and that warrant and their defendants do admit that the said George McCall then being Surveyor of North County aforesaid did by virtue of said warrant on the day for that purpose in the said Bill mentioned survey and locate for the said Benjamin Black and Matthew Black a tract of land situated in the fourth of hispillion Hundred in North County aforesaid containing one hundred and two acres and seventy two square perches of land swamp and branch cypress called Overplus and adjoining a tract of land called Black's Field and did return a plot thereof in due manner made to Thomas White the examiner for the time then appointed and commissioned by the Governor and that the said Thomas White as such examiner did approve the same and afterwards on the day for that purpose in the said Bill mentioned did certify under his hand on the said plot his approbation thereof and return the same with said warrant to the said Francis Many Recorder of Deeds as aforesaid and that afterwards on the day in the said Bill for that purpose mentioned Thomas Wipple the Treasurer of the State of Delaware for the time then being, by his receipt of the date in the said Bill mentioned under his hand as such Treasurer acknowledged that he had received from the said Benjamin Black and Matthew Black the sum of fifty one dollars and forty five cents for the said land so located and surveyed being fifty cents per acre therefor: That afterwards, on the day in the said Bill for that purpose mentioned, a patent in due manner and form pursuant to the premises was issued as in the said bill is mentioned and that by the said patent the aforesaid tract of land called Overplus containing one hundred and two acres and seventy two perches was in consideration of the aforesaid sum of fifty one dollars and forty five cents granted to the aforesaid Benjamin Black and Matthew Black, to have and to hold to the said Benjamin Black and Matthew Black their heirs and assigns forever as theirs and their absolute

produce and unconditional estate and property free and clear of all encumbrances of
with out service or labor: And then afterwards further answering say that they do
not know, that although the aforesaid woman I was issued and the aforesaid man,
was made out the aforesaid patent was I practice, in the joint name of the aforesaid
Benjamin Black and Matthew Black, yet that in fact all the charges and expenses
and the aforesaid consideration of fifty one shillings and pence only were paid out
by the said Benjamin Black solely, and that the said Matthew Black paid no
part of the charges and expenses of the aforesaid proceedings or of the aforesaid con-
sideration: They do not know whether the said expenses charges and consideration
money were paid by the said Benjamin Black solely or by the said Matthew Black
alone or by the said Benjamin Black and Matthew Black jointly. Whereupon they
do admit that the said Benjamin Black was the father of the said Matthew Black
and of the said Complaintant Sarah Harrington: And that the said Benjamin Black
being seized in his lifetime as officer of certain lands and tenements in the said Mile
of service and among others of the said lands and tenements in the said Mile
to have been devised to the said Matthew Black died on the day in the said Mile
for that purpose mentioned made his last will and testament in writing in the
presence as in the said Mile is mentioned and thereby did devise to the said Matthew
Black his heirs and assigns forever a part of a tract of land called Tholy a tract
of about twelve Acre and also his the said Benjamin's dwelling plantation
after his the said Benjamin's wife's death and also thereby gave to the said Matthew Black
three negroes therein named: And also that the said Benjamin Black in writing his
last will did devise to the said Complaintant Sarah Harrington his himself assigns
the residue of the aforesaid tract of land called Tholy and also the aforesaid tract
of about twelve Acre Overplus, by a clause in the said will of the said man and partly in the
said will of the said man: That of the said will the said Benjamin Black appointed
his son Thomas Black and the aforesaid Matthew Black the executor, and that
afterwards about the time in the said Mile for that purpose mentioned the said
Benjamin Black died to devise as aforesaid of the said lands and tenements to
an aforesaid trustee to the said Matthew Black by the said will, without receiving
or attesting the said will, and leaving the said Thomas Black and Matthew Black and
the said Complaintant Sarah Harrington his children inheriting him, and that after
the death of the said Benjamin Black to wit on the day in the said Mile for that
purpose mentioned the aforesaid last will and testament was exhibited by the said
Thomas Black and Matthew Black the said executor thereof and thereby became ap-
proved and attested, and letters testamentary thereupon granted to the said Thomas
Black and Matthew Black as in the said Mile is mentioned and more fully set forth:
And then afterwards further answering say that they admit that the wife of the
said Benjamin Black named in his will died soon after him, and that after the
death of the said Benjamin Black, the said Matthew Black did not enter into the said
lands and tenements to him the said Matthew in writing the said will of the said man:
And then Black deceased as aforesaid and became seized thereof in fee simple and
that the same during his life taking the profits: And that the said lands and tenements
which the said Matthew Black so entered into and he came seized of as aforesaid
did remain in order the aforesaid tract of land called Tholy and the other
lands same included in the said

lands devised to the said
called Tholy and the
in the life time with a part
together and occupied
separately or not then
the said Complaintant
Benjamin Black but
other lands so to him devised
the said lands
always held and still
then and the said other
tract of land called Tholy
in the life time of the said
but what is the use them
in the said Mile and
further admit that the
said Complaintant Sarah
said Benjamin Black
said Benjamin Black
aforesaid to the said Com-
plaintant now whether he
afterwards further say
on the day in the said Mile
in the said Mile mentioned
said Thomas Harrington
called Tholy in the
Matthew Black did a
mentioned for that purpose
the said will is mentioned
will: That the said Man-
davit his said last will
two children namely the
said man and the said
Complaintant for that purpose
duly proved as in the
said further mentioned
Black in the said will
said Matthew Black
one of the orders of the
for the payment of
lying to the weakness of
the said Matthew Black
lands same included in the said

an of all reservations of
saying say that they do
and the aforesaid survey
oint names of the aforesaid
the charges and expenses
five cents were paid and
Matthew Black paid no
or of the aforesaid con-
charges were considered
the said Matthew Black
he jointly. These defendants
of the said Matthew Black
the said Benjamin Black
tenements in Northout
mentioned in the said Bill
the day in the said Bill
ament in writing in the
divide to the said Matthew
called Holly a tract
in's dwelling plantation
year to the said Matthew
in Black in and by his
Harrington her heirs and assigns
also the aforesaid tract
tion as set forth in the
Benjamin Black appointed
the executors, and that
mentioned the said
lands and tenements so
said will, without revoking
Black Matthew Black and
reviving him, and that after
in the said Bill for that
was exhibited by the said
of said defendants ap-
ported to the said Thomas
a case more fully set forth
admit that the wife of the
him, and that after the
Black did enter into the said
said will of the said Ben-
tion of in fee simple and
the said lands and tenements
seized of as aforesaid
Overplus and the other
lands devised to the said complainant as aforesaid: That the said tract of land
called Overplus and the said other lands so devised to the said complainant were
in the life time and at the time of the death of the aforesaid Benjamin Black held
together and occupied as one farm, ^{but whether} as the property of said Benjamin Black
exclusively or not these defendants do not know: These defendants admit that
the said complainant and ~~her husband John Harrington~~ after the death of the said
Benjamin Black held the said tract of land called Overplus and the aforesaid
other lands so to her devised as aforesaid during ~~the life of the said John Harrington~~
~~and until the death of the said John Harrington~~ ^{and} ~~she~~ ^{and} has
always held and still holds possession of the said tract of land called Over-
plus and the said other lands so to her devised as aforesaid; and that the said
tract of land called Overplus and said other lands do constitute and con-
stitute one farm in the life time of the said Benjamin Black and since constitute one farm
but what is the size thereof these defendants do not know other than as is stated
in the said Bill and not denied by these defendants: and these defendants
further admit that the taking away from the said farm the said tract of
land called Overplus would certainly prejudice the said farm - and
these defendants further answering say that they do not know whether the
said Matthew Black wrote the aforesaid last will and testament of the
said Benjamin Black, nor whether he did or did not object to the devise
aforesaid to the said complainant of the said tract of land called Over-
plus nor whether he did or did not assent and agree thereto: And these
defendants further say that they do admit that the said Matthew Black did
on the day in the said Bill for that purpose mentioned and for the consideration
in the said Bill mentioned execute an indenture of bargain and sale to the
said Abner Harrington his heirs and assigns for the aforesaid tract of land
called Overplus in the manner as in the said Bill is set forth: That the said
Matthew Black died afterward, to wit, on or about the day in the said Bill
mentioned for that purpose make his last will and testament in writing as in
the said Bill is mentioned and did thereby devise as is set forth in the said
Bill: That the said Matthew Black afterward died without altering or re-
voking his said last will and testament, leaving his widow Mary Black and
two children namely Zadoch Cropper Black and Matthew Saint Black him
surviving and that after his death on or about the day in the said Bill of
complaint for that purpose mentioned the said last will and testament was
duly proved as in the said Bill of complaint is mentioned: And these defen-
dants further answering admit that the said James Hinthwait and Thomas
Black in the said Bill mentioned and to whom administration on the estate of the
said Matthew Black was committed as in the said Bill is stated, died, by vir-
tue of the order of the Orphans Court in the said Bill of complaint mentioned,
sole for the payment of said Matthew Black's debts all and every the lands
lying to the westward of the dividing line mentioned in the aforesaid last will of
the said Matthew Black and which belonged to the said Matthew Black and
lands were included in the devise to his son Zadoch Cropper Black one of these defendants

and also the tract of land called Santon's ridge which was devised to his
son Matthew Sant Black aforesaid: that the said sale was afterwards con-
firmed in the Orphan Court aforesaid: That all the residue of the said lands
devised by the aforesaid Matthew Black remain unsold: and the defendants do
also admit that of all the said residue remaining unsold of the lands devised
by the said Matthew Black in and by his last will and testament aforesaid, he the said
Matthew Black became and was in his lifetime and at the time of his death seized
in fee simple by means of the aforesaid last will and testament of the aforesaid Benjamin
Black, he the said Benjamin Black having in his life time and at the time of his death
been seized in fee simple of the lands and tenements constituting the said residue so
remaining unsold of the said lands, and the said residue being parcel of the lands
and tenements so devised by the said Benjamin Black to the said Matthew Black
as in the said Will is mentioned. And the defendants further answering say that
they do not know when the said complainant Jacob Harrington first obtained
information of the aforesaid conveyance to the aforesaid Abner Harrington nor the
manner in which she did obtain it: nor whether she did or not know of it at the
time it was made: But the defendants believe that the said Abner Harrington at the
time when the said conveyance to him was made as aforesaid knew of the aforesaid last
will and testament of the aforesaid Benjamin Black and of all the devises therein and
thereby made and that the respective devisees had taken possession of and thereby lost
the lands and tenements to them therein respectively devised. The defendants do admit
that the said conveyance to the said Abner Harrington was voluntary and without
valuable consideration of any kind. They do not however know what was the inten-
tion of the parties to the said conveyance at the time of the making thereof. The defend-
ants further admit that Mary Black the widow of and who is named in the aforesaid
said last will and testament of the aforesaid Matthew Black and who is one of
the defendants has intermarried with and is now the wife of John White another
of the defendants, and that the said John White and Mary his wife under the
aforesaid last will and testament of the said Matthew Black hold the residue re-
maining unsold of the lands and tenements devised by the said Matthew Black
in and by his said last will and testament, and to which lands and tenements con-
stituting said residue the said Matthew Black became entitled under the
last will and testament of his father the aforesaid Benjamin Black; subject ne-
vertheless to a decree of this honorable Court made on the twenty third day of
September in the year of our Lord one thousand eight hundred and fifteen in a
suit in this honorable Court wherein James Firstwait was complainant and the said
John White and Mary his wife late Mary Black widow of Matthew Black deceased
were defendants. And this defendant Mary White further answering for herself
says that at the time the aforesaid deed from the said Matthew Black to the said
Abner Harrington was executed, the said Matthew Black was not of sound
mind. And the defendants deny all and all manner of combination and con-
spiracy wherein they stand charged in and by the said bill of complaint; and that
there is any other matter or thing material or necessary for the defendants
to make answer unto and whether in law or equity well and sufficiently answer
unto except as avoided traversed or denied, is true. All which matters
and things the defendants are ready to aver and prove as their answers
to the Court shall direct and award, and humbly pray to be
therein dismissed with their reasonable costs and charges
in

interis likewise most wrongfully sustained in
St. M. Ridgely for Defts.

Just. H. M. Ridgely

John ^{his} White
Mary ^{mark} White
Zedek b. Clark

North County Jt.

Be it remembered that on the sixth Day of February in the year of our
Lord One thousand eight hundred and sixteen personally appeared before Mr. Nicholas
Ridgely Chancellor of the State of Delaware, John White and Mary his wife and
Zedek b. Clark the defendants named in the foregoing Answer, and they the said John
Mary and Zedek being severally sworn on the Holy Evangelists of Almighty God and the said
Zedek being conscientiously scrupulous of taking an Oath, being solemnly affirmed they the said
John, Mary, and Zedek, each speaking for himself and for herself declared and said
that what is contained in this their Answer, so far as the same relates to any Act or
Deed of himself or of herself is true of his ^{and} of her own knowledge and that what
relates to the Act or Deed of any other person ^{appearing} he and she believe to be true.

Sworn to and subscribed
the Day and Year aforesaid before
Nicholas Ridgely.

John ^{his} White
Mary ^{Answer} White
Zedek b. Clark