

THIRD FAMILY.

JAMES PHELPS. OF GEORGIA.

I. JAMES PHELPS, born near Tewkesbury, England, was baptized in Tewkesbury Abbey Church, July 31, 1740, and emigrated to Georgia about 1765 or 1768, arriving at Savannah, but settling in Liberty County. See Volume I, pages 15 and 70 of this work.

His ancestors were the same as those of William and George Phelps who had come to New England in 1630. His parents were James and Elizabeth (Evans) Phelps. While he was in England on a visit, his brother George writes to him Sept. 8, 1793, from Bredon near Tewkesbury, referring to a box sent to him enclosing books, etc. He mentions the case of a friend, and cautions him if he makes out legal papers to give residence as "near Bredon, Worcestershire," although letters should be addressed to Bredon, near Tewkesbury, Gloucestershire.

August 14, 1793, his sister, Elizabeth Martin, (see page 15 for Tewksbury records), wife of Theophilus Martin, an English naval officer who was with Nelson in all engagements, and was killed in the flag ship Victory, writes to him alluding to his visit to their sister, and wondering that he had not written while he was at their brother's. She expresses sorrow for his sufferings in America, and hopes that the trials he has gone through have been the means of bringing him to a true sense of his lost condition in the Fall of Adam, and exhorts him at great length. She refers to letter from her husband, and sends love to their sister Wrenn and children, and wishes him a prosperous return voyage to America.

In 1820, a remittance of £30 was made to Savannah for him, according to the direction of this sister, Mrs. Martin, who writes on the tenth of August following, acknowledging receipt of his letter of April 24th. This letter speaks of his having been able to provide for his family by the pen, and of

an accident to their sister Phelps by burning, and of their sister Wrenn at Nobleland Green.

She also goes into the matter of the claim on the estate of Joan Cook, which is alluded to on page 11, Vol. I, of this work, and of which fuller details are given on the following pages.

In 1831, the firm of Prime, Ward, King & Co., pay over to Hon. Simeon Baldwin, of New Haven, Conn., as attorney, about \$4,500, the sum received from the estate of Mrs. Elizabeth Martin as a bequest to the children of her brother, James Phelps, of Georgia, which was divided between the two children John Glover Phelps and George Phelps.

The following details are given in full on account of the ancient origin of the claim, and further reference may be had to the English Court Records in Gloucestershire.

Pleadings in Joan Cook. Entailed and leased property for new lease in 1845. Perpetual covenant to renew.

By an indenture dated 1539, land was conveyed by J. C. (John's wife, Joan Cook,) to the Corporation for charitable purposes, subject to a covenant by the Corporation, that when ever a certain term of years, then vested in certain parties in respect to a particular farm should expire, then if any of the heirs of the body of Margaret Woodward, daughter of John Cook, should make a request to the Corporation within one year after, the Corporation should grant a new Lease of the farm for 31 years, reserving 20 marks rent and 20 marks fine, and to continue from time to time for ever more, if any such request within that time should be made at the end of every lease.

The facts appearing upon the Pleadings were as follows: On the 18th of Nov., 1528, John Cook, Alderman of the town of Gloucester, being possessed of considerable personal estate, duly made his will in the Latin tongue, whereby he declared that his wife, Joan, with such goods, money, &c. as he had left to her disposition, should in as short a time as she might after his decease, purchase Manors, Lands and tenements or other hereditaments in fee simple, to the clear yearly value of £20, 8s, and make an estate thereof to certain persons and their heirs, and such charitable purposes as therein mentioned.

The residue of all his goods, his debts first paid, he charged

his wife, whom he made sole Executrix, to dispose for his health of Soul, and was at her discretion and if she thereafter took a husband, the testator charged her to dispose of one half part of such goods for the health of his soul, as therein mentioned.

King Henry VIII, by his letters patent dated the 6th Sept., 1539, in consideration of £266, 6s and 8d, paid into the Treasury by her, granted unto the said Joan Cook the site of the Manor of Podsmead, or the Grange of Podsmead within the Parish of Hampstead in the County of Gloucester, with the appurtenances, containing on the whole 167 and one-half acres and the pasture of 31 oxen in the common field, and all the titles of the said lands came to the King's hands by the dissolution of Lanthony Abbey to hold the same to the same to the said Dame Joan Cook, her heirs and assigns forever, to be held of the said King and his successors by the service of the tenth part of a Knight's fee and render the annual rent of 30 shillings.

By indenture of Lease dated the 10th of Nov., 1539, the said Dame Joan Cook of the one part and John Partridge of Podsmead aforesaid Gentleman and Ellen his wife, John Arthur and Emmett, children of said John P., Margarget, Ann, Margery and Elizabeth Woodward, daughters of the said Ellen of the other part.

The said Joan Cook demised unto the said John Partridge, Ellen, John, Arthur, Emmett, Margaret, Anna, Margery and Elizabeth, the said site of the Manor of Podsmead, and the same lands common, for 31 oxen, lately purchased of the King, to hold the same, their appurtenances unto the said John and Ellen from Michaelmas then last, for the term of 99 years with a declaration that upon the death of John P. and Ellen his wife the demised premises should come successively to the said John the son, Arthur the son, Emmett, Margaret, &c., &c., one after another, if they should be living, yielding yearly to the said Joan Cook, her heirs and assigns, £13. 6s. 8d. of lawful money at Ladyday and Michaelmas by equal proportions, to the Crown 30 shillings on Michaelmas with a power if the said rents should be unpaid for one month after they became due and no distress found, for the said Joan Cook, her heirs and assigns to enter and enjoy the premises

as in her own on their present estate, and therefrom eject the said John, Ellen, John Arthur, &c., &c., &c. The Corporation farther covenanting and agreeing that whenever it shall fortune that the date or term of years which the said John Partridge, Ellen his wife, and their children now have by indenture of and in the same farm of Podsmead shall be ended, or determined, or otherwise become void, then if any one of the heirs of Margaret or any of the daughters of Ellen named in the said indenture, being of consanguinity and kindred of the said Partridge, for the time being to have a new lease, the same premises to him or her to be made within one year after it shall forfeit, the * * * * to be void and come into the hands of the Corporation & Co.

The summary of Pleadings in Chancery by the Vice Chancellor and also appealed before Lord Justice Turner, goes on to recite who were the heirs. Margaret Woodward was alleged to have died, leaving Humphrey Holman, the heir of her body, the first person entitled to the benefit of the Covenant in the deed of June 11, 1539.

The time of the year created by the lease of the 10th of Nov., 1539, became vested in Henry, the son and heir of Humphrey Holman, and was by him surrendered in 1633 to the Corporation of Gloucester, who made a new Lease to him of the said farm of Podsmead with appurtenances for 31 years, reserving to them and their successors 20 marks, £13. 6s. 8d. of Annual rent. He, the said Henry Holman, paying 20 marks for a fine.

Henry Holman, it was alleged, left Richard Holman his heir-at-law. Richard Holman left two daughters, Elizabeth Hoskins and Sarah Evans. Elizabeth Hoskins died, leaving Holman Hoskins, a son, who died without issue, and a daughter and heirs, Elizabeth Hope. The great grandson of Elizabeth Hope was John Fisher Hope. Sarah Evans left George Evans. His son and heir left a daughter, Elizabeth (Phelps). Note, her husband was James Phelps (See Tewkesbury record, p-15), whose son and heir was George Phelps, the last beneficiary, who died and left a son, William Edward Phelps.

The last lease, namely that dated Feb. 17, 1815, was between the Corporation of the one part and the said George Phelps and John Fisher Phelps on the other part, and after

reciting the aforesaid Pedigree and that the last lease expired Michaelmas then last past and that the right and title to one moiety of the Manor of Podsmead was vested in the said George Phelps, and the right and title of the other moiety vested in said John F. Hope for the term of 31 years, in consideration of £13, 6s. 8d, the said messuage or tenement and site of the Manor of Podsmead, with the appurtenances was demised to the said G. P. and J. T. to their Executors administrators, and assigns to and for their equal benefit from Michaelmas the last part for 31 years.

Then the term of years created by the Lease of Feb., 1815, then expired on the 29th of Sept., 1845, and there was litigation all round, Heirs, Charity and Corporation as defendant refused a new lease, and the upshot of the whole matter was the Corporation gained the suit, as might have been expected, if they determined to defraud the heirs, and so the Corporation has been in receipt of the £548 or more since 1845.

FROM GEORGE PHELPS OF COLUMBUS, GA.

June 30th, 1895.

These proceedings show that the Phelps line in this Cook estate is as follows: From George Phelps of Columbus, Ga., of George of Georgia, of James of England and George, whose brother George of England was a co-heir in the Cook estate, and who held one-half interest in this estate through last lease in 1815 for 31 years, expiring in 1845, when by litigation it passed to the Corporation of Gloucester. Coming to George Phelps as heir of his father, James Phelps, who m. Elizabeth Evans, a co-heir in the Cook estate, holding one-half interest through her direct descent from Joan Cook, through to daughter and heir, Margaret Woodward.

Thus tracing George Phelps of Columbus, Ga., to his great-grandfather, James Phelps of England, and wife Elizabeth Evans. She was co-heir and held one-half interest in Cook estate, from being a direct descendant of John Cook, Alderman of Gloucester, who d. in 1528, and Joan Cook, his wife, who founded the Cook estate by purchase from King Henry VIII, in 1539, of the Podsmead estate, said lands coming to the King through the dissolution of Lanthony Abbey and con-

taining 167½ acres and pasture for 31 oxen in the common field.

This estate created by Widow Joan Cook for charitable and other purposes. For particulars see Pleadings.

This estate is referred to by our English correspondent, the Rev. William Phelps Prior, who does not appear to have understood the conditions of the lease.

JAMES PHELPS, child of Robert and Anna (Roberts) Phelps, b. near Tewkesbury, England, about 1700, m. Elizabeth Evans, co-heir of Joan Cook, of 1539, with one-half interest in Cook estate of Podsmead. Lived near Tewkesbury, England. Had:—

- I. George Phelps, b. near Tewkesbury, England, m. twice, and was heir to one-half interest in Cook estate with John Fisher Hope. They received the last lease from the Corporation of Gloucester in 1815, with privilege of renewal in 1845, at the expiration of lease. This was contested by all parties in interest in the Court of Chancery, and decided in favor of Gloucester.
- II. Elizabeth, b. near Tewkesbury, England, bapt. 17 June, 1738, m. Theophilus Martin.
- III. James Phelps, b. near Tewkesbury, England, 31 July, 1740. Emigrated to Savannah, Ga., then unmarried. See also page 15.

And two other sisters, and possibly others.

I. JAMES PHELPS was in the Revolutionary Army at the taking of Savannah, Ga., by the British, and received a sabre cut on his head. He made one visit to England in 1793, previously referred to, m. Miss Elizabeth Baker, of Liberty Co., Ga., 23 Nov., 1788. He died soon after Aug. 23, 1834. He studied for a barrister in England, and taught school in Liberty and adjoining counties.

Children, b. Liberty County, Georgia:

2. I. John Glover, was in Utica, N. Y., in 1860.
- + 3. II. George, b. Dec. 13, 1795, m. Jane Hoadley.
4. III. A son, who went farther south and probably died unmarried.

3. GEORGE PHELPS, b. Liberty Co., Ga., Dec. 13, 1795, m. Jane Hoadley, of New Haven, Conn., daughter of David and Jane (Hull) Hoadley, of New Haven, Conn., architect and builder, who built the North Church, New Haven, many of the college buildings and other prominent buildings in Conn. Her brother, David Hoadley, was of Hoadley, Phelps & Co., wholesale druggists of New York City, and at one time president of the Panama railroad.

Children, b. New Haven, Ct.:

- + 5. I. George, m. Elizabeth Court Hawks.
- 6. II. Mary Ann, m. Edward Donley. Settled in Indianapolis, Ind.

5. GEORGE PHELPS, M. D., b. New Haven, Ct., m. Elizabeth Court Hawks, daughter of Rev. W. N. Hawks, and niece of Dr. Francis Hawks, of New York, and Bishop Cicero Hawks, of Missouri, all Episcopal clergymen of Newbern, North Carolina.

Mr. Phelps settled in Columbus, Ga. Says Mr. Phelps in Nov., 1891: "The Presbyterian church adjoining my residence was burned, my house and the building adjoining were flooded with water. Fortunately this occurred at mid-day on Sunday, otherwise I should have lost everything: as it was, in the confusion, money, documents and memoranda were destroyed. My wife was an invalid at the time, consequently the shock and excitement was too much for her." She died June 30, 1892.

Children, b. Columbus, Ga.:

- 7. I. Mabel.
- 8. II. Gertrude.

