

ADDITIONAL INFORMATION ABOUT THE FAMILY
OF OTHNIEL AND MARY (POTTER) TRIPP

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Court records are of varying degrees of interest to genealogists, and those dealing with cases of trespass or ejectment are among the most helpful. Any kind of legal dispute over title to or ownership of property might be tried under this cause of action, while evidence would often include not only deeds but also wills which devised real estate, with valuable information about family relationships. The Newport court records, now at Providence College Archives, are of special importance because so many original deeds and probate records in the colonial Newport town books were lost or damaged when they were submerged in New York Harbor during the Revolution.

It must be emphasized that the Newport court files are still in great disorder and that to find anything for which one is looking is a near impossibility. My own discoveries there have come through several years of sifting through loose papers and abstracting information. The Clerk of Courts in Newport does have a card index to plaintiffs and defendants which helps to identify whether or not there was a case and its date, and Providence College now has the books in which the cases were recorded. The real treasure remains in the files themselves, disorganized and packed in probably a hundred cardboard cartons.

Records have been found in these Newport County Court files which add to the accounts of Othniel³ Tripp and his son Othniel⁴ Tripp published last year in this journal.¹ At May term 1743, Newport County Inferior Court of Common Pleas, Wait Trip [sic] of Newport, widow, sued Mary Trip of Newport, widow, and Henry Spencer of Newport, cooper, in trespass. The land involved was a tract about 100 feet square with house and stable in Newport, bounded west on a highway, north and east on land of Abraham Redwood, and south on land of Robert Taylor, being premises of which Othniel Trip late of Newport, mariner, deceased, had been seized until 10 June 1742, when he died. A reference was made to his will dated 21 December 1741.

The judgment in this case has been separated from the papers, but the following year, May term 1744, Mary Tripp, widow, was again in court, with her son Benjamin Tripp and her daughter-in-law Wait Tripp, widow. At this time there was introduced into evidence a so-called "court copy" of the will of Othniel³ Tripp. The official copy of this will in the Town Council and Probate Records evidently has not survived. Since the "court copy" of the will is the only one now in existence, and because access to it will be very difficult until some time in the (probably) distant future when the Newport court records have been put in order, it is quoted here in full:

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The last will and Testament of Othniel Tripp of Newport in y^e County of Newport in y^e Colony of Rhode Island and Providence Plantations in New England who being in good Health of Body and also of a Sound & Disposing Mind, Memory and Understanding thanks be given to God for it, But calling to Mind the Mortality of my Body knowing it to be Appointed of God for Mankind once to dye do make & ordain this my last Will and Testament that is to Say principally & first of all I recommend my Soul to God who gave it and my Body to ye Earth to be buried in decent manner and as to Such Worldly Estate as it hath pleased God to bless me with in this Life I Give Devise bequeath and Dispose of the same in the manner and form herein after mentioned: Imprimis that all Such Just and lawful Debts which I owe to any Person or persons together with my funeral Charges and Disbursements be answered paid and fully Discharged by my Executor herein after named. Item I give & bequeath to my beloved Wife in lieu of her Thirds of my Estate all my household Goods during her natural Life or Day of her Marriage which shall first Come to pass and also the whole Profit Benefit and Improvement of my Mansion House and the Land belonging to it and also the Lott of Land of Seven Acres herein after mentioned for and during the Term or Space of Two Years next after my Decease Upon Condition that she pay the Money that shall be due to y^e Colony from me or my said Estate During the Said Term of Two Years and also the one half of the Yearly Rent of the whole from thence forward for and During her Natural Life or Day of her Marriage which shall first Come to pass, upon Condition that She do pay the one half of the money that shall be due from me or my Said Estate to y^e Colony aforesaid during the Said Time Item I give & Bequeath to my beloved son Othniel Tripp and to his Heirs and Assigns for Ever my Peice of Land in Newport aforesaid measuring and Containing about Seven acres be the Same more or less being bounded and Described as in the Deed of the Same and the Same to be possessed and Enjoyed at the End of Two Years next after my decease upon Condition and in Consideration of his paying to his four Sisters the Sum of Thirty pounds to Each of them Two Years after my Decease and also he or they paying to my Wife the full half of y^e Yearly Rent of y^e Same for & during her natural Life or Day of her Marriage which shall first Come to pass also I Give & bequeath my Shoebuckles to my Grandson Othniel Tripp --

Item I give and bequeath to my beloved Son Benjamin Tripp and to his Heirs and Assigns for Ever my Mansion House and the Land or Garden thereunto belonging and the Same to be possessed and Enjoyed at the End of Two Years after my Decease upon a Condition and in Consideration of his or their giving to Othniel Allen a Silver Spoon and also to pay to my Wife the full half of the Yearly Rent of the Said House and Land for and during her Natural Life or Day of her Marriage which shall first Come to pass also I give to my son Benjamin my Sword & Cane.

Item I give and bequeath to my four beloved Daughters the Sum of thirty pounds apeice and the Same to be paid by my Son Othniel Tripp his Heirs or Assigns Two Years next after my Decease as the Same is before herein Mentioned

Item I give and bequeath a Feather bed & furniture to Each of my four Daughters. --

Othniel and Mary (Potter) Tripp

Item I give and bequeath to Othniel Allen a Silver Spoon to be delivered him by my Son Benjamin or his Heirs Two Years after my Decease as the Same is before herein mentioned

Item My Will is & I hereby order and Determine that all my household Goods that shall be left at y^e Decease of my Wife or day of her Marriage which shall first Come to pass shall be equally divided amongst & between all my before mentioned Children Both Sons and Daughters. --

Item I Give and bequeath my Great Bible to my Daughter Mary Atwood after my Wife's Decease or Day of her Marriage which shall first Come to pass. --

Finally and lastly I do hereby Nominate Appoint and Ordain my beloved Son Othniel Tripp to be the Sole and only Executor of this my last Will and Testament desiring him to see the Same and Every part thereof performed, fulfilled and accomplished according to the true and real Intent and Meaning hereof. But if it should please God that my Said Son Othniel should die before he shall have Executed and performed this Said Office of Executor then my will is and I do hereby Nominate and Appoint and Ordain my beloved Son Benjamin to be the Executor of this my Will in all Respects as before mentioned and in Testimony that this is my Last Will and Testament I have here unto Subscribed my hand and affixed my Seal this Twelfth Day of April in the Year of our Lord One thousand Seven hundred and fourty [sic].

The will was signed by the testator and witnessed by Jonathan Easton, George Wanton Jun^r and John Hammett. It was testified that Hammett was the scribe who wrote the will.²

Immediately following the will copy is a power of attorney dated 30 May 1744 from Mary Tripp (signed "O" by mark) to Matthew Robinson of Newport, gentleman, to act for her in the case

between my Son Benjamin Tripp and me & my Daughter in law Wait Tripp. Also included is a receipt dated at Dartmouth, 1 March 1743, from Jedediah Allen for a silver spoon bequeathed to Othniel Allen.

The probate date is not given, but the inconsistency of the dates with those cited in the May 1743 record makes it clear that the above will is that of Othniel³ Tripp, while the will and date of death referred to in 1743 must have been those of his son Othniel⁴ Tripp. I have not found a copy of the latter will, and the official copy has also been lost. Considering the dates, it cannot have been very many pages distant in the probate book from the will of his father.

Further legal problems appear in the records. In May 1756 Wait Baker of Newport, widow (lately Wait Tripp), executrix of the will of Othniel Tripp, late of Newport, mariner, deceased, sued Joseph Fox of Newport, scrivener, in an action of debt. The defendant defaulted.³

A later dispute reached Newport Superior Court in September 1762, when Matthew Robinson of South Kingstown, gentleman, sued Mary Tripp and Bridget Spencer, both of Newport, widows, in an action of trespass. The description of the land involved was the same as in 1743, and it was alleged that the premises had belonged to Benjamin Tripp of Newport, mariner, who had conveyed them to Robinson 24 September 1757. The will of Othniel Tripp was again entered into evidence, and it was stated that half the property had been devised to Mary for life and the whole finally obtained at law by Benjamin Tripp, Mary's son, to whom Mary had devised her interest. Judgment was delivered in March 1763; Robinson won the property, but Mary and Bridget received costs.⁴

From all this litigation several new facts of genealogical significance emerge. In addition to the children previously assigned to him, Othniel³ Tripp had a son Benjamin⁴ living 24 September 1757, a mariner of Newport. The marriage of Mary⁴ Tripp to an Atwood is confirmed by her father's will and it may be useful to know that she inherited his family Bible. The marriage of Bridget⁴ Tripp to Henry Spencer is indicated by his status as co-defendant with the widow of Othniel³ Tripp in 1743, while Bridget herself was still alive in March 1763, a widow in Newport living with her mother. Othniel Allen, a grandson of Othniel³ Tripp, was still alive in March 1743 when his father gave a receipt for the silver spoon which was his legacy.

Othniel⁴ Tripp died 10 June 1742, leaving a will dated 21 December 1741 which has been lost. His widow Wait was Wait Baker in May 1756 and so had remarried.

It should be noted that none of the above new facts are inconsistent with Randall's account, and several of his statements about the family relationships are in fact now confirmed.

NOTES

1. Margaret Buckridge Bock, "Descendants of John¹ Tripp of Portsmouth, R.I.", *The Genealogist* 4:59-128 (1983) at pp. 69-70, 85 [nos. 8, 31].

2. John Hammett also appears, in an unflattering light, in my article "The Search for Sarah Mitchell...", *id.* 3:195-203 (1982) at pp. 200-01.

3. Newport Court Books E:270. The case file itself has not yet been found.

4. Newport Superior Court File No. 13,944.