













THE  
ACTS AND RESOLVES,  
PUBLIC AND PRIVATE,  
OF THE  
PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED

THE CHARTERS OF THE PROVINCE.

WITH

HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

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PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT  
OF THE COMMONWEALTH FOR THE YEAR 1867.

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VOLUME XIII.,  
BEING VOLUME VIII. OF THE APPENDIX.

CONTAINING

RESOLVES, ETC., 1741-1746.

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PARALLEL STATE  
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ATTORNEYS



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1741.



# LEGISLATIVE LIST<sup>1</sup>

FOR

1741.<sup>2</sup>

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HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

FRANCIS FOXCROFT	}	SAMUEL ADAMS <sup>3</sup>	}	ESQRS.
EDWARD GODDARD <sup>3</sup>		WILLIAM STODDARD <sup>3</sup>		
ANTHONY STODDARD		JOHN READ		
RICHARD BILL		ESTES HATCH <sup>3</sup>		
SAMUEL DANFORTH		JOHN GREENLEAF		
DANIEL EPES <sup>3</sup>		MR. THOMAS NORTON <sup>3</sup>		
JAMES MINOT <sup>3</sup>		MR. EPHRAIM WILDER <sup>3</sup>		
WILLIAM FOYE		MR. <sup>4</sup> HENRY BURCHSTEAD <sup>3</sup>		
SAMUEL WHITE <sup>3</sup>		DR. JOHN CLARK <sup>3</sup>		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

JOHN CUSHING	}	GEORGE LEONARD <sup>3</sup>	}	ESQRS.
SHUBAL GORHAM		JOHN OTIS <sup>3</sup>		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne;*

WILLIAM PEPPERIL, SAMUEL CAME & JEREMIAH MOULTON, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN JEFFRIES, ESQ.

<sup>1</sup> See Legislative Records of the Council, xvii. (2), 566-572.

<sup>2</sup> Convened May 27, 1741; dissolved by the Governor May 28; convened again July 8.

<sup>3</sup> Rejected by the Governor. See Legislative Records of the Council, xvii. (2), 571.

<sup>4</sup> The House Journal, p. 6, reads, "Dr."

*For the Province, at large: —*

JOSIAH WILLARD & JACOB WENDELL, ESQRS.

REPRESENTATIVES OR DEPUTIES.

*May 27, 1741 to May 28, 1741.*

MR. WILLIAM FAIRFIELD, SPEAKER.

COUNTY OF SUFFOLK.

*Boston*, . . . Mr. Thomas Cushing,  
                   Mr. Edward Bromfield,  
                   Mr. Timothy Prout,  
                   Mr. James Allen.  
*Roxbury*, . . . Paul Dudley, Esq.  
*Dorchester*, . . . Capt. Thomas Wiswal.  
*Hingham*, . . . Capt. John Jacob.  
*Braintree*, . . . Capt. William Hunt.  
*Dedham*, . . . Mr. Joseph Ellis, Jr.  
*Medfield*, . . . Capt. John Dwight.  
*Medway*, . . . Mr. Jeremiah Adams.  
*Weymouth*, . . . Capt. Adam Cushing.  
*Milton*, . . . Mr. Benjamin Sumner.  
*Wrentham*, . . . Mr. Timothy Metcalf.  
*Needham*, . . . John Fisher, Esq.  
*Stoughton*, . . . Mr. Ralph Pope.  
*Brooklym*, . . . Capt. Edward White.  
*Chelsea*, . . . Samuel Watts, Esq.

COUNTY OF ESSEX.

*Salcm*, . . . Capt. Thomas Flynt,  
                   Mr. John Gardner.  
*Ipswich*, . . . John Choat, Esq.,  
                   Richard Rogers, Esq.  
*Newbury*, . . . Joseph Gerrish, Esq.  
*Marblehead*, . . . James Skinner, Esq.  
*Lyn*, . . . Mr. Thomas Chever.  
*Andover*, . . . Capt. Timothy Johnson.  
*Beverly*, . . . Robert Hale, Esq.  
*Rowley*, . . . John Hobson, Esq.  
*Salisbury*, . . . Mr. David Ring.  
*Haverhill*, . . . Capt. Nathaniel Peaslee.  
*Glocester*, . . . Capt. James Davis.  
*Topsfield*, . . . Mr. Nathaniel Boardman.  
*Bozford*, . . . Mr. Benjamin Porter.  
*Amesbury*, . . . Mr. John Whittier.  
*Brauford*, . . . Mr. Richard Bayley.  
*Wenham*, . . . Mr. William Fairfield.  
*Middleton*, . . . Mr. Timothy Fuller.

COUNTY OF MIDDLESEX.

*Cambridge*, . . . Mr. Samuel Bowman.  
*Charlestown*, . . . Ezekiel Chever, Esq.  
*Watertown*, . . . Mr. Jonas Bond.  
*Woburn*, . . . Mr. Rowland Cotton.  
*Concord*, . . . James Minot, Esq.  
*Newton*, . . . Samuel Jackson, Esq.  
*Sudbury*, . . . Mr. Thomas Taylour.  
*Billerica*, . . . Mr. Jacob French.  
*Marlboro*, . . . Samuel Brigham, Esq.  
*Groton*, . . . Nathaniel Sartell, Esq.  
*Framingham*, . . . Joseph Buckminster, Jr.,  
                   Esq.  
*Chelmsford*, . . . Capt. Samuel Chamberlain.  
*Reading*, . . . Capt. Samuel Bancroft.  
*Malden*, . . . Mr. Joseph Lynde.  
*Weston*, . . . Mr. Josiah Brewer.  
*Medford*, . . . Capt. John Hall.  
*Dunstable*, . . . Joseph Blandford, Esq.  
*Littleton*, . . . Mr. Jonathan Prescott.  
*Hopkinton*, . . . John Jones, Esq.  
*Westford*, . . . Capt. Thomas Read.  
*Waltham*, . . . Mr. Thomas Biggelow.  
*Townshend*, . . . Capt. John Stevens.  
*Sherburn*, . . . Mr. Joseph Perry.

COUNTY OF HAMPSHIRE.

*Springfield*, . . . Joseph Pynchon, Esq.  
*Northampton*, . . . John Stoddard, Esq.  
*Hadley*, . . . Richard Crouch, Esq.  
*Suffield*, . . . Mr. Samuel Kent.  
*Westfield*, . . . Thomas Ingersol, Esq.  
*Enfield*, . . . Mr. Thomas Jones.  
*Deerfield*, . . . Mr. Elijah Williams.

COUNTY OF WORCESTER.

*Worcester*, . . . Mr. Palmer Golding.  
*Laneaster*, . . . Capt. William Richardson.  
*Mendon*, . . . Capt. Robert Taft.  
*Woodstock*, . . . Mr. William Lyon.

COUNTY OF WORCESTER — *Concluded.*

*Brookfield*, . . . Capt. Josiah Converse.  
*Sutton*, . . . Mr. Elisha Putman.  
*Southborò*, . . . William Ward, Esq.  
*Shrewsbury*, . . . Mr. Caleb Johnson.  
*Lunenburg*, . . . Mr. John Grout.  
*Leicester*, . . . Capt. Christopher Jacob  
 Loughton.  
*Westborò*, . . . Mr. Edward Baker.  
*Uxbridge*, . . . Mr. Solomon Wood, Jr.

## COUNTY OF PLYMOUTH.

*Plymouth*, . . . Mr. Thomas Foster.  
*Scituate*, . . . Mr. Nicholas Litchfield.  
*Duxbury*, . . . Capt. Gamaliel Bradford.  
*Marshfield*, . . . Mr. Otis Little.  
*Bridgewater*, . . . Capt. Ebenezer Byram.  
*Middleborò*, . . . Elkanah Leonard, Esq.  
*Pembroke*, . . . Isaac Little, Esq.  
*Kingston*, . . . Capt. Gershom Bradford.  
*Hanover*, . . . Mr. Thomas Jocelyn.  
*Rochester*, . . . Mr. John Freeman.  
*Plympton*, . . . Mr. William Churchill.

## COUNTY OF BARNSTABLE.

*Barnstable*, . . . Sylvanus Bourne, Esq.  
*Sandwich*, . . . Stephen Skiff, Esq.

COUNTY OF BARNSTABLE — *Concluded.*

*Eastham*, . . . Col. John Knowles.  
*Harwich*, . . . Joseph Freeman, Esq.  
*Yarmouth*, . . . Mr. Daniel Hall.  
*Falmouth*, . . . Mr. Joseph Parker.

## COUNTY OF BRISTOL.

*Bristol*, . . . Mr. Thomas Green.  
*Taunton*, . . . Mr. Thomas Godfrey.<sup>1</sup>  
*Little Compton*, William Hall, Esq.  
*Rehoboth*, . . . Mr. Daniel Barney.  
*Tiverton*, . . . Mr. Ebenezer Tabor.  
*Dartmouth*, . . . Mr. John Tripp.  
*Norton*, . . . George Leonard, Esq.  
*Attleborò*, . . . Capt. Mahew Dogget.  
*Dighton*, . . . Sylvester Richmond, Jr.,  
 Esq.

## COUNTY OF YORK.

*York*, . . . Mr. Samuel Clark.  
*Kittery*, . . . Mr. Samuel Shorey.  
*Wells*, . . . Mr. Samuel Emery.  
*Berwick*, . . . Humphrey Chadbourn, Esq.  
*Falmouth*, . . . Mr. Moses Pearson.  
*Brunswick*, . . . Mr. Henry Gibbs.

<sup>1</sup> The House Journal, p. 4 (1741), reads, "Mr. *John Godfrey*."



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY SEVENTH DAY OF MAY, A.D. 1741.

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## CHAPTER 1.

VOTE ALLOWING 6/ PER DIEM TO THE COMMISSIONERS ON THE MASSACHUSETTS AND RHODE ISLAND BOUNDARY LINE AND A FURTHER SUM OF £1,500 FOR CHARGES.

*Voted* that there be allowed and paid on the part of this Government Six Shillings Sterling *p* Diem to each of His Majesty's Commissioners attending the Settlement of the Boundary Line betwixt this Province and the Colony of Rhode Island.

And in order further to Enable the Committee of this Court appointed for that purpose to defrey the charges which may arise in that Affair, that there be paid out of the publick Treasury to said Committee the further Sum of fifteen hundred pounds out of the Seven thousand two hundred pounds Appropriation.

The Comm<sup>ee</sup> to be Accountable to this Court for said Sum.  
[*Passed May 28.*]

Legislative  
Records of the  
Council,  
xvii. (2), 572.  
Mass.  
Archives, vi.,  
568.

Mass.  
Archives, vi.,  
568. House  
Journal, p. 8.  
Province  
Laws, xii., 608,  
chap. 95; 730,  
chap. 155.





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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1741-42.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1741-42.

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HIS EXCELLENCY JONATHAN BELCHER,

CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC. [*until August 13, 1741*].

HIS EXCELLENCY WILLIAM SHIRLEY,

CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC. [*from August 17, 1741*].

JOSIAH WILLARD, ESQ.,

SECRETARY OF THE PROVINCE.

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## REPRESENTATIVES OR DEPUTIES.

*July 8, 1741 to April 23, 1742.*

MR. JOHN HOBSON, SPEAKER.

### COUNTY OF SUFFOLK.

*Boston*, . . . Mr. Thomas Cushing,  
Mr. Timothy Prout,  
Mr. Edward Bromfield,  
Mr. James Allen.  
*Roxbury*, . . . Paul Dudley, Esq.  
*Dorchester*, . . . Capt. Thomas Wiswall.  
*Milton*, . . . Mr. Benjamin Somner.  
*Braintree*, . . . Capt. William Hunt.  
*Weymouth*, . . . Capt. Adam Cushing.  
*Dedham*, . . . John Metcalf, Esq.  
*Medfield*, . . . Capt. John Dwight.  
*Medway*, . . . Mr. Jeremiah Adams.  
*Hingham*, . . . Capt. John Jacob.  
*Wrentham*, . . . Mr. Timothy Metcalf.  
*Needham*, . . . John Fisher, Esq.  
*Brooklyn*, . . . Samuel White, Esq.  
*Chelsea*, . . . Samuel Watts, Esq.

### COUNTY OF ESSEX.

*Salem*, . . . Capt. Thomas Flynt,  
Mr. John Gardner.  
*Ipswich*, . . . John Choat, Esq.,  
Andrew Burleigh, Esq.  
*Newbury*, . . . Joseph Gerrish, Esq.,  
Mr. Benjamin Greenleaf.  
*Marblehead*, . . . James Skinner, Esq.  
*Lynn*, . . . Mr. Thomas Chever.  
*Andover*, . . . John Osgood, Esq.  
*Beverly*, . . . Robert Hale, Esq.  
*Rowley*, . . . John Hobson, Esq.  
*Salisbury*, . . . Mr. David Ring.  
*Glocester*, . . . Mr. James Davis.  
*Topsfield*, . . . Mr. Nathaniel Boardman.  
*Boxford*, . . . Mr. Benjamin Porter.  
*Amesbury*, . . . Mr. John Whittier.  
*Bradford*, . . . Capt. Richard Bayley.

<sup>1</sup> See Legislative Records of the Council, xvii. (3), 2-4. No Councillors were elected for this year.

COUNTY OF ESSEX — *Concluded.*

*Wenham*, . . Mr. William Fairfield.  
*Middleton*, . . Mr. Timothy Fuller.  
*Haverhill*, . . Mr. Nathaniel Peaslee.

COUNTY OF MIDDLESEX.

*Cambridge*, . . Mr. Samuel Bowman.  
*Charlestown*, . Ezekiel Chever, Esq.  
*Watertown*, . . Mr. Jonas Bond.  
*Woburn*, . . . Mr. Rowland Cotton.  
*Concord*, . . . James Minot, Esq.  
*Newton*, . . . Samuel Jackson, Esq.  
*Sudbury*, . . . Mr. Thomas Tylour.  
*Marlboro'*, . . Samuel Brigham, Esq.  
*Billerica*, . . . Mr. Joseph<sup>1</sup> French.  
*Frammingham*, . Joseph Buckminster, Jr.,  
                     Esq.  
*Lexington*, . . . Capt. William Read.  
*Chelmsford*, . . Capt. Samuel Chamberlain.  
*Sherburn*, . . . Capt. Isaac Coolidge.  
*Reading*, . . . Capt. Samuel Bancroft.  
*Malden*, . . . . Mr. Joseph Lynde.  
*Weston*, . . . . Mr. Joseph Livermore.  
*Medford*, . . . . Mr. John Willis.  
*Dunstable*, . . . Joseph Blanchard, Esq.  
*Littleton*, . . . Mr. Jonathan Prescott.  
*Hopkinton*, . . . John Jones, Esq.  
*Westford*, . . . Capt. Thomas Read.  
*Waltham*, . . . Mr. John Cutting.  
*Townshend*, . . Capt. John Stevens.  
*Stow*, . . . . . Mr. Phineas Rice.  
*Stonham*, . . . Mr. Jeremiah Allen.

COUNTY OF HAM[P]SHIRE.

*Springfield*, . Joseph Pyncheon, Esq.  
*Northampton*, . John Stoddard, Esq.  
*Hadley*, . . . . Richard Crouch, Esq.  
*Hatfield*, . . . Oliver Patridge, Esq.  
*Westfield*, . . . Thomas Ingersol, Esq.  
*Enfield*, . . . . Mr. Thomas Jones.  
*Deerfield*, . . . Mr. Elijah Williams.  
*Sheffield*, . . . Mr. David Ingersol.

COUNTY OF WORCESTER.

*Worcester*, . . Mr. Palmer Goulding.  
*Lancaster*, . . Capt. William Richardson.  
*Mendon*, . . . . Capt. Robert Taft.  
*Woodstock*, . . Mr. William Lyon.  
*Brookfield*, . . Joseph Dwight, Esq.  
*Sutton*, . . . . Mr. Elisha Putman.  
*Southboro'*, . . William Ward, Esq.

COUNTY OF WORCESTER — *Concluded.*

*Shrewsbury*, . Mr. Caleb Johnson.  
*Leicester*, . . Capt. Christopher Jacob  
                     Laughton.  
*Westbury*, . . Mr. Edward Baker.  
*Uxbridge*, . . . Mr. Solomon Wood, Jr.  
*Rutland*, . . . Mr. Edward Rice.

COUNTY OF PLYMOUTH.

*Plymouth*, . . Mr. Thomas Foster.  
*Scituate*, . . . Mr. Nicholas Litchfield.  
*Duxbury*, . . . Capt. Gamaliel Bradford.  
*Marshfield*, . Mr. Otis Little.  
*Bridgewater*, . Capt. Nehemiah Washburn.  
*Middleboro'*, . Elkanah Leonard, Esq.  
*Rochester*, . . Mr. John Freeman.  
*Plympton*, . . Mr. William Churchill.  
*Pembroke*, . . . Isaac Little, Esq.  
*Kingston*, . . . Capt. Gershom Bradford.  
*Hanover*, . . . Mr. Thomas Joselyn.

COUNTY OF BARNSTABLE.

*Barnstable*, . Sylvanus Bourn, Esq.  
*Sandwich*, . . . Mr. Samuel Tupper.  
*Yarmouth*, . . Mr. John Hallet.  
*Eastham*, . . . Col. John Knowles.  
*Harwich*, . . . Edward Freeman, Esq.  
*Falmouth*, . . Mr. Joseph Parker.

COUNTY OF BRISTOL.

*Bristol*, . . . . Stephen Payne, Esq.  
*Taunton*, . . . Mr. John Godfrey.  
*Rehoboth*, . . Mr. Daniel Barney.  
*Little Compton*, William Hall, Esq.  
*Tiverton*, . . . Mr. Ebenezer Tabor.  
*Dartmouth*, . Mr. John Trip.  
*Norton*, . . . . George Leonard, Esq.  
*Attleboro'*, . . Capt. Mahew Dagget.  
*Dighton*, . . . Sylvester Richmond, Esq.  
*Swanzy*, . . . . Capt. Eseck Brown.

COUNTY OF YORK.

*York*, . . . . . Mr. Samuel Clark.  
*Kittery*, . . . . Mr. Samuel Shorey.  
*Berwick*, . . . Humphrey Chadburn, Esq.  
*Wells*, . . . . . Mr. Samuel Emery.  
*Falmouth*, . . Mr. Moses Pierson.

IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . . Capt. Josiah Coffin.

<sup>1</sup> The House Journal, p. 4, reads, "Jacob."

# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE EIGHTH DAY OF JULY, A.D. 1741.

## CHAPTER 1.

VOTE APPOINTING A COMMITTEE TO CONGRATULATE THE HON<sup>BLE</sup> WILLIAM SHIRLEY CAPTAIN GENERAL AND COMMANDER IN CHIEF.

In the House of Rep<sup>ves</sup>

Whereas His Majesty King George the Second hath been graciously pleased to Appoint the Honourable William Shirley Esq<sup>r</sup> Cap<sup>t</sup> General and Commander in Chief in and over His Majesty's Province of the Massachusetts Bay whose Commission is daily expected.

*Voted* that M<sup>r</sup> Speaker Judge Dudley M<sup>r</sup> Watts M<sup>r</sup> Cotton M<sup>r</sup> Choate M<sup>r</sup> Cushing D<sup>r</sup> Hale M<sup>r</sup> Leonard M<sup>r</sup> Dwight M<sup>r</sup> Richardson M<sup>r</sup> Little M<sup>r</sup> Pynehon and M<sup>r</sup> Minot with such as the Honourable Board shall appoint be a Committee in the name and behalf of this Court to wait upon and Congratulate him upon the first news of the Arrival of His Commission.

Legislative  
Records of the  
Council, xvii.,  
Mis., 285.  
Mass.  
Archives,  
xlix., 44.

Legislative  
Records of the  
Council,  
xvii. (3), 6, 8.  
House Jour-  
nal, p. 8.

Also

*Voted* that the abovesaid Committee be desired to provide suitable Entertainment for the Members of this Court, and such other Gentlemen as the Committee upon that occasion shall Judge proper.

In Council Read & Concur'd & Will<sup>m</sup> pepperel John Jeffries, Francis Foxcroft, Josiah Willard, Jacob Wendell, Anthony Stoddard, John Cushing, Richard Bill, Shubal Gorham, Samuel Danforth, William Foye & John Read Esq<sup>rs</sup> are joined in the Affair. [*Passed July 11.*]

## CHAPTER 2.

ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO TIMOTHY CHILD.

A MEMORIAL of Elijah Williams in behalf of Timothy Child of Deerfield; Shewing that whereas this Court in the Year 1733 granted him three hundred Acres of Land, that the said Child laid out the Grant within the time limited for the Return of it, but it happened to be upon Land before granted, and that he has several times been disappointed in the Pitches which he has made; And therefore Praying that the Plat herewith exhibited may be allowed and the Land confirmed to him.

Read and

*Ordered* that the within Plat be accepted, and the lands therein

Legislative  
Records of the  
Council, xvii. (3), 11.  
Mass.  
Archives,  
xlvi., 116.

Mass.  
Archives,  
xli., 113, 115;  
cxiv., 592.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 284.  
House Jour-

nal, p. 12.  
Province  
Laws, xi., 719,  
chap. 19.

delineated and described be and hereby are confirmed to the said Timothy Childs, His Heirs and Assigns for ever, provided the Plat exceeds not the Quantity of the Grant, and does not interfere with any former Grant. [*Passed July 15.*]

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## CHAPTER 3.

### ORDER ALLOWING £34. 7 TO JOHN BEARS.

Legislative  
Records of the  
Council, xvii. (3), 13.  
Mass.  
Archives,  
lxxxvii., 36.

Mass.  
Archives,  
lxxxvii., 37.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 286.  
House Jour-  
nal, p. 17.

A PETITION of John Bears of Halifax in the County of Plymouth; Shewing that his Dwelling House being burnt down in March last he lost therein the sum of Thirty four pounds seven shillings in Bills of Credit of this Province, which was then consumed, Praying that this Court would order him that sum out of the publick Treasury or direct the Treasurer to discount the same for Taxes.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Treasurer is hereby directed and impoured to reimburse the Pet<sup>r</sup> the said Sum of thirty four pounds seven shillings accordingly. [*Passed July 16.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 286.

Legislative  
Records of the  
Council,  
xvii. (3), 13.  
House Jour-  
nal, p. 10.  
Province  
Laws, xii., 744,  
chap. 190.

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## CHAPTER 4.

### ORDER SUBSTITUTING M<sup>r</sup> ALLEN FOR M<sup>r</sup> CURTIS ON THE COMMITTEE ON THE HOLLISTON AND HOPKINTON LINE.

*Ordered* that M<sup>r</sup> Allen be added to the Committee appointed the 7<sup>th</sup> [of] <sup>1</sup> April last to run the bounds between Hopkinton and Holliston instead of M<sup>r</sup> Curtis who is excused from that service, being a near relation to one of the parties. [*Passed July 16.*]

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## CHAPTER 5.

### ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO THE HEIRS OF JOSEPH MALLINSON.

Legislative  
Records of the  
Council, xvii. (3), 14.  
Mass.  
Archives,  
xvii., 118.

Mass.  
Archives,  
xvii., 117.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 287.  
House Jour-  
nal, pp. 15, 16.  
Province  
Laws, xii., 658,  
chap. 192.

A PLAT of Two Hundred Acres of Land laid out by John Huston Surveyour and Chain men on Oath, to fulfill a Grant made by the General Court in the year 1740 to Joseph Mallinson (since deceased) adjoining to the West Bounds of the Town of Blandford in the County of Hampshire, Beginning at a Stake with stones about it, forty five rods to the Southward of Sheffield Road, thence running West 20 Degrees North on Common Lands two hundred rods to an other Stake with stones about it; thence South 20 Deg: West on Common Lands seventy two rods, to a Wild Cherry Tree marked at the North West end of a Pond; thence bounded on the said Pond or Lake South Westward to a Hemlock Tree close to the Pond; and from thence East 20 Deg. South on Christo<sup>r</sup> Jacob Loughtons Farm one hundred & thirty eight rods to a Stake with stones on Blandford West Line, and so runs North 20 Deg. East on said Blandford Line one hundred and seventy seven rods to the Corner first mentioned.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (3), 13.

Read and

*Ordered* that the within Plat be accepted and the lands therein delineated and described be and hereby are confirmed to the Heirs and Assigns of the said Joseph Mallinson (now deceased) forever provided the Plat exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed July 16.*]

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## CHAPTER 6.

### ORDER ALLOWING £5 TO JONATHAN SMITH.

A PETITION of Jonathan Smith of Sudbury; Shewing that in April last his house was burnt and therein a Five Pounds Bill of Credit of this Province; praying that the like sum may be granted to him out of the publick Treasury to reimburse him.

Legislative  
Records of the  
Council, xvii. (3), 14.  
Mass.  
Archives, lxxxvii., 38.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Treasurer is hereby directed and Impowred to reimburse the Pet<sup>r</sup> the sum of five pounds accordingly. [*Passed July 16.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 288.  
House Jour-  
nal, p. 16.

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## CHAPTER 7.

### ORDER ALLOWING JOHN LARRABEE VICTUALLER OF THE GARRISON AT CASTLE WILLIAM 2/ 6 PER MAN PER WEEK ABOVE THE LAST ESTABLISHMENT.

A PETITION of Lien<sup>t</sup> John Larrabee, Victualler of the Garrison at His Majestys Castle William, Shewing that by reason of the extraordinary rising of the price of Provisions he is not able to victual the said Garrison at the rate last stated; And therefore praying that he may be allowed twenty shillings per week per man.

Legislative  
Records of the  
Council, xvii. (3), 17.  
Mass.  
Archives, lxxii., 565.

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be so far granted as that the Pet<sup>r</sup> be allowed two shillings and Six pence a man ~~per~~ Week from Novemb<sup>r</sup> last to November next over and above the last Establishm<sup>t</sup>. [*Passed July 17.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 289.  
House Jour-  
nal, p. 17.  
Province  
Laws, xli., 442,  
chap. 194.

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## CHAPTER 8.

### ORDER ON THE PETITION OF SAMUEL IRESON FOR RETRIAL OF AN ACTION.

A PETITION of Samuel Ireson of Marblehead in the County of Essex, Shewing that the General Court were pleased by their Order pass'd the 24<sup>th</sup> of April last on his former Petition to grant him liberty to have a trial of a cause between him and one Joseph Hendley at the last Superior Court for the County of Essex aforesaid, the Petitioner seasonably serving the said Hendley with a Copy of the Order; but so it happened that the Court dismiss'd the Action because the copy of that Order was not attested by the Secretary but by the Petitioners Attorney only; And therefore Praying that the Justices of the said Superior Court may be directed to hear and try the Petitioners said Appeal at their next Term.

Legislative  
Records of the  
Council, xvii. (3), 18.  
Mass.  
Archives, xli.,  
706.  
Mass.  
Archives, xli.,  
704.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 288.  
House Jour-  
nal, p. 17.  
Province

Laws, xii., 746,  
chap. 197.

Read &

*Ordered* that the prayer of the pet<sup>a</sup> be so far granted as that the pet<sup>r</sup> have a Trial of the Cause within mentioned upon the Merits at the next Sup<sup>r</sup> Court of Judicature to be held at Salem for the County of Essex in Novem<sup>r</sup> Next; And the Justices of the s<sup>d</sup> Court are hereby impowered to hear & try the same upon the Appeal, as tho' the s<sup>d</sup> Judgm<sup>t</sup> by Default had not been, & that the Action for the Division of the Land (as within mentioned) be continued 'till such time as the said Appeal shall be tried & determined, & that Execution on the Judgment with in mentioned be staid in the mean time, provided the pet<sup>r</sup> serve the said Hendley with a Copy of this Order at least fourteen Days before the Sitting of the s<sup>d</sup> Court. [*Passed July 17.*]

## CHAPTER 9.

ORDER REVIVING WITH NOTICE THE PETITION OF JOHN PENGILLY.

Legislative  
Records of the  
Council, xvii. (3), 19.  
Mass.  
Archives, xii.,  
661.

ON THE PETITION of John Pengilly [Province Laws, xii., 739, chap. 177]

Upon a Motion of the Petitioner by his Memorial to this Court;  
Read &

House Jour-  
nal, p. 18.  
Province  
Laws, xii., 739,  
chap. 177.

*Ordered* that this Petition be revived & That the Petitioner serve the adverse Party Benjamin Sitton with a Copy of the Petition that so he shew Cause, if any he hath on Fryday the seventh of August next, if the Court be then sitting, if not on the first Fryday of the next Sitting of the Court why the Prayer thereof should not be granted, And that the Execution within mentioned be staid in the mean time. [*Passed July 17.*]

## CHAPTER 10.

VOTE RELATING TO A NEW IMPRESSION OF THE PROVINCE LAWS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 290.

In the House of Representatives

*Voted* that it is necessary a New impression of the Province Laws be made as soon as conveniently may be.

Mass.  
Archives,  
xlvii., 317.  
Legislative  
Records of the  
Council,  
xvii. (3), 19.  
House Jour-  
nal, pp. 19, 20.  
*Post*, p. 40,  
chap. 63.

That all laws as are expired, have been disallowed or repealed, be left out of said impression.

That a Committee be appointed by this Court, who shall carefully revise the Laws of this Province, shall make a good and correct Alphabet, insert proper marginal notes and references, agree with some person upon the best terms to undertake printing the same, at the charge of the Province; and shall correct the press, who shall be paid for their service as this Court shall judge proper.

That one book be delivered to each Town in the Province, to each member of this Court, and to such of the public Officers as has heretofore been Customary.

That Judge Dudley with such as the Honourable board shall join be a Committee for the service above mentioned.

In Council Read & Concurred [and Samuel Danforth Esq<sup>r</sup> is joined in the affair.]<sup>1</sup> [*Passed July 18.*]<sup>2</sup>

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (3), 19.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (2), and *ibid.*, Mis., the date is July 17.



## CHAPTER 11.

ORDER REVIVING WITH NOTICE THE PETITION OF EDWARD WINSLOW ESQ<sup>r</sup>.

ON THE PETITION of Edward Winslow Esq<sup>r</sup> [Province Laws, xii., 742, chap. 185]

Read, and at the motion of the Petitioner by his Memorial;

*Ordered* that this Petition be revived, and that the Petitioner serve the adverse party the said Giles Ivey with a Copy of this Petition, that he shew cause, if any he hath, on Tuesday the twenty eighth of this instant July why the prayer thereof should not be granted, & execution is staid in the mean time.<sup>1</sup> [*Passed July 18.*]

Legislative  
Records of the  
Council,  
xvii. (3), 20.

House Jour-  
nal, pp. 20, 43,  
63, 74. Prov-  
ince Laws,  
xii., 742,  
chap. 185.

## CHAPTER 12.

## ORDER ERECTING A PART OF NORTHAMPTON INTO A SEPERATE PRECINCT.

A PETITION of Jonathan Miller and others Inhabitants of a tract of Land belonging to the Town of Northampton very distant from the Meeting house which was intended for a Precinct; and for as much as the said Town of Northampton and the Proprietors of the Lands included in the said Tract, have consented to the said Tract of Land being made a separate Precinct; therefore Praying that this Court would order that they be made a Precinct by the Bounds particularly mentioned.

Read and in answer to this Pet<sup>n</sup>

*Ordered* that the following part of the said Town of Northampton be and hereby is set off a seperate and distinct Precinct by the bounds hereafter mentioned Viz<sup>t</sup> Bounded on the South by Westfield Bounds. East by the Country Road. North by Prop<sup>rs</sup> Lotts in the long division. (so called) West by Country land, to gether with the Inhabitants thereon and are hereby Vested with the Powers and Priviledges which other Precincts within this Province do or by Law ought to enjoy.

Also

*Voted* that there be a Tax of three pence  $\text{p}$  Acre per Annum for the two succeeding Years upon the Land of the Prop<sup>rs</sup> (being about fourteen thousand Acres) to enable the s<sup>d</sup> Inhabitants to build a Meeting House and settle a Minister. [*Passed July 18.*]

Legislative  
Records of the  
Council,  
xvii. (3), 21.

Mass.  
Archives,  
cxiv., 647.

Mass.  
Archives,  
cxiv., 646.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 290.  
House Jour-  
nal, p. 19.

## CHAPTER 13.

## ORDER REVIVING WITH NOTICE THE PETITION OF ROBERT AND GEORGE HEWS FOR STAY OF EXECUTIONS.

A MEMORIAL of Robert and George Hews; praying that their Petition for staying Executions obtained against them by Nath<sup>l</sup> Cunningham [Province Laws, xii., 737, chap. 174] may be revived, it being discontinued by the Dissolution of the General Court.

Read and

Legislative  
Records of the  
Council,  
xvii. (3), 22.

House Jour-  
nal, pp. 23, 45,  
69. Province

<sup>1</sup> At the hearing August 29, 1741, House Journal, p. 74, this petition was dismissed.

Laws, xii., 737,  
chap. 174.

*Ordered* that the Petition within refer'd to be revived and that the Memorialists serve the adverse party with a copy of this Memorial, that he give in his answer to the said Petition on Tuesday the twenty eighth Instant, and that the executions mentioned in the Petition be staid in the mean time. [*Passed July 20.*]

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## CHAPTER 14.

### ORDER OF NOTICE ON THE PETITION OF JOHN BRIGGS TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (3), 23.  
Mass.  
Archives, xli.,  
609.

Mass.  
Archives, xli.,  
607. House  
Journal, p. 24.

A PETITION of John Briggs of Dartmouth in the County of Bristol, Shewing that at the Inferior Court of Common Pleas for said County he commenced an Action of Trespass against Enos Gifford and others of Dartmouth and recovered Judgement against them, from which both parties appealed to the Superior Court, who confirmed the Judgement in part; that the Petitioner would have brought his Writ of Review but was prevented by the pretences of the other party to accommodate the matter in difference, who while the matter was almost accommodated, in a clandestine manner took out their Writ of Review and got it served on the Petitioner, the very last day when it was too late for the Petitioner to take out his Writ; And therefore Praying that he may be impowered to bring his Writ of Review of the said Action to the next Superior Court for the County of Bristol, and that the Execution on the Judgement the said Gifford and others have recovered against him, on their Writ of Review at the last Court, may be staid in the mean time.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Party the said Enos Gifford with a copy of this Pet<sup>n</sup> that he shew cause (if any he have) on the first fryday of the next Sitting of this Court why the prayer thereof should not be granted and Execution within mentioned is stayed in the mean time. [*Passed July 21.*]

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## CHAPTER 15.

### VOTE IMPOWERING AND DIRECTING M<sup>R</sup> EZEKIEL GOLDTHWAIT REGISTERAR OF DEEDS TO CERTIFY RECORDS.

Legislative  
Records of the  
Council,  
xvii. (3), 24.  
Mass.  
Archives,  
xvii., 809.

Mass.  
Archives,  
xvii., 808.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 289.  
House Jour-  
nal, p. 20.  
Province  
Laws, ii., 197.

A PETITION of Ezekiel Goldthwait Register of Deeds for the County of Suffolk; praying that he may be impowered to sign the Books of the Record of such Deeds as were left unrecorded or the Record unattested by the two last Registers M<sup>r</sup> Ballantine and M<sup>r</sup> Gerrish.

[Read and]

*Voted* that M<sup>r</sup> Ezek<sup>l</sup> Goldthwait Register of Deeds for the County of Suffolk be Enabled & Directed to Certify the Record of the Deeds he found in the Office (and has since recorded) according to the time of their Reception into the Office noted on the said Deeds, and that the Record of the Deeds Entred in the Books, but the Books not Attested Either by John Ballantine Esq<sup>r</sup> the former Register or M<sup>r</sup> Sam<sup>l</sup> Gerrish the late Register, be Compared with the Original by the said M<sup>r</sup> Goldthwait & by him be Certified & such Attestation is hereby declared Good & Valid. [*Passed July 21.*]

## CHAPTER 16.

## ORDER OF NOTICE ON THE PETITION OF THE INHABITANTS OF NORTH YARMOUTH.

A PETITION of the Proprietors and Inhabitants of North Yarmouth, Praying that this Court would set aside their Order passed in June 1740, on the Petition of Adam Winthrop Esq<sup>r</sup> and others (styling themselves) Proprietors of Merriconeag Neck; forasmuch as the Petitioners had their Answer ready but were hindered by the Providence of God from putting it into the Court in due Season, and that their answer may be received.

Read and

*Ordered* That the Petitioners Serve Adam Winthrop Joseph Wadsworth and Job Lewis Esq<sup>rs</sup> M<sup>r</sup> Henry Gibbs and Belcher Noyes with a Copy of this Petition that they may shew Cause if any they have on Friday the twenty fourth of July Inst<sup>t</sup> why the Prayer thereof should not be granted. [*Passed July 22.*]

Legislative  
Records of the  
Council,  
xvii. (3), 26.  
Mass.  
Archives,  
cxiv., 659.

Mass.  
Archives,  
cxiv., 658.  
House Jour-  
nal, pp. 26, 29.  
Province  
Laws, xii., 685,  
chap. 35.

## CHAPTER 17.

ORDER ALLOWING JAMES BOWDOIN ESQ<sup>r</sup> AND DAVID INGERSOL FURTHER TIME FOR PERFORMING THE CONDITIONS OF A GRANT.

A PETITION of James Bowdoin Esq<sup>r</sup> and David Ingersol Shewing that they desisted from settling their Rights in Upper Housatamuck in compliance with the Orders of this Court, and therefore Praying for further time, and that this Court would declare the grants of those persons who have intruded on the Petitioners Rights in said place forfeited, unless they will give the Petitioners possession of their land.

[Read and]

*Voted* that inasmuch as it appears that the Petitioners desisted their settlements of the lands, in their Petition refer'd to, at the request of the Committee of this Court, and so have not fulfilled the conditions of their grants and the time for the fulfilment thereof being expired, that they be by this Court enabled and entitled to have and hold the same in all respects in such manner as they did and might do before the term for the fulfilment of their Grants was expired, & that there be a further term of two years from this Day allowed them to perform the Conditions of Settlement by this Court enjoyned them. And whereas it appears that divers Persons have entered into and hold the Petitioners out of Possession of such lands as have been granted & laid out to them and others under whom they claim the same, whereby they are and have been obstructed in their Settlements thereof, and that on the first day of May 1738 they were ordered by this Court to surrender and deliver possession thereof to the rightful Owners, and in case of such their neglect, to forfeit their Rights to such lands in said Township as had been granted to them or others under whom they held the same, the conditions of which Rights or Grants had not been fulfilled; that therefore their said Grants be by this Court declared utterly null & void, and the

Legislative  
Records of the  
Council,  
xvii. (3), 27.

House Jour-  
nal, pp. 21, 24.  
Province  
Laws, xii., 459,  
chap. 237;  
537, chap. 78.

<sup>1</sup> At the hearing July 24, House Journal, p. 29, a committee was appointed to consider the case and report.

same revert to the Province, unless they surrender and deliver up possession of such lands as are claimed by and have been laid out to the Petitioners or others under whom they claim, within ten days after notice given them by the Petitioners of this Order: and in case of neglect, that the Petitioners be fully authorized and empowered to bring and prosecute their Actions for the recovery of Possession of the same, as fully as if they had to all intents and purposes fulfilled the terms and conditions of their grants: And that the Committee called the Settling Committee for said Township be and hereby are fully authorized to give authenticated copies of all grants and other their Proceedings for the bringing forward the Settlement of the said Township: But if those Persons above mentioned who are now in possession of the land of the Petitioners shall within ten days as aforesaid surrender up to them peaceably the said Land, that then they shall also have a further term of two years from this time to perform the conditions of Settlement enjoined them on their own grants. [*Passed July 22.*]

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## CHAPTER 18.

### ORDER OF NOTICE ON THE PETITION OF THOMAS GRAY TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (3), 30.  
Mass.  
Archives, xli.,  
604.

Mass.  
Archives, xli.,  
633. House  
Journal, p. 25.  
Province  
Laws, xli., 704,  
chap. 86.

A PETITION of Thomas Gray, Shewing that agreeable to the Order of this Court pass'd on his Petition preferred to the Court in June 1740 he brought his Writ of Review of an Action between him and Kenelm Winslow at the Superior Court of Judicature held at Barnstable in April last, in which Writ were recited the words of the Order of the General Court, and because the Style of the Superior Court was not exactly mentioned, the Justices of the said Court were pleased to abate the Petitioners Writ; And therefore Praying that he may be empowered to bring a new Writ of Review at the next Superior Court at Barnstable, and that the Title of the Court may be given according to the express words of the Law.

Read and

*Ordered* that the Pet<sup>r</sup> serve the adverse Party the said Kenelm Winslow with a copy of this Pet<sup>n</sup> that He shew cause (if any he hath) on the first fryday of the next sitting of this Court why the prayer thereof should not be granted. [*Passed July 24.*]

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## CHAPTER 19.

### ORDER OF NOTICE ON THE PETITION OF THE INHABITANTS OF THE WEST PART OF LEICESTER FOR RELIEF FROM A TAX.

Legislative  
Records of the  
Council,  
xvii. (3), 31.  
Mass.  
Archives, xli.,  
186.

Mass.  
Archives, xli.,  
184. House  
Journal, p. 29.

A PETITION of the Inhabitants of the Westerly Part of the Town of Leicester, Shewing that by reason of their remoteness from the Meeting House in the Easterly Part they have been obliged to build a Meeting House for their own accommodation, and are at the charge of supporting a Minister, notwithstanding which they are taxed for the repairs of the Easterly Meeting House; praying that they may be discharged from paying the said Tax.

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Easterly part of the Town of Leicester with a copy of this Petition that they shew cause (if any they have) on tuesday the fourth of Aug<sup>t</sup> next if the Court be then sitting if not on the first tuesday of the next sitting of this Court why the prayer thereof should not be granted. [*Passed July 24.*]

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## CHAPTER 20.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE GLOUCESTER 1<sup>ST</sup> PARISH AFFAIR.

THE COMMITTEE to whom was refer'd the Petition of Nathaniel Coit and others Inhabitants of the Northerly part of the first Precinct in Gloucester, have fully heard the parties, perused the several papers in the case, and particularly a Plan of said Precinct taken by Order of this Court, and it appearing to us that the new Meeting House in said Parish is not erected in the place proposed and agreed on by the Precinct, as most commodious for the Inhabitants in general, but in a place further distant from and less convenient for the Petitioners, as also that said House was there erected by a small number of the Inhabitants in the Southerly Part of the Parish without the allowance or consent of the Precinct or any authority whatsoever: We are therefore humbly of Opinion that if the Non Petitioners in said Precinct do not within twelve months from the end of the present Session of this Court remove the said House to the place assigned and agreed on by the Precinct, or the Precinct erect an other House there, convenient, to meet in for the publick Worship of God, that then and in such case the Petitioners and their Associates, together with their Estates in the Northerly Part of the said Parish be erected into a distinct and separate Precinct, agreeable to their Petition, unless the Inhabitants of the said first Precinct shall within the term aforesaid agree to have the Worship of God carried on in both the Meeting Houses (already erected) at the same time, and to settle an other learned and Orthodox Minister there to assist the Rev<sup>d</sup> M<sup>r</sup> White in carrying on the same; the two Ministers to preach in the Old and New Meeting Houses interchangeably and by turns or otherwise as they shall agree.

The said Committee are further of opinion that in the mean time the Petitioners have liberty to meet in the old Meeting House for the publick Worship of God, and be excused from all charge for the support of the Rev<sup>d</sup> M<sup>r</sup> White, provided they maintain constant preaching in said House. All which is humbly submitted

In the Name and by Order of the Committee

SAM<sup>l</sup> DANFORTH.

Read and

*Ordered* that the Report be accepted. [*Passed July 24.*]

Legislative  
Records of the  
Council,  
xvii. (3), 33.  
Mass.  
Archives,  
cclxliii., 59.

Legislative  
Records of the  
Council,  
xvii. (3), 10.  
House Journal,  
pp. 12, 28.  
Province  
Laws, xli., 731,  
chap. 159.

## CHAPTER 21.

## ORDER ALLOWING EBENEZER WILDER TO FILE A DECLARATION.

Legislative  
Records of the  
Council,  
xvii. (3), 70.  
Mass.  
Archives,  
xvii., 812.

Mass.  
Archives,  
xvii., 810.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 291.  
House Jour-  
nal, p. 27.

A PETITION of Ebenezer Wilder of Lancaster; Shewing that he purchased of Sarah Rogers one moyety of two messuages and two Acres of Land in Boston that the Executors of Simon Rogers dec<sup>d</sup> recovered possession of the said Estate upon a Mortgage formerly made to the said Rogers, unless payment be made of the sum due thereon; that the Petitioner tendered the said sum, but the Executors refused it; and thereupon in October last he filed his Declaration in the Clerks Office of the Superior Court for recovering Possession of the Premises, but it was dismissed for some Defect in the Service; And therefore Praying that he may be enabled to file his s<sup>d</sup> Declaration at the next Superior Court and the Court may be empowered to proceed thereon, notwithstanding the expiration of the time limited by Law, that so the said Executors may be obliged to surrender the premises upon payment of the money.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is allowed to file a declaration accordingly. [*Passed July 24.*<sup>1</sup>]

## CHAPTER 22.

## ORDER ON THE PETITION OF WILLIAM WHEELER JR. FOR STAY OF EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (3), 12, 35.  
House Jour-  
nal, pp. 12, 30.

A PETITION of William Wheeler Jun<sup>r</sup> of Boston; Shewing that Stephen Rogers of Boston aforesaid has recovered Judgement against him at the Superior Court of Judicature for the County of Suffolk for the sum of £123. 3. 2 and that the Petitioner has recovered divers Judgements against the said Rogers at the Inferior Court for said County, to the amount of £132. 5 which the said Rogers suffered to go against him by Default, but has appealed to the next Superior Court, but forasmuch as the said Rogers is in very low circumstances; Therefore Praying that the said Rogers's Execution may be staid till the Petitioner can take out his Executions against Rogers, on his Judgements, that so they may be set off against each other.

Read, and it appearing that the adverse party has been served with a Copy of this Petition but no answer is given in:

*Ordered* that the prayer of the Petition be so far granted as that the Execution against the Petitioner within mentioned be staid until the end of the Superior Court to be holden at Boston in August next. [*Passed July 25.*]

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is August 8.

## CHAPTER 23.

## ORDER DIRECTING THE COMMITTEE ON INDIAN AFFAIRS TO RENDER AN ACCOUNT OF THEIR PROCEEDINGS.

*Voted* that those Gentlemen who have been appointed by this Court to be aiding and assisting the Indians in the sale of Lands, or Improvement of the money upon such sale, be directed to render an Account of their proceedings therein to this Court at the next Fall Session. [*Passed July 25.*]

Legislative Records of the Council, xvii., Mis., 291. Mass. Archives, xxxi., 314a.

Legislative Records of the Council, xvii. (3), 35. House Journal, p. 30. Province Laws, xii., 736, chap. 169.

## CHAPTER 24.

## VOTE IMPOWERING MAJOR SAMUEL SEWALL TO SURVEY AND LAY OUT 500 ACRES OF LAND.

*Voted* that Major Samuel Sewall be and hereby is allowed and impowered by a Surveyor and Chain Men on Oath to lay out five hundred acres of the Unappropriated Lands of the Province to satisfy a grant made to the Heirs of Major Sewall late of Salem dec'd in the year 1738. He to return A Plat thereof to this Court within twelve months for confirmation. [*Passed July 27.*]<sup>1</sup>

Legislative Records of the Council, xvii., Mis., 294. Mass. Archives, xvi., 119.

Legislative Records of the Council, xvii. (3), 31. House Journal, p. 28. Province Laws, xii., 501, chap. 61.

## CHAPTER 25.

## VOTE IMPOWERING JOSEPH GREEN, ISAAC WALKER, BYFIELD LYDE AND JOHN GREEN TO SURVEY AND LAY OUT 8,575 ACRES LAND.

*Voted* that Joseph Green and Isaac Walker Byfield Lyde and John Green be allowed by a Surveyor and Chain men on oath to lay out eight thousand five hundred and seventy five acres, to compleat a Grant of ten thousand five hundred and seventy five Acres made to them Anno 1739 in any of the unappropriated lands of this Province not to exceed three pieces, and to be laid adjoining to some Township or former Grant to be laid in regular forms so as not to incommode lands suitable for Townships and that they be allowed a further term of twelve months from this day to survey and return a Plan or Plans thereof to this Court for confirmation. [*Passed July 27.*]

Legislative Records of the Council, xvii., Mis., 294. Mass. Archives, cxiv., 662.

Legislative Records of the Council, xvii. (3), 36. House Journal, pp. 28, 29. Province Laws, xii., 646, chap. 174.

## CHAPTER 26.

## VOTE ALLOWING £250 TO THE COMMITTEE ON THE RHODE ISLAND BOUNDARY.

WHEREAS there is a Surpluss of the Seven thousand two hundred pound Appropriation remaining in the hands of the Treasurer.

*Voted* that two hundred and fifty pounds part of the afores<sup>d</sup> Sum

Legislative Records of the Council, xvii., Mis., 293. Mass. Archives, vi., 569.

Mass. Archives, vi., 569. Legislative Records of

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is July 24.

the Council, xvii. (3), 37.  
House Journal, p. 30.  
Province Laws, ii., 1040,  
chap. 12.  
*Ante*, p. 7,  
chap. 1.

be delivered to the Comm<sup>ee</sup> appointed upon the boundary Line between this Province and the Colony of Rhode Island They to be accountable for the same. And that the remaining part thereof be transfer'd to the Appropriation for contingent charges. [*Passed July 27.*]

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## CHAPTER 27.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE MANAGEMENT OF THE RHODE ISLAND AFFAIR, AND APPOINTING A COMMITTEE TO APPEAL FROM THE DECISION OF THE COMMISSIONERS.

Legislative Records of the Council, xvii. (3), 37.  
Mass.  
Archives, vi., 572.

WILLIAM PEPPERIL Esq<sup>r</sup> from the Committee of both Houses on the affair of the Boundary Line on Rhoad Island Government, gave in the following Report :

Legislative Records of the Council, xvii. (3), 29.  
House Journal, pp. 27, 32.  
Province Laws, xii., 726,  
chap. 144.

In obedience to the above Order<sup>1</sup> we have considered the Report and Judgment aforesaid and are of Opinion that it is most expedient for this Province to appeal from the Judgment aforesaid and every part of it, to His Majesty in Council.

In the Name and by Order of the Committee

W<sup>m</sup> PEPPERIL.

Read &

*Ordered* that this Report be accepted & that the Com<sup>tee</sup> appointed to manage the Controversy within-mentioned, or a Quorum of them, seasonably attend, & enter an Appeal for this province from that determination & every part thereof accordingly. [*Passed July 28.*]

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## CHAPTER 28.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE LINE BETWEEN WOBURN AND BILLERICA.

Legislative Records of the Council, xvii. (3), 39.  
Mass.  
Archives, cxiv., 546.

Legislative Records of the Council, xvii., Mis., 292.  
House Journal, p. 32.  
Province Laws, xii., 680,  
chap. 24.

WE THE SUBSCRIBERS appointed a Committee to settle the Boundary Lines controverted between the Towns of Woburn and Billerica, more especially on the North East of the Country Road that leads from Billerica thro' Woburn to Charlestown, after due notice given to all Parties, have attended that Service and met at the Place controverted; both parties by their Committees being present & fully heard; and began at a Wild Pear Tree standing in the Line of College Farms, an ancient Bound; and from thence run South Westerly by the said College Farm to a White Oak Tree marked, so on the same course to an other White Oak Tree marked, (the corner of said Farm) still on the same course to a Black Oak Tree marked standing in a Fence on the Edge of a Hill at the Corner of Henry Breeds field; which Bounds has been anciently and often renewed; And from the said Black Oak Tree the Line continues the same point, crossing a Swamp to a White Oak Spreat with stones about it, standing at the Corner of Thomas Dilsons pasture, a Corner Bound; from thence the Line turns and runs North Westerly about Seventy rods, to a Black Oak Tree standing by the side of the Highway (on the Easterly side of the same) an old Bounds often renewed, and mentioned in Shermans Report of running the Line the eighteenth of the third Month 1668, and from thence South Westerly

<sup>1</sup> See Legislative Records of the Council, xvii. (3), 29.



by the old Bounds to Bedford Corner, and from the Wild Pear Tree first mentioned running North Easterly by the Old Bounds to Wilmington Corner, as usually perambulated; both Parties acknowledging the two last mentioned Lines the true Bounds. All which is humbly submitted by your Excellencies and Honors most humble Servants

JOS: WILDER } Comm<sup>tee</sup>  
 JOS: BLANCHARD }

Read &

*Ordered* that this Report be accepted, and that the whole Charge respecting the Affair be born by the Town of Billerica. [*Passed July 28.*<sup>1</sup>

## CHAPTER 29.

### VOTE APPOINTING A COMMITTEE TO INQUIRE AS TO THE SATISFACTION OBTAINED BY QUAKERS AND OTHER SUFFERERS.

In the House of Rep<sup>res</sup>

*Voted* that M<sup>r</sup> Cushing M<sup>r</sup> Fairfield Maj<sup>r</sup> Osgood Cap<sup>t</sup> Cheevers and Cap Lawton with such as shall be Joyn'd by the Hon<sup>ble</sup> Board be a Comm<sup>tee</sup> to inquire who were formerly sufferers as Quakers, or on Acc<sup>t</sup> of the Witchcraft, and what satisfaction has been made by this Court to such sufferers. And report what in their Judgment may be proper to do thereon.

In Council Read & Concur'd and William pepperell, John Cushing, Samuel Danforth & John Greenleaf Esq<sup>rs</sup> are join'd in the Affair. [*Passed July 29.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 294.  
Mass.  
Archives, xii.,  
183.

Legislative  
Records of the  
Council,  
xvii. (3), 39.  
House Jour-  
nal, p. 33.  
Province  
Laws, xii., 747,  
chap. 199.

## CHAPTER 30.

### ORDER IMPOWERING HULDAH CARPENTER AS ADMINISTRATRIX TO SELL REAL ESTATE.

A PETITION of Huldah Carpenter of Rehoboth, Widow and Administr<sup>x</sup> of the Estate of Comfort Carpenter dec<sup>d</sup> Shewing that she is impowered by the Justices of the Superior Court of Judicature to sell the real Estate of the dec<sup>d</sup> for paying his debts, that since his decease his mother is dead, whereby her Dower is come to the heirs of the deceased; and therefore praying for liberty to sell that with the rest of the real Estate, for paying the Debts as also for selling some lands that are come to said Heirs by their Aunt Elis<sup>a</sup> Pecks decease.

[Read and]

*Voted* that the Prayer of the Petition be Granted & that the said Huldah Carpenter be fully Authorized and Impowered to make Sale of the whole Real Estate of the said Comfort Carpenter dec<sup>d</sup> as well Two Third parts of Forty Eight Acres of Land lying in three parts with the Buildings thereon which was sett off unto his Mother Eliz<sup>a</sup> Carpenter lately deceased, as her Dower in her husband Josiah Carpenters Estate, As that part thereof that the said Comfort Carpenter was Seized & possessed off in his Lifetime in his own Right

Legislative  
Records of the  
Council,  
xvii. (3), 40.  
Mass.  
Archives,  
xvii., 814.

Mass.  
Archives,  
xvii., 813.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 296.  
House Jour-  
nal, p. 25.  
Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is July 29.

being for the payment of the just Debts of the said Comfort Carpenter deced. & agreeable to an Order of the Superior Court of Judicature &<sup>c</sup> held at Bristol on the fourth Wednesday of October last.

As also that the said Huldah Carpenter be fully Authorized & Impowered to make Sale at the same time of the other third part of the aboves<sup>d</sup> Forty Eight Acres of Land & Buildings thereon which belonged to Elizabeth Peck deced late Daughter of the said Josiah Carpenter deced, the Produce thereof to be let out at Interest for the Advantage of the Children of the Said Comfort Carpenter deced, who are by Law Entitled to the Same, She to give Sufficient Security to the Judge of Probate for the County of Bristol for Payment of the Said Principal Sum & Interest arising thereon when the Same shall be lawfully Demanded, And that She Execute in due form of Law a good Deed for Conveyance of the aforementioned Estate of the said Comfort Carpenter, & Elizabeth Peck to Any person or persons that will give most for the Same, And that She in the Sale thereof Attend the Directions of the Law of this province Impowering Excors or admors to Sell Land & other Real Estate. [*Passed July 29.*]

## CHAPTER 31.

### VOTE ACCEPTING THE ACCOUNT OF THE HASSAMINISCO TRUSTEES.

AN ACCOMPT presented by the Hon<sup>ble</sup> Spencer Phips Esq<sup>r</sup> Edward Goddard and Ephraim Curtis Esq<sup>s</sup> trustees for the Indians of Hassanimiscoe, of their Receipts and Disbursem<sup>ts</sup> for the said Indians, amounting to the sum of £119 ballance in their hands being £79. 7. 9.

[Read and]

*Voted* That the said Trustees be Discharg<sup>d</sup> of the Sum of One Hundred & Nineteen pounds, & That they be further Accountable for the Sum of Eighty Three pounds, Eleven Shillings & Six pence, Ball<sup>ce</sup> in their hands. [*Passed July 29.*]

## CHAPTER 32.

### ORDER OF NOTICE ON THE PETITION OF JOSEPH CROCKER AND OTHERS ABOUT A BOUNDARY LINE.

A PETITION of Joseph Crocker, Josiah Crocker & Josiah Fuller all of Barnstable, Shewing that the Petitioners have lands bordering on the Lands of the Indians of Mashpee, at a place called Satuet, and that there is a difference between them and the said Indians about the Boundary Line, and therefore to prevent contention in the law, praying that a Committee may be appointed by this Court to state and settle the said Boundary Line.

Read and

*Ordered* that the Pet<sup>rs</sup> serve Melatiah Bourn Esq<sup>r</sup> with a copy of this Pet<sup>n</sup>, with a direction that He shew the same to some of the principal Indians at Mashpa, that they shew cause (if any they have) on the first tuesday of the next Fall Session why the Prayer thereof should not be granted. [*Passed July 29.*]

Legislative  
Records of the  
Council,  
xvii. (3), 42.  
Mass.  
Archives,  
xxxii., 233.

Mass.  
Archives,  
xxxii., 292.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 295.  
House Jour-  
nal, p. 33.

Legislative  
Records of the  
Council,  
xvii. (3), 42.  
Mass.  
Archives,  
xvii., 121.

Mass.  
Archives,  
xvii., 120.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 298.  
House Jour-  
nal, p. 30.

## CHAPTER 33.

### ORDER REFERRING THE PETITION OF JOSEPH BELKNAP FOR A NEW TRIAL OF A CAUSE.

A PETITION of Joseph Belknap of Cambridge in the County of Middlesex; Shewing that in the trial of a cause between him and Samuel Belknap of Woburn at the Superior Court of Judicature for the said County in <sup>1</sup> he had much wrong done him by unfair practices in the choice of Jurors and in the caption of some Evidences, and therefore Praying that he may be impowered to have an other trial of the said cause at the Superior Court to be held for the said County in January next, and that Execution on the last Judgement be stayed in the mean time.

Read, together with the answer of Samuel Belknap, and it appearing that at the Superior Court of Judicature now Sitting at Cambridge all controversies between the Petitioner and the Respondent are refer'd to a Rule of Court:

*Ordered* that the consideration of this Petition be refer'd to the first Fryday of the next Sitting of this Court. [*Passed July 30.*]

Legislative  
Records of the  
Council, xvii.,  
37. (3), 21, 43.  
House Jour-  
nal, pp. 20, 37.

## CHAPTER 34.

### VOTE ADDING JOHN READ AND ROLAND COTTON ESQ<sup>RS</sup> TO THE COMMITTEE ON PUBLICATION OF THE PROVINCE LAWS.

*Voted* that John Read Esq<sup>r</sup> and M<sup>r</sup> Roland Cotton be added to the Committee appointed to prepare a new Impression of the Laws of the Province as entred the 17<sup>th</sup> curr<sup>t</sup>. [*Passed July 30.*]

Legislative  
Records of the  
Council, xvii.,  
299.  
Mis., 299.  
Mass.  
Archives,  
xlvii., 319.

Mass.  
Archives,  
xlvii., 317.  
Legislative  
Records of the  
Council,  
xvii. (3), 44.  
House Jour-  
nal, p. 36.  
*Ante*, p. 16,  
chap. 16.

## CHAPTER 35.

### ORDER IMPOWERING THE ADMINISTRATOR OF THE ESTATE OF THOMAS TUPPER TO GIVE A DEED OF RELEASE.

A PETITION of Eliakim Perry Administ<sup>r</sup> of the Estate of Thomas Tupper late of Stoughton in the County of Suffolk dec<sup>d</sup> Shewing that one Joseph Pierce being imprisoned (by an Execution taken out by the said Tupper) for the sum of £53. 4. 4 gave a Deed of one half of Eight Acres of land and a Mill Dam and Stream in Rochester to the said Tupper, which Deed was given only for security of the said Debt; and therefore praying that he may be impowered to give a Deed of Release of the Premises to Joseph Haskel of Rochester (to whom the said Pierce gave a Deed of the said lands and premises since the first) upon payment of the debt due to Tupper's Estate.

Read and

*Ordered* that the said Eliakim Perry Adm<sup>r</sup> to the Estate of the s<sup>d</sup> Thomas Tupper dec<sup>d</sup> be and hereby is enabled to release convey and confirm the land and premises within mentioned to the said

Legislative  
Records of the  
Council,  
xvii. (3), 44.  
Mis., 298.  
Mass.  
Archives,  
xvii., 792.

Mass.  
Archives,  
xvii., 789.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 298.  
House Jour-  
nal, p. 35.

<sup>1</sup> The House Journal, p. 20, reads, "*Charlestown.*"

Joseph Haskell His Heirs and Assigns forever. He paying and discharging the Sum with Lawful In<sup>t</sup> for the same for which the same was conveyed as Security to the said Tupper. [*Passed July 30.*]

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## CHAPTER 36.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF NO. YARMOUTH PROPRIETORS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 299.  
Mass.  
Archives,  
cxiv., 661.

Legislative  
Records of the  
Council,  
xvii. (3), 30, 47.  
House Jour-  
nal, pp. 11, 33.  
*Ante*, p. 19,  
chap. 16.

THE COMMITTEE to whom was referred the Petitions of the Proprietors of North Yarmouth, & the Proprietors of Merriconeag Neck & of Sabasca Degan Islands (as they style themselves) having met & fully heard the parties are of opinion that the Proprietors of North Yarmouth really designed to make answer to the petition of Adam Winthrop Esq<sup>r</sup> & others preferred to the General Court y<sup>e</sup> 28<sup>th</sup> of May 1740 praying that s<sup>d</sup> Neck might be annext to Brunswick as sett forth therein And altho' they had prepared their answer, by accident it miscarried & so the Hible Court proceeded & annext s<sup>d</sup> Neck with the Inhabitants to Brunswick.

Wherefore we apprehend the Orders of Court relating thereto ought so far to be superceded as that the Town of North Yarmouth be admitted by their Agent now to make answer to said Petition & be heard thereon, so that a full consideration of the Petition may be had by this Court, And that the consideration of the other petitions aforesaid which have a near relation thereto be suspended in the mean time The said Proprietors Agent first notifying Adam Winthrop Esq<sup>r</sup> of this Report & Order thereon.

All which is Humbly submitted By JER. MOULTON,  
by Order.

Read &  
*Ordered* that this Report be accepted. [*Passed July 31.*]

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## CHAPTER 37.

### ORDER OF NOTICE ON THE PETITION OF JOSEPH FASSETT ADMINISTRATOR.

Legislative  
Records of the  
Council,  
xvii. (3), 49.

House Jour-  
nal, p. 38.  
Province  
Laws, xli., 644,  
chap. 170.

A PETITION of Josiah Fasset of Bedford, Administrator of the Estate of Josiah Fasset his father deceased, Shewing that the Commissioners of the £100,000 Loan for Middlesex in adjusting a debt of his said Fathers, have made a considerable mistake, to the damage of the said Estate, And therefore Praying that this Court would inquire into it and rectify the same.

Read and

*Ordered* that the Petitioner serve the Commissioners of the One Hundred Thousand Pounds Loan for the County of Middlesex with a Copy of this Petition, that they give answer thereto on the first Fryday of the next Session of this Court, and that the Commissioners be directed to give attested Copies of all Receipts and Entries in their Books, relating to that affair. [*Passed July 31.*]

## CHAPTER 38.

ORDER ALLOWING JOHN GREEN £10 PER ANNUM IN ADDITION TO THE  
£5 PREVIOUSLY GRANTED.

A PETITION of John Green, of Brookfield; Shewing that his Pension of Five Pounds per Annum, in consideration of his being wounded in the publick Service against the Indian enemy, is too small for his relief; And therefore praying that this court would make an addition thereto;

Read and

*Ordered* that there be an addition of ten pounds  $\text{p}$  Annum added to the five pounds already granted to the Pet<sup>r</sup> till the further Order of this Court. [*Passed July 31.*]

Legislative  
Records of the  
Council,  
xvii. (3), 49.  
Mass.  
Archives,  
lxxii., 564.

Mass.  
Archives,  
lxxii., 564.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 299.  
House Jour-  
nal, p. 37.  
Province  
Laws, ix., 96,  
chap. 122.

## CHAPTER 39.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE KETTICUT INDIANS.

A PETITION of Nehemiah Abbat and others Indian Proprietors of Ketetticut in the County of Plymouth; Shewing that one Edward Mitchel of Bridgwater brought an Action against them for some of their Land at Ketiticut, that the Petition<sup>rs</sup> recovered Judgem<sup>t</sup> against him at the Inferior Court of Common Pleas, from which the said Mitchel appealed to the Superior Court, but died without prosecuting the Appeal, so that the Petitioners have lost their costs; since which time Nehemiah Washburn Israel Washburn of Bridgwater and James Boyce of Middleboró, on the pretended right of the said Mitchel, have entered upon the Petitioners lands, and taken their fields and orchards out of their hands, and made great strip and wast of their Timber; And therefore Praying that this Court would appoint some proper Persons to defend the Petitioners titles and prosecute the Trespassers on their Lands.

In Council

Read, together with the answer of Nehemiah Washburn and others, and

*Ordered* That John Cushing Esq<sup>r</sup> with Such as shall be join'd by the hon'ble House, be a Committee to inquire into the matter of Complaint mention'd in the Petition, as also what is Suggested by the Respondents in their answer, and report to this Court, at their Fall Session what they judge proper to be done thereon the Charge to be born as this Court shall order.

In the House of Rep<sup>ves</sup>

Read and concour'd and Cap<sup>t</sup> Hall and M<sup>r</sup> Foster are Joynd in the Affair. [*Passed July 30.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xvii. (3), 15, 50.  
Mass.  
Archives,  
xxxii., 318.

Mass.  
Archives,  
xxxii., 317.  
House Jour-  
nal, pp. 15, 37.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council, xvii. (3), the date is August 1.

## CHAPTER 40.

## ORDER CONFIRMING A PLAT OF THE TOWN OF DEERFIELD.

Legislative  
Records of the  
Council,  
xvii. (3), 51.  
Maps and  
Plans, Mis.,  
xxxv., 20.

Maps and  
Plans, Mis.,  
xxxv., 20.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 301.  
House Jour-  
nal, pp. 33, 41.  
Province  
Laws, ix., 235,  
chap. 4.

A PLAT of the Town of Deerfield including the Additional Grant made in the year 1712, which Additional Grant begins at a large Chesnut Tree at the Country Farm (so called) which is the North West Corner of the Seven miles square already confirmed; running thence West sixteen hundred and seventy Perch to two large White Oak Trees standing close together mark'd; thence running South 19.° 00' West three thousand eight hundred & sixty Perch to a great Hemlock Tree mark'd with Stones about it; thence East sixteen hundred and seventy Perch to the South West Corner of the said Seven miles Square; thence along by the said Seven Miles North 19.° 00' East three thousand eight Hundred and sixty Perch to the Chesnut Tree first mentioned: The whole of both Tracts containing 69,480 acres, Surveyed by Tim<sup>o</sup> Dwight Esq<sup>r</sup> and Chain men on Oath.

Read and

*Ordered* that this Plat be accepted provided the land therein delineated and described exceed not the Quantity of the Grant and does not interfere with any former Grant. [*Passed August 3.*]

## CHAPTER 41.

## ORDER ALLOWING 30/ TO ASA HUNT.

Legislative  
Records of the  
Council,  
xvii. (3), 52.  
Mass.  
Archives, cii.,  
182.

Mass.  
Archives, cii.,  
181. Legisla-  
tive Records  
of the Council,  
xvii., Mis., 300.  
House Jour-  
nal, p. 41.

A DECLARATION of Asa Hunt of Duxbury made upon oath before one of His Majestys Justices of the Peace, importing that he accidentally drop'd a Thirty Shilling Bill of this Province into the Sea at about a quarter of a mile from the Shore, it being in his pocket book, and the Sloop oversetting in his voyage from Boston.

[Read and]

*Ordered* that Asa Hunt within named be allowed to recieve thirty Shillings out of the Treasury. [*Passed August 3.*]

## CHAPTER 42.

## ORDER CONFIRMING LAND IN EXCESS OF THEIR GRANT TO THE TOWN OF SHEFFIELD.

Legislative  
Records of the  
Council,  
xvii. (3), 52.  
Mass.  
Archives,  
cxiv., 619.

Mass.  
Archives,  
cxiv., 617.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 303.  
House Jour-  
nal, pp. 31, 36.

A MEMORIAL of David Ingersol in behalf of the Town of Sheffield, Setting forth that the Plat of the said Town herewith exhibited doth some thing exceed the quantity granted, and the means by which it has happened that some of the Inhabitants have extended themselves beyond their proper limits, and Praying that the said Plat may be accepted & confirmed notwithstanding the overplus measure.

Read and

*Ordered* that the Prayer of the Pet<sup>o</sup> be granted. And that the Lands delineated and described in the Plan within refer'd to, taken

by William Chandler be confirmed to the Prop<sup>rs</sup> of the Town of Sheffield according to their respective interest in said Town, and to their Heirs and Assigns for ever, saving and excepting those Lands that the Indians did heretofore reserve for their own Use. [*Passed August 3.*]

Province  
Laws, xi., 728,  
chap. 41; xii.,  
29, chap. 56;  
459, chap. 237.  
*Infra*, chap. 43.

## CHAPTER 43.

### ORDER CONFIRMING A PLAT OF THE TOWN OF SHEFFIELD.

A PLAT of Sheffield Township surveyed by William Chandler beginning at a White Oak Tree standing on the West Side of Housatanuck River in the North Bounds of said Township and from thence running three thousand and four hundred rods Southerly to the South Bounds, the South End of this Township measures strictly nineteen hundred and eighty two rods or six miles and sixty two rods; the North End was measured by Cpt Timothy Dwight and Chain men under Oath, the wedth whereof is, by his Plan, sixteen hundred and two rods.

Read and

*Ordered* that this Plat be accepted and confirm'd accordingly excepting those lands that the Indians did heretofore reserve for their own Use. [*Passed August 3.*]

Legislative  
Records of the  
Council,  
xvii. (3), 52.  
Maps and  
Plans, Mis.,  
xii., 24.

Maps and  
Plans, Mis.,  
xxxvii., 30.  
*Supra*, chap.  
42.

## CHAPTER 44.

### ORDER IMPOWERING ANDREW OLIVER AS GUARDIAN TO PARTITION LAND.

A PETITION of Andrew Oliver Esq<sup>r</sup> in behalf of his Son Andrew Oliver a minor, Shewing that his said Son is jointly interested with M<sup>rs</sup> Martha Allen as heirs of Thomas Fitch Esq<sup>r</sup> in one thousand acres of land at a place called Bedford, that the Proprietors of the whole Tract have voted to give part of the Land to encourage the Settlement, which the Petitioner cannot comply with without the assistance of this Court; and therefore Praying that as Guardian to his Son he may join with M<sup>r</sup> James Allen and his wife M<sup>rs</sup> Martha Allen in making Partition of the said Land, and also to dispose of one fifth part of the said Land in order to promote the Settlement.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> as Guardian to his Said son Andrew a Minor, together with the said James Allen and Martha his Wife be and hereby are fully authorized and impowred to Joyn and make Partition of the said Thousand Acres of Land by agreement. Which Agreement

well executed and recorded in the registry of Deeds for the County of Hampshire where said land lyes shall be sufficient valid and good, to enable the said James Allen and Martha His Wife, and the said Minor their Heirs and Assigns to hold the same in severally for ever.

And that the s<sup>d</sup> Andrew the Pet<sup>r</sup> be and hereby is fully Authorized and Impowred to dispose and make sale of one fifth part of said Minor's Share in said lands pursuant to an Agreement of the

Legislative  
Records of the  
Council,  
xvii. (3), 53.  
Mass.  
Archives,  
xvii., 806, 807.

Mass.  
Archives,  
xvii., 806.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 304.  
House Jour.  
nal, pp. 23, 31,  
36.

Prop<sup>s</sup> for that purpose, to enable him to bring forward the proper settlement thereof according to the order of the General Court expressed in their Grant. [*Passed August 3.*]

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## CHAPTER 45.

### ORDER FORBIDDING TRESPASS ON THE INDIAN LANDS AT CHRISTIAN TOWN, MARTHA'S VINEYARD.

Legislative  
Records of the  
Council,  
xvii. (3), 55;  
*ibid.*, xvii.,  
Mis., 302.

House Jour-  
nal, pp. 44, 45.

A PETITION of the Indian Inhabitants of Okakamy or Christian Town in the Island of Marthas Vineyard; Shewing that there are some evil minded persons that cut down and dispose of large Quantities of their timber, So that they are in great danger of wanting both fencing and fire wood in a short time; and therefore praying that this Court would give such Orders as may remedy these evils.

Read & in answer to this Petition,

*Ordered* that all persons whatsoever be and hereby are forbidden from cutting, felling or destroying or carrying off any of the Timber, Trees or Wood growing or being on the Common & undivided Land within the Town called Okakomy or Christian town in the Island of Marthas Vineyard, Excepting the Indian Proprietors of the said Land, and they only for their own use And John Allen Esq<sup>r</sup> & M<sup>r</sup> William Tilton are hereby Authorized & impowered as Agents in the name & behalf of the said Proprietors to prosecute in the Law all persons that shall cut, fell or destroy or carry off any of the said Timber, Trees or Wood, contrary to the true intent of this Order. [*Passed August 4.*]

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## CHAPTER 46.

### ORDER ON THE PETITION OF JOHN NORTON EXCISE COLLECTOR FOR DUKES COUNTY.

Legislative  
Records of the  
Council,  
xvii. (3), 56;  
*ibid.*, xvii.,  
Mis., 302.

House Jour-  
nal, pp. 40, 43.

A PETITION of John Norton, Collector of the Duties of Excise in Dukes County; Shewing that the Excise Act not arriving in said County till after the time he should have been sworn and given Bond he has not yet been so qualified; therefore Praying that this Court would give order that he may be qualified for collecting the said Excise.

Read and in as much as the Petitioner received his Commission but failed of being sworn and giving bond as the Law directs;

*Ordered* that he be seasonably [sworn]<sup>1</sup> and give sufficient Bond with suretys before two Justices of the Peace Quorum Unis<sup>2</sup> for that County for his collecting and paying the Excise for the year past to the province Treasurer at or before the last day of October next which shall fully Authorize and impower him to collect and pay the same as if he had given bond and been sworn to that Office before the time was expired. [*Passed August 4.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (3), 56.

<sup>2</sup> *Sic.*



## CHAPTER 47.

## ORDER IMPOWERING JOSEPH AND HANNAH ROBINSON ADMINISTRATORS TO SELL REAL ESTATE TO PAY DEBTS.

A PETITION of Joseph Robinson and Hannah Robinson Administrators of the Estate of Joseph<sup>1</sup> Robinson late of Falmouth in the County of Barnstable; shewing that the Debts on the said Estate considerably exceed the personal estate, that by reason of a casual mistake in their Accompts they miss'd the opportunity of the last Superior Court for the said County of obtaining a licence for selling the Real Estate for paying the Debts; and forasmuch as the said Court will not sit till April, next; therefore Praying that this Court would enable the Petitioner to sell the said Real Estate for paying the Debts on it.

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be granted and that the s<sup>d</sup> Joseph and Hannah have power to make sale of the Estate of s<sup>d</sup> dec<sup>d</sup> for the purpose set forth in the Pet<sup>n</sup>. They giving Security to the Judge of Probate for the County of Barnstable that the overplus (if any there be) be put out to Interest for the benefit of the Heirs. The Pet<sup>rs</sup> observing the rule in the Law made for the sale of such Estates. [*Passed August 4.*]

Legislative Records of the Council, xvii. (3), 56.  
Mass. Archives, xvii., 817.  
Mass. Archives, xvii., 816, 818.  
Legislative Records of the Council, xvii., Mis., 304.  
House Journal, pp. 36, 41.  
Province Laws, ii., 151, chap. 10.

## CHAPTER 48.

## ORDER IMPOWERING RUTH ROBINSON EXECUTRIX TO SELL REAL ESTATE TO PAY DEBTS.

A PETITION of Ruth Robinson Executrix of the last Will and Testament of Joseph Robinson late of Falmouth in the County of Barnstable dec<sup>d</sup> Shewing that the Personal Estate falls considerably short of paying the Debts, that the Petitioner was not able to procure a Licence for selling the Real Estate at the last Superior Court by reason of some accidental Error in her Accompt; and therefore Praying for liberty from this Court to sell the said Real Estate that she may be enabled to pay the Debts thereon.

Read and in answer hereto

*Ordered* that the Pet<sup>r</sup> have leave and power to make sale of the said Estate for the purpose set forth in the Pet<sup>n</sup>. She giving Caution to the Judge of Probate for the County of Barnstable, and being accountable for the overplus (if any there be.) She observing the rule of Law made for the sale of such Estates. [*Passed August 4.*]

Legislative Records of the Council, xvii. (3), 57.  
Mass. Archives, xvii., 794.  
Mass. Archives, xvii., 793, 795.  
Legislative Records of the Council, xvii., Mis., 303.  
House Journal, pp. 36, 41.

## CHAPTER 49.

## ORDER APPOINTING A COMMITTEE ON THE BOUNDARY BETWEEN BRADFORD AND BOXFORD.

A PETITION of the Inhabitants of the Town of Bradford, Shewing that by reason of the Records of the Town of Rowley being

Legislative Records of the Council,

<sup>1</sup> Jabez, in Legislative Records of the Council, xvii., Mis., 304, and the House Journal, p. 36, which probably is correct.

xvii. (3), 17, 57.  
Mass.  
Archives,  
cxiv., 671.

Mass.  
Archives,  
cxiv., 670.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 305.  
House Jour-  
nal, pp. 18, 45.

burnt, there is some difficulty to determine the Boundary Line between the said Town of Bradford and the Town of Boxford, both which were set off from Rowley; and therefore praying that this Court would appoint a Committee to run and settle the Divisional Line between the two Towns aforesaid.

In Council

Read, together with the Answer of the Agents of the Town of Boxford, and

*Ordered* That Samuel Danforth Esq<sup>r</sup> with Such as Shall be join'd by the hon<sup>ble</sup> House, be a Committee to repair to the Bounds between the Towns of Bradford and Boxford, hear the Parties, by a Surveyor and Chainmen on Oath renew and mark out the Boundaries between the two Towns, as near as they can agreeable to antient Settlements; and that they present a Plat thereof to this Court at the next Fall Session The Committee Seasonably to notify the Selectmen of the Said Towns of their coming and the Charge to be born as this Court shall order

In the House of Rep<sup>rves</sup>

Read and concur'd and M<sup>r</sup> Roland Cotton and Rob<sup>t</sup> Hale Esq<sup>r</sup> are Joyned in the Affair. [*Passed August 4.*]

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## CHAPTER 50.

ORDER SETTING OFF THE INHABITANTS OF MERECONEGE NECK FROM THE TOWN OF BRUNSWICK.

Legislative  
Records of the  
Council, xvii.,  
Mis., 307.

House Jour-  
nal, p. 46.  
Province  
Laws, xii., 685,  
chap. 35.

ON THE PETITION of the Proprietors of the neck of Land in Casco Bay in the County of York, called by the name of Mereconege Neck. [Province Laws, xii., 685, chap. 35]

Read together with the answer of Ammi Ruhamah Cutter Agent for the town of N<sup>o</sup> Yarmouth, & the Matter being fully considered,

*Voted* that the Order of this Court within written passed the 27<sup>th</sup> of June 1740, be & hereby is superceeded & set aside, and that such of the Inhabitants of the neck of Land within mentioned with their Estates as are consenting thereto, & shall give in their Names to the town Clerk of Brunswick, for that purpose, be & hereby are set off to the town of Brunswick so far as relates to the Ministry, Still <sup>1</sup> the further Order of this Court, to do duty & receive priviledge accordingly. [*Passed August 5.*]

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## CHAPTER 51.

ORDER CONFIRMING A PLAT OF A TOWNSHIP TO SAMUEL HUNT & OTHERS WITH A FURTHER GRANT OF 4,480 ACRES.

Legislative  
Records of the  
Council,  
xvii. (3), 59.  
Mass.  
Archives,  
cxiv., 596.

Mass.  
Archives,

A PETITION of Thomas Wells Esq<sup>r</sup> Agent for the Proprietors of a Tract of Land granted to the Officers & Soldiers that were in the Fall Fight, so called; Shewing that whereas their Grant was of the contents of Six Miles square, that quantity is diminished by reason of former grants to other persons, that the number of the Grantees happens to be more than was expected, and that a great part of the

<sup>1</sup> *Sic.*

land is rough and barren; and therefore Praying for an Addition to the said Grant of a Gore of Land adjacent thereto, and that their Plat may be accepted and confirmed.

Read and in answer to the within Pet<sup>n</sup>

*Ordered* That the Plat made by Nath<sup>l</sup> Kellogg May 4<sup>th</sup> 1736 of a tract of Land of the contents of six miles square to satisfie a grant made by this Court to Sam<sup>l</sup> Hunt and the Officers and Soldiers that were in the Fight commonly called the Fall fight in Nov<sup>r</sup> 1734 be accepted and that the lands therein delineated and described be confirmed to the said Hunt and the Officers and Soldiers, and to such of the descendants of other soldiers that were in said Fight (as are enumerated in a List returned to this Court and by them accepted in January 1736) and to their Heirs and Assigns respectively forever, exclusive of M<sup>r</sup> Fayrweather's Grant of five hundred Acres mentioned in the Plat, they performing the conditions of their Grant, provided the Platt exceeds not the quantity of Six miles square, and does not inter[fer<sup>e</sup>]<sup>1</sup> with any former Grant.

And inasmuch as it appears that Sam<sup>l</sup> Colby of Almsbury and Tryal Newbery of Malden deceased were in s<sup>d</sup> Fight, and that neither they nor any of their Descendants were admitted to a Share in said Township that therefore there be a grant of two hundred and sixty four acres of Land made to Sam<sup>l</sup> Colby son of said Colby, and the like quantity of two hundred Sixty four Acres of Land to Nath<sup>l</sup> Newbery son of said Newbery to be first laid out to them in the Gore of Land mentioned in the Pet<sup>n</sup> by a Surveyor and Chain men on Oath and that the remainder of said Gore therein mentioned be granted to the present Prop<sup>rs</sup> of s<sup>d</sup> Township to be to them their Heirs and Assigns forever. Provided said Gore exceeds not the quantity of four thousand four hundred and eighty acres. Provided also that in case any small quantity of the abovementioned six miles shall be taken from the Prop<sup>rs</sup> (by any means whatsoever) that there be no Equivalent made them therefor. [*Passed August 5.*]

exiv., 594.  
Maps and  
Plans, Mis.,  
XXXV., 21.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 305.  
House Jour-  
nal, pp. 33, 36,  
41. Province  
Laws, xii., 55,  
chap. 111; 334,  
chap. 165.

## CHAPTER 52.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF JOHN DODGE FOR RELIEF FROM JUDGEMENTS.

A PETITION of John Dodge of Wenham, Shewing that he was bound for the faithful Administration of Peter Hull on the Estate of his mother Mary<sup>2</sup> Hull dec<sup>d</sup> and afterwards received a power of Attorney from the said Administ<sup>r</sup> by vertue whereof he received and paid many debts, and by Order of the Superior Court set up the Real Estate to sale, and none outbidding of him he bought it himself and gave his Note and Bond to the said Peter for the money and paid the most of the produce for discharging the debts; After which the said Hull revoked the Petitioners Power and gave a Power of Attorney to Nathan Bowen, who has sued the Petitioner and recovered Judgment against him for the said Note and Bond, and the Judge of Probate has likewise recovered Judgment against him as Bondsman for the said Peters Administration; And therefore Praying for relief from this Court under his difficulties.

In Council; Read together with the Answer of Thomas Berry Esq<sup>r</sup> And

Legislative  
Records of the  
Council,  
xvii. (3), 32, 60.  
Mass.  
Archives,  
xvii., 798.

Mass.  
Archives,  
xvii., 796.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 311.  
House Jour-  
nal, pp. 28, 46.

<sup>1</sup> MS. mutilated.

<sup>2</sup> "Sarah," in Mass. Archives.

*Ordered* that John Cushing Esq<sup>r</sup> with such as shall be join'd by the Hon<sup>ble</sup> House of Repres<sup>ves</sup> be a Comm<sup>tee</sup> to consider what is proper for this Court to do on this Petition

In the House of Rep<sup>ves</sup>

Read and concur'd and D<sup>r</sup> Hale and Cap<sup>t</sup> Leonard are Joyned in the Affair. [*Passed August 5.*]

## CHAPTER 53.

Legislative  
Records of the  
Council, xvii.,  
Mis., 306.  
Mass.  
Archives,  
cxiv., 587.

ORDER SETTING OFF THE INHABITANTS OF SMALL POINT TO GEORGE TOWN.

ON THE PETITION of the Proprietors of a Point of Land adjoining to George Town in the County of York called by the name of Small Point, lying on the Westerly side of Sagadahoc River.

Read, and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, and that the Pet<sup>rs</sup> the Inhabitants there with their lands and Estates be and hereby are sett off from the Town of North Yarmouth and Annexd to the Town of George Town there to do duty and recieve priviledge accordingly. [*Passed August 5.*]

Mass.  
Archives,  
cxiv., 585.  
Legislative  
Records of the  
Council,  
xvii. (3), 60.  
House Jour-  
nal, pp. 26, 46.  
Province  
Laws, xii., 741,  
chap. 184.

## CHAPTER 54.

ORDER ALLOWING THE ACCOMPT OF THE COUNTY TREASURER OF BARNSTABLE.

AN ACCOMPT presented by Ebenezer Lewis Esq<sup>r</sup> Treasurer of the County of Barnstable for the year 1740. having been laid before the Court of General Sessions of the Peace for the said County and by them allowed:

Read &

*Ordered* that the Within Accompt be allowed and the Ball<sup>ce</sup> being One hundred & five pounds two Shillings and Seven pence the said Treasurers is further accountable to said County for. [*Passed August 6.*]

Legislative  
Records of the  
Council,  
xvii. (3), 62;  
*ibid.*, xvii.,  
Mis., 309.

House Jour-  
nal, pp. 32, 46.

## CHAPTER 55.

ORDER ALLOWING THE ACCOMPT OF THE COUNTY TREASURER OF YORK.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the Year 1740. Having been laid before the Court of General Sessions of the Peace for said County and by them allowed:

Read and allowed the ballance hereof being One pound and ten pence the County is accountable to said Treasurer [for].<sup>1</sup> [*Passed August 6.*]

Legislative  
Records of the  
Council,  
xvii. (3), 62;  
*ibid.*, xvii.,  
Mis., 310.

House Jour-  
nal, pp. 32, 48.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (3), 62.

## CHAPTER 56.

## ORDER ALLOWING THE ACCOMPT OF THE COUNTY TREASURER OF WORCESTER.

AN ACCOMPT presented by Benjamin Flagg Treasurer of the County of Worcester for the year 1740; Having been laid before the Court of General Sessions of the Peace for said County and by them allowed.

Read and

*Ordered* that the within Account be allowed the ballance thereof being one hundred forty four pounds eleven Shillings & eleven pence the said Treasurer is further accountable to s<sup>d</sup> County for. [*Passed August 6.*]

Legislative  
Records of the  
Council,  
xvii. (3), 62;  
*ibid.*, xvii.,  
Mis., 309.

House Jour-  
nal, pp. 32, 46.

## CHAPTER 57.

## ORDER OF NOTICE ON THE PETITION OF JOSEPH WOODEL TO HAVE A JUDGMENT SET ASIDE AND NEW TRIAL GRANTED.

A PETITION of Joseph Woodel of Tiverton in the County of Bristol, a free Negroe, Shewing that in a Suit depending between the Petitioner and Samuel Snell in the Superior Court for the said County in October 1739 upon a Rule of Court two of the Referrees reported in favour of the said Snell the land in controversy, and Judgement was made up accordingly: But for as much as the Petitioner was not, by the said two Referrees, allowed the same liberty of Access to them and of laying his evidences before them as the said Snell was, Therefore Praying that the said Report and Judgement may be set aside and that he may have a trial on the Merits.

Read and

*Ordered* that the Pet<sup>n</sup> be revived and that the Pet<sup>r</sup> serve the adverse Party the said Sam<sup>l</sup> Snell with a copy of this Pet<sup>n</sup> that He shew cause (if any he hath) on the first tuesday of the next sitting of this Court why the prayer thereof should not be granted. [*Passed August 6.*]

Legislative  
Records of the  
Council,  
xvii. (2), 473.  
Mass.  
Archives, xlii.,  
66.

Mass.  
Archives, xli.,  
603; xlii., 63.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 308; *ibid.*,  
xvii. (3), 67.  
House Jour-  
nal, p. 164  
(December,  
1740); p. 47.

## CHAPTER 58.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED ON THE PETITION OF JOHN DODGE RELATIVE TO THE ADMINISTRATION OF AN ESTATE, WITH STAY OF EXECUTION.

THE COMMITTEE to whom was refer'd the Petition of John Dodge of Wenham have examined into the facts therein mentioned, and find that on the 19<sup>th</sup> of January 1738 Peter Hull of Falmouth took Administration on Sarah Hulls Estate, and said John and William Harris were his Bonds men to the Judge of Probate; that said Peter living remote from Wenham, where said Sarah in her life time dwelt, on the 8<sup>th</sup> of February 1738 impowered the said John to act for him in said Capacity as fully on all accounts as he himself could; that

Legislative  
Records of the  
Council,  
xvii. (3), 63.  
Mass.  
Archives, xlii.,  
804.

Mass.  
Archives,  
xvii., 803.  
House Jour-  
nal, pp. 28, 48,

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is August 7.

49. *Ante*,  
p. 35, chap. 52.

on the 19<sup>th</sup> of July 1740 said Peter by Order of the Superior Court for payment of said Deceaseds debts sold her Real Estate of the Value of Two Hundred and forty Pounds to said John, and upon their making up Accompts of said Johns acting in the Administration, he gave the Bond and Note mentioned in the Petition to said Peter; afterwards on the 20<sup>th</sup> of January 1740 said Peter revoked his said Power to said John, delivered the Bond and Note to M<sup>r</sup> Bowen, and impowered him to pursue said John thereupon, and then absconded and went out of the Province; afterwards at the Superior Court at Ipswich in May 1741. said Peter by his Attorney M<sup>r</sup> Bowen recovered Judgment against said John on said Bond and Note, and the Judge of Probates has also recovered Judgment against said Peter and John and William Harris on the said Administration Bond, for Six Hundred Pounds, and so the said John in the course of Law is liable to pay the said Six Hundred Pounds and the produce of the said Real Estate of said Deceased, which ought to be applied to discharge the said Six Hundred Pounds, will, contrary to the design of the said John and Peter be converted to his private use. Wherefore we are humbly of Opinion that as the said John has transacted the most of the Affairs in the Administration on said Sarahs Estate, and it is necessary in the absence of said Peter that some person be appointed to compleat the Administration; that therefore the said John be appointed and impowered to proceed and finish the said Administration and apply the produce of said Judgment on said Bond and Note (which were given to said Peter) towards paying the Debts of said Deceased, and the Overplus upon compleating the Administration, to be paid by him according to the Decree of the Judge of Probate of the County of Essex, pursuant to Law, within six months next coming; and that the Execution on the Judgments mentioned in the Petition be in the mean time stayed, and upon said Johns compleating said Administration and paying the Cost mentioned in said Judgments, which said Peter recovered against him to said Bowen, he be freed and entirely discharged from said Judgments.

All which is humbly submitted by

JOHN CUSHING per Order.

Read &

*Ordered* that this Report be accepted & that the Petitioner be & hereby is impowered to proceed & finish the said Administration & apply the Produce of the Judgments (mentioned in this Report) on the Bond & note given to Peter Hull, towards paying the debts of Sarah Hull dec<sup>d</sup> And the Overplus, upon compleating the Administration to be paid by the Petitioner according to the decree of the Judge of Probate for the County of Essex, pursuant to Law within six months next coming, And that the Executions on the Judgments mentioned in the Petition be in the mean time stayed, And upon said Johns compleating s<sup>d</sup> Administration & paying the Costs mentioned in said Judgments which said Peter recovered against him to Nathan Bowen, he be freed & entirely discharged from all the s<sup>d</sup> Judgments. [*Passed August 7.*<sup>1</sup>

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council, xvii. (3), the date is August 6.

## CHAPTER 59.

### VOTE, ALLOWING THE ACCOMPT OF THE TREASURER OF THE COUNTY OF BRISTOL.

AN ACCOMPT presented by Samuel Howland Esq<sup>r</sup> Treasurer of the County of Bristol for the year 1740. Having been laid before the Court of General Sessions of the Peace for said County and there allowed.

Read and Allowed, the Ballance hereof being Three Hundred Sixty one pounds, nineteen shillings and nine pence, the said Treasurer is further accountable to said County for. [*Passed August 7.*]

Legislative  
Records of the  
Council, xvii. (3), 66.  
House Journal,  
pp. 32, 48.

## CHAPTER 60.

### ORDER ALLOWING THE ACCOMPT OF THE TREASURER OF THE COUNTY OF MIDDLESEX.

AN ACCOMPT presented by Daniel Russel Esq<sup>r</sup> Treasurer of the County of Middlesex for the year 1740; Having been laid before the Court of General Sessions of the Peace for said County and by them allowed.

Read and

*Ordered* that this Accompt be allowed and that the Ballance, due to said Treasurer (Ten Pounds being wrong cast to the prejudice of the Treasurer in the Grand Jurors Accompt, but allowed) being Nineteen Pounds eight shillings and eleven pence, be allowed by said County accordingly. [*Passed August 7.*]

Legislative  
Records of the  
Council, xvii. (3), 66.

Legislative  
Records of the  
Council, xvii.,  
Mis., 310.  
House Journal,  
p. 32.

## CHAPTER 61.

### ORDER IMPOWERING LEONARD LOCKMAN TO SELL LAND.

A PETITION of Leonard Lockman Esq<sup>r</sup> Shewing that some years past he purchased a piece of Land at Roxbury in the County of Suffolk with the frame of a House thereon, and designing to settle himself & family thereon he settled the interest thereof on himself and his wife during the term of their lives and the remainder in fee to his only child; and for as much as his affairs have obliged him to remove out of the Province, and the said land will be of little or no benefit to him as it lies, therefore Praying that he may be impowered to sell the said Land, notwithstanding the said Settlement.

Read &

*Ordered* that the prayer of the Petition be so far granted as that the Petitioner together with his Wife Finalia Lockman be impowered to make sale and dispose of the House & Land within mentioned, and that they be enabled to make an absolute conveyance of the same in fee simple to any person or persons whatsoever the settlement thereof in the Within petition refered to notwithstanding. [*Passed August 7.*]

Legislative  
Records of the  
Council, xvii. (3), 67;  
*ibid.*, xvii.,  
Mis., 310.

Mass.  
Archives,  
xvii., 822-826.  
House Journal,  
pp. 36, 44.

## CHAPTER 62.

## ORDER REFERRING THE PETITION OF SAMUEL LEONARD FOR A NEW TRIAL OF AN ACTION.

Legislative  
Records of the  
Council, xvii.,  
32.  
Mass.  
Archives, xli.,  
672.  
Mass.  
Archives, xli.,  
669. Legisla-  
tive Records  
of the Council,  
xvii., Mis., 310;  
*ibid.*, xvii. (3),  
67. House  
Journal, p. 49.

A PETITION of Samuel Leonard Esq<sup>r</sup> and Jonathan Dean complaining of unfair management in a trial between the Petitioners and Zephaniah Leonard (referring to Iron Oar) at the Superior Court for the County of Bristol upon a Writ of Review brought by the Said Zephaniah against the Petitioners, to be allowed an other Trial.

Read and

*Ordered* that this Pet<sup>n</sup> with the report thereon be refer'd till the next Fall Session for further consideration. [*Passed August 7.*]

## CHAPTER 63.

## VOTE ABOUT THE PUBLICATION AND DELIVERY OF A NEW EDITION OF THE PROVINCE LAWS.

Legislative  
Records of the  
Council, xvii.,  
311.  
Mass.  
Archives, xli.,  
320.  
Legislative  
Records of the  
Council,  
xvii. (3), 65.  
House Journal,  
pp. 49, 50.  
*Ante*, p. 16,  
chap. 10.

*Voted* That the Committee Appointed to revise the Laws of this Province and to procure a new Impression of 'em be Authorized in their Agreement with the Printer to Allow him the sole Priviledge of printing and Vending such new Impression during a Term not Exceeding Fifteen years from the present Time; and with Relation to the person to be Employed that it be Recco<sup>m</sup>ended to them, to give the preference (*cæteris paribus*) to the Printer for this House.

ALSO

*Voted* That the said Committee have Liberty to Cause the Temporary Laws, and Those that are not so to be bound up Either in seperate Volumes or in one Volume only as upon due Consideration they shall think best: And that one or two Law Books of the last Impression be Allow'd them at the publick Charge for their help in carrying on the Undertaking.

AND WHEREAS in the Order of this Court of the 17<sup>th</sup> of July last, 'tis provided (among other Things) that One Law Book be Delivered to Each Member of this Court,

*Voted* That by the Members of this Court therein mentioned, the present Members were meant and Intended, and the said Order ought to be Construed and Understood accordingly. [*Passed August 8.*<sup>1</sup>]

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council xvii., (3), the date is August 7.



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE ELEVENTH DAY OF AUGUST, A.D. 1741.

## CHAPTER 64.

ORDER CONVEYING TO JOHN INDICOTT TITLE TO TWO LOTS OF LAND.

A PETITION of John Indicott of Boston, Housewright, Shewing that His Excellency Governor Belcher having three lots of Land to dispose of (lying contiguous in Harvard Street in the town of Boston) John Clark, Tallow Chandler (now deceased) purchased one of them and fenced it in, and a considerable time after the Petitioner purchased the other two, and likewise fenced them in; but since the decease of the said Clark it appears by his Deed that the whole three lots are conveyed to him, which appears to be a mistake in the Draught, both by the consideration sum, the said Clarks fencing in and improving only one lot, and his frequent declarations, after the Deed was drawn, that he had purchased but one, as appears by the testimony of divers credible witnesses; And forasmuch as the Petitioner has made improvements upon his land and can have no remedy in the Common Law, therefore Praying for Relief from this Court, and that Right may be confirmed.

The Comittee to whome was refer'd the Petition of Ju<sup>n</sup> Endicott have Exam<sup>d</sup> Into y<sup>e</sup> Facts mentiond is<sup>1</sup> s<sup>d</sup> Petition & heard y<sup>e</sup> Evidences produced & Find That y<sup>e</sup> Deed mentiond in s<sup>d</sup> Petiti<sup>n</sup> Made by his Excel<sup>cy</sup> to John Clark, by accident & mistake Containd Three Lotts when the True Intent of Grantor & Grantee was that It Should Comprehend but one, viz The westerly Lott And This appears, By the Grantors Receiving y<sup>e</sup> price of but one Lott of s<sup>d</sup> Clark, his Sale of the other Two about Three years after to John Endicott, M<sup>r</sup> Clarks Declaring his Design to Purchase but one Lott, And after y<sup>e</sup> Deed was Executed That he had bought but one, Employing persons to fence that in, & Carefully keep the lines betwixt That & the Other Lotts, his Allowing s<sup>d</sup> Endicott to fence in, Improve, & build on y<sup>e</sup> Other two Lotts, & often acknowledging s<sup>d</sup> Endicotts Title & Giving no Interruption ab<sup>t</sup> the Same While he lived, And after his Death M<sup>rs</sup> Marks his only Daughter & heir Acknowledging y<sup>e</sup> s<sup>d</sup> Mistake And that y<sup>e</sup> afores<sup>d</sup> Two Lotts belonged to s<sup>d</sup> Endicott and Finally Giving that as a reason for her not appearing to make Answer to y<sup>e</sup> s<sup>d</sup> Petition.

WHEREFORE we are Humbly of Opinion That y<sup>e</sup> s<sup>d</sup> John Endicott in Equity ought to hold & Enjoy s<sup>d</sup> Two Lotts Purchased of y<sup>e</sup> Gov<sup>r</sup> The afores<sup>d</sup> Mistake in s<sup>d</sup> Clarks Deed Notwithstanding That therefore y<sup>e</sup> s<sup>d</sup> John Endicott be for Ever Quieted in his Title & possession of y<sup>e</sup> premisses by him Purchased as afores<sup>d</sup> And That

<sup>1</sup> Legislative Records of the Council, xvii. (3), 74, reads, "in."

Legislative  
Records of the  
Council,  
xvii. (3), 44, 74.  
Mass.  
Archives,  
cxi., 203.

Maps and  
Plans, Mis.,  
xxxiv., 23.  
Legislative  
Records of the  
Council,  
xvii. (3), 61.  
House Journal,  
pp. 35, 48,  
55.

Rowland Houghton Adm<sup>r</sup> Cum Testamento Annexo on y<sup>e</sup> Estate of M<sup>rs</sup> Martha Clarke Be Impowered to Release & Confirm to s<sup>d</sup> Endicott his heirs & Assigns all the pretention, Claim, or Demand which s<sup>d</sup> John Clarke his heirs Exc<sup>rs</sup> adm<sup>rs</sup> or assigns had or now have In s<sup>d</sup> Two Lotts by virtue of y<sup>e</sup> Deed afores<sup>d</sup> Made by his Excel<sup>cy</sup> to him, & Give & Execute Deeds accordingly

All w<sup>ch</sup> is Humbly Submitted

By Order W<sup>m</sup> PEPPERRELL

*Ordered* that the Petition of John Indicot within referred to & the Proceedings thereon be revived, And that the Report on the other Side be accepted, And that the said John Indicot hold & enjoy the two Lots purchased by him of His Excellency Jonathan Belcher Esq<sup>r</sup> & that he be for ever quieted in his Title & Possession of the Same; & that Rowland Houghton, as Administ<sup>r</sup> eum Testamento Annexo, of the Estate of Martha Clark dec<sup>d</sup> be & hereby is impowered to give the Petitioner a Release & Confirmation of the Premises accordingly to him his Heirs & Assigns. [*Passed August 12.*]

## CHAPTER 65.

Legislative  
Records of the  
Council, xvii.,  
Mis., 320.  
Mass.  
Archives, vi.,  
572.

ORDER DIRECTING THE COMMITTEE ON THE RHODE ISLAND LINE TO PREPARE AN APPEAL FROM THE COMMISSIONERS AWARD THEREON.

Legislative  
Records of the  
Council,  
xvii. (3), 82.  
House Jour-  
nal, p. 61.  
*Ante*, p. 24,  
chap. 27.

*Ordered* that the Committee appointed to manage the Affairs of the Line between this Province and the Colony of Rhode Island before the Commissioners appointed by His Majesty for the settlement of said Line be directed to prepare a full state of the Case and proper Instructions for the Agent, who may be appointed by this Court for prosecuting the Appeal before His Majesty in Council.

And that M<sup>r</sup> Little be added to the Committee. [*Passed August 18.*]

## CHAPTER 66.

Legislative  
Records of the  
Council, xvii.,  
Mis., 320.  
Mass.  
Archives, cil.,  
183.

ORDER APPOINTING SUNDRY PERSONS TO RECOVER AMOUNTS DUE ON THE £100,000 LOAN.

Legislative  
Records of the  
Council,  
xvii. (3), 83.  
House Jour-  
nal, p. 61.  
Province  
Laws, ii., 61,  
chap. 18; xii.,  
115, chap. 254.

*Ordered* That William Dudley, John Jeffries Thomas Hutchinson Esq<sup>rs</sup> and M<sup>r</sup> Edward Bromfield, in conjunction with M<sup>r</sup> Treasurer Foye (or any three of them) be and hereby are fully impowered to do and perform any thing proper to be done for the recovery of Such Sums as are due from any of the Commissioners for the hundred thousand Pounds Loan, and to discharge them thereupon. [*Passed August 18.*]

## CHAPTER 67.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE INHABITANTS OF STOUGHTON.

Legislative  
Records of the  
Council, xvii.  
(3), 90.  
Mass.

A PETITION of Moses Curtis and divers others of Stoughton, Setting forth their great distance from the Body of the said Town and the inconveniences they suffer thereby; And therefore Praying that

they may be set off to the Town of Bridgewater, for which they are conveniently situated, and that a Committee of this Court may be appointed to view their situation at the Petitioners charge, and report to the Court what may be proper to be done for their Relief.

In the House of Representatives

Read &

*Ordered* that the prayer of the petition be so far granted as that Capt. Cushing & Cpt. Jackson with such as shall be joined by the Honorable Board be a Committee to repair to the Town of Stoughton, view the Seitnation of the Pet<sup>rs</sup> (first giving seasonable Notice to the Select Men of the Town of Stoughton of their coming) & report what they judge proper for this Court to do thereon the Charge of s<sup>d</sup> Committee to be defrayed by the petitioners

In Council. Read & Concur'd & John Cushing Esq<sup>r</sup> is joined in the Affair. [*Passed August 21.*]

Archives, xii., 190.  
Mass. Archives, xii., 189. Legislative Records of the Council, xvii., Mis., 324. House Journal, pp. 65, 66.

## CHAPTER 68.

VOTE ALLOWING JOHN HOBBS £8 PER ANNUM FOR FIVE YEARS.

WHEREAS it appears that John Hobbs of Ipswich is become a Cripple by hard services and sufferings in the late Indian Wars and thereby rendred uncapable of Labouring for his Support.

*Voted* that a Stipend of Eight pounds per Annum in Bills of Credit equal to silver Money at 28/ 4<sup>d</sup> p Oz for the space of five Years from the last day of May 1741 be allow'd him.

Provided He lives that Term. [*Passed August 22.*]

Legislative Records of the Council, xvii., Mis., 324. Mass. Archives, lxxii., 566.

Legislative Records of the Council, xvii. (3), 91. House Journal, p. 66.

## CHAPTER 69.

VOTE ALLOWING £2,000 TO HIS EXCELLENCY WILLIAM SHIRLEY.

*Voted* that there be and hereby is granted to His Excellency William Shirley Esq<sup>r</sup> Cap<sup>t</sup> Gen<sup>l</sup> and Gov<sup>r</sup> in chief of this Province the Sum of two thousand pounds to be paid out of the next Supply Bill in Bills of Credit equal to silver Money at 28/ 4<sup>d</sup> p Oz to defrey the charge of supporting His Family since His accession to the Government, and until his removal to the Province House, and for transporting His Equipage hither. [*Passed August 22.*]

Legislative Records of the Council, xvii., Mis., 324. Mass. Archives, xlix., 48.

Legislative Records of the Council, xvii. (3), 91. House Journal, p. 66. *Ante*, p. 13, chap. 1.

## CHAPTER 70.

ORDER IMPOWERING ABIGAIL KEITH TO SELL REAL ESTATE TO PAY DEBTS.

A PETITION of Abigail Keith of Mendon, Widow and Administ<sup>x</sup> of the estate of Simeon Keith dec<sup>d</sup> Shewing that her said husbands estate is greatly in debt, that two thirds of the real Estate is leased to her Father in Law James Keith during the term of his natural life and the whole mortgaged to the Directors of the Manufactory

Legislative Records of the Council, xvii. (3), 93. Mass. Archives, xvii., 819.

Mass.  
Archives,  
xvii., 820.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 325.  
House Journal,  
pp. 37, 67.  
Province  
Laws, ii., 151,  
chap. 10.

Scheme; And therefore praying that this Court would empower her to sell the whole of the said real Estate for the Payment of the Debts, satisfaction to be given to her Father in Law for quitting his Lease (which he hereby signifies his willingness to do) and the remainder, if any be, to be disposed of according to the directions of the Law.

Read and

*Ordered* that the Prayer of the Pet<sup>a</sup> be so far granted as that the Pet<sup>r</sup> together with Cap<sup>t</sup> Eleazar<sup>1</sup> Daniels of Mendon have liberty to make disposition of the real Estate of the said Simeon Kieth to the best advantage and be Authorized and Impowered to give Deeds thereof accordingly and with the produce thereof to pay off all the Legal or Just Debts or demands on the Estate (having first discharged the Mortgage on said Estate therein mentioned) as also agreeing with the said James Keith for his said Right in s<sup>d</sup> Estate and getting his Quit claim to the Premises Giving caution to the Judge of Probate for the County for the settling and securing the remainder of said Estate, as the Law directs for Intestate Estates. [*Passed August 25.*]

## CHAPTER 71.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE AND ORDERING REPAIRS TO THE PROVINCE HOUSE.

Legislative  
Records of the  
Council, xvii.,  
Mis., 326.  
Mass.  
Archives,  
xlix., 50.

Mass.  
Archives,  
xlix., 49.  
Legislative  
Records of the  
Council,  
xvii. (3), 87, 94.  
House Journal,  
pp. 62, 70.

THE COMMITTEE appointed to view the Province House, & report what repairs they apprehend necessary for the reception of His Excell<sup>y</sup> the Governour, having attended that service, report that the following things are necessary to be done, viz<sup>t</sup> The Kitchen floor with the Stairs into the Chamber & Cellar be made new with the Front Stairs, & a new floor to the room adjoining the Kitchen, as also some Masons & Painters Work; & that the top of the House & Barn have something done to them to prevent their leaking, with some other small matters. The Committee further report, that whereas the late Governour fixed a Grate in one of the chimney's, & two Air funnels in two others with a Case for his Armony (with some other small matters) at his own charge, it might be for the benefit of the House & the conveniency of his Excellency that they be left standing; which is Offered by Order of the Committee.

August 25. 1741.

JOHN JEFFERIES

In the House of Rep<sup>ves</sup>

Read and accepted and

*Ordered* that M<sup>r</sup> Prout and Cap<sup>t</sup> Cheevers with such as shall be Joyn'd by the Hon<sup>ble</sup> Board be a Committee to take care that all necessary repairs from time to time be Effected at said House

In Council

Read & conen<sup>d</sup> & John Jeffries & Richard Bill Esq<sup>rs</sup> are joyn'd in y<sup>e</sup> affaire. [*Passed August 26.*]

<sup>1</sup> The House Journal, p. 67, reads, "*Samuel.*"

## CHAPTER 72.

ORDER OF NOTICE ON THE PETITION OF JOHN BRIGGS TO BRING FORWARD A WRIT OF REVIEW.

Legislative Records of the Council, xvii., Mis., 327. Mass. Archives, xli., 699.

ON THE PETITION of John Briggs of Dartmouth in the County of Bristol Gentleman. [*ante*, p. 18, chap. 14]Mass. Archives, xli., 607. Legislative Records of the Council, xvii. (3), 96. House Journal, p. 71. *Ante*, p. 18, chap. 14.

Read &amp;

*Ordered* that this Pet<sup>n</sup> be revived, & that the Pet<sup>r</sup> serve the adverse party the s<sup>d</sup> Enos Gifford with a Copy thereof that He shew cause if any he have on the first Tuesday of the next Sitting of this Court why the prayer thereof should not be granted. [*Passed August 27.*]

## CHAPTER 73.

VOTE IMPOWERING THE COMMITTEE ON THE RHODE ISLAND LINE, TO SIGN AN APPEAL FROM THE AWARD OF THE COMMISSIONERS THERON.

THE FOLLOWING DRAUGHT of an Appeal from the Judgment of the Court of Commissioners on the Controversy between this Government and the Government of Rhoad Island, referring to the Boundary Line was laid before the Court viz<sup>t</sup>

Legislative Records of the Council, xvii. (3), 96.

To the Hon<sup>ble</sup> His Majestys Commissioners for settling the Eastern Boundaries of the Colony of Rhoad Island &<sup>e</sup> towards the Province of the Massachusetts Bay, convened at Providence Fryday September 4. 1741.

House Journal, p. 72. Province Laws, xii., 608, chap. 95; 726, chap. 144.

May it please Your Honors. We the Subscribers by Order of the Great and General Court of the Province of the Massachusetts Bay do by this Writing and Declaration in behalf of the said Province Appeal from the Judgment and Determination of this Hon<sup>ble</sup> Court here, on the Thirtieth of June last for determining the Eastern Boundaries of the Colony of Rhoad Island towards the said Province, and every part of it, as grievous and injurious to us, unto His Most Sacred Majesty in his Privy Council, to be heard and finally determined, according to our claims laid before this Court, and pray it may be enter'd accordingly.

Read and

*Voted* that five at least of the Committee for managing the Controversy with Rhoad Island about their Eastern Boundary towards this Province do sign the within Declaration of our Appeal, and wait on the Court of Commissioners upon that affair, at their next Meeting at Providence the Fourth of September next, and pray the Appeal may be entered according to this Declaration, delivering the same in unto them. [*Passed August 27.*]

## CHAPTER 74.

ORDER IMPOWERING STEPHEN DAVID, INDIAN, TO SELL LANDS AND EXECUTE DEEDS THEREFOR.

A PETITION of Stephen David of Middleboro, Indian, Praying for liberty from this Court to sell his interest in some barren land

Legislative Records of the Council,

xvii. (3), 98.  
 Mass.  
 Archives,  
 xxxi., 329.  
 ———  
 Mass.  
 Archives,  
 xxxi., 327.  
 Legislative  
 Records of the  
 Council, xvii.,  
 Mis., 327.  
 House Jour.  
 nal, pp. 71, 72.  
 Province  
 Laws, xii., 721,  
 chap. 139; 738,  
 chap. 173.

on the South Side of Trout Brook in Middleborô and his land on the North side of said Brook bounded Southerly by the Brook, Westerly by the Great River Easterly by David Aldens Lot, the whole breadth of said Lot at that end, and from the Corner of said Lot on the Plain running on a direct line to the Great River below the land of Bethiah Isaac, formerly called Nimrods; for the payment of his just debts and for his support, being wholly disabled from labour by a wound he has received in his leg.

In the House of Rep<sup>ves</sup> 1

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> be and hereby is allowed to sell and convey the lands within mentioned to some of His Maj<sup>ty</sup>s English Subjects and to pass and execute good Deeds of the same and Capt Washburn and Capt Edson with such as shall be Joyn'd by the Honble Board are desired to see Justice done the Pet<sup>r</sup> in the sale thereof They to render an account of their proceedings herein to this Court.

In Council Read and Concur'd & Ju<sup>o</sup> Cushing Esq<sup>r</sup> is join'd in y<sup>e</sup> Affair. [*Passed August 28.*]

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## CHAPTER 75.

ORDER IMPOWERING D<sup>r</sup> HENRY BURCHSTED, GUARDIAN, TO SELL A PART OF AN ESTATE.

Legislative  
 Records of the  
 Council,  
 xvii. (3), 98.  
 Mass.  
 Archives,  
 xvii., 828.  
 ———  
 Mass.  
 Archives,  
 xvii., 827.  
 Legislative  
 Records of the  
 Council, xvii.,  
 Mis., 327.  
 House Jour.  
 nal, p. 71.

A PETITION of D<sup>r</sup> Henry Burchsted Guardian of Benjamin John and Anna Alden, Children of Cpt. John Alden Jun<sup>r</sup> late of Boston dec<sup>d</sup> praying for liberty from this Court to sell one twelfth part of an old Dwelling House and Land situate in Milk Street Boston which is come to them by vertue of their Grandfathers Will; the other eleven Parts being their Fathers estate, his Administrators, have obtained licence from the Superior Court to sell for the payment of his Debts.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> have leave and be fully Impowered to make sale of the 12<sup>th</sup> part of the House and Land mentioned in the Petition for the Most it will sell for, giving thirty days notice thereof in writing by publick Advertisement. And to make and execute a good and sufficient Deed in Law for conveyance of the same, He giving sufficient Caution to the Judge of Probate for the County of Suffolk that the proceeds of said Sale be applied for the Use of the Minors and paid to them as they respectively arrive At Age. [*Passed August 28.*]

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## CHAPTER 76.

ORDER OF NOTICE ON THE PETITION OF JOSEPH WOODEL FOR A NEW TRIAL OF AN ACTION.

Legislative  
 Records of the  
 Council,  
 xvii. (3), 99.  
 Mass.  
 Archives, xlii.,  
 78.  
 ———  
 Mass.  
 Archives, xlii.,

A PETITION of Joseph Woodel [*ante*, p. 37, chap. 57]

Read and

*Ordered* that the Pet<sup>r</sup> serve the adverse Party the s<sup>d</sup> Sam<sup>l</sup> Snell

<sup>1</sup> MS. mutilated.

with a Copy of this Pet<sup>n</sup> that He shew cause if any he have on the first tuesday of the next Session of this Court why the Prayer thereof should not be granted.<sup>1</sup> [*Passed August 28.*]

75. House Journal, p. 73. *Ante*, p. 37, chap. 57.

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## CHAPTER 77.

### ORDER DIRECTING THE COMMITTEE ON TRANSPORTS TO REPORT AT THE NEXT SESSION.

WHEREAS the Transports taken up by this Government for the Expedition against the Spaniards are all now arrived from the West Indies:

*Ordered* that the Committee appointed by this Court the last year for taking up the said Transports and fitting them for the Sea, take care that the Province Stores in any of the said Vessels be secured, and likewise report at the next Sitting of this Court, what they judge necessary to be done with reference to said Transports. [*Passed August 29.*]<sup>2</sup>

Legislative Records of the Council, xvii. (3), 100.

Legislative Records of the Council, xvii. (2), 395. House Journal, pp. 97, 98, 99 (August, 1740); p. 74.

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## CHAPTER 78.

### ORDER IMPOWERING THE COMMITTEE ON THE £100,000 LOAN TO SELL LANDS.

A MEMORIAL of William Dudley Esq and others a Committee of the General Court for bringing to an end the £100,000 Loan and the Accompts thereof, Shewing that certain lands (particularly mentioned) which are become forfeited to the Province are very low in their value, so that they will not sell for near the sum that is due on them; Praying the Orders of this Court on the Affair.

Legislative Records of the Council, xvii. (3), 104. Mass. Archives, cii., 186.

Legislative Records of the Council, xvii., Mis., 328. House Journal, p. 76. Province Laws, ii., 944, chap. 9. *Ante*, p. 42, chap. 66.

Read and

*Ordered* that the s<sup>d</sup> Committee be directed to Sell (as soon as may be) the lands herein named for the most they will sell for, agreeable to the former Order of this Court. [*Passed September 17.*]

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## CHAPTER 79.

### VOTE RELATING TO THE TAVERN EXPENSES OF COMMITTEES.

*Voted* that for the future no Tavern expences of the Committees of this Court, or of both Houses, or of either House, be paid at the charge of the Province without a Vote of the General Court especially passed for the same at the time of appointing such Committee. [*Passed September 19.*]<sup>3</sup>

Legislative Records of the Council, xvii., Mis., 329.

Mass. Archives, xlix., 136. Legislative Records of the Council, xvii. (3), 106. House Journal, p. 77.

<sup>1</sup> At the hearing, June 1, 1742, House Journal, p. 15, this petition was dismissed.

<sup>2</sup> Adjourned to September 16. See Legislative Records of the Council, xvii. (3), 101.

<sup>3</sup> This date is according to Mass. Archives; according to both copies of Legislative Records of the Council and the House Journal the date is September 18.

## CHAPTER 80.

## ORDER ADJOURNING THE COURTS OF YORK COUNTY.

Legislative  
Records of the  
Council, xvii.,  
Mis., 329.  
Mass.  
Archives, xli.,  
719.

Legislative  
Records of the  
Council,  
xvii. (3), 105.  
House Jour-  
nal, pp. 77, 78.

WHEREAS the stated Time for holding of the Court of General Sessions of the Peace and Inferior Court of Common Pleas for the County of York at the Town of Falmouth is the first Tuesday of October; & divers of the Justices of the said Court & others concerned are Members of this Court; which may continue Sitting till that Time;

*Ordered* that the said Court of General Sessions of the Peace & Inferior Court of Common Pleas be adjourned to the first Tuesday in Novem<sup>r</sup> next; And the Justices of the said Court & others concerned are required to govern themselves accordingly; And the Justices of the Inferior Court of Common Pleas are directed to take effectual Care that this Order be duly published within the said County. [*Passed September 19.*<sup>1</sup>

## CHAPTER 81.

## ORDER IMPOWERING THE JUDGE OF PROBATE TO APPOINT COMMISSIONERS ON AN INSOLVENT ESTATE.

Legislative  
Records of the  
Council,  
xvii. (3), 111.  
Mass.  
Archives,  
xvii., 852.

Mass.  
Archives,  
xvii., 851.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 334.  
House Jour-  
nal, p. 82.

A PETITION of Mark Trecothick of Boston, mariner, Shewing that he is a Creditor to the Estate of one Robert Davis, which is insolvent, and Commissioners have been appointed by the Judge of Probate for the County of Suffolk to examine the claims of the Creditors, who have stood out the full time by Law allowed, but the Petitioner by reason of some particular circumstances which attended his affair, hath not yet given in his claim; And therefore praying that the said Judge of Probate may be allowed to lengthen the time of the Commissioners Sitting.

Read &

*Ordered* that the Judge of probate for the County of Suffolk be & hereby is empowered & directed to appoint the same or other Commissioners to examine the Claims of the Creditors of Robert Davis deceased within mentioned, & to allow three Months to give in their Report, that so the Deceased's Estate may be proportioned among the Creditors without Delay. [*Passed September 23.*

## CHAPTER 82.

## ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF THE COUNTY OF SUFFOLK.

Legislative  
Records of the  
Council,  
xvii. (3), 112;  
*ibid.*, xvii.,  
Mis., 339.

AN ACCOMPT presented by William Dudley Esq<sup>r</sup> Treasurer of the County of Suffolk for the year 1740; Having been laid before the Court of General Sessions of the Peace for said County, and by them allowed.

<sup>1</sup> This date is according to Mass. Archives, Legislative Records of the Council, xvii., Mis., and the House Journal; according to Legislative Records of the Council, xvii. (3), the date is September 18.



Read &

*Ordered* that the within Account be allowed except the Article of Sixty two pounds two Shillings & two pence paid to Samuel Adams Esq<sup>r</sup> the present Treasurer which there is no Voucher for. And that the present Treasurer be accountable to the said County for the sum of two hundred & Six pounds five Shillings & one penny. [*Passed September 23.*]

House Journal, pp. 66, 78.

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## CHAPTER 83.

VOTE DIRECTING THE PROVINCE TREASURER TO ISSUE WARRANTS FOR THE COLLECTION OF OUTSTANDING DUES ON THE £60,000 LOAN.

*Voted* that the Province Treasurer be directed as soon as may be to issue His Warrants of distress for the bringing in the outstanding monies of the £60,000 Loan according to the directions of the Law in that case provided. [*Passed September 23.*]

Legislative Records of the Council, xvii. (3), 113; *ibid.*, xvii., Mis., 334.

House Journal, p. 82. Province Laws, ii., 470, chap. 17; 976, chap. 22.

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## CHAPTER 84.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF THE COUNTY OF PLYMOUTH.

AN ACCOMPT presented by the Treasurer of the County of Plymouth for the year 1740. viz<sup>t</sup> M<sup>r</sup> John Foster; having been laid before the Court of General Sessions of the Peace for the said County and there allow'd.

Read &

*Ordered* that the within accompts be allowed and that the Treasurer be further Accountable to said County for the sum of One hundred, fifteen pounds, Sixteen shillings & five pence. [*Passed September 25.*]

Legislative Records of the Council, xvii. (3), 115; *ibid.*, xvii., Mis., 334.

House Journal, pp. 79, 84.

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## CHAPTER 85.

ORDER IMPOWERING STEPHEN BRAYNTON TO FILE A COMPLAINT.

A PETITION of Stephen Braynton of Portsmouth in the Colony of Rhoad Island; Shewing that at the Inferior Court of Common Pleas held at Bristol for the County of Bristol in September 1739 he brought his action against William Thomas of Middleborough in the County of Plymouth and obtained Judgement against him, from which the said Thomas appealed to the then next Superior Court of Judicature for the said County of Bristol, but failed of prosecuting his Appeal, and the Petitioners Attorney on whom he confided, neglected to file a complaint against the said Thomas; And therefore Praying that the Petitioner may be impowered to file his complaint against the said William Thomas at the Superior Court of Judicature to be holden at Bristol in October next for Affirming the said Judgement of the Inferior Court with Additional Costs.

Legislative Records of the Council, xvii. (3), 7, 117. Mass. Archives, xli., 690.

Mass. Archives, xli., 688. Legislative Records of the Council, xvii., Mis., 335. House Journal, pp. 8, 88.

Read and

*Ordered* that this Petition be revived & that the prayer thereof be granted, & the petitioner is accordingly enabled to file his Complaint at the Court within mentioned, And the Justices of the said Court are empowered to affirm the Judgm<sup>t</sup> accordingly with additional Costs, provided the pet<sup>r</sup> serve the adverse party with a Copy of this Order fourteen days at least before the Sitting of the said Court. [*Passed September 29.*]

## CHAPTER 86.

ORDER IMPOWERING THE TRUSTEES OF THE ESTATE OF HANNAH BEMAN TO DISPOSE OF LAND FOR THE BENEFIT OF A SCHOOL AT DEERFIELD.

Legislative  
Records of the  
Council,  
xvii. (3), 118.  
Mass.  
Archives,  
xvii., 850.

Mass.  
Archives,  
xvii., 849.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 336.  
House Journal,  
p. 87.

A PETITION of Samuel Childs, Joseph Severance and Elijah Williams in behalf of the Town of Deerfield, Shewing that Hannah Beman late of said Town dec<sup>d</sup> by her last Will & Testament devised her Common Lands in the said Town for the use and support of a School and appointed two of the Petitioners with the Rev<sup>d</sup> M<sup>r</sup> John Williams now dec<sup>d</sup> as Trustees, And forasmuch as the said Lands are not profitable, nor like to be for the use aforesaid; therefore praying that the Petitioners may have liberty to sell the said Lands, and employ the Produce thereof for the support of the School in said Town as aforesaid.

Read and

*Ordered* that Mess<sup>rs</sup> Elijah Williams Sam<sup>l</sup> Childs and Joseph Severance the present Trustees of the Estate of M<sup>rs</sup> Hannah Beman late of Deerfield dec<sup>d</sup> be allowed and Impowered to make sale of and convey in due form of Law all those lands lying in the Commons in the Town of Deerfield whether divided or undivided that belonged to the said Hannah Beman and was by her bequeath'd to the use of the school in s<sup>d</sup> Town for the most they will fetch. And that the produce of said lands be employed for the use and benefit thereof according to the Intent of the Doner by letting out the Moneys. the produce thereof taking sufficient Bonds with Suretys for the same with Interest from time to time or otherwise by purchasing other lands as shall by them and the said Town of Deerfield in a Legal Town Meeting for that purpose convened, be agreed upon. [*Passed September 30.*]

## CHAPTER 87.

ORDER IMPOWERING ISAAC COOLIDGE TO LEVY AN EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (3), 119.  
Mass.  
Archives,  
xxxI., 337.

Mass.  
Archives,  
xxxI., 336.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 336.

A PETITION of Isaac Coolidge of Sherburn; Shewing that he has obtained a Judgement against Isaac Wabaun of Natick, Indian, for £24. 10 and Costs, which was for money lent him to pay off two Executions taken out against him; and forasmuch as the said Isaac Wabaun is absconded and cannot be found, therefore Praying that the Petitioner may be allowed to levy the Execution on the said Judgement on the lands of the said Wabaun.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup>

be allowed and Impowered to extend His Execution upon the s<sup>d</sup> Isaac Wabon's Land in form of Law, as in other cases is provided. [*Passed September 30.*]

House Journal, pp. 83, 85. Province Laws, ii., 150, chap. 9.

## CHAPTER 88.

VOTE DIRECTING THE PROVINCE TREASURER TO SUPPLY THE FORTS AND GARRISONS WITH PROVISIONS.

WHEREAS at the present season of the Year, Provisions may be purchas'd at the most reasonable rate, therefore

*Noted* that M<sup>r</sup> Treasurer Foye be directed to supply the several Forts and Garrisons with all suitable Provisions as soon as may be. [*Passed October 7.*]

Legislative Records of the Council, xvii., Mis., 339. Mass. Archives, lxxii., 569.

Legislative Records of the Council, xvii. (3), 124. House Journal, p. 96.

## CHAPTER 89.

ORDER ALLOWING THE ACCOUNT OF THE LATE TREASURER OF THE COUNTY OF SUFFOLK.

ON THE ACCOMPT of William Dudley Esq<sup>r</sup> late Treasurer of the County of Suffolk, [*ante*, p. 48, chap. 82]

Whereas a Voucher has been produced since the passing the above Vote for the Article of £62. 2. 2.

*Ordered* that the said sum be allowed & that the present Treasurer be accountable to said Co<sup>y</sup> for the sum of two hundred & Six pounds five Shillings & One penny. [*Passed October 7.*]

Legislative Records of the Council, xvii. (3), 125; *ibid.*, xvii., Mis., 339.

House Journal, pp. 66, 78. *Ante*, p. 48, chap. 82.

## CHAPTER 90.

VOTE APPROPRIATING £18,000 TO A COMMITTEE TO BE USED FOR THE ENCOURAGEMENT OF ENLISTMENTS.

WHEREAS it will be very acceptable to His Majesty and may serve the Interest of the Nation to give all suitable encouragement for the raising of Recruits for the Expedition ag<sup>t</sup> the Spanish West Indies; and inasmuch as there are no moneys in the Treasury.

*Noted* that there be now granted and paid out of the next Supply Act the Sum of Eighteen thousand pounds Bills of the Old Tenor or other currency equal thereto in Value for His Maj<sup>es</sup> Service to be p<sup>d</sup> to a Comm<sup>ee</sup> to be app<sup>ted</sup> by this Court by them to be applied in manner following Viz<sup>t</sup> Five pounds to be p<sup>d</sup> to each Able bodied Effective Soldier that shall Enlist himself for that service on or before the first day of March next, and to each of them a good blanket and to each Company of one hundred Men the sum of one hundred pounds for their more comfortable Subsistence in their Voyage, the remainder if wanted to enable the s<sup>d</sup> Committee to provide for and defrey the Charge of Transporting the Soldiers to the Camp in the Island of Cuba.

Provided the Encouragment and Bounty afores<sup>d</sup> shall not be given to more than five hundred Men, and shall not be paid them till they are Embarqued for the s<sup>d</sup> Service

Legislative Records of the Council, xvii., Mis., 337. Mass. Archives, lxxii., 567.

Legislative Records of the Council, xvii. (3), 125. House Journal, p. 96.

Provided also that no Son or Servant under Age be Enlisted or Transported without His Parent's or Master's or Guardian's Consent. [*Passed October 7.*]

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## CHAPTER 91.

### ORDER IMPOWERING THE TOWN OF HOLDEN TO LEVY A TAX OF FOUR PENCE PER ACRE ON ALL LANDS, FOR ONE YEAR.

Legislative  
Records of the  
Council, xvii. (3), 127.  
Mass.  
Archives, xii., 192.  
Mass.  
Archives, xii., 191. Legislative  
Records of  
the Council, xvii., Mis., 337.  
House Journal, pp. 95, 96.

A PETITION of Daniel Henchman, Jonas Clark Esq<sup>rs</sup> and M<sup>r</sup> Benjamin Flagg, a Committee of the Proprietors of the Town of Holden (formerly part of the Town of Worcester) Shewing that the said Proprietors at their Meeting held in September last pass'd a Vote for taxing the Lands in said Place at four pence an Acre (the first Minister and Ministry Lots, and the School Lot excepted) for one year, the money to be applied for finishing the Meeting House and supporting their Minister; Praying that said Vote may be confirmed.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>rs</sup> Prop<sup>rs</sup> of the Lands of the Town of Holden be and hereby are allowed and Impowered to Levy a Tax or Assessment on the Prop<sup>rs</sup> of all the lands in said Town of four pence per Acre for one Year next coming (the Lotts for the first Minister, the Ministry, and School excepted) the Money to be applied for the finishing the Meeting House, and supporting a Minister in said Town, agreeable to the Prayer of the Pet<sup>n</sup>. [*Passed October 7.*]

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## CHAPTER 92.

### ORDER CALLING A MEETING OF THE PROPRIETORS OF THE NARRAGANSETT TOWNSHIP N<sup>o</sup> SEVEN.

Legislative  
Records of the  
Council, xvii. (3), 127.  
Mass.  
Archives, cxiv., 673.  
Mass.  
Archives, cxiv., 672. Legislative  
Records of the  
Council, xvii., Mis., 338.  
House Journal, pp. 96, 97.  
Province  
Laws, xii., 287,  
chap. 61.

A PETITION of Shubal Gorham Esq<sup>r</sup> for himself and the other Proprietors of the Narraganset Township Number Seven, Shewing that pursuant to a Vote of the General Court he convened a Meeting of the said Proprietors in the Year 1736, which Meeting was adjourned for further Business, but failed by the absence of the Clerk; Praying that he may be impowered to convene the said Proprietors and Grantees, for transacting their necessary business and agreeing upon a method of calling future Meetings.

Read and

*Ordered* that the Prayer of the Petition be granted and that the Petitioner be and hereby is impowered to convene the Grantees and Proprietors withinmentioned for the Purposes mentioned in the Petition. [*Passed October 7.*]

## CHAPTER 93.

ORDER APPOINTING A COMMITTEE TO BURN TORN AND DEFACED  
BILLS OF CREDIT.

In the House of Rep<sup>ves</sup>  
*Ordered* that the Rep<sup>ves</sup> of the Town of Boston with such as shall be appointed by the Hon<sup>ble</sup> Board be a Committee to receive in the Recess of the Court of William Foye Esq<sup>r</sup> Treasurer & Receiver General of this province all such Bills of Credit on the province in his hands as are torn & defaced & rendred unfit for further publick Service, & that they see them burned & consumed to Ashes, & give M<sup>r</sup> Treasurer a Receipt for the Bills so received & burned, & report their doings herein to this Court as soon as may be.

In Council Read & Concurr'd & John Jeffries, Jacob Wendell Richard Bill & John Read Esq<sup>rs</sup> are joined in the Affair. [*Passed October 8.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 340.  
Mass.  
Archives, cii.,  
192.

Legislative  
Records of the  
Council,  
xvii. (3), 128.  
House Jour-  
nal, p. 99.

## CHAPTER 94.

VOTE IMPOWERING THE PROVINCE TREASURER TO APPORTION A TAX  
OF £9,000 ON THE SEVERAL TOWNS.

*Resolved* that the Treasurer be directed to apportion the tax of £9,000 for the present year, upon the several Towns, agreeable to the Tax Act which was issued the last year.<sup>1</sup> [*Passed October 8.*]

Legislative  
Records of the  
Council,  
xvii. (3), 129;  
*ibid.*, xvii.,  
Mis., 340.

House Jour-  
nal, p. 99.  
Province  
Laws, ii., 1024,  
chap. 8.

## CHAPTER 95.

ORDER EXTENDING THE TIME FOR PREPARING LISTS OF POLLS AND  
ESTATES.

WHEREAS the time set by Law for taking a list and account of the Polls & rateable estate of the Province and returning the same to this Court to be Valued in Order to a just proportioning the Taxes on the several towns is so short as can't well be effected with that care & exactness necessary to such a Work. Therefore.

*Ordered* that the time for taking the Said Lists and returning the same be lengthened out till the twentieth day of January next. And the Assessors of the respective towns are hereby acquainted that a list & account of such Estates & Polls only is required of them. [*Passed November 28.*]

Legislative  
Records of the  
Council,  
xvii. (3), 149;  
*ibid.*, xvii.,  
Mis., 342.

House Jour-  
nal, pp. 113, 114.

## CHAPTER 96.

ORDER ON THE PETITION OF DAVID CROCKER AND OTHERS DIRECT-  
ING THE SUSPENSION OF A WARRANT.

A PETITION of Joseph Smith, David Crocker and Robert Davis, Assessors of the Town of Barnstable for the year 1739, Shewing that the Treasurer, as he informed them, did in that year send

Legislative  
Records of the  
Council,  
xvii. (3), 149.

<sup>1</sup> Adjourned to November 25. See Legislative Records of the Council, xvii. (3), 145.

Mass.  
Archives,  
cxiv., 675.

Mass.  
Archives,  
cxiv., 674.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 342.  
House Jour-  
nal, p. 114.

them a Warrant to assess on the Inhabitants of the said Town their part of the £60,000 Loan, but the Warrant never coming to their hands, they did not make the said Assessment; and therefore the Treasurer hath issued a Warrant of Distress on the Petitioners and their estate; & therefore praying, in consideration of their not being guilty of any wilful neglect of their duty, that this Court would relieve them.

Read and in answer to this Pet<sup>n</sup>

*Ordered* that the Execution of the within mentioned Warrant of Distress be and hereby is suspended till the 25<sup>th</sup> day of Dec<sup>r</sup> next. and the further consideration of the Petition is referd to that time accordingly. [*Passed November 28.*]

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## CHAPTER 97.

### ORDER OF NOTICE ON THE PETITION OF JOSEPH ALLEN FOR THE PRODUCTION OF DEEDS.

Legislative  
Records of the  
Council,  
xvii. (3), 89.  
Mass.  
Archives,  
xvii., 835.

Mass.  
Archives,  
xvii., 834-837.  
Legislative  
Records of the  
Council,  
xvii. (3), 151;  
*ibid.*, xvii.,  
Mis., 343.  
House Jour-  
nal, pp. 66, 117.

A PETITION of Joseph Allen, Shewing that his brother Samuel Allen late of Barrington in the County of Bristol Esq<sup>r</sup> dec<sup>d</sup> in and by his last Will and Testament bequeathed to the Petitioners son Samuel Allen, after the death of the Testators wife Rachel Allen, all his Real Estate not before in his said Will particularly disposed of, Provided the petitioner pay divers Legacies of considerable value; that the said Rachel has in her Custody most of the Deeds and Conveyances of the said Estate (being sole Executrix of the said Will) which are not recorded, and refuses to put them on Record, or to deliver them up, so that the Petitioners Son is in danger of being defrauded of his right; and therefore Praying that this Court would give such relief in the Case as is just and proper.

Read & At the desire of the Parties

*Ordered* that this Petition be continued & further refer'd to the first Tuesday of the next Sitting of this Court, that so the Parties may have an Opportunity to agree the Matter in difference between them selves. [*Passed December 2.*]

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## CHAPTER 98.

### ORDER IMPOWERING THOMAS GRAY TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (3), 119.  
Mass.  
Archives, xli.,  
695.

Mass.  
Archives, xli.,  
693. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 343;  
*ibid.*, xvii. (3),  
151. House  
Journal, pp. 25,  
93, 117. *Ante*,  
p. 29, chap. 18.

ON THE PETITION of Thomas Gray [*ante*, p. 20, chap. 18]

Read, and it appearing that the adverse party has been Served with a Copy of this Petition and Order thereon but no answer given thereto

*Ordered* that the Prayer of the Petition be granted and that the Petitioner be and hereby is enabled to bring forward his writ of Review within mentioned at the next Superiour Court of Judicature Court of Assize and Gen<sup>l</sup> Goal Delivery to be held at Barnstable within the County of Barnstable for the Counties of Barnstable and Dukes County on the last Tuesday in april next and the Justices of the said Court are empowered and directed to try the same and

award Excon thereupon accordingly The Petitioner to Serve the Adverse party with a Copy of this order fourteen days at least before the Sitting of Said Court; and that the Cost of the Parties at the last Sup<sup>r</sup> Court of Judicature in Barnstable aforesaid follow the determination of the Trial hereby ordered. [*Passed December 2.*]

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## CHAPTER 99.

### ORDER OF NOTICE ON THE PETITION OF THE NORTH PART OF THE TOWN OF SHREWSBURY TO BE MADE A SEPARATE PRECINCT.

A PETITION of the Inhabitants of the North Part of Shrewsbury Setting forth their great distance from the place of publick Worship, and the other inconveniences they labour under, in consideration of which the said Town have Voted to set them off a separate Township, by certain Bounds particularly mentioned in their petition; praying for the Order of this Court for confirming the said Vote for their being set off.

Read and

*Ordered* that the Petitioners serve the Town of Shrewsbury with a Copy of this Petition that they shew cause (if any they have) on the first Thursday of the next Sitting of the Court, why the Prayer thereof should not be granted. [*Passed December 4.*]

Legislative  
Records of the  
Council,  
xvii. (3), 153.

Mass.  
Archives,  
xvii., 847, 848.  
House Journal,  
p. 120.

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## CHAPTER 100.

### ORDER IMPOWERING SARAH HOW, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Sarah How Relict Widow of Jonathan How of Marlborô dec<sup>d</sup> and Guardian to his seven youngest Children who are minors, Shewing that Daniel How of Shrewsbury Brother to her said Husband died Intestate, leaving an Estate in Houses and Lands, which must be divided into six parts among his brothers & sisters, and the children of those that are deceased, that it will be extremely inconvenient to have that part that falls to the Petitioners Children divided among them, and therefore praying that she may be empowered to sell their parts which will be much to their advantage.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted. and that the Pet<sup>r</sup> be fully Impowered to make sale of All the Minors Interest in the land within mentioned for the most it will sell for, giving thirty days notice thereof by publick Advertisement and to make and execute a sufficient Deed or Deeds in Law for conveyance of the same. She giving sufficient caution to the Judge of Probate for the County of Worcester. That the proceeds of said Sale be applyed for the Use of the s<sup>d</sup> Minors, and paid to them as they respectively arrive at Age. [*Passed December 4.*]

Legislative  
Records of the  
Council,  
xvii. (3), 154.  
Mass.  
Archives,  
xvii., 844.

Mass.  
Archives,  
xvii., 843-845.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 345.  
House Journal,  
pp. 119, 120.

## CHAPTER 101.

## ORDER ADJOURNING THE MIDDLESEX COUNTY COURTS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 344.  
Mass.  
Archives, xii.,  
765.

Legislative  
Records of the  
Council,  
xvii. (3), 154.

WHEREAS the Time appointed by Law for holding the Court of General Sessions of the Peace & Inferior Court of Common Pleas for the County of Middlesex at the Town of Charlestown is the second Tuesday of this Instant December; And divers of the Justices of the said Courts & others concerned are Members of this Court; where Matters of great Importance are depending

*Ordered* that the said Court of General Sessions of the Peace & Inferior Court of Common Pleas be adjourned to the first Tuesday in January next; And the Justices of the said Courts & others concerned are required to conform themselves accordingly: And the Sheriff of the said County is hereby directed to take effectual Care that this Order be duly published in the said County.<sup>1</sup> [*Passed December 4.*]

## CHAPTER 102.

## ORDER CONFIRMING A PLAT OF 600 ACRES OF LAND TO EXPERIENCE MAYHEW.

Legislative  
Records of the  
Council,  
xvii. (3), 160.  
Mass.  
Archives, xii.,  
108.

Mass.  
Archives, xii.,  
104-108, 163.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 189.  
House Journal,  
p. 17  
(June, 1740).  
Province  
Laws, xii., 618,  
chap. 115.

A PLAT of Six Hundred Acres of Land laid out by Nathaniel Kellog Esq<sup>r</sup> and Chain men on Oath to fulfill a Grant made to M<sup>r</sup> Experience Mayhew, bounded South on lands laid out to the Heirs of D<sup>r</sup> John Barnard dec<sup>d</sup> and on all other sides on unappropriated lands; Beginning at a Maple Tree mark'd with the letters **F B M**, standing on the East side of a hill about six rods West of a small brook running Southerly, which Maple Tree is 790 rods from the South West Corner of Hunts Town (so called) upon the Course North 13° 30' East, and from the said Maple Tree running West four hundred and twenty rods to a Spruce Tree marked **F B M** with stones about it; which Tree stands on the West bank of a large Brook running Southerly supposed to be a branch of Westfield River; thence running North two hundred and twenty eight rods and 1½ foot; thence East four hundred and twenty rods; thence South two hundred and twenty eight rods and 1½ foot, to the place first mentioned.

Read and

*Ordered* that the within Plat be accepted and the lands therein delineated and described be and hereby are confirmed to the said M<sup>r</sup> Experience Mayhew His Heirs and Assigns. Provided the Plat exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed December 4.*]<sup>2</sup>

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (3), the date is December 9.



## CHAPTER 103.

## ORDER ALLOWING PRESENTS TO THE PENOBSCOT INDIANS.

*Voted* that there be granted & allowed to be paid out of the Stock for the Indian Trade & put into the Hands of Mr John Wheelwright a Sum not exceeding Ninety Pounds Bills of the old Tenor for the purchasing of such Things as may be proper or convenient for the said Chiefs which are to be presented to them by His Excellency the Govern<sup>r</sup> in the Name of the Government. [*Passed December 5.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 345.  
Mass.  
Archives,  
xxxI., 350.

Legislative  
Records of the  
Council,  
xvii. (3), 155,  
156. House  
Journal, p. 120.  
*Infra*, chap.  
104.

## CHAPTER 104.

## VOTE FOR SENDING PRESENTS TO THE PENOBSCOT INDIANS.

*Voted* that there be sent to the Tribe of Penobscot Indians one Barrel of flower 1 lb Tobacco one Gross of Pipes and two Gallons of Rum to be handed for them at Georges, also two Gallons for the Delegates.<sup>1</sup> [*Passed December 8.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 346.  
Mass.  
Archives,  
xxxI., 351.

Legislative  
Records of the  
Council,  
xvii. (3), 158.  
*Supra*, chap.  
103.

## CHAPTER 105.

## ORDER ALLOWING £20 TO THE TOWN OF MEDWAY.

A PETITION of Jeremiah Adams Representative for the town of Medway, praying that this Court would remit the Fine set upon the said Town for their not sending a Representative the last year, in consideration of the great and unusual charge they were put to, that year.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted. And the fine within mentioned is hereby remitted and the Treasurer directed to reimburse the Pet<sup>r</sup> the twenty pounds within mentioned accordingly. [*Passed December 8.*]

Legislative  
Records of the  
Council,  
xvii. (3), 158.  
Mass.  
Archives,  
xlix., 138.

Mass.  
Archives,  
xlix., 137.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 347.  
House Jour-  
nal, p. 123.

## CHAPTER 106.

## ORDER CONFIRMING A PLAT OF 8,575 ACRES OF LAND TO JOSEPH GREEN, ISAAC WALKER, BYFIELD LYDE AND JOHN GREEN.

A PLAT of Eight Thousand Five Hundred and Seventy five Acres of Land laid out for, Messieurs Joseph Green, Isaac Walker, Byfield Lyde and John Green, by Richard Hazzen and Nathaniel Kellog Surveyors, and Chain men on oath, to fulfill a Grant made them in the year 1739, scituate North Westerly of Deerfield and bounded as follows, viz<sup>t</sup> At the South Easterly Corner with a Stake and stones, which is the North East Corner of Boston Township Number Two; thence West 10 Deg. North and joining on said Township one thou-

Legislative  
Records of the  
Council,  
xvii. (3), 162.  
Maps and  
Plans, Mis.,  
xii., 23.

Maps and  
Plans, Mis.,  
xii., 23. Legis-  
lative Records  
of the Council,

<sup>1</sup> Not found in the House Journal.

xvi., 523.  
House Journal, p. 123.  
*Ante*, p. 23,  
chap. 25.

sand three hundred and twenty perch to another Stake and Stones; thence North 6 Deg. East on unappropriated Lands, eleven hundred and twenty perch to a Stake & Stones standing in the Northern Boundary Line of the Province as lately run; thence East 10 Deg. South in said Line, thirteen hundred and ten perch to a Stake standing Southerly of a small Brook that comes out of a small Swamp; thence South on unappropriated Lands, two hundred and forty poles to a Stake and Stones, which is the North West Corner Bounds of Boston Township Number One, and on the same course to the first mentioned Bounds.

Read and

*Ordered* that the within Plan be accepted and the lands therein delineated and described be and hereby are confirmed to the s<sup>d</sup> Joseph Green Isaac Walker Byfield Lyde and John Green their Heirs and Assigns forever provided it exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed December 8.*<sup>1</sup>

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## CHAPTER 107.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE SHIPWRECKED PERSONS EASTWARD.

Legislative  
Records of the  
Council, xvii.,  
Mis., 348.

Mass.  
Archives,  
cviii., 229.  
Legislative  
Records of the  
Council, xvii. (3), 156,  
159. House  
Journal,  
pp. 124, 127, 128.

THE COMMITTEE appointed to take under Consideration His Excellency's Message to both Houses relating to the distressed Circumstances of Sundry persons<sup>2</sup> Shipwrecked at the Eastward, having considered of the same, Report as followeth viz<sup>t</sup>

That His Excellency & Council be desired to give orders to John Giles Esq<sup>r</sup> & M<sup>r</sup> John Dennis to use all proper methods for the recovering of thirty nine persons missing & enquiring into the abuses complain'd of by Alex<sup>r</sup> Campbell & c that so Justice might be done them And that the Treasurer be directed to put on board Saunders' Sloop two hundred & fifty pounds Old Tenor in provisions to be put under the Care of said John Giles & John Dennis to be given unto the Petitioners towards their subsistance for the present, as they shall find they do or may stand in need of, and render an account to this Court of their so doing.

Which is Submitted by Order of the Committee

JOHN JEFFRIES.

Read and Accepted. [*Passed December 9.*

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## CHAPTER 108.

### ORDER APPOINTING GUARDIANS FOR THE KETITICUT INDIANS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 349.  
Mass.  
Archives,  
xxxi., 319.

THE COMMITTEE to whom was refered the Petition of Nehemiah Abel<sup>3</sup> & Others Titicut Indians & the Answer of Nehemiah Washburn & Others, having repaired to Bridgwater & Titticut view'd the Indian Lands there, & the trespasses thereon and heard the Parties

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (3), the date is December 9.

<sup>2</sup> From Ireland. See the Governor's message. — Legislative Records of the Council, xvii. (3), 157.

<sup>3</sup> Nehemiah Abbatt in *ante*, p. 29, chap. 39.

with respect to their Titles &c Are humbly of opinion that inas-  
 much as the heirs of M<sup>r</sup> Mitchel (who hold under Bridgwater) &  
 the said Titticut Indians some years ago had a Controversy in the  
 Law relating to the title of the Land mentioned in said Petition  
 which was not finished by reason of the death of said Mitchel Acōn<sup>1</sup>  
 was pending, That therefore for final Ending the said dispute some  
 suitable person or persons be appointed by the General Court to  
 assist said Indians in the trial of their title in the Law.

Mass.  
 Archives,  
 xxxi., 317–322.  
 Legislative  
 Records of the  
 Council,  
 xvii. (3), 161.  
 House Jour-  
 nal, p. 126.  
*Ante*, p. 29,  
 chap. 39.

The committee are further of Opinion that, notwithstanding the  
 care of Mess<sup>rs</sup> White & Clap the Indian Guardians, great Strip &  
 Waste has been committed on the Indian Lands at Titticut by the  
 Indians selling their Timber to the English for trifles which said  
 Clap & White could not hinder, That therefore the care of the Wood  
 & Timber & said Land at Titticut be committed to them or some  
 other suitable persons with full power as Guardians to said Indians  
 to prosecute as Trespassers all persons who shall cut or carry off any  
 Wood, trees or timber from said Land any Licence from the said  
 Indians notwithstanding. All which is Humbly submitted

By JOHN CUSHING, p Order.

In Council Read &

*Ordered* that Benj<sup>a</sup> White of Middleborough Esq<sup>r</sup> with such as  
 shall be join'd by the hon<sup>ble</sup> House of Represent<sup>ves</sup> be & hereby are  
 appointed Guardians for the Keteticut Indians, for the purposes  
 mentioned in the Report, & that the Charge that has arisen or may  
 arise thereon be born by the Petitioners

In the House of Rep<sup>ves</sup>

Read and concur'd and M<sup>r</sup> Ezra Clap of Middleborough is Joyned  
 in the Affair. [*Passed December 9.*]

## CHAPTER 109.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF EBENEZER HOW TO BRING FORWARD A WRIT OF APPEAL.

A PETITION of Ebenezer How of Brookfield, Praying for liberty  
 from this Court to bring forward an Appeal from the Judgment of  
 the General Sessions of the Peace for the County of Worcester upon  
 a presentment of the Grand Jury for assaulting of one James Smith,  
 and that all proceedings upon the recognizance and Judgment on  
 that affair may be staid in the meantime.

Legislative  
 Records of the  
 Council,  
 xvii. (3), 164.  
 Mass.  
 Archives, xli.,  
 723.

Read and

*Ordered* that the Pet<sup>r</sup> serve the within named James Smith with  
 a copy of this Pet<sup>n</sup> that He shew cause (if any He have) on the first  
 fryday of the next sitting of this Court why the Prayer thereof should  
 not be granted and the proceedings upon the Recognizance and Judg-  
 ments are<sup>2</sup> hereby staid in the mean time. [*Passed December 9.*]

Mass.  
 Archives, xli.,  
 722. Legisla-  
 tive Records  
 of the Council,  
 xvii., Mis., 350.  
 House Jour-  
 nal, p. 125.

<sup>1</sup> Legislative Records of the Council, xvii. (3), 161, reads, "while the Action."

<sup>2</sup> MS. indistinct.

## CHAPTER 110.

## ORDER ADJOURNING THE PLYMOUTH COUNTY COURTS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 351.  
Mass.  
Archives, xli.,  
766.

Legislative  
Records of the  
Council,  
xvii. (3), 166.  
House Jour-  
nal, p. 130.

WHEREAS the time appointed by Law for holding the Court of General Sessions of the peace & Inf<sup>r</sup> Court of Common pleas for the County of Plimouth at the Town of Plimouth is the third Tuesday of Dec<sup>r</sup> Instant, & one of the Justices of said Courts & others concerned are Members of this Court, where Matters of great Importance are depending.

*Ordered* that the said Court of Gen<sup>l</sup> Sessions of the Peace & Inf<sup>r</sup> Court of Comon Pleas be adjourned to the second Tuesday of January next, and the Justices of the said Courts and others concerned are required to conform themselves accordingly, And the Sheriff of said County is hereby directed to take effectual Care that this Order be duly published in the said County. [*Passed December 10.*]

## CHAPTER 111.

## ORDER ON THE PETITION OF JOHN HAMMOCK FOR A REFUND OF IMPOST DUTY.

Legislative  
Records of the  
Council,  
xvii. (3), 167.  
Mass.  
Archives, lxi.,  
123.

Mass.  
Archives,  
lxiv., 122.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 351.  
House Jour-  
nal, p. 129.  
Province  
Laws, ii., 1044.  
chap. 17.

A PETITION of John Hammock of Boston, Wine Cooper, Shewing that he purchased Eighty Pipes and an half of Spanish Wine at Newport in Rhoad Island & brought it to Boston for the market here, that according to the letter of the Law he is liable to pay double Impost for the said wine, but forasmuch as he bought the said wine on board ship and it never was landed till it came here; therefore Praying that the extraordinary Impost may be taken off.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Impost Officer be and hereby is directed and Impowred to remitt to the Pet<sup>r</sup> the money He has rec<sup>d</sup> for the extraordinary Impost accordingly. [*Passed December 10.*]

## CHAPTER 112.

## ORDER ACCEPTING THE PROVINCE TREASURERS ACCOUNT OF THE INDIAN TRADE.

Legislative  
Records of the  
Council,  
xvii. (3), 168.  
Mass.  
Archives,  
cxix., 363.

Legislative  
Records of the  
Council, xvii.,  
Mis., 352.  
House Jour-  
nal, pp. 11, 54.

AN ACCOMPT presented by William Foye Esq<sup>r</sup> the Officer for managing the Indian Trade, beginning May 28. 1740, and ending May 27. 1741.

Read and

*Ordered* that the within Accompt be allowed. And that the Ball<sup>a</sup> thereof Amounting to thirteen thousand two hundred eighty four pounds, eight Shillings and seven pence the said Treasurer is further Accountable for. [*Passed December 11.*]

## CHAPTER 113.

## ORDER ALLOWING VINCENT SHUTTLEWORTH £13 PER ANNUM FOR FIVE YEARS.

Legislative  
Records of the  
Council,  
xvii. (3), 170.  
Mass.  
Archives,  
lxxii., 579.

A PETITION of Vincent Shuttleworth of Wrentham, Praying for some further Allowance from this Court, in consideration of the hurt he received when he was a Soldier in the service of the Province, whereby he is disabled from getting his livelihood.

Read and

*Ordered* that there be p<sup>d</sup> out of the publick Treasury to the Pet<sup>r</sup> the Sum of thirteen pounds p<sup>a</sup> Annum Bills of the Old Tenor for five Years (from Oct<sup>r</sup> 31<sup>st</sup> last) ensuing Provided the Pet<sup>r</sup> lives that Term.

Mass.  
Archives,  
lxxii., 578.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 352.  
House Jour-  
nal, pp. 125, 131.  
Province  
Laws, xi., 754,  
chap. 115.

The s<sup>d</sup> Sum to be p<sup>d</sup> to M<sup>r</sup> Eleazar Metcalfe Jun<sup>r</sup> of Wrentham, by him to be applied for the comfort of the Petitioner and his Family. [*Passed December 11.*]

## CHAPTER 114.

## ORDER OF NOTICE ON THE PETITION OF BENJAMIN HOWLAND FOR A NEW TRIAL OF AN ACTION, WITH STAY OF EXECUTION.

A PETITION of Benjamin Howland of Tiverton, complaining of great unfairness in the trial of a cause between him and one Job Almy of Newport in Rhoad Island Colony, relating to certain merchandize consigned to the Petitioner by the said Almy, and Praying for a new Trial, & that Execution on the Judgment against him be staid in the mean time.

Read and

*Ordered* that the Pet<sup>r</sup> serve the adverse Party the s<sup>d</sup> Job Almy with a Copy of this Pet<sup>n</sup> that he shew cause (if any he hath) on the second Wednesday of the next sitting of this Court why the Prayer thereof should not be granted and Execution upon the last Judgment is staid in the mean time. [*Passed December 11.*]

Legislative  
Records of the  
Council,  
xvii. (3), 171.  
Mass.  
Archives, xli.,  
726.

Mass.  
Archives, xli.,  
724. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 353.  
House Jour-  
nal, p. 126.

## CHAPTER 115.

## ORDER OF NOTICE ON THE PETITION OF BENANUEL BOWERS FOR STAY OF EXECUTION.

A PETITION of Benanuel Bowers of Swanzey, praying that Execution of a Judgement obtained against him at the last Superior Court of Judicature in Boston, by John Banister of Newport may be staid till the next Superior Court at Bristol, when the trial of an action brought originally by the Petitioner against the said Banister, will come on upon the Review, wherein the Petitioner has already obtained two Verdicts and Judgements for him.

Read and

*Ordered*, that the Petitioner serve the adverse party the said John Banister or his Attorney with a Copy of this Petition, that he shew

Legislative  
Records of the  
Council,  
xvii. (3), 171;  
*ibid.*, xvii.,  
Mis., 352.

House Jour-  
nal, p. 130.

cause if any he have on the first Friday of the next sitting of this Court why the prayer thereof should not be granted And Execution withinmentioned is staid in the meantime. [*Passed December 11.*]

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## CHAPTER 116.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE SPANISH PRIVATEERS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 353.  
Mass.  
Archives,  
lxiv., 129.  
Mass.  
Archives,  
lxiv., 127.  
Legislative  
Records of the  
Council, xvii.  
(3), 157,  
158, 172. House  
Journal,  
pp. 124, 127.  
Province  
Laws, ii., 1085,  
chap. 13.

IN OBEDIENCE to the Order of this Court We have considered His Excellency's Message for furnishing Capt. Tyng in the Province Snow with Men & are of Opinion that his cruizing upon our Coast in the depth of Winter is ordinarily impracticable & needless, but that he ought to be compleatly furnished & ready by the Middle of February at farthest; & in the meantime for the Encouragement of men to enlist, An Act be made to allow the Captain, Officers & Ships Company all such Vessels Stores & Goods as they shall take from the Enemy & ten pounds per head Old Tenor Bills or equivalent for every man of the Enemy taken or destroyed by them in any engagement with any Ship of War or Privateer of the Enemy by them taken or destroyed, the number of men & destruction of the Ship to be proved by three or more of their Chief Officers before some chief Majistrate & by him certified, the said Prizes & premiums to be divided to & among the Captain, Officers & Ships Company, viz<sup>t</sup> to the Captain  $\frac{3}{8}$  to the Lieutenant & Master  $\frac{1}{8}$ , War-rant Officers  $\frac{1}{8}$ , Petty Officers  $\frac{1}{8}$  & Ships Company  $\frac{2}{8}$ , And the Captain, Officers & Ships Company to appoint their respective Agents for the receiving, Management & distribution of their respective Shares accordingly.

In the name & by Order of the Committee

Dec<sup>r</sup> 9<sup>th</sup> 1741.

JACOB WENDELL

Read and Accepted. [*Passed December 12.*]

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## CHAPTER 117.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF JOHN GEORGE, INDIAN.

Legislative  
Records of the  
Council, xvii.,  
Mis., 354.  
Mass.  
Archives,  
xxxi., 353.

Legislative  
Records of the  
Council, xvii.  
(3), 173.  
House Journal,  
pp. 129, 132.  
Province  
Laws, ii., 151,  
chap. 10.

THE COMMITTEE to whom was referred the Petition of John George of Natick, Indian, being well satisfied (upon the best information they could get) of the truth of the Facts mentioned in said Petition Are of Opinion that the prayer thereof be granted, and that the petitioner be allowed & impowered to make sale of the four Acres of Common land, and two Acres of the land already divided & laid out to him as mentioned in said Petition, for the most the same will fetch, And to give & Exeecute in due form of Law a Deed or Deeds of conveyance for the same, and in the sale thereof to proceed according to the direction of the Act of this province made in the sixth year of the reign of His late Majesty King George, Chap: 3<sup>d</sup> respecting the posting up Notifications of the sale of lands; and that some discreet Person or Persons be desired and appointed to see that Justice be done in the sale of

Premises, and to receive the proceeds thereof discharge his just debts therewithall, and improve the surplusage for the comfort & support of the Petitioner & his Family, as in their discretion they shall think best; & for their proceedings herein to stand accountable to this Court.

Which is humbly submitted by Order of the Committee.

S. DANFORTH

Read &

*Ordered* that this Report be accepted & John Fisher Esq<sup>r</sup> is desired to assist & act for the Petitioner accordingly. [*Passed December 12.*]

## CHAPTER 118.

### ORDER IMPOWERING MARY COE TO SELL REAL ESTATE TO PAY DEBTS.

A PETITION of William Hall Esq<sup>r</sup> in behalf of Mary Coe widow and Administ<sup>x</sup> of Samuel Coe late of Little Compton dec<sup>d</sup> Shewing that the debts on the said Samuels estate are much more than the Personal estate, that the circumstances of the real estate are such that it will be greatly to the damage of the Heirs of the deceased to sell part of it only; and therefore Praying for liberty to sell the whole Real Estate for payment of the Debts, the residue to be disposed of to the Widow and Children according to Law.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the s<sup>d</sup> Mary Coe be and hereby is fully Authorized and Impowered to make sale of the real Estate of the s<sup>d</sup> Sam<sup>l</sup> Coe dec<sup>d</sup>, and that She attends the directions of the Law therein by Posting Notifications thirty days before the sale, and that she execute a good and Lawful Deed or Deeds for the same and Apply so much of the produce thereof to the paym<sup>t</sup> of the Just Debts of the s<sup>d</sup> Dec<sup>d</sup> as will discharge the same, and that the s<sup>d</sup> Mary Coe have the Income or Improvement of one third part of the Sum that shall remain after s<sup>d</sup> debts are paid during her Life, She giving proper security to the Judge of Probate for the County of Bristol for the principal Sum she shall so receive, and that the other two third parts be put out at Interest for the Use of the Children of the s<sup>d</sup> Sam<sup>l</sup> Coe by their Guardians. They also giving sufficient Security to the Judge of Probate for the said County. [*Passed December 14.*]

Legislative  
Records of the  
Council,  
xvii. (3), 174.  
Mass.  
Archives,  
xvii., 857.  
Mass.  
Archives,  
xvii., 856.  
Legislative  
Records of the  
Council, xvii,  
Mis., 355.  
House Jour-  
nal, pp. 126, 130.

## CHAPTER 119.

### ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF THE COUNTY OF DUKES.

AN ACCOMPT presented by Zaccheus Mahew Esq<sup>r</sup> Treasurer of Dukes County for the Year 1740; having been laid before the Court of General Sessions of the Peace for the said County and by them allowed.

Read &

*Ordered* that the within accompt be allowed the ballance (being twelve pounds two shillings & one penny) due to said Treasurer. [*Passed December 15.*]

Legislative  
Records of the  
Council,  
xvii. (3), 177;  
*ibid.*, xvii.,  
Mis., 356.  
House Jour-  
nal, pp. 116, 119.

## CHAPTER 120.

## ORDER GRANTING JOHN CRANDON LICENCE TO SELL LIQUOR.

Legislative  
Records of the  
Council,  
xvii. (3), 179.  
Mass.  
Archives, cxi.,  
111.

Mass.  
Archives, cxi.,  
110. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 356.  
House Jour-  
nal, pp. 128, 137.

A PETITION of Lemuel Pope and a great number of others Inhabitants of the Town of Dartmouth, Shewing that thro' a mistake in the form of the Certificate given by the Select men of said Town of their Approbation of John Crand<sup>1</sup> to be a Retailer of Strong Drink, he has miss'd his Licence, which is of general detriment to the said Place. And therefore Praying that this Court would impower the said Crand<sup>1</sup> to be a Retailer and Victualler.

Read and in answer thereto

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Bristol are hereby directed and Impowred (if they see cause) at their Sessions on the second tuesday of March next to grant the Pet<sup>r</sup> a Licence to retail strong drink the present year the time for granting Licences being Elapsed notwithstanding. [*Passed December 18.*]

## CHAPTER 121.

## ORDER IMPOWERING THE TREASURER OF THE TOWN OF GRAFTON TO EXCHANGE BONDS.

Legislative  
Records of the  
Council,  
xvii. (3), 194.  
Mass.  
Archives, cxiv.,  
680.

Mass.  
Archives, cxiv.,  
679.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 358.  
House Jour-  
nal, pp. 119, 134.  
Province  
Laws, xii., 689,  
chap. 45.

A PETITION of the Inhabitants and Proprietors of the Town of Grafton; Shewing that this Court having been pleased to order that the Bonds given by the Proprietors to fulfill the Conditions of their purchase, should be transfer'd to the Inhabitants, and the Petitioners are ignorant in what manner to proceed in this affair; Therefore praying for the direction of this Court.

Read and

*Ordered* that the Present Treasurer of the Town of Grafton be directed and Impowred by said Town to give Bonds in their behalf to Spencer Phipps Esq<sup>r</sup> and others of the Comm<sup>ee</sup> of the Great and Gen<sup>l</sup> Court for the performance of all such conditions as are not already performed by the Proprietors in their Bonds to said Committee.

And that upon receipt of said Bond the said Committee are hereby directed to Cancel and give up to the several Proprietors the Bonds heretofore given them. [*Passed December 19.*<sup>2</sup>]

## CHAPTER 122.

## ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO WILLIAM CHANDLER AND NATHANIEL KELLOGG.

Legislative  
Records of the  
Council,  
xvii. (3), 181.  
Mass.  
Archives,  
xlvi., 132.

A PLAN of Two Hundred Acres of Land laid out by Nathaniel Austin Survey<sup>r</sup> and Chain men upon Oath, to fulfill a grant to William Chandler and Nathaniel Kellogg Beginning at a Pitch Pine Staddle on the North Line of the Indian Town, which they reserved

<sup>1</sup> The House Journal, p. 128, reads, "*John Crandon.*"

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is December 29.



to themselves when they sold the Township of Sheffield, standing two hundred & ninety rods West from the place where the West side Line of Sheffield doth cross or meet with the said Line of the Indian Land; thence East 28 Deg. North one hundred and seventy rods to a Stake and Stones; thence North 28 Deg. West one hundred and eighty eight rods to a Stake and Stones; thence West 28 Deg. South one hundred and seventy rods to a Black Oak Stadle; thence South 28 Deg. East one hundred and eighty eight rods to the place first mentioned.

Read and

*Ordered* that the within Plan be accepted and the Lands therein delineated and described are hereby confirmed to the said William Chandler and Nathaniel Kellogg their Heirs and Assigns respectively, provided it exceeds not the Quantity of the Grant. and does not interfere with any former Grant. [*Passed December 19.*]

Mass. Archives, xlvii., 131. Legislative Records of the Council, xvii., Mis., 357. House Journal, p. 138. Province Laws, xii., 496, chap. 48.

## CHAPTER 123.

### VOTE APPOINTING A COMMITTEE TO ENGAGE TRANSPORTS.

In the House of Rep<sup>res</sup>

Whereas it appears to this House that Capt Winslow the Recruiting Officer sent here by the Hon<sup>ble</sup> Brigadier Gen<sup>l</sup> Wentworth from the Island of Cuba for that purpose has raised a number of Soldiers for his Maj<sup>ty</sup>s Service who are Entitled by a Grant of this Court to be transported at the publick charge and to receive a certain Bounty as therein express'd.

Therefore

*Voted* that Mr Thomas Cushing Samuel Watts and Ezekiel Cheever Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> to take up a convenient Transport or Transports at the charge of this Government sufficient to convey the said Soldiers to the British Camp in the Island of Cuba and to procure them the Bounty agreeable to said Grant.

Provided the Comm<sup>ee</sup> can have credit untill the Treasury shall be Supplied, and the things be procured at the common and customary Prices.

Provided also that no Provision be made for transporting &c any Son or Servant under Age not having his or their Masters Parent's or Guardian's Consent.

In Council

Read & Concurr'd and John Jeffries, Jacob Wendell and Richard Bill Esq<sup>rs</sup> are joined in the Affair. [*Passed December 21.*]

Legislative Records of the Council, xvii., Mis., 360. Mass. Archives, lxiv., 142. Legislative Records of the Council, xvii. (3), 182. House Journal, pp. 141, 142. *Ante*, p. 47, chap. 77; p. 51, chap. 90.

## CHAPTER 124.

### ORDER ALLOWING £25 TO WM. JEFFREY, INDIAN.

A PETITION of William Jeffry of Harwich, Indian, Praying for an Allowance from this Court in consideration of Wounds he received in the publick Service against the Indian Enemy, by which he is still disabled from labour.

Read and

Legislative Records of the Council, xvii. (3), 183. Mass. Archives, xxxi., 347.

Mass. Archives, xxxi., 346.  
Legislative Records of the Council, xvii., Mis., 358.  
House Journal, p. 135.

*Ordered* that the Pet<sup>r</sup> be allowed out of the Province Treasury the sum of twenty five pounds Bills of the Old Tenor, or equivalent thereto in other Bills. The s<sup>d</sup> Money to be pd into the hands of Edmund Freeman and Joseph Freeman Esq<sup>rs</sup> by them to be p<sup>d</sup> out to the Pet<sup>r</sup> as his necessitys require. The s<sup>d</sup> Edmund and Joseph to be accountable for the distribution thereof to this Court.

And in case the s<sup>d</sup> Jeffrey should die before the whole of the s<sup>d</sup> Sum [is]<sup>1</sup> expended. The remainder to be p<sup>d</sup> into the Province Treasury. [*Passed December 22.*]

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## CHAPTER 125.

### ORDER IMPOWERING JAMES UPHAM, GUARDIAN, AND MARTHA NEWHALL, ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative Records of the Council, xvii. (3), 186.  
Mass. Archives, xvii., 861.

Mass. Archives, xvii., 860.  
Legislative Records of the Council, xvii., Mis., 359.  
House Journal, pp. 142, 143.  
Province Laws, ii., 151, chap. 10.

A PETITION of James Upham Guardian of Samuel and Lucretia Newhall, minors and children of Samuel Newhall late of Malden in the County of Middlesex dec<sup>d</sup> Intestate and Martha Newhall his widow and Administ<sup>x</sup> Shewing that in the Year 1736 the Intestates Fathers real estate was settled on him by the Judge of Probate for said County, he to pay to his Brothers and Sisters their parts in money, the Widows Dower being reserved out of it; that upon the Intestates and his Mothers death the Judge of Probate settled the said Widows Dower on the Minors aforesaid, they paying to their Uncles and Aunts their shares; besides which their Fathers debts amount to £42. 15. 4 more than the Personal Estate will pay; Therefore praying that the Petitioners may be impowered to sell so much of the whole real Estate as will pay the Debts and such parts as the Petitioners shall judge most proper.

Read &

*Ordered* that the prayer of the Petition be granted & that the Petitioners be allowed & impowered to make Sale of so much of the real Estate belonging to said Minors (& such part thereof as can be spared with least prejudice to the whole,) as will be sufficient to satisfy the Debts within mentioned & to give & Execute a good & sufficient Deed or Deeds of Conveyance for the same, And in the Sale thereof to observe the Directions of the Law of this province made in the 6<sup>th</sup> Year of George the first, Chapter 3<sup>d</sup> respecting the posting of Notifications of the Sale of Lands; Provided the Petitioners shall first give sufficient Caution to the Judge of Probate for the County of Middlesex, that the Proceeds of the Sale of the premises shall be duly applied for the payment of the Debts & portions due from the said Minor's Estate: And for their proceedings herein to be accountable to the said Judge or his Successors in said Office when thereunto required. [*Passed December 22.*]<sup>2</sup>

<sup>1</sup> Inserted from the House Journal, p. 135.

<sup>2</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is December 23.

## CHAPTER 126.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE INHABITANTS OF UPPER HOUSATONNOG AND APPOINTING A COMMITTEE TO INQUIRE INTO THE AFFAIRS THEREOF.

THE COMMITTEE appointed to take into consideration the Petition of Josiah Phelps and others, Inhabitants of Housatanuck, and also the Petition of Conrade Burghart of Sheffield, Report, that inasmuch as the most material things complained of in said Phelps's petition were under the consideration of a Committee of this Court, who on the fourth of June 1736 by Samuel Thaxter Esq<sup>r</sup> their Chairman reported that in their Opinion some suitable Persons ought to be appointed and impowered by said Court to take said affairs under consideration, take Depositions in the County of Hampshire relating thereto, & make report thereof at the then next Sessions of said Court; and accordingly a Committee was appointed, who went to Housatanuck, but never made any Report.

Legislative  
Records of the  
Council, xvii,  
xvii. (3), 185.

Legislative  
Records of the  
Council, xvi.,  
398; *ibid.*,  
xvii. (3),  
166 *bis.* House  
Journal,  
pp. 143, 144.

Therefore we humbly apprehend it is necessary some suitable Persons should now be appointed & impowered by this Court to repair to Housatanuck, and take the matters complained of in said Phelps's petition, under consideration, and take what Depositions they think needful, in order to their full information touching said Complaints; and that Ebenezer Pomroy & Thomas Ingersol Esq<sup>rs</sup> and Captain Ashley, the Settling Committee, upon due notice attend them with their papers and accompts relating to said Housatanuck and Sheffield.

And further we humbly propose that said Committee who enquire into these affairs at Housatanuck, inquire also into the facts alledged in the said Burgharts Petition and make report upon the whole of the affair, what may be proper for this Court to do thereon, at the next Session or as soon as may be. All which is humbly submitted

In the name and by Order of the Committee

JN<sup>o</sup> CUSHING.

In Council;

Read and Accepted; and thereupon

*Ordered* that John Cushing and Samuel Danforth Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House shall join, be a Committee for the purposes within mentioned; and that Ebenezer Pomroy, John Ashley and Thomas Ingersol Esq<sup>rs</sup> the Committee appointed for the settlement of the Housatanuck and Sheffield Lands, by the first of March next give in to the Chairman of this Committee a list of those that were originally admitted as Settlers there, with the Place and quantity of Lands granted to them; also a List of those that are the present Grantees, with the Place and quantity of lands granted to them, and how and by whom the several Rights have been derived from the Original Grantees to the present Grantees, together with the several sums of money and other things they have received for or respecting any of their said Grants, and how they have applied them; to the end this Committee may be the better furnished to pursue the ends for which they are appointed.

In the House of Represent<sup>ves</sup>; Read and Concur'd, and Cpt. Jones, Cpt. Jackson and Major Payne are joined in the affair; any three of the Committee to be a quorum. [*Passed December 23.*]

## CHAPTER 127.

## ORDER ON THE PETITION OF THE INHABITANTS OF THE TOWN OF MENDON TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council, xvii.,  
3), 15,  
188. Mass.  
Archives, xii.,  
197.

Mass.  
Archives, xii.,  
195. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 360.  
Province  
Laws, v., 1329.

A PETITION of Thomas Tenney & a great number of others Inhabitants of Mendon; Setting forth the controversies they have had and still have with their Minister M<sup>r</sup> Joseph Dorr, upon which they have had the advice of an Ecclesiastical Council, which the said M<sup>r</sup> Dorr refuses to comply with or to do any thing to give the Petitioners a reasonable satisfaction; and therefore Praying that they may be set off as a separate Precinct or otherwise relieved in the premisses.

A Petition of John Jones and a considerable number of others Inhabitants of the Town of Mendon; Praying that the Petitioners with their families and Estates, within the Bounds expressed in the Petition, be erected into a separate Town or Precinct.

Read together with the Answer of the Town of Mendon and thereupon

*Voted* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Inhabitants of Mendon with their Estates lying on the Easterly side of Mill River and bounded by said river Bellingham Hopkinton and Holliston including the Familys with the Estates on the West side of s<sup>d</sup> river to the eight Rod Road as expressed and described in the Pet<sup>n</sup> together with Nathan Tyler and his lands. Samnel Rawson Dan<sup>l</sup> Lovel Will<sup>m</sup> Hayward Thomas White Dan<sup>l</sup> White William Hovey Josiah Adams Benj<sup>a</sup> Green Sam<sup>l</sup> Green and Ebez<sup>r</sup> Albee with their Estates in the old or standing part of said Town, or so many of them as shall Joyn with the Pet<sup>rs</sup> in building a Meeting House and settling a Minister be and hereby are erected into a distinct and separte Precinct, and that the Inhabitants thereof be invested with the same Powers and Priviledges as other Precincts do enjoy.

Saving nevertheless that Jonathan Hayward John Green Obadiah Wheelock James Allbee Joseph Corbit Thomas Beard Benjamin Allbee James Allbee jun<sup>r</sup> John Kilburn John Green Jun<sup>r</sup> Eben<sup>r</sup> Wheelock Will<sup>m</sup> Sprague Joseph Rockwood Jonathan Haywood John Haywood Will<sup>m</sup> Sprague Jun<sup>r</sup> and John White living within the abovemention'd Bounds or so many of them as shall desire it, together with their Estates may continue to the standing part of said Town so long as they attend the publick Worship there in a Stated way and no longer. Provided that the said Inhabitants so set off shall within the space of two Years from this time Erect a convenient Meeting House and Settle a Learned and Orthodox Minister for the publick Worship of God.<sup>1</sup> [*Passed December 23.*]

## CHAPTER 128.

## ORDER APPOINTING A COMMITTEE FOR CHARTERING TRANSPORTS.

*Ordered* that M<sup>r</sup> John Wheelwright be added to the Committee for providing Transports &c. [*Passed December 28.*]

<sup>1</sup> Not found in the House Journal.

Legislative  
Records of the  
Council, xvii.,  
Mis., 362.  
Mass.  
Archives,  
lxiv., 152.

Legislative  
Records of the  
Council,  
xvii. (3), 191.  
House Jour-  
nal, p. 146.  
*Ante*, p. 65,  
chap. 123.

## CHAPTER 129.

## ORDER CONFIRMING A PLAT OF 457 ACRES OF LAND TO THE TOWN OF HADLEY.

A PLAT of Four Hundred and Fifty Seven Acres and eighty rods of Land laid out by Nathaniel Kellog Survey<sup>r</sup> and Chain men on Oath, to fulfill a Grant made by this Court the last year to the Town of Hadley as an Equivalent for land taken off by Sunderland; situate half a mile North of Sunderland North Bounds; beginning at a Black Oak Tree mark'd, standing on the Bank of Connecticut River about half a mile above the Fishing Bar at Deerfield Falls, being the Falls at the Mouth of Fall River; thence running South 5 Deg. East, four hundred rods; thence East 27 Deg. North, two hundred and thirty four rods; thence North 11 Deg. East, two hundred & ninety five rods to a Maple Tree marked, standing on the Bank of Connecticut River, and from thence, as the River runs, to the Black Oak Tree first mentioned.

Read and

*Ordered* that the within Plan be accepted and that the lands therein delineated and described be and hereby are confirmed to the s<sup>d</sup> Town of Hadley. Provided the Plat exceeds not the Quantity of the Grant, and does not interfere with any former Grant. [*Passed December 28.*]

Legislative  
Records of the  
Council,  
xvii. (3), 192.  
Mass.  
Archives,  
cxiv., 649.  
Mass.  
Archives,  
cxiv., 648.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 363.  
House Jour-  
nal, p. 142.  
Province  
Laws, xii., 725,  
chap. 141.

## CHAPTER 130.

ORDER ON THE MEM<sup>o</sup> OF OLIVER PATRIDGE ESQ<sup>s</sup> IN REGARD TO THE DISPOSITION OF A PRISONER.

A MEMORIAL of Oliver Patridge Esq<sup>r</sup> Sheriff of the County of Hampshire, Shewing that at the last Court of Assize for said County one Robert Thompson was found guilty of putting out his Wifes eyes in a barbarous and inhuman manner, and was sentenced to be whip'd thirty nine stripes (which has been executed upon him) and to be imprisoned for the space of one year. And for as much as the said Thomson hath no estate to support himself, nor any way of life for it, therefore praying that he may be enlisted in His Majestys Service for the Expedition in the West Indies and that the Bounty money allowed by this Province may be for paying his charges in Goal.

Read and

*Ordered* that the Prayer thereof be so far granted as that His Excellency the Governour be desired to give Order that said Thompson be removed from the Goal in the County of Hampshire to Castle William there to be detained till He be sent as a Soldier, and transported with others of His Majesty's Forces to the Army in the West Indias. And that the Bounty Money allowed to a Soldier Enlisting be applyed to the defreying the Charge of conveying him from Said County of Hampshire to the s<sup>d</sup> Castle. [*Passed December 28.*]

Legislative  
Records of the  
Council,  
xvii. (3), 192.  
Mass.  
Archives,  
lxxii., 575.  
Mass.  
Archives,  
lxxii., 574.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 362.  
House Jour-  
nal, pp. 143, 146.

## CHAPTER 131.

## ORDER ADJOURNING YORK COUNTY COURTS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 364.  
Mass.  
Archives, xli.,  
769.

Legislative  
Records of the  
Council,  
xvii. (3), 190.  
House Jour-  
nal, p. 147.

WHEREAS the time appointed by Law for holding the Court of Gen<sup>l</sup> Sessions of the Peace & Inf<sup>r</sup> Court of Common pleas for the County of York at the Town of York is y<sup>e</sup> first Tuesday of Janu<sup>y</sup> next, And divers of y<sup>e</sup> Justices of the said Courts & others concerned are Members of this Court where Matters of great Importance are depending,

*Ordered* that the s<sup>d</sup> Court of Gen<sup>l</sup> Sessions of the peace & Inf<sup>r</sup> Court of Common Pleas be adjourned to the last Tuesday in January Next; And the Justices of the said Courts & others concerned are required to conform themselves accordingly; And the Sheriff of the s<sup>d</sup> County is hereby directed to take effectual Care that this Order be duly published in the said County. [*Passed December 29.*]<sup>1</sup>

## CHAPTER 132.

## ORDER ON THE PETITION OF KATH: CUNNINGHAM FOR A REVERSAL OF A JUDGMENT.

Legislative  
Records of the  
Council, xvii. (3), 148.  
Mass.  
Archives, xli.,  
740.

Mass.  
Archives, xli.,  
737. Legisla-  
tive Records of  
the Council,  
xvii. (3), 193;  
*ibid.*, xvii.,  
Mis., 366.  
House Jour-  
nal, p. 148.

A PETITION of Katherine Cunningham of Edgar Town in Dukes County, Widow, complaining of unjust and hard treatment from John Allen Esq<sup>r</sup> and especially of a Judgement of the Inferior Court of Common Pleas for said County in October last, obtained against her by very unlawful means, one of the Judges having been an Arbitrator in the same cause, and given an Award against her, and the Judgement being given against her for Default, thó she was in Court and offered to plead; praying the said Judgement may be set aside, or she otherwise relieved, and that Execution may be staid till the Order of this Court be pass'd for her relief in the premisses.

Read with the Answer of John Allen Esq<sup>r</sup> & forasmuch as it appears that Eben<sup>r</sup> Norton Esq<sup>r</sup> one of the two Referrees between these parties was also one of the three Justices holding the Court for the Trial of their Suit on this Arbitration, & also that the said Court enter'd Judgm<sup>t</sup> by default in the said Suit notwithstanding the said Katharines Appearance because Eben<sup>r</sup> Rogers the Surety in the same Arbitration Bond did not also appear, both which are very irregular & unlawful; It is therefore

*Ordered* that the Judgm<sup>t</sup> of the said Inf<sup>r</sup> Court of Common pleas in Dukes County in October last be & hereby is reversed and made utterly null & void. [*Passed December 29.*]

## CHAPTER 133.

## ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO JABEZ ORMSTEAD.

Legislative  
Records of the  
Council,

A PLAT of Two hundred Acres of land laid out by Nathan<sup>l</sup> Austin Survey<sup>r</sup> and Chain men on oath, to fulfill a grant made in the year

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii. (3), the date is December 28.

1736 to Jabez Ormstead; Beginning at the North West Corner of a tract of land laid out to William Chandler and Nath<sup>l</sup> Kellog, being a Black Oak Stadle and stones; thence Easterly on the line of said Land one hundred and seventy rods to a stake and stones being the North East Corner of said Chandlers and Kellogs land; thence North 28 Deg. West two hundred and nine rods to a Walnut Pole and Stones; thence West 28 Deg. South one hundred and thirty eight rods to a Black Oak Pole and Stones; thence South 20 Deg. East two hundred and twelve rods to the first Bounds.

xvii. (3), 194;  
*ibid.*, xvii.,  
Mis., 365.

Mass.  
Archives,  
xvii., 335.  
House Jour-  
nal, p. 142.  
Province  
Laws, xii., 337,  
chap. 172.

Read &

*Ordered*, that the said plan be accepted, and that the Lands herein described, be and hereby are confirmed to the said Jabez Omstead His heirs and assigns. Provided the Plat exceed not the quantity of the Grant, and does not interfere with any former Grant. Provided Also that the said Jabez Omstead, within two years from the date hereof duly fulfils the conditions of said Grant. [*Passed December 29.*<sup>1</sup>

## CHAPTER 134.

### ORDER CALLING A TOWN MEETING AT PROVINCE TOWN.

A PETITION of the Inhabitants of Province Town in the County of Barnstable, Shewing that they had an annual Meeting regularly warned in March last, but by reason of the Inhabitants not attending, it failed, Therefore Praying that some person may be appointed by this Court to call a Meeting.

Legislative  
Records of the  
Council,  
xvii. (3), 195.  
Mass.  
Archives,  
cxiv., 681.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that William Rotch be authorized and impowered to warn and call a Town Meeting in some convenient place in said Town for chusing Town Officers and transacting other Town Affairs. the time being elapsed notwithstanding. [*Passed December 29.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 366.  
House Jour-  
nal, p. 148.

## CHAPTER 135.

### ORDER OF NOTICE ON THE PETITION OF NICH<sup>o</sup> WILLIAMS TO BRING AN ACTION.

A PETITION of Nicholas Williams of Boston, Victnaller, Shewing that Daniel Ballard of Boston sued the Petitioner at the Inferior Court of Common Pleas in Boston for £55. 0. 3<sup>d</sup> and the Petitioner would have brought his cross action and filed his Accompt in the Clerks Office against the said Ballards demand, but was diverted by his promise not to enter his Action; notwithstanding which he enter'd his action and proceeded to trial, and obtained Judgement by Default, and has taken out Execution thereon; and therefore praying that the Petitioner may be enabled still to file his accompt and bring his Action thereon at the next Inferior Court, and that the Court may proceed thereon as thô no Judgment had been yet obtained against the Petitioner.

Legislative  
Records of the  
Council,  
xvii. (3), 198.  
Mass.  
Archives, xli.,  
774.

Mass.  
Archives, xli.,  
773-777. Legis-  
lative Records  
of the Council,  
xvii., Mis., 367.  
House Jour-  
nal, p. 151.

Read and

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii. (3); according to Legislative Records of the Council, xvii., Mis., the date is December 28.

*Ordered* that the Pet<sup>r</sup> serve the adverse Party the s<sup>d</sup> Dan<sup>l</sup> Ballard with a copy of this Pet<sup>n</sup> that He shew cause if any he have on fry-day the first of January next why the Prayer thereof should not be granted. [*Passed December 31.*]

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## CHAPTER 136.

### ORDER IMPOWERING SARAH HARRIS, ADMINIST<sup>x</sup> & GUARDIAN, & CH. APTHORP, GUARDIAN, TO TRANSFER REAL ESTATE.

Legislative  
Records of the  
Council, xvii.  
(3), 203.  
Mass.  
Archives,  
xvii., 858.

Legislative  
Records of the  
Council, xvii.,  
Mis., 369.  
House Jour-  
nal, p. 154.

A PETITION of Sarah Harris, Widow and Administ<sup>x</sup> of Robert Harris late of Boston merchant dec<sup>d</sup> & Guardian of three of his children, being Minors, and of Charles Apthorp Guardian of the other Child being also a Minor; Shewing that the said Robert (in his life time) and Nath<sup>l</sup> Shower purchased two Houses and sixty Acres and an half of land in Raynham, which with the Improvements is valued at £3,135. 6. 9 and an other house and near fifteen acres of land in Swanzey valued at £940 and all the Deeds are made to the said Harris & Showers jointly in fee, but the principal Improvements were made on the Raynham Estate by the particular direction of the said Harris and intended for his separate use; the Petitioners are desirous to have the estates at the value aforesaid in part of the said Roberts share of their joint Stock in merchandize, which the said Nathaniel is consenting to; and therefore Praying that the Petitioners may be enabled by this Court to contract with the said Nathaniel accordingly, and to take of him a sufficient Conveyance of all his right therein, to the four Minors aforesaid at the price aforesaid, and to be taken in consideration of so much of the Joint Stock and Profits belonging to the late Company of Harris and Showers, viz<sup>t</sup>, £4,075. 6. 9 which the said Shower may take to his own use in other effects as it shall happen, when the Accompts of that Partnership shall be adjusted.

Read and

*Ordered* that the Prayer of the Petition be granted. [*Passed January 2.*]

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## CHAPTER 137.

### ORDER OF NOTICE ON THE PETITION OF CH<sup>s</sup> CHURCH ESQ<sup>r</sup> FOR STAY OF EXECUTION.

Legislative  
Records of the  
Council, xvii.  
(3), 204.  
Mass.  
Archives, xli.,  
761.  
Mass.  
Archives, xli.,  
759-764. Legis-  
lative Records  
of the Council,  
xvii., Mis., 370.  
House Jour-  
nal, pp. 153, 155.

A PETITION of Charles Church Esq<sup>r</sup> Sheriff of the County of Bristol, Shewing that he gave bond to prosecute at the last Superior Court for the County of Middlesex his Writ of Review of an action originally commenced against him by one Joseph Crackborn, but by some casualty the Petitioners Attorney, whom he depended on to appear for him, lost his Power of Attorney, by which means his Bond was declared forfeited, and Execution is out against him; praying that it may be staid till the next Superior Court.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Paty the s<sup>d</sup> Joseph Crackburne with a Copy of this Pet<sup>n</sup> that He shew cause if any he have on Wednesday the 6<sup>th</sup> Curr<sup>t</sup> why the Prayer thereof should not be granted. [*Passed January 2.*]



## CHAPTER 138.

## ORDER IMPOWERING JACOB CHALCOM, INDIAN, TO SELL LAND.

A PETITION of Jacob Chalcom of Natick Indian, praying for liberty from this Court to sell thirty five acres of land lying in several parcels, which is of little or no present benefit to him, to enable him to pay for lands he has purchased where he lives and to build a Barn thereon.

Legislative  
Records of the  
Council, xvii. (3), 168.  
Mass.  
Archives,  
xxx1., 349.

Read &

*Order'd* that the Prayer of the Petition be granted and the Petitioner be & he is hereby allow'd & impowred to make Sale of the Thirty five acres of his Land therein mention'd, & to make & execute in due form of Law a good Deed of Sale & Conveyance thereof to the Person or Persons who shall appear & give most for the same; and in Proceeding therein the Petitioner is directed to observe the Rules in the Act of this Province of the sixth year of his late majesty King George Chap. 3<sup>d</sup> relating to the Posting of Notifications of the Sale of Lands: And John Fisher Esq<sup>r</sup> is hereby appointed & desir'd to be aiding & assisting to the Petitioner in the Sale of the Premises, & see that Justice be done him therein, and that the Proceeds thereof be well & truly applied to the Purposes mention'd in s<sup>d</sup> Petition and for his Proceedings herein to stand accountable to this Court. [*Passed January 2.*]

Mass.  
Archives,  
xxx1., 348.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 369; *ibid.*,  
xvii. (3), 205.  
House Jour-  
nal, pp. 129, 154.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 139.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF THOS PEGAN TO EXCHANGE LAND.

A PETITION of Thomas Pegan of Natick Indian, Praying liberty from this Court to exchange a piece of land with one Joseph Mills who has a piece of land which will be more commodious to the Petitioner and he will be thereby enabled to pay his debts.

Legislative  
Records of the  
Council,  
xvii. (3), 164;  
*ibid.*, xvii.,  
Mis., 371.  
Mass.  
Archives,  
xxx1., 345.

The Committee to whom was referred the consideration of the Petition of Thomas Pegan of Natick Indian are of Opinion that the prayer thereof be so far granted, as that he be impowred by a good & sufficient Deed to make an Exchange of the six acres & half, & the three quarters of an Acre of Land mentioned in said Petition, for land of equal value belonging to the said Joseph Mills, lying near the Petitioner, & more commodious for him: And that some suitable persons be impowred & desired to be aiding therein & to see that justice be done him in the said Exchange. Which is humbly submitted.

Legislative  
Records of the  
Council,  
xvii. (3), 238.  
House Jour-  
nal, pp. 127, 157,  
158.

by Order of the Committee.

S DANFORTH

In Council Read &

*Ordered* that this Report be Accepted, and Edward Goddard Esq<sup>r</sup> with such as shall be joy'n'd by the Hon<sup>bl<sup>e</sup></sup> House are desir'd to assist & act for the Petitioner accordingly

In the House of Rep<sup>ves</sup>

Read and concur'd and M<sup>r</sup> Livermore is Joyned in the Affair.  
[*Passed January 4.*]<sup>2</sup>

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is January 15.

## CHAPTER 140.

ORDER IMPOWERING EBEN<sup>S</sup> WILDER TO FILE A BILL IN EQUITY.

Legislative  
Records of the  
Council,  
xvii. (3), 204;  
*ibid.*, xvii.,  
Mis., 371.

House Jour-  
nal, p. 157.  
*Ante*, p. 22,  
chap. 21.

A PETITION of Ebenezer Wilder of Lancaster, Shewing that he purchased of Sarah Rogers one Moyety of a Piece of Land and the Buildings thereon, situate in Boston, which having been mortgaged to Simon Rogers (now deceased) the Petitioner tendered what was due on the said Mortgage to his Executors; but they refused to receive it; whereupon he filed his Declaration in the Clerks Office of the Superior Court, but through mistake neglected to serve the adverse party with a summons; and therefore Praying that he may file his Bill in Equity at the next Superior Court for the County of Suffolk.

Read &

*Ordered* that the Petitioner be enabled to file his Bill in equity, in the Clerk's Office of the Superior Court of Judicature in Boston in February next for the Redemption of the premises, the failing & abatement of his former Bill & lapsing the time for filing such Bill by the province Law notwithstanding, and to serve the Executors aforesaid with process of that Court to answer the same, & the said Court are hereby directed & empowered to proceed & try the same, thereupon, & to determine & award Execution as the Equity of the Case shall require. [*Passed January 4.*<sup>1</sup>

## CHAPTER 141.

ORDER ON THE PETITION OF CHAS<sup>S</sup> CHURCH ESQ<sup>R</sup> CONTINUING ACTIONS.

Legislative  
Records of the  
Council,  
xvii. (3), 206.  
Mass.  
Archives, xli.,  
779.

Mass.  
Archives, xli.,  
778. Legisla-  
tive Records  
of the Council,  
xvii., Mis., 372.  
House Jour-  
nal, p. 155.  
*Ante*, p. 61,  
chap. 115.

A PETITION of Charles Church Esq<sup>r</sup> Sheriff of the County of Bristol, Shewing that John Banister of Newport hath brought two Actions against him to be tried at the Inferior Court of Common Pleas for the County of Suffolk this present month, for not levying two Executions against Benanuel Bowers; and for as much as the said Bowers hath obtained an Order of this Court for staying the said Executions; therefore Praying that the Justices of the said Inferior Court may be directed not to enter up any Judgment on the said two Actions, but to dismiss them in case they should be entered.

Read and

*Ordered* that the two Actions brought by the said Banister ag<sup>t</sup> the Pet<sup>r</sup> for not serving the Executions within mentioned be continued to the next term in March next. And that the Justices of the Court of common pleas for the County of Suffolk be directed to continue the same accordingly. [*Passed January 4.*

<sup>1</sup> This date is according to Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is January 2.

## CHAPTER 142.

ORDER ABOUT Y<sup>r</sup> ACT RELATING TO THE ACT ABOUT APPEALS.

WHEREAS a Doubt may arise whether the Act lately pass'd by this Court, for altering Several Laws that require Appellants to file and produce Reasons of Appeal, does<sup>1</sup> extend to Such Sentences or Judgments as were made or given before the making thereof

Therefore

*Ordered* That the Said Act Be and hereby is construed to extend to all Sentences and Judgments whatsoever made or given as well before as after the passing thereof. [*Passed January 6.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 372.  
Mass.  
Archives,  
xlvii., 321.

Legislative  
Records of the  
Council,  
xvii. (3), 210.  
House Jour-  
nal, p. 159.  
Province  
Laws, ii., 1086,  
chap. 15.

## CHAPTER 143.

## VOTE APPOINTING TWO AGENTS AT THE COURT OF GREAT BRITAIN ON THE MASSACHUSETTS AND RHODE ISLAND BOUNDARY LINE AFFAIR.

THIS DAY being appointed for the Election of two Agents to prosecute the Appeal to Effect depending in the Court of Great Britain upon the Affair of the Boundary Line between this Province & the Colony of Rhode Island.

Robert Auchmuty Esq<sup>r</sup> & M<sup>r</sup> Christopher Kilby were chosen to the said Office by the Major Vote of the Council & House of Representatives. [*Passed January 7.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 373.  
Mass.  
Archives, xx.,  
320.

Legislative  
Records of the  
Council,  
xvii. (3), 208,  
210. House  
Journal, p. 162.  
*Infra*, chap.  
146.

## CHAPTER 144.

ORDER IMPOWERING RICH<sup>d</sup> TARR TO ENTER AN ACTION.

A PETITION of Richard Tarr of Marblehead Shewing that in the year 1739 he had an Action depending in the Superior Court for the County of Essex with Andrew Tucker of Marblehead, which they submitted to a Rule of Court and the Referrees reported in favour of the Petitioner and the Report for some reasons was continued over to an other Term, but thro' forgetfulness the Clerk neglected to make a minute in the Book, of the said Continuance, by which means he has at present lost the benefit of the said Report, and therefore Praying that the Justices of the said Court may be empowered to make up Judgment upon the said Report.

Read together with the Answer of Nathan Bowen Attorney to Martha Tucker adm<sup>x</sup> of Andrew Tucker dec<sup>d</sup> with the other papers in the Case And forasmuch as it appears to this Court that the Report of the Referrees within mentioned was lodged in the Clerk's Office of the Sup<sup>r</sup> Court, & was produced in the Court, & the Action continued as set forth in the pet<sup>n</sup>, But purely by the Omission of the Clerk it was not certified that the said Action was continued, by w<sup>ch</sup> means the Affair fell thro'

Legislative  
Records of the  
Council,  
xvii. (3), 165;  
*ibid.*, xvii.,  
Mis., 373.  
Mass.  
Archives, xli.,  
732.

Mass.  
Archives, xli.,  
730. Legisla-  
tive Records of  
the Council,  
xvii. (3), 212.  
House Jour-  
nal, pp. 127, 147,  
162.

<sup>1</sup> This word is underlined in the original.

Therefore

*Ordered* that the pet<sup>r</sup> Richard Tarr be & hereby is enabled to enter the s<sup>d</sup> Action at the Sup<sup>r</sup> Court of Judicature to be held at Ipswich for the County of Essex on the 2<sup>d</sup> Tuesday in May next, & that the Justices of the s<sup>d</sup> Court be impowered to receive the Referrees Report & enter up Judgm<sup>t</sup> & award Execution accordingly against the Estate of the said And<sup>w</sup> Tucker in the hands of Martha Tucker Adm<sup>x</sup> of the said Estate, The discontinuance of the said Action & the death of the s<sup>d</sup> Andrew notwithstanding, Provided the pet<sup>r</sup> notify the said Adm<sup>x</sup> of this Order at least fourteen days before the sitting of the said Court. [*Passed January 7.*<sup>1</sup>

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## CHAPTER 145.

### ORDER IMPOWERING ROBERT RAND TO LEVY AN EXECUTION.

Legislative  
Records of the  
Council, xvii.  
(3), 176,  
217. Mass.  
Archives, xii.,  
729.

Mass.  
Archives, xli.,  
727. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 373.  
House Jour-  
nal, pp. 130, 131,  
144.

A PETITION of Robert Rand of Beverly in Great Britain Shewing that at the Inferior Court held at Cambridge for the County of Middlesex in May last, he recovered Judgment against one Nathaniel Coochuck of Natick Indian, for £18. 13. and cost, and took out Execution, which has been returned not satisfied, the said Nathaniel having absconded; and forasmuch as he has lands in Natick; praying that he may levy his Execution thereon.

The Committee appointed to Consider of the foregoing Petition have attended that service & are of Opinion that the prayer of the Petition be granted. which is submitted,

per Order of the Com<sup>on</sup>

FRA: FOXCROFT.

Read and accepted and

*Ordered* that the Prayer of the Petition be granted and the Petitioner is hereby enabled to levy the Execution withinmentioned, on the withinnamed Nathanael Coochucks Real Estate, for Satisfying his Damages Fees and Costs as in other Cases by Law it is already provided. [*Passed January 7.*<sup>2</sup>

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## CHAPTER 146.

### ORDER APPOINTING A COMM<sup>TEE</sup> TO NOTIFY M<sup>R</sup> AUKMUTY OF HIS ELECTION AS AGENT.

In the House of Rep<sup>ves</sup>

*Ordered* that Cap<sup>t</sup> Choate Cap Watts and Cap<sup>t</sup> Little with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> to inform the Hon<sup>ble</sup> Robert Auchmuty Esqr That this Court have made choice of him as one of their Agents to prosecute the Affair of the Boundary Line between this Government and Rhode Island. And to report his Answer thereto.

In Council Read & Concur'd And John Jeffries & John Read Esq<sup>rs</sup> are joined in the Affair. [*Passed January 8.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 374.  
Mass.  
Archives, xx.,  
321.

Legislative  
Records of the  
Council,  
xvii. (3), 211.  
House Jour-  
nal, p. 164.  
*Supra*, chap.  
143.

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is January 8.

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is January 8.

## CHAPTER 147

ORDER APPOINTING A COMMITTEE TO PREPARE INSTRUCTIONS TO Y<sup>R</sup> AGENTS.

In the House of Representatives

*Ordered* that M<sup>r</sup> Cushing, D<sup>r</sup> Hale, Cap<sup>t</sup> Watts, Cap<sup>tn</sup> Choate & M<sup>r</sup> Little with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to prepare duplicates of proper Instructions to the Hon<sup>ble</sup> Robert Auchmuty Esq<sup>r</sup> and Christopher Kilby Esq<sup>r</sup> Agents for this Province to prosecute the appeal from the judgment of the Commissioners appointed to determine the Controversy respecting the boundary Line between this Government and that of Rhode Island as soon as may be and lay the same before this Court if sitting. And also to prepare duplicates of the true State of that Controversy & all necessary papers relating thereto, One of which, together with said Instructions (this Court not sitting) to deliver to said Robert Auchmuty Esq<sup>r</sup> & make timely preparation for his Voyage to Great Britain.

And the Other to transmit by this first Ship for Great Britain to Christopher Kilby Esq<sup>r</sup> with a Letter to acquaint him of his being appointed one of the Agents of this Province with Robert Auchmuty Esq<sup>r</sup> on the affair aforesaid. And that He be directed in Case the said affair shall be suddenly brought forward to use his endeavours that the proceedings thereon may be suspended till the Arrival of M<sup>r</sup> Auchmuty and the papers in the Case.

In Council Read & Concurred and Jacob Wendell, Samuel Welles, Jn<sup>o</sup> Cushing & John Read Esq<sup>rs</sup> are joined in the Affair. [*Passed January 8.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 375.

Mass.  
Archives, vi.,  
573. Legisla-  
tive Records of  
the Council,  
xvii. (3), 211.  
House Jour-  
nal, p. 164.  
*Supra*, chap.  
143.

## CHAPTER 148.

## ORDER ACCEPTING THE REPORT ON WILLIAM HODGES PETITION AND APPOINTING A COMMITTEE THEREON.

A PETITION of William Hodges; praying for an Allowance out of the publick Treasury for the support of one Bethiah an Indian woman at Taunton, which the Petitioner apprehends ought to be a Province charge.

The Committee to whom was referred the Petition of William Hodges the 2<sup>nd</sup> have considered thereon & find the Facts therein mentioned to be truly set forth. And therefore are humbly of Opinion that said Hodges be impowered by the General Court to make sale of the Land mentioned in said Petition for the most it will fetch (first giving Publick Notice thereof) according to the Province Law made in the 6<sup>th</sup> year of King George the 1<sup>st</sup> Chap. 3<sup>d</sup> and that some suitable person or persons be appointed to see justice done therein, the money arising by said Sale to be put into their hands to discharge whats due to the Petitioner from Bethiah the Daughter of Nimrod Sturgeon, and that the overplus if any be disposed of as the said Court shall direct.

All which is humbly Submitted

By, JOHN CUSHING, by Order.

In Council. Read &

*Ordered* that this Report be accepted, & that John Cushing Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Representa-

Legislative  
Records of the  
Council,  
xvii. (3), 156;  
*ibid.*, xvii.,  
Mis., 377.

Mass.  
Archives,  
xxxi., 330.  
Legislative  
Records of the  
Council,  
xvii. (3), 214.  
House Jour-  
nal, p. 158.  
Province  
Laws, ii., 151,  
chap. 10.

tives be desired to see that justice be done in the sale of the said Land, any two to be a Quorum.

In the House of Representatives Read & Concurred, and Cap<sup>t</sup> Washburne & Benjamin White Esq<sup>r</sup> are joined in the Affair. [*Passed January 8.*<sup>1</sup>

## CHAPTER 149.

VOTE REFERRING THE PETITION OF W<sup>m</sup> SHERIFF ESQ<sup>s</sup> AGENT FOR Y<sup>e</sup> DUKE OF HAMILTON FOR THE APPOINTMENT OF A PUBLIC LAND SURVEYOR.

A PETITION of William Sheriff Esq<sup>r</sup> Agent to His Grace the Duke of Hamilton and Brandon, Shewing that the Council established at Plymouth in the County of Devon did in the year 1635 grant by their Deed Indented unto James Marquess of Hamilton and his Heirs and Assigns, Ten Thousand Acres of Land on the East side of the River Sagadahock to be taken together as conveniently as the same may be, towards the head of the said River, and next unto the lands late of Edward Lord Gorges there, and by reason of the Indian Wars and other things intervening, the said Land has not been yet taken up; And forasmuch as the Petitioner is impowered by His Grace to visit that part of the countrey and fix on a proper spot of ground for fulfilling the said Grant, and there being no such Publick Officer as a Survey<sup>r</sup> of Land in this Province; therefore Praying that such an Officer may be appointed for the Province in general, or for the County of York, or for this particular business, to whom he may apply that the Grant aforesaid may be surveyed and laid out.

Read, and as the Deed referred to in the Petition is not duly authenticated, it will be inconvenient for this Court to do anything further in consequence of said Deed; Therefore

*Voted* that this Petition be referred to next May Session for further consideration. [*Passed January 8.*

## CHAPTER 150.

ORDER ALLOWING £130 AND A FURTHER SUM OF £45. 19. 3 TO ROBT BALL.

A PETITION of Robert Ball Keeper of the Light House Shewing that he has had no Allowance for his service there since November 1740. and therefore praying that this Court would now make him a grant for his said service, as also allow him the sum of £44. 19. 3 expended for fire-wood for the benefit of the Lamps and for preventing the Oyl from being congealed.

Read and

*Ordered* that there be allowed out of the publick Treasury to the Pet<sup>r</sup> One hundred and thirty pounds in Bills of the old tenor (or equivalent thereto) for his service the last Year as Keeper of the Light House ending the 8<sup>th</sup> of Nov<sup>r</sup> last.

<sup>1</sup> This date is according to Mass. Archives and both copies of Legislative Records of the Council; according to the House Journal the date is January 5.

And that He be allowed the further Sum of forty four pounds Nineteen shillings and three pence expended for firewood for the greater benefit of the Lights. [*Passed January 8.*]

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## CHAPTER 151.

### ORDER IMPOWERING JON<sup>A</sup> DEWING TO LEVY AN EXECUTION.

A PETITION of Jonathan Dewing of Natick, Shewing that he hath obtained a Judgment against Nathaniel Coochuck of Natick Indian for a Debt due to the Petitioner, and forasmuch as the said Coochuck is absconded, and can not be found by the Officer; therefore Praying that his Execution may be levied upon the lands of the said Coochuck.

Legislative  
Records of the  
Council,  
xvii. (3), 215;  
*ibid.*, xvii.,  
Mis., 378.

Mass.  
Archives,  
xxxii., 363.  
House Jour-  
nal, p. 161.

Read &

*Ordered* that the prayer of the Petition be granted and the Petitioner is hereby enabled to Levy the Execution within mentioned on the within named Nathaniel Coochucks real Estate for satisfying the damages Fees and Costs as in other cases by Law it is already provided. The Sheriff to take the direction of Joseph Livermore on what part of the Estate to lay the Execution upon. [*Passed January 9.*]<sup>1</sup>

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## CHAPTER 152.

### ORDER ADJOURNING PLYMOUTH COUNTY COURTS.

WHEREAS the Time appointed by Law for holding the Court of Gen<sup>l</sup> Sessions of the peace and inferiour Court of Common Pleas for the County of plimouth at the Town of plimouth was the third Tuesday of December last and on the Tenth of Said month was Adjourned to the Second Tuesday of January Instant, And one of the Justices of Said Courts and others Concerned there are members of this Court where matters of great Importance are still depending, and Many Members being Absent from Court

Legislative  
Records of the  
Council, xvii.,  
Mis., 378.  
Mass.  
Archives, xli.,  
780.

Legislative  
Records of the  
Council,  
xvii. (3), 218.  
House Jour-  
nal, p. 130.

*Ordered* that the said Courts be farther Adjourned to the fourth Tuesday of Jan<sup>ry</sup> Instant and the Justices of the said Courts and Others Concerned are required to conform themselves Accordingly: And the Sherrif of said County is hereby directed to take Effectual Care that this Order be duly published in said County. [*Passed January 9.*]

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## CHAPTER 153.

### ORDER TRANSFERRING DIVERS PERSONS AND THEIR ESTATES TO GRAFTON.

A PETITION of Ebenezer Cutler and others, inhabitants of the towns of Shrewsbury and Sutton, Setting forth the great inconveniences of their situation for attending their duty in the said

Legislative  
Records of the  
Council,  
xvii. (3), 150;

<sup>1</sup> This date is according to Mass. Archives; according to both copies of Legislative Records of the Council the date is January 8.

*ibid.*, xvii.,  
Mis., 379.

Mass.  
Archives,  
cxiv., 677.  
Legislative  
Records of the  
Council,  
xvii. (3), 222.  
House Jour-  
nal, p. 162.

Towns; and therefore praying that they and their families and estates may be set off to the Town of Grafton which will be much for their advantage,

Read &

*Ordered* that the prayer of the Petition be granted, and that the petitioners Ebenezer Cutler, Obadiah Newton, Noah Brooks, David Read, and Amos Davis, with their lands & estates adjoining together in one place, as also that strip and point of Sutton lands that ly between Shrewsbury and Grafton be and hereby are annexed to the town of Grafton accordingly. [*Passed January 9.*<sup>1</sup>

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## CHAPTER 154.

### ORDER ALLOWING £400 TO THE JUDGES.

Legislative  
Records of the  
Council, xvii.,  
Mis., 382.

Mass.  
Archives, xli.,  
781.

Legislative  
Records of the  
Council,  
xvii. (3), 219.  
House Jour-  
nal, p. 165.

*Ordered* that the sum of four hundred pounds Bills to be Emitted in the Supply Bill now before this Court per Annum for two Years ending the first day of January Instant be granted and allowed to be paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of His Majesty's Superiour Court of Judicature Court of Assize and Gen<sup>l</sup> Goal Delivery for their Services ending the first day of January Instant. [*Passed January 11.*

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## CHAPTER 155.

### ORDER ALLOWING £37. 10 TO THE SECRETARY.

Legislative  
Records of the  
Council, xvii.,  
Mis., 382.

Mass.  
Archives,  
xlix., 139.

Legislative  
Records of the  
Council,  
xvii. (3), 220.  
House Jour-  
nal, p. 165.  
*Infra*, chap.  
156.

*Ordered* that the Sum of thirty Seven pounds ten shillings Bills to be Emitted in the Supply Bill now before this Court per Annum for two Years ending the 3<sup>d</sup> of December last be granted and allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province in full for his Service for two Years past ending the said 3<sup>d</sup> day of December past. [*Passed January 11.*

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## CHAPTER 156.

### ORDER ALLOWING £60 ADDITIONAL TO THE SECRETARY.

Legislative  
Records of the  
Council, xvii.,  
Mis., 380.

Legislative  
Records of the  
Council,  
xvii. (3), 220.  
House Jour-  
nal, p. 165.  
*Supra*, chap.  
155.

*Ordered* that that <sup>2</sup> the Sum of Sixty pounds, (Bills to be emitted in the supply [Bill] <sup>3</sup> now before this Court) per annum for two years be allowed and paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary &c. in consideration of his Extraordinary Services to the third of December last. [*Passed January 11.*

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii., Mis., and xvii. (3), the date is January 8 and 11 respectively.

<sup>2</sup> *Sic.*

<sup>3</sup> Inserted from Legislative Records of the Council, xvii. (3), 220.



## CHAPTER 157.

## ORDER ALLOWING £105 TO THE TREASURER.

*Ordered* that the sum of One hundred & five pounds (Bills to be emitted in the supply bill, now before this Court) per annum for two years, to be allowed and paid out of the Public Treasury to William Foye Esq<sup>r</sup> Treasurer & Receiver General of His Majesty's Revenue of this Province in ful for his services ending the second day of January instant. [*Passed January 11.*]

Legislative  
Records of the  
Council, xvii,  
Mis., 380.

Legislative  
Records of the  
Council,  
xvii. (3), 220.  
House Jour-  
nal, p. 165.

## CHAPTER 158.

## ORDER ALLOWING £150 TO THE PRESIDENT OF HARVARD COLLEGE.

*Ordered* that the Sum of One hundred and fifty pounds per Annum for one Year and half (Bills to be Emitted in the Supply Bill now before this Court) be granted and allowed to be paid out of the publick Treasury to the Rev<sup>d</sup> Edward Holyoke President of Harvard Colledge, over and above the Rents of the Massachusetts Hall Ending in March next. [*Passed January 11.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 381.  
Mass.  
Archives,  
lviii., 317.

Legislative  
Records of the  
Council,  
xvii. (3), 220.  
House Jour-  
nal, p. 165.

## CHAPTER 159.

ORDER ALLOWING £30 TO THE REV<sup>d</sup> D<sup>r</sup> WIGGLESWORTH.

*Ordered* that the Sum of thirty pounds (Bills to be Emitted in the Supply Bill now before this Court) be granted and allowed to be paid out of the publick Treasury to the Rev<sup>d</sup> Edward Wigglesworth, Hollisian Professor of Divinity at Harvard College in Cambridge as a Gratuity in consideration of his faithful discharge of that great and important Trust reposed in him, and for his further encouragement therein. [*Passed January 11.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 381.  
Mass.  
Archives,  
lviii., 316.

Legislative  
Records of the  
Council,  
xvii. (3), 221.  
House Jour-  
nal, p. 166.

## CHAPTER 160.

## ORDER ALLOWING £45 PER ANNUM FOR TWO YEARS TO THE CLERK OF THE HOUSE.

*Ordered* that the Sum of forty five pounds per Annum for two Years Bills to be Emitted in the Supply Bill now before this Court. be granted and allowed to be paid out of the publick Treasury to M<sup>r</sup> Roland Cotton Clerk of the House, in full for his Service for the last and present Year. [*Passed January 11.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 382.  
Mass.  
Archives,  
xlix., 140.

Legislative  
Records of the  
Council,  
xvii. (3), 221.  
House Jour-  
nal, p. 166.

## CHAPTER 161.

### ORDER ALLOWING 1/3 PER DIEM TO THE SPEAKER.

Legislative  
Records of the  
Council, xvii.,  
Mis., 381.  
Mass.  
Archives,  
xlix., 142.  
—  
Legislative  
Records of the  
Council,  
xvii. (3), 221.  
House Jour-  
nal, p. 166.

*Ordered* that there be granted and allowed to be paid out of the publick Treasury One shilling and three pence per diem (Bills to be Emitted in the Supply Bill now before this Court) to the Hon<sup>ble</sup> John Hobson Esq<sup>r</sup> Speaker of the House for every day of his Attendance in the Gen<sup>l</sup> Court from the opening the Session in July 8<sup>th</sup> 1741 to the end of this Year in consideration of his constant Application in discharging the publick affairs of the Province. [*Passed January 11.*]

## CHAPTER 162.

### ORDER ALLOWING £20 TO THE CHAPLAINS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 382.  
Mass.  
Archives, xlii.,  
204.  
—  
Legislative  
Records of the  
Council,  
xvii. (3), 222.  
House Jour-  
nal, p. 166.

*Ordered* that the Sum of Twenty pounds (Bills to be Emitted in the Supply Bill now before this Court) be granted and allowed to be paid out of the Publick Treasury. viz<sup>t</sup> One half to the Rev<sup>d</sup> Chaplains of the Hon<sup>ble</sup> Board the last and present Year.

The other half to the Rev<sup>d</sup> Samuel Checkley the Chaplain of the House for his service the last and present Year. [*Passed January 11.*]

## CHAPTER 163.

### ORDER ALLOWING £75 TO THE DOORKEEPER.

Legislative  
Records of the  
Council, xvii.,  
Mis., 380.  
Mass.  
Archives, xlix.,  
141.  
—  
Legislative  
Records of the  
Council,  
xvii. (3), 222.  
House Jour-  
nal, p. 166.

*Ordered* that the sum of Seventy five pounds Bills to be Emitted in the Supply Bill now before this Court, be granted and allowed to be paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard in full for his service for one Year and an half as Door keeper to His Excellency the Governour and this Court. Ending the 19<sup>th</sup> day of February next. [*Passed January 11.*]

## CHAPTER 164.

### VOTE ALLOWING £500 TO THE AGENTS IN ENGLAND ON THE RHODE ISLAND LINE.

Legislative  
Records of the  
Council, xvii.,  
Mis., 383.  
Mass.  
Archives, xx.,  
322.  
—  
Legislative  
Records of the  
Council,  
xvii. (3), 225.  
House Jour-

*Voted* that the sum of five hundred pounds Sterling be granted and allowed to be p<sup>d</sup> out of the publick Treasury to furnish the Joynt Agents appointed by this Court to prosecute the Appeal from the determination of the Hon<sup>ble</sup> Court of Commissioners to His most Excellent Majesty in Council relating to the settlement of the Boundaries between this Government and Rhode Island.

And that M<sup>r</sup> Treasurer Foye be and hereby is directed to purchase Bills of Exchange to the value of the s<sup>d</sup> five hundred pounds, the

same to be at the direction of the s<sup>d</sup> Joynt Agents, to be employed for the service of the Province. They to be accountable to the Court for the disposition of the Money. [*Passed January 13.*]

nal, p. 167.  
Ante, p. 77,  
chap. 147.

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## CHAPTER 165.

### ORDER IMPOWERING FRAMINGHAM INHABITANTS TO SURVEY AND LAY OUT A TOWNSHIP.

A PETITION of Caleb Bridge and a great number of others Inhabitants of the Town of Framingham, Shewing that the Inhabitants of the said Town have never had any grant of the Province Land, And forasmuch as they have encouragement from this Court they expected a grant of Wilderness Land lying adjacent to them, but the same has been otherwise disposed; therefore Praying that this Court would grant them a Tract of Land lying upon Housatanuck River, which they got surveyed, upon such conditions as this Court shall judge fit.

Legislative  
Records of the  
Council,  
xvii. (3), 237;  
*ibid.*, xvii.,  
Mis., 383.

Mass.  
Archives,  
cxiv., 684.  
House Jour-  
nal, pp. 60, 61  
(June, 1739);  
pp. 162, 163.

Read and

*Ordered* that the Petition be received<sup>1</sup> and the prayer thereof granted; And that the petitioners be allowed and empowered by a Surveyor & Chainmen on Oath, to survey and lay out a Township of the contents of Six Miles Square, adjoining, on the North on the Indian Town so called lying on Housatonuck River or as near that place as the land will allow not interfering on any former Grants, and that they return a plat thereof to this Court within twelve months for confirmation And for the more effectual bringing forward the settlement of the said new town

*Ordered*, That there be Seventy Nine equal shares, the Home Lotts to be laid out in a suitable and defensible manner, One of said Shares to be for the first settled Minister, One for the Ministry, and One for the School; That there be Sixty families settled on sixty of the other shares or Home Lotts in three years from the confirmation of the plan who shall each have an House built thereon of eighteen feet square, at the least, and seven feet stud and six acres of land part thereof ploughed or brought to English grass & fenced and build and finish a convenient Meeting House for the publick Worship of GOD, and settle a learned Orthodox Minister; That said sixty settlers give bond to the Treasurer of this Province in the sum of twenty five pounds for complying with the terms of the Grant. And if any of said Settlers fail of performing the Conditions of Settlement aforesaid, then his or their Right, Share, or Interest in said Town to revert to, and be at the disposition of the province: and the province Treasurer shall immediately sue out their Bonds. [*Passed January 14.*]<sup>2</sup>

<sup>1</sup> "Revived." in Legislative Records of the Council, xvii. (3), 237.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii., Mis., and *ibid.*, xvii. (3), the date is respectively January 13 and 15.

## CHAPTER 166.

## ORDER ALLOWING £75 TO THE GOVERNOR.

Legislative  
Records of the  
Council, xvii.,  
Mis., 384.  
Mass.  
Archives,  
xlix., 145.

Legislative  
Records of the  
Council,  
xvii. (3), 228.  
House Jour-  
nal, p. 172.

*Ordered* that there be granted and allowed to be p<sup>d</sup> out of the publick Treasury to His Excellency the Governour the Sum of Seventy five pounds. (Bills to be Emitted in the Supply Bill now before this Court) in consideration of His Service as Counsellor at Law upon the affairs of the Boundary Line between this Govern<sup>t</sup> and Rhode Island. [*Passed January 15.*]

## CHAPTER 167.

ORDER ALLOWING £60 TO JOHN READ ESQ<sup>r</sup>.

Legislative  
Records of the  
Council, xvii.,  
Mis., 385.  
Mass.  
Archives, cii.,  
198.

Legislative  
Records of the  
Council,  
xvii. (3), 229.  
House Jour-  
nal, p. 172

*Ordered* that there be granted and allowed to be paid out of the publick Treasury to John Read Esq<sup>r</sup> the Sum of Sixty pounds (Bills to be Emitted in the Supply Bill now before this Court) in consideration of His Service as Counsellor at Law, upon the Affair of the Boundary Line between this Govern<sup>t</sup> and Rhode Island. [*Passed January 15.*]

## CHAPTER 168.

ORDER ALLOWING £20 TO SAM<sup>l</sup> WELLES ESQ<sup>r</sup>.

Legislative  
Records of the  
Council, xvii.,  
Mis., 385.

Legislative  
Records of the  
Council,  
xvii. (3), 229.  
House Jour-  
nal, p. 172.

*Ordered*, that there be granted & allowed to be paid out of the publick Treasury to Samuel Welles Esq<sup>r</sup> the sum of twenty pounds (bills to be emitted in the supply Bill now before this Court<sup>]</sup><sup>1</sup>), in consideration of his extraordinary service upon the Affair of the boundary line between this Government & Rhode Island. [*Passed January 15.*]

## CHAPTER 169.

ORDER ALLOWING 1/3 PER DIEM TO JOHN QUINCY ESQ<sup>r</sup> LATE SPEAKER.

Legislative  
Records of the  
Council, xvii.,  
Mis., 385.

Legislative  
Records of the  
Council,  
xvii. (3), 236.  
House Jour-  
nal, pp. 172, 173.

*Ordered*, that there be granted and allowed to be paid out of the publick Treasury One shilling & threepence per diem, bills to be emitted in the supply Bill now before this Court, to the Hon<sup>ble</sup> John Quincy Esq<sup>r</sup> Speaker of the House the last year for every day of his attendance in the General Court from the opening the session in May 1740 to the end of that year, in consideration of his constant application in discharging the publick Affairs of the province. [*Passed January 15.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (3), 229.

CHAPTER 170.

ORDER ALLOWING £20 TO THE TOWN OF RUTLAND.

A PETITION of the Select men of the Town of Rutland praying in consideration of the Poverty of the said Town and the heavy charges they have been lately burthened with, that this Court would remit to them the Fine set upon them the last year for not sending a Representative to the Court.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, and the within mentioned Fine of twenty pounds is hereby remitted accordingly. [*Passed January 15.*]

Legislative Records of the Council, xvii. (3), 236. Mass. Archives, xlix., 144.

Mass. Archives, xlix., 143. Legislative Records of the Council, xvii., Mis., 386. House Journal, p. 172.

CHAPTER 171.

ORDER APPOINTING A COMMITTEE TO SIGN BILLS OF CREDIT.

THIS DAY being appointed for the Election of a Committee for signing the Bills of Credit ordered to be emitted by the Act passed at this present Session, The following persons were chosen by the Major Vote of the Council & House of Representatives. viz<sup>t</sup>

John Jefferies Esq <sup>r</sup>	Robert Hale Esq <sup>r</sup>
Josiah Willard Esq <sup>r</sup>	John Choate Esq <sup>r</sup>
Richard Bill Esq <sup>r</sup>	Samuel Watts Esq <sup>r</sup>
Sam <sup>l</sup> Danforth Esq <sup>r</sup>	M <sup>r</sup> Rowland Cotton.

[*Passed January 16.*]

Legislative Records of the Council, xvii., Mis., 386.

Mass. Archives, cii., 199. Legislative Records of the Council, xvii. (3), 239. House Journal, pp. 177, 178. Province Laws, ii., 1077, chap. 11.

CHAPTER 172.

VOTE DIRECTING THE TREASURER TO ISSUE WARRANT OF ASSESSMENT TO THE ASSESSORS OF BARNSTABLE.

IT BEING made evident to this Court that the Assessors of the Town of Barnstable for the Year 1739 never rec<sup>d</sup> a Warrant of Assessment to Enable them to Assess the Inhabitants of said Town for their proportion of the £60,000 Loan. Therefore

*Voted* that the Warrant of Distress refer'd to be and hereby is superseded to all Intents and purposes. And that in case said Town's Proportion of said £60,000 Loan be not already paid into the Province Treasury, and is not paid within ten days from this time that then the Treasurer be and hereby is directed to Issue out his Warrant of Assessment directing the present Assessors of the s<sup>d</sup> Town forthwith to Assess the Inhabitants agreeable to the Law in such Case provided. [*Passed January 16.*]

Legislative Records of the Council, xvii., Mis., 386. Mass. Archives, cxiv., 686.

Legislative Records of the Council, xvii. (3), 240. House Journal, p. 173. Province Laws, ii., 976, chap. 22. *Ante*, p. 53, chap. 96.

## CHAPTER 173.

ORDER APPOINTING A COM<sup>TEE</sup> TO EXAM<sup>N</sup> ACCO<sup>TS</sup> OF INDIAN TRUSTEES.

Legislative  
Records of the  
Council, xvii.,  
Mis., 387.  
Mass.  
Archives,  
xxxi., 368.

Legislative  
Records of the  
Council,  
xvii. (3), 241.  
House Jour-  
nal, p. 173.

In the House of Rep<sup>ves</sup>

*Ordered* that Col Dwight Mr Allen Cap<sup>t</sup> Cheever Cap<sup>t</sup> Watts & Cap<sup>t</sup> Jackson with such as shall be Joyned by the Hon<sup>ble</sup> Board be a Comm<sup>ee</sup> in the recess of this Court to take into consideration the Affairs of the Indians within and under the care of this Government, to examine into the Accompts of such as have from time to time been appointed their Guardians and Trustees, or have otherwise been employed by this Court in the Management of any of their Affairs. with full power to send for Persons or Papers as they shall think proper and to make report to this Court at their Session in May next of their doings and of any Fraud or deceit which they may discover in such Persons.

The Said Committee to be paid for their time and expence as this Court shall hereafter Order.

In Council Read & Concur'd & Fra<sup>s</sup> Foxcroft, John Jeffries, Anthony Stoddard & Rich<sup>d</sup> Bill Esq<sup>rs</sup> are joined in the Affair. [*Passed January 18.*]

## CHAPTER 174.

ORDER CALL<sup>G</sup> A MEETING IN WESTERN.

Legislative  
Records of the  
Council, xvii.,  
Mis., 391.  
Mass.  
Archives,  
xlv., 687.

Legislative  
Records of the  
Council,  
xvii. (3), 242.  
Province  
Laws, ii., 1088,  
chap. 17.

*Ordered* that M<sup>r</sup> Noah Ashley one of the principal Inhabitants of the new Township called Western<sup>1</sup> in the County of Worcester be & hereby is impowered & directed as soon as may be to notify and warn the Inhabitants of the sa<sup>d</sup> Township to assemble & convene in some convenient publick place in said Town, to make Choice of a Town Clerk & other Town Officers to stand until the Anniversary Meeting in March next.<sup>2</sup> [*Passed January 19.*]

## CHAPTER 175.

ORDER ALLOWING £800 FOR CHARGES AND PAYMENT OF THE COM<sup>TEE</sup>, ON THE RHODE ISL<sup>D</sup> LINE.

Legislative  
Records of the  
Council, xvii.,  
Mis., 388.  
Mass.  
Archives, vi.,  
573.

Legislative  
Records of the  
Council,  
xvii. (3), 243.  
House Jour-  
nal, p. 177.  
Province  
Laws, xii., 726,  
chap. 144.

*Ordered* that the Sum of eight hundred pounds or so much thereof as may be necessary. Bills to be Emitted by the present Supply Act be granted and allowed to be paid out of the publick Treasury by Warrant from His Excellency the Gov<sup>r</sup> and Council to satisfie the several Charges and Disbursments of the Com<sup>te</sup> app<sup>ted</sup> by this Court upon the affair of the Boundary Line between this Govern<sup>t</sup> and Rhode Island The said Sum to be taken out of the Appropriation made to Satisfie the Grants of this Court. [*Passed January 19.*]

<sup>1</sup> Now called Warren.

<sup>2</sup> Not found in the House Journal.

## CHAPTER 176.

ORDER ACCEPTING COMMITTEES ACC<sup>t</sup> ON JOHN ABRAHAMS AFFAIR.

EDWARD GODDARD AND NAHUM WARD rendered an account of their Proceedings in the sale of John Abrahams Land and the disposition of the Money.

[Report] Read & Accepted &

*Ordered* that the above Account be allowed & that the Bonds & Note of Hand herewith presented be returned back & put into the Hands of the Committee for the Use of the above mentioned John Abraham. [*Passed January 19.*]

Legislative  
Records of the  
Council,  
xvii. (3), 243.  
Mass.  
Archives,  
xxxi., 370.

Legislative  
Records of the  
Council, xvii.,  
Mis., 388.  
House Jour-  
nal, p. 179.  
Province  
Laws, xii., 735,  
chap. 167.

## CHAPTER 177.

ORDER IMPOWERING NATH<sup>l</sup> COOCHUCK, INDIAN, TO SELL LAND WITH STAY OF EXECUTION.

A PETITION of Nathaniel Coochuck of Natick, Shewing that there are two Executions taken out against him by Robert Rand and Jonathan Dewing, who have leave from this Court to levy the same upon his lands; & praying that a Committee may be appointed by this Court to sell so much of his Out Lands as will satisfy the said Executions and pay some other small Debts.

In the House of Rep<sup>ves</sup>

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be so far granted as that Mr Livermore with such as the Hon<sup>ble</sup> Board shall Joyn are hereby Impowered and directed to Assist the Pet<sup>r</sup> in the sale of the Lands herein mentioned on or before the 19<sup>th</sup> of March next for the most they will sell for And Executions within mentioned are stayed in the mean time.

In Council

Read & Concurr'd, & John Fisher Esq<sup>r</sup> is joyned in the affair. [*Passed January 19.*]

Legislative  
Records of the  
Council,  
xvii. (3), 243.  
Mass.  
Archives,  
xxxi., 366.

Mass.  
Archives,  
xxxi., 365.  
House Jour-  
nal, pp. 179, 180.  
*Ante*, p. 76,  
chap. 145;  
p. 79, chap.  
151.

## CHAPTER 178.

ORDER ALLOWING £300 TO M<sup>r</sup> AUKMUTY AGENT.

*Ordered*, that there be granted and allowed to be paid out of the publick Treasury to the Order or Attorney of M<sup>r</sup> Agent Auchmuty upon his embarking and departure for Great Britain in the service of this province the sum of One hundred and fifty pounds, (Bills to be emitted in the present supply Act) And the further sum of One hundred and fifty pounds in the said bills in the month of May next, to enable him to prosecute the Appeal from the Judgment of the Commissioners upon the boundary line between this Government and Rhode Island. The said Agent to be accountable to the Court for the same. [*Passed January 20.*]

Legislative  
Records of the  
Council,  
xvii. (3), 245;  
*ibid.*, xvii.,  
Mis., 391.

Mass.  
Archives, xx.,  
325. Legisla-  
tive Records  
of the Council,  
xvii. (3), 242.  
House Jour-  
nal, pp. 177, 181.

## CHAPTER 179.

ORDER DIRECTING BILLS OF CREDIT TO BE SIGNED IN BOSTON, ONLY.

Legislative  
Records of the  
Council, xvii.,  
Mis., 391.  
Mass.  
Archives, cil.,  
201.

Legislative  
Records of the  
Council,  
xvii. (3), 245.  
House Jour-  
nal, pp. 177, 180,  
181. *Ante*,  
p. 85, chap.  
171.

*Ordered* that all the Bills of Credit now to be made & signed by a Committee appointed by this Court for that Purpose, be signed in the Town of Boston only, & that if any of the said Committee cause any of the said Bills to be carried out of said Boston, before such Bills be wholly signed, numbered & delivered into the Treasury, he shall forfeit his whole Allowance for signing & numbering. [*Passed January 20.*]

## CHAPTER 180.

ORDER ALLOWING £62. 3. 9 TO BENJ: FANEUIL.

Legislative  
Records of the  
Council,  
xvii. (3), 246.  
Mass.  
Archives,  
lxxii., 573.

Mass.  
Archives,  
lxxii., 572.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 389.  
House Jour-  
nal, p. 180.

A PETITION of Benjamin Faneuil, Executor of the last Will and Testament of Cpt. George Steuart dec<sup>d</sup> Shewing that the said George was in advance in a considerable sum for the subsistence of his Company raised for His Majestys service, as also for other charges, as may appear by the Accompts and other papers herewith exhibited; praying this Court to allow to the estate of the Deceased what may appear due for the Services & charges aforesaid.

Read and thereupon

*Voted* that the Sum of Sixty two pounds three shillings and nine pence bills of Credit to be emitted by the last Supply Act be paid out of the publick Treasury to the petitioner in his Capacity for the Uses mention<sup>d</sup> in said petition. [*Passed January 20.*]

## CHAPTER 181.

ORDER NOTIFY<sup>o</sup> THE INHABITANTS OF THIS PROVINCE IN REGARD TO THE ACT ESTABLISHING THE VALUE OF MONEY AND THE EQUITABLE PAYMENT OF DEBTS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 392.  
Mass.  
Archives, cil.,  
204.

Legislative  
Records of the  
Council,  
xvii. (3), 249.  
Province  
Laws, II., 1083,  
chap. 12.

WHEREAS it is highly Necessary that the Act Enacted by this Court at their present Session for the Establishing and Ascertainning the Value or Rates of Money and for the Equitable Payment of Debts hereafter to be Contracted &c. should be timely known and well Understood by His Majesties good Subjects of this Province.

Therefore

*Ordered* That The Sherriff of the County of Suffolk is hereby directed to cause One Printed Copy of said Act to be sent to the Town Clerk of each Town in this Province before the first Day of March next, and said Clerk shall deliver the same to the Moderator of the Anniversary Town Meeting of their respective Towns in said Month, who is hereby directed to cause the same to be Publickly Read at the Opening of such Meeting.

And the Publick are hereby Informed that Provision is made in said Act, that each Six Shillings and Eight pence of all Debts and Dues that shall be Contracted after the last Day of said March shall be Construed & Adjudged to be Contracted equal in Value to One



Ounce of Silver Coin Sterling Alloy That is to Say Whoever shall Sell to, Credit or Trust any Person so much as is Worth Twenty Six Shillings and eight pence in Old Tenour Bills or according to the Common Curreney (unless the Buyer and Seller shall expressly other-ways Agree) the same shall be Charged at Six Shillings & Eight pence, and so in proportion for a greater or lesser Sum, And whenever the Debt is put in Suit or is paid the Creditor shall be Entitled to an Ounce of Silver for each such Debt, or to so much in Publick Bills as shall be equal to an Ounce of Silver at the time of Payment.

And to the Intent the Bills should not be Depreciated, It is further Provided in the said Act that if any Person shall directly or indirectly Give or offer to Give Receive or offer to Receive for One Ounce of Silver Coin Sterling Alloy or other Silver Unwrought, more than Six Shillings and Eight pence in the Bills in this Session Emitted for the Supply of the Treasury or (in that proportion) in any other Bills Emitted or that may be Emitted by this or any other Government, or more in Value than Six Shillings and Eight pence in any other thing whatsoever shall for each Offence Forfeit and Pay a fine equal to Two Hundred Pounds Old Tenor and if other Evidence be wanting the Defendant shall Acquit himself by Oath or be judged to Pay the Fine aforesaid.

And the Sherriff of the County of Suffolk shall as soon as may be Transmit Four Printed Copyes of this Order to each member of this Court; Three of which shall by him forthwith be Posted up in the most Publick places of the Town, which he is an Inhabitant of, and the other to be Improved for the Information of his Towns men as he shall think proper. [*Passed January 21.*]

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## CHAPTER 182.

### ORDER ALLOWING THE HAMPSH<sup>R</sup> COUNTY TREASURER'S ACC<sup>T</sup>S.

THE ACCOMPT of William Pynehon Esq<sup>r</sup> Treasurer of the County of Hampshire for the year 1740, having been laid before the Court of General Sessions of the Peace for the said County, and by them allowed:

Read and

*Ordered*, that this Accompt be allowed, and the sum of One hundred Ninety six pounds Nine shillings and two pence the said Treasurer is accountable to said County for. [*Passed January 21.*]

Legislative  
Records of the  
Council, xvii.  
(3), 256;  
*ibid.*, xvii.,  
Mis., 339.

House Jour-  
nal, p. 184.

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## CHAPTER 183.

### ORDER ABOUT THE NUMBER OF COM<sup>TEE</sup> TO SIGN BILLS OF CREDIT.

*Ordered* that the Committee for signing the Publick Bills of Credit be and hereby are directed to sign the first or largest plate with Six hands the second with four and the third with two. [*Passed January 22.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 339.

Mass.  
Archives, cit.,  
206. Legisla-  
tive Records of  
the Council,  
xvii. (3), 257.  
House Jour-  
nal, p. 180.  
*Ante*, p. 85,  
chap. 171.

<sup>1</sup> Adjourned to March 17. See Legislative Records of the Council, xvii. (3), 258.

CHAPTER 184.

ORDER IMPOWERING BENJ TRAY, INDIAN, TO EXECUTE A DEED.

Legislative  
Records of the  
Council, xvii. (3), 261.  
Mass.  
Archives,  
xxxi., 384.  
—  
Legislative  
Records of the  
Council, xvii.,  
Mis., 401.  
House Jour-  
nal, p. 194.  
Province  
Laws, xii., 706,  
chap. 91.

A PETITION of Benjamin Tray of Natick, Indian Planter, Shewing that his father Benjamin Tray petitioned this Court to have liberty to convey to the Rev<sup>d</sup> M<sup>r</sup> Oliver Peabody Minister of said place, six Acres of Land of the Common land in Natick, in testimony of his respect to him, which the Court granted; but his father soon after went to the West Indies and is not returned, so that he has not yet made the said Deed of Gift; and therefore praying that the Petitioner, who is heir to the said land, may be impowered to pass a Deed of said Six Acres of Land to the said M<sup>r</sup> Peabody.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, and that the Pet<sup>r</sup> be allowed and Impowered to give and execute a good and Lawful Deed of the said Six Acres of Upland and Swamp to the said Oliver Peabody accordingly. [*Passed March 19.*]

CHAPTER 185.

ORDER ACCEPTING REPORT OF THE COM<sup>TTEE</sup> FOR BURNING TORN & DEFACED BILLS AND DISCHARGING THE PROVINCE TREASURER OF £30,756. 15. 7.

Legislative  
Records of the  
Council, xvii.,  
Mis., 409.  
Mass.  
Archives, cii.,  
209.  
—  
Mass.  
Archives, cii.,  
208. Legisla-  
tive Records of  
the Council,  
xvii. (3), 262.  
House Jour-  
nal, p. 194.  
*Ante*, p. 53,  
chap. 93.

THE COMMITTEE appointed by the General Court for burning of Torn and Defaced Bills, have attended that service, and have received of M<sup>r</sup> Treasurer Foye, the Province Bills, Amounting in the whole to the sum of Eight thousand one hundred and fifty nine pounds seventeen shillings & seven pence in Bills of the New tenor, and of Twenty two thousand five hundred and Ninety six pounds Eighteen Shill<sup>gs</sup> in Bills of the Old Tenor, and have consumed them to Ashes. And therefore are of Opinion that M<sup>r</sup> Treasurer Foye be accordingly discharged of the above sum of Eight thousand, one hundred & fifty nine pounds seventeen shillings & seven pence New tenor Bills, And also of the sum of Twenty two thousand five hundred & ninety six pounds, eighteen shillings in Bills of the Old Tenor.

JOHN JEFFRIES      JACOB WENDELL  
Boston Feb. 12. 1741.      RICHARD BILL      THO<sup>s</sup> CUSHING  
TIMOTHY PROUT      EDW BROMFIELD  
JA<sup>s</sup> ALLEN

Read and

*Ordered* that this Report be accepted and that M<sup>r</sup> Treasurer Foye be accordingly discharg'd of the Above Sum of Eight Thousand One Hundred and fifty Nine pounds Seventeen Shillings and Seven pence New Tenor Bills. And also of the Sum of Twenty two thousand five hundred and Ninety Six pounds, Eighteen Shillings in Bills of the Old Tenor. [*Passed March 19.*]

## CHAPTER 186.

ORDER WITH STAY OF EXECUTIONS GRANTING FURTHER TIME TO  
NATH<sup>l</sup> COOCHUCK, INDIAN, TO SELL LAND.

In the House of Rep<sup>rves</sup>

Whereas An Order was pass'd this Court on the 19<sup>th</sup> of Jan<sup>y</sup> last on the Petition of Nath<sup>l</sup> Coochuck Impowering Cap<sup>t</sup> Fisher and M<sup>r</sup> Livermore to make Sale of the Lands of the said Coochuck for the purpose mentioned in said Petition. But forasmuch as nothing effectual has been done agreeable to the said Order; and the time is now Elapsed, so that it is necessary in order to relieive the Petitioner to give further time.

*Ordered* that the said Petition be revived and the prayer thereof be so far granted as that M<sup>r</sup> Livermore and Cap<sup>t</sup> Fisher with Such as the Hon<sup>ble</sup> Board shall Joyn be a Committee to Assist the Petitioner in the Sale of the Lands therein mentioned on or before the first Wednesday of May next for the most they will Sell for.

And Executions within mentioned are Stayed in the mean time.

In Council Read & Concurd & Fra<sup>s</sup> Foxcroft Esq<sup>r</sup> is join'd in the Affair. [*Passed March 19.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 401.  
Mass.  
Archives,  
xxx1., 367.

Legislative  
Records of the  
Council,  
xvii. (3), 264.  
House Jour-  
nal, p. 192.  
*Ante*, p. 87,  
chap. 177.

## CHAPTER 187.

## VOTE FOR AN ADDITIONAL ALLOWANCE TO THE GOVERNOR.

*Toted* that the Sum of two thousand Pounds granted to His Excellency the Governour the 21<sup>st</sup> of August last be made equal to five hundred pounds Bills of Credit of the last Emission for the Supply of the Treasury. [*Passed March 20.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 404.  
Mass.  
Archives,  
xlx., 146.

Legislative  
Records of the  
Council,  
xvii. (3), 265.  
House Jour-  
nal, p. 194.  
*Ante*, p. 43,  
chap. 69.

## CHAPTER 188.

VOTE FOR AN ADDITIONAL ALLOWANCE TO THE LATE GOV<sup>R</sup> BELCHER.

*Toted* that the Sum of One hundred Eighty two pounds Granted to the late Gov<sup>r</sup> Belcher the 6<sup>th</sup> of Oct<sup>r</sup> last be made equal to two hundred and fifty pounds Bills of Credit of the last Emission for the Supply of the Treasury. [*Passed March 20.*]

Legislative  
Records of the  
Council,  
xvii. (3), 265.  
Mass.  
Archives,  
xlx., 147.

Legislative  
Records of the  
Council, xvii.,  
Mis., 404; *ibid.*,  
xvii. (3), 123.  
House Jour-  
nal, p. 195.  
Province  
Laws, ii., 1072,  
chap. 8.

## CHAPTER 189.

ORDER IMPOWERING STOUGHTON WILLIS, ADMINISTRATOR, TO EXECUTE  
A DEED.

A PETITION of Stoughton Willis, Administrator of the Estate of Ebenezer Willis late of Bridgewater dec<sup>d</sup> Intestate, Shewing that his said Intestate in his life time sold to one John Hinds a Tract of Land, & bound himself under the Penalty of One Thousand Pounds to give him a good Deed thereof, but died before he

Legislative  
Records of the  
Council,  
xvii. (3), 267.  
Mass.  
Archives,  
xvii., 877.

Legislative  
Records of the  
Council, xvii.,  
Mis., 405.  
House Jour-  
nal, p. 133.

performed it; and therefore praying that the Petitioner may be impowered by this Court to give a Deed of the said Land.

Read and

*Ordered* that the Prayer of the Petition be granted and that the said Stoughton Willis be and hereby is fully Impowered to make a good and effectual Deed of Conveyance of the said Land to the said John Hinds accordingly. [*Passed March 20.*]

## CHAPTER 190.

### ORDER IMPOWERING THE TRUSTEES OF THE WILL OF M<sup>r</sup> BELL TO SELL AND CONVEY LAND.

Legislative  
Records of the  
Council, xvii., (3), 272.  
Mass.  
Archives,  
Iviii., 319.

Mass.  
Archives,  
Iviii., 318.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 410.  
House Jour-  
nal, pp. 192, 200,  
201.

A PETITION of the Rev<sup>d</sup> M<sup>r</sup> Nehemiah Walter and others Trustees of the last will of M<sup>r</sup> Bell, Shewing that he left a considerable Estate in Lands to the Free School in Roxbury, which bring in but a small rent by reason of their disadvantageous situation; and therefore praying that they may be impowered by this Court to sell eighteen acres of Pasture Land so that part of the Produce may be vested in the purchase of a piece of land adjoining to a meadow belonging to the said Estate for making a way to the said Meadow, the rest of the produce to be let out at Interest till they can purchase other lands for the benefit of the said School.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Rev<sup>d</sup> Nehemiah Walter Edward Ruggles and Samuel Gridley as Trustees of the last Will and Testament of M<sup>r</sup> Bell be and hereby are Authorized to make and execute a good Deed of Conveyance in the Law for the eighteen Acres of pasture Land mentioned in the said Petition; provided that part of the produce thereof be vested in purchasing of, or by way of Exchange to procure the two acres of Land Joyning to the said Meadow for the Use of the said Free School in Roxbury And that it may be accommodated with a Way as set forth in the Pet<sup>n</sup> And that the remaining part of the produce of the sale of the s<sup>d</sup> Eighteen Acres, be put out on good security, till such time as the Pet<sup>rs</sup> or their Successors have a good opportunity to purchase another Tract of Land or other real Estate which may be of greater Profit to the said Freeschool. And that the Annual Profit or Interest of the moneys let out, and the lands when purchased be applied to the Use and for the benefit of the s<sup>d</sup> Freeschool, as the Master thereof by the Feoffees of the s<sup>d</sup> School or those that have the care of His Support and Maintenance and to no other Use whatsoever. [*Passed March 23.*]

## CHAPTER 191.

### VOTE ALLOWING £5 FOR FOUR YEARS TO ELISABETH JONES.

Legislative  
Records of the  
Council, xvii.,  
Mis., 406.  
Mass.  
Archives,  
Ixxii., 590.

WHEREAS this Court at their Session in May 1739 Granted to Josiah Jones of Concord the Sum of five pounds New Tenor Bills ꝑ Annum for the space of five Years in consideration of His Services and Sufferings

And the said Jones being since dec'd and Leaving a Widow and three Small Children in Necessitous Circumstances Therefore

*Voted* that the said Widow Elizabeth Jones be allowed and paid out of the Province Treasury the Sum of five pounds the present Emission  $\text{p}$  Annum for four Years from the Month of March 1740 in consideration of her Circumstances abovesaid. [*Passed March 24.*]

Legislative Records of the Council, xvii. (3), 273. House Journal, p. 202. Province Laws, xii., 577, chap. 20.

## CHAPTER 192.

### ORDER REFERRING THE PETITION OF ISAAC LITTLE ESQ<sup>r</sup> FOR BRINGING FORWARD A WRIT OF REVIEW.

A PETITION of Isaac Little of Pembroke in the County of Plymouth Esq. Shewing that he has had a Controversy in the law with Nicholas Sever Esq<sup>r</sup> and his Wife, as she is Administ<sup>r</sup> of the Estate of Charles Little dec<sup>d</sup> that they submitted their differences to Arbitrators, who brought in their Award, with which both Parties complied and mutual Acquittances were given; Since which time the Petitioner found that there was omitted by mistake, an article in his favour; which the Arbitrators and the said Sever refused to rectify. Whereupon the Petitioner went into the Common Law, but lost the cause by reason of the said Acquittances; And therefore Praying that he may be admitted to a Review of his cause, and that it may be tried without relation to the said Acquittances, or that the Arbitrators may rectify the mistake.

Francis Foxcroft Esq<sup>r</sup> from the Committee of both Houses<sup>1</sup> reported on the petition of Isaac Little Esq<sup>r</sup>, that it be refer'd to the second Thursday of the next May Session, that so the parties may accommodate the affair in difference.

Read and Accepted, and

*Ordered* that this Petition be refer'd accordingly. [*Passed March 24.*]

Legislative Records of the Council, xvii. (3), 129, 274.

Legislative Records of the Council, xvii. (3), 247. House Journal, pp. 190, 181, 202, 203. Province Laws, xii., 744, chap. 189.

## CHAPTER 193.

### VOTE ALLOWING THE ACC<sup>t</sup> OF FRANCIS WILKS ESQ<sup>r</sup>.

AN ACCOMPT presented by Francis Wilks Esq<sup>r</sup> Agent for this Province in London of Receipts and Disbursements, beginning the 27<sup>th</sup> of November 1740 and ending the 14<sup>th</sup> of September 1741, Ballance due to M<sup>r</sup> Wilks being £239. 16. 3 Sterling.

Read and

*Voted* that the above Accompt be Allowed, and that the Ballance thereof being Two hundred and thirty nine Pounds, sixteen shillings and three pence Sterling be remitted to the said Francis Wilks Esq<sup>r</sup> by the Province Treasurer as soon as may be. [*Passed March 24.*]

Legislative Records of the Council, xvii. (3), 274.

House Journal, p. 201.

<sup>1</sup> The appointment of this committee has not been found.

## CHAPTER 194.

## VOTE ESTABLISHING THE WAGES OF THE PROVINCE SNOW.

Legislative  
Records of the  
Council, xvii.,  
Mis., 407.  
Mass.  
Archives,  
ixiv., 177.

Legislative  
Records of the  
Council,  
xvii. (3), 275.  
House Jour-  
nal, p. 201.

*Voted* that the Wages of the Captain of the Province Snow from the 20<sup>th</sup> of May next to the 20<sup>th</sup> of November next after shall be at the rate of five pounds ten Shillings p<sup>r</sup> Month of the present Emission if the War continues

The Lieutenant p <sup>r</sup> Month . . . . .	£3. 12
The Master D <sup>o</sup> . . . . .	3. 2
The Doctor D <sup>o</sup> . . . . .	3. 2
The Chaplain D <sup>o</sup> . . . . .	3. 2
The Gunner D <sup>o</sup> . . . . .	2. 18
The Mate D <sup>o</sup> . . . . .	2. 10
The Boatswain D <sup>o</sup> . . . . .	2. 15
The Steward D <sup>o</sup> . . . . .	2. 5
The Cook D <sup>o</sup> . . . . .	2. 5
The Gunner's Mate D <sup>o</sup> . . . . .	2. 5
The Pilot D <sup>o</sup> . . . . .	2. 18
The Boatswain's Mate D <sup>o</sup> . . . . .	2. 5
The Carpenter D <sup>o</sup> . . . . .	2. 15
The Cooper D <sup>o</sup> . . . . .	2. 5
The Armourer D <sup>o</sup> . . . . .	2. 5
The Coxon D <sup>o</sup> . . . . .	2. 5
The Quarter Master D <sup>o</sup> . . . . .	2. 5
The Carpenter's Mate D <sup>o</sup> . . . . .	2. 5
Seventy Sailors or Foremast Ment <sup>1</sup> Each, . . . . .	2

[*Passed March 24.*]

## CHAPTER 195.

## VOTE ACCEPTING THE REPORT ON NANTUCKET INDIANS COMPLAINT AND APPOINTING A COMMITTEE ON THE AFFAIR.

Legislative  
Records of the  
Council,  
xvii. (3), 259;  
*ibid.*, xvii.,  
Mis., 408.  
Mass.

Archives,  
xxxI., 390.

Legislative  
Records of the  
Council,  
xvii. (3), 275.  
House Jour-  
nal, pp. 191, 203.

A PETITION of John Wequaal and others Indians of Nantucket, complaining of great abuses from the English of that Island in depriving them of the improvement of their own Land, and bringing them into servitude; praying for Redress from this Court.

The Committee to whom was referred the Complaint of John Wequaal et al<sup>s</sup> Indians of Nantucket having heard the complaints and considered thereon Are of opinion that inasmuch as John Mason and Trustrum Starbuck have purchased of Benjamin Abel the Sachem the land mentioned in said Complaint at Secatan & a full understanding of the matters complained of cannot be had without hearing the Complaints & the Sachem & Said John & Trustrum, which with little charge may be done at Falmouth in the County of Barnstable, that therefore some suitable persons may be appointed by this Court to hear all parties concerned at Falmouth aforesaid giving proper notice thereof and make report what they think fit this Court to do thereon.

All which is submitted

by JOHN CUSHING p<sup>r</sup> Order.

Read & Accepted & Silvanus Bourn & David Crocker Esq<sup>rs</sup> & M<sup>r</sup> John Sumner (or any two of them) are appointed a Com<sup>tee</sup> for the purposes above mentioned. [*Passed March 24.*]

<sup>1</sup> *Sic.*

## CHAPTER 196.

## ORDER ALLOWING £98. 10 TO CPT. JOHN PRESCOT.

A MEMORIAL of John Prescott Esq<sup>r</sup> Captain of a Company raised within this Province for the Expedition against the Spaniards; praying that this Court would revive and further consider a former Memorial of his, setting forth that the charge of subsisting his Company was much greater than the Allowance made by the Governm<sup>t</sup> and therefore Praying he may be reimbursed.

[Read and]

*Voted* that the Sum of Ninety Eight pounds ten Shillings the present Emission be allowed the Memorialist out of the Publick Treasury in full Satisfaction for the Bounty and Subsistance Money granted him on Acc<sup>t</sup> of the Soldiers Enlisted by him for the Expedition to the West Indies. [*Passed March 24.*]

Legislative  
Records of the  
Council, xvii.  
(3), 276.  
Mass.  
Archives,  
lxxii., 592.  
Mass.  
Archives,  
lxxii., 591.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 409.  
House Journal,  
p. 173  
(December,  
1740); p. 204 bis.

## CHAPTER 197.

## ORDER IMPOWERING BENJ WISER, INDIAN, TO SELL LAND.

A PETITION of Benjamin Wiser of Worcester, Indian, Praying for liberty from this Court to sell Thirty Acres of Land left to him in Natick by his Father Daniel Wiser, to enable him to pay for a Tract of Land he has bought adjoining to the Town of Worcester, and to finish a House he is building thereon.

In the House of Rep<sup>es</sup> Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted And the Pet<sup>r</sup> is hereby allowed and Impowered to Sell the thirty Acres of Land in Natick accordingly. and that Col Ward with such as the Hon<sup>ble</sup> Board shall Joyne be a Comm<sup>ee</sup> to see that Justice be done in the sale of the Premisses, the produce to be applied for the payment of the Lands which the Pet<sup>r</sup> has purchased at Worcester The remainder (if any there be) to be applied towards finishing a House Erected thereon.

In Council; Read & Concur'd And Francis Foxcroft Esq<sup>r</sup> is joined in the Affair. [*Passed March 24.*]<sup>1</sup>

Legislative  
Records of the  
Council, xvii.  
(3), 284.  
Mass.  
Archives,  
xlvi., 135.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 407.  
House Journal,  
pp. 197, 199.

## CHAPTER 198.

ORDER REFERRING THE HUNTS TOWN PROPRIETORS PETITION ABOUT  
A BOUNDARY.

A PETITION of Cpt Adam Cushing for himself and the rest of the Proprietors of the Canada Township called Hunts Town, which adjoins to the West Line of Deerfield, complaining of the Select men of Deerfield for their refusing to shew them their West Line, which prevents the Settlement of the said Hunts Town; and there-

Legislative  
Records of the  
Council, xvii.  
(3), 278.  
Mass.  
Archives,  
cxiv., 702.

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is March 27.

Mass.  
Archives,  
cxiv., 700.  
House Jour-  
nal, p. 207.

fore Praying that a Committee may be appointed to run the said West Line of Deerfield according to their Grant.

Read &

*Ordered* that the Pet<sup>r</sup> serve the Select Men of the Town of Deerfield with a Copy of this petition that they shew Cause (if any they have) on the first Tuesday of the next May Session why the Prayer thereof should not be granted.<sup>1</sup> [*Passed March 25.*]

## CHAPTER 199.

### ORDER IMPOWERING JEFF. HENRY, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 279.  
Mass.  
Archives,  
xxxI., 389.

A PETITION of Jeffry Henry of Natick Indian Planter, praying for liberty to sell Twenty Acres of Land in said place, to reimburse his charge in supporting his aged Father and in purchasing a piece of meadow there, as also to enable him to build a comfortable Dwelling house.

Read and

Legislative  
Records of the  
Council, xvii.,  
Mis., 412.  
House Jour-  
nal, pp. 193, 205.

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Pet<sup>r</sup> have liberty and power to make sale of the twenty Acres of Land that is already laid out as mentioned herein for the most it will sell for, and to give and execute a good Deed or Deeds accordingly The proceeds thereof to be put into the hands of Cap<sup>t</sup> Isaac Coolidge of Sherburne to be Improved for the Uses mentioned in the Pet<sup>n</sup> who is hereby directed and Impowered to See that Justice be done the Pet<sup>r</sup> in the sale of the Premises. [*Passed March 26.*]

## CHAPTER 200.

### ORDER IMPOWERING HAN: SPEEN, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 280.  
Mass.  
Archives,  
xxxI., 391.

A PETITION of Hannah Speen of Natick Indian, widow, Praying for liberty to sell Twenty Acres of Common Lands in Natick, which she holds in her own right, for the payment of her debts contracted in the maintenance of her children and for the more comfortable support of her family hereafter

Read and

Legislative  
Records of the  
Council, xvii.,  
Mis., 411.  
House Jour-  
nal, pp. 193, 204,  
205.

*Ordered*<sup>2</sup> that the Pet<sup>r</sup> have liberty to Sell the twenty Acres of common Land mentioned herein for the most it will Sell for and to give and Execute a good Deed or Deeds accordingly The proceeds thereof to be applied for the payment [of]<sup>3</sup> her Just Debts the remainder to be put into [the]<sup>3</sup> hands of Cap<sup>t</sup> Isaac Coolidge of Sherburne to be improv[ed]<sup>3</sup> for her future necessities and the Comfort of her Children while Young The said Cap<sup>t</sup> Coolidge is also directed to See that Justice be done the Pet<sup>r</sup> in the Sale of the Premises. [*Passed March 26.*]

<sup>1</sup> At the hearing, June 25, 1742, this petition was dismissed. — House Journal (June, 1742), pp. 57, 58.

<sup>2</sup> The House Journal, p. 204, reads, "Voted."

<sup>3</sup> MS. mutilated.



## CHAPTER 201.

ORDER IMPOWERING ABIG. & JOS<sup>u</sup> BLAKE TO EXECUTE A DEED.

A PETITION of Abigail Blake, Widow and Executrix of Solomon Blake late of Boston dec<sup>d</sup> (for herself and as Guardian to her youngest son William Blake a minor) and of Joseph Blake the said Solomons eldest Son; Shewing that the said Solomon by his last Will and Testament left his housing and Lands to be improved by his said wife during her life, and after her death to his said sons; And forasmuch as it will be much for the advantage of all concerned to have the said Estate sold, which cannot be without the leave of this Court; therefore Praying for liberty to sell it accordingly.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> Abigail Blake in her said Capacity, and Joseph Blake are hereby Impowered to pass and Execute a good Deed in the Law of the House and Land mentioned herein They giving sufficient Security to the Judge of Probate for the County of Suffolk to Account with him for the said William's half of the produce thereof. [*Passed March 26.*]

Legislative  
Records of the  
Council,  
xvii. (3), 280.  
Mass.  
Archives,  
xvii., 868.  
Mass.  
Archives,  
xvii., 867.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 411.  
House Jour-  
nal, pp. 199, 208.

## CHAPTER 202.

## ORDER STAYING LEGAL PROCESSES AGAINST THE ESTATE OF AMMI PRINTER, INDIAN, DECEASED, AND IMPOWERING ISRAEL STEVENS EXECUTOR TO SELL LANDS.

A PETITION of Israel Stevens Executor of the last Will of Amy Printer of Grafton, Indian, dec<sup>d</sup> praying for liberty from this Court to sell his lands for the payment of his debts and other purposes.

Read &

*Ordered* that no Process in the Law for the Debts of said Printer be admitted against the Petitioner till such time as the said Acco<sup>ts</sup> pass the Com<sup>tee</sup> of this Court appointed the last Sitting to inspect the Indian Affairs, & an Order pass this Court for Sale of Lands consequent thereupon. [*Passed March 26.*]

Legislative  
Records of the  
Council,  
xvii. (3), 281.  
Mass.  
Archives,  
xxxi., 381.  
Mass.  
Archives,  
xxxi., 380;  
xvii., 869-876.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 412.  
House Jour-  
nal, pp. 162, 193,  
208.  
*Ante*, p. 86,  
chap. 173.

## CHAPTER 203.

## ORDER REFERRING THE PETITION OF ISAAC ALLEN TO SET ASIDE A JUDGMENT WITH STAY OF EXECUTION.

A PETITION of Isaac Allen of Brantree, Shewing that one Eleazar Veasy of Brantree took out a Writ against him upon a note he had forged, which was tried at the last Inferior Court of Common Pleas for the County of Plimouth, and he recovered thereon Seven pounds damage and Four pounds cost against the Petitioner, of which the Petitioner knew nothing till the Execution was taken out, the pretended service of the Writ being a Cheat as well as the Note; And

Legislative  
Records of the  
Council,  
xvii. (3), 260.  
Mass.  
Archives,  
xlii., 1.  
House Jour-  
nal, pp. 192, 210.

therefore praying that the Judgement thus obtained against him may be set aside, or he otherwise relieved by this Court.

Read, But Inasmuch as the Adverse Party, Eleazar Veazy, is out of the Province and so may not have personal Notice of this Petition;

*Ordered* that the further Consideration thereof be referr'd to the next May Session; and that the Execution within mention'd be staid in the mean time. [*Passed March 27.*]

## CHAPTER 204.

### ORDER RELATING TO THE REVISION OF THE PROVINCE LAWS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 413.

Mass.  
Archives,  
xlvii., 322½.  
Legislative  
Records of the  
Council,  
xvii. (3), 283.  
House Jour-  
nal, p. 211.  
*Ante*, p. 16,  
chap. 10.

*Ordered* that the Committee for revising the Laws consider what alterations may properly be made by drawing the several Amendments of some particular Laws into entire Acts, as also what further alterations are necessary in such Laws as respects fines penalties fees & Wages which by the late establishment of lawful money will be greatly altered from the intention of the Legislature in the days when those laws were made, And the several Acts relating to the establishing of, and time & places for holding the several Courts viz<sup>t</sup> The Superiour Court of Judicature Court of Assize and General Goal Delivery, Inferiour Courts of Common pleas and Courts of General Sessions of the Peace into One entire Act. And to report the same to the next session of the General Court to advise and determine therein. [*Passed March 27.*]

## CHAPTER 205.

### ORDER IMPOWERING JOHN SALE, EXECUTOR, & OTHERS TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 285.

Mass.  
Archives,  
xvii., 866.

Mass.  
Archives,  
xvii., 864.  
House Jour-  
nal, pp. 200, 204.

A PETITION of John Sale of Chelsea in the County of Suffolk Executor of the last Will of Penn Townsend Esq<sup>r</sup> dec<sup>d</sup> with the heirs of the said Testator that are of Age and the Guardians of those of them that are in their minority, praying for liberty from this Court to sell a House and Land left them by the said Penn Townsend situate in Tre Mount Street in Boston, the said House being in a very ruinous condition; the produce to be deposited into the hands of Samuel Watts Esq<sup>r</sup> & others named in the Petition or such other persons as this Court shall appoint as Trustees, to employ the money for which the House and Land shall be sold to the uses mentioned in the Petition.

Read and

*Ordered* that the Petitioners in their capacities be and hereby are Authorized and Impowered to sell and dispose of the S<sup>d</sup> House and Land within mentioned, and give Deeds thereof accordingly, taking the Advice and direction therein of Samuel Watts Esq<sup>r</sup> Mess<sup>rs</sup> Samuel Pratt and Nathaniel Oliver Jun<sup>r</sup> all of Chelsea in the County of Suffolk or any two of them. And that the Money the said House and Land shall be sold for, be Lodged in the Hands of the said Watts Pratt and Oliver. And they or any two of them are hereby Impowered with any part of the Money, said Premisses are Sold for to repair the Dwelling House on the said Farm, as also the old Barn,

or to build a New One, and to make stone Walls and Ditches or any other things as they shall Judge may be for the Advantage of said Farm.

And in Case they Shall Judge it not necessary to lay out the whole of said Money on said Farm as aforesaid, That the Said Committee are hereby Impowered and directed to lett out on Interest the remaining part of said Money, taking good Security therefor, and paying the Interest thereof Annually to the Said John Sale; And after his decease to pay the Principal (and Interest if any) to the said four Children of the said John and Anna Sale if then Surviving or to their Guardians if any such there be. [*Passed March 29.*]

## CHAPTER 206.

### ORDER OF NOTICE ON JOS. BELKNAPS PETITION PRAYING FOR A NEW TRIAL OF A CAUSE.

A PETITION of Joseph Belknap, Shewing that this Court refer'd the consideration of his former Petition, complaining of foul practices upon the Jury in a cause between him and Samuel Belknap, and praying for a new Trial, with some prospect that the matter in Controversy would be issued by a Rule of Court; but forasmuch as the parties have failed of success therein, therefore Praying that the Petitioner may have a new Trial of said cause, and Execution staid in the meantime.

Read and

*Ordered* that the Petitioner serve the adverse party<sup>1</sup> with a copy of this Petition, that so he may shew cause on the Second Wednesday of the next May Session, why the prayer thereof should not be granted, and Execution is staid in the mean time. [*Passed March 30.*]

Legislative  
Records of the  
Council,  
xvii. (3), 288.

House Journal, p. 215.  
*Ante*, p. 27,  
chap. 33.

## CHAPTER 207.

### ORDER OF NOTICE ON THE DIGHTON PETITION IN REGARD TO THE RESTORATION OF LAND.

A MEMORIAL of Sylvester Richmond Jun<sup>r</sup> Esq<sup>r</sup> Representative of Dighton, in behalf of said Town, Shewing that in the year 1735. in annexing a Gore of land lying between Rehoboth, Norton, Taunton and Dighton unto the Town of Rehoboth, they have by mistake included a part of the Town of Dighton; and therefore praying that the said Land may be restored to the said Town of Dighton.

Read and

*Ordered* that the Petitioner serve the Town of Rehoboth with a copy of this Memorial by leaving it with the Representative of said Town, that they shew cause (if any they have) on the Second Wednesday of the next May Session, why the prayer thereof should not be granted. [*Passed March 30.*]

Legislative  
Records of the  
Council,  
xvii. (3), 289.

House Journal, p. 215.  
Province  
Laws, xii., 196,  
chap. 164.

<sup>1</sup> The House Journal, p. 215, here inserts, "*Samuel Belknap.*"

## CHAPTER 208.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF LANCASTER S<sup>o</sup> INHABITANTS IN REGARD TO A MEETING HOUSE.

Legislative  
Records of the  
Council,  
xvii. (3), 290.

Mass.  
Archives, xii.,  
295-299, House  
Journal, p. 216.

A PETITION of Ephraim Wilder and Joseph House for themselves and others Inhabitants of the Southerly Part of Lancaster old Town; Shewing that a Vote has been obtained in a very irregular manner for setting their Meeting House in a very inconvenient place, much to the damage of the Petitioners; and therefore praying for relief from this Court in such way as may be thought proper.

Read and

*Ordered* that the Petitioners serve the Select men of the Town of Lancaster with a Copy of this Petition, that they shew cause, if any they have, on the first Fryday of the next May Session, why the prayer thereof should not be granted; and all proceedings about the setting up and building Meeting Houses in said Town are hereby suspended in the mean time. [*Passed March 31.*]

## CHAPTER 209.

## ORDER APPOINTING A COMMITTEE ON THE PETITION OF JOHN EPHRAIM, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 359;  
*ibid.*, xvii.,  
Mis., 413.

House Jour-  
nal, pp. 203, 216.

A PETITION of John Ephraim of Natick, Indian, Praying for liberty from this Court to sell Thirty five acres of his common lands in said Town, or other lands remote from him, for paying his Debts he has contracted in building an house and making improvements upon his Homestead and to enable him to build a barn, purchase a Team &<sup>c</sup>

Read and in answer hereto,

*Ordered* that Cap<sup>tn</sup> Fisher and Capt<sup>n</sup> Coolidge with such as the Honorable Board shall join<sup>1</sup> be a Committee to enquire into the Affair mentioned in the Petition & report at the next may Session what they judge proper for this Court to do on this Petition. [*Passed March 31.*]<sup>2</sup>

## CHAPTER 210.

## ORDER APPOINTING A COMMITTEE ON THE PETITION OF MOSES &amp; JOSHUA WABAN, INDIANS, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 359;  
*ibid.*, xvii.,  
Mis., 413.

House Jour-  
nal, pp. 203, 216.

A PETITION of Moses and Joshua Waban, of Natick, Indians, praying for leave from this Court to sell twenty Acres of Common Land, descended to them from their father, that so they may be enabled to build a comfortable House and support their aged Mother the remainder of her life.

Read and in answer thereto

*Ordered* that Cap<sup>t</sup> Fisher and Capt Coolidge with such as the

<sup>1</sup> No record has been found of the completion of this committee.

<sup>2</sup> This date is according to Legislative Records of the Council, xvii., Mis., and the House Journal; according to Legislative Records of the Council, xvii. (3), the date is April 23.

Hon<sup>ble</sup> Board shall join<sup>1</sup> be a Committee to examine fully into the Affair mentioned in the petition and report at the next May Session what they judge proper for this Court to do on this petition. [*Passed March 31.*<sup>2</sup>

## CHAPTER 211.

### ORDER ACCEPTING THE COMMITTEES REPORT ON THE COMPLAINT OF PUNCAPAUG INDIANS.

A PETITION of Amos Ahanton and others, Indian Proprietors of Puncapaug, praying that John Quincy Esq<sup>r</sup> their Trustee may be ordered to give in the Accompts of his transactions for them, and that some other person may be made their Trustee.

The Committee appointed on the Petition and Complaint of Amos Ahanton and others, having assigned a time for hearing the Petitioners, none of the Petitioners save Amos appeared to support the matters of Complaint therein set forth against the Trustee of the Indians at Puncapaug; one of the Petitioners being deceased some years before this Petition was prefer'd, and, so far as appears to us, before his name was set to it, and others of them having signified under their hands that said petition was not signed by them or by their order, and that they are well satisfied with the conduct of the said Trustee; but the said Amos on the said hearing, alledged sundry matters of grievance, relating partly to the cloathing but principally to the Food allowed and delivered to the Indians by said Trustee, whereof no sufficient proof was produced, especially as to the facts alledged, which if supported might have fixed blame upon him; but on the contrary some things charged against him to us appeared groundless and abusive, prompted it is likely by some malevolent and disaffected Person (whose resentments were perhaps excited by a suit at law against him for non payment of some of the Indians money) and with an intent to traduce the said Trustee and expose his character, who notwithstanding any thing objected against him, has, so far as to us appears, been faithful in the discharge of the Trust reposed in him. And inasmuch as in case of the Indians sickness, old age or other extraordinary occasion of expence, the interest of the money in the said Trustees hands may not be sufficient for their support and relief; that therefore he be impowered and allowed to advance or lay out such part of the principal stock as he shall judge to be absolutely necessary for that purpose, and thereof from time to time to render an Account to this Court. The Committee are further of Opinion that the Petition of the said Amos Ahanton &<sup>c</sup> be dismissed.

W<sup>M</sup> PEPPERIL per Order

Read &

*Ordered* that this Report be Accepted, & that the Petition above refer'd to be dismiss'd accordingly. [*Passed April 2.*<sup>3</sup>

<sup>1</sup> There is no record of the completion of this committee.

<sup>2</sup> This date is according to Legislative Records of the Council, xvii., Mis., and the House Journal; according to Legislative Records of the Council, xvii. (3), the date is April 23.

<sup>3</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), and the House Journal the date is March 31.

Legislative  
Records of the  
Council,  
xvii. (3), 196,  
292. Mass.  
Archives,  
xxx1., 343.

Mass.  
Archives,  
xxx1., 341.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 414.  
House Journal,  
pp. 143, 146,  
216, 217.

## CHAPTER 212.

ORDER OF NOTICE WITH STAY OF EXECUTIONS ON THE PETITION OF MALACHI EDWARDS AND ELIZABETH HIS WIFE, ADM<sup>s</sup>, FOR A NEW TRIAL OF AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (3), 301.  
Mass.  
Archives,  
xlii., 5.  
Mass.  
Archives,  
xlii., 3. House  
Journal, p. 225.

A PETITION of Malachi Edwards of Wells in the County of York and Elisabeth his wife, as she is Administ<sup>s</sup> of the estate of Josiah Littlefield dec<sup>d</sup> praying for a new Trial of an Action of Review at the Superior Court in the said County, of a cause brought against the Petitioners by Jacob Perkins and Anna his wife, at the Inferior Court for the said County in April 1736, in consideration of some circumstances in the said last Trial (particularly set forth in the Petition) which they apprehend entitled them to this favour, and that Executions may be staid.

Read and

*Ordered* that The Pet<sup>rs</sup> serve the Adverse Partys the said Jacob Perkins and Wife with a Copy of this Pet<sup>n</sup> that they shew cause if any they have on the Second fryday of the next May Session why the prayer thereof should not be granted and all Exec<sup>ns</sup> are Stayed in the meantime. [*Passed April 2.*]

## CHAPTER 213.

## ORDER IMPOWERING MARG. JEKYLL ADMINISTRATRIX TO EXECUTE A DEED.

Legislative  
Records of the  
Council,  
xvii. (3), 302;  
*ibid.*, xvii.,  
Mis., 416.  
Mass.  
Archives,  
xvii., 83.  
House Jour-  
nal, pp. 217, 220.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Margaret Jekyll, Relict Widow & Administ<sup>s</sup> of John Jekyll late of Boston Esq<sup>r</sup> dec<sup>d</sup> praying for liberty from this Court to sell the real estate of the said John Jekyll, consisting of a House and Land in Boston, & a Farm and the buildings thereon in Cambridge, in consideration of the Petitioners being about to remove into the Province of Pensilvania with the Children, who are all very young and that the said Real Estate will be much impaired & endangered before the Children come of Age.

Read &

*Ordered* that the prayer of the petition be granted, and the Petitioner is hereby allowed & empowered to give & execute a good Deed or Deeds of the houses or Land herein mentioned for the most they will sell for, upon proper notification, agreeable to the Law in the th<sup>6</sup><sup>1</sup> of George the first Chapter the 3<sup>d</sup> She giving sufficient sufficient security to the Judge of Probate for the County of Suffolk that the produce arising by said sale be let out at interest upon security to be approved of by said Judge. One third part of said interest to be for the use of the Petitioner during Life. the other two thirds or so much thereof as is needful, be applied to the support & Education of her Children. The petitioner to be accountable for the principle, & remaining part of the interest if any there be to the Children of the intestate or their legal Representative as they respectively arrive at age or are married. [*Passed April 3.*]

<sup>1</sup> *Sic.*

## CHAPTER 214.

ORDER ALLOWING JN<sup>o</sup> LARRABEE 6/ 6 PER WEEK PER MAN FOR VICTUALLING THE GARRISON AT CASTLE WILLIAM.

Legislative  
Records of the  
Council,  
xvii. (3), 304.  
Mass.  
Archives,  
lxxii., 589.

A MEMORIAL of John Larrabee Victualler of the Garrison at His Majesty's Castle William; praying for an allowance in his Victualling Account now to be made up for the extraordinary price of Provisions.

Read and

*Ordered* that the Memorialist be and he hereby is allowed Six Shillings and three pence per Week A Man in the Victualling Account from November 1740 to March 4<sup>th</sup> 1741. [*Passed April 3.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 415.  
House Jour-  
nal, pp. 217, 226.

## CHAPTER 215.

VOTE ALLOWING £5 PER ANNUM TO BENJ. WHITE DURING HIS LIFE.

A MEMORIAL of Benjamin White of Ipswich, praying for some Allowance from this Court in consideration of a grievous wound he received in the publick service, whereby he is disabled from labouring for his support.

Legislative  
Records of the  
Council,  
xvii. (3), 304.  
Mass.  
Archives,  
lxxii., 586.

Read and in consideration of the Pet<sup>r</sup>'s Sufferings by his Wounds He rec<sup>d</sup> in the service of the Province and of his Inability thereby

*Voted* that there be allowed and granted out of the Publick Treasury to the Petitioner five pounds p<sup>o</sup> Annum during Life. [*Passed April 3.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 415.  
House Jour-  
nal, pp. 215, 226.

## CHAPTER 216.

ORDER OF NOTICE WITH STAY OF EXECUTIONS ON THE PETITION OF MALACHI EDWARDS AND ELIZABETH HIS WIFE, ADMR<sup>s</sup>, FOR A NEW TRIAL OF AN ACTION.

A PETITION of Malachi Edwards of Wells in the County of York and Elisabeth his wife as she is Administ<sup>s</sup> of the Estate of Josiah Littlefield dec<sup>d</sup> praying for a new trial of an Action of Review at the Superiour Court in the said County, of a cause brought against the Petitioners by Joseph Credifer and Esther his Wife at the Inferiour Court for the said County in April 1736. in consideration of some circumstances in the said last Trial (particularly set forth in the Petition) which they apprehend entitles them to this favour, and that Executions may be staid in the mean time.

Legislative  
Records of the  
Council,  
xvii. (3), 305.  
Mass.  
Archives, xlii.,  
16.

Mass.  
Archives, xlii.,  
14. House  
Journal, p. 225.  
*Ante*, p. 102,  
chap. 212.

Read and

*Ordered* that the Pet<sup>rs</sup> serve the adverse Partys the said Joseph Credifer and Wife with a Copy of this Pet<sup>n</sup> that they shew cause (if any they have) on the Second fryday of the next May Session why the Prayer thereof should not be granted

And all Executions are staid in the mean time. [*Passed April 5.*]

## CHAPTER 217.

## ORDER ACCEPTING THE COMMITTEES REPORT ON DUNSTABLE CONSTABLES PETITION, WITH STAY OF EXECUTIONS.

Legislative  
Records of the  
Council,  
xvii. (3), 301;  
*ibid.*, xvii.,  
Mis., 417.  
Mass.  
Archives, cv.,  
189.  
Mass.  
Archives, cv.,  
188. Legisla-  
tive Records of  
the Council,  
xvii. (3), 261,  
306. House  
Journal,  
pp. 221, 228.

A MEMORIAL of Thomas Blanchard, Ebenezer Butterfield and Samuel Taylour, Constables of the Town of Dunstable, setting forth their difficulties in collecting the Publick Taxes, and praying for further time.

The Committee to whom was refered the within Petition are humbly of opinion that the Collecting of taxes of the Town of Dunstable for the Years 1738 and 1739 be suspended for six months from this time, & that the Executions issued by Treasurer Foy for said taxes cease for that time which is humbly in the name & by order of the Committee.

ANTHONY STODDARD

Read and

*Ordered* that this Report be Accepted and the Executions mentioned are hereby Stayed accordingly. [*Passed April 6.*]

## CHAPTER 218.

## ORDER IMPOWERING JOHN CUMMINGS TO BRING A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (3), 175,  
309. Mass.  
Archives, xli.,  
600.  
Mass.  
Archives, xli.,  
598. Legisla-  
tive Records  
of the Council,  
xvii., Mis., 417.  
House Jour-  
nal, pp. 132, 227.

A PETITION of John Cummins of Boston, Labourer, Shewing that one Richard Jones of Newport in Rhoad Island brought his Action to the Inferior Court in the County of Bristol against the Petitioner and his wife, upon a fraudulent Note pretended to have been sign'd by his said Wife, and Judgment was for the Petitioner, from which the said Jones appealed to the Superior Court, where the Petitioner was cast for want of his Attorneys attendance at the said Court, on which the Petitioner depended; and therefore Praying that he may be admitted to a new trial.

Read with y<sup>e</sup> Answer of Samuel Howland Substitute of Matthew Robinson Attorney of the s<sup>d</sup> Richard, And

*Ordered* that the Petitioners be En[abled]<sup>1</sup> to Sue out A writ of Review of y<sup>e</sup> Action within mentioned ret[urnable]<sup>1</sup> to the next Supr Court of Judicature to be holden at Bristol, & Cause y<sup>e</sup> Same to be Seasonably Served upon y<sup>e</sup> s<sup>d</sup> Samuel Howland Attorney of y<sup>e</sup> s<sup>d</sup> Richard, And the Justices of y<sup>e</sup> s<sup>d</sup> Court are hereby directed & impowered there upon to hear & determine the Cause afores<sup>d</sup> give Judgment and Award Execution therein: And t[hat]<sup>1</sup> the money & Security given by y<sup>e</sup> s<sup>d</sup> John upon y<sup>e</sup> Execution afores<sup>d</sup> remain in the hands of y<sup>e</sup> Officer as a Security in part for what shall be finally recovered against the petitioners, & if that Jud[gment]<sup>1</sup> be reversed then to be returned to the s<sup>d</sup> John again. [*Passed April 6.*<sup>2</sup>]

<sup>1</sup> MS. mutilated.

<sup>2</sup> This date is according to Mass. Archives, Legislative Records of the Council, xvii. (3), and the House Journal; according to Legislative Records of the Council, xvii. (2), Mis., the date is April 3.



## CHAPTER 219.

ORDER ALLOWING THE ACC<sup>t</sup> OF JOHN QUINCY ESQ<sup>r</sup> TRUSTEE FOR PUNCAPAUG INDIANS.

AN ACCOMPT presented by John Quincy Esq<sup>r</sup> Trustee for the Indians at Puncapaug of Receipts and Payments from January 1738 to December 17. 1741.

Legislative  
Records of the  
Council,  
xvii. (3), 311.

Read and

House Jour-  
nal, p. 225.  
*Akte*, p. 101,  
chap. 211.

*Ordered* that the within Accompt be allowed,<sup>1</sup> and that there be allowed and paid to the Accomptant for his care and trouble for the three years last past ending the Seventeenth of December 1741. the sum of Nine Pounds, to be paid him out of the Interest of the Indians Money as he shall receive it; the said Accomptant to be accountable for the principal sum, being Seven Hundred and Five Pounds two shillings and six pence. [*Passed April 6.*]

## CHAPTER 220.

## ORDER IMPOWERING JOS. WISER TO SELL LAND.

A PETITION of Joseph Wiser of Natick Indian, praying for liberty from this Court to sell twenty Acres of Land in Natick, which was the Estate of his father James Wiser dec<sup>d</sup> to pay the charge of his sickness and funeral, to Joseph Wait of Sudbury, in such manner as this Court shall judge meet.

Legislative  
Records of the  
Council,  
xvii. (3), 313.  
Mass.  
Archives,  
xxxI., 379.

In the House of Rep<sup>rves</sup>

Mass.  
Archives,  
xxxI., 378.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 418.  
House Jour-  
nal, pp. 209, 227.

Read and in Answer to this Pet<sup>n</sup>

*Ordered* that the said Joseph have liberty to Sell so much of the Land herein mentioned as will pay so much of the said Debt as shall be thought Just and Reasonable by Cap<sup>t</sup> John Jones with such as shall be Joyn'd by the Hon<sup>ble</sup> Board who are hereby appointed a Comm<sup>ee</sup> to Assist the Pet<sup>r</sup> in the Sale thereof. They to render an Acc<sup>t</sup> of their proceedings herein to this Court.

In Council Read & Concur'd & Fra<sup>s</sup> Foxcroft Esq<sup>r</sup> is joined in the Affair. [*Passed April 7.*]

## CHAPTER 221.

## ORDER IMPOWERING PALMER GOULDING TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A MEMORIAL of Palmer Goulding of Worcester, Shewing that he has found out an effectual remedy against the poyson of Rattle Snake, and has made many thorough cures therewith, and proposing to make it publick for the general benefit of the Province, in case this Court will make him a proper consideration for it.

Legislative  
Records of the  
Council,  
xvii. (3), 215,  
313.

Read and in answer thereto

House Jour-  
nal, pp. 152, 153,  
209.

*Ordered* that there be granted to the Petitioner a Tract of some of the unappropriated Lands of the Province not exceeding Two Hundred Acres on the following Conditions, viz<sup>t</sup> That he shall

<sup>1</sup> This word is underlined in Legislative Records of the Council, xvii. (3), and queried in margin, if it should be "accepted" instead of "allowed."

subdue six Acres thereof and bring the same to fit for mowing or plowing within three years from the confirmation of the same, and that he return a Plat thereof within twelve months to the General Court, and do in fact communicate his skill in the aforesaid cures, and such a description of the said Medicines as it may publickly and infallibly be known; and that he bring credible proof of his having successfully applied the same in those cases mentioned in his Memorial, whereof as yet there is no certain Demonstration, & performs the same within twelve months after the present Sitting of the General Court. [*Passed April 7.*]

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## CHAPTER 222.

### ORDER IMPOWERING TROWBRIDGE AND RUSSEL TO LEVY AN EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (3), 314.  
Mass.  
Archives, xlii.,  
23.

Mass.  
Archives, xlii.,  
22. Legislative  
Records of the  
Council,  
xvii., Mis., 418.  
House Jour-  
nal, pp. 214, 220.

A PETITION of William Trowbridge and Thomas Russel shewing that they paid a sum of money for Joshua Wamsquan of Natick Indian to save him from going to prison, which money they have recovered of him in the law and taken out an Execution; upon which he absconded and the Execution was never served; Praying that they may be impowered to take out an other Execution, and levy it on Six Acres of Land belonging to him.

Read and

*Ordered* that the Pet<sup>rs</sup> have Liberty to take out another Execution, and Levy the Same on the Six Acres of Land herein mentioned belonging to Joshua Wamsquan, and that Cap<sup>t</sup> D'Aith be Joyned in behalf of the said Joshua, with those who shall be appointed as the Law directs to Sell so much of the said Six Acres of Land as to Satisfie the said Execution. [*Passed April 7.*]

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## CHAPTER 223.

### ORDER ALLOWING £20. 17. 10½ TO THO<sup>s</sup> SAUNDERS AND ESTABLISHING THE WAGES OF THE CREW OF THE SLOOP MASSACHUSETTS.

Legislative  
Records of the  
Council,  
xvii. (3), 304.  
Mass.  
Archives, lxi.,  
180.

Mass.  
Archives,  
lxiv., 179; xcii.,  
4. Legislative  
Records of the  
Council, xvii.,  
Mis., 414.  
House Jour-  
nal, pp. 217,  
231 *bis*.

A PETITION of Cpt. Thomas Saunders Master of the Transport Sloop in the service of this Province, praying for the Advancement of his own and his mens wages and the hire of the Sloop, and that he may be reimbursed what he has expended for the service of the Province.

Read and in Answer to this Memorial

*Ordered* that the Sum of Twenty pounds Seventeen Shillings and ten pence half penny, be allowed out of the Publick Treasury to the Memorialist in full for the Money advanc'd for the Hire of the Sloop for two months and twenty two Days as within mentioned.

Also

Voted that the Sloop Massachusetts be at Seven pounds ten Shil-	
lings from this time during the present Establishment . . .	£7. 10 Ɔ month
The Captain of said Sloop at Two pounds ten shillings . . .	2. 10 Ɔ month
The Mate at one pound ten shillings . . .	1. 10 Ɔ month
Three Sailors One pound five shillings <sup>s</sup> . . .	1. 5 Ɔ month Each

[*Passed April 9.*]<sup>1</sup>

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is April 3.

CHAPTER 224.

ORDER ABOUT SIGNING BILLS OF THE MIDDLE PLATE.

*Order'd* that the Bills of Credit of this Province of the present Emission to be strook off from the middle Plate, be Sign'd by three of the Committee only.<sup>1</sup> [*Passed April 9.*]

Legislative Records of the Council, xvii. (3), 315. Mass. Archives, cii., 220.  
 Legislative Records of the Council, xvii., Mis., 419. *Ante*, p. 85, chap. 171.

CHAPTER 225.

ORDER IMPOWERING JOSIAH SPEEN, INDIAN, TO SELL LAND.

THE PETITION of *Josiah Speen*, praying Liberty to sell Lands in said *Natick*.

In Council,

Read and in Answer to this Petition

*Ordered* That Francis Foxcroft Esq<sup>r</sup>, with Such as shall be join'd by the Hon<sup>ble</sup> House, be a Committee to inquire into and adjust the affair withinmention'd; and that the Petitioner thereupon be and hereby is allowed and empowered, with the approbation of the Committee, to Sell So much of his Land mentioned in the Petition as shall be Sufficient to Satisfie what is equitably due from the Petitioner's Son Daniel to the withinnamed Rice

In the House of Rep<sup>res</sup>

Read and Concur'd and Cap Jones and Cap<sup>t</sup> Fisher are Joyned in the Affair. [*Passed April 9.*]

House Journal, p. 203. Mass. Archives, xxxi., 313.  
 Mass. Archives, xxxi., 312. House Journal, pp. 203, 209, 210, 233.

CHAPTER 226.

ORDER ALLOWING £5 TO ROBT WILSON.

A PETITION of Robert Wilson of Boston, praying for some further consideration for his wounds formerly received in the service of this Province, by which he is disabled from labouring for his support.

Read and in Answer hereto

*Ordered* that the Sum of five pounds be allowed out of the publick Treasury and put into the hands of M<sup>r</sup> Edward Bromfield for the Use of the Pet<sup>r</sup>. [*Passed April 10.*]

Legislative Records of the Council, xvii. (3), 324. Mass. Archives, lxxii., 599.  
 Legislative Records of the Council, xvii., Mis., 419. House Journal, p. 239. Province Laws, xii., 722, chap. 133.

CHAPTER 227.

ORDER REFERRING THE PETITION AND THE COMMITTEES REPORT ABOUT HOPKINSTON & HOLLESTON LINE.

THE COMMITTEE appointed July 11. 1741. on the Petition of Edward Hutchinson Esq<sup>r</sup> Treasurer of Harvard College [Province Laws, xii., 744, chap. 190] having repaired to the Boundary Line in

Legislative Records of the Council, xvii. (3), 325.

<sup>1</sup> Not found in the House Journal.

House Journal, p. 233.  
Province  
Laws, xii., 744,  
chap. 190;  
*Ante*, p. 14,  
chap. 4.

controversy, between the Towns of Hopkinston and Holleston, viewed the Bound marks shewn them by the parties, heard & considered the arguments offered in order to support their respective claims, are of Opinion that the Line betwixt the said Towns be stated as follows; viz<sup>t</sup> Beginning at an old Chesnut stump on Parkers Hill, so called, acknowledged by all parties to be the North West Corner bound of Sherburn, and thence running about two hundred and four rods in a course nearly West 28d. South, thro' the farm called Parkers farm, to a large Rock; thence running West 30 Deg. South sixteen rods to an heap of stones; thence West 30 Deg. South two rods and one fifth as far as an heap of stones by a rock, and passing on the South side of said heap of Stones at the distance of eight feet therefrom, and continuing the same course about forty five rods, or as far as a stump, and passing one rod Southward of it; then running on the same course one hundred and Twenty five rods as far as to a White Oak Tree, but passing one rod and an half Northward of it, and continuing in that course eighteen rods further and there passing four rods to the Southward of a White Oak; thence streight on as far as to an other White Oak (at the distance of forty rods from the Oak last mentioned) and running on the South side thereof at four rods distance from it, and continuing its course (West 30 Deg. South) strait on about four hundred and sixty eight rods further to an heap of stones; thence two hundred and twenty rods (on the same course) to a Black Oak near Deerbrook, and from thence to the Brook, and from the Chesnut stump (on Parkers Hill) first mentioned to run North 5 Deg West to a crooked Maple at Cold Spring Brook; And that the Lines above described be confirmed and established as the Boundary between said Towns accordingly. And inasmuch as the Line first mentioned passes thro' Parkers farm, whereby about one half of said farm falls within the bounds of Hopkinston, but by Order of this Court in the year 1677 the whole thereof was to ly to Holleston (then Sherburn) and to do duty and receive privilege there; 'tis humbly submitted to the consideration of this Hon<sup>ble</sup> Court whether that part of said farm which lies Northward of the Line, as before described, shall continue to Holleston, or be hence forward reputed and taken to belong to Hopkinston to all Intents & Purposes.

In the Name and by Order of the Committee.

SAM<sup>l</sup> DANFORTH.

Read and

*Ordered* that the Petition refer'd to, with this Report, be refer'd till the next May Session for consideration, and that the Committee be directed to repair to Hopkinston in the mean time, and settle the bounds of Parkers Farm; they to be paid for their service herein as this Court shall order. [*Passed April 10.*]

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## CHAPTER 228.

Legislative  
Records of the  
Council,  
xvii. (3), 326.  
Mass.  
Archives,  
cxiv., 707.

VOTE SUBSTITUTING NATH<sup>l</sup> HUBBARD ESQ FOR SAMUEL DANFORTH ON THE COMM<sup>TEE</sup> ABOUT HOUSATANUCK AFFAIR.

*Voted* that Nathaniel Hubbard Esq<sup>r</sup> be added to the Committee appointed on the Petition of Josiah Phelps & others Inhabitants of upper Housatunnock in the Room of Samuel Danforth Esq<sup>r</sup> who

Legislative  
Records of the

desires to be Excused, not being able to attend the Business so soon as is necessary. Also

*Order'd* That the sd Committee have Power to send for Persons & Papers as they shall judge necessary. [*Passed April 10.*]

Council, xvii.,  
Mis., 420.  
House Jour-  
nal, p. 240.  
*Ante*, p. 67,  
chap. 126.

## CHAPTER 229.

ORDER ON GEO: & ROBERT HEWS'S PETIT<sup>n</sup> SUSPENDING JUDGMENTS WITH STAY OF EXECUTIONS.

Legislative  
Records of the  
Council,  
xvii. (3), 327.  
Mass.  
Archives, xii.,  
651.

ON THE PETITION of George and Robert Hews, [Province Laws, xii., 734, chap. 174]

*Ordered* that this petition be revived, And in Answer thereto,

*Voted* that Executions on all Judgments already obtained, or that may be obtained in Consequence of the partnership between the petitioners & the said Cunningham, be suspended till the End of the Superior Court to be holden in Boston for the County of Suffolk in August next. [*Passed April 10.*]

Mass.  
Archives, xii.,  
649. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 422.  
House Jour-  
nal, pp. 219, 239.  
Province  
Laws, xii., 737,  
chap. 174.  
*Ante*, p. 17,  
chap. 13.

## CHAPTER 230.

ORDER ACCEPTING THE COMMITTEES REPORT FOR REPAIR<sup>s</sup> CASTLE WILLIAM &<sup>c</sup>.

IN OBEDIENCE to the within Order<sup>1</sup> we waited on His Excellency to the Castle, viewed the Works and Stores, and considered the condition thereof; and upon the whole are of Opinion, that it is expedient the new Battery be carried on and joined to the Old Works, and that an Armourer should be constantly retained to take care of the Arms which are now much out of repair. We also find there is a necessity of securing the Island by wharfing and driving piles in several places; that the Barracks, South east Platform, Piles by the Powder house, rammers, sponge heads, shingling and walls, in several places want repairing, mending, plaistering, and pointing; the carriages to be done with turpentine and oyl, and the stores and patridge boxes to be supplied; And that for all these purposes there is at present wanted the sum of One Thousand Pounds.

All which is submitted. Per Order of the Committee

W<sup>m</sup> PEPPERIL.

In the House of Represent<sup>ves</sup>; Read and Accepted, and thereupon

*Voted* that His Excellency the Captain General be desired to give order that an Armourer be constantly retained in pay at the Island to take care of the Fire Arms; to be allowed One pound two shillings sterling per month; and that the New Battery be carried on and joined to the Old Works; that the Island be well secured by wharfing and driving piles in several places; that the Barracks, Platform, Works &<sup>c</sup> mentioned in the Report be repaired; And that in order to compleat the same there be and hereby is granted the sum of One Thousand Pounds to be paid out of the Province Treasury into the hands of M<sup>r</sup> Timothy Prout, M<sup>r</sup> Edward Bromfield and Cpt. Watts with such as the Hon<sup>ble</sup> Board shall appoint, who are hereby

Legislative  
Records of the  
Council,  
xvii. (3), 327.

Legislative  
Records of the  
Council,  
xvii. (3), 260,  
268. House  
Journal, p. 239.

<sup>1</sup> Appointing "a Committee to attend upon His Excellency the Captain General to His Majesty's Castle William." — Legislative Records of the Council, xvii. (3), 269.

appointed a Committee with the leave of the Captain General, to purchase materials at the cheapest rate, and to take care to effect said Work and Repairs in the best manner; the Committee to be accountable.

In Council; Read and Concur'd and the Hon<sup>ble</sup> Spencer Phips, and John Jeffries and Samuel Welles Esq<sup>r</sup> are joined in the affair. [*Passed April 12.*]

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## CHAPTER 231.

### VOTE FOR FORTIFYING Y<sup>e</sup> TOWN OF BOSTON.

Legislative  
Records of the  
Council,  
xvii. (3), 329.  
Mass.  
Archives,  
lxxii., 600.

Legislative  
Records of the  
Council, xvii.,  
Mis., 420.  
House Jour-  
nal, p. 240.  
*Infra*, chap.  
232.

*Voted* That His Excellency the Captain General be desired to give Orders that within Twelve Months there be Erected within the Town or Harbour of Boston, A good and Sufficient Brest Work and a Plat form built and Twenty Guns Eighteen Pounders or others Equivalent Mounted And all Suitable Warlike Stores procured, And that the Sum of One thousand Pounds be Granted and paid out of the Publick Treasury to the Order of the said Town they giving Security to the Province Treasurer for the Erecting said Work and procuring said Stores, and that the Same shall be from time to time Maintained or on the failure either of their performing said Work or Maintaining them the Money hereby granted to be repaid by said Town into the Province Treasury again. [*Passed April 12.*]

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## CHAPTER 232.

### VOTE FOR FORTIFYING THE TOWN OF CHARLESTOWN.

Legislative  
Records of the  
Council,  
xvii. (3), 329.  
Mass.  
Archives,  
lxxii., 602.

Legislative  
Records of the  
Council, xvii.,  
Mis., 426.  
House Jour-  
nal, pp. 240, 241.  
*Supra*, chap.  
231. *Infra*,  
chap. 233.

*Voted* that His Excellency the Cap<sup>t</sup> General be desired to give Orders that there be Erected within the Town or Harbour of Charlestown a good sufficient Breast Work, and a Platform built and Eight Guns Eighteen pounders, or others equivalent mounted, and all Suitable Warlike Stores procured, and that the Sum of two hundred and fifty pounds be granted and paid out of the publick Treasury to the Order of the said Town They giving Security to the Province Treasurer for the erecting said Works, and procuring said Stores, and that the same shall be from time to time maintained, or on the failure either of their performing said Works, or maintaining them, the Money hereby granted to be repaid by said Town into the Province Treasury again. [*Passed April 12.*]

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## CHAPTER 233.

### VOTE FOR FORTIFYING THE TOWN OF SALEM.

Legislative  
Records of the  
Council,  
xvii. (3), 330.  
Mass.  
Archives,  
lxxii., 605.

*Voted*, That His Excellency the Captain General be desired to give Orders that within Twelve Months there be Erected within the Town or Harbour of Salem, A good and Sufficient Brest Work and a Plat form built and Sixteen Guns Eight Pounders or others Equivalent Mounted and all Suitable Warlike Stores procured, And

that the Sum of Three Hundred . . .<sup>1</sup> Pounds be Granted & paid out of the Publick Treasury, to the Order of the said Town, they giving Security to the Province Treasurer for the Erecting said Works and procuring said Stores. And that the same shall be from time to time Maintained or on the failure either of their performing said Works or Maintaining them the Money hereby granted to be repaid by said Town into the Province Treasury again. [*Passed April 12.*]

Legislative Records of the Council, xvii., Mis., 423.  
House Journal, p. 240.  
*Supra*, chap. 232. *Infra*, chap. 234.

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## CHAPTER 234.

### VOTE FOR FORTIFYING THE TOWN OF MARBLEHEAD.

*Voted*, That His Excellency the Captain General be desired to give Orders that within Twelve Months there be Erected within the Town or Harbour of Marblehead, A good & Sufficient Brest Work and a Plat form built and Twelve Guns Twelve Pounders or others Equivalent Mounted and all Suitable Warlike Stores procured, And that the Sum of Five Hundred and Fifty Pounds be Granted and paid out of the Publick Treasury to the Order of the said Town they giving Security to the Province Treasurer for the Erecting said Works and procuring said Stores, And that the same shall be from time to time Maintained or on the failure either of their performing said Works or Maintaining them the Money hereby Granted to be repaid by said Town into the Province Treasury again. [*Passed April 12.*]

Legislative Records of the Council, xvii. (3), 330. Mass. Archives, lxxii., 606.

Legislative Records of the Council, xvii., Mis., 422.  
House Journal, p. 240.  
*Supra*, chap. 233. *Infra*, chap. 235.

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## CHAPTER 235.

### VOTE FOR FORTIFYING THE TOWN OF PLYMOUTH.

*Voted* that His Excellency the Captain General be desired to Give Order that within Twelve Months there be Erected within the Town or Harbour of Plymouth a good and Sufficient Brestwork and a platform Built and Eight Guns Twelve Pounders or other Equivalent Mounted and all Suitable Warlike Stores procured and that the sum of Two Hundred & Fifty Pounds be granted and paid out of the Publick Treasury to the Order of the said Town they giving Security to the province Treasurer for the Erecting said Work and procuring said Stores and that the same shall be from Time to Time maintained or on the Failure either of there Performing said Work or maintaining them the money hereby Granted to be Repaid by said Town into the province Treasury again. [*Passed April 12.*]

Legislative Records of the Council, xvii. (3), 331. Mass. Archives, lxxii., 608.

Legislative Records of the Council, xvii., Mis., 423.  
House Journal, p. 241.  
*Supra*, chap. 234. *Infra*, chap. 236.

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## CHAPTER 236.

### VOTE FOR FORTIFYING THE TOWN OF GLOCESTER.

*Voted* That His Excellency the Captain General be desired to Give Orders that within Twelve Months there be Erected within the Town

Legislative Records of the Council,

<sup>1</sup> *Sic.*

<sup>2</sup> Record not complete.

xvii. (3), 331.  
Mass.  
Archives,  
lxxii., 603.

Legislative  
Records of the  
Council, xvii.,  
Mis., 425.  
House Jour-  
nal, p. 241.  
*Supra*, chap.  
235. *Infra*,  
chap. 237.

or Harbour of Gloucester a good and Sufficient Brest Work and a Platt form, built and Eight Guns Twelve Pounders or other Equivalent Mounted. and all Suitable Warlike Stores Procured. and that the Sum of Four Hundred Pounds be Granted & paid out of the publick Treasury to the Order of the said Town they Giving Security to the province Treasurer for the Erecting said Work and procuring said Stores. and that the same shall be from Time to Time maintained or on the failure either of their Performing said Work or Maintaining them the Money hereby Granted to be repaid by said Town into the Province Treasury again. [*Passed April 12.*]

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## CHAPTER 237.

### VOTE FOR FORTIFYING THE TOWN AND HARBOUR OF SHERBURNE ON NANTUCKET ISLAND.

Legislative  
Records of the  
Council, xvii.  
(3), 332.  
Mass.  
Archives,  
lxxii., 601.

Legislative  
Records of the  
Council, xvii.,  
Mis., 421.  
House Jour-  
nal, p. 242.  
*Supra*, chap.  
235. *Infra*,  
chap. 238.

*Voted*, That His Excellency the Captain General be desired to give Orders that within Twelve Months there be Erected within the Town or Harbour of Sherburn on Nantucket A good and Sufficient Brest Work and a Plat form Built and Six Guns Six Pounders or others Equivalent Mounted and all Suitable Warlike Stores procured, and that the Sum of One Hundred & Fifty Pounds be granted and paid out of the Publick Treasury to the Order of the said Town, they giving Security to the Province Treasurer for the Erecting said Works and procuring said Stores, And that the same shall be from time to time Maintained or on the failure either of their performing said Works or Maintaining them the Money hereby granted to be repaid by said Town into the Province Treasury again. [*Passed April 12.*]

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## CHAPTER 238.

### VOTE FOR FORTIFYING EDGAR TOWN ON MARTHA'S VINEYARD ISLAND.

Legislative  
Records of the  
Council, xvii.  
(3), 332.  
Mass.  
Archives,  
lxxii., 604.

Legislative  
Records of the  
Council, xvii.,  
Mis., 424.  
House Jour-  
nal, pp. 241, 242.  
*Supra*, chap.  
237.

*Voted*, that his Excellency the Captain General be desired to give Orders; that there be forthwith procured at the Charge of the Province 5 Guns Six pounders, with Suitable Carriages, Five half Barrels of Gun Powder, a Suitable Number of Shott, and other warlike Stores to the Vallue of Two Hundred Pounds, and Delivered to the Order of Edgartown on Martha's Vineyard they giving Security to the Province Treasurer that they will Erect at their own Cost and Charge, and keep in Repair a Brest work and Platform suitable for s<sup>d</sup> Cannon and on failure either of performing the works, or Maintaining them in Repair, that then the s<sup>d</sup> Cannon and what of the Stores that are not necessarily Expended, Shall be Delivered by said Town to the Province Treasurer. [*Passed April 12.*]



## CHAPTER 239.

## VOTE ALLOWING £800 FOR ENGAGING SCOUTS.

WHEREAS in time of Warr our Inland Frontiers are best Secured by Scouting Parties Therefore

*Voted* that in case of an Indian Warr the Sum of Eight hundred pounds part of the Appropriation now in the Treasurer's hands for Fortifying &c be laid out at the Discretion of the Governour and Council (if necessary in the recess of the Court) to incourage a Suitable number of Men to Scout and Range the Woods both on our Eastern and Western Frontiers in quest of the Enemy in Such proportion and Manner as the Cap<sup>t</sup> General shall Judge most conducive to the protection of His Majesty's Subjects. [*Passed April 12.*]

Legislative  
Records of the  
Council,  
xvii. (3), 333.  
Mass.  
Archives,  
lxxii., 607.

Legislative  
Records of the  
Council, xvii.,  
Mis., 421.  
House Jour-  
nal, p. 242.  
Province  
Laws, li., 1077,  
chap. 11.

## CHAPTER 240.

ORDER DIRECTING THE PROVINCE TREASURER TO SUSPEND THE WARRANT OF EXECUTION AGAINST THE DUNSTABLE ASSESSORS, AND TO ISSUE A WARRANT OF ASSESSMENT.

A PETITION of Ebenezer Parkhurst, Thomas Harwood and Joseph French, Assessors of the Town of Dunstable for the year 1739, Shewing that they are imprisoned in the Goal of the County upon a warrant from the Province Treasurer for not assessing the Inhabitants of the said Town their part of the Loan Money; and forasmuch as the Petitioners never saw nor heard of the said Treasurers Warrant for making the said Assessment; therefore praying for relief from this Court.

Read and in answer

*Ordered* that the Treasurer be directed to Suspend the Warrant of Execution within mentioned on said Assessors and Issue out a Warrant of Assessment to the present Assessors of said Town. Impowering and requiring them to Assess the Said Sum accordingly. [*Passed April 13.*]

Legislative  
Records of the  
Council,  
xvii. (3), 334.  
Mass.  
Archives, cv.,  
191.

Mass.  
Archives, cv.,  
190. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 427.  
House Jour-  
nal, p. 244.

## CHAPTER 241.

ORDER ALLOWING CPT. ANDREW ROBINSON £137. 10 AND A FURTHER SUM OF £100 TO CARRY ON WORK ON THE FORT AT ST. GEORGES RIVER.

A MEMORIAL of Cpt. Andrew Robinson, Shewing that by Order of the late Governor he hath repaired or rebuilt the Fort of St Georges River, on which he has expended about £1,400 in Bills of the Old Tenor and has received but £850 and therefore praying that he may be reimbursed the ballance of his Accompt, and that such further sum may be advanced to him as may be necessary to compleat the said Work.

Read and in Answer hereto

*Ordered* that there be allowed to the Memorialist out of the publick Treasury the Sum of One hundred thirty Seven pounds ten shillings to defrey the Cost of the Materials which have been already

Legislative  
Records of the  
Council,  
xvii. (3), 335.  
Mass.  
Archives,  
lxxii., 588.

Mass.  
Archives,  
lxxii., 587.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 427.  
House Jour-  
nal, p. 243.

purchased and to pay the Charge of all Labourers hitherto Employed with their diet. And in full satisfaction for his own time and trouble. And that the Memorialist be and hereby is directed and Impowered with what Stuff and Materials are already provided, (or may be necessary to be procured), so soon as may be to finish and compleat the said Truck House, and that the further Sum of One hundred pounds be put into his hands, to Enable him to go on with the said Business He to be accountable. [*Passed April 13.*]

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## CHAPTER 242.

### ORDER FOR TRANSFERRING APPROPRIATIONS.

WHEREAS the £1,500 Appropriation and also the £2,500 Appropriation for the pay of the Representatives, made in the last Supply Act are very near if not quite exhausted and there is a considerable Surplusage in sundry other Appropriations. Therefore

*Voted* that the Sum of £250 be transfer'd from the £2,500 Appropriated for the payment of His Majestys Council to the £1,500 Appropriation for payment of Non Establishments. And that the Sum of £300 be transfer'd from the £4,300 Appropriation to the £2,500 Appropriation for payment of the Representatives. [*Passed April 15.*]

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## CHAPTER 243.

### VOTE FOR FORTIFYING THE TOWN OF FALMOUTH.

*Voted* that His Excellency the Captain General be desired to give his Orders that within twelve months there be erected within the Town or Harbour of Falmouth in Casco Bay a good & sufficient Breast Work and a Platform built, and ten guns, twelve pounders or others equivalent mounted, and all suitable Warlike Stores provided; and that the sum of Four hundred Pounds be granted and paid out of the publick Treasury to the order of the said Town; they giving security to the Province Treasurer for the erecting said Works and procuring said stores, and that the same shall be from time to time maintained, or on the failure either of their performing said Works or maintaining them, the money hereby granted to be repaid by said Town into the Province Treasury again. [*Passed April 15.*]

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## CHAPTER 244.

### ORDER ALLOWING £40 TO JOHN OVERING ESQ<sup>r</sup>.

A PETITION of John Overing Esq<sup>r</sup> Praying for a suitable Allowance out of the publick Treasury for his diligent and faithful services as Attorney General of this Province from the year 1729 to this present time.

Read &

Legislative  
Records of the  
Council,  
xvii. (3), 338.  
Mass.  
Archives,  
xix., 150.

Legislative  
Records of the  
Council, xvii.,  
Mis., 429.  
House Jour-  
nal, p. 247.  
Province  
Laws, ii., 1077,  
chap. 11.

Legislative  
Records of the  
Council,  
xvii. (3), 339.

Mass.  
Archives,  
lxxii., 609.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 428.  
House Jour-  
nal, p. 241.  
*Ante*, p. 112,  
chap. 238.

Legislative  
Records of the  
Council,  
xvii. (3), 339;  
*ibid.*, xvii.,  
Mis., 428.

House Jour-  
nal, pp. 231, 250.

*Ordered* that the sum of forty pounds be allowed out of the public Treasury to the petitioner John Overing Esq<sup>r</sup> attorney General in full for his service in said office to this time. [*Passed April 15.*]

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## CHAPTER 245.

### ORDER IMPOWERING JOHN PENGILLY TO ENTER AN APPEAL FROM AN ACTION.

A PETITION of John Pengelly, praying this Court to revive his Petition prefer'd in March last relating to Trial between him and Benjamin Sitton and the Appeal of the Petitioner to the Superior Court in the County of Hampshire, which failed by his Attorneys neglecting to file Reasons of Appeal, and that this Court would now allow him to file Reasons of Appeal, and the Court to try his Appeal accordingly.

Read, And it appearing that the adverse Party has been duly served with a Copy of this Petition; who neglects to give in any Answer

*Ordered* that the Prayer of the Petition be so far granted as that the Memorialist be impowered to enter his Appeal within mentioned at the Superior Court of Judicature to be held at Springfield for the County of Hampshire in September next And that the Justices of the said Court be impowered & directed to try the said Appeal accordingly & to give Judgment therein & award Execution thereupon; Notwithstanding the Petitioners failing to file his Reasons of Appeal; Provided he cause the adverse Party Benjamin Sitton to be served with a Copy of this Order at least fourteen days before the Sitting of the said Court. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xvii. (3), 144,  
340. Mass.  
Archives, xli.,  
668.  
Mass.  
Archives, xli.,  
667. House  
Journal,  
pp. 111, 250.  
*Ante*, p. 16,  
chap. 9.

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## CHAPTER 246.

### ORDER ALLOWING £6. 5 TO JOSH: FULLER.

A PETITION of Joshua Fuller, Shewing that upon the encouragement given by the Government he enlisted thirty soldiers for the Spanish Expedition to be under the command of Cpt. Stephen Richards, to whom the Petitioner was appointed Ensign, and was at the expence of Twenty five Pounds in the said service; praying that he may be reimbursed out of the Treasury.

Read and

*Ordered* that the Sum of Six pounds five Shillings be allowed the Pet<sup>r</sup> out of the publick Treasury in full satisfaction for his Charge and Expence herein mentioned. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xvii. (3), 341.  
Mass.  
Archives,  
lxxii., 585.  
Mass.  
Archives,  
lxxii., 584.  
House Jour-  
nal, pp. 233, 249.  
Province  
Laws, xli., 671,  
chap. 1.

## CHAPTER 247.

## VOTE IMPOWERING ANNA MOUSEL AND OTHERS TO SELL AND CONVEY LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 347.  
Mass.  
Archives, xvii., 879.  
Mass.  
Archives, xvii., 878, 880.  
House Journal,  
pp. 207, 250.

A PETITION of Anna Mousel Relict Widow of Ralph Mousel late of Charlestown in the County of Middlesex deceased and the heirs of the Deceased that are of age and the Guardians of such as are under Age, Shewing that the said Ralph left all his estate real & personal to be at her absolute disposal, that she is now infirm and grown into years, and wants to sell the Real Estate for her necessary support, but finds her title questioned because no mention is made of the Children in the Will; therefore praying that this Court would empower the Petitioners to sell the said Real Estate.

[Read and]

*Voted*<sup>1</sup> that the prayer thereof be Granted and that the petitioners to Gether with Johanah Mousswell widow to Cpt someil Mousswell late of Charlestown, be and are herby fully Impowerd to sell the Estate mentioend in the petition for the uses therein Named and to Execent a Good and lawfull deed or deeds of the same which deed or deeds shall be demed sofisant to Conway the title of the premises In fee any defect In the will Referd to Not with standing. [*Passed April 15.*]

## CHAPTER 248.

ORDER REFERRING THE PETITION OF M<sup>r</sup> MIDDLECOT COOK.

Legislative  
Records of the  
Council,  
xvii. (3), 347.  
Mass.  
Archives, cv., 187.  
Mass.  
Archives, cv., 185.  
House Journal,  
pp. 228, 245.  
Province  
Laws, xi., 584,  
chap. 8.  
Province  
Laws, xii., 352,  
chap. 209.

A PETITION of Middlecot Cook son of Elisha Cook Esq<sup>r</sup> dec<sup>d</sup>; Setting forth his said Fathers service in taking care of building the Hospital at Rainsfords Island, and in managing the affair of the controversy between this Province and the Province of New Hampshire, being one of the Committee in those affairs, for which he received no reeompence in his life time; therefore Praying that this Court would grant such Allowance to his heirs as they shall judge meet for those services.

Read and in Answer

*Ordered* that the Comm<sup>ee</sup> app<sup>ted</sup> to Manage the Affair of the Northern Boundary be directed to lay their Accompts before the Gov<sup>r</sup> and Council that it may be known how the Money granted by this Court has been Expended. And that the within Pet<sup>n</sup> be refer<sup>d</sup> for consideration in the mean time. [*Passed April 15.*]

## CHAPTER 249.

ORDER FOR RECEIV<sup>g</sup> THE NEW BILLS FOR TAXES &<sup>c</sup>.

Legislative  
Records of the  
Council,  
xvii. (3), 348.  
Mass.  
Archives, cii., 219.

*Ordered*, That the Province Treasurer Receiver of Impost, the Several Commissioners of Excise and Collectors of the Taxes be and hereby are fully Authorized and Impowered to receive (as often as tendered) in their said Offices and Capacities, Bills of

<sup>1</sup> The House Journal, p. 250, reads, "*Ordered.*"

Credit of this Government of the last Emission for such Rates, Taxes and Dues as were to have been Discharged by other Bills, and in the following Proportion, Vizt. One Pound in the said last Emitted Bills for Four Pounds Old Tenour or One Pound Six Shillings and Eight pence in Bills of the former new Tenour and so pro rata: And to prevent any Deficiency which might thereby happen in the Funds laid for bringing in the Bills of the former Emissions,

Legislative Records of the Council, xvii., Mis., 430. House Journal, p. 254.

*Ordered* That the above mentioned Officers and Receivers shall and hereby have equal Power to receive (in the forementioned Proportion) Bills of the former Emissions in Discharge of the Dues which the Bills of the last Emission were made to Discharge. [*Passed April 16.*]

## CHAPTER 250.

### ORDER ANNEXING THE ESTATES OF BENJ. MURDOCK AND OTHERS TO THE TOWN OF UXBRIDGE.

A PETITION of Benjamin Murdock, Nathaniel Brewer John Brown, Isaac Martin, David Draper and others, Owners and Proprietors of Lands adjoining to the Town of Uxbridge in the County of Worcester; praying that they may be joined to the said Town and incorporated there, to which the Inhabitants of the said Town have consented in a regular Meeting.

Legislative Records of the Council, xvii. (3), 349. Mass. Archives, cxiv., 690.

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be so far granted as that the 1,000 Acres of Land formerly granted by this Court in 1702 to Simon Bradstreet Esq<sup>r</sup> and confirmed by this Court to His Heirs in 1715. and the 300 Acres granted to Edmund Freeman Esq<sup>r</sup> and confirmed by this Court in 1736, both Tracts belonging to the Pet<sup>rs</sup> and adjoining to the Town of Uxbridge but at present included in no Township, be annexed to the Town of Uxbridge. [*Passed April 16.*]

Mass. Archives, cxiv., 688, 691. Maps and Plans, Mis., iv., 25. Legislative Records of the Council, vii., 353; xvii., Mis., 430. House Journal, pp. 214, 254. Province Laws, xli., 306, chap. 103.

## CHAPTER 251.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON DAN<sup>L</sup> CRESSY'S PETITION FOR A NEW TRIAL OF AN ACTION.

A PETITION of Daniel Cressy of Methuen in the County of Essex, Shewing that he hired of James Fry of Andover a House and Land agreeing to satisfy for the rent in stone wall to be built by the Petitioner; but the parties differing, the matter was carried into the law, and finally submitted to a Rule of Court, and the Petitioner named Henry Ingolls on his part, but being hindered from attending the Court by reason of sickness, he sent his wife and acquainted her with the Referree he had chosen, but she forgot his Christian name, and trusting to the said James Fry, he told her it was James Ingols, who was in fact disaffected to the Petitioner, and by this means the Report of the Referrees was very unjust and much to the damage of the Petitioner; and therefore praying that the Rule of Court and Report may be set aside.

Legislative Records of the Council, xvii. (3), 349. Mass. Archives, xli., 786.

Mass. Archives, xli., 785-797, 801, 803-806. House Journal, p. 247.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Partie the s<sup>d</sup> James Fry with a Copy of this Pet<sup>n</sup> that He shew cause if any he hath on the Second tuesday of the next May Session why the Prayer thereof should not be granted. And Execution is stayed in the mean time. [*Passed April 16.*]

## CHAPTER 252.

ORDER ALLOWING £70. 10 TO JOHN WINSLOW ESQ<sup>r</sup>.

Legislative  
Records of the  
Council,  
xvii. (3), 351.  
Mass.  
Archives,  
lxxii., 598.

Mass.  
Archives,  
lxxii., 596.  
House Jour-  
nal, pp. 238, 249.  
Province  
Laws, xii., 671,  
chap. 1.

A PETITION of John Winslow Esq<sup>r</sup> Shewing that in the year 1740, he raised a Company of One Hundred men for the expedition against the Spaniards, that besides other charges, he paid twenty five shillings per week per man for their subsistence, and was allowed but twelve shillings per week; praying that he may be reimbursed the remainder of his charge.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Pet<sup>r</sup> be allowed out of the publick Treasury the Sum of Seventy pounds ten shillings in full Satisfaction for the Charge of Subsisting the Voluntiers &c herein mentioned. [*Passed April 17.*]

## CHAPTER 253.

ORDER OF NOTICE ON THE PETIT<sup>n</sup> OF BENJ BEAL & OTHERS.

Legislative  
Records of the  
Council,  
xvii. (3), 351.

House Jour-  
nal, p. 221.  
Province  
Laws, xii., 724,  
chap. 140.

A PETITION of Benjamin Beal, Jonathan Whitney, and Simon Davis; praying for a New Trial on a Writ of Scire facias, brought against them at the Inferior Court of Common Pleas for the County of Middlesex, by Josiah Powers of Littleton, as more particularly set forth in their Petition, [Province Laws, xii., 724, chap. 140]

Read and

*Ordered* that the Petitioners serve the adverse party, the said Josiah Powers, with a Copy of this Petition, that he shew cause if any he hath, on the second Fryday of the next May Session, why the prayer thereof should not be granted. [*Passed April 17.*]

## CHAPTER 254.

VOTE FOR THE ESTABLISHMENT OF PROVISIONS FOR Y<sup>e</sup> PROVINCE SNOW.

Legislative  
Records of the  
Council,  
xvii. (3), 340.  
Mass.  
Archives,  
lxiv., 181.

Legislative  
Records of the  
Council, xvii.,  
Mis., 431.  
House Jour-  
nal, p. 250.

*Voted* that y<sup>e</sup> Establishment for Provisions of the Following Species, Shall be Allowed y<sup>e</sup> Officers & Sailors on board y<sup>e</sup> Province Snow; Shall be to each man p Week.

7½: pounds w<sup>t</sup> of Bread  
7: Gallons of beer  
4½ pounds w<sup>t</sup> of Beef

4½: pounds w<sup>t</sup> of pork  
1: quart of pease  
1: quart of Indian Corne

[*Passed April 21.*<sup>1</sup>]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (3), and the House Journal the date is April 15; to Legislative Records of the Council, xvii., Mis., it is April 12.

## CHAPTER 255.

ORDER ON THE PETITION OF THE CLERKS OF THE SUPERIOR COURT  
DIRECTING THE BURNING OF COUNTERFEIT BILLS.

A PETITION of the Clerks of the Superior Court, praying for the direction of this Court as to the disposal of a quantity of Counterfeit Bills, amounting to between thirteen and fourteen hundred Pounds, upon which the persons indicted for being concerned in the forgery have had their trial.

Read And in Answer hereto

*Ordered* that the Memorialists be directed in the presence of two or more of the Judges of the Sup<sup>r</sup> Court to consume the s<sup>d</sup> Counterfiet Bills to Ashes They to render an Acc<sup>t</sup> hereof to this Court.<sup>1</sup>  
[*Passed April 21.*

Legislative  
Records of the  
Council,  
xvii. (3), 354.  
Mass.  
Archives, cil.,  
221.

Legislative  
Records of the  
Council, xvii.,  
Mis., 432.

## CHAPTER 256.

ORDER ALLOWING THE ACCOUNT OF M<sup>r</sup> SOLICITOR SHARP FOR SER-  
VICES IN REGARD TO THE CONTROVERSY OVER THE NEW HAMP-  
SHIRE LINE.

AN ACCOMPT presented by M<sup>r</sup> John Sharp of London of the charge he was at, with his time and trouble as Solicitor in the Controversy between the Province of New Hampshire and the late Governor Belcher in the years 1737 and 1738, amounting to the sum of £201. 3. 4 sterling.

Read and

*Ordered* that the within Accompt be allowed, and the Treasurer is hereby directed to remitt the said Sum of £201. 3. 4 to the Accomptant John Sharp Esq<sup>r</sup> accordingly. [*Passed April 21.*

Legislative  
Records of the  
Council,  
xvii. (3), 354.  
Mass.  
Archives, xx.,  
332.

Mass.  
Archives, xx.,  
330. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 431.  
House Jour-  
nal, p. 258.

## CHAPTER 257.

RESOLVE LEVYING A TAX ON VESSELS FOR THE SUPPORT OF THE  
LIGHTHOUSE.

*Resolved* that for the future & Untill the further orders of this Court all vessells entring Inwards from forrign Parts shall pay to y<sup>e</sup> Comissioner of Impost for the use of the Light house, one half penny p Ton, & the same vessells outward bound on forreign voyages Shall before their Clearance pay one half penny p Ton for Said use, all vessells Coasting Eastward as far as Annapolis & Canco, & Southward so far as North Carolina to pay one shilling Each ves-sell for Each voyage they make from Either of the Ports within the Limits Aboue Described, upon their Entring Inwards. [*Passed April 22.*

Legislative  
Records of the  
Council,  
xvii. (3), 355.  
Mass.  
Archives, lxi.,  
182.

Legislative  
Records of the  
Council, xvii.,  
Mis., 432.  
House Jour-  
nal, p. 261.

<sup>1</sup> Not found in the House Journal.

Legislative  
Records of the  
Council, xvii.,  
Mis., 432.

Legislative  
Records of the  
Council,  
xvii. (3), 356.  
House Jour-  
nal, p. 262.  
Province  
Laws, ii., 1077,  
chap. 11.  
*Ante*, p. 114,  
chap. 242.

## CHAPTER 258.

### ORDER TRANSFERRING APPROPRIATIONS.

*Ordered* that two hundred pounds be transferred from the grant of £6,500 for fortifying &c to the £2,500 Grant. for the payment of representatives. [*Passed April 22.*]

## CHAPTER 259.

### VOTE APPOINTING A COMMITTEE FOR THE LIQUIDATION OF THE SILVER AND MANUFACTURING SCHEMES.

In the House of Representatives

Whereas it is Expedient and necessary for the peace and Quiet of His Majestys Subjects in this Province, that all the Notes of the late Companies, comonly called the Companies of the Silver & Manufactory Schemes, should be drawn in and Consumed as soon as may be.

*Voted* that Mr Tho<sup>s</sup> Cushing Mr Edw<sup>d</sup> Bromfield and Mr Ja<sup>s</sup> Allen with such as the Honourable Board Shall Join be a Committee (the Major part of whom to be a Quorum) to Inspect and Examine the Books, Instruments and Writings of the said late Companies, and to take an Acco<sup>t</sup> of what Quantity of Notes, & to what Value have been Issued out by Each of them, & in what Proportions the Same have been Distributed among the Directors & partners of the Said Companies, & what Quantitys of the S<sup>d</sup> Notes have been drawn in & Consumed, & to make return to the General Court at their Session in May next of their doings herein together with a List of the Several Directors & partners of Each of the said late Companies who have not brought in their Several Quota's of the afores<sup>d</sup> Notes by them received to be Consumed, together with the Value of the several Quantitys of said Notes by them neglected to be brought in, that Effectual Care may be taken to cause the said Outstanding Notes to be brought in & Consumed as speedily as may be. The Charge of the Comm<sup>ee</sup> to be defreyed by the said late Companys respectively.

In Council

Read and Concurr'd and John Jeffries Esq<sup>r</sup> and Mr John Wheelwright are join'd in the Affair. [*Passed April 23.*]

## CHAPTER 260.

### ORDER ADJOURNING THE MEETING OF THE PROPRIETORS OF Y<sup>E</sup> NARRAGANSET TOWN N<sup>O</sup> SEVEN.

A PETITION of Shubal Gorham Esq<sup>r</sup> in behalf of the Proprietors of the Narraganset Township Number Seven shewing that the said Proprietors at their last Meeting made choice of Mr Moses Pierson to be their Moderator, but by reason of his attending his duty in the General Court he will not be able to attend at the Adjournment

Legislative  
Records of the  
Council,  
xvii. (3), 358.  
Mass.  
Archives,  
cxiv., 709.



of the said Meeting, which will be on the Twenty seventh Instant; and therefore Praying that this Court would adjourn the said Meeting to some further day.

Read and

*Ordered* that the Prayer of this Petition be granted and that the Meeting of the Proprietors of the Township within mentioned which was to be held (by adjournment) on Tuesday next, be continued to Wednesday the nineteenth Day of May next, at ten of the Clock before noon then to be held at the Dwelling House of M<sup>r</sup> Moses Pearson at Falmouth; The Petitioner causing the sd Proprietors to be Notified of this Order by Publishing the same in the next Publick Prints, & by Posting a Notification hereof in some Publick Place in Falmouth fourteen Days before the Day hereby assign'd for holding s<sup>d</sup> meeting.<sup>1</sup> [*Passed April 23.*]

Mass. Archives, cxiv., 708. Legislative Records of the Council, xvii., Mis., 433. *Ante*, p. 52, chap. 92.

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## CHAPTER 261.

ORDER ADDING M<sup>r</sup> ALLEN TO THE COMMITTEE ABT<sup>t</sup> Y<sup>e</sup> CASTLE.

*Ordered* that M<sup>r</sup> Allen be added to the Committee appointed to take care of the repairs of the Castle &c. [*Passed April 23.*]

Legislative Records of the Council, xvii., Mis., 434.

Legislative Records of the Council, xvii. (3), 358. House Journal, pp. 197, 262. *Ante*, p. 109, chap. 230.

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## CHAPTER 262.

VOTE ALLOWING THE COMMITTEE FOR SIGNING BILLS £6. 3 PER THOUSAND.

*Voted* that the Committee appointed to Sign the Bills of the last Emission be allowed Six pounds three shillings Old Tenor a Thousand for Signing Only. [*Passed April 23.*]

Legislative Records of the Council, xvii., Mis., 434. Mass. Archives, cii., 224.

Legislative Records of the Council, xvii. (3), 359. House Journal, p. 262. *Ante*, p. 85, chap. 171.

<sup>1</sup> Not found in the House Journal.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1742-43.



# LEGISLATIVE LIST<sup>1</sup>

FOR

1742-43.

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HIS EXCELLENCY WILLIAM SHIRLEY,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;*

WILLIAM DUDLEY	}	ESQRS.	THOMAS BERRY	}	ESQRS.
JOHN OSBORNE			JOSEPH WILDER		
EBENEZER BURRILL			DANIEL RUSSELL		
EZEKIEL LEWIS			SAMUEL DANFORTH		
FRANCIS FOXCROFT			JOHN READ		
JOHN JEFFRIES			WILLIAM FOYE		
JOSIAH WILLARD			JOHN GREENLEAF		
JACOB WENDELL			SAMUEL WALDO		
ANTHONY STODDARD	SAMUEL WATTS				

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;*

JOHN CUSHING	}	ESQRS.	SHUBAL GORHAM	}	ESQRS.
NATHANIEL HUBBARD			GEORGE LEONARD		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine ;*

WILLIAM PEPPERIL, JEREMIAH MOULTON & JOHN HILL, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock and Nova Scotia ;*

JAMES ALLEN, Esq.

<sup>1</sup> See Legislative Records of the Council, xvii. (3), 366-371.

*For the Province, at large:—*

JOSEPH DWIGHT & JOHN QUINCY, ESQRS.

REPRESENTATIVES OR DEPUTIES.

*May 26, 1742 to April 23, 1743.*

MR. THOMAS CUSHING, SPEAKER.

COUNTY OF SUFFOLK.	COUNTY OF MIDDLESEX — <i>Concluded.</i>
<i>Boston</i> , <sup>1</sup> . . . Mr. Thomas Cushing, Mr. Timothy Prout, Mr. Edward Bromfield, Mr. James Allen.	<i>Watertown</i> , . . . Mr. Jonas Bond. <i>Woburn</i> , . . . Mr. Rowland Cotton. <i>Concord</i> , . . . James Minot, Esq. <i>Reading</i> , . . . Mr. Samuel Bancroft. <i>Newton</i> , . . . Samuel Jackson, Esq. <i>Sudbury</i> , . . . Mr. Thomas Taylour.
<i>Roxbury</i> , . . . Mr. Eleazar Williams. <i>Dorchester</i> , . . . Capt. Thomas Wiswall. <i>Milton</i> , . . . Mr. Benjamin Sumner. <i>Braintree</i> , . . . Joseph Gooch, Esq. <i>Weymouth</i> , . . . Major Adam Cushing. <i>Hingham</i> , . . . Mr. Thomas Gill.	<i>Groton</i> , . . . William Lawrence, Esq. <i>Marlborough</i> , . . . Samuel Brigham, Esq. <i>Billerica</i> , . . . Benjamin Thomson, Esq. <i>Framingham</i> , . . . Joseph Buckminster, Jr., Esq.
<i>Dedham</i> , . . . Joseph Richards, Esq. <i>Medfield</i> , . . . Capt. John Dwight. <i>Wrentham</i> , . . . Capt. Joseph <sup>2</sup> Blake. <i>Brooklyn</i> , . . . Major Edward White. <i>Stoughton</i> , . . . Capt. John Shepherd. <i>Chelsea</i> , . . . Samuel Watts, Esq.	<i>Lexington</i> , . . . Capt. William Read. <i>Chebmsford</i> , . . . Mr. Benjamin Chamberlain. <i>Sherburn</i> , . . . Capt. Isaac Coolidge. <i>Malden</i> , . . . Capt. Samuel Green. <i>Weston</i> , . . . Mr. Joseph Livermore. <i>Medford</i> , . . . Mr. William Willis. <i>Littleton</i> , . . . Mr. Jonathan Prescott. <i>Hopkinton</i> , . . . John Jones, Esq. <i>Stow</i> , . . . Mr. Phineas Rice. <i>Waltham</i> , . . . Mr. John Cutting. <i>Holliston</i> , . . . Mr. Thomas Marshall.
COUNTY OF ESSEX.	COUNTY OF HAMPSHIRE.
<i>Salem</i> , . . . Daniel Epes, Esq., Mr. John Gardner.	<i>Springfield</i> , . . . Mr. Timothy Nash. <i>Northampton</i> , . . . John Stoddard, Esq. <i>Hudley</i> , . . . Eleazar Porter, Esq. <i>Hatfield</i> , . . . Oliver Patridge, Esq. <i>Westfield</i> , . . . Thomas Ingersol, Esq. <i>Suffield</i> , . . . Mr. Samuel Kent. <i>Deerfield</i> , . . . Mr. Elijah Williams.
<i>Ipswich</i> , . . . John Choat, Esq., Andrew Burleigh, Esq.	COUNTY OF WORCESTER.
<i>Newbury</i> , . . . Joseph Gerrish, Esq. <i>Marblehead</i> , . . . James Skinner, Esq. <i>Lynn</i> , . . . Mr. Thomas Chever. <i>Andover</i> , . . . John Osgood, Esq. <i>Beverly</i> , . . . Robert Hale, Esq. <i>Rowley</i> , . . . John Hobson, Esq. <i>Salisbury</i> , . . . Mr. Daniel <sup>3</sup> Ring. <i>Haverhill</i> , . . . Mr. Richard Hazzen. <i>Glocester</i> , . . . Capt. James Davis. <i>Topsfield</i> , . . . Mr. Richard <sup>4</sup> Peabody. <i>Amesbury</i> , . . . Thomas Rowell, Esq. <i>Boxford</i> , . . . Mr. Benjamin Porter. <i>Bradford</i> , . . . Mr. Richard Kimball.	<i>Worcester</i> , . . . John Chandler, Jr., Esq. <i>Lancaster</i> , . . . Samuel Willard, Esq. <i>Mendon</i> , . . . Capt. Robert Taft. <i>Woodstock</i> , . . . Mr. Isaiah Tiffany. <i>Brookfield</i> , . . . Capt. Josiah Converse. <i>Sutton</i> , . . . Mr. Percival Hall.
COUNTY OF MIDDLESEX.	
<i>Cambridge</i> , . . . Mr. Andrew Boardman, Jr. <i>Charlestown</i> , . . . Ezekiel Chever, Esq.	

<sup>1</sup> On June 1, 1742, Thomas Hutchinson was chosen Representative. — House Journal, p. 14.

<sup>2</sup> "James," in the House Journal, p. 4.

<sup>3</sup> "David," in the House Journal, p. 4.

<sup>4</sup> "Jacob," in the House Journal, p. 4; also in Essex County Records, p. 984.

COUNTY OF WORCESTER — *Concluded.*

*Southborough*, . . Mr. Samuel Lyscom.  
*Shrewsbury*, . . Nahum Ward, Esq.  
*Oxford*, . . . Mr. Samuel Davis.  
*Uxbridge*, . . . Mr. Robert Taft.

COUNTY OF PLYMOUTH.

*Plymouth*, . . James Warren, Esq.  
*Scituate*, . . Mr. Thomas Clap.  
*Duxbury*, . . Capt. Gamaliel Bradford.  
*Marshfield*, . . Otis Little, Esq.  
*Bridgewater*, . Capt. Nehemiah Wash-  
                   bourn.  
*Middleborough*, Elkanah Leonard, Esq.  
*Rochester*, . . Capt. Noah Sprague.  
*Plympton*, . . Mr. Richard<sup>1</sup> Churchill.  
*Pembroke*, . . Mr. John Magoon.  
*Hanover*, . . . Mr. Thomas Joslyn.

COUNTY OF BARNSTABLE.

*Barnstable*, . . Sylvanus Bourn, Esq.  
*Sandwich*, . . Mr. Samuel Tupper.  
*Yarmouth*, . . John Hallet, Esq.  
*Eastham*, . . Capt. Samuel Knowles.  
*Harwich*, . . . Edmund Freeman, Esq.

COUNTY OF BRISTOL.

*Bristol*, . . . Stephen Payne, Esq.

COUNTY OF BRISTOL — *Concluded.*

*Taunton*, . . . Mr. Jonathan Godfrey.  
*Rhoboth*, . . . Capt. Joseph Wheeten.  
*Attleborough*, . Capt. Mahew Dagget.  
*Dighton*, . . . Sylvester Richmond, Jr.,  
                   Esq.  
*Swansey*, . . . Mr. Esec Brown.  
*Little Compton*, . Capt. William Richmond.  
*Dartmouth*, . . Mr. John Tripp.  
*Norton*, . . . George Leonard, Esq.

COUNTY OF YORK.

*York*, . . . . Mr. Samuel Clark.  
*Kittery*, . . . Mr. Samuel Shory.  
*Wells*, . . . . Mr. Jacob Perkins.  
*Berwick*, . . . Mr. Moses Butler.  
*Falmouth*, . . Mr. Joshua Bangs.  
*Brunswick*, . . Mr. David Dunning.  
*North Yarmouth*, Mr. Cornelius Sole.  
*Scarborough*, . Capt. Samuel Haines.

DUKES COUNTY.

*Edgar Town*, . . Mr. John Norton.  
*Chilmark*, . . . Zaccheus Mahew, Esq.  
*Tisbury*, . . . Jabez Athern, Esq.

IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . . George Bunker, Esq.

<sup>1</sup> "William," in the House Journal, p. 4; also in Plymouth County Records, p. 1116.





# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF MAY, A.D. 1742.

## CHAPTER 1.

VOTE ALLOWING THE EXPENSES OF THE COMMITTEE ON THE VALUATION  
OF ESTATES.

*Voted* the expences of the Committee appointed this day to take into consideration the list of the rateable estate of the province be allowed to be paid out of the Province Treasury. [*Passed May 28.*]

Legislative  
Records of the  
Council,  
xvii. (3), 375;  
*ibid.*, xvii.,  
Mis., 434.

House Journal,  
pp. 7, 8.  
Province  
Laws, ii., 1072,  
chap. 9. *Ante*,  
p. 53, chap. 95.

## CHAPTER 2.

VOTE IMPOWERING ZECH<sup>A</sup> FIELD TO SURVEY AND LAY OUT 400 ACRES  
OF LAND.

A PETITION of Zechariah Field of Northfield; Shewing that the General Court in the year 1734 made him a grant of Eight Hundred Aeres of Land in consideration of the Indian Right which he had purchased to the Lands at Paquoig and afterwards conveyed to the Province, where a Town is now granted and laid out; that the Petitioners Grant was to be laid out in two pieces, both to adjoin to the said Township of Paquoig, and were laid out accordingly, as was then apprehended; but it now appears that the greatest part of the said Tracts falls within the Township called New Salem; and therefore praying liberty to take up the Land that is wanting, in some other place, not adjoining to the Township at Paquoig.

Legislative  
Records of the  
Council,  
xvii. (3), 377.  
Mass.  
Archives,  
xlvi., 124.

Legislative  
Records of the  
Council, xvii.,  
Mis., 435, 455.  
House Journal,  
p. 138  
(December,  
1741); p. 10.  
Province  
Laws, xii., 61,  
chap. 121.

Read and

*Voted* that the Pet<sup>r</sup> have liberty to lay out four hundred Acres of the Unappropriated Lands of the Province lying in the County of Hampshire and adjoining to some Township or Grant already laid out where it may least incommode the laying out of a Township in Lieu of four hundred Aeres of Land which the Pet<sup>r</sup> by Grant from this Court laid out on the Southwesterly part of Pequog so called (most of which appears to be in the New Township of New Salem) And that He by a Skilful Surveyor and Chain Men on Oath take a plat thereof and return the same to this Court in twelve months for confirmation

*Ordered* that the above Memorial be revived and the Order<sup>1</sup> thereon confirmed. [*Passed May 29.*]

<sup>1</sup> The order (or *vote, supra*) was passed in the House of Representatives on December 19, 1741. See House Journal, p. 138.

## CHAPTER 3.

## ORDER OF NOTICE ON THE PETITION OF TIMOTHY NASH FOR A NEW TRIAL OF A CAUSE.

Legislative  
Records of the  
Council,  
xvii. (3), 378.  
Mass.  
Archives, xlii.,  
50.

Mass.  
Archives, xlii.,  
49. House  
Journal, p. 12.

A PETITION of Timothy Nash in behalf of Daniel Parsons of Springfield; praying that the said Daniel may be admitted to try a cause at the next Superior Court for the County of Hampshire which he commenced at the Inferior Court of Common Pleas for said County in August 1738, against Robert Old, where Judgment went against him, from which he appealed, to the Superior Court, but the parties agreeing to submit this Action, and two Actions the said Old brought against the Petitioner at the same Court, to Referrees, the Appeals of Parties fell through, and the Referrees never could agree upon any Determination thereon.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Partie the said Robert Old with a Copy of this Pet<sup>n</sup> that He shew cause if any he have on Wednesday the 16<sup>th</sup> of June next why the Prayer thereof should not be granted. [*Passed May 29.*]

## CHAPTER 4.

## ORDER ALLOWING £30 TO WILLIAM MURRAY AND SAMUEL GRAINGER.

Legislative  
Records of the  
Council,  
xvii. (3), 381.  
Mass.  
Archives, cv.,  
198.

Mass.  
Archives, cv.,  
196. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 436.  
House Jour-  
nal, pp. 13, 14.

A PETITION of Oliver Patridge Esq<sup>r</sup> in behalf of William Murray and Samuel Grainger who were Sureties for one Samuel Fairfield, reputed father of a bastard Child born of the body of Silence Hastings in the County of Hampshire, for the said Fairfields maintaining said Child; praying that the Province Treasurer may be directed to return the Petitioners thirty pounds, being part of what was recovered of them on their said Bond, the said Child being not like to be a further charge to the place.

Read and

*Ordered* that the Province Treasurer be directed to pay the Sum of thirty pounds Old Tenor Bills or equivalent thereto, to the Pet<sup>r</sup> for the Use of the within named Murray and Grainger by him to be paid unto them accordingly. [*Passed June 1.*]

## CHAPTER 5.

ORDER OF NOTICE ON THE PETITION OF SAM<sup>l</sup> & ELDAH POMROY PRAYING TO BE ANNEXED TO NORTHAMPTON FIRST PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (3), 382.

House Jour-  
nal, p. 15.

A PETITION of Samuel Pomroy and Eldad Pomroy of Northampton, shewing that their Houses and Lands are within the Bounds of the new Precinct there; but are much more conveniently situated for the first Precinct; praying that they and their families and Estates may belong to the said first Precinct.

Read and

*Ordered* that the Petitioners serve the Committee of the Second

Precinct in Northampton with a Copy of this Petition, that they shew cause if any they have, on the first Tuesday of the next Session why the prayer thereof should not be granted. [*Passed June 1.*]

## CHAPTER 6.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF COLL. ALMY & IMPOWERING THE RECONSIDERATION OF A JUDGMENT.

A PETITION of Job Almy of Tiverton in the County of Bristol Esq<sup>r</sup> Shewing that there is a considerable mistake in the sentence of the Court of Assize held in said County in October 1740 against William Briggs & others who were found guilty of killing the Petitioners Cattle and other enormous crimes; praying that this Court would empower the Justices of the said Court of Assize to reconsider the said sentence, and make such addition thereunto as they shall judge reasonable.

Legislative  
Records of the  
Council,  
xvii. (3), 381,  
385. Mass.  
Archives, cv.,  
200.

Mass.  
Archives, cv.,  
199. House  
Journal, pp. 16,  
17.

[A committee appointed thereon reported]

in answer to this Petition the Committee are of Opinion that the Same be granted and that upon application by the s<sup>d</sup> Job Almy to His Majestys Justices of the court of assize<sup>1</sup> & Generall Goal Delivery for a Reconsideration of their Judgem<sup>t</sup> against William Briggs of Little Compton given in the year 1741 to pay treble Damages to the S<sup>d</sup> Almy for one Ox only Stollen by the S<sup>d</sup> Briggs he being Convict by verdict of Jury for Stealing Six oxen of the s<sup>d</sup> Almys And upon Such application and Notifying the s<sup>d</sup> Briggs of this order by Serveing him with a Copy there of or leaving a Copy at His usual place of abode seven Days before the Sitting of the Court of Assize at Bristole in october next The Justices of s<sup>d</sup> Court be enabled & empowered at the S<sup>d</sup> Court to Reconsider their s<sup>d</sup> Judgment against the s<sup>d</sup> William & to Enter up Judgment anew (pursuant to his Conviction by Verdict of the Jury.) as to Law & Justice doth appertain, & award Execution accordingly.

by order of the Committee

W<sup>m</sup> DUDLEY

Read and

*Ordered* That this Report be accepted; And That the Justices of the Court of Assize and General Goal Delivery be and hereby are empowered, upon Application made to them for that Purpose, by the Petitioner, to reconsider their Judgment within mention'd, at their Sitting at Bristol in October next, and proceed therein as to Law and Justice appertains: Provided the Petitioner leave a Copy of this Order at the Said Briggs's usual place of Abode Seven days before the Sitting of Said Court. [*Passed June 2.*]

## CHAPTER 7.

### ORDER IMPOWERING THO<sup>s</sup> PEGAN INDIAN, TO EXECUTE A DEED OR DEEDS.

A PETITION of Thomas Pegan of Natick Indian, praying that he may be empowered to sell so much of his out Lands in Natick as may be sufficient to pay his engagements for his Son, and that

Legislative  
Records of the  
Council,  
xvii. (3), 388.  
Mass.

<sup>1</sup> Sic.

Archives,  
xxxl., 401.

Mass.  
Archives,  
xxxl., 400-402.  
House Jour-  
nal, p. 22.

all Writs & Executions against him may be stop'd till he can dispose of said Lands.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is hereby Enabled to Execute a good Deed or Deeds in the Law for so much of the lands mentioned herein as shall be needful to pay and discharge the Execution that now lyes against him, and his other Just Debts, and Charge arising by such sale and Edward Goddard Esq<sup>r</sup> and M<sup>r</sup> Joseph Livermore are desired to advise and Assist the Pet<sup>r</sup> therein and See that Justice be done in the affair and report their doings to this Court at their next Session And all Executions are stay'd in the mean time. [*Passed June 4.*]

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## CHAPTER 8.

ORDER APPOINTING A COMMITTEE TO ENQUIRE ABOUT THE PROGRESS OF THE TOWNSHIPS GRANTED SINCE 1725.

In the House of Rep<sup>ves</sup>

*Ordered* that M<sup>r</sup> Clap M<sup>r</sup> Boardman Cap<sup>t</sup> Jackson Col Chandler and Col Epes with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> to take under consideration the several Grants that have been made to Persons for Townships since 1725. And to Enquire what Progress those Grantees have made and what discouragements and Obstacles they have met with in the Settlement of those Towns and to consider what is expedient to Encourage them to proceed and finish those Settlements with all convenient Speed and thereof make report as soon as may be.

In Council; Read & Concur'd and W<sup>m</sup> Dudley, John Read & John Quiney Esq<sup>rs</sup> are joined in the Affair. [*Passed June 4.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 443.  
Mass.  
Archives,  
xlvi., 138.

Legislative  
Records of the  
Council,  
xvii. (3), 388.  
House Jour-  
nal, p. 23.

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## CHAPTER 9.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE BERWICK INHABITANTS ABOUT A MEETING HOUSE.

A PETITION of Nathan Lord and a considerable number of others, Inhabitants of the town of Berwick, complaining of the proceedings there as to the building of a New Meeting House; and praying that this Court would send a Committee to view the said Town and report what they think proper for the Court to do in the affair, and that all other Proceedings therein may be stop'd in the mean time.

In the House of representatives read &

*Ordered* that M<sup>r</sup> Clark & M<sup>r</sup> Perkins with such as the Hon<sup>ble</sup> Board shall joyn be a Com<sup>tee</sup> to repair to y<sup>e</sup> Said town inquire into the Situation & Circumstances thereof & report what they Judge proper for this Court to do thereon at their next Session and that the Town be Directed to Suspend in y<sup>e</sup> Meantime any further Proceeding in building a Meeting house, The Cost and Charge of said Com<sup>tee</sup> to be defrayed by the Petitioners

In Council read & Concurr'd & Jer: Moulton Esq<sup>r</sup> is Joyn'd in y<sup>e</sup> affair. [*Passed June 4.*]

Legislative  
Records of the  
Council, xvii. (3), 389.  
Mass.  
Archives,  
cxv., 378.

Mass.  
Archives,  
cxv., 377.  
House Jour-  
nal, pp. 19, 22.

## CHAPTER 10.

## ORDER GRANTING TO STE. WILLIAMS 100 ACRES OF LAND.

A PETITION of M<sup>r</sup> Stephen Williams of Springfield, praying that this Court would either grant him a piece of land of about one Hundred Acres lying near the Town of Somers and between Collins's and Coltons Grant, upon his making a settlement there, or that they would sell him said land.

Read and

*Ordered* that there be granted to the Pet<sup>r</sup> His Heirs and Assigns One hundred Acres of the Unappropriated Lands of the Province lying East of Somers in the County of Hampshire to be bounded as follows. Viz<sup>t</sup> South on the Colony Line East on a grant of Land laid out to Thomas Colton. West on a Grant of Land laid out to M<sup>r</sup> Collins, to Extend North so far as to make the full Quantity of one hundred Acres provided it does not interfere with any former Grant.

And that the Pet<sup>r</sup> within five Years build a house eighteen feet square and Seven feet Stud on said Land, and clear and bring to mowing or ploughing the quantity of five Acres thereof and hath actually a Family living on said Land and that He return a Plat thereof to this Court within twelve months for confirmation.

[*Passed June 4.*

Legislative  
Records of the  
Council,  
xvii. (3), 390.  
Mass.  
Archives, xii.,  
225.

Mass.  
Archives, xii.,  
224. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 438.  
House Jour-  
nal, p. 20.

## CHAPTER 11.

## ORDER IMPOWERING JAC. CHALCOM, INDIAN, TO SELL LAND.

A PETITION of Jacob Chalcom of Natick, Indian, praying for liberty from this Court to sell ten acres of land in Natick to enable him to pay the charge of finishing a Barn he has begun to build.

Read and

*Ordered* that the within Petition be Granted and the Petitioner be hereby Impowered to Sell Ten Acres of his Land the mony Ariseing by the Sale thereof to be Apply'd for the Purposes therein Mentioned and John Jones Esqr is desired to Advise and Assist the petitioner therein the produce to be applyed for the purpose herein mentioned And See that Justice be done him, and Report herein to this Court at their Next Seting. [*Passed June 4.*

Legislative  
Records of the  
Council,  
xvii. (3), 390.  
Mass.  
Archives,  
xxxI., 404.

Mass.  
Archives,  
xxxI., 403.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 445.  
House Jour-  
nal, p. 23.

## CHAPTER 12.

## ORDER IMPOWERING THOMAS AWUNSAMUG, INDIAN, TO SELL LAND.

A PETITION of Thomas Awunsamug of Natick, Indian, praying for liberty to sell Twenty five Acres of his common Lands, to enable him to compleat the payment for eighty acres he has purchased, and enable him to build a house there.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> be allowed and Enabled to Sell twenty five Acres of his common and

Legislative  
Records of the  
Council,  
xvii. (3), 391.  
Mass.  
Archives,  
xxxI., 399.

Mass.  
Archives,  
xxxI., 398.

Legislative  
Records of the  
Council, xvii.,  
Mis., 447.  
House Jour-  
nal, p. 23.

Undivided Lands in Natick for the most they will Sell for, the Money arising by such sale to be applied for the payment of the lands formerly purchased by him, and the remainder to be applied for building a House as herein mentioned and John Jones Esq<sup>r</sup> is desired to advise and Assist the the<sup>1</sup> Pet<sup>r</sup> in Said Sale and See that Justice be done him in the Affair and report thereon to this Court at their next Sitting. [*Passed June 4.*]

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## CHAPTER 13.

### ORDER IMPOWERING JA<sup>s</sup> BARTON AS GUARDIAN TO SELL LAND AND EXECUTE DEED THEREFOR.

Legislative  
Records of the  
Council, xvii. (3), 393.  
Mass.  
Archives,  
xviii., 16.

Mass.  
Archives,  
xviii., 15.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 438.  
House Jour-  
nal, pp. 24, 25.

A PETITION of James Barton of Boston as Guardian to his Sister Katherine a minor; praying for liberty from this Court to sell her quarter part of a piece of land at Newtown (which descended to the Petitioner and his Brother and Sisters from their Grandfather James Barton) which will be much for the advantage of the said Katherine as well as the others concerned, who are all of Age and willing to sell their parts.

Read [and]

*Ordered* that the prayer of the Petition be Granted and the Petitioner be hereby Impowered to pass and Execute a good & Sufficient deed or Deeds in the law for the Same, he first giving Sufficient Security. to the Judge of probate for the County of Suffolk; that the money Arising from s<sup>d</sup> Sale be improved to & for the Use & benefit of the s<sup>d</sup> Margaret the Minor during her Minority, and that what shall remain in his hands, upon balance of his Accompts with the S<sup>d</sup> Judge, be delivered to her, when She shall Arive to Lawfull Age or day of Marriage. [*Passed June 5.*]

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## CHAPTER 14.

### ORDER OF NOTICE ON THE PETITION OF ELEA. STERNS FOR A NEW TRIAL OF AN ACTION.

Legislative  
Records of the  
Council, xvii. (3), 393.  
Mass.  
Archives,  
xlii., 95.

Mass.  
Archives,  
xlii., 93.  
House Jour-  
nal, p. 24.

A PETITION of Eleazar Sterns of Concord, praying for a new Trial at the next Inferior Court for the County of Middlesex of a cause between the Petitioner, and one James Nutting.

Read and

*Ordered* That the Petitioner Serve The Adverse party James Nutting with a Copy of this Petition that So he shew cause (if any he have) on Tuesday the fifteenth Currant why the prayer Thereof Should not be Granted. [*Passed June 5.*]

<sup>1</sup> Sic.

## CHAPTER 15.

ORDER OF NOTICE ON THE PETIT<sup>ns</sup> OF JOHN HOLBROOKE AND OTHERS OF BELLINGHAM AND JAMES ALBEE AND OTHERS OF MENDON TO BE ANNEXED TO BELLINGHAM.

A PETITION of John Holbrook and others of the Town of Bellingham, and James Albee and others of the Town of Mendon, Shewing that by reason of the great number of Sectaries<sup>1</sup> in Bellingham the remaining part are not able to support a Gospel Minister, and that the Petitioners of Mendon are commodiously situated for Bellingham; and therefore praying that part of Mendon particularly described in the petition may be set off from that place and joined to the said Town of Bellingham.

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Town of Mendon with a Copy of this Pet<sup>n</sup> that they shew cause if any they have on the first fry-day of the next Session of this Court why the Prayer thereof should not be granted.<sup>2</sup> [*Passed June 8.*]

Legislative  
Records of the  
Council,  
xvii. (3), 395.  
Mass.  
Archives, xii.,  
228.  
Mass.  
Archives, xii.,  
226-234. House  
Journal, p. 27.

## CHAPTER 16.

ORDER OF NOTICE ON THE PETITION OF OBED EDSON TO SET ASIDE A DECREE OR PROSECUTE AN APPEAL.

A PETITION of Obed Edson and Keturah his wife, praying that a Decree of the Judge of Probate for the County of Plymouth for the settlement of the Estate of Jonathan Willis dec<sup>d</sup> may be set aside, or that the Petitioners may be impowered by this Court to prosecute an Appeal from said Decree.

Read and

*Ordered* that the Petitioners Serve The Adverse party Stoughton Willys & Jonathan Cary with a Copy of this Petition that so they may Shew Cause if any they have on Tuesday the 22<sup>d</sup> Instant why the prayer thereof Should not be Granted. \* [*Passed June 8.*]

Legislative  
Records of the  
Council,  
xvii. (3), 396.  
Mass.  
Archives,  
xviii., 3.  
Mass.  
Archives,  
xviii., 1-8.  
House Jour-  
nal, p. 25.

## CHAPTER 17.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THO<sup>s</sup> MARSH AND OTHERS TO BE MADE A SEPARATE TOWNSHIP OR PARISH.

A PETITION of Thomas Marsh and others, Inhabitants of a Tract of Land between Wear River and Swift River near Brookfield, Shewing that they live at a great distance from any place of publick Worship, & praying that a Committee may be appointed to view their situation and circumstances, and report whether they judge proper they should be made a Township or Parish.

In the House of Rep<sup>ves</sup>

Read and

*Ordered* that Cap<sup>t</sup> Partridge and Cap<sup>t</sup> Converse with such as the

Legislative  
Records of the  
Council,  
xvii. (3), 396.  
Mass.  
Archives,  
cxiv., 772.  
Mass.  
Archives,  
cxiv., 770.  
House Jour-  
nal, pp. 16, 17.

<sup>1</sup> *Sic.*

<sup>2</sup> At the hearing on September 3, 1742, House Journal, p. 70, this petition was dismissed. See also Legislative Records of the Council, xvii. (3), 471.

Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> to View the state and circumstances of the Petitioners. They giving seasonable Notice to the Inhabitants or Proprietors of Brookfield and the Elbows (so called) And the Inhabitants of Western Who may be Effected thereby That they may be present at the Meeting of said Committee if they see cause. The Comm<sup>ee</sup> to report as soon as may be what they Judge proper for the Court to do in answer to this Petition

In Council

Read and Concurr'd and Joseph Wilder Esq<sup>r</sup> is join'd in the Affair. [*Passed June 8.*]

## CHAPTER 18.

### VOTE FOR CELEBRATING Y<sup>e</sup> KINGS ACCESSION.

WHEREAS to Morrow the 11<sup>th</sup> Instant will be the happy Anniversary of the Accession of His Maj<sup>y</sup> King George the Second to the Crown of Great Britain:

*Toted* that the same be Celebrated in the Court House on that day:

And that the Door keeper be directed to inform the Sextons of the several Churches in Boston It is the desire of the Court the bells may be rung out on that Joyful Occasion. [*Passed June 10.*]

## CHAPTER 19.

### ORDER IMPOWERING NOAH ASHLEY TO ENTER A NEW TRIAL OF A CAUSE.

A PETITION of Noah Ashley of Western in the County of Worcester, Shewing that at the Inferior Court of Common Pleas for the County of Hampshire held in May last, one James Poisson sued the Petitioner for a Note of Hand, and he knowing that he had given such Note, neglected to attend the Court, and suffered the Action to go against him by Default; but instead of the true Note he had given, it was a falsified note that was produced in Court and Judgement obtained upon it; And forasmuch as the Petitioner is able to prove that the said Note was falsified, therefore Praying that he may be allowed upon the trial of the said Cause at the next Superior Court for said County, to make an issuable Plea thereon.

Read and in Answer hereto

*Ordered* that the Pet<sup>r</sup> have liberty to make an Issuable Plea in the Cause mentioned, at the next Sup<sup>r</sup> Court to be held at Springfield in and for the County of Hampshire on the fourth tuesday of September next. And the Justices of the said Court are hereby Impowered to recieve the said Plea and hear and try the s<sup>d</sup> Cause by a Jury the default mentioned notwithstanding The Pet<sup>r</sup> serving the said James Poisson or his Attorney with this Order fourteen days at least before the sitting of said Court. [*Passed June 10.*]

Legislative  
Records of the  
Council,  
xvii. (3), 402.  
Mass.  
Archives,  
xlix., 158.

House Jour-  
nal, p. 35.

Legislative  
Records of the  
Council,  
xvii. (3), 403.  
Mass.  
Archives,  
xlii., 55.

Mass.  
Archives,  
xlii., 54-58.  
House Jour-  
nal, p. 31.



## CHAPTER 20.

ORDER ALLOWING THE ACC<sup>t</sup> OF THE COUNTY TREAS<sup>r</sup> OF THE COUNTY OF YORK.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the year 1741; having been laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Legislative  
Records of the  
Council,  
xvii. (3), 406.  
House Jour-  
nal, pp. 10, 35.

Read and

*Ordered* that the within Accompt be allowed; the Ballance due to the Accountant being One Pound Seven Shillings and one Farthing, the last Emission. [*Passed June 12.*]

## CHAPTER 21.

## ORDER GRANTING 250 ACRES OF LAND TO ELIJAH WILLIAMS.

A PETITION of Elijah Williams of Deerfield, setting forth the services of his brother Samuel Williams dec<sup>d</sup> in the War against the French and Indians, & praying for a grant of a long slip of Land containing Two hundred and fifty acres, being seven miles reserved to the Province at the North End of Deerfield, or that the same may be sold to him.

Legislative  
Records of the  
Council,  
xvii. (3), 406.  
Mass.  
Archives,  
lxxii., 613.

Read and in Answer to this Pet<sup>n</sup>

*Ordered* That the land herein mentioned be granted to the Pet<sup>r</sup> His Heirs and Assigns for ever One half thereof in consideration of the Services and Sufferings of the Dec<sup>d</sup> herein named And that He pay into the Province Treasury Six pounds five shillings in Bills of Credit of the last Emission or other Bills equivalent thereto within three Months for the other half, and that the afores<sup>d</sup> Sum be applied to sinking the funds. [*Passed June 12.*]

Mass.  
Archives,  
lxxii., 612.  
Maps and  
Plans, Mis.,  
xxxv., 20.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 442.  
House Jour-  
nal, pp. 27, 35.

## CHAPTER 22.

ORDER OF NOTICE ON THE PETIT<sup>ns</sup> OF DIVERS INHABITANTS OF SCARBOROUGH & BIDDEFORD RELATIVE TO THE FORFEITURE OF RIGHTS IN NARRAGANSETT TOWNSHIP N<sup>o</sup> ONE.

A PETITION of Elliot Vaughan and others, Inhabitants of the Towns of Biddeford and Scarborough, complaining of the delinquency of many of the Grantees of the Narraganset Township, laid out on the Borders of the said Towns, (commonly called Number One) and the said Grantees utterly neglecting to settle themselves on their Lots, which is a great weakening to the Inhabitants of the said Towns of Biddeford and Scarborough; and therefore Praying that either the said Grantees may be obliged to settle there, or the Petitioners, or some of them, have their forfeited Lots granted them.

Legislative  
Records of the  
Council,  
xvii. (3), 408.  
Mass.  
Archives,  
cxiv., 764.

Read and

*Ordered* that Cap<sup>t</sup> Samuel Haines Serve the Clerk of the Proprietors or Grantees with a Copy of this Pet<sup>n</sup> that they shew cause

Mass.  
Archives,  
cxiv., 762.  
House Jour-  
nal, p. 35.

if any they have on the Second tuesday of the next Fall Session why the Respective Rights of the delinquent Prop<sup>rs</sup> or Grantees should not be declared forfeited.<sup>1</sup> [*Passed June 14.*]

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## CHAPTER 23.

### ORDER OF NOTICE ON THE PETITION OF SUSANNAH BODINGHAM FOR LEAVE TO SELL AN ESTATE.

Legislative  
Records of the  
Council,  
xvii. (3), 380.  
Mass.  
Archives,  
xvii., 891.

Mass.  
Archives,  
xvii., 890-895,  
900. Legisla-  
tive Records of  
the Council,  
xvii. (3), 410.  
House Jour-  
nal, pp. 10, 38.

A PETITION of Susannah Bodingham, Widow of William Bodingham late of Needham in the County of Suffolk dec<sup>d</sup> Shewing that her said husband left his estate by Will to Jonathan Townsend & Samuel Smith, which estate consisted principally of a House and Land, which was mostly purchased with her own money; that the Judge of Probate has set off one third part of said estate to her for life, notwithstanding said Will, which is no ways sufficient for her support; and therefore praying liberty from this Court to sell the said Estate for her maintenance.

Read, and, upon the Petition of Jonathan Townsend,

*Voted* That the Consideration of this Petition be referred to the first Fryday of the next Sitting of this Court; and That the said Jonathan Townsend, in the meantime, Serve Sam<sup>l</sup> Smith one of the heirs of the withinnam'd William Bodingham with a Copy of this Petition, that so the said Heirs may then Shew Cause, if any they have, why the Prayer of the Petition Should not be granted. [*Passed June 14.*]

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## CHAPTER 24.

### ORDER ALLOWING JOHN NORTON COLLECTOR OF EXCISE TO GIVE A BOND TO THE PROVINCE TREASURER.

Legislative  
Records of the  
Council,  
xvii. (3), 411.  
Mass.  
Archives, cii.,  
258.

House Jour-  
nal, p. 41.

*Ordered* that Mr John Norton Coll<sup>r</sup> of Excise for the County of Dukes County for the past Year be allowed to give Bond with Sufficient Suretys to the Province Treasurer for the faithful discharge of that Trust, the time by Law for giving Bond (to the Gen<sup>l</sup> Sessions for the Peace for that County) being Elapsed notwithstanding. [*Passed June 15.*]

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## CHAPTER 25.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON ISRAEL STEVENS PETITION FOR LEAVE TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 411.  
Mass.  
Archives,  
xxxii., 382.

PURSUANT to the foregoing Order [*ante*, p. 97, chap. 202] the Committee to inspect the Indian affairs, have considered of the foregoing petition and find the facts truly related, and are of Opinion that the Petitioner present an Accompt of his Administration unto the Judge of Probate for the County of Worcester,

<sup>1</sup> A similar petition by others, followed by a like order of notice, follows in the Records. — Legislative Records of the Council, xvii. (3), 409.

as also a list of the Deceaseds debts, in due form of law, and that the Petitioner upon the Adjustment of the Accompts by the said Judge have leave to sell to the highest bidder so much of the Testators land as shall be sufficient to answer the purposes mentioned in the Petition, and that in the sale of the premisses he observe the directions of the Province Law made in the Sixth year of the Reign of his late Majesty King George the First relating to Notifications.

Mass. Archives, xxxi., 380. House Journal, p. 40. Province Laws, ii., 151, chap. 10. *Ante*, p. 97, chap. 202.

FRA. FOXCROFT, by Order of the Com<sup>tee</sup>

Read &

*Ordered* that this Report be accepted. [*Passed June 15.*]

## CHAPTER 26.

### ORDER OF NOTICE ON PETITION OF SAMUEL MAUDSLEY FOR LEAVE TO FILE A COMPLAINT.

A PETITION of Samuel<sup>1</sup> Maudsley of Windham in the Colony of Connecticut, Shewing that his Attorney thro' his inadvertency neglected to file his complaint against Margaret Taylour of Charlestown for not prosecuting at the Superior Court for the County of Suffolk, her appeal from a Judgement he obtained against her at the Inferior Court; and therefore Praying that he may be empowered to file his Complaint at the next Superior Court.

Legislative Records of the Council, xvii. (3), 412.

House Journal, p. 39.

Read and

*Ordered* that the Petitioner or his Attorney serve the adverse party the said Margaret Taylour with a Copy of this Petition, that she shew cause if any she hath, on Fryday the second of July next, why the prayer thereof should not be granted. [*Passed June 15.*]

## CHAPTER 27.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF JOS. BELKNAP.

THE REPORT<sup>2</sup> of the Committee on the Petition of Joseph Belknap. [*ante*, p. 99, chap. 206]

Legislative Records of the Council, xvii. (3), 413.

Read and

*Ordered* that this Report be Accepted, and that the Petitioner be and hereby is allowed to bring forward his Writ of Review of the cause within mentioned, at the Superior Court of Judicature to be held at Cambridge within and for the County of Middlesex on the first Tuesday of August next; and the Justices of the said Court are empowered and directed to hear and try the said cause, make up Judgment and Award Execution accordingly; the former Judgment and Rule of Court notwithstanding: Provided the Petitioner serve the adverse party Samuel Belknap with a Copy of this Order fourteen days at least before the sitting of the said Court. [*Passed June 15.*]

Legislative Records of the Council, xvii. (3), 386. House Journal, pp. 29, 38. *Ante*, p. 99, chap. 206.

<sup>1</sup> "Eben<sup>r</sup>" in the margin.

<sup>2</sup> No report has been found.

## CHAPTER 28.

## ORDER OF NOTICE ON THE SUFFIELD PETITION IN REGARD TO A BOUNDARY LINE.

Legislative  
Records of the  
Council,  
xvii. (3), 415.  
Mass.  
Archives, cxv.,  
35.

Mass.  
Archives,  
cxiv., 729-731;  
cxv., 33.  
House Jour-  
nal, pp. 37, 40.

A PETITION of the Town of Suffield, complaining against the Town of Springfield for running their Line between the said two Towns so as to take off a considerable part of the lands of Suffield according to the ancient established Boundary; and therefore praying for an opportunity of shewing their Right to this Court.

Read &

*Ordered* that the Petit<sup>rs</sup> Serve the Town of Springfield with A Copy of this Petition that they Shew Cause (if any they have) on the first fryday of the next fall Sessions Why the prayer thereof Should not be Granted. [*Passed June 15.*]

## CHAPTER 29.

## VOTE DIRECTING REPAIRS AT BEACON ISLAND.

Legislative  
Records of the  
Council,  
xvii. (3), 419.  
Mass.  
Archives,  
lxiv., 130.

Mass.  
Archives,  
lxiv., 188.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 439.  
House Jour-  
nal, p. 46.  
Province  
Laws, xii., 676,  
chap. 13.

A MEMORIAL of William Dudley Esq<sup>r</sup> and others, a Committee appointed to take care of the Repairs upon Beacon Island, shewing that upon finding that the timber of the Wharf and Dam on the North side was almost eaten up with worms, they consulted with proper Workmen upon the matter, who were of Opinion that it was best that the West end of the said Wharf should be built with stone up to high Water mark; praying for direction thereon; and proposing that a new Cable or Hawser may be furnished for mooring the Province Boat and other Boats there.

Read &

*Orderd* That the Memorialists be & hereby are directed to take care that the repairs of the Wharffe & Dam therein mention'd be effected in the speediest & best manner & that they provide a suitable Cable or Hawser for the use of the Province Boat. [*Passed June 17.*]

## CHAPTER 30.

## ORDER GRANTING 4,000 ACRES OF LAND TO THE TOWN OF NEW SALEM.

Legislative  
Records of the  
Council,  
xvii. (3), 278.  
Mass.  
Archives,  
cxiv., 699.

Mass.  
Archives,  
xlvi., 158;  
cxiv., 697.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 436; *ibid.*,  
xvii. (3), 419.  
House Jour-  
nal, pp. 193, 195  
(March, 1742);  
pp. 43, 44.  
Province

A PETITION of Benjamin Brown Esq<sup>r</sup> and others Proprietors of the Township called Salem New Town, Shewing that by reason of their altering Lines to accommodate a Town more lately granted, they are fallen upon a very barren and unprofitable piece of Land; and therefore Praying that this Court would grant them a Tract of Land lying Northerly of them and adjoining to them, bounding Easterly on Paquoig, Northerly on Millers River and Westerly on Road Town and Province Land, containing about three thousand Acres.

Read and

*Ordered* that this Pet<sup>n</sup> be revived and in answer thereto

*Ordered* that there be granted to the Prop<sup>rs</sup> of the Township called New Salem four thousand Acres of Land beginning at the

North west Corner of said Township and to run North to Millers River: [then] <sup>1</sup> extending East by said river and by the North Line of said Township so far as to make up the Grant of four thousand Acres; provided it does not interfere with any former Grant. [*Passed June 17.*]

Laws, xii., 104, chap. 228.

## CHAPTER 31.

### ORDER GRANTING THE PETITION OF SAM<sup>L</sup> CRANDELL FOR STAY OF EXECUTION.

A PETITION of Samuel Crandel one of the Constables of Tiverton for the year 1740, shewing that he had a Rate committed to him to collect by the Assessors of said Town, two of whom were never under Oath and therefore divers of the Inhabitants refuse to pay their Taxes, and the Petitioner declining to distrain because the Assessment was not made according to Law an Execution is issued out against him, and he must go to Goal unless this Court protect him; and therefore praying for relief from this Court.

Legislative Records of the Council, xvii. (3), 376. Mass. Archives, cii., 239.

Read, together with the Answer of Samuel Durfee and Samuel Borden, and the Matter being fully considered,

Mass. Archives, cii., 238. Legislative Records of the Council, xvii. (3), 419. House Journal, pp. 11, 46.

*Ordered* That the Execution within mention'd be Staid for the Space of three Months; and That the Petitioner be and hereby is impowered and directed to proceed in collecting Such Rates as are unpaid to him, notwithstanding the withinnamed Durfee and Borden were not legally qualified. [*Passed June 17.*]

## CHAPTER 32.

### ORDER IMPOWERING ELIS<sup>A</sup> CALLENDER AND JOHN CALLENDER EXECUTORS TO SELL REAL ESTATE.

A PETITION of Elisabeth Callender and John Callender Executors of the last Will and Testament of Elisha Callender dec<sup>d</sup> Shewing that by the said Will, the Testator (after certain Legacies given) gave all the rest of his Estate both Real and Personal to the Petitioner Elisabeth his Widow for the bringing up of her Children, and to be by her distributed among them when they come of age, as she thinks fit; that her eldest Daughter is of full age and demands her share; and therefore praying that she may be impowered to sell the Real Estate, the produce to be distributed according to the Will.

Legislative Records of the Council, xvii. (3), 420. Mass. Archives, xvii., 897.

Mass. Archives, xvii., 896. Legislative Records of the Council, xvii., Mis., 440. House Journal, pp. 45, 46. Province Laws, ii., 151, chap. 10.

Read and in Answer to this Petition

*Ordered* That the Petitioners be and hereby are impowered to Sell the Real Estate within mentioned, to such Person as shall bid most for the Same, and to execute, in due form of Law, a Deed thereof accordingly; and That the Petitioner Elizabeth have the Improvement of one third of the Produce of the Premises during Life; Provided she give Bond to the Judge of Probate for the County of Suffolk, with Sufficient Sureties, that, at her Decease, the Principal shall revert to the heirs of the said Elisha; The Remainder of the said Produce, (after Such Debts as remain due from the Testator are Satisfied) to be disposed of agreeable to his will Provided also that in the Sale of the Premises the Petitioners observe the

<sup>1</sup> MS. mutilated; word supplied from Legislative Records of the Council, xvii., Mis., 436.

Directions of the Province Law pass'd in the Sixth year of the Reign of his late Majesty King George the first Chap: the third, relating to Notifications. [*Passed June 17.*]

## CHAPTER 33.

RESOLVE ON THE PET<sup>n</sup> OF JOS BUCKMINSTER ESQ<sup>r</sup> IN REGARD TO PETIT JURORS.

Legislative  
Records of the  
Council,  
xvii. (3), 422;  
*ibid.*, xvii.,  
Mis., 446.

Mass.  
Archives, xlii.,  
86. House  
Journal, p. 42.

A PETITION of Joseph Buckminster of Framingham in the County of Middlesex Esq<sup>r</sup>, Shewing that the Heirs of Thomas Danforth late of Cambridge in said County Esq<sup>r</sup> dec<sup>d</sup> have commenced twenty six Actions against the Petitioner for a tract of land in Framingham he purchased of said Danforth; and for as much as many of the relations of that family dwell in the towns of Cambridge, Newtown and Lexington, therefore Praying that no Jurors for the trial of the said Actions may be taken out of those Towns.

[Read and]

*Resolved* that the [Justices]<sup>1</sup> of the Superior Court give orders to their Clerk that he issues veneries for for<sup>2</sup> petit juries to such Town in the County of Middlesex & so many of them as shall be necessary to obtain a sufficient number of Jurors for trial of of<sup>2</sup> the several causes that are or may be pending between the said Buckminster & the heirs of M Danforth respecting certain lands in Framingham, so that no juror returned from Cambridge Newton Lexington or Framingham, may be on the trial of said causes at the several superior courts in said County next coming where such causes are to be tryed, provided nevertheless that the said Jurors shall be chosen in the usual method, by drawing their names from the juries box agreeable to Law, & that notice hereof be given to said justices by said Buckminster. [*Passed June 18.*]

## CHAPTER 34.

Legislative  
Records of the  
Council,  
xvii. (3), 423.  
Mass.  
Archives,  
lviii., 323.

Mass.  
Archives,  
lviii., 321.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 437.  
House Jour-  
nal, p. 46.

ORDER ALLOWING £50 INCREASE TO THE SALARY OF REV<sup>d</sup> M<sup>r</sup> EDWARD HOLYOKE.

A PETITION of the Rev<sup>d</sup> M<sup>r</sup> Edward Holyoke, President of Harvard College in Cambridge, Setting forth the great expence he is obliged to be at, and the insufficiency of the profits of the said place to support him; & praying that this Court would enlarge his Salary.

Read and in Answer to this Pet<sup>n</sup>

*Ordered* that the Sum of fifty pounds of the last Emission be added to the Yearly salary of the Pet<sup>r</sup>. [*Passed June 18.*<sup>3</sup>]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (3), 422; the word is "Juries," in *ibid.*, Mis., 446.

<sup>2</sup> *Sic.*

<sup>3</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii. (3); according to Legislative Records of the Council, xvii., Mis., and the House Journal the date is June 17.

## CHAPTER 35.

## ORDER OF NOTICE ON THE COLD SPRING PETITION TO LAY A TAX ON LAND.

A PETITION of Caleb Lyman Esq<sup>r</sup> Joseph Phelps and others, Proprietors and Inhabitants in the place called Cold Spring, Setting forth the great expence they have been at in building a Meeting House, supporting a Minister &c as also the necessity they are under of raising further sums for carrying on the affairs of their Society, and the incapacity of the Inhabitants to support that expence without the help of the Proprietors; and therefore Praying that they may be empowered to lay a Tax on the Lands there, of one peny half peny per Acre in Bills of the last Emission for the uses aforesaid.

Legislative  
Records of the  
Council,  
xvii. (3), 425.  
Mass.  
Archives, xiii.,  
600.

Mass.  
Archives, xiii.,  
508; cxiv., 757.  
House Jour-  
nal, pp. 40, 41.

Read &

*Ordered* that the petitioners Notify the Non-Resident proprietors of the within Tract of Land (by Inserting the Purport of said petition in the publick Prints) that they shew Cause if any they have on the Second Wednesday of the next Fall Session why the prayer thereof should not be Granted. [*Passed June 18.*]

## CHAPTER 36.

ORDER ALLOWING THE ACC<sup>t</sup> OF THE TREASURER OF BARNSTABLE CO.

AN ACCOMPT presented by Ebenezer Lewis Esq<sup>r</sup> Treasurer of the County of Barnstable for the year 1741; Having been laid before the Court of General Sessions of the Peace for said County, and by them allowed:

Legislative  
Records of the  
Council,  
xvii. (3), 426.

House Jour-  
nal, pp. 10, 48.

Read and

*Ordered* that this Accompt be allowed, and that the Treasurer be further accomptable to said County for the sum of Thirteen pounds, five shillings and five pence lawful money. [*Passed June 19.*]

## CHAPTER 37.

ORDER ALLOWING THE ACC<sup>t</sup> OF THE TREASURER OF MIDDLESEX CO.

AN ACCOMPT presented by Daniel Russel Esq. Treasurer of the County of Middlesex for the year 1741; having been by him laid before the Court of General Sessions of the Peace for the said County and by them allowed.

Legislative  
Records of the  
Council,  
xvii. (3), 427.

House Jour-  
nal, pp. 10, 48.

Read and

*Ordered* that the within Accompt be allowed; the Balance thereof, being Sixteen Pounds nine shillings and one farthing lawful money, the said Treasurer is further accomptable to said County for. [*Passed June 19.*]

## CHAPTER 38.

ORDER ALLOWING THE ACC<sup>t</sup> OF THE TREASURER OF WORCESTER CO.

Legislative  
Records of the  
Council,  
xvii. (3), 427.

House Jour-  
nal, pp. 10, 47,  
48.

AN ACCOMPT presented by Benjamin Flagg, Treasurer of the County of Worcester for the year 1741; having been laid before the Court of General Sessions of the Peace for the said County, and by them allowed.

Read and

*Ordered* that the within Accompt be allowed; the Ballance thereof, being Fifteen Pounds nineteen shillings and Ten pence farthing, lawful money, the said Treasurer is further accountable to said County for. [*Passed June 19.*]

## CHAPTER 39.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE NEW  
SHERBURN INHABITANTS IN REGARD TO LAND FOR A TOWNSHIP.

Legislative  
Records of the  
Council,  
xvii. (3), 427.

Mass.  
Archives,  
cxiv., 775.

Mass.  
Archives,  
cxiv., 773.  
House Jour-  
nal, pp. 33, 49.

A PETITION of Richard Williams & others, Inhabitants of a Tract of Land called New Sherburn, Shewing that they have a considerable number of Families settled in said Place, but they are under great inconvenience for want of being incorporated into a Township; therefore praying that the said Lands with some Province Land and Farms be erected into a Town and the whole Lands subjected to a tax for building a Meeting House, and settling a Minister among them and paying the charge of his support.

In Council

Read and

*Ordered* That Joseph Dwight Esq<sup>r</sup> with Such as the Honble House shall join, be a Committee, at the Charge of the Petitioners, to repair to the Land petition'd for; carefully view the Same, and consider the Circumstances of the Petitioners; and by a Surveyor and Chainmen, on Oath, measure the Province Land petition'd for, and return a Plat of the whole Tract proposed for a Township; delineating thereon, as well the eleven thousand Acres within mention'd, as the Farms and Province Land adjoining, and make Report of their Doings, to this Court at the next Fall Sessions

In the House of Rep<sup>ves</sup>

Read and Concur'd and Col Chandler and Col Ward are Joyned in the Affair. [*Passed June 19.*]

## CHAPTER 40.

ORDER ERECTING THE INHABITANTS OF LISBURN INTO A TOWNSHIP  
AND ASSESSING TAXES.

Legislative  
Records of the  
Council,  
xvii. (3), 378.  
Mass.  
Archives,  
cxiv., 754.

A PETITION of John Alexander and others Inhabitants of a Tract of Land in the County of Hampshire, commonly called Lisburn; shewing that there are about Forty families settled upon the Place, which contains about fourteen thousand Acres, but are under disadvantages for want of the privileges of a Township; and therefore



praying that they may be made a Town and be impowered to collect a Tax which they have agreed on, for the support of their Minister and other charges, and that they may be impowered to lay a Tax for three years on the whole lands in said place, for defraying those charges for the future.

Mass. Archives, cxiv., 750-753. Legislative Records of the Council, xvii., Mis., 439; *ibid.*, xvii. (3), 430. House Journal, pp. 13, 48. Province Laws, iii., 49, chap. 30.

Read &

It Appearing that the Proprietors have been duely Served with a Copy of this Petition, and no Answer being given in.

*Ordered* that the Prayer of the Petition be Granted, and that John Gray, James Alexander, and James Taylor be hereby Authorised to Collect the Taxes, to them Respectively Committed in Consequence of the Votes of the Proprietors of Lisburn Propriety, at their Several Meetings, on August 6<sup>th</sup> 1740, on May 19 1741 and on Sept<sup>br</sup> 1<sup>st</sup> 1741 and the Same to pay to the Town Treasurer, when he shall be chosen, the Money to be applied to the Ends and purposes for which it was Voted, and that the Assessors for s<sup>d</sup> Lisburn Propriety be hereby Authorised to Assess a further Tax or Taxes of one Penny p Acre of the Bills of the last Emission, on all the lands in s<sup>d</sup> Propriety in each of the three next Succeeding Years, for the purposes mentioned in their Petition, to be Collected by the Constables of those Respective years, and by them paid to the Town Treasurer. and that the Petitioners have leave to bring a Bill for erecting the land mentioned in the Petition into a Township.<sup>1</sup> [*Passed June 21.*]

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## CHAPTER 41.

ORDER ALLOWING £47. 17. 6 TO SAM<sup>l</sup> KENT AND OTHERS.

A PETITION of Samuel Kent, for himself & Joseph Levet both of Suffield; Shewing that they were employed by John Stoddard Esq<sup>r</sup> by direction of the Government to build a Meeting House and School House at the Indian Town at Housatannek River, and being necessitated to build a Saw Mill for that work, Coll Stoddard agreed to reimburse them what they should lose in disposing of the Saw Mill after the work should be done; That they have accordingly in the sale thereof lost the sum of £47. 17. 6 old Tenor, praying that they may be reimbursed.

Legislative Records of the Council, xvii. (2), 430. Mass. Archives, xxxi., 303.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>rs</sup> be and hereby are allowed to recieve the S<sup>d</sup> Sum of forty seven pounds Seventeen shillings and six pence Old tenor or other Bills Equivalent thereto out of the publick Treasury in full satisfaction for the services herein mentioned. [*Passed June 21.*]

Mass. Archives, xxxi., 392. Legislative Records of the Council, xvii., Mis., 444. House Journal, pp. 32, 48. Province Laws, xii., 332, chap. 161.

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## CHAPTER 42.

ORDER GRANTING THE PETITION OF GEO LEDAIN FOR STAY OF EXECUTION.

A PETITION of George Ledain of Boston, merchant, complaining of great injustice done to him, by one William Wingfield, who thó

Legislative Records of the Council,

<sup>1</sup> The town was called Pelham.

xvii. (?), 407,  
431. Mass.  
Archives, xlii.,  
111.  
Mass.  
Archives, xlii.,  
108-114. House  
Journal, pp. 35,  
36, 52.

he was considerably in debt to the Petitioner upon a just ballance of Accompts, has recovered a Judgement against him in an unfair manner; praying that the Execution thereon may be stop'd till the Petitioner can effectually prosecute his demands in the Law.

Read together w<sup>th</sup> the Ans<sup>v</sup> of W<sup>m</sup> Wingfeild &

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Exec<sup>n</sup> ag<sup>st</sup> the Pet<sup>r</sup> be staid for the Space of three Months from this time, Provided he shall forthwith lodge with James Allen Esq<sup>r</sup> a sufficient Sum to answer & pay the Execution afores<sup>d</sup> & Costs thereon, by him to be applied for the Paym<sup>t</sup> & discharge of the s<sup>d</sup> Ex<sup>n</sup>, unless within the said Space of three Months the Pet<sup>r</sup> or the Pet<sup>r</sup> & the said Gedney Clark shall obtain Judgm<sup>t</sup> & Ex<sup>n</sup> ag<sup>st</sup> the said Wingfeild for the same or a greater Sum than the Sum so lodged, to be returned to the Pet<sup>r</sup> Or if the Pet<sup>r</sup> or the Pet<sup>r</sup> & the s<sup>d</sup> Gedney Clarke within the Term afores<sup>d</sup> shall obtain Judgm<sup>t</sup> & Execution against the s<sup>d</sup> Wingfeild for any less Sum, then so much only to be returned to the Pet<sup>r</sup> as the Pet<sup>r</sup> or the Pet<sup>r</sup> & the said Gedney Clarke shall recover as afores<sup>d</sup> & the Remainder to be applied by the said Allen towards Paym<sup>t</sup> of the s<sup>d</sup> Wingfeilds Execution ag<sup>st</sup> the Pet<sup>r</sup>. [*Passed June 22.*]

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## CHAPTER 43.

Legislative  
Records of the  
Council,  
xvii. (3), 201,  
434. Mass.  
Archives,  
cxiv., 631.

ORDER REVIVING AND CONTINUING THE PETITION OF THEO. CURTIS AND OTHERS.

A PETITION of Theophilus Curtis & others of Stoughton praying to be set off to the Town of Bridgewater,

*Ordered* that this Petition be revived; And there being a Prospect that the Petitioners will be accomodated with a sufficient way to the Town of Stoughton;

*Voted* that the Petition be continued over to the next Fall Session. [*Passed June 23.*]

Mass.  
Archives,  
cxiv., 629.  
House Jour-  
nal, p. 154  
(January,  
1741).

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## CHAPTER 44.

Legislative  
Records of the  
Council,  
xvii. (3), 435.  
Mass.  
Archives,  
xxx1., 374.

ORDER IMPOWERING JOHN EPHRAIM, INDIAN, TO SELL LAND.

ON THE PETITION of John Ephraim; [*ante*, p. 100, chap. 209]

Read and

*Ordered* that the Pet<sup>r</sup> be Impowered with the advice and direction of Cap<sup>t</sup> Coolidge and M<sup>r</sup> Livermore to make sale of the thirty five Acres of his common lands, or other lands that lie distant from him, for the most they will sell for; the produce thereof to be applied to the Uses herein mentioned. [*Passed June 23.*]

Mass.  
Archives,  
xxx1., 372.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 442.  
House Jour-  
nal, p. 47.  
*Ante*, p. 100,  
chap. 209.

CHAPTER 45.

Legislative  
Records of the  
Council,  
xvii. (3), 435.  
Mass.  
Archives,  
xxxI., 386.

ORDER IMPOWERING MOSES & JOSHUA WABAN, INDIANS, TO SELL LAND.

ON THE PETITION of Moses and Joshua Waban, [*ante*, p. 100, chap. 210]

Read and

*Ordered* that the Pet<sup>rs</sup> be Impowered with the advice and direction of Cap<sup>t</sup> Coolidge and M<sup>r</sup> Livermore to make sale of the twenty five Acres of Land herein mentioned for the most they will sell for, the produce thereof to be applied to the Uses herein Mentioned. [*Passed June 23.*]

Mass.  
Archives,  
xxxI., 385.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 44.  
House Jour-  
nal, p. 47.  
*Ante*, p. 100,  
chap. 210.

CHAPTER 46.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF TIMO SPRAGUE IN REGARD TO A MILL DAM.

A PETITION of Timothy Sprague of Malden, Shewing that he has for many years past been in controversies in the law, respecting a Mill and Mill Dam at a place called Spot Pond, which he and his Ancestors have been in possession of, for about an hundred years past; that he is threatened by his adversaries to be sued for the penalty of an Act lately pass'd, entitled An Act in Addition to An Act made to prevent the destruction of the Fish called Alewives and other Fish; And for as much as in reason and equity he ought not to be subjected to the penalty of the said Act; therefore Praying that this Court would expressly except his Dam from the said Act.

Read and

*Ordered* that the Consideration of this Petition be refer'd to the next Session of this Court; and all proceedings with respect to the Petitioners Mill Dam within mentioned in consequence of the law made the last year, entitled An Act in Addition to An Act to prevent the destruction of Alewives, be suspended in the mean time. [*Passed June 24.*]

Legislative  
Records of the  
Council,  
xvii. (3), 436.  
House Jour-  
nal, p. 56.  
Province  
Laws, ii., 1087,  
chap. 16; iii.,  
140, note.

CHAPTER 47.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF JOHN STEEL, GUARDIAN, AND IMPOWERING HIM TO SELL LAND.

A PETITION of John Steel Guardian of Mary, John and Margaret Nelson, Infants and Heirs of Temple Nelson dec'd eldest son of John Nelson Esq<sup>r</sup>; praying that he may be impowered to join with the rest of the Heirs of the said John Nelson in selling the said Infants part of an island called Long Island within the Harbour of Boston, which will be greatly for the advantage of the said Infants.

The Committee appointed to consider of the foregoing Petition have attended that service, and are of Opinion that the Petitioner be impowered in his capacity as Guardian to the Children of the within named deceased Temple Nelson to sell their two sevenths

Legislative  
Records of the  
Council,  
xvii. (3), 414,  
438. Mass.  
Archives,  
xviii., 56.

Mass.  
Archives,  
xviii., 53.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 437.  
House Jour-  
nal, pp. 36, 57.

Province  
Laws, ii., 151,  
chap. 10.

of the Island within mentioned to such person as shall give most for the same, and to execute a Deed therefor in due form of Law accordingly; Provided that before such sale be made, he observe the direction of the Province Law made in the Sixth year of the Reign of his late Majesty King George the first, Chap. 3<sup>d</sup> respecting Notifications; and that the Petitioners Wife Mary, late Widow of the said Temple have the Improvement of one full third part of the produce of the premisses during life, she giving bond to the Judge of Probate for the County of Suffolk, with sufficient Sureties, that the principal at her decease shall revert to the right Heirs of the said Temple, and the Remainder (after such debts as the personal Estate of the said deceased will not satisfy are paid) to be distributed among the said Deceaseds Children, agreeable to the Law of the Province for the settlement of Intestate Estates, each Childs portion to be put on Interest upon security to be approved of by the said Judge, in such manner as shall be most for the Minors advantage; and the Principal, together with such Interest as shall then remain to be paid them as they respectively arrive at Age, or are married.

Which is submitted

FRA: FOXCROFT. By Order of the Com<sup>tee</sup>

Read and

*Ordered* That this Report be accepted and That the Prayer of the Petition be granted accordingly. [*Passed June 25.*]

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## CHAPTER 48.

### ORDER IMPOWERING JOHN & SUSANNAH HOUGHTON ADMINISTRATORS TO EXECUTE DEED OR DEEDS.

Legislative  
Records of the  
Council,  
xvii. (3), 440.  
Mass.  
Archives,  
xviii., 52.

Mass.  
Archives,  
xviii., 51.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 445.  
House Jour-  
nal, p. 56.

A PETITION of John Houghton and Susannah his Wife, Administr<sup>rs</sup> of the Estate of John Solindine late of Groton in the County of Middlesex dec<sup>d</sup> Shewing that the said Solindine bargained with one James Paterson for certain Lands and Meadow, and having received the consideration money, he gave his Bond for giving him a sufficient Deed for the said Land, but died before it was perfected; and therefore Praying that this Court would empower the Petitioners to make the said Deed for conveying said land.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted And that John Houghton and Susannah his Wife in the capacity of Adm<sup>rs</sup> to the within named John Solendine Dec'd be and hereby are Authorized And Impowered to make and execute a Sufficient Deed or Deeds of the Land lying in Groton to James Patterson or His Heirs Agreeable to the Tenor of the Bond given by said Solendine to Said Patterson. [*Passed June 25.*]

## CHAPTER 49.

## ORDER ALLOWING £48. 5 TO STE: RICHARDS.

A MEMORIAL of Cpt. Stephen Richards, praying that this Court would consider a former Petition he prefer'd, and that they would grant him so much out of the publick Treasury as may be proper for his charge and trouble in raising and subsisting a Company of Soldiers for the Spanish Expedition.

Read and

*Ordered* that this Pet<sup>n</sup> be revived and that the Sum of forty eight pounds five shillings be allowed & paid to the Pet<sup>r</sup> out of the publick Treasury in full satisfaction for his Charge and Expence herein mentioned. [*Passed June 25.*]

Legislative  
Records of the  
Council,  
xvii. (3), 440.  
Mass.  
Archives,  
lxxii., 571.  
Mass.  
Archives,  
lxxii., 559, 570.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 448.  
House Jour-  
nal, p. 145  
(December,  
1741); p. 249  
(April, 1742);  
p. H.

## CHAPTER 50.

ORDER GRANTING 100 ACRES OF LAND TO OL. HAYWARD ESQ<sup>r</sup>.

A PETITION of Oliver Hayward Esq<sup>r</sup> Shewing that he served his Country in the Expedition against Port Royal and suffered much therein, and that he was at considerable Trouble and Expence in raising Soldiers for the Expedition against the Spaniards; praying for a proper Allowance from this Court for the same.

Read & in Answer to this Petition

*Ordered* that there be granted to the Pet<sup>r</sup> his Heirs & Assigns for ever one hundred Acres of the unappropriated Lands of the province in full Satisfaction for his Services in enlisting Soldiers for the Expedition ag<sup>st</sup> the Spaniards, the petitioner to present a plan to this Court within twelve Months for Confirmation. [*Passed June 25.*]

Legislative  
Records of the  
Council,  
xvii. (3), 441.  
Mass.  
Archives,  
lxxiii., 629.  
Mass.  
Archives,  
lxxiii., 627.  
House Jour-  
nal, pp. 23, 46.

## CHAPTER 51.

## ORDER REFERRING THE PETITION OF ISAAC ALLEN WITH STAY OF EXECUTION.

ON THE PETITION of Isaac Allen, [*ante*, p. 97, chap. 203]

*Ordered* that the Consideration of this Petition be further refer'd to the next Session and that the Execution within mention'd be also staid in the mean time. [*Passed June 25.*]

Legislative  
Records of the  
Council,  
xvii. (3), 442.  
Mass.  
Archives,  
xlii., 2.  
Mass.  
Archives,  
xlii., 1. House  
Journal, pp. 56,  
57. *Ante*, p. 97,  
chap. 203.

## CHAPTER 52.

## ORDER IMPOWERING THE HAVERHILL PROPRIETORS TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Richard Hazzen in behalf of the Proprietors of the common Lands in Haverhill, Complaining of wrong management in the Trial of a cause between them and Benjamin Barker, and praying that they may be allowed to bring a new Writ of Review of the said cause, and have an other Trial thereof at the next

Legislative  
Records of the  
Council,  
xvii. (3), 402,  
463. Mass.  
Archives,  
cxiv., 728.

Mass. Archives, cxiv., 721–728. House Journal, pp. 29, 30, 52, 58.

Superior Court for the County of Essex, and that execution may be staid in the mean time.

The Committee to whom was refer'd the Petition of the Proprietors of the Common and undivided Lands in the Town of Haverhill and that part of Methuen which was formerly a part of the said Town of Haverhill, having taken the subject matter thereof into consideration, view'd the papers, and heard the parties thereon, are of Opinion, That the Prayer of the Petition be so far granted as that the Petitioners be enabled to bring forward a Writ of Review against Benjamin Barker, the adverse party, at the next Superior Court to be held at Salem for the County of Essex in November next, and that the Justices of the said Court be impowered and directed to hear and try the said cause by a Jury accordingly, who shall be directed to view the Lands in controversy, with the other Lands and Meadows adjoining, which may give light in the affair, for the benefit of either Party upon the Trial; the Charge thereof to be born by the Petitioners; And all the Costs on the former Trials be paid as the Judgment of the Superior Court has already determined them. All which is humbly submitted

By Order of the Committee JER: MOULTON.

Read and

*Ordered* that this Report be accepted and That the Petitioner be and hereby is impowered to bring forward his writ of Review, and the Justices aforesaid to hear and try the Cause accordingly; and that Nathanael Averell Jun<sup>r</sup> of Topsfield be the Surveyor, and Daniel Jaques and Thomas Savory of Bradford the Chain men for the Purpose withinmention'd, (being first Sworn to the faithful Discharge of the Trust) and That they take a Plan of the Lands in Controversy and those adjoining, describing the Same So far as is necessary to give Light in the Affair, the adverse Party Benjamin Barker being notified Seasonably. and that the Charge of the Survey be born by the Petitioner. [*Passed June 25.*<sup>1</sup>]

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## CHAPTER 53.

### VOTE ALLOWING £15 TO LIEUT JOHN LARRABEE.

Legislative Records of the Council, xvii. (3), 443; *ibid.*, xvii., Mis., 443.

House Journal, p. 59.

*Voted* that there be allowed & granted to be paid out of the public Treasury to M<sup>r</sup> John Larrabe Lieu<sup>t</sup> of his Majestys Castle William fifteen pounds the last emission or bills equivalent thereto in consideration of his constant residence there & diligent & faithful discharge of his duty in his trust & the charge of entertaining strangers frequently resorting there. [*Passed June 26.*]

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## CHAPTER 54.

### VOTE DIRECTING THE TREASURER TO DEFER HIS WARRANTS.

Legislative Records of the Council, xvii. (3), 444. Mass. Archives, cii., 259.

INASMUCH as the affair of the Valuation can't be compleated at this time in order for a new apportioning the several Towns within this Province.

Therefore

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is July 2.

*Voted* that the Treasurer be and hereby is directed to defer till the Fall Session sending out his Warrants to the select Men of the several Towns for making and collecting the Taxes which by Law are apportioned, and to be brought in this Year. [*Passed June 28.*]

House Journal, p. 61.  
*Ante*, p. 53, chap. 95; p. 129, chap. 1.

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## CHAPTER 55.

### ORDER APPOINTING A COMMITTEE TO PROVIDE FOR THE INTERVIEW WITH Y<sup>E</sup> EASTERN INDIANS.

In the House of Rep<sup>ves</sup>

*Ordered* that M<sup>r</sup> Speaker M<sup>r</sup> Bromfield Col Gooch M<sup>r</sup> Hutchinson M<sup>r</sup> Prout M<sup>r</sup> Wheelwright and M<sup>r</sup> Eleazar Williams with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> to prepare proper accomodations and Provisions for the comfortable and Honourable reception and Entertainment of His Excellency and the Committee of both Houses at the proposed Interview with the Indian Tribes at the Eastward.

In Council

Read and Concurr'd and John Osborne, Ezekiel Lewis, John Jeffries, Daniel Russell and Sam<sup>l</sup> [Waldo]<sup>1</sup> Esq<sup>rs</sup> are [joined]<sup>1</sup> in the affair. [*Passed June 28.*]

Legislative Records of the Council, xvii. (3), 444. Mass. Archives, xxxi., 409.

Legislative Records of the Council, xvii. (3), 401, 421. House Journal, p. 58.

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## CHAPTER 56.

### ORDER ALLOWING £50 TO RIC. HUBBARD.

A PETITION of Richard Hubbard, Door Keeper to this Court, setting forth the difficulties he is put to by reason of his Allowance for his service not being made till the end of the Year; and therefore praying that it may be made in the beginning of the Year to be paid him Quarterly.

Read and in Answer hereto

*Ordered* that the Sum of fifty pounds. (Bills to be Emitted in the Supply Bill now before this Court) be granted and allowed to be paid out of the publick Treasury to the Pet<sup>r</sup> Richard Hubbard in full for his Service for one Year as Door Keeper to His Excellency the Gov<sup>r</sup> and this Court, ending the 19<sup>th</sup> day of Feb<sup>y</sup> next. The said Sum to be paid him quarterly for the future. [*Passed June 28.*]

Legislative Records of the Council, xvii. (3), 445. Mass. Archives, cv., 195.

Mass. Archives, cv., 194. Legislative Records of the Council, xvii., Mis., 448. House Journal, p. 59.

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## CHAPTER 57.

### ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON CONCORD PET<sup>N</sup> IN REGARD TO A NEW HIGHWAY.

A PETITION of the Town of Concord, complaining of irregular managements of some persons in obtaining an Order of General Sessions of the Peace for the County of Middlesex, for laying out a Highway from said Town, which is much to the general disadvantage; praying that this Court would order it to be shut up.

Legislative Records of the Council, xvii. (3), 399. Mass. Archives, cxxi., 210.

<sup>1</sup> MS. mutilated. Inserted from Legislative Records of the Council, xvii. (3), 444.

Mass. Archives, cxxi., 207. Legislative Records of the Council, xvii. (3), 445. House Journal, pp. 28, 58.

Read and though there has been no Collusion as suggested in the Pet<sup>n</sup> Yet

*Ordered* that the whole affairs respecting the Road within mentioned be again laid before the Court of Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex at their next session if the Pet<sup>rs</sup> see meet so to do. And the s<sup>d</sup> Court are hereby Impowered and directed again to consider of the necessity and expediency of the s<sup>d</sup> Road, and to confirm or discontinue the same as they shall Judge proper. Inasmuch as it appears that sundry Towns that may be Affected by said Road, had not notice of laying out the same; or of the Comm<sup>ees</sup> Viewing and inquiring into the necessity and conveniency thereof. And that the s<sup>d</sup> Pet<sup>rs</sup> Notify Chambers Russell Esq<sup>r</sup> of this Order fourteen days at least before the sitting of said Court. And that all further proceedings respecting said Road be staid in the mean time. [*Passed June 28.*]

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## CHAPTER 58.

### VOTE APPOINTING PERSONS TO ENQUIRE INTO THE AFFAIRS OF GEO. READ, INDIAN.

Legislative Records of the Council, xvii. (3), 446. House Journal, p. 61.

A PETITION of George Read of Grafton, Indian Planter, Shewing that by his misfortunes he is considerably run into debt; and therefore praying that he may be impowered by this Court to sell Thirty Acres of his land in Grafton for paying off his debts.

Read and

*Voted* that Cpt. John Jones and Mr Percival Hall be desired to inquire into the value of the Lands proposed to be sold, and the Petitioners debts, and how they were contracted, and report at the next Fall Session. [*Passed June 28.*]

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## CHAPTER 59.

### VOTE REFERRING TO SALEM BATTERY.

Legislative Records of the Council, xvii. (3), 448. Mass. Archives, lxxii., 614. House Journal, p. 63. *Ante*, p. 110, chap. 233.

WHEREAS this Court on the 10<sup>th</sup> day of April last Voted that His Excellency be desired to give Orders that within twelve Months there be Erected within the Town or Harbour of Salem a good and sufficient Breast Work and a Platform built, and Sixteen Guns eight pounders, or others equivalent Mounted, and all suitable warlike Stores procured; and that the Sum of three hundred pounds be granted and paid out of the publick Treasury to the Order of the said Town, they giving security to the Province Treasurer for the Erecting said Works, and procuring said Stores, and that the same shall be from time to time maintained, or on the failure, either of their performing said Works or maintaining them, the Money hereby granted to be repaid by said Town into the Province Treasury again. Which Vote has not yet been complied with by said Town. Therefore On a Motion made and Seconded.

*Voted* that the said Town of Salem be not Obligated to mount more than Ten Gunns. 8 pounders or others equivalent, and to perform the other Works and Dutys mentioned in said Vote in consideration of the Money thus granted to them. [*Passed June 29.*]



CHAPTER 60.

ORDER FOR PAYING THE MEMBERS OF THE GREAT AND GENERAL COURT.

*Ordered* that The Treasurer be directed and Impowered to Pay the Members of the Generall Court for their Travell and Attendance the Present Sessions out of the Surplusage for the £6,500 Appropriation for Repairing forts and Garrisons &c<sup>t</sup>, And that as Soon as the Committee Shall have Struck off & Sign'd the Bills Ordered to be Emitted by the Present Supply, he Refund the Same out of the mony thereby Appropriated for those purposes Respectively. [*Passed June 30.*]

Legislative Records of the Council, xvii. (3), 449. Mass. Archives, xlix., 159.  
Province Laws, ii., 1078, chap. 11; iii., 67, note. House Journal, p. 63.

CHAPTER 61.

ORDER ALLOWING £7. 10 TO MIDDLECOT COOK.

ON THE PETITION of Middlecot Cook, [*ante*, p. 116, chap. 248] Read and in answer to this Pet<sup>n</sup>

*Ordered* that there be granted and allowed to be paid out of the publick Treasury to the Pet<sup>r</sup> the Sum of Seven pounds ten shillings or other Bills equivalent thereto. in full consideration of the services of the Dec<sup>d</sup> within named. [*Passed June 30.*]

Legislative Records of the Council, xvii. (3), 449. Mass. Archives, cv., 187.  
Mass. Archives, cv., 185. Legislative Records of the Council, xvii., Mis., 445. House Journal, pp. 36, 63. *Ante*, p. 116, chap. 248.

CHAPTER 62.

ORDER ACCEPTING THE ACCOUNT OF THE TRUSTEES OF THE HASSANISCO INDIANS.

AN ACCOMPT presented by the Hon<sup>ble</sup> Spencer Phips Esq<sup>r</sup> Edward Goddard Esq<sup>r</sup> and Ephraim Curtis Esq<sup>r</sup> Trustees for the Hassanisco Indians, of their transactions for the year past.

Read and

*Ordered* that the within Accompt be allowed And that the Accountants be discharged of the Sum of One hundred twenty two pounds and three pence the several Payments therein contained, and that they be further Accountable for the sum of one hundred and Seven pounds seven Shillings and Six pence Old tenor, the Ball<sup>ce</sup> in their hands, and for the further sum of four pounds three shillings and Nine pence Old tenor (Interest) due to the Minor Children of Moses Printer. [*Passed June 30.*]

Legislative Records of the Council, xvii. (3), 450. Mass. Archives, xxxi., 405.  
Mass. Archives, xxxi., 406. House Journal, pp. 53, 56. *Ante*, p. 233, chap. 36.

CHAPTER 63.

ORDER ALLOWING £8. 12 TO JAB. BRADBURY.

A MEMORIAL of Jabez Bradbury, Shewing that he served as Truck Master at Richmond Fort in the year 1732, for the space of ten

Legislative Records of the Council,

xvii. (3), 450.  
 Mass. Archives, cxix., 375.  
 Mass. Archives, cxix., 377.  
 Mass. Archives, cxix., 375.  
 Legislative Records of the Council, xvii., Mis., 41.  
 House Journal, pp. 28, 64.

weeks and six days, for which he has as yet no Allowance; praying that he may be allowed his Wages for that time, as likewise a consideration for his being so long out of his money, and his Charges in attending the Court for obtaining it.

Read and in answer to this Memorial

*Ordered* that there be granted and allowed to be p<sup>d</sup> out of the publick Treasury to the Mem<sup>o</sup> the Sum<sup>o</sup> of Eight pounds twelve shillings Lawful Money or Other Bills equivalent thereto in full consideration of the services herein mentioned. [*Passed June 30.*]

CHAPTER 64.

VOTE REFERRING THE REPORT OF THE COMMITTEE AB<sup>T</sup> Y<sup>E</sup> MANUFACTORY SCHEME.

Legislative Records of the Council, xvii. (3), 451.  
 Mass. Archives, cii., 263.  
 Mass. Archives, cii., 262. Legislative Records of the Council, xvii., Mis., 434.  
 House Journal, p. 64.  
*Ante*, p. 120, chap. 259.  
*Infra*, p. 155, chap. 65.

THE COMMITTEE to whom was refer'd the Inspection and Examination of the Books, Instruments & Writings of the late Companies commonly called the Silver and Manufactory Schemes, have accordingly attended that service at several Meetings, and find the same to stand agreeable to the several Accompts unto which this Report is annexed, viz<sup>t</sup>

On the Accompts of the Manufactory Scheme, that there was issued to the several Directors and Partners. . . . .	£35,582	
And unto sundry persons in a way of Trade. . . . .	11,700.	2. 10
In the hands of the Directors never issued out. . . . .	1,967.	17. 2
	<u>£49,250</u>	
Of which sum there has been received in		
For Principal Money. . . . .	£23,256.	14. 1
For Interest & Charges. . . . .	2,129.	17. 6
In a way of trade. . . . .	5,181.	0. 10
		<u>30,567. 12. 5</u>
So that there is outstanding in the hands of the Directors and Partners, for Principal, In a way of Trade, and for Interest and Charges. . . . .	18,682.	8. 1 7
Of the above sum of £30,567. 12. 5 that has been received in as above, there has been consumed to ashes, including the Bills never issued. . . . .	£22,411.	16. 8
Now in hands of the Directors, not consumed . . . . .	8,155.	15. 9
		<u>£30,567. 12. 5</u>

The Account of their Charges and Expences to the Twenty Second of September 1741 has been allowed by the Company, according to their own Report, saving £30 to each Director for signing Bills, as also Two Thirds of their Expences at Luke Vardys. It also appears by a Supplement Account there has been received from several Persons after the first Account was exhibited, £2,033. 3. 2 whereby the Ballance outstanding is Sixteen Thousand six hundred forty nine pounds, five shillings and five pence; and (as they say) is daily coming in. All which is humbly submitted

By order of the Committee JOHN JEFFRIES.

The within Report was Read and Accepted and thereupon

*Voted* that the Unreasonable delay of Severall of the Partners in the Scheem within Referred to in Neglecting to pay in their Quota of Bills with their Proportion of Charge & Loss, while Greater Numbers have Complied with their Duty in that Regard is very Unjust,

<sup>1</sup> *Sic.*

But in as much as it is a matter of great Importance, and the present Sessions is Near Concluding that Therefore the further Consideration of this Report be Referred to the Next Fall Sessions That So further Measures may be persued if need be with Those who shall not Then have paid in, That So the Bills may the more Speedily be brought in and Consumed. [*Passed June 30.*]

## CHAPTER 65.

### VOTE REFERRING THE REPORT OF THE COMMITTEE ABOUT THE SILVER SCHEME.

THE COMMITTEE unto whom was refer'd the Inspection and Examination of the Books, Instruments & Writings of the late Companies commonly called the Manufactory and Silver Scheme, have attended that service at several Meetings, and find the state of the Silver Scheme to stand according to the Accompt unto which this Report is annexed, viz<sup>t</sup>

Legislative Records of the Council, xvii. (3), 453. Mass. Archives, cii., 261.  
 Mass. Archives, cii., 260. Legislative Records of the Council, xvii., Mss., 433. House Journal, p. 64. *Ante*, p. 120, chap. 253. *Supra*, p. 154, chap. 64.

We find there has been issued out unto the several Directors and Partners.	£120,000	
Of which there has been received in. . . . .	69,361.	12. 6
Remaining outstanding from Directors & Partners. . . . .	50,638.	7. 6
Of the above sum of £69,361. 12. 6 that has been received in, there has been consumed to ashes. . . . .	51,070	
Remaining in the hands of the Directors, not consumed to ashes. . . . .	18,291.	12. 6
	£69,361.	12. 6

Of the accompt of charges for paper, graving, printing Bills, signing, and other expences has amounted to 2¼ per Cent, Accordingly each person has been charged on the sum issued out to him; and althô there is no supplement to the above Accompt, yet they are (as they say) daily paying in. All which is humbly submitted.

By Order of the Committee JOHN JEFFRIES.

The within Report was Read and Accepted and thereupon

*Voted* that the Unreasonable delay of Severall of the Partners in the Scheem within Referred to in Neglecting to pay in their Quota of Bills with their Proportion of Charge & Loss while greater Numbers have Complied with their Duty in that Regard, is very Unjust but in as much as it is a Matter of great Importance and the present Sessions is Near Concluding That therefore the further Consideration of this Report be Referred to the Next Fall Sessions that So further Measurers may be persued if need be with those who Shall not then have paid in that So the Bills may the More Speedily be brought in and Consumed. [*Passed June 30.*]

## CHAPTER 66.

### ORDER ON THE TREAS<sup>s</sup> GENERAL ACCOMPT FOR Y<sup>e</sup> YEAR 1740.

ON THE GENERAL ACCOMPT of William Foye Esq. Treasurer and Receiver General of the Province, beginning May 29. 1740 and ending May 27. 1741.

Legislative Records of the Council, xvii. (3), 454.

Mass. Archives, cxxiv., 99-114. House Journal, pp. 22, 49. Province Laws, ii., 1083, chap. 12.

Read and

*Ordered* that the within Account be allowed, and that the Accountant William Foye Esq<sup>r</sup> Treasurer be and hereby is discharged of the sums of Seventy Thousand one hundred and seventy five Pounds, seventeen Shillings and five Pence, old Tenor, and Three Thousand and nine Pounds two shillings and five pence, Middle Tenor, being for sundry payments he has made to that Amount; And that he be further accountable for the sums of Twenty Five thousand nine hundred and twenty one Pounds, two shillings and four pence Old Tenor, and Thirty Six Thousand six hundred and sixty six Pounds eight shillings and six pence Middle Tenor outstanding for Taxes Loans &c when it shall be received in; and also that he be further accountable for the sum of Seven Hundred and one Pounds, Old Tenor, and Twenty Six Thousand seven hundred and ninety one Pounds seven shillings and ten pence Middle Tenor Bills of Credit, and for the sum of Two Thousand seven hundred and seven pounds seven shillings and a peny in silver and gold (according to Act) all now remaining in his hands. [*Passed June 30.*]

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## CHAPTER 67.

### ORDER ABOUT THE REPORT OF THE COMMITTEE FOR INDIAN AFFAIRS REFERRED.

Legislative Records of the Council, xvii. (3), 456.

*Ante*, p. 86, chap. 173.

*Ordered* that the Committee appointed the eighteenth of January last to consider the Indian Affairs (who were to have reported this Session) have leave to make their Report at the next Fall Session, and that they have like power as heretofore granted them.<sup>1</sup> [*Passed July 1.*]

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## CHAPTER 68.

### ORDER ACCEPTING THE REPORT ON THE COMMITTEE ON THE PETITION OF HUGH HALL ESQ<sup>r</sup> & RACHEL SHUTE, AND IMPOWERING THEM AS EXECUTORS TO SELL LAND.

Legislative Records of the Council, xvii. (3), 417, 456. Mass. Archives, xviii., 57.

Mass. Archives, xviii., 43. Legislative Records of the Council, xvii., Mis., 456. House Journal, pp. 46, 65.

A PETITION of Hugh Hall and Rachel Shute, Exors<sup>r</sup> of the Testament of Samuel Freeman dec<sup>d</sup> Shewing that there are considerable Debts and Legacies still remaining to be paid, and no personal estate in the hands of the Executors; and therefore Praying that they may be impowered to sell the House and Land where the Petitioner Rachel dwells, for paying said Debts and Legacies.

The Committee to whom was refer'd the Petition of Hugh Hall Esq<sup>r</sup> and Rachel Shute, Executors of the Testament of Samuel Freeman late of Boston dec<sup>d</sup> having considered thereon, report that the House mentioned in the said Petition is in a ruinous condition and wants great repairs, which the Petitioners suggest they can't make, having no estate of the deceaseds in their hands to do it with. The Committee therefore are humbly of Opinion that, for the advantage of the Legatees in said Will mentioned, it will be best to make sale of said House and yard for the most they will fetch, and that the Petitioners be impowered to sell the same with the advice of a Com-

<sup>1</sup> Not found in the House Journal.

mittee of this Court to see justice done therein; the Petitioners first giving sufficient caution to the Judge of the Probate of Wills &c for the County of Suffolk that the money arising by said sale be applied and disposed of pursuant to the directions in said Will. This is humbly submitted

In the Name and by Order of the Committee

ANTH<sup>o</sup> STODDARD.

In Council

Read and

*Ordered* that this Report be accepted and that the Petitioners be and hereby are empowered to Sell the said Estate and dispose of the Produce thereof accordingly; and John Jeffries and Anthony Stoddard Esq<sup>rs</sup>, with Such as the honble House Shall join, be the Committee to advise the Petitioners in the Sale of the Premises

In the House of Rep<sup>ves</sup>

Read and Concur'd and M<sup>r</sup> Hutchinson, M<sup>r</sup> Bromfield and M<sup>r</sup> Prout are Joyned in the Affair. [*Passed July 1.*]

## CHAPTER 69.

### ORDER FOR DISPOSING OF GOODS AT SACO TRUCK HOUSE.

WHEREAS it is represented that there is a considerable quantity of perishable Goods at the Truck-house on Saco-River, and others not vendible, which have been there for Some years past Therefore

*Ordered* That the Officer for managing the Truck trade be directed to send for such Goods as are now at the Truck house on Saco River either perishable or not vendible w<sup>ch</sup> he shall judge for the Interest of the Province to be returned to Boston & that he dispose of the same to the best advantage.<sup>1</sup> [*Passed July 1.*]<sup>2</sup>

Legislative  
Records of the  
Council, xvii.,  
Mis., 439.  
Mass.  
Archives,  
cxix., 382.

Legislative  
Records of the  
Council,  
xvii. (3), 462.

## CHAPTER 70.

### VOTE SUBSTITUTING JOHN QUINCY FOR NATH<sup>l</sup> HUBBARD ON THE HOUSATANUCK COMMITTEE.

*Voted* that John Quincy Esq<sup>r</sup> be of the Committee on the Petition of Josiah Philps & others of Upper Housatannuck in the room of Nath<sup>l</sup> Hubbard Esq<sup>r</sup> who desires to be excused from that Service.<sup>1</sup> [*Passed July 2.*]<sup>3</sup>

Legislative  
Records of the  
Council,  
xvii. (3), 457.  
Mass.  
Archives,  
cxiv., 707.

*Ante*, p. 108,  
chap. 228.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is July 2.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (3), the date is July 1.

## CHAPTER 71.

ORDER ALLOWING £150 TO M<sup>r</sup> WHEELWRIGHT TO PURCHASE PROVISIONS FOR THE GOVERNORS EXPEDITION TO THE EASTWARD.

Legislative  
Records of the  
Council,  
xvii. (3), 460.  
Mass.  
Archives,  
xxxI., 410.

*Order'd*

That there be & hereby is granted the Sum of One hundred & fifty pounds to be paid out of the Publick Treasury to M<sup>r</sup> John Wheelwright the said mony to be employd or so much thereof as shall be needful for the purchasing provisions & making suitable accommodation for his Excellency & the Gentlemen who attend him during their being at Falmouth or whilst ashoar at other the Eastern parts of the Province And the said M<sup>r</sup> Wheelwright is added to the Committee to wait upon his Excell<sup>y</sup> at the Interview & is directed to take care that such of the Stores as shall not be necessarily expended be preserv'd & returnd for the use of the Province. [*Passed July 2.*]

Legislative  
Records of the  
Council,  
xvii. (3), 421.  
House Jour-  
nal, p. 66.  
*Ante*, p. 151,  
chap. 55.  
*Infra*, chap. 72.

## CHAPTER 72.

ORDER ALLOWING £1,000 TO THE COMM<sup>tees</sup> FOR PROVIDING FOR THE GOV<sup>r</sup> AND COMPANY ON HIS EXPEDITION TO THE EASTWARD AND FOR PRESENTS TO THE INDIANS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 437.  
Mass.  
Archives,  
lxy., 195.

*Order'd*

That the Co<sup>m</sup>ittee appointed to make provision for the passage & accommodation of his Excellency & the Gentlemen who attend him to the propos'd Interview with the Eastern Indians be directed & empower'd to agree for & provide a suitable Vessel or Vessels for that purpose and also to purchase necessary provisions & stores not exceeding the value of Seven hundred & fifty pounds also to purchase & procure a suitable present not exceeding Two hundred & fifty pounds value to be deliver'd to the aforesaid Indians by his Excellency in the name of this Court, And the Sum of One Thousand pounds is hereby granted & allowd to be paid out of the Publick Treasury to the said Committee for the purposes aforesaid. [*Passed July 2.*]

Legislative  
Records of the  
Council,  
xvii. (3), 460.  
House Jour-  
nal, pp. 43, 67.  
*Ante*, p. 151,  
chap. 55.  
*Supra*, chap.  
71. *Infra*,  
chap. 73.

## CHAPTER 73.

VOTE REFERRING TO Y<sup>e</sup> GOVERN<sup>rs</sup> GUARD, ON HIS EXPEDITION EASTWARD.

Legislative  
Records of the  
Council,  
xvii. (3), 461.  
Mass.  
Archives,  
lxxii., 617.

*Resolv'd* That his Excellency the Captain General be desird to give Orders for the enlisting a Company of Sixty good & effective men in the County of York to attend him as a Guard at the propos'd Interview with the Indians their pay or establishment to be as follows viz: The Captain to receive after the rate of Three pounds ten shillings p<sup>r</sup> month the Lieutenant Two pounds five shillings the Ensign Two pounds the Sergeants Thirty seven shillings & six pence the Corporals & Drummers Thirty five shillings & each private Centinel Thirty shillings p<sup>r</sup> month. [*Passed July 2.*]

House Jour-  
nal, p. 67.  
*Supra*, chap.  
72.

## CHAPTER 74.

ORDER REFERRING THE PET<sup>n</sup> OF W<sup>m</sup> PYNCHON ESQ<sup>r</sup> TO THE COMMITTEE OF THE £100,000 LOAN.

A PETITION of William Pynchon of Springfield, shewing that his father John Pynchon Esq<sup>r</sup> with John Ashley Esq<sup>r</sup> surviving Commissioners of the £100,000 Loan for the County of Hampshire, are sued to account for Arrerages; and forasmuch as his said Fathers indisposition for many years past, has occasioned his neglect of this business; therefore Praying that the proceedings in the law may be suspended, and that a Committee of this Court may be appointed to make up Accompts with the said Commissioners and receive the Balance due or security for it.

Read and

*Ordered* that this Pet<sup>n</sup> be referd to the Comm<sup>ee</sup> on the £100,000 Loan that they may Act in this Affair for the best Interest of the Governm<sup>t</sup>. [*Passed July 2.*]

Legislative Records of the Council, xvii. (3), 461. Mass. Archives, cv., 206. Mass. Archives, cv., 204, 207. House Journal, p. 67. Province Laws, ii., 630, chap. 6. *Ante*, p. 42, chap. 66.

## CHAPTER 75.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF CHA: JOSLYN FOR A NEW TRIAL OF AN ACTION.

A PETITION of Charles Joslyn of Dighton in the County of Bristol, Shewing that at the Superior Court of Judicature held at Bristol for said County in October last, one George Bliss upon a Writ of Review of a Cause originally commenced against him by the Petitioner and his Wife for recovering their Right in two acres of Salt Marsh in Dighton aforesaid, obtained Judgement against the Petitioner; And forasmuch as divers material papers were wanting at the last Trial by reason of the sickness and absence of M<sup>r</sup> Shove the Petitioners Attorney, therefore Praying for a new Trial and that Execution may be staid in the mean time.

Read and

*Ordered* that the further consideration of this petition be refer'd to the first Fryday of the next Sitting of this Court and that the Petitioner serve the adverse party with a Copy hereof, that he then shew cause if any he have, why the prayer thereof should not be granted, and that Execution of the Judgment therein mentioned be staid in the mean time. [*Passed September 3.*]

Legislative Records of the Council, xvii. (3), 470. House Journal, pp. 43, 69, 70.

## CHAPTER 76.

ORDER ALLOWING THE CO. TREASURER OF SUFFOLK HIS ACC<sup>t</sup>.

AN ACCOMPT presented by Samuel Adams Esq<sup>r</sup> Treasurer of the County of Suffolk for the year 1741; having been laid before the Court of General Sessions of the Peace for the said County, and by them Allowed.

Read and

Legislative Records of the Council, xvii. (3), 473. House Journal, pp. 10, 39.

<sup>1</sup> Adjourned to September 2. See Legislative Records of the Council, xvii. (3), 464.

*Ordered* that the within Account be allowed (excepting an Overcharge in the order to Augustus Hale in prejudice to the County ten shillings) and that the Treasurer be further accountable to the said County for Forty Seven Pounds eight shillings and nine pence, lawful money. [*Passed September 4.*]

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## CHAPTER 77.

### VOTE FOR ADDITIONAL INSTRUCTIONS TO THE AGENTS.

Legislative  
Records of the  
Council,  
xvii. (3), 472.

Mass.  
Archives, vi.,  
47. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 452.  
House Jour-  
nal, p. 69.  
*Ante*, p. 77,  
chap. 147.

In the House of Represent<sup>ves</sup>

*Voted* that the Committee appointed to prepare [proper]<sup>1</sup> Instructions for the Agents on the Southern Boundaries now depending before the King and Council, be directed to prepare any Additional Instructions that may be necessary, and lay the same before the Court if sitting, transmit them to the said Agents as soon as possible, and make report of their proceedings in the Affair at the next Sitting of the Court.

In Council; Read and Concur'd and that Nath<sup>l</sup> Hubbard Esq<sup>r</sup> be added to the Committee.

[In the House of Rep<sup>ves</sup>  
Read and Concur'd.]<sup>1</sup> [*Passed September 7.*]<sup>2</sup>

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## CHAPTER 78.

### ORDER IMPOWERING THO<sup>s</sup> PEGAN, INDIAN, TO EXCHANGE LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 474.

House Jour-  
nal, p. 74.

A PETITION of Thomas Pegan of Natick, Indian, Praying liberty from this Court to exchange Eighteen Acres of Land with Stephen Bacon, for the like quantity of his land, lying in Natick, and which is much more convenient as to situation and soil for the Petitioner than his own land, the Overplus in Value of either side, to be paid in money, as a Committee of this Court shall think just and reasonable.

In the House of Represent<sup>ves</sup>; Read and

*Ordered* that the prayer of the Petition be granted, and that M<sup>r</sup> Livermore and Major White, with such as the Hon<sup>ble</sup> Board shall join, be a Committee to see justice done to the Petitioner in Exchange of the land herein mentioned.

In Council; Read and Concur'd and John Quiney Esq<sup>r</sup> is joined in the affair. [*Passed September 7.*]

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## CHAPTER 79.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF SARAH DOLBEAR TO REENTER AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (3), 475.

A PETITION of Sarah Dolbear, Executrix of the last Will and Testament of John Dolbear late of Boston, brazier, dec<sup>d</sup> Shewing that at the last Inferior Court held at Concord for the County of

<sup>1</sup> Supplied from Mass. Archives, vi., 47.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (3), the date is September 4, and *ibid.*, xvii., Mis., September 9.



Middlesex, an Action was prosecuted against her as Executrix &c by James Gibson of Newton, and Judgment recovered against the Estate of her Testator, altho she knew nothing of the said Action nor any Writ or Summons served on her; and therefore Praying that she may reënter the said Action at the next Inferior Court for said County, and Execution be staid in the mean time.

House Jour-  
nal, pp. 74, 75.

Read and

*Ordered* that the Petitioner serve the adverse party James Gibson with a Copy of this Petition, that so he may shew cause if any he have, on the first Fryday of the next Sitting of this Court, why the Prayer thereof should not be granted; and the Execution within mentioned is stayed in the mean time. [*Passed September 7.*]

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## CHAPTER 80.

### ORDER IMPOWERING JAS PAUGENOT, INDIAN, TO SELL LAND.

A PETITION of James Pangenot, Indian, Shewing that he was indicted at the Assizes for the County of Middlesex for the murder of his infant Child, that he has been tried and acquitted, and is now under imprisonment for the charges, amounting to about Twenty Pounds; praying that he may be allowed to sell five Acres of land he has at Natick, that so he may pay the said charges with the produce thereof.

Legislative  
Records of the  
Council, xvii. (3), 477.  
Mass.  
Archives,  
xxxii., 425.

House Jour-  
nal, p. 74.

In the House of Rep<sup>ues</sup>

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that Maj<sup>r</sup> White with such as the Hon<sup>ble</sup> Board shall Joyn be and hereby are Impowered to make sale of the land therein mentioned, the produce thereof to be applied towards the payment of the Charges of the Pet<sup>r</sup> at and since his tryal.

In Council

Read and Concurr'd & John Quincy Esq<sup>r</sup> is join'd in the Affair. [*Passed September 8.*]

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## CHAPTER 81.

### ORDER AUTHORIZING REPAIRS TO THE LIGHT HOUSE BOAT.

A MEMORIAL of Robert Ball, Keeper of the Light House, shewing that the sails and Rigging of the Lighthouse Boat are old, and too much worn for the winters service, and therefore Praying for a new set of Sails and Rigging.

Legislative  
Records of the  
Council, xvii. (3), 478.  
Mass.  
Archives,  
lxiv., 197.

Read and

*Ordered* that the Prayer of the within Pet<sup>n</sup> be granted And that the Comm<sup>ee</sup> appointed to take care of the repairs at the Light House be directed to provide Sails and rigging accordingly.<sup>1</sup> [*Passed September 9.*]

Mass.  
Archives,  
lxiv., 196.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 452.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 82.

## ORDER GRANTING ABIG: WEBB A PORTION OF HER DECEASED HUSBANDS ESTATE.

Legislative  
Records of the  
Council,  
xvii. (3), 479.  
Mass.  
Archives,  
xviii., 68.

Legislative  
Records of the  
Council, xvii.,  
Mis., 455.  
House Jour-  
nal, p. 78.  
Province  
Laws, xii., 661,  
chap. 200.

A PETITION of Abigail Webb, Widow and Administr<sup>x</sup> of Samuel Webb late of Charlestown in the County of Middlesex, shewing that by an Order of this Court in March 1739 she was impowered to sell the real Estate of the deceased for paying his debts, but by mistake it was Ordered that the debts be first paid and then her Dower set off, whereas her Dower ought by law to be taken out of the whole Real Estate; praying that this Court would now rectify said mistake and order her full Dower.

Read and

*Ordered* That the Prayer of the Petition be granted, and that the Petitioner have the Improvement of one third part of the whole of the produce of the Premises, during her natural Life, accordingly; She giving bond in manner as is provided by the Order within referred to. [*Passed September 9.*]

## CHAPTER 83.

## ORDER REFERRING THE REPORT OF THE COMMITTEE ABOUT BERWICK MEETING HOUSE, WITH STAY OF PROCEEDINGS.

Legislative  
Records of the  
Council,  
xvii. (3), 479.  
Mass.  
Archives, cxv.,  
379.

House Jour-  
nal, pp. 19, 22,  
78. *Ante*,  
p. 132, chap. 9.

IN OBEDIENCE to the Order of the General Court of the fourth of June 1742, We the Committee to whom was Referred the Petition of Several of the Inhabitants of the Town of Berwick Relating to their Meeting house having Repaired to the said Town and Viewed the Several parts thereof & the Situation of the Inhabitants & heard all the parties therein Concerned, Agree Humbly to Report 1. That the Old Meeting house now standing being in the place where the Publick Worship of God has hitherto been performed in said Town & so Conveniently Situated as that the Ancient Setlers & Inhabitants who Built & kept it in Time of War and Difficulty ought Still to keep it since if they Shou<sup>d</sup> but go but One mile & half to North of the said Meeting house are Sufficient of themselves for a parish We therefore Judge it Unreasonable that the same shou<sup>d</sup> be Demolished but that it Ought still to be maintained in the same place. 2. We find that since the last Indian Warr the said Town hath made very Considerable Improvements with great Pains & Industry & Settled so farr towards the Upper End of the Town in the Several parts & Roads thereof that We apprehend the said Town may in Time be Separated into Two parishes But at present We are Humbly of Opinion its best to Continue in One Body. and if the Inhabitants shall agree so to do & keep together & the Lower part of the Town do as they have and still Offer to do, that is to Assist the upper part in Building a Meeting house & Supporting a Minister to Accomodate the New Settlements or Upper End of the Town we think and Judge their Offer to be very Reasonable And inasmuch as the Now Meeting house will not hold all the Inhabitants of said Town & Since Some of the upper part of the Inhabitants thereof Travil a great Way to meeting as has been Represented

in the Petition We are Humbly of Opinion that their be another Meeting house Built in said Upper part of the Town where it will best accomodate the Inhabitants of the said Upper part of the Town so that it be above Capt Chadbourns in a Convenient place where they shall agree, Wherefore upon the whole We humbly Conceive it will be much for the future peace & well being of the Town that the said Town be Directed to keep the Now Meeting house in Repair & Build a New One where it will best accomodate the Inhabitants above Capt Humphry Chadbourns in the Spot where they shall agree

All which is Humbly Submitted

By Order of the Committee

JER MOULTON

Read &

*Ordered* that the Consideration of this Report be referred to the next session; and that all proceedings relating to the Building a Meeting house be further Suspended till that Time. [*Passed September 9.*<sup>1</sup>

## CHAPTER 84.

ORDER ALLOWING £100 TO REV<sup>d</sup> EDWARD HOLYOKE PRESIDENT OF HARVARD COLLEGE.

Legislative Records of the Council, xvii. (3), 482. Mass. Archives, lviii., 327.

*Voted* that one hundred pounds Bills of the last Emission be granted out of the publick Treasury to the Rev<sup>d</sup> Edward Holyoke President of Harvard College as one half Year's Allowance ending this Month. [*Passed September 10.*<sup>2</sup>

Legislative Records of the Council, xvii., Mis., 455. House Journal, p. 78.

## CHAPTER 85.

ORDER APPROPRIATING £400 FOR PAYMENT OF DEBTS.

*Ordered* that the Sum of 400£. part of the 5,000£ appropriation, in Bills emitted by the Act for Supplying the Treasury in the Year 1741. be appropriated towards the payment of Such Debts as are owing from this Province to any Person or persons who have Serv<sup>d</sup> or Shall hereafter Serve them by order of this Court in Such Matters & things where there is no Establishment nor any certain Sum assigned for Such Services, said Sum to be made Good out of the next Supply of the Treasury that Shall pass this Court. [*Passed September 10.*

Legislative Records of the Council, xvii., Mis., 453. Mass. Archives, lxxii., 621.

Legislative Records of the Council, xvii. (3), 482. House Journal, pp. 77, 78. Province Laws, ii., 1078, chap. 11.

## CHAPTER 86.

VOTE ALLOWING £700 FOR REPAIRS OF FORTS AND TRUCKHOUSES.

*Voted* that the Sum of Seven hundred pounds in Bills emitted by the Act for Supply of the Treasury in the year 1741 be & hereby is granted to his most Excellent Majesty for the effecting & com-

Legislative Records of the Council, xvii., Mis., 454. Mass.

<sup>1</sup> On December 24, 1742-43, it was "*Ordered* that this Report be Accepted." — Mass. Archives, cxv., 380; also Legislative Records of the Council, xvii. (3), 572.

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii. (3); according to Legislative Records of the Council, xvii., Mis., the date is September 20.

Archives,  
LXXII., 619.  
Legislative  
Records of the  
Council,  
xvii. (3), 483.  
House Journal,  
p. 77.  
Province  
Laws, ii., 1077,  
chap. 11; *ibid.*,  
xii., 699, chap.  
74. *Ante*,  
p. 113, chap.  
241.

pleating the repairs of the Forts & Truck houses hereafter mentioned in the Eastern parts of the Province viz. Three hundred pounds part of s<sup>d</sup> Sum to be apply'd to compleating the works at Fort Frederick at Pemaquid Three hundred pounds other part of said Sum to be apply'd to compleating the Truckhouses & publick buildings at S<sup>t</sup> Georges & One hundred pounds the remaining part of said Sum to be apply'd to the repairing the Truck house & Bridges at Saço; the several Sums aforesaid am<sup>o</sup> in the whole to Seven hundred pounds to be taken out of the appropriation of Five thousand pounds in the aforesaid Act of Supply, the said appropriation to be made good by the next Act for Supply of the Treasury that shall pass this Court. [*Passed September 10.*]

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## CHAPTER 87.

### ORDER REFERRING THE PETITION OF THE FIRST PARISH IN GLOUCESTER IN REGARD TO THE MINISTRY.

Legislative  
Records of the  
Council,  
xvii. (3), 471,  
483. Mass.  
Archives,  
cxliiii., 65.  
Mass.  
Archives,  
cxliiii., 64.  
House Journal,  
pp. 79, 80.  
*Ante*, p. 21,  
chap. 20.

A PETITION of a Committee for the first Precinct in Gloucester; shewing that notwithstanding the said Precinct hath, as far as could be for the time complied with the Order of this Court on the petition of Nathaniel Coit and others, who had separated from them; yet because the said Precinct have not actually settled a Minister to assist their Pastor, the said Petitioners have made great disturbance among them, and have called a Meeting to chuse Parish Officers, as thó they were lawfully constituted a Preeinet; and therefore Praying that such further measures may be taken by this Court as to render the Order above refer'd to, effectual.

Read and

*Ordered* that the Consideration of this Petition be referr'd to the next Sitting of this Court, and that the Parties in the mean time, govern themselves by the former Order. [*Passed September 10.*]

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## CHAPTER 88.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOS. WHITE ESQ<sup>r</sup> TO SET ASIDE A RULE OF COURT.

Legislative  
Records of the  
Council,  
xvii. (3), 483.  
House Journal,  
p. 78.

A PETITION of Joseph White of Boston in the County of Suffolk Esq<sup>r</sup> shewing that in an Action depending in the Superior Court for the said County between the Petitioner and Nathaniel White of Weymouth, the Parties enter'd into a Rule of Court to refer the affair to three Persons then appointed, that the Referrees met upon a day when the Petitioners Wife lay at the point of Death, and he thinking the business would then be put off to a further day, did not attend; notwithstanding which the Referrees proceeded to hear one party, and to determine thereon, without ever hearing the Petitioner, and the Court made up Judgment accordingly; and therefore Praying that the said Report and Judgment may be set aside, and execution staid, and that the Rule of Court may be entered into anew, or that the Petitioner may otherwise be relieved as this Court shall think fit.

Read, and

*Ordered* that the Petitioner serve the adverse party the said Nathaniel White with a Copy of this Petition that he shew cause, if any he hath, on the first Fryday of the next sitting of this Court, why the prayer thereof should not be granted, and execution within mentioned is staid in the mean time. [*Passed September 10.*]

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## CHAPTER 89.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF W<sup>M</sup> NICHOLS FOR REVIEW OF AN ACTION.

A PETITION of William Nichols Under Sheriff of the County of Suffolk, Shewing that John Noyce Esq<sup>r</sup> at the Superior Court for Middlesex in July last obtained Judgment against the Petitioner for not returning an Execution against Samuel Hood of Boston, thô he had in fact returned it, that after Judgement the Petitioners Attorney neglected to give Bond to review the said Action, the Petitioner being hindered of attending said Court by the business of his Office; and therefore praying that he may be allowed to review the said Action at the next Superior Court for said County and to give Bond accordingly, and that Execution may be stayed in the mean time.

Legislative  
Records of the  
Council,  
xvii. (3), 484.  
Mass.  
Archives, xlii.,  
122.  
Mass.  
Archives, xlii.,  
121. House  
Journal, p. 80.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Paty the s<sup>d</sup> John Noyce with a Copy of this Pet<sup>n</sup> that He shew cause if any he hath on the first fryday of the next session of this Court why the prayer thereof should not be granted And Execution herein mentioned is stayed in the mean time.<sup>1</sup> [*Passed September 10.*]

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## CHAPTER 90.

### ORDER GRANTING A LOAN OF £125 TO ISAAC PARKER.

A PETITION of Isaac Parker of Charlestown, Potter, Shewing that he has with great expence learned the art of making Stone Ware, which may be much for the benefit of the Province; but as he has not a stock to carry on the said trade; therefore Praying that this Court would lend him One hundred and twenty five pounds in Bills of the new Emission, without Interest, for carrying on the said business, he giving good security for paying in the money at the time assigned, and that the Petitioner may have the sole privilege of the said manufacture.

Legislative  
Records of the  
Council,  
xvii. (3), 485.  
Mass.  
Archives, lix.,  
333.  
Mass.  
Archives, lix.,  
332. Legisla-  
tive Records of  
the Council,  
xvii. Mis., 453.  
House Jour-  
nal, pp. 74, 79,  
80. Province  
Laws, ii., 1014,  
chap. 2.

Read and in answer hereto

*Ordered* that the Pet<sup>r</sup> be allowed to recieve out of the Appropriation for Premiums now in the Province Treasury for his Encouragement in making Stone Ware the Sum of One hundred twenty five pounds. he giving land Security to the Value of two hundred pounds for the payment of three hundred Seventy five Ounces of Silver into the said Treasury in Lieu thereof with Lawful Interest for the same

<sup>1</sup> At the hearing November 23, 1742, this petition was dismissed. — Legislative Records of the Council, xvii. (3), 498; House Journal, p. 88.

at or before the last day of December 1746 Provided Nevertheless that if the Money be Improved to the purposes afores<sup>d</sup> No Interest shall be taken. Provided also that if he pay in the Bills within the time limited therefor, they shall be recieved in full discharge of his Mortgage instead of the Silver. Provided further that the repayment of the whole Sum be made within one Year from this time in case the Pet<sup>r</sup> does not proceed in the work afores<sup>d</sup> The Security to be to the satisfaction of the Treasurer. [*Passed September 10.*]

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## CHAPTER 91.

### ORDER IMPOWERING EBEN<sup>s</sup> HOW TO ENTER A NEW TRIAL OF AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (3), 465.  
Mass.  
Archives, xlii.,  
117.

Mass.  
Archives, xlii.,  
115. Legisla-  
tive Records of  
the Council,  
xvii. (3), 486.  
House Jour-  
nal, pp. 69, 80.  
*Ante*, p. 59,  
chap. 109.

A PETITION of Ebenezer How of Brookfield, shewing that he appealed from a sentence of William Jennison Esq<sup>r</sup> dec<sup>d</sup> (then a Justice of the Peace for the County of Worcester) on a complaint of James Smith of Leicester for the Petitioners forcibly and thievishly taking from him a Note of hand for £85 to the Court of General Sessions of the Peace for the said County; that the said Court, held in August 1741, gave Judgement against the Petitioner; from which he appealed to the next Superior Court, and recognized; but his Attorney, being taken sick, failed of filing Reasons of Appeal: Therefore praying that he may have a Trial at the next Superior Court.

Read & it appearing that the adverse Party James Smith has been served with a Copy of this Petition, & no Answer being given in

*Ordered* that the Prayer of the Petition be granted, And his Majesty's Justices of the Sup<sup>r</sup> Court of Jud<sup>l</sup> Court of Assize & Gen<sup>l</sup> Goal Delivery are hereby empowered at their next session to be holden at Worcester within & for the County of Worcester on the 3<sup>d</sup> Tuesday of this Instant sep<sup>r</sup> to hear & try the Cause within mentioned, enter up Judgm<sup>t</sup> and award Execution thereon, the s<sup>d</sup> Default notwithstanding, Provided the Pet<sup>r</sup> serve the said James Smith with a Copy of this Order seven days at least before the Sitting of said Court. [*Passed September 10.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGAN AND HELD AT BOSTON,  
ON THE EIGHTEENTH DAY OF NOVEMBER, A.D. 1742.

## CHAPTER 92.

ORDER CONFIRMING A PLAT OF A NEW TOWN GRANTED TO FRAMINGHAM INHABITANTS.

A PLAT of land of six miles square and three hundred Acres laid out by John Jones Esq<sup>r</sup> and James Huston Survey<sup>rs</sup> and Chain men on Oath, to fulfill a grant to the Inhabitants of Framingham for a Township, made by the General Court in the year 1741, being in the County of Hampshire, bordering Southerly on the Boston Township taken up by Coll. Wendell.

Read and

*Ordered* that the within Plat be accepted and the lands herein delineated and described be and hereby are confirmed to Caleb Bridge and Others as Entred Jan<sup>y</sup> 14<sup>th</sup> last provided<sup>1</sup> the Plat exceeds not the Quantity of the Grant and does not interfere with any former Grant. And for the more effectual bringing forward the Settlement of the said Town.<sup>2</sup>

*Ordered* that there be Seventy nine equal Shares, The House Lotts to be laid out in a Suitable and defensible manner One of said Shares to be for the first settled Minister One for the Ministry and One for the School That there be Sixty familys Settled on Sixty of the other Shares or Home Lotts w[i]thin three Years from the confirmation of this Plan, who shall each have a house built thereon of Eighteen feet Square at the least and seven feet Stud, And Six Acres of Land part thereof ploughed or brought to English Grass and Fenced, and build and finish a convenient Meeting House for the publick Worship of God: and Settle a Learned and Orthodox Minister. That said Sixty Settlers give bond to the Treasurer of this Province in the Sum of twenty five pounds each for complying with the Terms of the Grant And if any of the said Settlers fail of performing their Conditions of Settlement afores<sup>d</sup> then his or their Right Share or Interest in said Town to revert to and be at the disposition of the Province, and the Province Treasurer shall Immediately Sue out their Bonds.<sup>3</sup> [*Passed November 19.*<sup>4</sup>

Legislative Records of the Council, xvii. (3), 494.  
Maps and Plans, Mis., xiii., 1.

Maps and Plans, Mis., xiii., 1. Legislative Records of the Council, xvii., Mis., 446. *Ante*, p. 83, chap. 165.

<sup>1</sup> The word "provided" is underlined in the MS.

<sup>2</sup> The town was called Lanesboro.

<sup>3</sup> Not found in the House Journal.

<sup>4</sup> This date is according to Maps and Plans and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is November 20.

## CHAPTER 93.

ORDER ON THE PETITION OF Y<sup>E</sup> INHABITANTS OF THE SOUTH WEST PART OF LANCASTER GRANT TO BE ERECTED INTO A PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (3), 496.

House Jour-  
nal, p. 85.

A PETITION of the Inhabitants of the South West part of Lancaster new Grant, setting forth their difficulties for want of being made a separate Precinct, and praying that they may be set off according to the Bounds particularly set forth in the Petition, which is Voted by the said Town.

Read, and in answer to the within Petition

*Ordered* that the South Westerly part of the Additional Grant and the Mile, so called, in the Town of Lancaster with the Inhabitants thereon, be and hereby are set off a distinct and separate Precinct, and vested with the powers and privileges which other Precincts do or by law ought to enjoy, according to the following Bounds viz<sup>t</sup> To begin at the South East Corner of Lancaster and from thence to run a line East 21 Deg. South one hundred and sixty Perch, and from thence to run South 8 Deg. West two miles and an half and twenty Perch, which distance will be due West from Jonas Fairbanks's House; and from thence to run South 18 Deg West to a certain place called the Foot of the Sear on the West side of Nashaway River below the Widow Sawyers Mill, over against where her internal fence comes to said River; and from thence a strait line to the Town Line, running East of the Cart Bridge over the Mill Pond and also East of Simon Stones House a few rods, and to include all the additional Grant lying South Westerly of Leominster; always Provided that the Inhabitants dwelling on the Land above mentioned be subject to pay their just parts and proportions of all Ministerial Rates and Taxes in said Town of Lancaster already granted as aforesaid. [*Passed November 23.*]

## CHAPTER 94.

## ORDER IMPOWERING MARY JOHNSON TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xvii. (3), 498.  
Mass.  
Archives,  
xviii., 63.

Mass.  
Archives,  
xviii., 61.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 456.  
House Jour-  
nal, p. 87.

A PETITION of Mary Johnson of Southborò Shewing that being advanced in years and not being so able as formerly to make a livelihood for her self off of the little estate belonging to her late husband dec<sup>d</sup> which was set out to her as her Dower, she has the consent of her children that the same should be sold for her maintenance, but for as much as one of her sons is dead and has left children in their minority (whose Mother consents to the sale of the said Estate) Therefore praying that this Court would enable her to sell the said Estate, consisting of a Dwelling House and two pieces of land in Southborò for her more comfortable support.

In Answer to the within Petition

*Ordered* that the Prayer thereof be So far Granted as that The Petitioner Mary Johnson with the Advice of M<sup>r</sup> Samuell Lyscom be and hereby is fully Authorized & Impowered to make Sale of the House and Two peices of land within Mentioned for the most the Same will fetch and that the Interest of the mony arising by such Sale be Apply'd for the More Comfortable Support of the Said



Mary Dureing her Naturall life, She Attending the directions of y<sup>e</sup> Law In Notifying the Sale thereof and giving Caution to the Judge of the Probate of Wills &c<sup>r</sup> for the County of Worcester for the Principall Sum w<sup>ch</sup> at her Decease is to be distributed pursuant to Law. [*Passed November 23.*]

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## CHAPTER 95.

### VOTE DIRECTING THE SECRETARY TO ENTER PUBLIC LETTERS AND THE ACCOUNTS OF AGENTS, IN A BOOK.

*Voted* that the Secretary be directed to enter in a Book the publick Letters to and from the Agents &c also the publick Accounts that hereafter may be sent by the Agents, at the charge of the Province. [*Passed November 24.*]

Mass.  
Archives,  
lxxxviii., 397.  
House Jour-  
nal, p. 89.

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## CHAPTER 96.

### VOTE ALLOWING £20 TO M<sup>r</sup> ROWL<sup>d</sup> COTTON.

*Voted* that the Sum of twenty pounds be granted and paid out of the publick Treasury to M<sup>r</sup> Roland Cotton for his Service, as Clerk to His Excellency the Governour and Council in the late Interview Eastward. [*Passed November 26.*]

Legislative  
Records of the  
Council,  
xvii. (3), 504.  
Mass.  
Archives, xx.,  
333.  
House Jour-  
nal, p. 92.  
*Ante*, p. 158,  
chap. 72.

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## CHAPTER 97.

### VOTE ALLOWING £7. 10 TO SAM<sup>l</sup> WELLS ESQ<sup>r</sup>.

*Voted* that the sum of Seven Pounds ten shillings be granted and paid out of the Publick Treasury to Samnel Wells Esq<sup>r</sup> in consideration of his extraordinary pains in and about the Instructions to the Agents on the Southern Boundary &c. [*Passed November 26.*]

Legislative  
Records of the  
Council,  
xvii. (3), 505.  
House Jour-  
nal, p. 92.  
*Ante*, p. 77,  
chap. 147.

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## CHAPTER 98.

### ORDER OF NOTICE ON THE PET<sup>n</sup> OF JOS. HALE & OTHERS OF BOXFORD IN REGARD TO A MEETING HOUSE.

A PETITION of Joseph Hale and others in behalf of the Inhabitants of the Northerly part of the first Parish in Boxford, Shewing that altho the Inhabitants of said Parish in divers meetings had Voted the place whereon to set their Meeting House, and a sum of money for the building thereof, yet at a meeting called in a very irregular manner and held Septem: 17. 1742 the minor Part have voted all the former Proceedings null and void, and have altered the place for the Meeting Houses standing, and have purchased and

Legislative  
Records of the  
Council,  
xvii. (3), 505.  
Mass.  
Archives, xii.,  
246.  
Mass.  
Archives, xii.,  
244-249. House  
Journal, p. 93.

set up a frame in the said place; and therefore Praying that this Court would interpose their Authority and order the removal of the said Frame to the place stated by the said Precinct, or otherwise relieve the Petitioners.

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Clerk of the first Parish in Boxford with a copy of this Pet<sup>n</sup> that so the s<sup>d</sup> Parish shew cause if any they have on thursday the 9<sup>th</sup> of Dec<sup>r</sup> next why the Prayer thereof should not be granted. [*Passed November 26.*]

## CHAPTER 99.

### VOTE ALLOWING £250 TO THE GOV<sup>R</sup> FOR GOING EASTWARD.

*Voted* that the Sum of two hundred and fifty pounds be granted and paid out of the publick Treasury to His Excellency William Shirley Esq<sup>r</sup> for his trouble and extraordinary dispatch in the late Interview Eastward, as also in consideration of his kind disposition to promote the Interest of the Province. [*Passed November 26.*<sup>1</sup>]

## CHAPTER 100.

### ORDER ON THE GROTON NORTH WEST INHAB<sup>S</sup> PETITION TO BE ERECTED INTO A SEPARATE PRECINCT.

A PETITION of Benjamin Swallow and others, Proprietors and Inhabitants of lands lying on the West side of Lancaster River being the Northwest Corner of the Town of Groton; shewing that they are very remote from the place of publick Worship; praying that they may be set off and made a separate Precinct by such bounds as are particularly set forth in said Petition; agreeable to a Vote by the Inhabitants of said Town of Groton, pass'd in May last.

In Answer to the within Petition

*Ordered* that that Part of the Town of Groton Lying on the West-erly Side of Lancaster River within the following bounds viz<sup>t</sup> bound- ing Easterly on Said River Southerly on Townsend Road So called Westerly on Townsend line and Northerly on Dunstable West Pre- cinct with the Inhabitants Thereon be and hereby are Set off a dis- tinct and Seperate precinct and Vested with the powers & priviledges which Other Precincts do or by Law ought to enjoy always provided that the Inhabitants Dwelling on the lands abovementioned be sub- ject to pay their Just part and proportions of all ministeriall Rates and Taxes in the Town of Groton already Granted or Assessed. [*Passed November 26.*<sup>2</sup>]

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is November 27.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legis- lative Records of the Council, xvii. (3), the date is November 29.

Legislative  
Records of the  
Council,  
xvii. (3), 508.  
Mass.  
Archives,  
xlix., 165.

Legislative  
Records of the  
Council, xvii.,  
Mis., 457.  
House Jour-  
nal, p. 91.

Legislative  
Records of the  
Council,  
xvii. (3), 510.  
Mass.  
Archives,  
cxlv., 769.

Mass.  
Archives,  
cxiv., 768.  
House Jour-  
nal, p. 92.

## CHAPTER 101.

ORDER ON GEO. AND ROBT HEWS PETIT<sup>N</sup> FOR STAY OF EXECUTIONS.

A PETITION of George and Robert Hews of Boston, tanners, complaining of many hardships they have suffered from the severe prosecutions of Nathaniel Cunningham of Boston merchant, and praying that all Executions on Judgments already obtained or that may be obtained in consequence of the Petitioners partnership with the said Cunningham, may be staid, till the trials of two Actions of Review at the next Superior Court, which will put a final issue to their disputes.

Read and

*Ordered* that the Petitioners serve the adverse party Nathaniel Cunningham with a Copy of this Petition, that he shew cause if any he hath, on Fryday the third of December next, why the prayer thereof should not be granted; and all the Executions mentioned are hereby stayed in the mean time; Provided the Petitioners give M<sup>r</sup> Nath<sup>l</sup> Cunningham sufficient Security to satisfy the Executions on the Judgments recovered against them<sup>1</sup> in case this Court should not think proper to grant the prayer of this Petition.<sup>2</sup> [*Passed November 29.*]

Legislative  
Records of the  
Council,  
xvii. (3), 509.

Mass.  
Archives, xlii.,  
153-156. Legis-  
lative Records  
of the Council,  
xvii. (3), 527,  
555. House  
Journal, pp. 94,  
102, 112, 116.  
*Ante*, p. 109,  
chap. 229.

## CHAPTER 102.

ORDER FOR ADJOURN<sup>o</sup> THE SUPERIOR COURT IN SUFFOLK COUNTY.

WHEREAS His Majestys Superior Court of Judicature Court of Assize & General Goal delivery for the County of Suffolk stands adjourned by Order of the Justices of the said Court to Tuesday the thirtieth Instant, then to meet at Boston, And whereas the Justices of the said Court being engaged in Business of the Crown lying before the said Court now held at Salem for the County of Essex; have moved this Court that they would order a further Adjournm<sup>t</sup>

*Ordered* that the Superior Court of Judicature Court of Assize & General Goal Delivery for the County of Suffolk be further adjourned to Tuesday the seventh day of decem<sup>r</sup> next at ten a Clock in the Fore-Noon, then to be held at Boston for the said County of Suffolk;

And the Justices of the said Court and all others concerned are hereby directed to govern them selves accordingly. [*Passed November 29.*]

Legislative  
Records of the  
Council,  
xvii. (3), 511.

Mass.  
Archives,  
xlii., 146.

House Jour-  
nal, pp. 95, 96.

## CHAPTER 103.

## ORDER IMPOWERING SUSAN: HOLDEN TO EXECUTE DEEDS.

A PETITION of Susannah Holden Widow and Zacheus Hall Administrators of the Estate of James Holden late of Sutton in the

Legislative  
Records of the  
Council,

<sup>1</sup> In Legislative Records of the Council, xvii. (3), 510, "him."

<sup>2</sup> The required security was given to Cunningham. See House Journal, p. 116, December 17, 1742.

xvii. (3), 513.  
Mass.  
Archives,  
xviii., 98.

Mass.  
Archives,  
xviii., 97.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 457.  
House Jour-  
nal, p. 95.

County of Worcester dec<sup>d</sup> Shewing that the said James gave his bond in his life time to Benj<sup>n</sup> Townsend of Lancaster for £300 to give him a Deed of a certain Home Lot at Paquoig, that the said Townsend threatens to put the said Bond in suit; and therefore praying that the Petitioners may be impowered to execute a Deed for the said Home Lot as also a Deed to Abner Lee of the said James's meadow at Paquoig, which he sold to the said Abner and received Ten Pounds as the consideration money for it.

In Answer To the within Petition

*Ordered* that the Prayer Thereof be Granted and that the Petitioners be and hereby are fully Authorised and Impowered to Execute Good & Sufficient Deds in y<sup>e</sup> Law for Conveying the lands and Meadows within Mentioned to the within Named Benj<sup>a</sup> Townsend & Abner Lee agreeable to the obligation and Agreement with them enterd into & made by the Dec<sup>d</sup> In his life time. [*Passed November 30.*]

Legislative  
Records of the  
Council,  
xvii. (3), 515.  
Mass.  
Archives,  
lxxii., 629.

Mass.  
Archives,  
lxxii., 627.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 457.  
House Jour-  
nal, p. 94.

## CHAPTER 104.

### VOTE ALLOWING £150 TO CPT. JOHN WINSLOW.

*Voted* that the Sum of One hundred and fifty pounds be granted and paid out of the publick Treasury to John Winslow Esq<sup>r</sup> in consideration of his extraordinary Charge and Loss occasion'd by the desertion of sundry Soldiers Inlisted for the Expedition to the West Indies &c. [*Passed November 30.*]<sup>1</sup>

## CHAPTER 105.

### ORDER CONFIRMING A PLAT OF 800 ACRES OF LAND FOR SETH DWIGHT.

Legislative  
Records of the  
Council,  
xvii. (3), 515.

House Jour-  
nal, p. 95.  
Province  
Laws, xii., 722,  
chap. 133.

A PLAT of Eight Hundred Acres of Land laid out by Oliver Patridge Survey<sup>r</sup> and Chain men upon Oath, to fulfill a grant made by this Court in December 1740 to M<sup>r</sup> Seth Dwight, lying in a Bow of the East Branch of Housatanuck River.

Read and

*Ordered* that this Plan be accepted, and the Lands therein delineated and described are hereby confirmed to the within named Seth Dwight his Heirs and Assigns; Provided the Plat exceeds not the quantity of the Grant and does not interfere with any former Grant. [*Passed December 1.*]

## CHAPTER 106.

### ORDER GRANTING THO<sup>s</sup> HAPGOOD 200 ACRES OF LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 515.  
Mass.

A PETITION of Thomas Hapgood of Marlboró Setting forth his services in the war against the Eastern Indians, & his sufferings by wounds he has received from them, which in his advanced Age dis-

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is December 1.

able him for labour for the support of himself and family; and therefore Praying for a grant of Province Land.

In Answer to the within Petition,

*Voted* that there be & hereby is granted to the Pet<sup>r</sup> Thomas Hapgood his Heirs and Assigns for ever two hundred Acres of the unappropriated Lands of this Province adjoining to the new Township commonly called Paquoiaq, in Consideration of his Services & Sufferings, & that the Pet<sup>r</sup> be allowed to lay out the same by a Surveyor & Chainmen under Oath & return a plan thereof to this Court within twelve Months for Confirmation. [*Passed December 1.*]

Archives,  
cexliii., 81.

Mass.  
Archives,  
cexliii., 81½.  
House Journal,  
pp. 20, 93.

## CHAPTER 107.

### ORDER CONFIRMING A PLAT OF 400 ACRES OF LAND TO ZECHARIAH FIELD.

A PLAT of Four Hundred Acres of Land laid out to satisfy a Grant made by the General Court in their last May Session to Zechariah Field, surveyed by Elijah Williams Survey<sup>r</sup> and Chainmen on Oath, Adjoining to the South End of Boston Township called checkleys Town, West of Deerfield, in the County of Hampshire, Beginning at a Stake about Forty Four Rods West of a small River or Brook that comes into said Township; thence running East 19 Deg. South one hundred and sixty five Rods by the line of the said Township to a small Beech marked; thence South West four hundred and eighty Rods; thence North West one hundred and forty Rods and an half, thence North East to the State first mentioned.

Read &

*Ordered* that the Within platt be Accepted & that the Land therein Delineated & Described be Confirmed to Zech<sup>r</sup> Field His H<sup>rs</sup> & Assigns provided It Exceed Not the Quantity of four Hundred Acres nor Interfere with any former Grant. [*Passed December 2.*]

Legislative  
Records of the  
Council,  
xvii. (3), 506.

Mass.  
Archives,  
xlvi., 130.

Mass.  
Archives,  
xvii., 125-130.  
Legislative  
Records of the  
Council,  
xvii. (3), 516.  
House Journal,  
p. 94.  
*Ante*, p. 129,  
chap. 2.

## CHAPTER 108.

### ORDER ALLOWING £100 TO LIEU<sup>r</sup> GOVERN<sup>r</sup> PHIPS.

A MEMORIAL of the Hon<sup>ble</sup> Spencer Phips Esq<sup>r</sup> Lieuten<sup>t</sup> Governor of this Province, shewing that he has been always ready and willing to serve the Province to the best of his power, and that during the late Governor Belchers being in the Province of New Hampshire from year to year he gave dispatch to the publick business; for which he has as yet had no allowance, which his Predecessors had for the like service: therefore praying for a Gratuity from this Court.

Read and

*Ordered* that there be allowed and paid out of the publick Treasury to the Mem<sup>o</sup> Spencer Phipps Esq<sup>r</sup> One hundred pounds in consideration of his readiness to Serve the Province, particularly in the absence of the late Gov<sup>r</sup> Belcher to New Hampshire. [*Passed December 3.*]

Legislative  
Records of the  
Council,  
xvii. (3), 519.

Mass.  
Archives,  
xlix., 167.

Mass.  
Archives,  
xlix., 166.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 459.  
House Journal,  
p. 97.

## CHAPTER 109.

ORDER ALLOWING THE ACCOUNT OF THE PLYM<sup>o</sup> COUNTY TREASURER.

Legislative  
Records of the  
Council,  
xvii. (3), 519.

AN ACCOMPT presented by M<sup>r</sup> Thomas Foster Treasurer of the County of Plymouth for the year 1741, Having been laid before the Court of General Sessions of the Peace for the said County and by them allowed.

Read and

*Ordered* that this Accompt be allowed, and that the Ballance thereof being Thirteen Pounds fourteen shillings and six pence lawful money, the Treasurer is accountable to said County for.<sup>1</sup> [*Passed December 3.*]

## CHAPTER 110.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF BENJ: MAY, WITH NOTICE.

Legislative  
Records of the  
Council,  
xvii. (3), 521.  
Mass.  
Archives, cv.,  
213.

Legislative  
Records of the  
Council,  
xvii. (3), 497.  
House Jour-  
nal, pp. 87, 99.

THE COMMITTEE to whom was refer'd the Petition of Benjamin May of Barrington in the County of Bristol, Yeoman, and one of the Constables of the said Town, complaining of their Assessors for refusing to give him a warrant, as the law directs, to take the Bodies of the several persons assessed and taxed by them & refusing to pay what they are so assessed at; and praying relief in the premisses: have considered the same and Report thereon, That it doth not appear that the said assessors have unreasonably denied a Warrant to the Petitioner, otherwise than by the suggestion thereof in his Petition; yet the Petitioner, being an Officer under Oath, they are humbly of Opinion that it may be proper to have the said Assessors summoned to appear on Fryday the Twenty fourth of Decem<sup>r</sup> next to make answer to the aforesaid complaint, and that the execution of the Treasurers Warrant against the Petitioner be staid in the mean time.

In the name of the Committee

Novem<sup>r</sup> 30. 1742.

Jos: WILDER.

Read &

*Ordered* that this Report be accepted, And that the Pet<sup>r</sup> forthwith serve the Assessors of the Town of Barrington for the Years 1740, 1741, & 1742 with a Copy of his Petition above refer'd to & this Report & Order, & that the said Assessors appear before this Court upon the 24<sup>th</sup> of Dec<sup>r</sup> next without fail to answer to the Petitioners Complaint, & that the Petitioner also appear to make good his Allegations & suggestions in his Petition. [*Passed December 4.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 111.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON NANTUCKET INDIANS PET<sup>n</sup> AND REFERRING THE MATTER.

A PETITION of Benjamin Ashame and James Count Indians of Nantucket, shewing that they were severally prosecuted by Hannah Isaac Indian Woman, as she is Guardian to her son Isaac Mussaquit, before George Bunker Esq<sup>r</sup> one of His Majestys Justices of the Peace for the said place, for a trespass in plowing land alledged to be the property of the said Mussaquit; that the Petitioners pleaded, by way of Demur, a right to the said Land, notwithstanding which plea the Justice tried the said causes and gave Judgment therein, which they apprehend to be contrary to law; that the Petitioners appealed to the Inferior Court of Common Pleas, where the former Judgments were confirmed: praying for liberty to Appeal to the Superior Court, or that they may be otherwise relieved by this Court.

Legislative  
Records of the  
Council,  
xvii. (3), 512,  
522.

The Committee to whom was refer'd the Petition of Benjamin Ashame and James Count alias Condodoe, having fully heard the Petitioners, apprehend this to be the Controversy, viz<sup>t</sup> Hannah Isaac as Guardian to the infant Sachem of Nantucket demands about fifteen shillings per Acre as an acknowledgement, and supposes that no land there should be improved by any Indians without the Sachems consent; The Petitioners alledge that as they are in relation to the Sachem they ought to improve land there without paying any thing, and this has been the custom and usage among them; And for entering and improving Land which the Sachem challenges as Sachem and not paying acknowledgement, viz<sup>t</sup> fifteen shillings per Acre, these actions of Trespass arose. Which Actions, the Committee are humbly of Opinion, ought to be determined at the Common Law, and finally in the Superior Court, which may be the greatest satisfaction to both parties; but in as much as the cost which will arise in the trials at the Superior Court will be very considerable, and the occasion perhaps of their finally losing or their being put under Servitude; therefore we humbly propose that the Petition be refer'd to the next Session of this Court & that it be recommended by this Court to the parties that they agree these Actions in the mean time, and also settle the Controversy relating to the demand the Sachem annually makes on them for their Improvements on the Land aforesaid, and that some suitable Persons, as this Court shall think fit, be desired to assist them therein. All which is humbly submitted

In the Name and by Order of the Comm<sup>tee</sup>

JN<sup>o</sup> CUSHING.

In Council; Read, and

*Ordered* that this Report be accepted, and the Petition is refer'd to the next May Session accordingly; and John Coffin Esq<sup>r</sup> and M<sup>r</sup> Abishai Folger are appointed and desired to assist the parties in accommodating the Actions within mentioned.

In the House of Represent<sup>ves</sup>; Read and Concur'd and Coll: Bourn is added to the Committee.<sup>1</sup> [*Passed December 4.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 112.

ORDER OF NOTICE ON THE PETIT<sup>n</sup> OF SETH WINSLOW AND OTHERS  
IN REGARD TO THE SALE OF AN ESTATE.

Legislative  
Records of the  
Council,  
xvii. (3), 523.

Mass.  
Archives,  
xviii., 69.

A PETITION of Seth Winslow, Ebenezer Meigs and Bathsheba Meigs, all of Rochester in the County of Plymouth complaining of great injustice done them in the sale of the real Estate of their late father James Winslow dec<sup>d</sup> by means of a Combination between the Administ<sup>r</sup> Edward Winslow Esq<sup>r</sup> and M<sup>r</sup> Timothy Ruggles the purchaser; praying that the said sale may be set aside and declared void.

Read and

*Ordered* that the Petitioners serve Edward Winslow Esq<sup>r</sup> and M<sup>r</sup> Timothy Ruggles with copies of this Petition, that they shew cause, if any they have, on the first Fryday of the next May Session, why the Prayer thereof should not be granted.<sup>1</sup> [*Passed December 4.*]

## CHAPTER 113.

VOTE IMPOWERING REBEC. HANNERS, GUARDIAN, TO JOIN IN THE SALE  
OF AN ESTATE.

Legislative  
Records of the  
Council,  
xvii. (3), 526.  
Mass.  
Archives,  
xviii., 80.

Mass.  
Archives,  
xviii., 79.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 462.  
House Jour-  
nal, pp. 88, 100.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Rebecca Hanners of Boston, Guardian of Benjamin and Elisabeth Hanners, minors, Shewing that the said Minors with their brother George Hanners are seized of an old house and land in Wings Lane in Boston, which is extreemly out of repair, and they have no estate to repair it with, and therefore Praying that the Petitioner may be impowered to join with the said George in selling the same for the best advantage of the said Minors.

Read &

*Resolved* that the Petitioner Rebecca Hanners be impower'd to Join with George Hanners in the sale of the Premises provided she first observe the Rules prescribd by the Province Law made in the 6<sup>t</sup> of George 1<sup>s</sup> so far as it relates to the time & manner of sale & also give security to the Judge of Probates for the County of Suffolk that the produce of said Estate be disposd of for the benefit of said Minors according to their respective shares or Interest therein. [*Passed December 6.*]

## CHAPTER 114.

ORDER ON SARAH DOLBEAR'S PETITION DECLARING A JUDGMENT NULL  
AND VOID.

ON THE PETITION of Sarah Dolbear, [*ante*, p. 160, chap. 79.]

Read together with the Answer of James Gibson, and

*Ordered* that the prayer of this Petition be so far granted as that the Judgment of Court (therein refer'd to) and Execution thereupon, be and the same are hereby declared null and void, and that James Gibson (who was Plaintiff in the Action wherein said Judg-

Legislative  
Records of the  
Council,  
xvii. (3), 528.

*Ante*, p. 160,  
chap. 79.

<sup>1</sup> Not found in the House Journal.



ment was obtained) be authorized and impowered to bring forward on the former Writ a trial of the same cause at the Court of Common Pleas next to be holden at Charlestown within and for the County of Middlesex in due course of Law to final Judgment and Execution; Provided however that the foregoing Order or any part of it shall not take place, unless the Petitioner shall (before such Trial had) pay or tender to the said James Gibson the lawful costs arisen in the former suit, and give due caution to the Justices of the said Court (for the better security of the Plaintiff) that in case Judgment be obtained against her in her said capacity, and Execution issue thereupon, she will shew of the Assets in her hands (belonging to the said M<sup>r</sup> John Dolbear his estate) sufficient to respond the same; and likewise serve the said James Gibson with a copy of this Order seven days at least before the sitting of the said Court.<sup>1</sup> [*Passed December 7.*]

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## CHAPTER 115.

### ORDER ACCEPTING THE COMMITTEES REPORT ON THE PETITION OF THOMAS MARSH AND OTHERS TO BE ERECTED INTO A SEPARATE PRECINCT.

THE COMMITTEE appointed on the Petition of Thomas Marsh and others living near Wear River in the County of Hampshire, have attended on said service, been upon the spot and viewed the Lands prayed for to be erected into a Township, inquired into the circumstances of the Petitioners, heard the objections of some of the Inhabitants of Kingston and are of opinion that the Petitioners at present are not in sufficient order to erect a Town with privileges &c; but in as much as they live at a very great distance from any place of publick Worship, and meet with great difficulty thereby, We are further of Opinion that the Petitioners living Northward of a Line running due East from the South East corner of the land belonging to John Read Esq<sup>r</sup> to Western Line, be freed from all Taxes to any other place or Town during the pleasure of the General Court, so that they may be able to provide Preaching among themselves: Which is Submitted:

In the Name and by Order of the Comm<sup>tee</sup>

JOS: WILDER.

Read &

*Ordered* that this Report be accepted, & also that the Lands within the Limits above mentioned & the Inhabitants thereon be erected into a Precinct, & that the said Inhabitants have the Power & Privileges which other Precincts do or by Law ought to enjoy And that they be & hereby are obliged to maintain the publick Worship of God among them in the support of a learned orthodox Minister. [*Passed December 7.*]

<sup>1</sup> Not found in the House Journal.

Legislative  
Records of the  
Council,  
xvii. (3), 529.  
Mass.  
Archives,  
cxv., 3.  
Mass.  
Archives,  
xlvi., 141.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 44).  
House Jour-  
nal, pp. 16, 17,  
103. *Ante*,  
p. 135, chap. 17.

## CHAPTER 116.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION  
OF THO<sup>s</sup> PEGAN, INDIAN, FOR EXCHANGE OF LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 530.

House Jour-  
nal, pp. 98, 99,  
104. *Ante*,  
p. 160, chap. 78.

THE COMMITTEE to whom the within Petition [*ante*, p. 160, chap. 78] was refer'd having view'd both pieces of land within mentioned, have esteem'd the Land belonging to Thomas Pegan to be twenty Pounds lawful money more than Bacons land; Deeds have pass'd between them under our inspection, and Bond has been taken of the said Bacon for Twenty Pounds accordingly for the use of the said Pegan; which he desires may be lodged in the hand of some suitable Person appointed by this Court and impow'ed to receive the money and pay the same to him as his occasion shall require. Which is humbly submitted

In the Name of the Committee

JOHN QUINCY

Read and Accepted, and

*Ordered* that the Bond within mentioned be lodged in the hands of M<sup>r</sup> Edward White for the use of the said Thomas Pegan accordingly. [*Passed December 7.*]

## CHAPTER 117.

ORDER IMPOWERING THE PROPRIETORS OF THE TOWN OF HOLDEN  
TO LEVY TAXES ON LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 531.  
Mass.  
Archives, xii.,  
251.

Mass.  
Archives, xii.,  
250, 252. Legis-  
lative Records  
of the Council,  
xvii., Mis., 458.  
House Jour-  
nal, p. 102.

A PETITION of the Proprietors of the Town of Holden in the County of Worcester, praying that they may be impow'ed to lay a tax upon all the Lands in the said Town (saving the Ministry and School Lands) of Three pence per Acre for the first year, two pence for the second year, and one peny for the third, for defraying the charge of building their Meeting House and settling and supporting a Minister, and that Eliakim Hutchinson and Daniel Henchman Esq<sup>s</sup> and M<sup>r</sup> Benjamin Flag be Assessors, and Cyprian Stevens Collector for assessing and collecting said Tax.

Read and In answer to y<sup>e</sup> within Petition

*Ordered* that in As much as y<sup>e</sup> Proprietors of Holdin have Manifested their consent that their lands be Taxed That therefore the prayer thereof be So far Granted as that all the lands both of Resident and Non Resident proprietors in Said Town be and hereby are Subjected to a Tax of Three pence Old Tenor p Acree for the Next year Two pence p acree for the Second and one penny p acree for the third year, and that the Same be Assessed and Collected by such persons as are or may be duly Appointed by Said Proprietors, and that the mony arising thre by be Apply'd for the Use & purposes mentioned in the Vote of Said Proprietors of the 8<sup>th</sup> of Sep<sup>t</sup> last. [*Passed December 8.*]

## CHAPTER 118.

## ORDER IMPOWERING THO. PEGAN, INDIAN, TO SELL LAND.

A PETITION of Thomas Pegan of Natick Indian & Patience his wife, praying liberty from this Court to sell Thirty five Acres of their Out Lands in Natick to discharge the Debts they have contracted by sickness and to pay off divers Executions that are out against him.

Legislative  
Records of the  
Council,  
xvii. (3), 532.  
House Jour-  
nal, pp. 98, 99.

Read and

*Ordered* that the Petitioners be allowed and impowered, with the Advice and Assistance of Major Edward White, to sell the land herein mentioned for the most the same will fetch, and the produce thereof to be applied to pay their just debts, and all Executions and other Processes are hereby suspended till the next sitting of this Court; the remaining produce of the said sale to be applied towards the support of the Petitioner; the said White to be accountable for his proceedings herein to this Court. [*Passed December 8.*]

## CHAPTER 119.

ORDER ON THE PETITION OF DAN. LEWIS JUN<sup>R</sup> FOR SETTING ASIDE A JUDGMENT.

A PETITION of Daniel Lewis Jun<sup>r</sup> Treasurer of the Town of Pembroke, shewing that at the Inferior Court of Common Pleas held at Plymouth in May last, he obtained the Verdict of the Jury upon his action against James Randall for a bond of £200, but the Court in their hast forgot to make up Judgment thereon, and admitted the Defendant to appeal from the Verdict; Praying that the Justices of the said Court may be impowered to make up Judgment on the said Verdict, notwithstanding the said Appeal.

Legislative  
Records of the  
Council,  
xvii. (3), 533.  
House Jour-  
nal, p. 102.

Read, and it appearing to this Court that there is a manifest error in making up the Judgment within mentioned; therefore

*Ordered* that the said Judgment as also the Appeal therein mentioned be superseded and set aside; and the Justices of the Inferior Court of Common Pleas for the County of Plymouth be and hereby are impowered, at their Session in December next, to make up Judgment on the Verdict within mentioned, pursuant to Law; Provided that the Petitioner notify the within named James Randal of this Order seven days at least before the Sitting of the said Court, that so he may be present at the making up of said Judgment, if he see cause. [*Passed December 8.*]

## CHAPTER 120.

## ORDER ALLOWING £S. 1 TO ABIGAIL RICHARDSON.

A PETITION of Abigail Richardson Widow of Timothy Richardson late of Woburn dec<sup>d</sup> Shewing that her said Husband in his life

Legislative  
Records of the  
Council,

xvii. (3), 534.  
Mass.  
Archives,  
lxxii., 631.

Mass.  
Archives,  
lxxii., 630.  
House Jour-  
nal, p. 105.  
*Ante*, p. 42,  
chap. 66.

time mortgaged his land for One hundred Pounds, which he took up of the £100,000 Loan, and by reason of his being disabled by wounds he received in the publick service, he was hindered from wholly clearing off the said Mortgage, and therefore Praying that the sum of eight pounds one shilling, Old Tenor, still remaining due to the Province may be remitted to her.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Comm<sup>ee</sup> appointed to close the affair of the £100,000 Loan are hereby directed to give Credit to the Pet<sup>r</sup> in her capacity for the within mentioned Sum of Eight pounds one Shilling old tenor and discharge the Pet<sup>r</sup> accordingly. [*Passed December 8.*]

## CHAPTER 121.

ORDER IMPOWERING ELEAZAR KENAPAUKENIT, INDIAN, TO SELL HIS RIGHTS IN HIS LATE FATHERS ESTATE.

Legislative  
Records of the  
Council,  
xvii. (3), 535.

House Jour-  
nal, pp. 78, 99.

A PETITION of Eleazar Kenapaukenit of Natick, Indian, Shewing that his late Father (now deceased) became bound with the Petitioner for the payment of between Forty and Fifty Pounds, that his said Father has left an Estate in Lands; praying the Administrator thereof Moses Fish may be empowered to sell the Petitioners part, and pay the Debt above mentioned therewith, and if anything be left, that other lands be purchased therewith for the Petitioner.

Read and in answer hereto

*Ordered* that the Petitioner have liberty to sell the Right therein mentioned, with the Advice and Assistance of Major Edward White, the produce thereof to be applied for the benefit of the Petitioner, the said White to be accountable for his proceedings herein to this Court. [*Passed December 8.*]

## CHAPTER 122.

ORDER ALLOWING £32.10 TO ROB<sup>t</sup> BALL AND A FURTHER SUM OF £15.10.

Legislative  
Records of the  
Council,  
xvii. (3), 536.

Mass.  
Archives,  
lxiv., 203.

Mass.  
Archives,  
lxiv., 202.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 460.  
House Jour-  
nal, p. 105.

A PETITION of Robert Ball Keeper of the Light house, praying for an Allowance for his service the last Year ending the eighth day of November last, as also the sum of Fifteen pounds ten shillings expended for fewel for the better burning of the lamps.

Read and

*Ordered* that the Sum of thirty two pounds ten shillings be allowed out of the publick Treasury to the Pet<sup>r</sup> for his Service the last Year as keeper of the Light house ending the 8<sup>th</sup> of November last

And that He be allowed the further Sum of fifteen pounds ten shillings expended for firewood for the greater Benefit of the Lights. [*Passed December 8.*]

## CHAPTER 123.

## ORDER GRANTING AND. GILMAN A LICENCE TO KEEP A TAVARN.

A PETITION of Andrew Gilman Shewing that he has lately inter-married with Jemima Preble widow of Caleb Preble late of York in the County of York dec<sup>d</sup> who for many years kept a Tavern in said Town to general satisfaction; and whereas he, through his uncertainty of settling in the said Town, omitted taking out a Licence in the proper season; therefore Praying that the Justices of the said County may be impowered to grant him a Licence in the House where the said Preble kept, at their next General Sessions.

Read &

*Ordered* that the Justices of the general Sessions of the peace for the County of York, be and are hereby empowered (if they see cause) at the next general session of the peace for the County aforesaid to grant the petitioner licence to keep a public house of entertainment the remaining part of the year, provided the petitioner produce to the general sessions of the peace, the approbation of the Selectmen for the County of York,<sup>1</sup> the time for granting licences being elapsed notwithstanding. [*Passed December 8.*]

Legislative  
Records of the  
Council,  
xvii. (3), 536;  
*ibid.*, xvii.,  
Mis., 460.  
—  
Mass.  
Archives, exi.,  
115. House  
Journal, p. 103.  
Province  
Laws, iii., 18,  
chap. 6.

## CHAPTER 124.

ORDER ALLOWING £5 TO CAP<sup>T</sup> JEFFRY BEDGOOD FOR THE RETURN OF A DESERTER.

WHEREAS Jabez Allen al<sup>is</sup> Meed Hath been taken up by Proclama-t[ion] as Deserter from His Majestys Ship Augusta in the west indies and now a prisoner in the County Goal and there being an oportunity of Returnng the s<sup>d</sup> Jabez to Some of His Majestys Ships at Jaimaca

*Ordred* that upon the Sailing of Capt Jeffry Bedgood the Said Jabez be put on Board His Ship & to the Care of the s<sup>d</sup> Bedgood & by Him Delivered to the admirall or Comisdore of the fleet at Jamaca Also

*Voted* that there be allowed to the said Jeffry Bedgood out of the publick Treasury five pounds for the said Service.<sup>2</sup> [*Passed December 8.*]

Legislative  
Records of the  
Council,  
xvii. (3), 537.  
Mass.  
Archives,  
lix., 207.  
—

## CHAPTER 125.

ORDER ADMITTING EBEN<sup>B</sup> HUNT TO AN EQUAL SHARE IN THE TOWNSHIP OF HUNTSTOWN.

A PETITION of Ebenezer Hunt of Weymouth, Shewing that he has been at great cost to obtain the grant of a Township to the Officers and Soldiers in the Canada Expedition in the year 1690 under the Command of Cpt. Ephraim Hunt; that the Proprietors of the said Township have signified their willingness to admit him to an equal share with the Original Grantees; And therefore praying that the said Proprietors may be impowered to grant the

Legislative  
Records of the  
Council,  
xvii. (3), 538.  
Mass.  
Archives,  
xlvi., 140.  
—  
Mass.  
Archives,  
xvi., 139.

<sup>1</sup> Mass. Archives, exi., 116, reads, "Town of York."

<sup>2</sup> Not found in the House Journal.

Legislative  
Records of the  
Council, xvii.,  
Mis., 449.  
House Jour-  
nal, p. 104.  
*Ante*, p. 95,  
chap. 198.

Petitioner such share in the Equivalent Lands that may be allowed them by this Court, for what was taken off from the said Town by running of Deerfield Line.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is hereby Allowed to be admitted to an equal Share as an Original Grantee in the within mentioned Township, the Pet<sup>r</sup> performing the Conditions that the Grantees are or shall be obliged to perform. [*Passed December 9.*]

## CHAPTER 126.

ORDER ALLOWING £7. 10 AND £4 PER ANNUM FOR SIX YEARS TO  
CAP<sup>t</sup> EDM<sup>n</sup> WARD.

Legislative  
Records of the  
Council,  
xvii. (3), 540.  
Mass.  
Archives,  
lxxii., 626.

A PETITION of Cpt. Edmund Ward of Scarborough, Shewing that for many years he was employed in the late Wars with <sup>1</sup> by sea and Land against the French and Indians, and that by means of the hardships he therein suffered he has been many years sick, which has reduced him to great necessity; praying for relief from this Court.

Read and

*Ordered* that there be allowed and paid out of the publick Treasury to M<sup>r</sup> Timothy Prout the Sum of Seven pounds ten Shillings to provide suitable Cloathing &c for the Pet<sup>r</sup> Also

Mass.  
Archives,  
lxxii., 625.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 451.  
House Jour-  
nal, p. 98.

*Voted* that there be allowed out of the publick Treasury four pounds p<sup>o</sup> Annum for the space of Six Years next ensuing (provided the Petitioner lives that term) to the s<sup>d</sup> M<sup>r</sup> Prout for the support and relief of the Pet<sup>r</sup> in consideration of his Services and Sufferings within mentioned. [*Passed December 9.*]

## CHAPTER 127.

ORDER IMPOWERING WILLIAM LAWRENCE & ABIGAIL PRESCOT AS  
GUARDIANS TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xvii. (3), 618;  
*ibid.*, xvii.,  
Mis., 461.

House Jour-  
nal, p. 102.

A PETITION of William Lawrence and Abigail Prescott Guardians of the Minor Children of Benjamin Prescott late of Groton in the County of Middlesex Esq<sup>r</sup> dec<sup>d</sup> Shewing that the said Benjamin among other Estate left divers Rights in some of the new granted Towns, that the Conditions of the said Grants, which require a considerable advance of money, are not yet performed, and that there is no personal Estate to defray that charge; therefore Praying for liberty from this Court to sell so much of the said Land as will produce what will be necessary for fulfilling the Conditions of holding the remainder.

*Ordered* that the prayer of the within petition be granted, & that the petitioners be, & are hereby empowered respectively to make sale of so much of the right of the lands within refered to, belonging to the minors to whom they are guardians, for the most they will fetch: publication of the time & place as usual, as will be sufficient for the purpose within mentioned; they giving good security to the Judge of Probate for the County of Middlesex, to be accountable for the money arising by such sale or sales, & for due applications thereof. [*Passed December 9.*<sup>2</sup>]

<sup>1</sup> *Sic*, for "both"?

<sup>2</sup> This date is according to Legislative Records of the Council, Mis., and the House Journal; according to Legislative Records of the Council, xvii. (3), the date is January 13.

## CHAPTER 128.

ORDER ON MARSHFIELD PETITION TO BE SET OFF TO THE NORTH  
PRECINCT OF THE TOWN.

A PETITION of Joseph Phillips & others, Inhabitants of Marshfield within the Lines of the North Precinct but some of them were left to the South Precinct, and others have lands lying in the South Precinct; praying that they and their lands may now be added to the North Precinct to do duty there.

Legislative  
Records of the  
Council,  
xvii. (3), 502,  
542.

Read, and it appearing that the Clerk of the South Precinct hath been served with a copy of the petition, but no answer given in:

Mass.  
Archives,  
cxiv., 800.  
House Jour-  
nal, p. 89.  
*Post*, p. 196,  
chap. 157.

*Ordered*, that the prayer of the Petition be granted and that the Petitioners belonging to the South Precinct in Marshfield together with their Estates lying within the Lines of the North Precinct, and the land and estate of the other Petitioners, together with the land of such who live out of the said Town comprehended within the lines of the said North Precinct, be and hereby are set off to and accounted as part of said North Precinct, to do duty and receive privilege accordingly. [*Passed December 10.*]

## CHAPTER 129.

ORDER WITH STAY OF EXECUTION REFERRING THE PETITION OF  
CHAS<sup>S</sup> JOSLYN FOR A NEW TRIAL OF AN ACTION.

ON THE PETITION of Charles Joslyn, [*ante*, p. 159, chap. 75]

Upon the Report of the Committee on this Petition,

Legislative  
Records of the  
Council,  
xvii. (3), 544.

*Ordered* that the further consideration of this Petition be refer'd to the first Tuesday of the next May Session, and that the parties attend the Court at that time, and that Execution be stayed in the mean time. [*Passed December 11.*]

House Jour-  
nal, p. 109.  
*Ante*, p. 159,  
chap. 75.

## CHAPTER 130.

ORDER IMPOWERING THE HEIRS OF DAVID AND NATHAN FARRARS  
TO SELL REAL ESTATE.

A PETITION of the Heirs and Represent<sup>ves</sup> of David Farrar and Nathan Farrar late of Lancaster dec<sup>d</sup> Shewing that the said Estates of the said David and Nathan Farrar (consisting of several parcels of land) cannot be conveniently divided among the Heirs, many of whom are Minors; and therefore praying that David Melvil of Concord may be empowered by this Court to sell the said lands, pay off the debts due on them and divide the remainder of the Produce among the Heirs according to Will.

Legislative  
Records of the  
Council,  
xviii. (3), 545.  
Mass.  
Archives,  
xviii., 65.

In Answer to the within Petition

Mass.  
Archives,  
xviii., 64.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 461.

*Ordered* That the prayer thereof be Granted and that the within Named David Melven be and hereby is fully Authorized and Impowered to Make Sale of the Real Estate of the within Named David Farrar and Nathan Farrar Respectively for the Most the Same will

fetch and to Execute a good Deed or Deeds for Conveying the Same, due Publication of the time & place of Sale being made as is Ussuall in Such Cases he giving Bond with Sufficient suretys to the Judge of the Probate of Wills &c<sup>t</sup> for the County of Worcester to acco<sup>t</sup> for the mony Ariseing by such Sale, and out of the Same to pay the Just Debts and Legaeyes of the Said David and Nathan the Remainder or overplus on Settlement if any be of His acco<sup>ts</sup> to be Divided too and Amongst the Heirs of y<sup>e</sup> dec<sup>d</sup> or their Legall Representatives agreeable to Law.<sup>1</sup> *Passed December 11.*

## CHAPTER 131.

ORDER ANNEXING THE FAMILIES AND ESTATES OF SAM<sup>l</sup> AND ELDAD POMERY TO THE FIRST PRECINCT IN NORTHAMPTON.

Legislative  
Records of the  
Council,  
xvii. (3), 546.

House Jour-  
nal, p. 109.  
*Ante*, p. 130,  
chap. 5.

ON THE PETITION of Samuel and Eldad Pomroy, [*ante*, p. 130, chap. 5]

Read, together with the answer of the new Precinct in Northampton; and the matter being duly considered:

*Ordered* that the Petitioners with their Families and that part of their Estates mentioned in the Petition be set back to the first Precinct in said Town, to do duty and enjoy Privilege there; Provided that the first Precinct allow the money that the Petitioners and their Estates shall be rated at from time to time to the said new Precinct, and that the same be paid into the hands of their Treasurer for the benefit of said new Precinct. [*Passed December 13.*]

## CHAPTER 132.

ORDER IMPOWERING MARY WEST ADMINISTRATRIX TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xvii. (3), 547.

House Jour-  
nal, p. 108.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Mary West, Widow of John West late of Boston dec<sup>d</sup> Shewing that her said husband by his last Will and Testament appointed Messieurs Samuel Wentworth and Benjamin Green of Boston merchants Executors thereof, and therein impowered and directed them to sell a Dwelling House & Land in Boston, that they have declined the Executorship as also to give any Deed of the said House and Land, that the Petitioner is admitted to be an Administ<sup>r</sup> with the Will annexed; and therefore Praying that this Court would impower the Petitioner to sell the said Estate for the uses mentioned in the Will.

Read and

*Ordered* that the Prayer of the petition be granted and that the said Mary West be and she is hereby authorized and impowered to sell the Dwelling house and Land within mentioned for the most they will fetch (upon publick notifications previously given agreeable to the Act or Law of the sixth of George Chap. 3<sup>d</sup>) and to pass and execute good and sufficient Deed or Deeds for that purpose; the Petitioner to account with the Judge of Probate for the County of Suffolk for the overplus. [*Passed December 13.*]

<sup>1</sup> Not found in the House Journal.



## CHAPTER 133.

## ORDER OF NOTICE ON THE DIGHTON PETITION FOR CONFIRMATION OF THE TOWN PLAN.

A PETITION of Sylvester Richmond Jun<sup>r</sup> Esq<sup>r</sup> in behalf of the Town of Dighton, Shewing that for want of a true plan of the said Town, part of it has been annexed to the town of Rehoboth; and therefore praying that a true and exact plan of the said Town, herewith exhibited, may be allowed and confirmed by this Court, and the Lands taken off from them as aforesaid restored to the said Town; and any other part that has [been] taken off on the petition of Coll. Church and others.

Read &

*Ordered* that the Pet<sup>r</sup> serve the Town of Rehoboth & the Prop<sup>rs</sup> of Land that may be effected by said plan with a Copy of this petition, by inserting the Substance thereof in the publick Prints, that so they may shew Cause if any they have on the first Thursday of the next Sitting of this Court why the prayer thereof should not be granted. [*Passed December 14.*]

Legislative  
Records of the  
Council,  
xvii. (3), 549.  
Mass.  
Archives, xlii.,  
492.

Mass.  
Archives, xlii.,  
491. House  
Journal, p. 111.  
*Ibid.*, p. 99,  
chap. 207.

## CHAPTER 134.

## ORDER IMPOWERING JOHN CUSHING AS COMMISSIONER OF THE £100,000 LOAN, TO SELL THE REAL ESTATE OF THE DELINQUENT SUBSCRIBERS THERETO.

A PETITION of John Cushing Esq<sup>r</sup> in behalf of the Committee appointed to sell the lands in the County of Plymouth mortgaged to the Commissioners of the £100,000 for the County of Essex, and as Attorney to Edw<sup>d</sup> Hutchinson Esq<sup>r</sup> surviving Trustee of the £50,000 Loan, shewing that they are not able to sell the Lands according to their appraised value; praying for the further direction of this Court.

Read &

*Ordered* that the Memorialist sell the premisses at his discretion for the most it will fetch, he first posting up notifications of the same, in the several towns in the County, where such lands lie, one month at least before the time of sale. [*Passed December 14.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xvii. (3), 550;  
*ibid.*, xvii.,  
Mis., 464.

Mass.  
Archives, cii.,  
275. House  
Journal, p. 111.  
Province  
Laws, xii., 663,  
chap. 203.

## CHAPTER 135.

## VOTE FOR ADJOURNING PLYMOUTH COUNTY COURT.

*Voted* that the General Sessions of the Peace and Inferior Court of Common Pleas, by Law appointed to be held at Plymouth in and for the County of Plymouth the third Tuesday of this Instant, be adjourned to the second Tuesday of January next, & then to be held at Plymouth aforesaid; and all Persons concerned are to conform accordingly. [*Passed December 16.*]

Legislative  
Records of the  
Council,  
xvii. (3), 552.

House Jour-  
nal, p. 115.

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii. (3); according to Legislative Records of the Council, xvii., Mis., and the House Journal the date is December 13.

## CHAPTER 136.

## ORDER REFERRING THE PETITION OF BIDDEFORD &amp; SCARBOROUGH INHABITANTS IN REGARD TO CONDITIONS OF TOWN GRANT.

Legislative  
Records of the  
Council,  
xvii. (3), 553.  
Mass.  
Archives,  
cxiv., 764.

ON THE PETITION of divers Inhabitants of Biddeford and Scarborough; [*ante*, p. 137, chap. 22]

Whereas this Court is informed that there is a Meeting appointed of the Grantees or Proprietors of the new Township mentioned in this Petition, in order to their proceeding effectually to fulfill the Conditions of their Grant;

Mass.  
Archives,  
cxiv., 762.  
House Jour-  
nal, p. 116.  
*Ante*, p. 137,  
chap. 22.

*Ordered* that this Petition be refer'd to the second Tuesday of the next May Session for further Consideration.<sup>1</sup> [*Passed December 16.*]

## CHAPTER 137.

## ORDER APPOINTING A COMMITTEE ON NEHEMIAH WASHBURNS PETITION IN REGARD TO BOUNDARY

Legislative  
Records of the  
Council,  
xvii. (3), 500;  
*ibid.*, xvii.,  
Mis., 462.

A PETITION of Nehemiah Washbourn of Bridgewater, shewing that the Guardians of the Tettient Indians have commenced an action against him as a Trespasser on the Indians Lands, and forasmuch as the bounds between Bridgewater and the said Indians Lands have not been lately run and therefore are not perfectly known; praying that this Court would appoint a Committee to run the said Lines, agreeable to an Order of the General Court pass'd in the year 1704 for stating the same.

Mass.  
Archives,  
xxxI., 427.  
Legislative  
Records of the  
Council,  
xvii. (3), 553.  
House Jour-  
nal, pp. 88, 108,  
115.  
*Ante*, p. 58,  
chap. 108.

In Council

[Read &]

*Voted* that George Leonard & John Quincey Esq<sup>rs</sup> with such as shall be joined by the honorable house, be a committee to repair to Titticut, & view the lands in controversy betwixt Benjamin White Esq<sup>r</sup> & M<sup>r</sup> Ezra Clap as guardians to the Titticut Indians, & Cap<sup>t</sup>. Nehemiah Washburn. & hear the parties, consider their titles, & propose some proper line to be established betwixt the Indian lands there, & said Washburns land for the ending of their dispute, & make report as soon as may be, what may be<sup>2</sup> proper for this court to do thereon, the charge to be borne as this Court may shall<sup>2</sup> order.

In the House of Representatives Read & concurred & Stephen Paine Esq<sup>r</sup> of Bristol Cap<sup>t</sup> Josiah Morton of Plymouth, & M<sup>r</sup> Samuel White of Taunton are joined in the affair. [*Passed December 16.*]

## CHAPTER 138.

## ORDER RELATING TO A LICENCE FOR ANDREW HALLYBURTON.

Legislative  
Records of the  
Council,  
xvii. (3), 554.

A PETITION of Andrew Halliburton, Shewing that he has, by the approbation of the Select men of Boston & the Court of General Sessions of the Peace, kept an Inn there for divers years past, but

<sup>1</sup> A duplicate of this petition appears in Mass. Archives, cxiv., 744, 746.

<sup>2</sup> *Sic.*

has been lately put out of the House where he last kept it; and forasmuch as the Petitioner can't obtain a new Licence at this season of the Year, therefore praying that this Court would empower him to carry on his business in the house to which he is removed till the time of granting Licences.

House Journal, pp. 88, 89.

Read, and forasmuch as the Select men of the Town of Boston have signified that they have no objection against the Petitioners keeping a Tavern in the house where he now dwells:

*Ordered* that the prayer of the Petition be granted and that the Petitioner be admitted to be an Innholder and keep publick Entertainment in the House he now dwells in, for the residue of the present year: Provided he pay in his Exeise already due and enter into a new recognizance with sufficient Sureties for his keeping good Rule and Order and duly paying his Exeise for the future, before two of His Majestys Justices of the Peace Quorum Unus, and the Clerk of the Peace for said County. [*Passed December 16.*]

## CHAPTER 139.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON Y<sup>E</sup> AFFAIR OF GLOUCESTER FIRST PRECINCT, DIVIDING IT INTO TWO PRECINCTS.

A PETITION of [Jabez]<sup>1</sup> Baker & divers others, Inhabitants of the first Precinct in Gloucester (of those that desire to remain at the new Meeting House) Shewing that the method of maintaining two Ministers to preach alternately in both Meeting Houses will be extremely inconvenient for both parties; and therefore praying that Nathaniel Coit and his Associates may be set off and made a separate Precinct.

Legislative Records of the Council, xvii. (3), 503, 557. Mass. Archives, xii., 286.

Mass. Archives, xii., 254, 255, 284-286; *ibid.*, ccxliii., 71. Legislative Records of the Council, xvii., Mis., 463. House Journal, pp. 91, 106. *Ante*, p. 21, chap. 20; p. 164, chap. 87.

The Committee to whom was refer'd the Petition of Nathaniel Coit and others, to report a suitable dividing Line in the First Precinct in Gloucester in order to make it into two Parishes or Precincts, are of Opinion that the said Dividing Line be as follows; Beginning at the North Easterly end of Squam Precinct Line by Sandy Bay, and to run as the said Line does to Squam River, and by that River to the Cove and Land which has Cpt. Allens warehouse on the Northerly side, and Land late M<sup>r</sup> Nathaniel Sawyers on the Southerly side, and so to run on the Northerly side of said Sawyers land to the Highway, and in the said Way to M<sup>r</sup> Nymphas Stacys Corner, and thence Northerly in said way by M<sup>r</sup> James Wallis's House and Land, including the same to the Northward, and on in the High Way that leads towards Sandy Bay to the parting path, so called, and in that way to another parting path near . . .<sup>2</sup> Withams house, and thence in the way to the Beach on the Sea Shoar, and by the same round the Cape Pidgeon Cove and Sandy Bay into Squam Line aforesaid; All the Lands, Estates, Houses & Inhabitants included on the Northerly and Westerly side of said Lines Way and Sea, or so many of the Inhabitants that have not petitioned that are thus included as shall manifest their willingness therefor by a Subscription under their hands and present the same to this Court in their next Sessions, be incorporated into one distinct Precinct, and all the remaining part of the present Precinct with such others as shall not subscribe as aforesaid, with their Estates, be an other distinct Precinct, each

<sup>1</sup> This is the name signed in the petition.

<sup>2</sup> *Sic.*

to have the powers and privileges that any other Precincts have or ought to have. The Committee further are of Opinion that the Liberty and Advantage given by a Vote of the Precinct to the Cape Inhabitants and thereabouts now included in the Northerly Precinct proposed to be made by this Report (if they subscribe as aforesaid for the preaching the Gospel to them in the Winter season) be confirmed, and that the Allowance to be made them therefor out of the present Precinct Treasury be paid to the said Inhabitants of the Cape &<sup>c</sup> from out of the present Treasury, that shall include them in their Precinct Lines and Subscriptions as aforesaid, in such proportion as they and their Estates are rated at present.

W<sup>m</sup> DUDLEY, By Order of the Comm<sup>tee</sup>

Read &

*Ordered* that this Report be accepted and the first Precinct in Gloucester is Divided into Two precincts accordingly by the Bounds abovementioned and that the Southerly part whereof. the Rev<sup>d</sup> mr John White is the present pastor be Accounted the first Precinct in the said Town of Gloucester.<sup>1</sup> [*Passed December 17.*]

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## CHAPTER 140.

### VOTE DIRECTING THE PROVINCE TREASURER TO RECEIVE FLAX CERTIFICATES IN PAYMENT OF TAXES.

ON A MOTION made by Ol<sup>r</sup> Partridge Esq<sup>r</sup> In behalf of one Nat<sup>l</sup> Clark a poor Constable In Brimfield Shewing that s<sup>d</sup> Clark took of Several persons In s<sup>d</sup> Brimfield flax Certificates In Discharge of their province Tax amounting to the Sum of four pounds one Shilling & one penny old Tenor which Certificates were taken Agreeable to Law thereupon

*Voted* that y<sup>e</sup> province Treasurer be allowed & Directed to receive the S<sup>d</sup> Certificates of S<sup>d</sup> Constable In Discharge of the monies Due from S<sup>d</sup> Constable to the province Treasury to the Amount of the Afores<sup>d</sup> Sum The time for receiving the Same Into the Treasury being Elapsed Notwithstanding. [*Passed December 18.*]

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## CHAPTER 141.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE AND DIVIDING THE TOWN OF SHREWSBURY INTO TWO PRECINCTS.

A PETITION of John Holland & divers others, Inhabitants of the Northerly part of Shrewsbury, setting forth the great difficulties they are under by reason of their remoteness from the place of publick Worship, and that they are a competent number to support a Minister among themselves, and therefore praying that they may be erected into a Separate Precinct by the Bounds set forth in the Petition.

The Committee to whom was refer'd the Petition of the North part of Shrewsbury with the South part of Lancaster, for dividing

<sup>1</sup> Not found in the House Journal.

Legislative  
Records of the  
Council,  
xvii. (3), 560.  
Mass.  
Archives, i.,  
161.

House Jour-  
nal, p. 118.

Legislative  
Records of the  
Council,  
xvii. (3), 501,  
561.

Mass.  
Archives,  
cxiv., 713–720.  
Maps and  
Plans, Mis.,  
xxxvii., 22;  
xxxviii., 9.  
House Jour-  
nal, pp. 89, 117.

the said Town of Shrewsbury into two Precinets, having met and heard the Parties and maturely considered the Allegations, are humbly of Opinion that the Northerly Part of Shrewsbury, with the Southerly part of Lancaster as contained in the Petition, be set off a distinct and separate Precinet by the following Bounds, viz<sup>t</sup> Beginning at Worcester Line at an outside fence belonging to Phineas Haywood, North or Northwesterly of said Haywoods house, thence running about twenty rods South of Daniel Whitneys house, thence about four rods South of a large Chesnut Tree, standing in the road on a hill, commonly called Assery Hill, and about twenty five rods above a small Bridge, and so to Westboro Line, exactly squaring with a Line run by Mr Joseph Wilder thro' said Town of Westboro, last winter, including Joseph Biglow, Aaron Newton, with their lands, and the lands of Daniel Whitney in the North Precinet, and all Phineas Haywoods lands to be and remain in the South Precinet: And are further of Opinion that the Ministry Lands lying within the North Part, should always be for the use & improvement of the Minister for the time being that may be settled in the North Part aforesaid. And in as much as the South Part have freely offered to allow the North Part on their going off, in consideration of their Right and Interest in the Meeting House, a certain sum of money, we apprehend it will be but reasonable that they make payment thereof, namely, Thirty two Pounds ten shillings lawful money, when the North Part have erected and covered a suitable Frame for a Meeting House for the Worship of God among them, and that they be vested with the Powers and Privileges of a Precinet accordingly. All which is humbly submitted

EBEN<sup>s</sup> BURRILL.

Read and

*Ordered* that this Report be Accepted, and that the Town of Shrewsbury be divided into Two Precinets accordingly. [*Passed December 18.*<sup>1</sup>

## CHAPTER 142.

ORDER OF NOTICE ON THE PETITION OF EBEN<sup>s</sup> GUILLE &<sup>c</sup> TO BE SET OFF FROM STOUGHTON TO ATTLEBORO.

A PETITION of Ebenezer Guile and Joshua Everet, shewing that the said Guile (who is of Stoughton) lives at a great distance from the place of Publick Worship in Stoughton, and that the said Everet (who dwells in Attleborough) has lands in Stoughton; praying that the said Guile and the Estates of both the Petitioners in Stoughton be set off to the Town of Attleborough.

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Town of Stoughton with a Copy of this Pet<sup>n</sup> that they shew cause (if any they have) on the first fryday of the next May Session why the Prayer thereof should not be granted. [*Passed December 21.*

Legislative  
Records of the  
Council,  
xvii. (3), 565.  
Mass.  
Archives, cv.,  
217.

Mass.  
Archives, cv.,  
216. House  
Journal, p. 103.

<sup>1</sup> This date is according to Legislative Records of the Council, xvii. (3); according to the House Journal the date is December 17.

CHAPTER 143.

ORDER OF NOTICE ON JN° STANNIFORDS PETITION.

Legislative Records of the Council, xvii. (3), 565. Mass. Archives, cv., 231.  
Mass. Archives, cv., 230. House Journal, pp. 122, 129.

A PETITION of John Stanniford of Boston, Shewing that as a Collector of the Taxes he demanded of Cpt. Pethnel Whiting the money for which he was taxed, and having a Power of Attorney from Cpt. John Furney to receive a sum of money due to him out of the Publick Treasury, he drew on the Treasurer to pay the Petitioner said sum, he having paid him what that sum exceeded the said Tax, that the Treasury not being supplied the Petitioner could not then receive his money, that soon after M<sup>r</sup> Thomas Gunter received the whole sum out of the Publick Treasury, by vertue of a Power of Attorney from the said Whiting, and refuses to pay it to the Petitioner; therefore praying for relief from this Court.

Read &

*Ordered* that the Pet<sup>r</sup> serve the adverse Party M<sup>r</sup> Tho<sup>s</sup> Gunter with a Copy of this Pet<sup>n</sup> that he make Answer thereto on Fryday the 24<sup>th</sup> Instant.<sup>1</sup> [*Passed December 21.*]

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CHAPTER 144.

VOTE FOR RECEIV<sup>o</sup> THE MIDDLE TENOR BILLS INTO THE TREASURY FOR PUBLIC PAYMENTS.

Legislative Records of the Council, xvii. (3), 570. Mass. Archives, cii., 278.  
Legislative Records of the Council, xvii., Mis., 361. House Journal, pp. 125, 126, 127. *Ante*, p. 116, chap. 249.

WHEREAS this Court by their Vote of the 16. April 1742 order'd that four pounds in Bills of the old Tenor & Twenty six shillings & eight pence in bills of the first new tenor otherwise calld middle tenor should be receiv d in all publick payments equal to Twenty shillings in bills of the last form & tenor & so pro rato<sup>2</sup> for a greater or less Sum

*Voted* that the Treasurer Impost Officer & the several Constables & Collector<sup>3</sup> thro' the Province be directed in all publick payments to continue to receive the bills of the old tenor at the aforesaid proportion to the bills of the Form & Tenor of the last emission: And that for the future in all publick payments Twenty shillings in bills of the middle tenor shall be receivd equal to Twenty shillings in bills of the last emission & so pro rato<sup>2</sup> and the Treasurer & all other Recei<sup>ers</sup> are hereby orderd to govern themselves accordingly. And any deficiency in the Funds for drawing in the publick bills of Credit which shall arise in consequence hereof shall be sufficiently provided for by this Court. [*Passed December 24.*]

<sup>1</sup> On December 28<sup>th</sup> the House of Representatives ordered that this petition be dismissed (House Journal, p. 129). No record of concurrence or further action of any kind has been found.

<sup>2</sup> Legislative Records of the Council, xvii. (3), 570, reads, "ratâ."

<sup>3</sup> Legislative Records of the Council, xvii. (3), 570, reads, "Collectors."

## CHAPTER 145.

## ORDER FOR BURNING MIDDLE TENOR BILLS.

In the House of Rep<sup>res</sup>

*Voted* that M<sup>r</sup> Prout and M<sup>r</sup> Clap Cap<sup>t</sup> Cheever Col Porter Cap<sup>t</sup> Richmond M<sup>r</sup> Boardman and Col Willard with such as the Hon<sup>ble</sup> Board shall Joyn be a Comm<sup>ee</sup> to take an Acc<sup>t</sup> of the first new Tenor Bills now in the Treasury, consume them to Ashes and report thereon.

In Council

Read and concurr'd and John Jeffries Daniel Russell, Samuel Watts and James Allen Esq<sup>rs</sup> are join'd in the affair. [*Passed December 24.*]

Legislative  
Records of the  
Council,  
xvii. (3), 571.  
Mass.  
Archives, cii.,  
277.

House Jour-  
nal, p. 126.

## CHAPTER 146.

## ORDER GRANTING SAMUEL WITHERED A LICENSE AS AN INNKEEPER.

A PETITION of Samuel Withered of Boston, Innholder, Shewing that he has been Suddenly warned out of the House for which he had a licence in the beginning of the year, and is now removed to the House of Gillam Phillips Esq<sup>r</sup> formerly called the Rose Tavern; prayer<sup>1</sup> for liberty from this Court to carry on his said business there until the time appointed by law for granting Licences.

Read and forasmuch as the Select Men of the Town of Boston have signified that they have no Objection against the Pet<sup>rs</sup> keeping a Tavern in the House where he now dwells;

*Ordered* that the prayer of the petition be granted, & that the Pet<sup>r</sup> be admitted & allowed to be an Inholder, & keep publick Entertainm<sup>t</sup> in the House he now dwells in, for the Residue of the present Year, Provided he pay in his Excise already due, & enter into a new Recognizance with sufficient Sureties for his keeping good Rule & Order, & duly paying his Excise for the future before two of His Majesty's Justices of the peace for the County of suffolk Quorum Unus, & the Clerk of the peace for the said County.<sup>2</sup> [*Passed December 24.*]

Legislative  
Records of the  
Council,  
xvii. (3), 573.  
Mass.  
Archives, cxi.,  
119.

Mass.  
Archives, cxi.,  
117. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 465.  
*Ante*, p. 162,  
chap. 83.

## CHAPTER 147.

## ORDER IMPOWERING THE INHABITANTS OF COLD SPRING TO LEVY A TAX OF ONE PENNY PER ACRE ON ALL LANDS.

ON THE PETITION of the Inhabitants of Cold Spring, [*ante*, p. 143, chap. 35]

Read & it appearing that the Pet<sup>rs</sup> have notified the Non-resident Prop<sup>rs</sup> as above directed, and no Answer being given in

*Ordered* that the Prayer of the petition be so far granted as that the Pet<sup>rs</sup> be allowed, & there is hereby granted a Tax of one penny per Acre on all the Lands both improved & unimproved in the s<sup>d</sup> Plantation, to be paid by the Prop<sup>rs</sup> to enable the Pet<sup>rs</sup> to fulfill

Legislative  
Records of the  
Council,  
xvii. (3), 574.  
Mass.  
Archives,  
cxiv., 760.

Mass.  
Archives,  
cxvii., 757.  
Legislative  
Records of the

<sup>1</sup> *Sic.*

<sup>2</sup> Not found in the House Journal.

Council, xiii.,  
600; *ibid.*, xvii.,  
Mis., 450,  
*Ante*, p. 143,  
chap. 35.

their Contract with their present Minister towards his Settlement, & further to enable them to carry on the building & finish the Meeting House already erected there, & the Pet<sup>rs</sup> the resident Proprietors upon seasonable Notice given of time & place by M<sup>r</sup> Samuel Bascom to assemble themselves together, & being so assembled to choose three or more Assessors, a Treasurer, a Collector or Collectors which Assessors shall be upon Oath justly to apportion the Tax aforesaid on the several Prop<sup>rs</sup> of Lands there, & the same Tax & Apportionm<sup>t</sup> thereof thereof<sup>1</sup> under their hands to commit to such Collector or Collectors who are hereby fully empowered to demand & receive the full of each Prop<sup>rs</sup> Proportion in such List or Tax set down, & the same having received shall be obliged to pay to such Treasurer by him to be paid out for the Ends & purposes aforesaid agreeable to such Orders as he shall receive from such Assessors or the Major Part of them. Such Treas<sup>r</sup> to lay his Accounts before some one of the principal nonresident Proprietors when thereto requested.

The Inhabitants of said Township are hereby also directed when thereto required by any three or more of the Non-resident Proprietors to lay before them an Acco<sup>t</sup> of the disposal of all the Moneys by them rec<sup>d</sup> in Consequence of a former Tax by this Court granted.<sup>2</sup> [*Passed December 24.*]

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## CHAPTER 148.

### ORDER GRANTING £4 PER ANNUM DURING LIFE TO BENJAMIN ROCKWOOD.

Legislative  
Records of the  
Council,  
xvii. (3), 575.  
Mass.  
Archives,  
lxxii., 622.

A PETITION of Benjamin Rockwood of Wrentham, setting forth his services in the Indian War, called Philips War, and his sufferings by wounds & sickness, by which he has been much disabled, and praying for some allowance for his maintenance by this Court.

Read and in answer hereto

Mass.  
Archives,  
lxxii., 622-624.  
House Journal,  
p. 119.

*Ordered* that there be allowed out of the publick Treasury four pounds per Annum during life in consideration of his Services and Sufferings herein mentioned. [*Passed December 24.*]

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## CHAPTER 149.

### ORDER OF NOTICE ON DAN<sup>l</sup> LEWIS'S PETIT<sup>n</sup> RELATING TO A JUDGMENT.

Legislative  
Records of the  
Council,  
xvii. (3), 578.  
*Ante*, p. 179,  
chap. 119.

ON THE PETITION of Daniel Lewis and Order thereon, [*ante*, p. 179, chap. 119]

Whereas the within named Petitioner. has not Notified James Randal of the within Order; therefore

*Ordered* that he serve the said James with a Copy thereof, seven days at the least before the Second Tuesday of January next when the Inferior Court is to be held at Plymouth by Adjournment.<sup>2</sup> [*Passed December 28.*]

<sup>1</sup> *Sic.*

<sup>2</sup> Not found in the House Journal.



## CHAPTER 150.

## VOTE FOR EXCHANGING BILLS OF CREDIT FOR BILLS OF THE MIDDLE TENOR.

*Voted* that the Province Treasurer be and he hereby is directed to exchange Bills of the last Emission for Bills of the Middle Tenour commonly so called, in the following manner, that is to say, a Twenty Shilling Bill of the last Emission for a Twenty Shilling Bill of the Middle Tenour, and so pro Ratâ for a greater or less sum. [*Passed December 29.*]

Legislative  
Records of the  
Council,  
xvii. (3), 579.

House Jour-  
nal, p. 130.

## CHAPTER 151.

## VOTE ALLOWING £15 PER ANNUM FOR THE SUPPORT OF A CHAPLIN AT FORT FREDERICK.

A PETITION of the Inhabitants of the Districts of Harrington, Townshend, and Pemaquid, in the Eastern Parts, Shewing their inability to support the Gospel Ministry among them, and moving this Court to send a Chaplain to Fort Frederick at Pemaquid, with order to preach a proportion of his time in their Districts, for whose encouragement they are willing to contribute according to the utmost of their power.

Legislative  
Records of the  
Council,  
xvii. (3), 581.

Mass.  
Archives, xii.,  
258.

Mass.  
Archives, xii.,  
256. Legisla-  
tive Records  
of the Council,  
xvii., Mis., 465.  
House Jour-  
nal, p. 132.

[Read and the following action taken]

Whereas it has been represented to this Court that the within named Pet<sup>rs</sup> have come under Engagements to pay annually at least £15 lawful Money to Such Person as shall be app<sup>ted</sup> by this Governement as a Chaplain at Fort Frederick. Therefore

*Voted* that there be allowed and paid out of the Province Treasury in addition thereto the Sum of fifteen pounds per Annum towards the Support of Such Chaplain there during the present Establishment for said Fort made and provided. [*Passed December 31.*]

## CHAPTER 152.

## ORDER ON THE AFFAIR OF CHURCH AND BANISTER WITH STAY OF EXECUTION.

A PETITION of John Banister of Rhoad Island, Shewing that at the Superior Court held at Bristol in October last he brought his Writ of Review against Benannel Bowers of Swanzey, but thro' a mistake of the Clerk of the Court as to the sum sued for, the Writ was abated; therefore praying that the said Bowers's Executions against him may be stayed till he can have a trial of the cause at the next Court.

Legislative  
Records of the  
Council,  
xvii. (3), 543,  
582. Mass.  
Archives, xlii.,  
178.

Mass.  
Archives, xlii.,  
164-178. House  
Journal, p. 134.  
*Ante*, p. 74,  
chap. 141.

In answer to the Several petitions and papers from Charles Church Esq<sup>r</sup>, John Banister and Benannel Bowers, now lying before this Court,

*Ordered* that the execution obtain'd by said Bowers against Said Banister be Suspended till the issue of their action, to be try'd at the next Superior Court of Judicature &<sup>rs</sup> next to be holden at Bristol, within and for the County of Bristol, is known; and that

what shall be thereupon due to the Said Bowers Shall discharge so much of the executions which said Banister has obtained against him; and that upon Sheriff Church's paying to the Said Banister the remaining Sum due upon S<sup>d</sup> Executions, he have leave to return the two executions, referr'd to, Satisfied, the time for returning the Same being laps'd notwithstanding; and that the Said Banister, in his two Actions against the Said Church recover only his reasonable Costs. [*Passed January 1.*]

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## CHAPTER 153.

### ORDER GRANTING SUSANNAH WALDOES PET<sup>n</sup> FOR NEW TRIAL OF AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (3), 545,  
583.  
Mass.  
Archives,  
xviii., 86.

Mass.  
Archives,  
xviii., 84-96.  
House Jour-  
nal, pp. 109, 133.

A PETITION of Susannah Waldo Widow & Administ<sup>r</sup> of Jonathan Waldo dec<sup>d</sup> praying that she may have a new Trial at the next Superior Court of Judicature for the County of Suffolk, of a cause between the Petitioner and Sannel Waldo Esq<sup>r</sup>, Judgment having been against her by default at the last Term, by reason of her Lawyers being suddenly and without her knowledge called out of the Province, when the said Action was brought forward.

Read together with the Answer of Sam<sup>l</sup> Waldo Esq<sup>r</sup> & the Matter being fully considered

*Ordered* that the Judgm<sup>t</sup> of the Sup<sup>r</sup> Court within mentioned be & hereby is superseded & set aside, & the Pet<sup>r</sup> enabled to bring forward her Appeal to the Next Sup<sup>r</sup> Court of Jud<sup>r</sup> to be holden at Boston in the County of Suffolk in Feb<sup>r</sup> next, & the Justices of the said Court are directed & impowered to hear & determine the S<sup>d</sup> Cause, & award Execution thereupon accordingly, Provided the Pet<sup>r</sup> give the Respondent such Security as shall be to the Satisfaction of the said Court for paying the Respond<sup>t</sup> the Costs hitherto sustained, as also of what Sum he may recover at the final Trial of the s<sup>d</sup> Cause, & that the Pet<sup>r</sup> notify the Respondent of this Order fourteen days at least before the Sitting of the said Court. [*Passed January 1.*]

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## CHAPTER 154.

### VOTE ABOUT Y<sup>e</sup> CHOICE OF PETIT JURORS.

Legislative  
Records of the  
Council,  
xvii. (3), 586.  
Mass.  
Archives, xlii.,  
197.

House Jour-  
nal, p. 137.  
Province  
Laws, ii., 1090,  
chap. 18.

*Voted* that the Select Men of those Towns, Who have not complied with the late Law Entituled an Act for the better regulating the Choice of Petit Jurors be Enabled to take a List agreeable to said Act the time appointed by the said Act for taking such List being elapsed notwithstanding. [*Passed January 5.*]

## CHAPTER 155.

ORDER ACCEPTING THE COMMITTEES REPORT ON THE PETIT<sup>n</sup> OF BENJ COLTON AND GRANTING A NEW TRIAL WITH STAY OF EXECUTION.

A PETITION of Benjamin Colton of Springfield, praying that he may be admitted to a new trial of an Action brought against him at the Inferior Court of Common Pleas for the County of Suffolk by John Johnson of Bolton,<sup>1</sup> Judgment having been against the Petitioner by default, by reason of the [absence or forgetfulness of the petitioner's attorney]<sup>2</sup>

The Committee to whom was refer'd the Petition of Benjamin Colton of Springfield in the County of Hampshire, and the answer of John Johnson of Boston thereto, report as follows: That the prayer of the Petition be granted, and that the Petitioner have the liberty of an other Trial of the Action refer'd to in the Petition at the next Superior Court of Judicature to be holden at Boston for the County of Suffolk in February next, and that the Justices of the said Court be impowred and directed to hear and try the same, and that Execution be staid in the mean time; Provided the Petitioner first give said Johnson sufficient Security that if he the said Johnson recover of the Petitioner two hundred and twenty pounds old Tenor, to pay him that sum or so much of it as he shall recover. All which is submitted,

In the Name of the Committee

JOHN OSBORNE.

Read &

*Ordered* that this Report be accepted, and that the petitioner have a Tryal accordingly. [*Passed January 5.*]

Legislative Records of the Council, xvii. (3), 520, 587. Mass. Archives, xlii., 145.

Mass. Archives, xlii., 138-145. Legislative Records of the Council, xvii., Mis., 449. House Journal, pp. 99, 106, 136.

## CHAPTER 156.

## ORDER ANNEXING THE ESTATE OF THO. CHASE TO THE WESTERLY PARISH OF NEWBURY.

A PETITION of Thomas Chase of Newbury, Shewing that the greatest part of his Farm that he lives upon, lies within the Westerly Precinct in said Town, but it happened that in settling the Line of said Precinct, his house and ten Acres of Land happened to be put to the lower Precinct; praying that the same may be added to the said West Precinct.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, and the ten Acres of Land herein mentioned with the buildings thereon be and hereby are Annexed to the Westerly Parish in said Newbury there to do duty and recieve Priviledge accordingly. [*Passed January 5.*]<sup>3</sup>

Legislative Records of the Council, xvii. (3), 594. Mass. Archives, cv., 229.

House Journal, p. 136. Province Laws, xi., 583, chap. 6.

<sup>1</sup> *Sic*, for "Boston," in Mass. Archives.

<sup>2</sup> The words in brackets supplied in substance from Mass. Archives, xlii., 142.

<sup>3</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council, xvii. (3), the date is January 7.

## CHAPTER 157.

## VOTE REFERRING TO MARSHFIELD AND SCITUATE LANDS.

Legislative  
Records of the  
Council,  
xvii. (3), 590.  
Mass.  
Archives, cv.,  
229½.

House Jour-  
nal, p. 137.  
*Ante*, p. 183,  
chap. 128.

*Voted* that all the lands under the Improvement of Otiss Little Esq<sup>r</sup> lying within the Lines of the North Precinct of the Town of Marshfield, and all that Part of Scituate called the Two mile, be continued, and remain to the Same precincts they belonged to before an Order of this Court pass<sup>d</sup> the Twenty fourth of December last, any thing contained therein to the Contrary notwithstanding. [*Passed January 6.*]

## CHAPTER 158.

## ORDER GRANTING JOHN WARD A LICENCE TO KEEP AN INN.

Legislative  
Records of the  
Council,  
xvii. (3), 590.

House Jour-  
nal, p. 137.

A PETITION of John Ward of Lyn in the County of Essex Shewing that whereas M<sup>r</sup> Mower left the Inn in the town belonging to Jacob Wendell Esq<sup>r</sup> he was prevailed upon by many Gentlemen of that and the neighbouring towns to undertake the keeping that Inn; & therefore praying that he may be impowered by this Court till such time as he may obtain a licence according to Law.

Read, and in answer thereto,

*Ordered* that the Justices of the General Sessions of the Peace be and hereby are allowed and impowered if they see cause, to grant the Petitioner a Licence in the House he now dwells in, the remaining part of the year, the time for granting Licences being elapsed notwithstanding. [*Passed January 6.*]

## CHAPTER 159.

## ORDER GRANTING BETTY RAPER AN APPEAL FROM A SENTENCE.

Legislative  
Records of the  
Council,  
xvii. (3), 513,  
591.

Legislative  
Records of the  
Council,  
xvii. (3), 515.  
House Jour-  
nal, pp. 96, 130,  
138.

A PETITION of Betty Raper of Reading by her Father and Guardian Stephen Raper, complaining of great injustice in a sentence pass'd by Jonathan Pool Esq<sup>r</sup> one of His Majestys Justices of the Peace for the County of Middlesex upon complaint of Martha Maccantire for her stealing sundry things; and praying that she may be allowed to appeal to the Court of General Sessions of the Peace next to be holden for the said County.

Joseph Wilder Esq<sup>r</sup> from the Committee of both Houses on the Petition of Betty Raper, gave in their Report:

Read and

*Ordered* that this Report be accepted and that the Petitioner be and hereby is enabled to Appeal from the sentence mentioned in the Petition, to the Justices of the General Sessions of the Peace to be holden at Charlestown within and for the County of Middlesex on the second Tuesday in March next, and the Justices of the said Court are impowered and directed to hear the complaint and proceed therein according to law; Provided the Petitioner find Sureties to prosecute her Appeal with effect, and be of good behaviour in the mean time. [*Passed January 6.*]

## CHAPTER 160.

## ORDER OF NOTICE ON THE COMMITTEES REPORT ABOUT MALDEN FARM.

SAMUEL DANFORTH ESQ<sup>r</sup> from the Committee of both Houses on the affair of Malden Farm gave in the following Report, viz<sup>t</sup>

The Committee appointed by the Great and General Court to enquire whether there be a thousand acres of land in the Town of Worcester or Shrewsbury belonging to this Province and not disposed of, and to report thereon: upon a careful inspection of the publick Records, find that in the year 1662 this Court granted one thousand Acres of land for the use of the Minister of Malden for ever, and that in the year 1665 the thousand Acres aforesaid were laid out, and a Plan thereof returned to and accepted by this Government. They also find that in the year 1668 when the Plantation, afterwards called Worcester was granted, the thousand acres before granted and laid out to Malden (and included within the said Plantation) was excepted out of the Grant made to the Proprietors of Worcester. It likewise appears to the said Committee that somewhat more than forty years since the town of Malden employing a Surveyor to renew the bound of the land out out<sup>1</sup> to them, as aforesaid, the Surveyor lighting on a tract of Land (nine hundred acres whereof now lies in Shrewsbury and an hundred acres in the Town of Holden) which bare some small resemblance of Malden grant, as described in the Plan thereof returned to this Court, he surveyed said Tract and bounded it out as belonging to Malden, and the same has been ever since claimed by them as their Farm, & this Government in the year 1717 in their Grant to the Proprietors of Shrewsbury reserved said Tract (then reputed to belong to Malden) and excepted it out of their Grant. In consequence of which two exceptions out of the grants of Worcester and Shrewsbury, it evidently appeared to the Committee that there was about a thousand Acres (<sup>2</sup>in one or the other of those towns which still belong to the Province, unless the same has been otherwise disposed of, which we do not find, nor have heard it so much as suggested by any person whatever. The Committee hereupon repairing to the Towns of Shrewsbury and Worcester (viz<sup>t</sup> that part of it now called Holden) attended by such as thought themselves concerned, they carefully viewed the several Tracts aforesaid, opened sundry marked Trees in order to discover when they were marked, compared the appearances and circumstances of each of said Tracts with the Original Plan of Malden farm and fully heard and considered what ever any person had to offer that might assist the Committee in their inquiry, and finding that the afore mentioned Tract of Land in Holden with respect to its situation from the South West Corner of Lancaster and of an high rocky hill, the figure in which it was laid, the position form and course of the Brook and Meadow contained within it, and such of the Bound Marks as yet remain (which appear as ancient as the date of the Plan aforesaid, whilst those in the other Tract in Shrewsbury appear but half so old) doth so exactly correspond with the description of Malden as given in the Original Plan thereof in the Records of this Court, as to afford the highest evidence the nature of the thing will admit of, that the same was

Legislative  
Records of the  
Council,  
xvii. (3), 591.

Mass.  
Archives, x.,  
206. Legisla-  
tive Records of  
the Council,  
iv., 397, 466, 641;  
xvii. (3), 226,  
283. House  
Journal, p. 137.  
Province  
Laws, ix., 503,  
chap. 126.

<sup>1</sup> Sic.

<sup>2</sup> End of parenthesis not shown.

anciently laid out to satisfy the Grant to Malden, as the same is decyphered on the Plan hereunto annexed: and that therefore the other Tract in Shrewsbury of later years reputed to be Malden Farm, doth of right still belong to the Province, and that the Proprietors of Shrewsbury nor yet the Church of Malden have any just claim to it by vertue of any grant from this Government. And altho the Church of Malden by force of their possession have maintained Actions of Trespass and Ejectment brought against such as had entered on these lands, without lawful right so to do, yet the Judgments so obtained cannot (as we apprehend) in any measure, bar or weaken the claim of the Province to those lands, how far so ever the consideration of the great trouble charge and expence said Town have been at to obtain the quiet possession thereof, may recommend them to the favour and compassion of this Court. Which is humbly Submitted.

By order of the Committee

SAM<sup>L</sup> DANFORTH.

Read and

*Ordered* that the Petitioner Daniel How serve the Proprietors of Shrewsbury and Holden, M<sup>r</sup> Emerson Minister of the first Church of Malden, Cyprian Stevens, and others, dwelling on the farm represented by this Report to belong to Malden, with Copies of this Report, that they shew cause if any they have on the first Tuesday of the next Sitting of this Court, why the Report should not be accepted.<sup>1</sup> [*Passed January 6.*]

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## CHAPTER 161.

Legislative  
Records of the  
Council,  
xvii. (3), 597.  
Mass.  
Archives,  
cxv., 8.

House Journal,  
p. 140.  
Province  
Laws, iii., 50,  
chap. 31.

VOTE EXEMPTING TOPSHAM INHABITANTS FROM TAXATION THIS YEAR.

*Voted* that the Inhabitants of the Plantation called Topsham be freed from paying any Taxes this Year, foras much as no consideration has been had of the Inhabitants there in the proportioning of the Neighbouring Towns. Any Clause in the Tax Act notwithstanding. [*Passed January 8.*]

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## CHAPTER 162.

VOTE REFERRING TO THE MAKING AND SIGNING OF BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (3), 599.  
House Journal,  
pp. 141, 142.  
*Infra*, chap.  
165.

*Voted* that the Committee to be chosen by this Court for signing the Bills of Credit consist of Eight Persons; that the Bills of the first Plate be signed by Six, the Second Plate by Three, and the Third by two of the Committee; that the Committee employ one person of good reputation to attend constantly at each Press while the Bills are striking off, and to take charge of the Plates and to deliver the same to the Committee or some one of them they shall agree upon; and as soon as the whole sum ordered by the Court shall be struck off, the Plates shall be lodged at the Treasurers, till the further Order of this Court; and the two Persons so appointed shall be under Oath for the faithful discharge of their Office; that

<sup>1</sup> Final action on this matter, House Journal, p. 196, and Legislative Records of the Council, xvii. (3), 325, was lost for want of the Governor's signature.

the Bills be signed in the Town of Boston at the Houses or Places of Abode of the Committee; that the Committee be allowed Thirty one Shillings for every thousand of Bills by them numbered and signed and delivered to the Treasurer. [*Passed January 11.*]

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## CHAPTER 163.

### ORDER WITH STAY OF EXECUTIONS REFERRING THE MEM<sup>o</sup> OF JOHN RUSSEL ESQ<sup>r</sup> RELATING TO QUAKERS.

A MEMORIAL of John Russel Esq<sup>r</sup> Sheriff of the County of Barnstable, Shewing that he hath twelve Executions against so many of the People called Quakers in the Town of Sandwich, for not appearing under arms at trainings, and not being furnished with arms and ammunition as the law directs; that he is fully persuaded that they will subject their bodies to be taken in Execution and go to Prison, rather than to pay their Fines, on pretence of conscience; therefore praying that this Court would give Order to the Memorialist how to proceed in the premisses.

Read and

*Ordered* that the consideration of this Memorial be refer'd to the next May Session, and that Executions herein mentioned be stayed in the mean time. [*Passed January 11.*]

Legislative  
Records of the  
Council,  
xvii. (3), 600.

House Jour-  
nal, pp. 139, 140.

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## CHAPTER 164.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ROB<sup>t</sup> MORTON FOR LEAVE TO ENTER AN ACTION.

A PETITION of Robert Morton <sup>1</sup> of a place called Harrington in the County of York, coaster, Shewing that one Thomas Bodkin sued him at the Inferior Court for the County of Essex, that upon discoursing with the said Bodkin he promised not to prosecute the Action, upon which the Petitioner relied, and did not appear to defend it; but the said Bodkin took advantage of his absence, & pursued the action and obtained Judgment by Default against him; And therefore praying that he may be impowered to enter his said Action <sup>2</sup> anew at the next Inferior Court for said County and have a fair Trial, & that Execution may be stayed in the mean time.

Read and

*Ordered* that the Pet<sup>r</sup> serve the adverse Party Tho<sup>s</sup> Bodkin with a Copy of this Pet<sup>n</sup> that he shew Cause if any he hath on Fryday next if the Court be then sitting if not on the first Fryday of the next session why the Prayer thereof. sh<sup>d</sup> not be granted And Execution within mentioned is staid in the mean time. [*Passed January 11.*]

Legislative  
Records of the  
Council,  
xvii. (3), 600.  
Mass.  
Archives, xlii.,  
200.

Mass.  
Archives, xlii.,  
198. House  
Journal, p. 142.

<sup>1</sup> The House Journal, p. 142, reads, "*Martin.*"

<sup>2</sup> Mass. Archives, xlii., 199, for "enter his said Action," reads, "reenter said Action,"—that is, to have the original action re-entered for trial.

## CHAPTER 165.

## ORDER APPOINTING A COMMITTEE TO SIGN BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (3), 601.

House Jour-  
nal, p. 142.  
*Supra*, chap.  
162.

THE TWO HOUSES proceeded to the Choice of a Committee for signing of Bills according to Order, and the following Persons were elected by the Major Vote of the Council and House of Representatives for the said service, viz<sup>t</sup> John Jeffries Esq<sup>r</sup>, Josiah Willard Esq<sup>r</sup>, Samuel Danforth Esq<sup>r</sup>, John Quincy Esq<sup>r</sup>, Daniel Epes Esq<sup>r</sup> John Chandler Esq<sup>r</sup>, Thomas Hutchinson Esq<sup>r</sup> and M<sup>r</sup> Rowland Cotton.

And the Secretary having laid a List of the said Committee before His Excellency the Governor, he wrote thereon as follows, viz<sup>t</sup>

I approve the Choice of the above named Persons for the Service above mentioned. [*Passed January 11.*]

## CHAPTER 166.

VOTE ALLOWING £81 FOR PRESENTS TO Y<sup>e</sup> INDIANS IN LIEU OF A PENSION.

Legislative  
Records of the  
Council,  
xvii. (3), 602.  
Mass.

Archives,  
xxxii., 435.

Mass.  
Archives,  
xxxii., 436.  
House Jour-  
nal, p. 143.

*Voted* that in Lieu of the Pension which has been for several Years given to some of the Indians.

There be granted and Allowed to be paid out of the Publick Treasury (for this Year) the Sum of Eighty One Pounds into the hands of the Officer for carrying on the Truck Trade to be by him distributed by and with the Advice and direction of the Governour and Council unto the several Tribes of Indians in Powder, Shott and Provisions as shall be most for the publick Interest. The said Officer to be Accountable. [*Passed January 12.*]

## CHAPTER 167.

## ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOSIAH BURT TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (3), 602.  
Mass.  
Archives, xlii.,  
196.

Mass.  
Archives, xlii.,  
195. House  
Journal,  
pp. 142, 143.

A PETITION of Josiah Burt of Dighton in the County of Bristol, shewing that Samuel Andrews of said place commenced an Action against him (when he was out of the Province) at the Inferior Court for the said County in September last, but the Petitioner being returned while the Court was sitting would have re-entered his action after Judgement went against him by Default, but was prevented by the fair pretences of the said Andrews to accommodate the matter, which he now utterly refuses to do, and has taken out an Execution; And therefore praying for liberty from this Court to review the said Action at the next Inferior Court for said County, & that Execution may be stayed in the mean time.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Partie Sam<sup>l</sup> Andrews with a copy of this Pet<sup>n</sup> that He Shew cause if any he hath on the first tuesday of the next sitting of this Court why the prayer thereof should not be granted: And Execution within mentioned is stayed



in the mean time provided the Pet<sup>r</sup> give good and sufficient Security to the Sheriff of the County of Bristol for the payment of what the said Andrews may finally Obtain Judgment of Court for. [*Passed January 12.*]

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## CHAPTER 168.

### ORDER ACCEPTING THE COMMITTEES REPORT ON THE HOUSATANUCK AFFAIRS.

UPON READING the Report of the Committee on the Housatanuck affairs:

*Ordered* that this report be So far accepted as that untill the further order of this Court, the Inhabitants of the upper-township, together with those on the Tract of Land lying between the Said upper Township & the Indians Land, which Tract of Land is Bounded as followeth, viz: begining on the most northwesterly Corner of the Indian Land in the West line, of the Town of sheffield runing Easterly on Said Indian Land, till it Comes to a Beach Tree marked, near the mouth of Green River. then turning Some thing northerly: and Leaving to sheffield; a Small peice of meadow or Intervall of Said Indian Land, till it Comes to raing<sup>1</sup> the Line & Beach Tree on the Easterly Side of Said meadow: or Intervall. & thence to Continue s<sup>d</sup> line. till it intersect the East Line of Sheffield, propriety be and hereby are impowered. by a major Vote at a meeting or meetings, properly Called for that purpose, to raise money, for the Bui[l]ding a Convenient meeting House: for the Publick Worship of God. in Such place, on Said Lands, as they shall agree upon: and also from time to time, to agree with, & Support an able Lerner And orthodox minister. to preach the Word among them, the money to be assessed, on Each right of the before described Lands And other Grants to them annexed: in Equall proportions Sufficient for the purposes afores<sup>d</sup> to be paid by the proprietors in apportioning of Which, the Land Granted to Cap<sup>t</sup> John Spur shall be accounted equall to two rights. & Cornrod Burgherts two hundred acres Lying on Green River, to be accounted as half a right: the money So assessed. by a Comitty Chosen by the proprietors. and to be Colected, by Such proper person or persons on oath as the Said proprietors. shall here unto appoint in the Same manner as parish rates are, or may by Law be Colected, within this Province: takeing for his or their Warrant: therein. the order of Said proprietors commity. provided that nothing herein Contained, shall be Construed to alter the right or Intrest of any proprietors in any of Said Lands. [*Passed January 13.*<sup>2</sup>]

Legislative  
Records of the  
Council,  
xvii. (3), 615.  
Mass.  
Archives, cxv.,  
195.

Maps and  
Plans, Mis.,  
xxxvii., 30.  
House Jour-  
nal, pp. 151, 152.  
*Ante*, p. 67,  
chap. 126.

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## CHAPTER 169.

### ORDER ALLOWING £400 TO THE JUDGES.

*Ordered* that the Sum of four hundred pounds be granted & allowed to be paid out of the publick Treasury to the hon<sup>ble</sup> the

Legislative  
Records of the  
Council,  
xvii. (3), 604.

<sup>1</sup> Legislative Records of the Council, xvii. (3), 615, reads, "range."

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (3), the date is January 14, and the House Journal is January 15.

Mass.  
Archives,  
xiii., 203.  
House Jour-  
nal, p. 144.

Justices of his Majestys Sup<sup>r</sup> Court of Jud<sup>r</sup> Court of Assize & Gen<sup>l</sup> Goal Delivery for their Services for one Year ending the first day of January Instant. [*Passed January 13.*]

## CHAPTER 170.

### ORDER ALLOWING £40 TO THE SECRETARY.

Legislative  
Records of the  
Council,  
xvii. (3), 604.

House Jour-  
nal, p. 144.  
*Infra*, chap.  
171.

*Ordered* that the sum of Forty Pounds be granted and allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province in full for his service, for one year ending the third Day of December last. [*Passed January 13.*]

## CHAPTER 171.

### ORDER ALLOWING £60 ADDITIONAL TO Y<sup>E</sup> SECRETARY.

Legislative  
Records of the  
Council,  
xvii. (3), 605.

House Jour-  
nal, p. 144.  
*Supra*, chap.  
171.

*Ordered* that the sum of Sixty Pounds be granted and allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary &<sup>c</sup> in consideration of his extraordinary Services, to the third Day of December last. [*Passed January 13.*]

## CHAPTER 172.

### ORDER ALLOWING £150 TO THE TREASURER.

Legislative  
Records of the  
Council,  
xvii. (3), 605.

House Jour-  
nal, p. 144.

*Ordered* that the sum of One Hundred and Fifty Pounds be granted and allowed to be paid out of the publick Treasury to William Foye Esq<sup>r</sup> Treasurer and Receiver General of His Majestys Revenues within this Province, for one year ending the Second day of January Instant. [*Passed January 13.*]

## CHAPTER 173.

### ORDER ALLOWING £200 TO THE PRESIDENT OF THE COLLEGE.

Legislative  
Records of the  
Council,  
xvii. (3), 605.

Mass.  
Archives,  
lviii., 327.

House Jour-  
nal, p. 144.

*Ordered* that the Sum of two hundred pounds be granted & allowed to be paid out of the publick Treasury to the Rev<sup>d</sup> Edward Holyoke President of Harvard College over & above the Rents of Massachusetts Hall for one Year ending the tenth of Sep<sup>r</sup> next, to be paid Quarterly. [*Passed January 13.*]

## CHAPTER 174.

ORDER ALLOWING £25 TO REV<sup>n</sup> EDWARD WIGGLESWORTH.

*Ordered* that the Sum of twenty five pounds be granted & allowed to be paid out of the publick Treasury to the Rev<sup>d</sup> Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge as a Gratuity in Consideration of his faithfull discharge of that great & important Trust reposed in him, & for his further Encouragem<sup>t</sup> therein. [*Passed January 13.*]

Mass.  
Archives,  
lviii., 328.

House Jour-  
nal, p. 144.

## CHAPTER 175.

## ORDER ALLOWING 1/6 PER DIEM TO THE SPEAKER.

*Ordered* that there be granted and allowed to be paid out of the publick Treasury one shilling and six pence per Diem to the Hon<sup>ble</sup> Thomas Cushing Esq<sup>r</sup> Speaker of the House for every day of his Attendance in the General Court from the Opening of the Sessions on the 26<sup>th</sup> of May 1742. to the end of this year, in consideration of his constant application in dispatching the publick affairs of the Province. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xvii. (3), 605.

House Jour-  
nal, p. 144.

## CHAPTER 176.

## ORDER ALLOWING £45 TO THE CLERK OF THE HOUSE.

*Ordered* that the sum of Forty five Pounds be granted and allowed to be paid out of the Publick Treasury to Mr Roland Cotton, Clerk of the House for his Service in that trust this present year. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xvii. (3), 606.

House Jour-  
nal, p. 144.

## CHAPTER 177.

## ORDER ALLOWING £10 TO THE CHAPLAINS OF THE COURT.

*Ordered* that the Sum of ten pounds be granted & allowed to be paid out of the publick Treasury, viz<sup>t</sup> One half to the Rev<sup>d</sup> Chaplain of the hon<sup>ble</sup> Board the present Year, The other half to the Rev<sup>d</sup> Samuel Checkley the Chaplain of the House for their respective Services the present Year. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xvii. (3), 606.

Mass.  
Archives, xii.,  
269.

House Jour-  
nal, p. 144.

## CHAPTER 178.

Legislative  
Records of the  
Council,  
xvii. (3), 606.  
Mass.  
Archives, xx.,  
334.

House Jour-  
nal, p. 146.

ORDER ALLOWING £300 TO THE EXECUTORS OF FRA: WILKS ESQR.

*Voted* that the Sum of three hundred Pounds be granted and allowed to be paid out of the publick Treasury to the Executors of Francis Wilks Esq<sup>r</sup> Dec'd or their Attorney (for the Use of his Heirs) in full Consideration for his Service as Agent of this Province. [*Passed January 13.*]

## CHAPTER 179.

ORDER ALLOWING £50 TO RIC. HUBBARD.

Legislative  
Records of the  
Council,  
xvii. (3), 606.

House Jour-  
nal, p. 145.

*Ordered* that the sum of Fifty Pounds be granted and allowed to be paid out of the publick Treasury, to M<sup>r</sup> Richard Hubbard Door Keeper to His Excellency the Governor & this Court, in full for his service one year ending the Nineteenth day of February 1743, the said sum to be paid Quarterly as it shall become due. [*Passed January 13.*]

## CHAPTER 180.

ORDER ALLOWING £5 ADDITIONAL TO RIC. HUBBARD.

Legislative  
Records of the  
Council,  
xvii. (3), 607.  
Mass.  
Archives, xli.,  
168.

House Jour-  
nal, p. 145.

*Voted* that the Sum of five Pounds be granted & allowed to be paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door-keeper &c in Consideration of the great Scarcity and high prices of the Necessaries of Life. [*Passed January 13.*]

## CHAPTER 181.

Legislative  
Records of the  
Council,  
xvii. (3), 607.  
Mass.  
Archives, xlii.,  
202.

House Jour-  
nal, p. 145.  
Province  
Laws, iii., 25,  
chap. 9.

ORDER ALLOWING £37 TO THE JUSTICES OF THE SPECIAL COURT AT NANTUCKET.

*Voted* that the Sum of thirty seven pounds be granted & allowed to be paid out of the publick Treasury to the five Gent<sup>n</sup> appointed to hold a Court of Assize on the Island of Nantucket in Aug<sup>t</sup> last in full Consideration of their Trouble & Charge in that Affair. [*Passed January 13.*]

## CHAPTER 182.

Legislative  
Records of the  
Council,  
xvii. (3), 607.

House Jour-  
nal, p. 143.  
*Ante*, p. 198,  
chap. 162.

VOTE FOR MAKING £8,000 IN BILLS OF CREDIT FOR EXCHANGE FOR MIDDLE TENOR BILLS OF CREDIT.

*Voted* that the Committee appointed to strike off Publick Bills of Credit &c be directed to strike off and compleat Eight Thousand Pounds as soon as may be and deliver them to the Treasurer in order to exchange the Middle Tenor Bills. [*Passed January 13.*]

## CHAPTER 183.

## VOTE ABOUT CHARLESTOWN BATTERY.

*Voted* that the Town of Charlestown in Consideration of the Grant made them in April last be allowed to mount but six Guns eighteen pounders, the eight required in said Vote notwithstanding. [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xvii. (3), 607.  
Mass.  
Archives,  
lxxii., 634.  
House Jour-  
nal, p. 146.  
*Ante*, p. 110,  
chap. 232.

## CHAPTER 184.

## VOTE REFERRING THE NEW SHERBURN PETITION.

ON THE PETITION of the Inhabitants of a Tract of Land called New Sherburn [*ante*, p. 144, chap. 39]

*Voted* that this Petition together with the Plan of New Sherburn, the Province Land, and farms adjoining be refer'd to the next Session of this Court for further consideration.<sup>1</sup> [*Passed January 13.*]

Legislative  
Records of the  
Council,  
xvii. (3), 608.  
Mass.  
Archives, p. 144,  
chap. 232.

## CHAPTER 185.

## VOTE FOR ALTERING THE PLATES OF THE BILLS OF CREDIT.

*Voted* That the Committee for signing the publick Bills be directed to cause the following alterations to be made in the plates viz In the middle plate the Four shilling bill to be altered to Half a Crown & the three shilling to fifteen pence & that in the lowest plate the two shilling bill be altered to Nine pence & the Eight penny bill to Three pence

And that one half of the Sum in Bills to be struck off be from the first plate One thousand pounds from the lowest plate & the remainder from the middle plate. [*Passed January 14.*]

Legislative  
Records of the  
Council,  
xvii. (3), 609.  
Mass.  
Archives, cii.,  
282.  
House Jour-  
nal, p. 146.  
Province  
Laws, iii., 68,  
note. *Ante*,  
p. 200, chap.  
165.

## CHAPTER 186.

## VOTE FOR ENDORSING THE TIME OF RECEPTION ON PETITIONS.

*Ordered* that the Secretary of this Province, his Deputy or Clerk, and the Clerk of the House of Representatives, respectively, be and hereby are directed to endorse on each petition bro't into either House, the time when the Same was receiv'd by them. [*Passed January 14.*]

Legislative  
Records of the  
Council,  
xvii. (3), 610.  
Mass.  
Archives,  
xliv., 169.  
House Jour-  
nal, p. 148.

## CHAPTER 187.

## VOTE GRANTING £1,100 FOR REPAIRS AT CASTLE WILLIAM.

*Voted* that the Sum of Eleven hundred pounds be and hereby is granted and allowed to be paid out of the publick Treasury for

Legislative  
Records of the  
Council,  
xvii. (3), 612.  
Mass.  
Archives,  
lxxii., 635.

<sup>1</sup> Not found in the House Journal.

House Journal, p. 148.  
Province  
Laws, ii., 1078,  
chap. 11.  
*Ante*, p. 109,  
chap. 230;  
p. 121, chap.  
261.

carrying on and compleating the necessary repairs at Castle William And that the said Sum Specially Appropriated in the late Supply Bill be paid into the hands of the Comm<sup>ee</sup> of this Court appointed for that purpose.

The s<sup>d</sup> Comm<sup>ee</sup> to be accountable. [*Passed January 14.*]

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## CHAPTER 188.

### VOTE ALLOWING £39 TO NORTH YARMOUTH FOR GUNS &c.

Legislative  
Records of the  
Council,  
xvii. (3), 612.  
Mass.  
Archives,  
lxxii., 636.

House Journal, p. 148.  
Province  
Laws, ii., 1078,  
chap. 11.

*Voted* that the Sum of thirty Nine pounds be Allowed and paid out the Publick Treasury. out of the Six Thousand five hundred pounds Appropriations for Repairing Forts & Garisons &ct To the Selectmen of the Town of North Yarmouth to be Employ'd in purchasing such Swivill Guns Small arms. Bullets powder &ct as The Cap<sup>t</sup> Generall shall direct to for the defence of Said Town They giving Sufficient Security to the province Treasurer That Said mony shall be Apply'd for Said purpose and for no Other use whatsoever. [*Passed January 14.*]

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## CHAPTER 189

### ORDER OF NOTICE ON THE PETITION OF ELK<sup>h</sup> LEONARD FOR A JURY TRIAL OF AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (3), 612.

House Journal, p. 148.

A PETITION of Elkanah Leonard, Shewing that at the Inferior Court of Common Pleas for the County of Plymouth in May last, he sued William Woodside on a Note of Hand, and Judgment was against the Petitioner, from which he appealed to the last Superior Court there, and not being able to attend himself, he appointed an Attorney to appear for him, who entirely neglected his business, by which means the first Judgment was affirmed; therefore praying that he may have a Trial by a Jury at the next Superior Court for the said County.

Read and

*Ordered* that the Petitioner serve the adverse party the said William Woodsider<sup>1</sup> or his Attorney M<sup>r</sup> Benjamin Kent, with a Copy of this Petition, that they shew cause, if any they have, on the First Tuesday of the next Sitting of this Court why the prayer thereof should not be granted. [*Passed January 14.*]

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## CHAPTER 190.

### VOTE GRANTING 200 ACRES OF LAND TO CON. BURGHERT FOR SERVICES.

Legislative  
Records of the  
Council,  
xvii. (3), 166,  
613. Mass.

A PETITION of Conrade Burghert of Sheffield, Setting forth the great charge and trouble he has been at in getting the land at Housatanuck surveyed, and in defending the Province Right to it, with

<sup>1</sup> *Sic.*

other services, and therefore Praying that this Court would make him a proper satisfaction for his damages, charge & trouble in the service of the Province.

The Committee to whom this Petition was refer'd, have inquired into the facts alledged therein and heard the Petitioner, and find that altho the facts may be truly represented by the Petitioner, yet that he has received satisfaction for his disbursements respecting the Housatanuck Lands, of Cpt. Ashley one of the Committee for settling said lands, which appeared by a full discharge under the Petitioners hand given in the year 1739: but in consideration of the Petitioners services set forth in the Petition, for which, (the Committee are of Opinion) he hath not received any recompence, they propose that Two Hundred Acres of the unappropriated Lands of the Province in the County of Hampshire be granted to him, in full satisfaction for his time & tronble about the affair mentioned in the Petition: Which is humbly submitted.

In the Name and by Order of the Committee

SHUB: GORHAM.

The within Report Read and Accepted and Thereupon

*Voted* That that <sup>1</sup> In Consideration of the Services of y<sup>e</sup> petitioner there be & hereby is Granted to the Petitioner Two hundred Acres of the Unappropriated lands of this province in the County of Hampshire to be laid out by a surveyor & chainmen Under Oath & a plat There of Return'd to this Court within Twelve months for Confirmation.<sup>2</sup> [*Passed January 14.*]

Archives,  
xlvii., 123.  
Mass.  
Archives,  
xlvii., 122.  
Province  
Laws, xii., 507,  
chap. 77.

## CHAPTER 191.

### ORDER REFERRING THE REPORT OF THE COMMITTEE ON PARKERS FARM.

ON THE REPORT of the Committee relating to Parkers Farm [*ante*, p. 107, chap. 227]:

Read and

*Ordered* that this Report be refer'd till next Session for consideration; and all parties are hereby strictly forbidden to make strip or wast on the land in Controversy in the mean time. [*Passed January 14.*]

Legislative  
Records of the  
Council,  
xvii. (3), 614.

House Journal,  
p. 146.  
*Ante*, p. 107,  
chap. 227.

## CHAPTER 192.

### VOTE FOR PROVIDING A DINNER FOR Y<sup>E</sup> REPRESENT<sup>VES</sup> ON THE ELECTION DAY.

*Voted*

That a suitable dinner be provided at the charge of the Province on the day appointed for Election of Counsellors for the Gentlemen who shall be chosen to represent the several Towns the next year And the Members who shall be returned for the Town of Boston are directed to make provision at some Publick House in said Town accordingly.<sup>3</sup> [*Passed January 15.*]

Legislative  
Records of the  
Council,  
xvii. (3), 617.  
Mass.  
Archives,  
xlix., 170.

House Journal,  
p. 149.

<sup>1</sup> *Sic.*

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> Adjourned to March 31. See Legislative Records of the Council, xvii. (3), 623.

## CHAPTER 193.

ORDER GRANTING A LICENCE TO JA<sup>s</sup> BARRY.

Legislative  
Records of the  
Council,  
xvii. (3), 625.  
Mass.  
Archives, cxi.,  
121.  
Mass.  
Archives, cxi.,  
120. House  
Journal, p. 157.

A PETITION of James Barry of Cambridge in the County of Middlesex, Shewing that he has lately purchased the House where Samuel Smith for many years past kept Tavern in said Town and has likewise purchased the furniture proper for such an House, and forasmuch as he can not at this time obtain a Licence in the usual method of the law; therefore praying that this Court would inpower the Justices of said County to grant him a Licence for a Tavern there.

Read and in Answer hereto

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex be and hereby are allowed and Impowered (if they see cause) to grant the Pet<sup>r</sup> a Licence in the House He now dwels in, the remaining part of the Year, (the Pet<sup>r</sup> first producing a Certificate of Approbation from the Select Men of said Town). The time for granting Licences being clapsed notwithstanding. [*Passed March 31.*]

## CHAPTER 194.

## VOTE ABOUT A MOCK SERMON.

Legislative  
Records of the  
Council,  
xvii. (3), 626.  
Mass.  
Archives, xii.,  
272. House  
Journal, p. 158.

WHEREAS there is lately printed and dispersed in Boston and the neighbouring Towns a scandalous Pamphlet entitled The hidden Life of a Christian, a preachment from Colos. 3<sup>d</sup> and 3<sup>d</sup> taken in short hand, with a Dedication, containing many expressions which (as it appears to this Court) have a direct tendency to expose and ridicule our Holy Religion, to the great offence of Almighty God and grief of many Christians;

*Voted and Ordered* to recommend it to the Justices of the Court of General Sessions of the Peace to be held at Boston the first Tuesday of April next to inquire after the Compilers and Publishers of the said Pamphlet, and in due course of law so effectually hear & determine concerning them, as may discourage such prophane and scandalous libels and Practices for the future. [*Passed April 1.*]

## CHAPTER 195.

## VOTE FOR A TOWN MEETING AT PELHAM.

Legislative  
Records of the  
Council,  
xvii. (3), 627.  
Mass.  
Archives, cxv.,  
24.

Legislative  
Records of the  
Council, xvii.,  
Mis., 499.  
Province  
Laws, iii., 49,  
chap. 30.  
*Ante*, p. 144,  
chap. 40.

*Ordered* that M<sup>r</sup> Robert Peibles one of the principall Inhabitants, of the New Township Lately Erected Named Pelham in y<sup>e</sup> County of Hampshire be & hereby is fully authorised & Impowered upon Due Publication or Notice Given To Assemble the Inhabitan<sup>ts</sup> of Said Town To Choose all Town officers Who Shall Stand till the Anniversary Meeting in March Next.<sup>1</sup> [*Passed April 1.*]

<sup>1</sup> Not found in the House Journal.



## CHAPTER 196.

ORDER GRANTING A LICENCE TO THOS<sup>S</sup> HUNT TO KEEP AN INN.

A PETITION of Thomas Hunt of Weymouth in the County of Suffolk, praying that the Justices of the said County may be impowered by this Court to grant him a licence to keep a Tavern in the House where he now dwells, which is very convenient for it, and for which he has the approbation of the Select men.

Legislative  
Records of the  
Council,  
xvii. (3), 627.  
Mass.  
Archives, cxi,  
122.

House Jour-  
nal, pp. 157, 158.

Read and in Answer

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Suffolk be and they hereby are allowed and Impowered (if they see cause) to grant the Pet<sup>r</sup> a Licence the remaining part of the Year, the time for granting Licences being elapsed notwithstanding. [*Passed April 4.*]

## CHAPTER 197.

## ORDER IMPOWERING BENJ PORTER, GUARDIAN, TO SELL LAND.

A PETITION of Benjamin Porter of Brantree, Guardian of Jabez Porter a minor, Praying to be impowered by this Court to sell one quarter part of nineteen Acres of Land in Salem which the said Jabez holds in common and undivided with the Petitioner, who has the other three quarters, which was devised to them by their late Father William Porter dec<sup>d</sup> it being much for the advantage of the Minor in his education to have it sold.

Legislative  
Records of the  
Council,  
xvii. (3), 628.  
Mass.  
Archives,  
xvii., 902.

Mass.  
Archives,  
xvii., 901-907.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 500.  
House Jour-  
nal, p. 148.

Read &

*Voted* That the Prayer of the Petition be granted, & that y<sup>e</sup> Petitioner be & hereby is fully Authorized & impowered to make Sale of the one fourth part of the nineteen Acres of Land mentioned in the Petition for the most it will sell for, giving thirty Dayes Notice thereof in writing by Public Advertisement & to make & execute a good & sufficient Deed in Law for conveyance of the same, he giving sufficient Caution to the Judge of Probate for the County of Suffolk, that the Proceeds of s<sup>d</sup> Sale be apply'd for y<sup>e</sup> Use of y<sup>e</sup> Minor, & paid to him when he arrives at Age. [*Passed April 1.*]

## CHAPTER 198.

## ORDER RELEASING THE WESTERLY INHABITANTS OF LEICESTER FROM PAYING A MINISTERIAL TAX.

A PETITION of John Ormes in behalf of the Proprietors and Settlers of the Westerly part of Leicester, Shewing that notwithstanding they have built a Meeting house and had preaching among them for some years pass'd, yet the Town have taxed them for the support of the Minister in the other part; and therefore Praying that what money they have already paid for the Ministry in the other part since they have had preaching among them, may be returned, and that they may be exempted from that charge for the future.

Legislative  
Records of the  
Council,  
xvii. (3), 629.  
House Jour-  
nal, p. 159.  
Province  
Laws, iii., 665,  
note.

Read and

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioners be freed from paying any part of the charge that has arisen in the year 1742, for the support of the Ministry at Leicester, as also any charge that may arise for the future towards the support of the Ministry in the East half of said Town, in case the Petitioners be constantly provided with an able learned and orthodox Minister and of good conversation to dispence the Word of God to them. [*Passed April 2.*]

## CHAPTER 199.

ORDER ALLOWING £30 TO JN<sup>o</sup> WHEELWRIGHT.

Legislative  
Records of the  
Council, xvii. (3), 630.  
Mass.  
Archives, xxxi., 418.

A PETITION of M<sup>r</sup> John Wheelwright, Setting forth his Services in making Computations for the publick Taxes, in his care in providing Stores for the Governors voyage Eastward, and other services; praying for an Allowance out of the Stores that are returned, as also a further allowance for his great trouble in managing the affairs of the Indian Trade.

Read &

Mass.  
Archives, xxxi., 417.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 500.  
House Jour-  
nal, p. 114  
(December,  
1742). *Ante*,  
p. 158, chap. 71.

*Order'd* That the Sum of Thirty pounds be granted & allowd to the Petitioner in full for his Services at the late interview and upon other Occasions to be taken out of the Sum of Forty five pounds eighteen shillings & six pence remaining in the Petitioners hands & arising by the Sale of sundry stores belonging to the Province. [*Passed April 2.*]

## CHAPTER 200.

ORDER APPOINTING A COMMITTEE ON THE CONFIRMATION OF THE DIGHTON PLAT.

Legislative  
Records of the  
Council, xvii. (3), 630.  
Mass.  
Archives, xliii., 492.

ON THE PETITION of Sylvester Richmond Jun<sup>r</sup> Esq<sup>r</sup> [*ante*, p. 185, chap. 133]

In Council Read together with the Answer of Charles Church Esq<sup>r</sup> & others & the Matter being considered,

Mass.  
Archives, xliii., 491.  
House  
Journal,  
pp. 111, 159,  
160. *Ante*,  
p. 185, chap.  
133.

*Ordered* that John Cushing & Samuel Danforth Esq<sup>rs</sup> with such as the hon<sup>ble</sup> House of Repres<sup>ves</sup> shall appoint be a Committee to repair to that Part of the Boundaries of the Town of Dighton that is in Controversy, & hear the Parties & consider the Evidences in the Case; & make Report of the s<sup>d</sup> Boundary & return a Plat of the Town of Dighton according to their original Grant & Purchase for the Confirmation of this Court at the next May Session; The Charge of the Committee to be born as this Court shall order.

In the House of Repres<sup>ves</sup>

Read & Concur'd & Capt<sup>n</sup> Cheever, Cpt<sup>n</sup> Choate & Cpt<sup>n</sup> Jones are joined in the Affair. [*Passed April 2.*]

## CHAPTER 201.

## ORDER OF NOTICE ON THE PETITION OF DANIEL CHAMPNEY FOR A REVIEW OF AN ACTION.

A PETITION of Daniel Champney of Cambridge, Praying to be admitted to a review of a Judgement obtained at the Superior Court in Middlesex by Edmond Goffe Esq<sup>r</sup> dec<sup>d</sup> for possession of thirteen Acres of Land the Petitioner purchased of Samuel Squire and Daniel Squire, the said Judgement being obtained by Collusion, & without the Petitioners knowledge.

Read And

*Ordered* that the Pet<sup>r</sup> serve the Adm<sup>rx</sup> upon the Estate of the s<sup>d</sup> Edmund Goffe Dec<sup>d</sup> with a Copy of this Pet<sup>n</sup> that She Shew cause (if any she hath) on the first fryday of the next May Session why the Prayer thereof should not be granted. [*Passed April 4.*]

Legislative  
Records of the  
Council,  
xvii. (3), 632.  
Mass.  
Archives, xlii.,  
336.

Mass.  
Archives, xlii.,  
327-336. House  
Journal, p. 157.

## CHAPTER 202.

ORDER APPOINTING A COMMITTEE ON THE PET<sup>n</sup> OF DIVERS INHABITANTS OF WOODSTOCK TO BE ERECTED INTO A SEPARATE PRECINCT

A PETITION of Nathaniel Johnson & others, Inhabitants of the Westerly Part of the Town of Woodstock, praying that their former Petition, preferred to this Court in June 1741<sup>1</sup> may be reconsidered and that the Westerly part of said Town may be set off, with the Inhabitants, a distinct Precinct.

In Council; Read together with the Answer of John Chandler Esq<sup>r</sup> & others, & the Memorial of Joseph Chaffee & Sam<sup>l</sup> Chandler, & the Matter being duly considered;

*Ordered* that Joseph Dwight Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to repair to Woodstock view the Town, & hear the Parties to this Petition & report to this Court at the next May Session what they judge proper for this Court to do thereon.

In the House of Rep<sup>ves</sup>

Read and Concur'd and Nahum Ward Esq<sup>r</sup> and Cap<sup>t</sup> Josiah Converse are Joynd in the Affair. [*Passed April 5.*]

Legislative  
Records of the  
Council,  
xvii. (3), 500.  
Mass.  
Archives, cxiv.,  
737, 738.

Mass.  
Archives,  
cxiv., 736.  
Legislative  
Records of the  
Council,  
xvii. (3), 633.  
House Jour-  
nal, pp. 23, 89,  
162.

## CHAPTER 203.

## ORDER GRANTING THE PETITION OF JAMES MONTGOMERY FOR A TRIAL.

A PETITION of James Montgomery of His Majestys Ship the Astrea, shewing that he is committed upon a charge of breaking open a house in Boston in the night time and stealing divers things; praying that the Court of Assize at their next Sitting in Boston by Adjournment may be empowered to do every thing necessary for his trial that so he may not be delayed from attending His Majestys service in said ship (who is near sailing) in case he should be cleared.

Legislative  
Records of the  
Council,  
xvii. (3), 633.  
Mass.  
Archives, xlii.,  
217.

Mass.  
Archives, xlii.,  
215. House  
Journal, p. 161.

<sup>1</sup> *Quere*, 1742? See the House Journal, p. 29 (June, 1742).

Read and

*Ordered* that the Prayer of the Petition be granted and the Justices of the Superior Court of Judicature Court of Assize and General Goal delivery be and hereby are impowered and directed to Summon a Grand jury and to do all other matters and things whatsoever that may be necessary in order to a trial of the Affair within mentioned at their Sitting by adjournment on the last Tuesday of April instant. [*Passed April 5.*]

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## CHAPTER 204.

### ORDER ANNEXING EPH. CURTIS & OTHERS TO THE TOWN OF WORCESTER.

Legislative  
Records of the  
Council,  
xvii. (3), 634.  
Mass.  
Archives, cxv.,  
23.

A PETITION of Ephraim Curtis, Jabez Tatman, Matthias Rice, Thomas Green, John Barber, Thomas Richardson, Daniel Boyden and Jonas Woodward, praying that their lands lying between the Towns of Worcester and Sutton at a place commonly called The Gore, may be annexed to the Town of Worcester.

Mass.  
Archives, cxv.,  
22. Legisla-  
tive Records  
of the Council,  
xvii., Mss., 500.  
House Jour-  
nal, p. 161.  
Province  
Laws, v., 854.

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>rs</sup> be and they hereby are together with their lands and Estate herein mentioned lying between Worcester and Sutton commonly called the Gore be annexed to the s<sup>d</sup> Town of Worcester there to do duty and receive priviledge accordingly. [*Passed April 5.*]

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## CHAPTER 205.

### ORDER DIRECTING THE TOWN OF ROWLEY TO SUPPORT ROBT MARTAIN.

Legislative  
Records of the  
Council,  
xvii. (2), 608.  
Mass.  
Archives, cv.,  
258.

A PETITION of Robert Martain of Rowley, Shewing that he has lived in said Town about five years, that about three years agoe he was taken with the Numb Palsey, being then a Servant to Ephraim Nelson of said place, that his time of service expired about a year since, that he is now in a most deplorable condition, being neither able to stand or go, and nothing wherewith to support himself, and has lived upon Charity for some time, that the Select Men of said Town refuse to provide for him, so that he is in danger of perishing for want; Praying that this Court would give order for his relief either from the said Town or out of the Province Treasury.

Mass.  
Archives, cv.,  
257. Legisla-  
tive Records of  
the Council,  
xvii. (3), 635.  
House Jour-  
nal, pp. 142, 162.

Read, together with the Answer of the Selectmen of the Town of Rowley and the Matter being fully consider'd,

*Ordered* That the Selectmen of the Said Town take effectual Care that the Petitioner be Suitably Supported till the Matter therein mentioned be determin'd by a due course of Law. [*Passed April 6.*]

## CHAPTER 206.

### ORDER IMPOWERING THE TOWN OF STURBRIDGE TO LEVY A TAX ON LAND.

A PETITION of the Proprietors of the Town of Sturbridge Shewing that the lands of the Non Resident Proprietors in said Town are daily advancing in their value, and that the Proprietors on the place are at great charge for the support of the Gospel there; and therefore Praying that they may be enabled by this Court to lay a Tax on all the lands in said Town for the support of the Ministry among them.

Legislative Records of the Council, xvii. (2), 539, 635. Mass. Archives, cxv., 20.

Mass. Archives, cxv., 16-20. Legislative Records of the Council, xvii., Mis., 502. House Journal, pp. 101, 164.

Read, together with the Answer of John Dwight and others Proprietors of the Town of Sturbridge and the Matter being fully considered

*Ordered* that the Prayer of the Petition be So far granted as that the Said Town of Sturbridge be and hereby is allowed and impowered to levy a Tax of one farthing per acre, lawful money, for three years next to come, on all the Land lying within the said Town, except the Ministry and school lots; and the assessors and Collectors of the said Town are impowered and directed to assess and collect the same accordingly: The Money So collected to be applied for the uses mentioned in the petition: and that the Lots called fifty acre Lots be reckoned in that quantity and no otherwise. [*Passed April 6.*]

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## CHAPTER 207.

### ORDER ALLOWING £100 TO THE JUSTICES OF THE SUPER<sup>R</sup> COURT.

A MEMORIAL of the Justices of the Superior Court, Shewing their diligence and application to the business of that important trust, and the little profit that they have any other way than by the Allowance made by this court, which is much short of giving them a support, and praying that it may be enlarged.

Legislative Records of the Council, xvii. (3), 636. Mass. Archives, xlii., 219.

Read and in Answer hereto

Mass. Archives, xlii., 218-220. Legislative Records of the Council, xvii., Mis., 501. House Journal, p. 162.

*Ordered* That the Sum of One hundred pounds be granted and allowed to be paid out of the publick Treasury to the Memorialists in consideration of their good Services for the Year past. [*Passed April 6.*]

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## CHAPTER 208.

### ORDER IMPOWERING JOS. WYSER TO SELL LAND.

A PETITION of Joseph<sup>1</sup> Wyser of Natick, Indian, Shewing that whereas this Court were pleased to give him liberty to sell thirty Acres of land at Natick, particularly described in his former Petition, he finds that the Proprietors of Natick had granted it away to an other person; and therefore he has accepted of thirty two Acres of other land among their Common Land; praying that he

Legislative Records of the Council, xvii. (3), 637. Mass. Archives, xxxi., 433.

Legislative Records of the

<sup>1</sup> "Benjamin," in Mass. Archives and Legislative Records of the Council, xvii., Mis.

Council, xvii.,  
Mis., 501; *ibid.*,  
xvii. (3), 596.  
House Jour-  
nal, p. 132.  
*Ante*, p. 105,  
chap. 220.

may have liberty to sell that in the room of the other, and for the same uses.

Read and

*Ordered*<sup>1</sup> that the prayer of the Petition be granted and that the Petitioner be & hereby is Impowered to make Sale of the Thirty Two Acres of land Above mention'd for y<sup>e</sup> most the Same will fetch Due Publication of the time & place of Sale being Posted up as is Ussuall in such Cases and That Edward Goddard and William Ward Esq<sup>rs</sup> be desired to See Justice done the Petitioner in the Affair and that the mony Ariseing by the Sale after necessary Charges are paid be app'y<sup>d</sup> towards dischlageing a Mortgage by him Given to M<sup>r</sup> Daniell Boyden of Worcester So far as the Same will go. [*Passed April 6.*]

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## CHAPTER 209.

ORDER OF NOTICE ON THE PETITION OF HOLDEN PROPRIETORS FOR FURTHER TIME TO ANSWER DANIEL HOW.

Legislative  
Records of the  
Council,  
xvii. (3), 637.

House Jour-  
nal, p. 163.  
*Ante*, p. 197,  
chap. 160.

A PETITION of Eliakim Hutchinson & others, Proprietors of the Town of Holden, praying that they may be allowed some further time to answer the Petition of Daniel How and others, they not being able at present to produce the papers needful in the case.

Read and

*Ordered* that the Prayer of the Petition be granted, and the hearing is accordingly refer'd to the first Tuesday in the next May Session, and the parties are directed then to be ready, and to attend upon the affair without further delay. [*Passed April 6.*]

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## CHAPTER 210.

ORDER IMPOWERING RIC. SANGER TO EXTEND AN EXECUTION.

Legislative  
Records of the  
Council,  
xvii. (3), 638.

House Jour-  
nal, p. 149.

A PETITION of Richard Sanger of Sherburn, Praying for liberty to extend his execution on a Judgment he obtained against Joseph Ephraim Jun<sup>r</sup> of Natick, for £5. 15. 8 lawful money (it being for necessaries which the Petitioner supplied him and his family with in his sickness) on the said Ephraims lands in Natick.

the foregoing Petition being read and fully considered,

*Ordered* that the Prayer thereof be granted, and that the Petitioner have liberty to extend his Execution on the Judgment within refer'd to, on so much of the real estate of the within named Joseph Ephraim dec<sup>d</sup> as will be sufficient to satisfy said Execution, with lawful fees for levying the same; and that C<sup>pt</sup>. Isaac Coolidge be and hereby is impowered to nominate an Apprizer of the Lands to be extended on, in behalf of the heirs of the said Joseph Ephraim dec<sup>d</sup> and to take care that justice be done therein. [*Passed April 7.*]

<sup>1</sup> The House Journal, p. 132, reads, "*Voted.*"

## CHAPTER 211.

ORDER IMPOWERING JON<sup>A</sup> MEAD TO SELL LAND.

A PETITION of Jonathan Mead of Concord, labourer, setting forth the great difficulties he is under for the support of his children by his wife, late deceased; and therefore praying that he may be empowered to sell her small estate in lands, for the support of her said Children.

Read and In Answer to the within Petition,

*Ordered* That the prayer thereof be Granted and that the Petitioner be & hereby is fully Authorized and Impowered with the Advice & Consent of M<sup>r</sup> Samuell Heywood & M<sup>r</sup> John Hartwell of Concord to Make Sale of the lands therein Mentioned for the Most the Same will fetch, Publication of The time and place of Sale being made as is Usual in Such cases and to Execute a good Deed or Deeds in the Law for conveying the Same He giving Sufficient Caution to the Judge of Probate &<sup>c</sup> for the County of Middlesex to be Accountable. The Mony Arising by Such Sale to be Divided to and Amongst all the Children of the Petitioners late wife Precilla Dee<sup>d</sup> According to the law for Division of Intestate Estate or to their Legall Representative And That such part Thereof as belongs to the Minor Children of the Petitioner be Applied for payment of all Such Reasonable Charge as has Already Arisen for their Support heither to Respectively; to be adjusted by Said Judge of Pro: The Balance on Such Acco<sup>t</sup> to be put out on Interest and the Whole Improved for their bring<sup>s</sup> up & Education till they are Capable of being put to proper Employments, The Remainder if any There be to be paid them as they shall Respectively Arive of age or day of Marriage which shall first happen. [*Passed April 7.*]

Legislative  
Records of the  
Council,  
xvii. (3), 596.  
Mass.  
Archives,  
xviii., 27.

Mass.  
Archives,  
xviii., 28.  
Legislative  
Records of the  
Council,  
xvii. (3), 639.  
House Journal,  
p. 136.  
Province  
Laws, ii., 151,  
chap. 10.

## CHAPTER 212.

## ORDER OF NOTICE ON THE PETITION OF JOS. WALKER &amp; OTHERS IN REGARD TO TOWNSHIP NUMBER FOUR BETWEEN WESTFIELD AND SHEFFIELD.

A PETITION of Josiah Walker, William Watson and Charles Woods, Proprietors and Settlers of the new Township lying between Westfield and Sheffield called Number Four, Shewing that they are the only Grantees that dwell there, thò the time limited for the Grantees performing the conditions of the Grant is long since expired, that the Petitioners are put to great hardships by reason of the neglects of the other Grantees; praying for relief from this Court.

Read and

*Ordered* that M<sup>r</sup> Phineas Rice Serve the Clerk of the Prop<sup>rs</sup> of the s<sup>d</sup> New Township with a Copy of this Petition that they shew cause if any they have On the Second fryday of the next May Session, why their Proprietys should not be forfeited according to the conditions of the Original Grant. [*Passed April 7.*]

Legislative  
Records of the  
Council,  
xvii. (3), 639.  
Mass.  
Archives, cv.,  
239.

Mass.  
Archives, cv.,  
238. House  
Journal, p. 165.

## CHAPTER 213.

## ORDER IMPOWERING JOSIAH HOWLAND, GUARDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 640.  
Mass.  
Archives,  
xviii., 110.

Mass.  
Archives,  
xviii., 109.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 502.  
House Jour-  
nal, p. 165.

A PETITION of Josiah Howland Guardian to Edward Shove of Dighton in the County of Bristol, a person Non Compos, shewing that his personal estate is insufficient to pay his Debts, and praying that he may be impowered to sell so much of his lands as may be necessary to discharge the said Debts, he rendering an accompt thereof and of the Overplus, to the Judge of Probate for said County.

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is hereby allowed and Impowered To make sale of the land herein mentioned for the most the same will sell for, He posting up proper Notifications according to Law of the time and place of Sale, and giving sufficient Security to the Judge of Probate for the County of Bristol that the produce thereof shall be applied to the payment of the Just Debts of the s<sup>d</sup> Edward Shove the remainder to be applied towards his comfortable Support. [*Passed April 7.*]

## CHAPTER 214.

ORDER ON THE PETIT<sup>n</sup> OF SUNDRY INHABITANTS OF REHOBOTH & ATTLEBORÔ TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council, xvii. (3), 520.  
Mass.  
Archives,  
cxiv., 803, 804.

Legislative  
Records of the  
Council, xvii.,  
Mis., 503; *ibid.*,  
xvii. (3), 640.  
House Jour-  
nal, pp. 92, 93,  
163, 164.

A PETITION of the Easterly part of the Town of Attleborô and the Northerly part of the Town of Rehoboth, shewing that they are at a great distance from the places of publick Worship in their respective Towns, & commodiously situated for a distinct Precinct; and therefore praying that they may be made a separate Precinct by the bounds mentioned in the Petition, and that they may be wholly in the Town of Attleborô.

Read together with the Answer of the Town of Rehoboth & the other Papers in the Case, And the Matter being considered;

Read and

*Voted* that the Inhab<sup>ts</sup> of the Easterly part of the Town of Attleborough with their Lands and Estates lying within the Boundaries mentioned in the Pet<sup>n</sup> together with such of the Inhab<sup>ts</sup> and their Estates lying in the Northerly part of Rehoboth as shall signifye their Consent to go off to s<sup>d</sup> Precinct to the Person to be appointed their Clerk within Six Months hereafter be And hereby are set of a distinct and separate Precinct and are Vested with all Priviledges and Immunities, that other Precincts are by Law Entituled to accordingly. [*Passed April 7.*]



## CHAPTER 215.

VOTE ANNEXING DIVERS PERSONS AND THEIR ESTATES TO THE WEST  
PRECINCT IN ROXBURY.

A PETITION of the West Precinct in Roxbury, Shewing that there are six families that have been excused by an Order of the General Court from paying any thing to the support of the Ministry in Newton, where they belong, they paying their proportion of the charge of maintaining the Minister in the said West Precinct in Roxbury, that the said six families are not so annexed to the Precinct as to be under the same regulations for the support of the Ministry as the Inhabitants of Roxbury are; and therefore praying that the said families, viz<sup>t</sup> Coll. John Hills estate, John Healy, Joshua Gay, Philip White, Timothy Ward and Samuel Fish, or those that do or shall own their Estates, may be so far annexed to the said Precinct as to be under the same regulations powers privileges and authorities, as to the Precinct charges, as if they actually dwelt & had their Estates within the Bounds of said Precinct.

Read &

*Voted* that the Prayer of the Petition be granted, & that the Families & Estates within mentioned be subject to be rated to the Precinct Charges in Roxbury, & to have the same Privileges of voting in the said Precinct as the Inhabitants there have or do enjoy by Law, untill the further Order of this Court. [*Passed April 7.*]

Legislative  
Records of the  
Council,  
xvii. (3), 641.  
Mass.  
Archives, xli.,  
263.

Mass.  
Archives, xli.,  
274. House  
Journal,  
pp. 164, 165.  
Province  
Laws, x., 230,  
chap. 205; 240,  
chap. 235.

## CHAPTER 216.

## ORDER IMPOWERING SAM. SPEEN, INDIAN, TO SELL LAND.

A PETITION of Samuel Speen of Natick, Indian, praying for liberty from this Court to sell ten Acres of land in Natick out of the estate of his father dec<sup>d</sup> for paying the charge of his brothers sickness, for which he became bound, and his brother has since absconded.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is hereby Impowered with the Advice and Consent of Cap<sup>t</sup> Isaac Coolidge to Sell the ten Acres for the purposes herein expressed He to be Accountable for His proceedings herein to this Court. [*Passed April 7.*]<sup>1</sup>

Legislative  
Records of the  
Council,  
xvii. (3), 598.  
Mass.  
Archives, xxxi.,  
419.

Mass.  
Archives,  
xxxii., 419.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 503; *ibid.*,  
xvii. (3), 643.  
House Jour-  
nal, p. 139.

## CHAPTER 217.

## ORDER IMPOWERING THE JUDGE OF PROBATE TO APPOINT COMMISSIONERS ON THE INSOLVENT ESTATE OF JAMES BOYER.

A PETITION of Daniel Johonnot Administ<sup>r</sup> of the Estate of James Boyer of Boston, jeweller, dec<sup>d</sup> Shewing that the said Estate proved insolvent, and that Commissioners were appointed by the Judge of

Legislative  
Records of the  
Council,  
xvii. (3), 642.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (3), the date is April 8; and *ibid.*, xvii., Mis., it is January 10.

House Journal, p. 166.

Probate for the County of Suffolk to examine the claims of the Creditors, that the full time allowed by law for giving in the said Claims is expired, and there are yet further Claims to be considered; therefore Praying that the said Commissioners may have further time allowed them for receiving Claims &c

Read and

*Ordered* that the Judge of Probate for the County of Suffolk, be and he hereby is impowered and directed to appoint the same or other Commissioners to examine the claims of the Creditors of the Estate of James Boyer, dec<sup>d</sup> within mentioned, and to allow six months to give in their report, that so the Deceaseds Estate may be proportioned among the Creditors without delay. [*Passed April 8.*]

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## CHAPTER 218.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON NANTUCKET INDIANS.

Legislative Records of the Council, xvii. (3), 644.

Legislative Records of the Council, xvii. (3), 631.  
House Journal, pp. 159, 168.  
*Ante*, p. 175, chap. 111.

JOSEPH WILDER Esq<sup>r</sup> from the Committee on the Petition of Paul Quaap and others, Nantucket Indians, gave in the following Report, viz<sup>t</sup>

In Obedience to the within Order we have considered the several Petitions of the Nantucket Indians; and as to the petition of Benjamin Ashamee and James Count, wherein they Complain that thò they severally pleaded before M<sup>r</sup> Justice Bunker that they had good right to plough the land where the Trespass is laid to be done, yet he gave Judgment against them; and upon the Appeal to the Inferior Court of Common Pleas, thò they proved that they had been in the peaceable possession of the land for more than thirty years, yet that Judgment was affirmed; We find by the Records of that Court that there is no mention made of their Plea, but only that the Parties appeared and joined Issue, but the Juries verdict was, that they found the former Judgment to be good, and Cost of Suit for the Appellee, and Judgment was rendered accordingly. Herein there is manifest Error in trying those causes, and giving Judgment therein, without any Plea or Issue joined of Record.

We are therefore of Opinion that they may be enabled at the next Inferior Court of Common Pleas, to enter their respective Appeals to the next Superior Court of Judicature in Boston, at the Province Charge, serving the Appellees with Copies of the Order of this Court touching the same, and there make their Pleas to the Actions aforesaid; and that the Justices of the said Superior Court may be directed and enabled to receive their Appeals and Pleas aforesaid, try the merits of those Actions on the Pleas thereto made, make up Judgment, and award Execution.

And as to the within written Petition; we are of Opinion that John Coffin Esq<sup>r</sup> and M<sup>r</sup> Abisha Folger may be desired to make diligent inquiry into the grounds and occasions of the Indians further complaints, and report the same particularly to the General Court in May next, that proper remedy may be further provided for them therein. All which is submitted,

By Order of the Committee

Boston 7<sup>th</sup> April 1743.

JOSEPH WILDER

Read and Accepted.

[*Passed April 8.*]

## CHAPTER 219.

ORDER OF NOTICE ON THE PET<sup>n</sup> OF JOHN GOODENOW, &<sup>o</sup> TO BE ANNEXED TO NATICK.

A PETITION of John Goodenow, Stephen Bacon, John Underwood, Thomas Frost, Edward Ward, Timothy Bacon, and Moses Fish, Inhabitants of the Town of Needham, Shewing their distance from the place of publick Worship there, and that they have constantly attended the publick Worship of God at Natick; and therefore Praying that they with their estates situate on the West-erly side of Saw Mill Brook in Needham, may be annexed to Natick, and discharged from paying any thing for the support of the Ministry in Needham.

Read And

*Ordered* that the Pet<sup>rs</sup> serve the Town of Needham with a Copy of this Petition that they shew cause if any they have on the Second fryday of the next May Session why the Prayer thereof should not be granted. [*Passed April 8.*]

Legislative  
Records of the  
Council,  
xvii. (3), 645.  
Mass.  
Archives, xii.,  
266.

Mass.  
Archives, xii.,  
264, 267; xiii.,  
70. House  
Journal, p. 167.

## CHAPTER 220.

## ORDER APPOINTING A COMMITTEE ON THE DARTMOUTH PETITION IN REGARD TO ASSESSORS AND TAXES.

A PETITION of the Select Men of the Town of Dartmouth, Setting forth the difficulties they are under of levying and collecting their Taxes by reason of some wrong proceeding in the choice of Assessors, and the Assessors that were chosen not being sworn according to Law; and therefore praying that this Court would enable the Select men to assess and proportion the sums set on the said<sup>1</sup> the last and this present year, or give other Orders in the Premisses as may be thought best.

Read and

*Ordered* that Cap<sup>t</sup> Nathaniel Soule Jethro Delano and Abraham Sherman or any two of them (who are hereby declared Lawful Assessors of the Town of Dartmouth for the present Year) be and hereby are directed and Impowered on Oath to Levy and Assess all such Sum or Sums of Money on the Inhabitants and Estates of the said Town of Dartmouth as they have or hereafter may recieve warrant or warrants from the Province Treasurer to Levy and Assess, as also all County and Town Rates granted to be; but not yet Assessed on said Town. And the List or Lists of such their Assessments to committ to such Collector or Collectors, Constable or Constables, as are or may be Chosen for said Dartmouth for the present Year, who are hereby directed by rules of Law to Collect the Sums so Assessed, and the same to pay to the Order of their Warrants respectively.

And in case the said Assessors shall neglect or refuse to do their Duty herein for the Space of two Months from this date to Assess the same and to return an Acc<sup>t</sup> thereof to the Treasurer of the

Legislative  
Records of the  
Council,  
xvii. (3), 646.  
Mass.  
Archives, cxv.,  
26.

Mass.  
Archives, cxv.,  
25. Legislative  
Records of the  
Council, xvii.,  
Mis., 595.  
House Jour-  
nal, p. 163.

<sup>1</sup> Something omitted. Mass. Archives, cxv., 25, reads, "to assess and proportion such sums upon the Inhabitants of y<sup>e</sup> Said town of Dartmouth as was Set and ordered for them to pay the Last year," etc.

Province It shall and may be Lawful for the s<sup>d</sup> Treasurer, and he is hereby

*Ordered* to Issue out Execution directed to the Sheriff of the County of Bristol against the said Assessors for the whole Sum and Sums due to the Province And their Persons and Estates are hereby declared subject and Lyable to pay and Satisfye the same. [*Passed April 8.*]

## CHAPTER 221.

### ORDER IMPOWERING THO<sup>S</sup> FESSENDEN, GUARDIAN, TO SELL LAND AND EXECUTE A DEED THEREFOR.

Legislative  
Records of the  
Council,  
xvii. (3) 647.  
Mass.  
Archives,  
xviii., 114.

Mass.  
Archives,  
xviii., 113.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 504.  
House Jour-  
nal, p. 163.

A PETITION of Thomas Fessenden Guardian of three Minor Children of Benjamin Willington late of Lexington in the County of Middlesex dec<sup>d</sup> and Ebenezer Smith and Abigail his wife, which Abigail is mother of the said Children; Shewing that the Estate is so far in debt that it will be necessary to sell so much of the land as to make the rest with the House thereon untenantable; and therefore praying for liberty to sell the whole Estate, the Overplus, after the debts are paid, to be improved for the Minors best advantage.

Read and

*Ordered* that the Pet<sup>rs</sup> be allowed and Impowered to pass and execute a good Deed or Deeds of the remaining part of the Estate Yet unsold for the most the same will Sell for They first giving Caution to the Judge of Probate for the Connty of Middlesex that the Surplusage of the produce thereof after the Just Debts are paid be Improved to the best advantage of the Children. [*Passed April 8.*]

## CHAPTER 222.

### ORDER GRANTING 120 ACRES OF LAND TO JOSH. WILDER WITH CONDITIONS.

Legislative  
Records of the  
Council,  
xvii. (3), 649;  
*ibid.*, xvii.,  
Mis., 506.

Mass.  
Archives,  
xlvi., 136.

A PETITION of Joshua Wilder praying for a grant of Province land containing about one hundred and twenty acres, lying about ten miles West of Lancaster Meeting House, between lands formerly granted to M<sup>r</sup> Plaisted and M<sup>r</sup> Allen, and a farm formerly called Blagroves farm; which situation is very commodious for a House to entertain Travellers in their journey Westward.

Read and

*Ordered* that the prayer of the petition be granted and that the lands within mentioned containing about one hundred and twenty acres, be and hereby is given and granted to the petitioner his heirs and assigns forever. Provided that he does within one year have a good & and <sup>1</sup> convenient dwelling house built thereon, for the reception of travellers, and have ten acres thereof cleared and brought to english grass or clover, within four years, and that he dwell thereon with his family, or have some other good family dwell therein four years from this day.<sup>2</sup> [*Passed April 8.*<sup>3</sup>]

<sup>1</sup> *Sic.*

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (3), the date is April 11.

## CHAPTER 223.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO  
LAND OF TITICUTT INDIANS.

THE COMMITTEE appointed by the General Court, at their session in November last, to repair to Titicut, and view the lands in controversy betwixt Benjamin White Esq<sup>r</sup> and M<sup>r</sup> Ezra Clap as, guardians to the Titicut Indians, and Captain Nehemiah Washburn, and hear the parties, consider their titles and propose some proper line to be adopted between the Indians land there and said Washburns land. And having attended that service, perused their deeds and other writings relating thereto, and fully heard the parties concerned.

Legislative  
Records of the  
Council, xvii.,  
Mis., 504.

Legislative  
Records of the  
Council,  
xvii. (3), 650.  
*Ante*, p. 186,  
chap. 137.

## Report.

That in the several grants made to the town of Bridgewater, that we find that great care hath been taken to prevent any molestations or disturbances being given to the Indian proprietors of Titicut lands, and although Bridgewater grant for an enlargement from the Court of Plymouth in the year 1668, mentions their running from the centre east, west, north, and south, six miles particularly on the south and south east side, it is said they shall run to Titicut river as far as the six miles extends, yet it is with this express provisor, Viz. that the Indians be not molested notwithstanding this enlargement. And whereas it doth not appear to the Committee, that the Indians have ever made any legal conveyance of their lands bounding on said Titicut river on the south side, part of which being conveyed to one Peter an Indian, and the heirs of Thomas Hunter then deceased, by a deed well executed from Josias Chickataufut the acknowledged Sachem of that place, was by him in the said deed, (in order to its being preserved for the Indians use) made unalienable by the Indians to the English. Wherefore the Committee are of opinion that the Indian lands on the south side of Titicut river are bounded on that river, and that they ought not to be disturbed in the possession and improvement of the same by any person whomsoever.

All which is humbly submitted in the name and by order of the Committee.

GEORGE LEONARD.

Read and

*Ordered*, that this report be accepted.<sup>1</sup> [*Passed April 8.*<sup>2</sup>

## CHAPTER 224.

ORDER IMPOWERING SARAH BARRET, ADMINISTRATRIX, TO SELL RIGHT  
TO LAND.

A PETITION of Sarah Barret Administr<sup>x</sup> of the Estate of Joseph Barret late of Grafton dec<sup>d</sup> Shewing that the said Joseph was seized of a Right of land in a new Township lying West of Westfield called Number Three, that he died before he had performed the conditions of the Grant and that the circumstances of his estate and Family are such as that the conditions can not be performed by them; and therefore praying for liberty to sell said Right.

Legislative  
Records of the  
Council, xvii. (3), 651.  
Mass.  
Archives,  
xviii., 112.  
Mass.  
Archives,  
xviii., 111.  
Legislative

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to Legislative Records of the Council, xvii., Mis.; according to *ibid.*, xvii. (3), the date is April 11.

Records of the Council, xvii., Mis., 507.  
House Journal, p. 168.

Read and

*Ordered* that the prayer of the petition be granted, and the said Sarah be & hereby is Impowered to make Sale of the Right of land within mentioned for the Most the Same will fetch due Publication of y<sup>e</sup> time & place of Sale being made as Ussual the mony Arising by such Sale to be Apply'd for y<sup>e</sup> purposes in y<sup>e</sup> Petition mentioned, & that Two year be allowed for Complying with the Conditions of y<sup>e</sup> Grant. [*Passed April 11.*]

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## CHAPTER 225.

Legislative Records of the Council, xvii. (3), 652.  
Mass. Archives, lviii., 328.

### VOTE IN REGARD TO THE DISTRIBUTION OF THE NEW PROVINCE LAW BOOKS.

House Journal, pp. 170, 171.  
*Ante*, p. 40,  
chap. 63.

*Voted* that the Printers of the Province Law Book be directed to compleat the Impression with all possible dispatch. And that as soon as they are compleated, they deliver one sett to each Member serving in the General Court the present Year Who were not of the Assembly the last Year; as well as to those Gentlemen Who served in that capacity the Year past. [*Passed April 12.*]

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## CHAPTER 226.

### VOTE APPOINTING A COMMITTEE FOR BURNING TORN AND DEFACED BILLS OF CREDIT.

Legislative Records of the Council, xvii. (3), 653.

House Journal, p. 171.

In the House of Represent<sup>ves</sup>,

*Voted* that the Represent<sup>ves</sup>, of Boston, Charlestown and Roxbury, with such as the Hon<sup>ble</sup> Board shall join, be a Committee to repair to the Treasurers, to take an Account of the Bills of the Old and Middle Tenor (so called) and consume them to ashes, and report their doings herein to this Court, at the next May Session.

In Council: Read and Concur'd, and John Osborne, John Jeffries, John Read, Samuel Waldo and James Allen Esq<sup>rs</sup> are joined in the affair. [*Passed April 12.*]

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## CHAPTER 227.

### ORDER IMPOWERING THO<sup>s</sup> GREEN ADMINISTRATOR AND OTHERS, GUARDIANS, TO SELL REAL ESTATE.

Legislative Records of the Council, xvii. (3), 654;  
*ibid.*, xvii., Mis., 499.

Mass. Archives, lviii., 223-225.  
House Journal, pp. 158, 166.

A PETITION of Thomas Green Administ<sup>r</sup> of the Estate of his late Father John Green of Boston in the County of Suffolk dec<sup>d</sup> and Guardian to the Children of John Green dec<sup>d</sup> (an other son of the first named John Green) James Jervis Guardian of the Children of Thomas and Bethia Phillips dec<sup>d</sup> (which Bethia was daughter of the first named John Green) and Sarah Green Widow and Execut<sup>x</sup> of James Green dec<sup>d</sup> (eldest son of the first named John Green) for her self and her Children (being all Minors) Shewing that the said John Green left two Dwelling Houses in Boston which are in

a very ruinous condition, and therefore praying that they may be impowered to make sale of the said houses for the payment of the Debts of the deceased and the remainder for the benefit of the Heirs.

Read and

*Ordered* that the petitioners or any two of them has liberty and power in their respective capacities to make sale of the two houses, with the lands thereto belonging for the most they<sup>1</sup> same will fetch, and to pass and execute, and to pass and execute<sup>2</sup> a good deed or deeds in the laws for the same, the petitioners or any two of them attending the directions of the law, in notifying the sale thereof and giving sufficient security to the Judge of Probate for the County of Suffolk that the produce of the premisses be applied for the payment of the just debts of the said John Green, yet left unpaid by the administrator, and the residue subjected to the decrees of the Judge of probate for the County of Suffolk, dividing and distributing the whole estate of the said intestate John Green the elder to and among his children, and their lawful representatives according to the laws of this Province and that such parts thereof as belong to any Minors, shall be put to interest on good security till they severally attain to full age or marry which shall first happen. [*Passed April 12.*]

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## CHAPTER 228.

### ORDER IMPOWERING JOSEPH EPHRAIM, INDIAN, TO SELL LAND.

A PETITION of Joseph Ephraim of Natick, Indian, praying for liberty from this Court to sell twelve acres of his land lying at a distance from him, for paying his debts occasioned by an expensive sickness and lameness of his son, for procuring what may be necessary for his own comfortable living.

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be granted And the Pet<sup>r</sup> is hereby allowed and Impowered to Sell the twelve Acres of Land herein mentioned with the Advice and Assistance of Cap<sup>t</sup> Isaac Coolidge for the most the same will fetch. He applying the produce thereof to the purposes mentioned in the Pet<sup>n</sup> and be accountable to this Court for his proceeding herein. [*Passed April 12.*]

Legislative  
Records of the  
Council, xvii. (3), 655.  
Mass.  
Archives, xxxi., 441.

Mass.  
Archives, xxxi., 440.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 507.  
House Journal, p. 165.

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## CHAPTER 229.

### VOTE COMMITTING THE PETITION OF JOB AHANTON, INDIAN, TO SELL LAND TO THE COMMITTEE ON INDIAN AFFAIRS.

A PETITION of Job Ahanton of Middleboro, Indian, praying for liberty from this Court to sell Fifty acres of land (adjoining to Middleboro Sixteen Shillings Purchase Line and the land of Elkanah Leonard Esq<sup>r</sup>) unto Philip Leonard, and Fifty acres of land more, (adjoining to the way leading thro' Tetticut from Trout Brook) to Henry Leonard, to enable the Petitioner to pay off the Debts he has contracted for the maintenance of his aged Grand Mother &<sup>c</sup>

Legislative  
Records of the  
Council, xvii. (3), 656.  
Mass.  
Archives, xxxi., 395.

Mass.  
Archives, xxxi., 394.

<sup>1</sup> "The," in Mass. Archives. xviii., 223.

<sup>2</sup> *Sic.*

House Journal, pp. 53, 121, 163. *Ante*, p. 86, chap. 173.

Read together with the report of James Warren Esq<sup>r</sup> in behalf of the Comm<sup>ee</sup> and Committed to the Gentlemen appointed to take under consideration the Indian Affairs. [*Passed April 12.*]

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## CHAPTER 230.

### ORDER ALLOWING £40. 13. 8 TO JOHN SMITH, ADMINISTRATOR.

Legislative Records of the Council, xvii. (3), 657. Mass. Archives, xviii., 115.

Mass. Archives, xviii., 116. House Journal, pp. 171, 172.

A PETITION of John Smith Administ<sup>r</sup> of Thomas Smith Esq<sup>r</sup> dec<sup>d</sup> late Truck Master at Saco River, Shewing that the said Thomas Smith was charged as Debtor for the goods he received for carrying on the Indian Trade, that the Petitioner has delivered to the present Truck Master what of the said goods remained unsold, but he has refused to give him a discharge for some remnants of stuffs that were eaten by the Moth, and some Iron ware that was greatly damaged by rust, for which the said Thomas Smith was charged the sum of £40. 13. 8 praying that his Estate may have credit for the same.

Read and

*Ordered* that the Officer for managing the Indian Truck Trade be directed to Allow the Adm<sup>r</sup> of Thomas Smith Esq<sup>r</sup> Dec<sup>d</sup> the above mentioned Sum of forty pounds thirteen Shillings and eight pence Old tenor

And that The s<sup>d</sup> officer be directed to Sell the said Goods to the best advantage of the Province. [*Passed April 13.*]

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## CHAPTER 231.

### ORDER IMPOWERING HANNAH THOMSON TO SELL REAL ESTATE.

Legislative Records of the Council, xvii. (3), 681. Mass. Archives, xvii., 909.

Mass. Archives, xvii., 908-911. Legislative Records of the Council, xvii., Mis., 508. House Journal, pp. 133, 134. Province Laws, ii., 151, chap. 10.

A PETITION of Hannah Thomson of Concord, widow, praying that she may be impowered to sell a House and about three quarters of an acre of land in Concord left her and the heirs of her body by the will of her Grandfather William Keen dec<sup>d</sup> the said House being in a very decayed condition, and the Petitioner not being able to lay out any thing for the repairs of it.

Read and

*Ordered* that the said Hannah be Enabled to make sale of the whole Estate herein mentioned to the highest Bidder. She attending the rules and methods by the Act of this Province made in the Sixth Year of King George the first relating to the Sale of land where Estates are Intestate. And that the s<sup>d</sup> Hannah have the profits of the money during her natural life. She giving caution to the Judge of Probate in the County of Middlesex that after her decease, the whole of the purchase money which said Estate may Sell for be divided to the Children<sup>1</sup> or those next related to said Petitioner. [*Passed April 13.*<sup>2</sup>]

<sup>1</sup> In the order in the House Journal, p. 134, the words, "or those next related to said Petitioner," are omitted and the words, "be divided to the two children of said Petitioner, which are mentioned in the Petition," are added.

<sup>2</sup> It is not clear in Mass. Archives whether the date is April 13 or 23; according to Legislative Records of the Council, xvii. (3), the date is the 23<sup>d</sup>; in *ibid.*, xvii., Mis., it is the 13<sup>th</sup>.



## CHAPTER 232.

### VOTE FOR CONTINUING Y<sup>E</sup> ESTABLISHM<sup>T</sup> OF GARRISONS &<sup>C</sup>.

*Voted* that the present Establishment of Castle William and the other Forts Truck Houses and Garrisons within this Province and also of the Country Sloop and Province Snow which will end the twentieth of May next be and hereby is prolonged and continued till the end of the next May Session, And the Several Officers Soldiers and Sailors in the Service of the Province may expect their pay or allowance accordingly. [*Passed April 14.*]

Legislative  
Records of the  
Council, xvii. (3), 658.  
Mass.  
Archives,  
lxxii., 637.  
House Jour-  
nal, p. 172.  
Province  
Laws, ii., 1074,  
chap. 10.

## CHAPTER 233.

### ORDER ALLOWING £15 TO JOHN OVERING ESQ<sup>R</sup>.

THE PETITION of John Overing Esq<sup>r</sup> Sheweth to this Great and General Court, that for many years past he hath acted in the station of Attorney General for this province, but for the last years service; has not received any allowance, although a sum is usually granted by the favor of this court, as well to the Kings attorney as to the other officers, generally in an equal or superior station.

Read and

*Ordered* that the Sum of fifteen pounds be allowed and paid out of the Province Treasury to the Pet<sup>r</sup> in full consideration for his extraordinary Services and Expences therein mentioned. [*Passed April 14.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 516.  
Mass.  
Archives, xliii.,  
224.  
Mass.  
Archives, xlii.,  
222. Legisla-  
tive Records of  
the Council,  
xvii. (3), 660.  
House Jour-  
nal, p. 169.

## CHAPTER 234.

### ORDER ALLOWING £25 TO THE TOWN OF MARBLEHEAD.

A PETITION of James Skinner Esq<sup>r</sup> in behalf of the Town of Marblehead; praying in consideration of the heavy losses sustained by the Inhabitants of said Town the last year, that they may be abated of their Province Tax.

Read and

*Ordered* that there be granted and allowed to be paid out of the Province Treasury to the Representative of the Town of Marblehead or His Order the Sum of twenty five pounds the present tenor in consideration of their Losses and other difficulties herein mentioned. [*Passed April 14.*]

Legislative  
Records of the  
Council, xvii. (3), 660.  
Mass.  
Archives,  
cxv., 6.

Legislative  
Records of the  
Council, xvii.,  
Mis., 509.  
House Jour-  
nal, pp. 139, 173.

## CHAPTER 235.

### ORDER RELEIVING SPENCER PHIPS ESQ<sup>R</sup> FROM THE TRUSTEESHIP OF THE HASSANAMISCO INDIANS.

A MEMORIAL of Spencer Phips Esq<sup>r</sup> one of the Trustees for the Indians of Hassanimisco (now Grafton) Praying to be dismissed from that service, his other affairs not permitting his attendance thereon

Legislative  
Records of the  
Council, xvii. (3), 666.  
Mass.  
Archives,  
xxxI., 424.  
Mass.  
Archives,

xxxii., 423.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 508.  
House Jour-  
nal, p. 173.  
Province  
Laws, xi., 233,  
chap. 36.

any longer and the other two being sufficient to manage the business, which will save charge to the Indians.

Read &

*Ordered* that the Prayer of this Memorial be granted, & the Memorialist is accordingly discharged from his Trust over the Indians of Grafton (formerly Hassanimisco) & that the whole Power be in the Hands of the two other Trustees as prayed for. [*Passed April 14.*<sup>1</sup>

## CHAPTER 236.

### ORDER IMPOWERING JER. ANTHONY, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 662.  
Mass.  
Archives,  
xxxii., 421.  
Mass.  
Archives,  
xxxii., 420.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 510.  
House Jour-  
nal, p. 164.

A PETITION of Jeremiah Anthony and Esther his Wife Indians of Middleboró, Shewing that the said Jeremiah being imprisoned at the suit of Sannel Thatcher in Plymouth Goal, was in danger of perishing in the severe season of the winter; that one Ephraim Thomas relieved him and undertook the payment of his debt, and therefore praying that he may be impowered to sell Forty Acres of Land belonging to the Petitioners at a place called Bettys Neck at Assawamset in Middleboró that so they may be enabled to pay their debt to the said Thomas, the Petitioners to have the use of the said land during life.

[Read &]

*Voted*<sup>2</sup> that the prayer of this Petition be granted with y<sup>e</sup> Exceptions therein mentioned & that Benjamin White Esq<sup>r</sup> of Middleboro; be desired to Assist in y<sup>e</sup> Affair and see justice done in y<sup>e</sup> Sale of y<sup>e</sup> lands Within mentioned. [*Passed April 15.*

## CHAPTER 237.

### ORDER GRANTING 130 ACRES OF LAND TO THO<sup>s</sup> INGERSOL ESQ<sup>r</sup>.

Legislative  
Records of the  
Council,  
xvii. (3), 655.  
Mass.  
Archives,  
xvii., 144.  
Mass.  
Archives,  
xvii., 142.  
Legislative  
Records of the  
Council,  
xvii. (3), 663;  
*ibid.*, xvii.,  
Mis., 511.  
House Jour-  
nal, pp. 167, 170,  
174. Province  
Laws, xi., 728,  
chap. 41.

A PETITION of Thomas Ingersol Esq<sup>r</sup> Shewing that in the year 1733 he was appointed one of the Committee for settling the Townships at Housatanuck, that he has spent much time and labour in removing some difficulties attending those settlements, and, (as he conceives) has done much service to the Province therein, therefore praying for some consideration for his services.

Read and

*Ordered* That In Answer to the within Petition there be & is hereby Granted to the Petitioner his heirs and Assignes forever One hundred and Thirty Acres of land In full for his Services & Expences in the within Affair to be laid out in the County of Hampshire and that a Plan thereof be Return'd To this Court within Twelve months for Confirmation. [*Passed April 15.*

<sup>1</sup> This date is according to Mass. Archives, Legislative Records of the Council, xvii., Mis., and the House Journal; according to Legislative Records of the Council, xvii. (3), the date is April 15.

<sup>2</sup> The House Journal, p. 164, reads, "*Ordered.*"

## CHAPTER 238.

## ORDER REFERRING THE REPORT ABOUT HOLLISTON LINE.

ON THE REPORT of Samuel Danforth Esq<sup>r</sup> and others relating to the Dividing Line between the Towns of Hopkinton and Holliston, [*ante*, p. 107, chap. 227]

Read and

*Ordered* that the consideration of this Report be refer'd till the next May Session, that the Trustees may have an opportunity to produce the Original Deed of Magunkog from the Town of Sherburn to the Indians. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xvii. (3), 663.

*Ante*, p. 107,  
chap. 227.

## CHAPTER 239.

ORDER ON CONCORD PET<sup>n</sup> IN REGARD TO A HIGH WAY.

A PETITION of John Flynt Esq<sup>r</sup> and others, a Committee for the Town of Concord, complaining of irregular and illegal Proceedings of the Court of General Sessions for the County of Middlesex and a Committee by them appointed (upon the Petition of Chambers Russel Esq<sup>r</sup> and others) to lay out a High way through said Town, and praying that this Court would set aside the Order of said Court for confirming said Highway.

Read, together with the answer of Chambers Russell Esq<sup>r</sup> for himself and his associates, and considering the order of Court of General sessi[ons] of the peace held by adjournment at Charlestown on the 5<sup>th</sup> of January 1741. confirming the high way in dispute, pursuant to the Committee legally appointed thereon, of the necessity and conveniency, that upon certain conditions of building several bridges, and making a cause way; and that the said Chambers Russell and associates have expended thereupon considerable sums of money, and considering also that the court of General sessions of the peace in the year past, have not enquired into the necessity and conveniency of said way as directed by order of this court in June last, and yet have confirmed the said way in a manner different from the direction aforesaid and unwarrantable. Therefore

*Ordered* that the proceedings of the [Court of General Sessions of the Peace aforesaid in the year past be reversed and are hereby declared null and void; and the Court of] <sup>1</sup> General sessions of the peace in the County of Middlesex, upon application of the Committee from Concord, proceed with all convenient speed according to the directions of the law, to inquire into the common conveniency and necessity of said ways, and either alter, confirm, or discontinue the said way as they shall find agreeable to the law in such cases provided; and if said way shall be discontinued, said Court shall receive and settle the accounts of the disbursements aforesaid of the said Chambers Russell and his associates, and determine and order concerning the repayment thereof according to justice by their direction. [*Passed April 15.*]

Legislative  
Records of the  
Council,  
xvii. (3), 617;  
*ibid.*, xvii.,  
Mis., 511.

Mass.  
Archives,  
cxxi., 222-225.  
Legislative  
Records of the  
Council,  
xvii. (3), 664.  
House Jour-  
nal, pp. 147, 149,  
166. *Ante*,  
p. 151, chap. 57.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (3), 664.

## CHAPTER 240.

## ORDER IMPOWERING SOL. WANSQUAM, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (3), 665.  
Mass.  
Archives,  
xxxi., 432.

Legislative  
Records of the  
Council, xvii.,  
Mis., 510.  
House Jour-  
nal, p. 139.

A PETITION of Solomon Wansquam of Natick Indian praying for liberty to sell eleven acres of land for the payment of his Debts contracted for his necessary support and for purchasing other land more convenient

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted And the Pet<sup>r</sup> is hereby Authorized and Impowered with the Advice and Consent of Cap<sup>t</sup> Isaac Coolidge to Sell the Eleven Acres for the purposes herein mentioned He to be Accountable for his proceedings herein to this Court. [*Passed April 15.*]

## CHAPTER 241.

## ORDER ALLOWING £8 TO EDW WINSLOW &amp; TIMOTHY RUGGLES.

Legislative  
Records of the  
Council,  
xvii. (3), 665;  
*ibid.*, xvii.,  
Mis., 512.

House Jour-  
nal, pp. 169, 170.  
Province  
Laws, iii., 68.  
*Ante*, p. 204,  
chap. 181.

A PETITION of Edward Winslow and Timothy Ruggles praying for an Allowance from this Court for their time and expence in attending a Court of Oyer and Terminer held at Nantucket in August last for the trial of one Harry Jude (an Indian) for murther, the first of the Petitioners as Clerk of the said Court, and the other as Attorney or Counsel for the King.

Read and

*Ordered* that the prayer of the petition be granted and that the sum of Eight pounds be allowed and granted to the petitioners in full considerations for their services therein mentioned. [*Passed April 15.*]

## CHAPTER 242.

## ORDER SETTING ASIDE A ROOM IN THE COURT HOUSE FOR THE USE OF COMMITTEES.

Legislative  
Records of the  
Council,  
xvii. (3), 667.  
Mass.  
Archives,  
xix., 174.

House Jour-  
nal, p. 174.

WHEREAS the Upper Room in the East Part of the Court House which has been for many years used for the Meetings of the Select men of the Town of Boston is now vacant by reason of the said Select mens holding their Meetings in the Town Hall called Fanuils Hall;

*Ordered* that the said Upper room be hence forward used for the Meeting of Committees of this Court or of either House as occasion shall require. [*Passed April 16.*]

## CHAPTER 243.

ORDER ALLOWING THE ACCOUNT OF THE COUNTY TREAS<sup>r</sup> OF BRISTOL.

AN ACCOMPT presented by Samuel Howland, Treasurer of the County of Bristol for the year 1741, Having been laid before the Court of General Sessions of the Peace for the said County, and by them allowed:

Legislative  
Records of the  
Council,  
xvii. (3), 667.

Read and

*Ordered* that this Accompt be allowed, and that there remains due from the County in debts outstanding to the Treasurer, One Hundred and Thirty Two Pounds eighteen shillings and two pence halfpeny, when received to be accounted for by the said Treasurer.<sup>1</sup> [*Passed April 16.*]

## CHAPTER 244.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOHN WENDELL JUN<sup>r</sup> FOR A NEW TRIAL.

A PETITION of John Wendell Jun<sup>r</sup> of Boston, praying that a Judgment of the Inferior Court of Common Pleas for the County of Suffolk in January last upon the Report of Referrees obtained against him by William Maxwell may be set aside (the Rule of Court being entered into without the Petitioners knowledge and consent) and that the Petitioner may have a trial of the merits at the next Inferior Court & that Execution be stayed in the mean time.

Legislative  
Records of the  
Council,  
xvii. (3), 668.

Mass.  
Archives, xlii.,  
230-241, 243-246.  
House Jour-  
nal, p. 175.

Read and

*Ordered* that the Petitioner forthwith serve the adverse party the said William Maxwell with a Copy of this Petition, that he shew cause if any he hath, on Wednesday next, if the Court be then sitting, if not, on the second Fryday of the next May Session, why the prayer thereof should not be granted; and Execution herein mentioned is stayed in the mean time.<sup>2</sup> [*Passed April 18.*]

## CHAPTER 245.

## ORDER OF NOTICE ON THE PETITION OF DAV. GIVEN &amp; OTHERS IN REGARD TO A TOWN MEETING AT BRUNSWICK.

A PETITION of David Given for himself and divers other Inhabitants of the Town of Brunswick, complaining of great irregularity and unfairness in the Proceedings of their Town Meeting in March last and of the illegal Election of Officers; and praying that the said Proceedings may be set aside, and an other Meeting for chusing Officers appointed; and forasmuch as the Assessors for the year 1742 were not under Oath according to Law, that the Inhabitants may be rated by the Assessors for the year 1741.

Legislative  
Records of the  
Council,  
xvii. (3), 669.

Mass.  
Archives, cxv.,  
37.

Mass.  
Archives, cxv.,  
36-45. House  
Journal, p. 179.

Read &

*Ordered* that the Petitioner serve the Select Men & Treas<sup>r</sup> of the

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> At the hearing April 21, 1722, House Journal, p. 181, this petition was dismissed.

Town of Brunswick with a Copy of this Petition, that they shew Cause if any they have on the second Thursday of the next May Session why the Prayer thereof should not be granted. [*Passed April 19.*<sup>1</sup>

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## CHAPTER 246.

### ORDER GRANTING WM HASEY AND OTHERS A NEW TRIAL OF AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (3), 672.  
Mass.  
Archives, xlii.,  
226.  
Mass.  
Archives, xlii.,  
225-229. House  
Journal, p. 174.

A PETITION of William Hasey, John Hasey and Samuel Hasey all of Chelsea in the County of Suffolk praying that they may be admitted to a Trial upon the merits of an Action commenced against them by Hannah Lewis at the Court of General Sessions of the Peace for the said County held in January last, which action went against them by default thro' their mistake of the day of Trial, yet the said Hannah appealed to the last Superior Court, and the Petitioners having been defaulted in the Trial before the Sessions, the Superior Court would not admit the Petitioners to defend their cause; Moving also for an Explanation of the Law relating to the maintaining of Bastard Children, whether such matters ought not to be issued at the Court of General Sessions of the Peace.

Read and in answer hereto

*Ordered* that the Pet<sup>rs</sup> be allowed a Tryal of the Cause within mentioned at the adjourn<sup>mt</sup> of the said Court the last tuesday of this Month (if the Justices See cause) the default mentioned notwithstanding, Provided the Pet<sup>rs</sup> serve the within named Hannah Lewis with a Copy of this Order four days at least before the sitting of said Court by adjournment. [*Passed April 19.*

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## CHAPTER 247.

### ORDER IMPOWERING ISA HOBHOUSE TO ENTER AN APPEAL.

Legislative  
Records of the  
Council,  
xvii. (3), 661.  
Mass.  
Archives, xlii.,  
206.  
Mass.  
Archives, xlii.,  
204-214. Legis-  
lative Records  
of the Council,  
xvii. (3), 673.  
House Jour-  
nal, pp. 172, 173.  
*Post*, p. 232,  
chap. 253.

A PETITION of William Bollen in behalf of Isaac Hobhouse of Bristol in Great Britain, merchant, Shewing that in an Action between the said Hobhouse and Peter Luce at the Inferior Court held at Boston in July last wherein Judgement was for the said Luce, the Petitioner appealed to the Superior Court, but by the Petitioners and the Clerk of the Inferior Courts overlooking the Entry of his demanding an Appeal, the same was never entered in the Superior Court, by which means the said Judgment was affirmed without any trial at that Court; Therefore praying that the said Appeal may be entered & tried at the next Superior Court for Suffolk, or that the Court would grant him some other Relief.

Read & it appearing that the Attorney of M<sup>r</sup> Peter Luce has been served with a Copy of this Petition, & no Answer being given in

*Ordered* that the Pet<sup>r</sup> be & hereby is allowed to enter his Appeal at the Sup<sup>r</sup> Court to be held by Adjournm<sup>t</sup> at Boston for the County of Suffolk on the last Tuesday of this Instant April, & that he be entitled to his defence in like Manner, as if he had entred the same at the first Sitting of s<sup>d</sup> Court, And the Justices of the afores<sup>d</sup> Court

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council, xvii. (3), the date is April 18.

are hereby impowered & directed to hear & try the Cause within mentioned, enter up Judgm<sup>t</sup> & award Execution accordingly, Provided the Pet<sup>r</sup> serve the s<sup>d</sup> Peter Luce with a Copy of this Order five days before the Sitting of said Court. [*Passed April 19.*]

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## CHAPTER 248.

### ORDER WITH STAY OF EXECUTION REFERRING THE PETITION OF ABIG. PELL COMPLAINING OF A JUDGMENT.

A PETITION of Abigail Pell of Boston, complaining of a Judgment given against her (upon a Bond sued by James Pitts of Boston merchant) by the Inferior Court of Common Pleas for the County of Suffolk whereby she is ordered to pay off the said Bond in lawful money at the rate of Silver when the Bond was given, altho the Condition expressed Bills of Credit; Praying for relief from this Court, and that Execution be staid in the mean time.

Legislative  
Records of the  
Council,  
xvii. (3), 674.

House Jour-  
nal, pp. 168, 177,  
178, 179, 180.

Read and

*Ordered* that the consideration of this Petition be refer'd to the first Fryday of the next May Session, and that the execution within mentioned be staid in the mean time. [*Passed April 20.*]

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## CHAPTER 249.

### ORDER WITH STAY OF EXECUTION REFERRING THE PETITION OF WILLIAM CUNNINGHAM COMPLAINING OF A JUDGMENT.

A PETITION of William Cunningham, complaining of a Judgment of the Superior Court in the County of Suffolk in February last, obtained against him on suit of a mortgage made by the Petitioners father of a House and Land in Boston to the Trustees of M<sup>rs</sup> Hannah Townsend dec<sup>d</sup> by which Judgment (altho the condition for the discharge of the Mortgage was the payment of Bills of Credit) he is obliged to pay at the rate of Silver Money at the time of making the Mortgage, or to suffer the forfeiture of the said House and Land; praying for relief from this Court, and that Execution be stayed in the mean time.

Legislative  
Records of the  
Council,  
xvii. (3), 675.

House Jour-  
nal, pp. 168, 177,  
178, 179, 180.

Read and

*Ordered* that the consideration of this Petition be refer'd to the first Fryday of the next May Session, and that the Execution within mentioned be stayed in the mean time. [*Passed April 20.*]

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## CHAPTER 250.

### VOTE DIRECTING THE COMMITTEE APPOINTED TO SELL THE LAND OF NATH. COOCHUCK, INDIAN, TO RENDER AN ACCOUNT OF THEIR PROCEEDINGS.

*Voted* that the Committee appointed to make sale of the Lands of Nath<sup>l</sup> Coochuck of Natick Indian Planter, be directed to lay an Account of their proceedings therein before this Court on the First Fryday of the next May Session. [*Passed April 22.*]

Legislative  
Records of the  
Council,  
xvii. (3), 677.

*Ante*, p. 91,  
chap. 186.

Legislative  
Records of the  
Council,  
xvii. (3), 611.  
Mass.  
Archives, xx.,  
337.

Legislative  
Records of the  
Council,  
xvii. (3), 677.  
House Jour-  
nal, pp. 149, 182.  
*Infra*, chap.  
252.

## CHAPTER 251.

### ORDER ALLOWING £50 TO ROBERT AUKMUTY ESQ<sup>R</sup>.

*Noted* that the Sum of fifty pounds be granted and allowed to be paid out of the publick Treasury to Robert Auchmuty Esq<sup>r</sup> to be put into the hands of M<sup>r</sup> Auchmuty towards the Support of His Family in his Absence. [*Passed April 22.*]

## CHAPTER 252.

### ORDER DISMISSING M<sup>R</sup> AGENT AUKMUTY.

Legislative  
Records of the  
Council,  
xvii. (3), 678.  
Mass.  
Archives, xx.,  
338.

Legislative  
Records of the  
Council, xvii.,  
Mis., 512.  
House Jour-  
nal, pp. 181, 182.  
*Supra*, chap.  
251.

WHEREAS this Court have been informed by letters from their Agents in England that there had been no hearing upon the affair of the boundary between this Province and Rhode Island, and it was likely to be postpon'd for a considerable time to come, and being likewise informed by M<sup>r</sup> Auchmuty's Letters that during his being in England He had communicated the full of his knowledge in sd Affair; and being further inform'd that He had express'd his desire of his being recalled.

It is therefore

*Ordered* that the Secretary by the first ship write to M<sup>r</sup> Auchmuty in the name of this Court and acquaint him that the Court apprehend that it is no longer necessary for their Service, that He should continue in England, and that His Employ as Agent should therefore Cease and Discontinue,

And it is further

*Ordered* that the Treasurer be directed forthwith to remitt to s<sup>d</sup> M<sup>r</sup> Auchmuty by good Bills of Exchange or otherwise in the best manner He can fifty pounds sterling to provide for his passage, and accomodation in returning home. [*Passed April 23.*]

## CHAPTER 253.

### ORDER ON THE PETITION OF PETER LUCE CONTINUING THE TRIAL OF AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (3), 678.  
*Ante*, p. 230,  
chap. 247.

A PETITION of John Overing Esq<sup>r</sup> Shewing that as Attorney to M<sup>r</sup> Peter Luce he was served with a Copy of a Petition of Isaac Hobhouse, praying for liberty to enter his Appeal in an Action between him and the said Luce, that the said Luce has been out of Town ever since, and therefore will not be ready for the trial of the said Appeal at the Adjournment of the Superior Court; therefore praying that the trial may be put off till the next Term and that the said Hobhouse may have no advantage of any Pleas in Abatement.

Read and

*Ordered*, that the Prayer of the Petition be granted, and that the Trial within mentioned be accordingly continued to the next Superior Court in August for the County of Suffolk, and that no advantage be taken against the Petitioner for any Pleas of Abatement, and that the charges that have already arisen be defrayed by the Petitioner. [*Passed April 23.*]



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1743-44.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1743-44.

HIS EXCELLENCY WILLIAM SHIRLEY,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, ESQ.,

SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;*

WILLIAM DUDLEY	}	ESQRS.	SAMUEL DANFORTH	}	ESQRS.
JOHN OSBORNE		WILLIAM FOYE			
EBENEZER BURRILL		JOHN GREENLEAF			
FRANCIS FOXCROFT		SAMUEL WALDO			
JOSIAH WILLARD		SAMUEL WATTS			
JACOB WENDELL		JOSEPH DWIGHT			
THOMAS BERRY		RICHARD SALTONSTAL			
JOSEPH WILDER		JOHN CHANDLER			
BENJAMIN LYNDE, JR.	EZEKIEL CHEVER				

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;*

JOHN CUSHING	}	ESQRS.	SHUBAL GORHAM	}	ESQRS.
NATHANIEL HUBBARD		GEORGE LEONARD			

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Main ;*

WILLIAM PEPPERIL, JEREMIAH MOULTON & JOHN HILL, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock and Nova Scotia ;*

JOHN JEFFRIES, ESQ.

<sup>1</sup> See Legislative Records of the Council, xvii. (4), 2-7.

*For the Province, at large:—*

SYLVANUS BOURN & ISAAC LITTLE, ESQRS.

REPRESENTATIVES OR DEPUTIES.

*May 25, 1743 to April 28, 1744.*

MR. THOMAS CUSHING, ESQ., SPEAKER.

COUNTY OF SUFFOLK.	COUNTY OF MIDDLESEX — <i>Concluded.</i>
<i>Boston</i> , . . . Thomas Cushing, Esq., Mr. Timothy Prout, Thomas Hutchinson, Esq., Andrew Oliver, Esq.	<i>Watertown</i> , . . Mr. Jonas Bond. <i>Woburn</i> , . . . Mr. Rowland Cotton. <i>Concord</i> , . . . James Minot, Esq. <i>Reading</i> , . . . Samuel Baneroff.
<i>Roxbury</i> , . . . Capt. Eleazar Williams.	<i>Newton</i> , . . . Mr. Thomas Greenwood.
<i>Dorchester</i> , . . Capt. Thomas Wiswall.	<i>Sudbury</i> , . . . Mr. Thomas Taylour.
<i>Milton</i> , . . . Samuel Miller, Esq.	<i>Groton</i> , . . . William Lawrence, Esq.
<i>Brantree</i> , . . . Joseph Gooch, Esq.	<i>Marlboro</i> , . . Samuel Brigham, Esq.
<i>Weymouth</i> , . . Major Adam Cushing.	<i>Billerica</i> , . . Capt. Enoch Kidder.
<i>Hingham</i> , . . Mr. Thomas Gill.	<i>Frammingham</i> , . Joseph Buckminster, Jr., Esq.
<i>Dedham</i> , . . . Joseph Richards, Esq.	<i>Lexington</i> , . . Capt. William Reed.
<i>Wrentham</i> , . . Capt. James Blake.	<i>Chelmsford</i> , . Mr. Benjamin Chamberlain.
<i>Brooklyn</i> , . . Samuel White, Esq.	<i>Sherburn</i> , . . Capt. Isaac Coolidge
<i>Stoughton</i> , . . Capt. John Shepherd.	<i>Malden</i> , . . . Mr. Joseph Lynde.
	<i>Weston</i> , . . . Mr. Joseph Livermore.
COUNTY OF ESSEX.	<i>Medford</i> , . . Mr. Andrew Hall.
<i>Salem</i> , . . . Daniel Epes, Esq., Mr. John Gardner.	<i>Littleton</i> , . . Mr. Jonathan Prescott.
<i>Ipswich</i> , . . John Choate, Esq., Daniel Appleton, Esq.	<i>Hopkinton</i> , . John Jones, Esq.
<i>Newbury</i> , . . Henry Rolfe, Esq., Joseph Gerrish, Esq.	<i>Stow</i> , . . . Mr. Timothy Gibson.
<i>Marblehead</i> , . James Skinner, Esq.	<i>Walham</i> , . . Capt. John Cutting.
<i>Lynn</i> , . . . Capt. William Collins.	<i>Westford</i> , . . Capt. Thomas Read.
<i>Andover</i> , . . Mr. Nathaniel Fry.	COUNTY OF HAMPSHIRE.
<i>Beverly</i> , . . Robert Hale, Esq.	<i>Springfield</i> , . Mr. John Leonard.
<i>Rowley</i> , . . . Thomas Lambert, Esq.	<i>Northampton</i> , John Stoddard, Esq.
<i>Salisbury</i> , . . Mr. David Ring.	<i>Hadley</i> , . . . Eleazar Porter, Esq.
<i>Haverhill</i> , . . Richard Saltonstal, Esq.	<i>Hatfield</i> , . . Oliver Patridge, Esq.
<i>Gloicester</i> , . . Capt. James Davis.	<i>Westfield</i> , . . Thomas Ingersol, Esq.
<i>Topsfield</i> , . . Mr. Jacob Peabody,	<i>Suffield</i> , . . . Mr. Samuel Kent, Jr.
<i>Amesbury</i> , . . Mr. John Whittier.	<i>Deerfield</i> , . . Mr. Elijah Williams.
<i>Boxford</i> , . . Mr. Benjamin Porter.	<i>Enfield</i> , . . . Mr. Thomas Jones.
<i>Bradford</i> , . . Mr. Richard Kemball.	COUNTY OF WORCESTER.
<i>Wenham</i> , . . . Mr. John Dodge.	<i>Worcester</i> , . . Capt. Benjamin Flagg.
<i>Middleton</i> , . . Mr. Timothy Fuller.	<i>Lancaster</i> , . . Samuel Willard, Esq.
	<i>Mendon</i> , . . . Capt. Robert Taft.
COUNTY OF MIDDLESEX.	<i>Woodstock</i> , . Mr. Isaiah Tiffany.
<i>Cambridge</i> , . Mr. Andrew Boardman.	<i>Brookfield</i> , . . Capt. Josiah Converse.
<i>Charlestown</i> , Ezekiel Chever, Esq., Mr. Isaac Royal.	<i>Sutton</i> , . . . Mr. Elisha Putman.
	<i>Westboro</i> , . . Capt. Edward Baker.

COUNTY OF WORCESTER — *Concluded.*

*Southboro*, . . . Mr. Samuel Liscomb.  
*Shrewsbury*, . . . Mr. Caleb Johnson.  
*Oxford*, . . . . Mr. Samuel Davis.

COUNTY OF PLYMOUTH.

*Plymouth*, . . . James Warren, Esq.  
*Scituate*, . . . Thomas Clap, Esq.  
*Duxbury*, . . . Capt. Gamaliel Bradford.  
*Marshfield*, . . . Otis Little, Esq.  
*Bridgewater*, . . . Capt. Josiah Edson.  
*Middleboro*, . . . Elkanah Leonard, Esq.  
*Rochester*, . . . Mr. John Freeman.  
*Plympton*, . . . Mr. Benjamin Weston.  
*Pembroke*, . . . Isaac Little, Esq.

COUNTY OF BARNSTABLE.

*Barnstable*, . . . Mr. Robert Davis.  
*Sandwich*, . . . Capt. Timothy Ruggles.  
*Yarmouth*, . . . John Hallet, Esq.  
*Eastham*, . . . Capt. Samuel Knowles.  
*Harwich*, . . . Edmund Freeman, Esq.

COUNTY OF BRISTOL.

*Bristol*, . . . . Charles Church, Esq.  
*Taunton*, . . . . Mr. John Godfrey.  
*Rehoboth*, . . . . Mr. Daniel Barney.  
*Little Compton*, . . . Capt. William Richmond.  
*Dartmouth*, . . . . Mr. Moses Mendell.  
*Norton*, . . . . Ephraim Leonard, Esq.  
*Attleboro*, . . . . John Foster, Esq.  
*Dighton*, . . . . Sylvester Richmond, Esq.  
*Swanzy*, . . . . Perez Bradford, Esq.

COUNTY OF YORK.<sup>1</sup>

*York*, . . . . Samuel Came, Esq.  
*Kittery*, . . . . Mr. Tobias Leighton.  
*Wells*, . . . . Mr. Jacob Perkins.  
*Berwick*, . . . . Mr. Moses Butler.  
*Falmouth*, . . . . Mr. Samuel Moodey.  
*Brunswick*, . . . . Mr. David Dunning.

IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . . . George Bunker, Esq.

<sup>1</sup> The House Journal, p. 4, adds: "*North Yarmouth*, Mr. Cornelius Sole."



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIFTH DAY OF MAY, A.D. 1743.

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## CHAPTER 1.

ORDER OF NOTICE ON THE PETITION OF HAN. FARNSWORTH TO PUT  
A BOND IN SUIT.

A PETITION of Hannah Farnsworth of Groton widow, Shewing that her son Joseph Farnsworth dec<sup>d</sup> was obliged by Bond to support her during her life, as his Administr<sup>rs</sup> are since his decease, which they refuse to do; and therefore Praying that she may have power to put the said Bond in suit, her name not being mentioned in the said Bond as an Obligee.

Read and

*Ordered* that the Pet<sup>r</sup> serve Dan<sup>l</sup> Farnsworth and Tim<sup>o</sup> Gibson Adm<sup>rs</sup> upon the Estate of Joseph Farnsworth dec<sup>d</sup> with a copy of this Pet<sup>n</sup> that they shew cause (if any they have) on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted. [*Passed May 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 23.  
Mass.  
Archives,  
xviii., 133.

Mass.  
Archives,  
xviii., 131-134.  
House Journal,  
p. 16.  
Province  
Laws, xii., 543,  
chap. 157.

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## CHAPTER 2.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF  
W<sup>m</sup> CUNNINGHAM COMPLAINING OF A JUDGMENT.

ON THE PETITION of William Cunningham, [*ante*, p. 231, chap. 249]

Read, &

*Ordered* that the consideration of this Petition be further refer<sup>d</sup> till the seventeenth day of June next, & the Execution therein mentioned be stayed in the mean time. [*Passed May 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 23.

House Journal,  
p. 16.  
*Ante*, p. 231,  
chap. 249.

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## CHAPTER 3.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF  
ABIG. PELL COMPLAINING OF A JUDGMENT

ON THE PETITION of Abigail Pell, [*ante*, p. 231, chap. 248]

Read &

*Ordered* that the consideration of this Petition be refer<sup>d</sup> till the Seventeenth day of June next, and the Execution therein mentioned be stayed in the mean time. [*Passed May 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 23.

House Journal,  
p. 16.  
*Ante*, p. 231,  
chap. 248.

## CHAPTER 4.

## ORDER IMPOWERING MARY WARD TO SELL PART OF AN ESTATE.

Legislative  
Records of the  
Council,  
xvii. (4), 27.  
Mass.  
Archives,  
xviii., 121.

Legislative  
Records of the  
Council, xvii.,  
Mis., 513.  
House Jour-  
nal, p. 20.  
Province  
Laws, xii., 369,  
chap. 21.

A PETITION of Mary Ward (late Winchester) praying this Court to rectify a mistake made in an Order of the General Court pass'd the 10<sup>th</sup> of June 1737, upon her former Petition, empowering her to sell the real Estate of her late husband, it being therein described as lying wholly in the town of Stow, whereas part of it lies in the town of Sudbury.

Read [and]

*Ordered* that the Prayer of the Petition be granted, And the Petitioner is accordingly hereby empowered to sell that Part of the Estate within mentioned which lies in the Town of Sudbury as well as that which lies in Stow she giving security for disposing of the Produce thereof to the Judge of Probate for the County of Middlesex in manner as is provided in the Order on the Petitioners former Petition. [*Passed May 30.*<sup>1</sup>

## CHAPTER 5.

## ORDER OF NOTICE ON THE LEOMINSTER PETITION TO LEVY A TAX ON LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 30.  
Mass.  
Archives, cxv.,  
149.

Mass.  
Archives, cxv.,  
147. House  
Journal, p. 22.

A PETITION of the Select Men of the Town of Leominster setting forth the great charge they have been at & will likewise be still put to for the support of the Ministry, maintenance of Bridges, Highways &<sup>c</sup> and therefore praying that they may be empowered to assess the<sup>2</sup> a rate on the improved and unimproved lands in said Town, for five years to come at one penny per Acre, for the support of the Ministry in the said Town.

Read and

*Ordered* that the Pet<sup>rs</sup> inform the Non resident Prop<sup>rs</sup> of the lands in said Township by Posting up Notifications of the purport of this Petition and Order thereon in the Towns of Lancaster, Harvard, and Bolton that they shew cause (if any they have) on the first fryday of the next Session of this Court, why the Prayer thereof should not be granted. [*Passed June 1.*

## CHAPTER 6.

ORDER IMPOWERING W<sup>m</sup> HIX TO COLLECT TOLL FOR PASSING BRIDGE OVER THE ACOXET RIVER.

Legislative  
Records of the  
Council,  
xvii. (4), 32.

A PETITION of William Hix, Shewing that upon the encouragement of the General Court he has been at great charge in building a Bridge over Acoxet<sup>3</sup> River and in keeping it in repair; and there-

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is May 31.

<sup>2</sup> *Sic.* Mass. Archives, cxv., 148, reads: "to assess all the Lands," etc.

<sup>3</sup> Acoaksett.



fore praying that he may be allowed two pence lawful money instead of one penny allowed by the first Establishment.

Read and

*Ordered* that the prayer of the Petition be granted, and that the Petitioner be allowed to take and receive as Toll for passing the Bridge, one penny for every single passenger, and two pence for every horse and man, and one penny for every Horse, Ox or Cow, for every Score of Sheep or Hogs five pence per score, and so pro ratâ, till further Order of this Court. [*Passed June 2.*]

Mass.  
Archives,  
cxi., 235.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 513.  
House Jour-  
nal, p. 22.  
Province  
Laws, xii., 529,  
chap. 124.

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## CHAPTER 7.

### ORDER OF NOTICE ON THE PETITION OF DAN. JAQUES JUN<sup>R</sup> AND OTHERS OF BRADFORD TO BUILD A MEETING HOUSE.

A PETITION of Daniel Jaques Jun<sup>r</sup> & others Inhabitants of the West Precinct of Bradford; Shewing that the Inhabitants of the said Precinct in a lawful Meeting voted the building of a new Meeting house in the center of the said Precinct, and voted a sum of money to be raised for defraying the charge; but now they utterly refuse to proceed in the said affair to the great injury of the Petitioners; and therefore praying that this Court would give Orders that the said Meeting house be built in the place Set by said Vote.

Legislative  
Records of the  
Council,  
xvii. (4), 32.  
Mass.  
Archives, xii.,  
296.

Mass.  
Archives, xii.,  
294-297. House  
Journal, p. 25.

Read and

*Ordered* that the Petitioners serve the first Parish in Bradford with a Copy of this Petition that they shew cause if any they have on the first Tuesday of the next sitting of this Court why the prayer thereof should not be granted. [*Passed June 2.*]

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## CHAPTER 8.

### ORDER ALLOWING £250 TO JN<sup>O</sup> WHEELWRIGHT.

A MEMORIAL of M<sup>r</sup> John Wheelwright, Setting forth his great trouble in managing the Indian trade and supplying the Garrisons, and praying for an Addition to his Allowance for that service.

Read and in answer hereto

*Ordered* that the Pet<sup>r</sup> be allowed in his next Acc<sup>t</sup> to Charge the Province two hundred and fifty pounds Old tenor for his Service herein mentioned. [*Passed June 3.*]

Legislative  
Records of the  
Council,  
xvii. (4), 35.  
Mass.  
Archives, eix.,  
389.

Mass.  
Archives, cix.,  
388. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 521.  
House Jour-  
nal, p. 29.

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## CHAPTER 9.

### ORDER DIRECTING THE PAYMENT OF THE PREMIUM ON CANVAS TO JON<sup>A</sup> SMITH.

A CERTIFICATE Signed by the Surveyors of Canvas, importing that they had surveyed two pieces of Canvas manufactured by Jon-

Legislative  
Records of the  
Council,  
xvii. (4), 35.  
Mass.  
Archives,  
xviii., 128.

Province  
Laws, ii., 241,  
chap. 1; 268,  
note. House  
Journal, p. 30.

athan Smith of Hadley & found them to be conformable to the Order of the General Court.

*Ordered* that the Treasurer be directed to pay the Premium allowed by a Law of this Province to the within named Jonathan Smith the said Law being expired notwithstanding. [*Passed June 3.*]

## CHAPTER 10.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE AND ESTABLISHING THE BOUNDARY LINE BETWEEN SPRINGFIELD & SUFFIELD.

Legislative  
Records of the  
Council,  
xvii. (4), 36.  
Mass.  
Archives, cxv.,  
27.

Mass.  
Archives, cxv.,  
29-35. Legisla-  
tive Records of  
the Council,  
xvii., Mss., 519;  
xvii. (3), 543.  
House Jour-  
nal, p. 29.  
*Ante*, p. 140,  
chap. 28.

WHEREAS the Great & Gen<sup>t</sup> Court or Assembly of the Province of the Massachusetts Bay on Decemb<sup>r</sup> the 10<sup>th</sup> 1742 on A Motion made by the Agents of the Towns of Springfield & Suffield in the County of Hampshire respecting the Controversies about the dividing line between the Said Towns

*Voted* and

*Ordered* that we the Subscribers together with Israel Williams Esq<sup>r</sup> Should be A Committee to repair to the line in controversie, hear the Parties thereon, & report What we think Proper for the Gen<sup>t</sup> Court to do thereon at their Sessions to be held in May Anno Dom: 1743 & having on the 13<sup>th</sup> & 14<sup>th</sup> days of April Current repaired to the Spot & fully heard All The proofs & Allegations of both the parties & Examined both the lines with the Marks & boundaries therein We find that in the Year 1670 the Gen<sup>t</sup> Court Granted A Tract of Land of the contents of Six miles Square between Springfield & Winsor for A Township Since Called Suffield & Appointed A Committe to order the Prudentials of S<sup>d</sup> Town Who in Jan<sup>ry</sup> 1674 run & mark'd the line between Springfield & Suffield from Connecticut river to Westfield & Bounds & that the Said line has been notoriously known not only by the Inhabitants of Springfield & Suffield but Also by those of Westfield their neighbours for near Sixty Years past & that there has been Ancient Improvements limited & bounded by S<sup>d</sup> Line & that the Said line is run upon or nigh A right Angle on Exact Square with the Gen<sup>t</sup> Course of Connecticut river against Suffield & by the record the Afore S<sup>d</sup> Committee made of their runing & Marking the line in Jan<sup>ry</sup> 1674 we find that many trees were marked by the S<sup>d</sup> Committee with the Letters **SP** for Springfield on the North Side & **S** for Suffield on the South Side & by cutting into S<sup>d</sup> Trees near Six Inches Deep we uncovered those letters in their full & perfect Shape & that the number of Grains or Years growths in one of S<sup>d</sup> Trees (which was the only Sound one we met with) was Sixty Eight Exactly agreeing with the Numbers of Years Since the S<sup>d</sup> Committee run & Mark'd the line the Other trees Altho the S<sup>d</sup> letters plainly Appaerd yet being defective the grains or Years growth could not be Exactly numbred. but in the line that Springfield would have the dividing line we did not find Any Appearance of Antiquity, none of the letters Afores<sup>d</sup> nor any Signs of Marking but on the Bark of the trees that Seem to be of but few Years Standing, We also find that the bounds of the Town of Suffield are more Ancient than Springfield & that Whether Suffield can Challenge So farr north as the Afore S<sup>d</sup> Ancient line or not yet Springfield can Challenge no further South and the S<sup>d</sup> Ancient line we find to be as Nigh Due West as can ordinarily be Supposed to be Run without A Compass w<sup>ch</sup> was the Common Practice att That Day Upon the whole the Committee are of

Opinion that the Afore S<sup>d</sup> Ancient line run & Marked by the Co<sup>m</sup><sup>tee</sup> in 1674: be & be Establish'd as the dividing line [line]<sup>1</sup> between the Towns of Springfield & Suffield Afore S<sup>d</sup> All Which is Humbly Submitted

JOSEPH DWIGHT  
ELEAZ: PORTER  
SAM<sup>l</sup> CHILDS  
EBENEZER SMITH

Springfield April 16<sup>th</sup> 1743

Read &

*Ordered* that this Report be accepted, & that the Boundary Line between the Towns of Springfield & Suffield be established accordingly. [*Passed June 3.*]

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## CHAPTER 11.

ORDER OF NOTICE ON THE PETITION OF NATH. COWDRY AND OTHERS OF SUNDERLAND TO BE ERECTED INTO A SEPARATE PRECINCT.

A PETITION of Nathaniel Cowdry and a considerable number of others Inhabitants of the Town of Sunderland, Setting forth their distant situation from the place of publick Worship in said Town, and the badness of the roads thither; and therefore praying to be set off as a Separate Precinct.

Legislative  
Records of the  
Council,  
xvii. (4), 39.  
House Jour-  
nal, p. 31.

Read and

*Ordered*, that the Petitioners serve the Town of Sunderland with a Copy or this Petition, that they shew cause if any they have, on the first Fryday of the next Sitting of this Court, why the prayer thereof should not be granted. [*Passed June 4.*]

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## CHAPTER 12.

ORDER IMPOWERING THO<sup>s</sup> SOODUCK, INDIAN, TO SELL LAND.

A PETITION of Thomas Sooduck of Natick, Indian, praying that he may be allowed to sell Forty Two Acres of Land he has lately purchased in said place, to enable him to pay certain legacies ordered by his Fathers last Will and Testament to be paid by him to his brothers and sisters.

Legislative  
Records of the  
Council,  
xvii. (4), 440.  
Mass.  
Archives,  
xxxI., 449.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Pet<sup>r</sup> have leave with the Advice of Joseph Richards Esq<sup>r</sup> to Sell so much of the land herein mentioned as will pay the Sum due of One hundred Ninety four pounds Six shillings and eight pence, old tenor He to be Accountable to the Court for his proceedings herein. [*Passed June 4.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 514.  
House Jour-  
nal, pp. 30, 31.

<sup>1</sup> *Sic.*

## CHAPTER 13.

## ORDER IMPOWERING SWANZEY INHABITANTS TO SELL LANDS.

Legislative  
Records of the  
Council, xvii. (4), 40.  
Mass.  
Archives, lviii., 329.

Legislative  
Records of the  
Council, xvii.,  
Mis., 514.  
House Jour-  
nal, pp. 27, 31.

A PETITION of Perez Bradford Esq<sup>r</sup> and others, Agents for the town of Swanzey, Shewing that there are several small parcels of land given by the original Proprietors of said Town for the support of the School there, which being poor and uncultivated Land and lying at a distance from one another, are of little or no benefit for the use they were intended; and therefore Praying that they may be impowered to sell and give a good title to said Lands to such as will purchase them; the produce thereof to be laid out for other lands that may be more profitable for the use aforesaid.

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be so far granted as that the Pet<sup>rs</sup> Perez Bradford Hezekiah Luther and Esec Brown be and they hereby are Enebled and Impowered with the Advice and Consent of Nath<sup>l</sup> Hubbard and Charles Church Esq<sup>rs</sup> to make sale of the School Master's Lotts so called in the Township of Swanzey and refer'd to in s<sup>d</sup> Pet<sup>n</sup> and to give good and sufficient Deeds therefor and the produce thereof to lay out in other lands to be applied and remain for the ends and purposes for which the S<sup>d</sup> Schoolmasters Lotts were originally laid out or granted. [*Passed June 4.*]

## CHAPTER 14.

## ORDER IMPOWERING THE JUSTICES OF THE SUPERIOR COURT TO RECONSIDER JUDGMENTS GIVEN FOR DEBTS DUE ON BONDS AND MORTGAGES.

Legislative  
Records of the  
Council, xvii.,  
Mis., 515.

Mass.  
Archives, cii.,  
291. Legisla-  
tive Records of  
the Council,  
xvii. (4), 45.  
House Jour-  
nal, pp. 38, 39.  
Province  
Laws, iii., 8,  
chap. 3; 29,  
chap. 14; 68,  
note.

WHEREAS it appears to this Court, that from the Year One thousand seven hundred and twelve, to the year One thousand seven hundred and forty two, it has been the uninterrupted practice of the executive courts within this province, in Chancering penalties upon all bonds and mortgages, the condition of which has been, the payment of bills of credit or the payment of bills of credit<sup>1</sup> or lawful money, to make up judgment for the nominal sum expressed in the condition of such bonds and mortgages, with the additions of interest due thereon, and execution awarded on said judgments have been levied by the sheriff, for the value of the nominal sum in bills of credit of the old tenor, and said sums in said bills have been continually accepted by the Creditor in satisfaction of the debt. And whereas it further appears that the intent, and expectation of those persons who have from time to time, borrowed and lent any sum of bills of credit on penal bonds, and mortgages; (except where the value of the bills of credit has been fixed and ascertained) has been to pay, and be paid, the same nominal sum in bills of credit again; and to run the risk of their rising or falling in value, And the aforesaid practice of the courts, and the said intent and expectation of the parties have had an influence upon all trade and dealing throughout the Province. And whereas (the aforesaid practice of the executive courts in making up judgment on such bonds and mortgages,

<sup>1</sup> The words "or the payment . . . credit" are omitted in Legislative Records of the Council, xvii. (4), 45.

being known to be established as aforesaid,) this Court did by two several acts made and passed, in the fifteenth and sixteenth years of his present Majesty, the first of which is entitled, "An act for supplying the Treasury with the sum of Fifteen thousand pounds &c." and the other, "An Act for supplying the treasury with the sum of Twelve thousand pounds &c; enact and declare, that any debt contracted before the thirty first day of October 1741. which might have been paid and discharged in Province bills, of the old tenor, and also any debt contracted between the said thirty first of October 1741, and the first of April 1742. where the contracting party's have not expressly otherwise agreed: may be discharged by bills by the said acts emitted in proportion<sup>1</sup> of one to four. And whereas the Judges of some of the Inferior courts of Common pleas, and of his Majesty's Superior Court of Judicature, have of late in making up judgment for debts upon such bonds and mortgages, made an allowances<sup>1</sup> to the Creditor for the depreciating of the bills of credit, mentioned in the Condition or proviso of such bonds or mortgages from the value they were, of at the time of contracting the debt, contrary to the common construction of such bonds and mortgages, and course of Judicial proceedings as aforesaid. And whereas it appears that the alteration thus made by the court of Judicature, in their practice in Chancering the forfeitures of bonds and mortgages, conditioned as aforesaid, and their departure from that which they have heretofore judged to be the most equal rule for chancering the just debt, and damage, upon such bonds, and mortgages; is, and will if persued, be attended with manifest injustice. Therefore

*Resolved* that it be, and hereby is, recommended to His Majesties Justices of the Superior Court at their next term, in the respective courts; and they are hereby enabled and empowered to reconsider such judgments as they have already given for debts due upon bonds and mortgages of the several courts aforementioned, and execution on all such judgments is staid in the mean time, and it is further recommended to the Justices since the second Tuesday of August last, and to govern themselves accordingly in their future chancering of the penalty of all such bonds and mortgages entered in to and made before the last day of October One thousand Seven hundred and forty one, by the intent of the parties, according to the construction thereof, which has heretofore been settled and established in the Superior Court, as well as in the inferior Courts within this Province. [*Passed June 8.*]

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## CHAPTER 15.

### ORDER ALLOWING THE ACCOMPT OF BARNSTABLE CO. TREASURER.

AN ACCOMPT presented by Ebenezer Lewis Esq<sup>r</sup> Treasurer of the County of Barnstable for the year 1742, having been laid before the Court of General Sessions for the said County, and by them allowed:

Read and

*Ordered* that the within Accompt be allowed, and that the Balance thereof, being Ten Pounds five shillings and two pence three farthings, the Treasurer is further accountable to said County for. [*Passed June 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 47.

House Jour.  
nal, pp. 15, 32.

<sup>1</sup> *Sic*

## CHAPTER 16.

## ORDER ALLOWING THE ACCOMPT OF THE MIDDLESEX CO. TREASURER.

Legislative  
Records of the  
Council, xvii. (4), 48.

House Journal, pp. 15, 32.

AN ACCOMPT presented by Daniel Russel Esq<sup>r</sup> Treasurer of the County of Middlesex for the year 1742, having been by him presented to the Court of General Sessions of the Peace for the said County and by them allowed:

Read and

*Ordered* that the within Accompt be allowed and that the Balance thereof, being Thirteen Pounds, nine shillings and eleven pence one farthing, the Treasurer is further accountable to said County for. [*Passed June 8.*]

## CHAPTER 17.

## ORDER ALLOWING THE ACCT OF THE YORK CO. TREASURER.

Legislative  
Records of the  
Council, xvii. (4), 48.

House Journal, pp. 15, 32.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York, having been by him laid before the Court of General Sessions of the Peace for the said County, and by them allowed:

Read and

*Ordered* that the within Accompt be allowed, & the Balance thereof being One Pound five shillings the said Treasurer is accountable to said County for. [*Passed June 8.*]

## CHAPTER 18.

ORDER OF NOTICE ON THE PET<sup>n</sup> OF SAM<sup>l</sup>. WITT AND OTHERS OF MARLBORÔ TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council, xvii. (4), 48.

Mass.  
Archives, xii., 317.

Mass.  
Archives, xii., 315. House  
Journal, p. 34.

A PETITION of Samuel Witt and others Inhabitants of that part of Marlborough called Egogankamisset, Shewing that they were set to the said Town of Marlborô only during the Courts pleasure, their lands being a distinct Propriety, purchased of the Indians; and forasmuch as they are now able to support a Minister, praying that they may be made a distinct Precinct.

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Town of Marlborough with a Copy of this Pet<sup>n</sup> that they shew cause if any they have on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted. [*Passed June 8.*]

## CHAPTER 19.

ORDER OF NOTICE ON THE PETITION OF SAM<sup>l</sup> ENDICOT AND OTHERS  
TO BE ANNEXED TO THE VILLAGE PRECINCT IN SALEM.

A PETITION of Samuel Endecot, John Porter, and others, Inhabitants and Proprietors of the farms called Endicots and Porters Farms, shewing that they ly at the North end of the Middle Precinct in the Town of Salem, in a narrow slip the whole length of the Village Parish on the Southerly side of it, and only parted from it by the High way, and are much nearer to the Village Meeting House than to the Meeting House in the Middle Precinct; praying that they may be set off to the said Village Precinct.

Read and

*Ordered* that the Petitioners serve the Parish Committee of the Middle Precinct (so called) with a Copy of this Petition, that they shew cause if any they have, on the Second Wednesday of the next Sitting of this Court, why the prayer thereof should not be granted. [*Passed June 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 49.  
House Jour-  
nal, p. 35.  
*Infra*, chap. 20.

## CHAPTER 20.

ORDER OF NOTICE ON THE PETITION OF THE VILLAGE PRECINCT IN  
SALEM PRAYING FOR THE ANNEXATION OF CERTAIN ESTATES.

A PETITION of James Prince, Agent for the Village Precinct in Salem, setting forth the smallness of their numbers and estates and the greater increase of the Middle Precinct in their neighbourhood; and praying that the farms called Endicots and Porters Farms with the Inhabitants thereon, who are commodiously situated for the Village, may be taken off from the said Middle Precinct and annexed to them.

Read and

*Ordered* that the Pet<sup>s</sup> serve the Parish Comm<sup>e</sup> of the Middle Precinct so called with a copy of this Pet<sup>n</sup> that they shew cause if any they have on the second Wednesday of the next sitting of this Court why the Prayer thereof should not be granted. [*Passed June 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 49.  
Mass.  
Archives, cxv.,  
160.  
Mass.  
Archives, cxv.,  
159. House  
Journal, p. 35.  
*Supra*, chap.  
19.

## CHAPTER 21.

## VOTE ALLOWING £5 PER ANNUM FOR FIVE YEARS TO JOSIAH JOHNSON.

It being represented to this court that the pension allowed to Josiah Johnson late of Woburn, now of Billerica, expired the fourth of July last, and that his wounds, which he received in the publick service against the Indians, are still open and incurable whereby he is utterly unable to maintain himself; therefore,

*Voted* that the said Josiah Johnson be allowed to have a Stipend of Six pounds p Annum Bills of the last Emission for the Space of five Years to be accounted from the Expiration of the Term of the last Stipend which was on the 4<sup>th</sup> day of July last, the money to be paid him out of the publick Treasury Annually. [*Passed June 9.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 522.  
Mass.  
Archives, lxxii., 646.

Legislative  
Records of the  
Council,  
xvii. (4), 52.  
House Jour-  
nal, pp. 41, 42.  
Province  
Laws, xii., 485,  
chap. 18.

## CHAPTER 22.

## ORDER OF NOTICE ON THE PETITION OF BENJ BARKER FOR A NEW TRIAL OF A CAUSE.

Legislative  
Records of the  
Council, xvii.  
(4), 53.  
Mass.  
Archives, xlii.,  
310.

Mass.  
Archives, xlii.,  
309-316. House  
Journal, pp. 35,  
36. *Ante*,  
p. 149, chap. 52.

A PETITION of Benjamin Barker of Andover; shewing that he obtained Judgment upon three several trials against the Proprietors of the common lands in Haverhill, in an Action of Ejectment for the recovery of sixty acres of land, that the said Proprietors were allowed by this Court a fourth Trial, in which they obtained Judgment; and for as much as some witnesses and papers in the case were wanting at this trial, therefore praying that he may be admitted to an other Trial of the said cause, at the next Superior Court.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Prop<sup>rs</sup> of Haverhill with a copy of this Pet<sup>n</sup> that they shew cause if any they have on the first Wednesday of the next sitting of this Court why the Prayer thereof should not be granted. [*Passed June 9.*]

## CHAPTER 23.

## RESOLVE ALTERING THE TIME FOR HOLDING THE COURTS OF GENERAL SESSIONS AND COMMON PLEAS FOR THE COUNTY OF BARNSTABLE.

Legislative  
Records of the  
Council, xvii.,  
522.  
Mass.  
Archives, xlii.,  
322.

Legislative  
Records of the  
Council,  
xvii. (4), 56.

WHEREAS the time for holding the Court of General Sessions of the Peace And Inferiour Court of Common Pleas at Barnstable within & for the County of Barnstable hath been Altered from the first Tuesday in July. to the last Tuesday in June.

*Resolved* That All writts suits Plaints Process Appeals Reviews Recognizances or other matters or Things what so ever which now are Depending in the Law. in s<sup>d</sup> County of Barnstable that were Triable or to be heard In s<sup>d</sup> Courts on the first Tuesday of July, shall be Tried heard and Determined by y<sup>e</sup> said Courts to be holden on y<sup>e</sup> last Tuesday. of June & not fail or be Discontinued; but have the same day and be valid & Good to all Intents & purposes in the Law. and that the Time for Granting of Licenses in s<sup>d</sup> County of Barnstable Annually shall be at y<sup>e</sup> Session of the Court of General Sessions of the Peace In June any thing in the Law to y<sup>e</sup> Contrary Notwithstanding And all Officers and other persons are required to Conform themselves hereto Accordingly.<sup>1</sup> [*Passed June 10.*]

## CHAPTER 24.

## VOTE FOR CELEBRATING THE DAY OF HIS MAJESTYS ACCESSION.

Legislative  
Records of the  
Council,  
xvii. (4), 56.  
Mass.  
Archives,  
xlix., 175.

House Jour-  
nal, pp. 49, 50.

WHEREAS Saturday the 11<sup>th</sup> Inst<sup>l</sup> will be the happy Anniversary of the Accession of his Majesty our most gracious Sovereign Lord King George the second to the Crown of Great Britain

*Voted* that the same be celebrated To Morrow in the Court House. [*Passed June 10.*]

<sup>1</sup> Not found in the House Journal.



## CHAPTER 25.

### ORDER ALLOWING THE ACCOMPT OF THE WORCESTER CO. TREASURER.

AN ACCOMPT presented by Benjamin Flagg, Treasurer of the County of Worcester for the year 1742; having been by him laid before the Court of General Sessions of the Peace for the said County and by them allowed:

Legislative  
Records of the  
Council,  
xvii. (4), 57.

House Jour-  
nal, pp. 15, 32.

Read and

*Ordered* that the within Accompt be allowed, and that the Balance thereof, being Thirteen Pounds five shillings and nine pence half penny, the said Treasurer is further accountable to said County for. [*Passed June 10.*]

## CHAPTER 26.

### ORDER IMPOWERING SAMUEL ABRAHAM, INDIAN, TO SELL LAND.

A PETITION of Samuel Abraham of Natick, Indian, praying that he may be impowered to sell Ten Acres of his common lands in Natick, the produce whereof to be laid out in finishing his house, in purchasing stock, and for his more comfortable living in his old age.

Legislative  
Records of the  
Council,  
xvii. (4), 57.  
Mass.  
Archives,  
xxxI., 454.

Mass.

Archives,

xxxI., 453.

Legislative  
Records of the  
Council, xvii.,

Mis., 517.

House Jour-  
nal, pp. 30, 38.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed and Impowered with the Advice and Assistance of Joseph Richards Esq<sup>r</sup> to Sell ten Acres of the land herein mentioned, the produce thereof to be applied to the purposes mentioned in this Petition He to be accountable to this Court for his proceedings herein. [*Passed June 10.*]

## CHAPTER 27.

### ORDER IMPOWERING JOHN SALE & OTHERS TO SELL PART OF AN ESTATE.

A PETITION of John Sale with others his Children being of Age and the Guardian of his son who is a minor, who are Grandchildren of Penn Townsend Esq<sup>r</sup> shewing that the said Penn Townsend by his last Will and Testament impowered the said John Sale with the consent of Addington Davenport Esq<sup>r</sup> now deceased to sell any part of his real Estate for the payment of his just debts; that the Petitioners apprehend it will be much for their interest to have the Southerly part of a house and land situate in Marlboro Street in Boston (part of said Estate) sold; but by reason of the minority of one of the heirs they can not give a Title to the Possessor; and therefore praying that this Court would impower the Petitioners to make sale of the premisses accordingly.

Legislative  
Records of the  
Council,  
xvii. (4), 66.  
Mass.  
Archives,  
xviii., 140.

Mass.

Archives,

xviii., 139-145.

Legislative  
Records of the  
Council, xvii.,

Mis., 516.

House Jour-  
nal, p. 44.

Read &

*Ordered* that the prayer of the Pet<sup>n</sup> be granted & that the pet<sup>rs</sup> be & hereby are enabled to make Sale of the Southerly half part of the House & Land within ment<sup>d</sup> & to execute a Deed for Convey-

ance of the same in due form of Law to such person as shall give most for the same, The Minors part of the produce of the Premises to be paid to his Guardian & by him to be improved for the Minors best Advantage. [*Passed June 10.*]

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## CHAPTER 28.

### ORDER OF NOTICE ON THE PETITION OF DANIEL BOYDEN AND OTHERS TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (4), 67.  
Mass.  
Archives, cxv.,  
62.

Mass.  
Archives, cxv.,  
61–63, 66.  
House Jour-  
nal, p. 27.

A PETITION of Daniel Boyden in behalf of divers Inhabitants of the North West part of Sutton, the South West part of Worcester, the East part of Leicester, and the North East part of Oxford; praying that they with their Estates may be made into a separate Precinct.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Towns of Worcester Leicester Sutton and Oxford with copys of this Petition that they shew cause if any they have on the first tuesday of the next sitting of this Court why the prayer hereof should not be granted.<sup>1</sup> [*Passed June 10.*]

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## CHAPTER 29.

### ORDER IMPOWERING JN<sup>O</sup> WOOD & DAN<sup>L</sup> CHAMPNEY JUN<sup>B</sup> TO BRING IN AN ANSWER TO A PETITION.

Legislative  
Records of the  
Council,  
xvii. (4), 78.  
Mass.  
Archives, xlii.,  
339.

Mass.  
Archives, xlii.,  
338. *Ante*,  
p. 211, chap.  
201. *Infra*,  
chap. 30.

A PETITION of John Wood and Daniel Champney Jun<sup>r</sup> Shewing that they have divers things to object against the Petition of Daniel Champney given in the beginning of this Session; and therefore praying that they be allowed to give an answer to the said Petition.

Read &

*Ordered* that the prayer of this Petition be granted & that the Pet<sup>rs</sup> bring in their Answer to Dan<sup>l</sup> Champney's Pet<sup>n</sup> on y<sup>e</sup> 15<sup>th</sup> Inst. & in the mean time serve the said Dan<sup>l</sup> Champney with a Copy of this petition and Order.<sup>2</sup> [*Passed June 10.*<sup>3</sup>]

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## CHAPTER 30.

### VOTE TO RECONSIDER THE PETITION OF DAN<sup>L</sup> CHAMPNEY.

Legislative  
Records of the  
Council,  
xvii. (4), 79;  
*ibid.*, xvii.,  
Mis., 518.

Mass.  
Archives, xlii.,  
333–336. Legis-  
lative Records  
of the Council,  
xvii. (4), 30, 78.

[DANIEL CHAMPNEY's petition being] Read and it appearing that the administratrix on the Estate of Edmund Goff Esq<sup>r</sup> deceased, has been served with a copy of this petition, but no answer being given in.

*Ordered* that the prayer of the petition be so far granted, as that the petitioner be enabled in his own name and in the name of his sons Daniel Champney Jun<sup>r</sup> and Downing Champney, to bring his writ of reveiw of the action within mentioned at the next inferior

<sup>1</sup> At the hearing held September 14, 1743, House Journal, p. 87, the petition was dismissed.

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (4), the date is June 16.

Court of common pleas to be holden at Concord for the County of Middlesex in August, and that the administra[tri]x aforesaid be held to plead an issual, and the Justices of said Court, be empowered to hear and try the same, enter up Judgment, and award execution accordingly.

*Ordered* that the above order be reconsidered.<sup>1</sup> [*Passed June 10.*<sup>2</sup>

House Journal, p. 22.  
*Ante*, p. 211, chap. 201.  
*Supra*, chap. 29.

## CHAPTER 31.

### ORDER WITH STAY OF EXECUTION IMPOWERING SAM<sup>L</sup> BROWN TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Samuel Brown of Boston complaining of great injustice done him by Cpt. John Homans, Executor of the Testament of his brother William Brown dec<sup>d</sup> more especially for his carrying on a suit against him for his brothers estate in the Petitioners hands, while he was dangerously sick and not able to make any defence; and therefore praying that he may have liberty to bring his Writ of Review of the said Action at the next Inferior Court of Common Pleas for the County of Suffolk, and that the Execution against him may be stayed in the mean time.

Legislative Records of the Council, xvii. (4), 50.  
Mass. Archives, xviii., 147.

Mass. Archives, xviii., 144, 168.  
Legislative Records of the Council, xvii. (4), 68.  
House Journal, pp. 30, 53.

Read together with the Answer of Cpt. John Homans; And the Matter being fully considered,

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioner be & hereby is enabled to bring his Writ of Review of the Cause within mentioned to the Inferior Court of Common Pleas to be holden at Boston for the County of Suffolk in July next, And that the Justices of the said Court be impowered & direc<sup>d</sup> to hear & try the said Cause, give Judgm<sup>t</sup> therein & award Execution thereupon, And that the Execution on the former Judgm<sup>t</sup> be staid in the mean time, Provided the Petition<sup>r</sup> give sufficient Security to the Respondent to pay such sum as may be recovered ag<sup>st</sup> him at said Trial.<sup>3</sup> [*Passed June 14.*

## CHAPTER 32.

### ORDER OF NOTICE ON THE PETITION OF BENJ RICHARDS TO SET ASIDE A JUDGMENT.

A PETITION of Benjamin Richards of Scarborô in the County of York, shewing that one Joseph Munson of said place had disputes in the law with the Petitioner, which they afterwards submitted to the determination of Referrees who gave in their Report; to which the Petitioner submitted, but the said Munson hath, notwithstanding the said Reference & Report, hath<sup>4</sup> in a secret and fraudulent manner obtained a Judgment of Court, and Execution

Legislative Records of the Council, xvii. (4), 69.  
Mass. Archives, xlii., 281.

Mass. Archives, xlii., 280-285. House Journal, p. 52.

<sup>1</sup> The order reconsidered *supra* was again passed by both Houses, June 22, 1743, but no consent of the Governor appears. — Legislative Records of the Council, xvii. (4), 88, 104.

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is June 16.

<sup>3</sup> An order of notice with stay of execution had been given June 8. — Legislative Records of the Council, xvii. (4), 50; House Journal, p. 30.

<sup>4</sup> *Sic.*

against the Petitioner; and therefore praying that they may be set aside, or the Petitioner otherwise relieved as this Court shall judge most proper.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Partie Joseph Munson with a copy of this Pet<sup>n</sup> that He shew cause if any he hath On the first fryday of the next sitting of this Court why the Prayer thereof should not be granted And Execution is stayed in the mean time. [*Passed June 14.*]

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## CHAPTER 33.

### ORDER GRANTING 250 ACRES OF LAND TO JOHN SMEAD.

Legislative  
Records of the  
Council,  
xvii. (4), 70.  
Mass.  
Archives,  
lxxii., 639.

A PETITION of John Smead of Paquoig in the County of Worcester, praying for some consideration from the bounty of this Court on the account of the great services done by his father in the War against the Indians.

Read and in answer hereto

Mass.  
Archives,  
lxxii., 638-642.  
House Jour-  
nal, pp. 36, 52.

*Ordered* that there be granted to the Pet<sup>r</sup> two hundred Acres of the unappropriated lands of the Province at or near the place called Poqnaig, in full consideration of the services herein mentioned. Provided the Pet<sup>r</sup> presents a Plan to this Court taken by a Surveyor and Chain Men under Oath within twelve months for confirmation. [*Passed June 14.*]

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## CHAPTER 34.

### ORDER GRANTING 191 ACRES LAND TO EBEN<sup>R</sup> JONES.

Legislative  
Records of the  
Council,  
xvii. (4), 70.

House Jour-  
nal, p. 31 (July,  
1741); p. 44  
(August, 1741);  
p. 37. *Ante*,  
p. 133, chap. 10.

A PETITION of Ebenezer Jones, Shewing that upon his petition to this Court in the year 1741 praying for a grant of a Tract of two hundred and ninety one Acres of Province Land, in consideration of his services to the Province, the House of Representatives chose a Committee, who viewed the said Land at the Petitioners cost, but since that time the Court have granted one hundred acres of said Land to M<sup>r</sup> Stephen Williams of Springfield; praying that the remainder may be granted to him.

Read and

*Ordered*, that the Petition refer'd to be revived, and the Prayer thereof so far granted as that the One Hundred and Ninety One acres therein mentioned be and hereby is granted to the said Ebenezer Jones his heirs and assigns; provided the Petitioner presents a Plat of the said Land to this Court within twelve months for confirmation, by a Surveyor and Chain men on Oath; provided also that the Rev<sup>d</sup> Stephen Williams his heirs and assigns be always allowed a passage way thro' said Land to his own land, so as may be least prejudicial to the petitioner Jones. [*Passed June 14.*]

## CHAPTER 35.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ROBT MORTON FOR LEAVE TO ENTER AN ACTION.

ON THE PETITION of Robert Morton [*ante*, p. 199, chap. 164]  
Read, and upon the Memorial of the Petitioner,

*Ordered* that this Petition be revived, and that the Petitioner serve the adverse party Thomas Bodkin with a Copy thereof, that he shew cause if any he have, on Tuesday the Twenty first Instant, if the Court be then sitting, if not, on the first Tuesday of the next Sitting of the Court, why the prayer thereof should not be granted, & Execution within mentioned is stayed in the mean time. [*Passed June 14.*]

Legislative  
Records of the  
Council,  
xvii. (4), 72.  
—  
Mass.  
Archives, xlii.,  
198-200, House  
Journal, p. 53.  
*Ante*, p. 199,  
chap. 164.

## CHAPTER 36.

### ORDER ON THE REPORT IN REGARD TO INTERPRETERS.

WILLIAM DUDLEY ESQ<sup>r</sup> from the Committee of both Houses on the affair of the Interpreters, gave in the following Report viz<sup>t</sup>

The Committee within named are of Opinion That it would be for the service of the Province if two suitable Persons were appointed & do undertake to go with and hunt in the Eastern Parts with the Indians there, and constantly, as much as those Indians do, and find themselves with all necessaries of life: and upon the finding two such Persons who are thus inclined, that they be so far encouraged that they be entitled to Soldiers Pay and subsistence, not exceeding the rate of Twenty five Pounds per annum, and to commence from the day they shall go out, and so long as they shall continue with them and they are perfected in the Indian Language.

All which is submitted:

By the Committee                      W: DUDLEY.

Read and

*Ordered* that this report be accepted, and that two Suitable Persons be appointed upon the terms abovementioned for that Service accordingly.<sup>1</sup> [*Passed June 15.*]

Legislative  
Records of the  
Council,  
xvii. (4), 72.  
Mass.  
Archives,  
xxxii., 462.  
—  
Mass.  
Archives,  
xxxii., 461.  
Legislative  
Records of the  
Council,  
xvii. (4), 34.  
House Journal,  
p. 29.

## CHAPTER 37.

### ORDER ALLOWING £2. 10 PER MONTH TO JOS: BEAN FOR HIS SERVICES AS INTERPRETER.

A PETITION of Joseph Bean Interpreter to the Indians at the Fort at S<sup>t</sup> Georges River, setting forth the insufficiency of his allowance for that service, and praying that it may be enlarged, & made sufficient for the support of himself and his family.

Read and

*Ordered* that the Pet<sup>r</sup> Joseph Beane be allowed two pounds ten

Legislative  
Records of the  
Council,  
xvii. (4), 73.  
Mass.  
Archives,  
xxxii., 451.  
—  
Mass.  
Archives,  
xxvi., 450.  
Legislative  
Records of the  
Council, xvii.,

<sup>1</sup> Not found in the House Journal.

Mis., 523.  
House Journal, pp. 30, 36,  
54.

shillings Bills of the last Emission ~~p~~ Month for his service as Interpreter between the English and Indians; till the further Order of this Court. [*Passed June 15.*]

## CHAPTER 38.

### ORDER GRANTING 300 ACRES OF LAND TO JON<sup>A</sup> BEAN.

Legislative  
Records of the  
Council,  
xvii. (4), 73.  
Mass.  
Archives,  
lxxii., 645.

A PETITION of Jonathan Bean of York, Shewing that his Father raised several Companies of Voluntiers and marched them in the Winter season against the Indian enemy, and obtained considerable success, having at times been assisting at the killing near fifty of them; and therefore praying for a grant of Province Land in consideration of the said services.

Mass.  
Archives,  
lxxii., 644.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 522.  
House Journal,  
pp. 36, 52.

Read and in Answer hereto

*Ordered* that there be granted to the Pet<sup>r</sup> three hundred Acres of the Unappropriated Lands in the Province of Maine in full consideration of the Services herein mentioned.

Provided the Pet<sup>r</sup> presents a Plan taken by a Surveyor and Chain Men under Oath to this Court within twelve Months for confirmation. [*Passed June 15.*]

## CHAPTER 39.

### ORDER DIRECTING THE COMMITTEE ON THE PETITION OF THE INHABITANTS OF WOODSTOCK TO REPORT AT THE NEXT SESSION.

Legislative  
Records of the  
Council,  
xvii. (4), 75.  
Mass.  
Archives,  
cxiv., 738.

ON THE PETITION of divers Inhabitants of Woodstock [*ante*, p. 211, chap. 202]

Mass.  
Archives,  
cxiv., 737.  
*Ante*, p. 211,  
chap. 202.

*Ordered* that the Comm<sup>ee</sup> above named be directed to report at the next sitting of this Court.<sup>2</sup> [*Passed June 15.*]

## CHAPTER 40.

### ORDER ALLOWING THE ACCT. OF THE PROVINCE TREASURER FOR THE INDIAN TRADE.

Legislative  
Records of the  
Council,  
xvii. (4), 79.  
Mass.  
Archives,  
cxix., 396.

AN ACCOMPT presented by William Foye Esq<sup>r</sup> of the state of the Trade managed by him for the Province, with the Eastern and Western Indians.

Mass.  
Archives,  
cxix., 391-396.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 523.  
House Journal,  
pp. 28, 67.

Read and

*Ordered* that the within Accompt be allowed, the Ballance thereof Amounting to Eleven thousand four hundred and Sixty one pounds Sixteen Shillings and five pence Old Tenor. Which Sum the Officer for managing the Trucktrade is to account for.<sup>2</sup> [*Passed June 15.*<sup>3</sup>]

<sup>1</sup> *Sic.*

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is June 16.

## CHAPTER 41.

## ORDER IMPOWERING JOHN MELENDY, GUARDIAN, TO SELL LAND.

A PETITION of John Melendy Guardian of his Son John Melendy a Minor, shewing that the said Minor holds a share in the Lands of his Grandfather Samuel Lampson late of Reading dec<sup>d</sup> Which lands bring in little or nothing of profit as they ly, but will sell for some thing considerable; and therefore praying for liberty to sell the said Lands.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> be and He hereby is allowed and Impowered to Sell the Premisses for the most they will fetch. He first giving publick Notice of such Sale in manner as is by Law required of Exec<sup>rs</sup> and Adm<sup>rs</sup> and also give sufficient Caution to the Judge of Probate for the County of Middlesex that the produce of Such Sale with the Interest thereon be rendred to the said Minor at his arriving at Age or Marraige. [*Passed June 15.*<sup>1</sup>

Legislative  
Records of the  
Council, xvii. (4), 89.  
Mass.  
Archives, xviii., 170.

Mass.  
Archives, xviii., 169.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 513.  
House Jour-  
nal, p. 53.

## CHAPTER 42.

ORDER APPOINTING A COMMITTEE ON THE PET<sup>n</sup> OF NATH<sup>l</sup> PEASLEY & OTHERS OF HAVERHILL TO BE ERECTED INTO A SEPARATE PRECINCT.

A PETITION of James Saunders and a great number of others Inhabitants of the Easterly part of the old Parish in Haverhill, setting forth their incommodious situation and praying that a Committee may be appointed to view the said Parish, and consider and report whether it may not be proper to have the said Parish divided into two equal halves for the making of two parishes, the Petitioners and their estates to be a Parish by themselves, by such boundary Line as may be thought most proper.

In Council, Read &

*Orderd* that Ebenezer Burrill Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House shall join be a Committee to repair to the old Parish in Haverhill, & view the same & the Circumstances thereof & hear the Parties thereon & set off the Petitioners & so much of the Land they pray for as they shall judge reasonable by Metes & Bounds, in order to their being a distinct & separate Precinct, & make Report thereof to this Court at their next Session, The Costs thereof to be born as the Court shall order.

In the House of Rep<sup>ves</sup>

Read and Concured and M<sup>r</sup> Porter and Col Gerrish are Joyned in the affair. [*Passed June 16.*

Legislative  
Records of the  
Council, xvii. (4), 29.  
Mass.  
Archives, cxv.,  
99.

Mass.  
Archives, cxv.,  
94, 97-104.  
Legislative  
Records of the  
Council,  
xvii. (4), 71, 75.  
House Jour-  
nal, pp. 21, 52,  
57. Province  
Laws, xii., 37,  
chap. 76.

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is June 18.

## CHAPTER 43.

ORDER OF NOTICE WITH STAY OF PROCESSES ON THE PETIT<sup>n</sup> OF JOS. BUCKMINSTER ESQ<sup>e</sup> IN REGARD TO BOUNDARY LINES.

Legislative  
Records of the  
Council,  
xvii. (4), 77.  
Mass.  
Archives, cxv.,  
111.  
Mass.  
Archives, cxv.,  
108. House  
Journal, p. 57.  
*Ante*, p. 142,  
chap. 33.

A PETITION of Joseph Buckminster of Framingham in the County of Middlesex Esq<sup>r</sup> Shewing that he has been at great cost in defending himself against a great number of Actions in the Law brought by the heirs of Thomas Danforth Esq<sup>r</sup> dec<sup>d</sup> of whom he purchased his lands in said Town; and is in danger of being pursued by many more actions from them, the charge whereof will be almost ruinous to him; and therefore, for making more clear the Bounds of the Petitioners lands and those of his Adversaries; Praying that some sufficient and indifferent Surveyor may be appointed by this Court to survey and plat out the lands within certain limits particularly mentioned and that none of the Actions go on till such Survey be returned to this Court.

Read and

*Ordered* that the Pet<sup>r</sup> serve Edmund Trowbridge Esq<sup>r</sup> (Attorney to the Hon<sup>ble</sup> Francis Foxcroft Esq<sup>r</sup> and others herein named) with a copy of this Petition that He shew cause (if any he hath) on the first Wednesday of the next sitting of this Court why the Prayer thereof should not be granted And all Processes are stayed in the mean time. [*Passed June 16.*]

## CHAPTER 44.

## ORDER OF NOTICE ON THE PETITION OF THE TOWN OF GRAFTON IN REGARD TO A CHARGE FOR REPAIRING BRIDGES.

Legislative  
Records of the  
Council,  
xvii. (4), 27.  
Mass.  
Archives, cxv.,  
84.  
Mass.  
Archives, cxv.,  
83-89. Legis-  
lative Records  
of the Council,  
xvii. (4), 77.  
House Jour-  
nal, pp. 21, 58.  
Province  
Laws, x., 304,  
chap. 40.

A PETITION of the Town of Grafton, Shewing that one Elisha Johnson (formerly of Sutton) obtained a grant of a Tract of Land in the said Town of Grafton upon the condition of his building and keeping in good repair two Bridges over Blackstones River in said Town, that he has sold the said land to James Leland and John Holebrook, and is removed out of the Province; and therefore praying that the said Lands may be subjected to the charge of said Repairs.

*Ordered* that the Consideration of this Affair be refer'd to the first Tuesday of the next Session, that so said Parties may have an Opportunity of agreeing th[e]<sup>1</sup> Matter among themselves. [*Passed June 16.*]

## CHAPTER 45.

ORDER IMPOWERING ELEAZ<sup>r</sup> STEARNS TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (4), 80.  
Mass.

ON THE PETITION of Eleazar Stearns; [*ante*, p. 134, chap. 14] The within Pet<sup>n</sup> being read and another accompanying the same *Ordered* that this Pet<sup>n</sup> be revived. And it appearing that the

<sup>1</sup> MS. mutilated.



s<sup>d</sup> Eleazar Stearnes has lost the benefit of his Law in an Action of Replevin brought ag<sup>t</sup> him by James Nutting in Dec<sup>r</sup> 1740 that therefore the s<sup>d</sup> Eleazar Stearnes be and hereby is Enabled to bring forward a review of said Action at the Inf<sup>r</sup> Court of Common Pleas to be holden at Concord in the County of Middlesex on the last Tuesday of Aug<sup>t</sup> next. provided He notifye the s<sup>d</sup> James Nutting fourteen days before the Sitting of s<sup>d</sup> Court. And the s<sup>d</sup> Court is Impowered to hear and try the s<sup>d</sup> Action. give Judgment and Award Execution accordingly.<sup>1</sup> [*Passed June 16.*]

Archives, xlii., 97.  
 Mass. Archives, xlii., 93-98. *Ante*, p. 134, chap. 14.

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## CHAPTER 46.

### ORDER IN REGARD TO THE SERVICE OF WRITS &c IN THE CO. OF WORCESTER.

WHEREAS this Court hath Information of the Death of Daniel Gookin Esq<sup>r</sup> late Sheriff of the County of Worcester, & it being doubtfull whether the Warrants, Writts & Executions, which since the death of s<sup>d</sup> Sheriff have been or are to be served & returnable by the Officers there to the several Courts in the province will not fail on the death of the aforesaid Sheriff

Legislative Records of the Council, xvii. (4), 82.  
 Mass. Archives, xlii., 344.

Wherefore

*Voted* that the sev<sup>l</sup> Under Sheriffs & Deputy Sheriffs of the late Daniel Gookin Esq<sup>r</sup> Sheriff of the County of Worcester be & hereby are impowered duly to execute all Warr<sup>ts</sup> Writts and Executions to the Sheriff of Worcester or his Under Officers directed, & make Return to the Courts where they are returnable, which Services & Returns shall be held good & valid in the Law the Death of the Sheriff notwithstanding Provided always that the several Under Sheriffs and Deputy Sheriffs shall be answerable to the Parties concerned for any male Feasance in their Office as fully & amply as the Sheriffs in the respective Counties are liable according to Law.<sup>1</sup> [*Passed June 17.*]

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## CHAPTER 47.

### ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE NEWTOWN PETITION IN REGARD TO THE CHARGE FOR REPAIRING BRIDGES.

A PETITION of the Inhabitants of the Town of Newtown, Shewing that they have been prosecuted in the law for not keeping in repair two Bridges in the said Town over Charles River, one leading to Weston and the other to Needham, and the Judgment of the Court was against the Petitioners; And for as much as the Petitioners have no benefit by the said Bridges, and they were built by private persons, therefore Praying that they may be discharged from any expence in maintaining them.

Legislative Records of the Council, xvii. (4), 83.  
 Mass. Archives, cxxi., 234.  
 Mass. Archives, cxxi., 231-234.  
 House Journal, p. 60.

Read &

*Ordered* that the Pet<sup>rs</sup> serve Cpt. Robert Cook & others of Needham who built one of the within mentioned Bridges, And Abraham Gale & others of Weston who built the other Bridge with Copies of this Petition, that they shew Cause if any they have on the first

<sup>1</sup> Not found in the House Journal.

Tuesday of the next Sitting of this Court why the Prayer thereof sh<sup>d</sup> not be granted; And all proceedings of the executive Courts respecting s<sup>d</sup> Bridges are staid in the mean time. [*Passed June 17.*]

Legislative  
Records of the  
Council,  
xvii. (4), 84.  
Mass.  
Archives,  
lviii., 330.

## CHAPTER 48.

### ORDER FOR PRINTING THE RESOLVES IN REGARD TO THE EQUITABLE PAYMENT OF DEBTS.

Province  
Laws, iii., 68,  
note. House  
Journal, p. 59.  
*Ante*, p. 244,  
chap. 14.

*Ordered* that the Printer be directed to print the resolve lately pass'd this Court relating to the equitable Payment of Debts and deliver a duplicate to each Member of the General Court One for himself the other for the Town He represents. [*Passed June 17.*]

## CHAPTER 49.

### ORDER IMPOWERING HAN. EMERSON ADMINISTRATRIX TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xvii. (4), 84;  
*ibid.*, xvii.,  
Mis., 524.

House Jour-  
nal, pp. 44, 45,  
53, 60. Prov-  
ince Laws, ii.,  
151, chap. 10.

A PETITION of Hannah Emerson, Relict Widow and Administ<sup>r</sup> of Edward Emerson late of Boston Shop keeper dec<sup>d</sup> Shewing that the said Edward left a considerable Estate, real and personal, that he left a considerable debt upon the House wherein he dwelt; and therefore praying that the Petitioner may be impowered by this Court to sell so much of the deceaseds lands as will pay a debt of £1,500 due for the purchase of said dwelling house.

Read and

*Ordered* that the administratrix be allowed and empowered to sell so much of the lands and buildings above mentioned for the most they will fetch, as will pay the £1,500 and the interest due thereon; she observing the directions of the law respecting the posting up of notifications of the intended sale, she also giving sufficient caution to the judge of Probate for the County of Suffolk that the<sup>1</sup> proceeds of said sale shall be employed for the purposes herein mentioned. [*Passed June 17.*]

## CHAPTER 50.

### ORDER ON THE PETITION OF ELIS: BARKER IN REGARD TO THE APPOINTMENT OF A GUARDIAN.

Legislative  
Records of the  
Council,  
xvii. (4), 85.

House Jour-  
nal, p. 44.

A PETITION of Elisabeth Barker Wife, and others, children of Isaac Barker of Pembroke, a person Non Compos, Shewing that his two sons, Prince and Peleg Barker are appointed Guardians of the said Isaac, that the said Peleg not only neglects his duty in the care of his Fathers person and estate, but does every thing to perplex and embarras his affairs, and therefore praying that the said Peleg may be removed from his Guardianship.

Read and

<sup>1</sup> The words "that the" inserted from Legislative Records of the Council, xvii. (4), 84.

*Ordered* that the prayer of the Petition be so far granted, as that the Appointment of the said Peleg and Prince Barker by the Judge of Probate for the County of Plymouth be and hereby is superseded and set aside, and that the said Peleg and Prince be accountable to the said Judge for their proceedings in said Trust hitherto; and that the said Judge of said County be impowered to appoint (*de novo*) proper Guardians for the purposes herein mentioned. [*Passed June 17.*]

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## CHAPTER 51.

ORDER REFERRING THE PETITION OF MIDDLEBORO & BRIDGWATER INHABITANTS TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (4), 86.

A MEMORIAL of Nehemiah Washburn, Joshua Fobes and others, Inhabitants of the towns of Middleborô and Bridgwater, praying that their former Petition to be made a separate Precinct may be revived, and that they may accordingly be set off as a Precinct by the bounds therein mentioned.

Legislative  
Records of the  
Council,  
xvii. (3), 407.  
House Journal,  
p. 32.  
*Infra*, chap. 53.

Read and Refer'd to the next Session for further consideration. [*Passed June 17.*]

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## CHAPTER 52.

ORDER CONFIRMING A PLAT OF 100 ACRES OF LAND TO THE REV'D STEPHEN WILLIAMS.

A PLATT of land of One hundred acres was surveyed and laid out December 9<sup>th</sup> 1742, by P Langdon surveyor and two chainmen, who all have sworn before a justice of the peace that they acted according to the best of their judgment and skill therein for the Reverend Stephen Williams, in satisfaction of the grant made by the Great & General Court on June 3<sup>d</sup> 1742, to the said Williams, the land lying and being in that gore of the unappropriated land of the province lying east of Somers and west of Brimfield in the County of Hampshire, butments and boundaries as on the platt. Beginning at a Stake and stones M<sup>r</sup> Collins S. E corner; then runing easterly 140 perch on the province line; a heap of stones at the south west corner of the land, laid out to Cap't Coltons assigns, then running Northerly on said land one hundred and twenty and half perch; then running west 90<sup>oo</sup> North one hundred and twenty six perch to M<sup>r</sup> Collings land, then running southerly on Collins line to the first mentioned bounds.

Legislative  
Records of the  
Council, xvii.,  
Mis., 524.

Maps and  
Plans, xiii., 3.  
Legislative  
Records of the  
Council,  
xvii. (4), 87.  
House Journal,  
p. 32.  
*Ante*, p. 133,  
chap. 10.

Read and

*Ordered* that the within plat be accepted and the land therein delienated and described be and hereby are confirmed to the reverend Stephen Williams, his heirs and assigns forever; provided the platt exceeds not the quantity of the grant, and does not interfere with any former grant. [*Passed June 17.*]

## CHAPTER 53.

## VOTE APPOINTING A COMMITTEE ON THE PETITION OF SAMUEL PRAT AND OTHERS OF MIDDLEBORÔ, TO BE MADE A SEPARATE TOWNSHIP.

Legislative  
Records of the  
Council,  
xvii. (4), 87.

House Jour-  
nal, p. 32.  
*Supra*, chap.  
51.

A PETITION of Samuel Prat and others Inhabitants of the North Westerly part of Middleborô, setting forth their great difficulties by reason of their remoteness from the Meeting House and School in the said Town, And praying that they and their estates within certain bounds particularly set forth in the petition, may be made a separate Township.

In the House of Represent<sup>ves</sup>; Read and

*Voted* that Major Cushing and Perez Bradford Esq<sup>r</sup> with such as the Hon<sup>ble</sup> Board shall join, be a Committee to repair to the town of Middleborough, view the situation and circumstances, notify the Old Precinct of said Town of their Meeting, and also the Petitioners for a Precinct in said Town and in the Second Precinct in Bridgewater, that they may be present if they see cause; the charge of the Committee to be borne by the Petitioners; the Committee to report at the next Sitting of this Court.

In Council; Read and Concur'd, & George Leonard Esq<sup>r</sup> is joined in the Affair. [*Passed June 17.*]

## CHAPTER 54.

## ORDER IMPOWERING THE TOWN OF PLYMPTON AND JOSEPH THOMAS TO FILE THEIR ACCOUNTS IN A SUIT.

Legislative  
Records of the  
Council,  
xvii. (4), 38, 91.  
Mass.  
Archives, cxv.,  
152.

Mass.  
Archives, cxv.,  
151. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 513.  
House Jour-  
nal, pp. 27, 61.

A PETITION of the Town of Plimpton, Shewing that at the Inferior Court held at Plymouth in September last, Joseph Thomas Esq<sup>r</sup> commenced an Action against the said Town of Plimpton, upon which (according to a late law of this Province) they filed their Account against his, but the law being then newly expired, they lost the benefit of it; And therefore praying (since the law is now revived) that they may have the benefit of it, by filing their Account in the Clerks Office of the Superior Court fourteen days before the Term, they giving reasonable notice thereof to the said Thomas.

Read with the Answer of Joseph Thomas Esq<sup>r</sup> &

*Ordered* that the Town of Plimpton be empowered to file their Acco<sup>t</sup> in the Clerks Office of the Sup<sup>r</sup> Court fourteen days before the Sitting of s<sup>d</sup> Court at Plimouth & that the s<sup>d</sup> Thomas also have Liberty to file his whole Acco<sup>t</sup> of what he ever charged s<sup>d</sup> Town, so that the s<sup>d</sup> Court may settle the Ballance betwixt them. [*Passed June 17.*]<sup>1</sup>

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is June 18.

## CHAPTER 55.

## ORDER IMPOWERING JOS. WISER, INDIAN, TO SELL LAND.

A PETITION of Joseph Wisser of Natick, Indian, Shewing that whereas he petitioned this Court for liberty to sell twenty acres of land to pay his own and his Fathers debts, he was allowed to sell only ten Acres, which proves not sufficient; and therefore praying that he may be allowed to sell the other ten Acres, or otherwise he must be imprisoned for the said Debts.

Legislative  
Records of the  
Council,  
xvii. (4), 88.

*Ante*, p. 105,  
chap. 220.

In the House of Represent<sup>ves</sup>; Read and

*Ordered* that the Petitioner be allowed and impowered, with the advice and assistance of John Jones Esq<sup>r</sup> with such as the Hon<sup>ble</sup> Board shall appoint, to sell the land herein mentioned; the produce thereof to be applied for the purposes specified.

In Council; Read and Concur'd, and Francis Foxcroft Esq<sup>r</sup> is joined in the affair.<sup>1</sup> [*Passed June 17.*]

## CHAPTER 56.

## VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE MALDEN FARM AFFAIR.

In the House of Representatives

*Voted* that the foregoing Report [*ante*, p. 197, chap. 160] be so far Accepted as that M<sup>r</sup> Oliver Doct<sup>r</sup> Hale & Cap<sup>t</sup> Lawrence together with such as shall be joynd by the Hon<sup>ble</sup> Board be and here by are appointed a Committee of this Court fully Authorized and impowered to receive any Proposals that may be made by the Church of Malden for a Confirmation of the Tract of Land refer'd to in the Said Report lying in the Town of Shrewsbury and to Convey and Confirm the same or any part thereof to the said Church of Malden for such Consideration and upon such Term as they shall think best provided the said Church of Malden shall first relinquish to the said Committee in behalf of this Province all Claim and Demand upon the Tract of Land mentioned in said Report to ly in the Township of Holden and the said Committee are further Impowered to Receive the Proposals and treat with the Proprietors of Worcester and Holden for the Conveyance & Confirmation of the Tract of Land mentioned in the aforesaid Report to ly within the Bounds of said Holden and to Convey and Confirm the same for such Consideration as the said Committee shall judge just and Equitable and further to Treat Compound & Settle with any or all of the present Occupants or Possessors of any & every part of either of the said Two Tracts of Land and with all other persons whatsoever whom they shall think Reasonable to make any allowance or to Receive any Consideration from respecting said Lands And fully to Adjust and issue the whole Controversy as they shall Judge shall be most for the Peace of the several Partys Concerned as far as is Consistant with Justice and the Honour and Interest of the Province. The aforesaid

Legislative  
Records of the  
Council,  
xvii. (4), 90.  
Mass.  
Archives, xii.,  
298.

Mass.  
Archives,  
xvii., 146.  
Legislative  
Records of the  
Council,  
xvii. (3), 291.  
*Ante*, p. 197,  
chap. 160.

<sup>1</sup> Not found in the House Journal.

Committee to make report of their Proceedings to this Court at their next Session.

In Council

Read & Concur'd And Francis Foxcroft & Samuel Watts Esq<sup>rs</sup> are joined in the Affair.<sup>1</sup> [*Passed June 18.*]

## CHAPTER 57.

Legislative  
Records of the  
Council,  
xvii. (4), 91.  
Mass.  
Archives, cv.,  
217.

ORDER ON THE PETITION OF EBEN<sup>s</sup> GUILD AND JOSHUA EVERETT TO BE SET OFF TO ATTLEBOROUGH.

ON THE PETITION of Ebenezer Guild and Joshua Everet, [*ante*, p. 189, chap. 142.]

Read &

Mass.  
Archives, cv.,  
216. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 526.  
House Jour-  
nal, p. 61.  
*Ante*, p. 189,  
chap. 142.

*Ordered* that the prayer of the petition be granted & that the petitioners with their Estates with in mentioned Shall be Sett off to the Town of Attleborough there to Do Duty & receive priviledge for the future. [*Passed June 18.*]

## CHAPTER 58.

ORDER GRANTING 8,064 ACRES OF EQUIVALENT LAND TO THE TOWN OF HATFIELD.

Legislative  
Records of the  
Council,  
xvii. (4), 92.  
Mass.  
Archives, cxv.,  
60.

A MEMORIAL of Oliver Patridge Esq<sup>r</sup> in behalf of the Town of Hatfield, Shewing that according to the grant of the said Town by the General Court, it ought to be of the contents of nine miles in length and six miles in breadth, that by reason of the claims of the adjacent Towns they have a considerable part of their Town taken from them and will greatly fall short of their grant; and therefore Praying that an Equivalent of land may be granted them, for which they are willing to give up all their Right to the Lands claimed by the neighbouring Towns.

Read and

Mass.  
Archives, cxv.,  
59. Legislative  
Records of the  
Council, iv.,  
658; *ibid.*, xvii.,  
Mis., 526.  
House Jour-  
nal, pp. 20, 21,  
57, 58. Prov-  
ince Laws,  
vii., 88, chap.  
42.

*Ordered* that there be granted to the Town of Hatfield the quantity of Eight thousand and Sixty four Acres of the unappropriated lands of the Province, to be laid out adjoining to some Township or Grant already laid out as an Equivalent for the land taken off from said Town by the Town of Deerfield.

And that the lines of said Township be settled accordingly, and that they return a Plat thereof to this Court within twelve Months for confirmation. [*Passed June 18.*]

## CHAPTER 59.

ORDER IMPOWERING THE PROPRIETORS OF THE LOWER ASHUELOT TOWNSHIP TO SURVEY AND LAY OUT 9,423 ACRES OF EQUIVALENT LAND.

Legislative  
Records of the  
Council,

A PETITION of Ephraim Jones and Joseph Wright in behalf of the Proprietors of the Township called The Lower Ashuelet; shew-

<sup>1</sup> Not found in the House Journal.

ing that their grant so interferes with the bounds of the Town of Winchester (which was the prior Grant) as to take off a considerable part of their most valuable Land, that a Committee of this Court have reported that they ought to have the quantity of Nine thousand four hundred and twenty three Acres of the Province Land, as an Equivalent for what they have thus lost by Winchester; Therefore praying that they may be allowed to lay out said Land.

Read &

*Ordered* that the pet<sup>r</sup>s in behalf of the S<sup>d</sup> prop<sup>rs</sup> of Ashuelot have liberty to Lay out the Quantity of Nine Thousand four Hundred & Twenty three Acres of the UnAppropriated Lands of the province in full Satisfaction of the Lands taken from S<sup>d</sup> Township of Ashuelot by the Town of Winchester to be the s<sup>d</sup> Prop<sup>rs</sup> their Heirs & Assigns And that they return A platt thereof to this Court in twelve months for Confirmation. [*Passed June 20.*]

xvii. (4), 93.  
Mass.  
Archives, cxv.,  
162.  
Mass.  
Archives, cxv.,  
161. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 526.  
House Jour-  
nal, p. 166  
April, (1743);  
p. 54.

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## CHAPTER 60.

ORDER ALLOWING £30 TO BENJ. LARRABEE FOR REPAIRS AT FORT GEORGE.

Read and

*Ordered* that there be allowed and paid out of the Publick Treasury to Benjamin Larrabee the Commanding Officer of Fort George at Brunswick the Sum of thirty pounds Bills of the last Emission to be laid out for effecting the most necessary repairs there not to exceed that Sum He to be accountable for his proceedings herein. [*Passed June 20.*]<sup>1</sup>

Legislative  
Records of the  
Council, xvii.,  
Mis., 518.  
Mass.  
Archives, lxxii.,  
647.  
Legislative  
Records of the  
Council,  
xvii. (4), 97.  
House Jour-  
nal, p. 62.

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## CHAPTER 61.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOSIA HATCH FOR LEAVE TO ENTER AN APPEAL FROM A JUDGMENT.

A PETITION of Josiah Hatch of Pembroke, shewing that a Judgment was pass'd against him while he was at Sea, and his Attorney sick, in an action brought by Isaac Jennings and tried by Joshua Cushing Esq<sup>r</sup> one of His Majestys Justices of the Peace for the County of Plymouth; and therefore praying that he may be allowed to appeal to the next Inferior Court for said County and the Action tried by a Jury, and Execution stayed in the mean time.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Partie Isaac Jennings Jun<sup>r</sup> with a copy of this Pet<sup>n</sup> that He shew cause if any he have on the first fryday of the next sitting of this Court why the prayer thereof should not be granted and Execution mentioned is stayed in the mean time. [*Passed June 21.*]

Legislative  
Records of the  
Council,  
xvii. (4), 97.  
Mass.  
Archives, xlii.,  
270.  
Mass.  
Archives, xlii.,  
269-271. House  
Journal, p. 63.

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is June 21.

## CHAPTER 62.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED FOR BURNING BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (4), 98.  
Mass.  
Archives, cil.,  
298.

*Ante*, p. 222,  
chap. 226.

WE THE SUBSCRIBERS appointed a Committee by the General Court to take an Account of the Province Bills in the hands of the Treasurer, have accordingly attended that service, and received from M<sup>r</sup> Treasurer Foye Four Thousand six hundred and Eighty Nine pounds, Bills of the Middle Tenor, according to the several denominations above, and Forty Eight Thousand one hundred and forty nine pounds seventeen shillings and nine pence, Bills of the Old Tenor according to the several denominations above mentioned, and have seen the same consumed to ashes.

EZEKIEL LEWIS	TIM <sup>o</sup> PROUT
ELEA: WILLIAMS.	JOHN OSBORNE
THO <sup>s</sup> CUSHING	JOHN JEFFRIES
THO. HUTCHINSON	EZEKIEL CHEVER.

Read and

*Ordered* that this report be accepted and the Treasurer is discharged of said Sums accordingly.<sup>1</sup> [*Passed June 21.*]

## CHAPTER 63.

## VOTE ON THE REPORT IN REGARD TO BRUNSWICK TOWN MEETING.

Legislative  
Records of the  
Council,  
xvii. (4), 99.  
Mass.  
Archives, cxv.,  
58.

Legislative  
Records of the  
Council,  
xvii. (4), 35.

THE COMMITTEE to whom was refer'd the Petition of David Given of Brunswick, have attended that affair and heard the parties, and are of the Opinion that the Meeting of the Inhabitants of the Town of Brunswick, on the 29<sup>th</sup> day of March last, was not legally warned, neither were the Assessors who took the valuation of said Town, by which they regulated the Votes in said meeting, under Oath: Therefore the Committee are of Opinion that the said Town Meeting with all the proceedings thereon, ought to be set aside, and the Select Men of the said Town of Brunswick for the year 1742 ordered to call an other Meeting of the Inhabitants of said Town of Brunswick, to make choice of all Town Officers which towns are obliged to make choice of annually in the month of March, and that they regulate the Voters in said Meeting by the last valuation which was taken in said Town by Assessors under Oath: All which is humbly submitted,  
By Order of the Committee                      GEORGE LEONARD.

Read &

*Voted* that this Report be accepted, & that the Town Meeting at Brunswick held the 29<sup>th</sup> of March last with all the Proceedings thereon, be & hereby is set aside And the Select men of said Town for the year 1742 are hereby impowered & ordered to call an other Meeting of the Inhabitants as soon as may be for the Choice of such Town Officers as are annually to be chosen; the Voters to be such as are qualified according to the List of Valuation made by the Assessors under Oath Anno 1741; And that the Rates made by the Assessors Anno 1742, & the Proceedings in collecting, gathering & paying the same be held good & valid notwithstanding; Pro-

<sup>1</sup> Not found in the House Journal.



vided the said Assessors make Oath that the said List of Rates was made faithfully & according to their best skill & & <sup>1</sup> Judgment.<sup>2</sup>  
 [Passed June 21.]

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## CHAPTER 64.

### ORDER ON THE PETITION OF SAM<sup>l</sup> STEVENS IN REGARD TO THE HEARING OF A CAUSE.

A PETITION of Samuel Stevens of Roxbury, complaining of an unjust prosecution in the law against him by Nathaniel Martin for the payment of a quantity of notes called Manuafactory Notes, altho' he has already paid off his full Quota of the said Notes, and thereby complied with the true intent of the Act of Parliament; praying for relief from this Court.

Read and

*Ordered* that the Justices of the Sup<sup>r</sup> Court of Judic<sup>re</sup> next to be holden at Boston in & for y<sup>e</sup> County of Suffolk be and hereby are impowred And directed to hear and Try y<sup>e</sup> Meritts of y<sup>e</sup> Cause Mention<sup>d</sup> in Said Petition, to make up Judgm<sup>t</sup> and Award Execut<sup>n</sup> thereon y<sup>e</sup> Judgm<sup>t</sup> therein Mention<sup>d</sup> notwithstanding and y<sup>e</sup> Execut<sup>n</sup> within mention<sup>d</sup> is hereby set aside, provided y<sup>e</sup> adverse Party Nath<sup>l</sup> Martyn be Notified & served with a Copy of this Pet<sup>n</sup> and the order, thereon fourteen days at least before y<sup>e</sup> Sitting of Said Court. [Passed June 21.]<sup>3</sup>

Legislative  
Records of the  
Council,  
xvii. (4), 42.  
Mass.  
Archives, xlii.,  
298.

Mass.  
Archives, xlii.,  
296, 305. House  
Journal, pp. 33,  
34, 53, 54. Leg-  
islative Rec-  
ords of the  
Council,  
xvii. (4), 103.

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## CHAPTER 65.

### ORDER APPOINTING A COMMITTEE TO BRING FORWARD THE SETTLEMENT OF THE LANDS AT HOOSUCK.

IN THE HOUSE OF REPRESENT<sup>ves</sup> Whereas the Government of New York from time to time refuse to settle the Line between this Government and New York, and it appears that many Dutch Inhabitants, by encouragement from some Dutch Gentlemen living in or near Albany, are already settled on the Lands belonging to this Province at Hoosuck, and if not timely prevented others undoubtedly will settle there; it is therefore

*Ordered* that Coll. Stoddard, Cpt. Patridge and Coll. Porter with such as shall be appointed by the Hon<sup>ble</sup> Board, be a Committee to bring forward a Settlement in one of the Towns already laid out there by order of this Government, by such effective men as will actually in person go and settle there, upon such terms and under such limitations as this Court shall order.

In Council; Read and Concur'd, and Joseph Dwight and John Chandler Jun<sup>r</sup> Esq<sup>rs</sup> are joined in the affair.<sup>2</sup> [Passed June 22.]

Legislative  
Records of the  
Council,  
xvii. (4), 101.

<sup>1</sup> *Sic.*

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (4), the date is June 22.

## CHAPTER 66.

ORDER IMPOWERING MOSES & JOSH<sup>a</sup> WABAN, INDIANS, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 103.  
Mass.  
Archives,  
xxxi., 441.

ON THE PETITION of Moses and Joshua Waban, [*ante*, p. 147, chap. 45]

Read and

Mass.  
Archives,  
xxxii., 442.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 527.  
*Ante*, p. 147,  
chap. 45.

*Ordered* that the Pet<sup>r</sup> be allowed and Impowered (instead of the 25 Acres herein mentioned which appears to this Court not so much for the advantage of the Pet<sup>r</sup> to sell as the lot hereafter mentioned) with the Advice and Assistance of Cap<sup>t</sup> Coolidge and M<sup>r</sup> Livermore to Sell twenty Acres of the thirty Acre Lott which the Pet<sup>r</sup> purchased of one Samuel Bowman of Worcester Indian One hundred pounds Old tenor thereof to pay the purchase consideration of said Lott. The remainder to be applied to the purposes mentioned in the Pet<sup>n</sup> They to be accountable for their proceedings herein to this Court.<sup>1</sup> [*Passed June 22.*]

## CHAPTER 67.

ORDER IMPOWERING DAN<sup>b</sup> CHAMPNEY TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (4), 104.  
Mass.  
Archives, xlii.,  
341.

THE COMMITTEE to whom was Referred the Petition of Dan<sup>l</sup> Champney having notified the partys to attend them Mett thereon and were attended only by y<sup>e</sup> Petitioner and having inquired into y<sup>e</sup> facts Alledged and fully considered the Same Are of Opinion that the Petitioner be Enabled by an Order of this Court in his own name and in the Name of his Sons Dan<sup>l</sup> Champney Jun<sup>r</sup> & Downing Champney to bring forward a Writt of Review of the Action Therein mentioned at the Next Inferiour Court of Comon Pleas to be holden at Concord for & within the County of Mid<sup>s</sup> in August Next & that the Adm<sup>s</sup> on the Estate of Edmund Goffe Esq Dec<sup>d</sup> be then held to Plead an Issuable Plea and the Justices of said Court be Impowered to hear and try the Same enter up Judgment and award Execution Accordingly

all which is Humbly Submitted by Order of the Committee

JOSEPH WILDER

Read &

*Ordered* that this Report be accepted; And that the Petition<sup>r</sup> Daniel Champney be enabled in his name & in the name of his Sons Daniel Champney Jun<sup>r</sup> & Downing Champney to bring his Writ of Review of the Action mentioned in the Petition at the next Inferior Court of Common Pleas to be holden at Concord for the County of Middlesex in August next, & that the Administ<sup>s</sup> of Edmund Goffe Esq<sup>r</sup> dec<sup>d</sup> be then held to plead an issuable Plea; And the Justices of said Court are impowered to hear & try the same, enter up Judgment & award Execution accordingly.<sup>2</sup> [*Passed June 22.*]

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> The record in Mass. Archives, xlii., pp. 341–342, states that the foregoing was “Consented to,” but the Governor’s signature is not added; in Legislative Records of the Council, xvii. (4), 104, no mention is made of the Governor’s consent.

CHAPTER 68.

VOTE EXTENDING THE TIME ON THE PETITION OF NATH<sup>l</sup> CUNNINGHAM TO ANSWER A COMPLAINT.

A PETITION of Nathaniel Cunningham, shewing that a copy of the above Petition<sup>1</sup> was found by one of his servants in his yard this morning, and the time being lapsed for his giving in his answer, praying for the further Order of this Court.

Legislative Records of the Council, xvii. (4), 104. Mass. Archives, lix., 341.

Read &

*Voted* that the Memorialist give in his Answer to the Petition within mentioned upon Fryday the twenty fourth Instant, if the Court be then sitting, if not on the first Tuesday of the next Sitting of the Court.<sup>2</sup> [*Passed June 22.*]

Mass. Archives, lix., 340. *Ante*, p. 171, chap. 101.

CHAPTER 69.

ORDER APPOINTING A COMMITTEE ON BILLS OF CREDIT TO CONFER WITH COMMITTEES FROM NEW HAMPSHIRE, CONNECTICUT AND RHODE ISLAND.

In the House of Rep<sup>res</sup>

Whereas the Bills of Credit of this Province and the Bills of New Hampshire Connecticut and Rhode Island have obtain'd a currency in Trade promiscuously through the several aforesaid Governments. It is therefore

Legislative Records of the Council, xvii. (4), 105. Mass. Archives, cii., 312.

*Ordered* that Mr Speaker Mr Hutchinson Mr Oliver and Mr Cotton with such as the Honourable Board shall appoint be a Committee to meet with such Gentlemen as may be appointed by each of the aforesaid Governments in order to project some Measures for preventing the further depreciating the Bills of either or each of said Governments. or otherwise to consider of some Method for bringing the said Bills to a Period in such manner as shall be Just and Equal, and most for the Interest of the Inhabitants of these Governments.

House Journal, p. 67.

And the Committee of this Province are directed to agree upon and propose a Suitable time and place for Meeting. And the Secretary is directed to acquaint the several Governments accordingly.

The Comm<sup>ee</sup> of this Province to report their proceedings herein to this Court.

In Council. Read & Concur'd & W<sup>m</sup> Pepperrell, W<sup>m</sup> Dudley & Jacob Wendell Esq<sup>rs</sup> are joined in the Affair. [*Passed June 22.*]

CHAPTER 70.

ORDER DEFINING THE TERRITORY BELONGING TO THE NEW PRECINCT OF THE OLD PARISH IN GLOCESTER.

A PETITION of the Inhabitants of the Northerly part of the first Precinct in Gloucester lately set off from the said Precinct, shewing

Legislative Records of the Council, xvii. (4), 106.

<sup>1</sup> "A Petition of George and Robert Hews, complaining of great injustice done them in their controversies in the law with Nath<sup>l</sup> Cunningham, and praying that they may be admitted to an other Trial at the Superior Court of Review, of their last Actions; and that their Writ of Scire facias against the said Cunningham, may be tried by a Jury, and that Executions may be stayed." — Legislative Records of the Council, xvii. (4), 104.

<sup>2</sup> Not found in the House Journal.

Mass.  
Archives, xii.,  
275–293. *Ante*,  
p. 187, chap.  
139.

that they are under many difficulties respecting the manner and circumstances of their being set off by this Court, And therefore praying that they may have all the Powers and Privileges of a Precinct within the Lines by which they are set off, so as to include all the Families and Estates within the same, or that they may be otherwise relieved by this Court.

Read and

*Ordered* that all the Inhabitants that now are or hereafter may be within the Lines described in the Report of the Committee on their Petition in December last (excepting the Inhabitants of that part called The Cape, together with Jeremy Parsons and Zebulon Witham, and their Estates) during their continuing to dwell within said Lines, are and shall be a distinct and separate Precinct and have the Powers and Privileges that any other Precinct has, or by law ought to enjoy; and they together with their Estates now under their actual Improvement, whether lying within said Lines or within the bounds of the Old Parish, shall pay to the new Precinct; and such part of the Estates lying within the Lines of the aforesaid new Precinct as belong to any of the Inhabitants of the old Parish, now under their actual Improvement, shall be assessed and pay to the said old Parish. [*Passed June 22.*<sup>1</sup>]

## CHAPTER 71.

VOTE DIRECTING THAT THE INDEXES BE BOUND WITH THE PROVINCE LAW BOOKS FOR WHICH THEY ARE PREPARED.

Legislative  
Records of the  
Council,  
xvii. (4), 108.  
Mass.  
Archives,  
lxxxviii., 398.

House Journal,  
p. 69.  
*Ante*, p. 16,  
chap. 10.

THERE having been presented to this Court a large and correct Alphabetical Index to each of the five first Books of Records of this Province, prepared with great pains and care by the Hon<sup>ble</sup> Francis Foxcroft Esq<sup>r</sup> And the Court being sensible that the said Index will be of great use and service gratefully Accept the same.

And the Secretary is directed to cause each Index to be bound up with the respective Books for which they are prepared accordingly. [*Passed June 23.*]

## CHAPTER 72.

ORDER IN REGARD TO FEES.

Legislative  
Records of the  
Council,  
xvii. (4), 108.  
Mass.  
Archives, cil.,  
299.

Province  
Laws, iii., 13,  
chap. 5: 67,  
note. House  
Journal, p. 70.

WHEREAS The act Entituled an act for Establishing and Better Regulating Fees within this Province Passed in the 16<sup>th</sup> year of his Present Maj<sup>es</sup> Reign, will Expire y<sup>e</sup> Fifth Day of July next and It is apprehended y<sup>e</sup> Court will Speedily Rise so that there will not be Opertunity to Revive s<sup>d</sup> act or Make the Provision which is necessary in y<sup>t</sup> Case Untill y<sup>e</sup> next Session of this Court.

Therefore

*Ordered* That y<sup>e</sup> Several Officers in s<sup>d</sup> Act Mentioned Be & hereby are Directed to take no Other Fees Than what is Directed to in s<sup>d</sup> Act for y<sup>e</sup> Respective Services Therein Mentioned.<sup>2</sup> [*Passed June 23.*]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (4), the date is June 23.

<sup>2</sup> The record in Mass. Archives, cil., 299, states that the foregoing was "Consented to," but the Governor's signature is not added. In Legislative Records of the Council, xvii. (4), 108, no mention is made of the Governor's consent.

## CHAPTER 73.

ORDER FOR A PROVINCE LAW BOOK TO EACH MEMBER OF THIS COURT.

Legislative  
Records of the  
Council,  
xvii. (4), 108.  
Mass.  
Archives,  
lviii., 330.  
House Jour-  
nal, p. 69.

*Ordered* that the Printers be directed to deliver a Province Law Book to Each Member now belonging to the Gen<sup>l</sup> Court, who were not of the Court last Year or the Year before, At the Charge of the Province. [*Passed June 23.*]

## CHAPTER 74.

ORDER ALLOWING THE ACC<sup>t</sup> OF THE BRISTOL CO. TREASURER.

AN ACCOMPT presented by Samuel Howland Esq<sup>r</sup> Treasurer of the County of Bristol for the year 1742; Having been laid before the Court of General Sessions of the Peace for said County and by them allowed:

Legislative  
Records of the  
Council,  
xvii. (4), 109.  
House Jour-  
nal, p. 67.

Read and

*Ordered* that the within Accompt be allowed, the Ballance thereof being One hundred and thirty one Pounds ten shillings and six pence three farthings, the Treasurer is accomptable to said County for. [*Passed June 23.*]

## CHAPTER 75.

ORDER IN REGARD TO BRINGING IN THE TAXES.

IT APPEARING by the Treasurers Accompt that notwithstanding the good & wholesome laws of the Province for enforcing the payment of the publick Taxes into the Treasury many or most of the Towns of the Province are delinquent and the several Sums they are assess'd at is not paid in till many months & some more than a year after that by Law it is requir'd to be paid It is therefore

Legislative  
Records of the  
Council,  
xvii. (4), 109.  
Mass.  
Archives, cii.,  
300.

*Ordered* that the Treasurer be directed for the future more carefully to attend the steps of the Law for enforcing in such Sums as now are or hereafter may be due from the several Towns in the province that so the whole Tax may always be paid into the Treasury within the time by Law requir'd. [*Passed June 23.*]

House Jour-  
nal, p. 70.  
Province  
Laws, iii., 62,  
chap. 31.

## CHAPTER 76.

ORDER ALLOWING £61. 5 TO BENJ: FANEUIL EXECUTOR FOR BILLET-ING SOLDIERS.

A PETITION of Benjamin Faneuil, Executor of the Testament of Cpt. George Stuart dec<sup>d</sup> praying that there may be made up to the Widow and Children of the deceased the same allowance for Billeting Soldiers under the said Cpt. Stuarts command, as was

Legislative  
Records of the  
Council,  
xvii. (4), 110.  
Mass.  
Archives,  
lxxii., 643.

House Journal, p. 65.  
*Ante*, p. 88,  
 chap. 180.

made to the other Commanders in the late Expedition against the Spanish West Indies.

Read and thereupon

*Voted* that the petitioner in his Capacity be allowed 05/ p<sup>r</sup> week old Tenor to make y<sup>e</sup> allowance to y<sup>e</sup> Said Cap<sup>t</sup> for subsistence equal to what was made y<sup>e</sup> other Cap<sup>t</sup>s engaged in y<sup>t</sup> service for Billetting men in the Town of Boston being for 10 weeks billitng 98 men being Sixty one pounds Five shillings. [*Passed June 23.*]

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## CHAPTER 77.

ORDER DIRECTING M<sup>R</sup> AGENT KILBY TO PAY TO MR AUCHMUTY £400 AND FURTHER ALLOWING SAID AGENT £200 FOR THE SERVICE OF THE PROVINCE.

Legislative Records of the Council, xvii., Mis., 528.  
 Mass. Archives, xx., 340.

Legislative Records of the Council, xvii. (3), 242; *ibid.*, xvii. (4), 107. House Journal, p. 70. *Ante*, p. 77, chap. 147; p. 82, chap. 164; p. 232, chaps. 251, 252.

ON A MOTION made and Seconded That inasmuch as this Court have granted the Sum of five hundred pounds Sterling for the service of the Province to be at the direction of the Joynt Agents upon the affair of the Rhode Island Controversy (besides the sum of three hundred pounds and fifty pounds Bills of the last Emission, granted to M<sup>r</sup> Auchmuty in consideration of his absence from his Family and Business here. And the further Sum of fifty pounds sterling for his passage and Accomodation home) And M<sup>r</sup> Auchmuty having been detained in England longer than was expected. And the Court being inform'd that the whole of the s<sup>d</sup> five hundred pounds at first came into the hands of M<sup>r</sup> Kilby. It is therefore

*Ordered* that the Secretary write to M<sup>r</sup> Kilby and acquaint him. It is the direction of this Court that He pay to said M<sup>r</sup> Auchmuty including what He may already have rec'd out of said five hundred pounds the Sum of four hundred Pounds Sterling in full for his Charge and Expence during his Abode in England. And the Treasurer is directed as soon as may be to remitt to said M<sup>r</sup> Kilby the further Sum of two hundred Pounds Sterling for the Service of the Province in the aforesaid Controversy. He to be Accountable to this Court for the Same. [*Passed June 24.*]

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## CHAPTER 78.

ORDER FOR PROSECUTING THE COLLECTORS OF THE TAXES.

Legislative Records of the Council, xvii. (4), 112.  
 Mass. Archives, cii., 301.

House Journal, p. 71.

WHEREAS it appears to this Court that some of the Collectors of the publick Taxes are now and have been for several Years delinquent in paying in the Sums committed to them to Collect to the dishonour of this Govern<sup>t</sup> and breach of the publick Faith Wherefore

*Ordered* that the Treasurer be directed more effectually to Attend the steps of the Law to enforce the payment of such outstanding Sums, and to prevent such unreasonable delays for the future. [*Passed June 24.*]

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is June 23.

## CHAPTER 79.

## ORDER ALLOWING £10 TO CPT ANDREW CRAIGE.

A PETITION of Cpt. Andrew<sup>1</sup> Craige, Commander of the ship John Galley, Shewing that in the month of March 1741, he agreed with a Committee of this Court to provide accommodation in the said ship for M<sup>r</sup> Agent Aukmuty in his voyage to London, for which he was to receive the sum of Ten Pounds, sterl: upon his safe arrival, which money he has never received; praying that it may be now allowed him.

Legislative  
Records of the  
Council,  
xvii. (4), 113.

House Jour-  
nal, p. 71.  
*Ante*, p. 77,  
chap. 147.

Read and

*Ordered* that the sum of Ten Pounds Sterling, or Bills of Credit of this Province equivalent thereto, be paid out of the publick Treasury to the petitioner Andrew Craige in full for the service herein mentioned. [*Passed June 24.*]

## CHAPTER 80.

## ORDER INCREASING THE GARRISON AT FORT FREDERICK.

A MEMORIAL of Cpt. Arthur Savage Commander of His Majestys Fort Frederick at Pemaquid, setting forth the weakness of the Garrison there; praying for an addition to the Soldiers and that their Wages may be advanced.

Legislative  
Records of the  
Council,  
xvii. (4), 113.  
Mass.  
Archives,  
lxxii., 648.

Read and in answer hereto

*Ordered* that there be pay allowed for four more effective Men to His Maj<sup>ties</sup> Fort Frederick and that their Wages be equal to those of the Private Centinels already station'd there.<sup>2</sup> [*Passed June 24.*]

House Jour-  
nal, p. 71.

## CHAPTER 81.

## ORDER WITH STAY OF EXECUTION ON THE PETITION OF WOLCOT AND DODGE TO PROSECUTE AN ACTION OF REVIEW.

A PETITION of John Wolcot Esq<sup>r</sup> Sheriff of the County of Essex, complaining of the unfair proceedings of one Peter Hull in an affair between him and John Dodge, the said Hull having absconded and suing by his Attorney Nathan Rowen,<sup>3</sup> whereby the Petitioner or the said Dodge are like to suffer great damage unjustly; and therefore Praying that the Judgment and Execution obtained by the said Hull may be set aside, and all proceedings about the same suspended till the event of a Trial upon the Review at the Superior Court for the County of Essex, or that he may be otherwise relieved.

Legislative  
Records of the  
Council,  
xvii. (4), 70.  
Mass.  
Archives, xlii.,  
263.

Mass.  
Archives, xlii.,  
291. Legisla-  
tive Records of  
the Council,  
xvii. (4), 114.  
House Jour-  
nal, pp. 32, 72.  
*Ante*, p. 37,  
chap. 58.

Read together with the Answer of Nathan Bowen &

*Ordered* that the prayer of the Pet<sup>n</sup> be granted, & the said Execution be and hereby is staid untill a Tryal may be had at the next Sup<sup>r</sup> Court of Jud<sup>r</sup> to be holden at Salem within & for the County

<sup>1</sup> "John," in margin, but "Andrew," in order.

<sup>2</sup> The record in Mass. Archives, lxxii., 648, states that the foregoing was "consented to," but the Governor's signature is not added. In Legislative Records of the Council, xvii. (4), 113, no mention is made of the Governor's consent.

<sup>3</sup> Mass. Archives reads, "Bowen."

of Essex on the 2<sup>d</sup> Tuesday of Nov<sup>r</sup> next; & the Pet<sup>r</sup> is hereby im-  
powered to prosecute his Action of Review of said Judgm<sup>t</sup> at s<sup>d</sup> Sup<sup>r</sup>  
Court & the serving said Bowen with an attested Copy of the Writt  
fourteen days before the said Courts sitting shall be accounted a suffi-  
cient Service, And what shall be recovered by the Pet<sup>r</sup> on said Review  
if any thing there be shall be taken out of the Execution afores<sup>d</sup> or  
the Produce thereof. [*Passed June 24.*]

## CHAPTER 82.

ORDER GRANTING £50 TO WILLIAM DUDLEY ESQ FOR THE USE OF  
THE GRANTEEES ON THE BORDERS OF NEW HAMPSHIRE.

*Ordered* that the sum of fifty pounds Bills of the last Emission  
be delivered to the Hon<sup>ble</sup> William Dudley Esq<sup>r</sup> out of the publick  
Treasury to be employed for the Service of any Grantees from this  
Govern<sup>t</sup> who are molested in their Properties by any pretence of the  
Inhab<sup>ts</sup> of Newhampshire, to be paid out of the £500 Appropri<sup>a</sup> for  
contingent Charges.<sup>1</sup> [*Passed June 25.*]

## CHAPTER 83.

ORDER SUSPENDING THE PAYMENT OF THE PREMIUM ON BLACK-  
BIRDS &c.

FORASMUCH as the appropriation for Grants in the Act for sup-  
ply of the Treasury is near exhausted It is therefore

*Order'd* that the Treasurer be directed to give publick Notice  
that no Certificate from the Select men of any Town in the Provin-  
ce for any Blackbirds Crows Water rats grey or ground Squirrels  
that shall be kill'd after the first day of August next will be receiv'd  
or paid until the further Order of this Court. [*Passed June 25.*]

## CHAPTER 84.

ORDER REFERRING WITH STAY OF EXECUTION THE PETITION OF BENJ.  
WARE AND OTHERS, TO SET ASIDE JUDGMENTS AND TO RE-ENTER  
AN APPEAL.

A PETITION of Benjamin Ware, Ebenezer Fisher, Daniel Faring-  
ton and Thomas Fisher all of Wrentham, complaining of the pro-  
ceedings of the Court of General Sessions of the Peace for the  
County of Suffolk upon their Petition against Eliphalet Whiting  
for raising his Mill Dam so high as to overflow the Petitioners land,  
to their great damage, which petition the said Court did in January  
last dismiss with costs against the Petitioners; from which they ap-  
pealed to the last Superior Court, who determined that no Appeal  
did ly in that case; and therefore praying that the Judgments of  
both Courts with the Execution may be set aside, & the Petitioners  
may be allowed to reenter their Appeal at the next Superior Court,  
or be otherwise relieved in the premisses.

<sup>1</sup> Not found in the House Journal.

Legislative  
Records of the  
Council, xvii.,  
Mis., 529.  
Mass.  
Archives, vi.,  
48.

Mass.  
Archives, vi.,  
47. Legislative  
Records of the  
Council,  
xvii. (4), 116.  
Province  
Laws, iii., 9,  
chap. 3.

Legislative  
Records of the  
Council,  
xvii. (4), 117.  
Mass.  
Archives, i.,  
166.

House Jour-  
nal, p. 73.  
Province  
Laws, ii., 1062,  
chap. 24; iii., 8,  
chap. 3.

Legislative  
Records of the  
Council,  
xvii. (4), 33,  
117.

House Jour-  
nal, pp. 25, 71,  
73.



*Ordered* that the consideration of this Petition be referred to the next Sitting of this Court, and that the execution within mentioned be stayed in the mean time. [*Passed June 25.*]

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## CHAPTER 85.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIR OF THE PALATINES.

A PETITION of Godfrey Kast, in behalf of the Palatines lately settled at a place called Broad Bay in the Eastern parts of this Province, complaining of Samuel Waldo Esq<sup>r</sup> the Proprietor, for breach of Covenant, whereby they are reduced to great misery and distress; praying for relief from this Court, by supplying them and bringing them off from said place, and that a Committee may be appointed to hear their case.

The Committee to whom was refer'd the Petition of Doctor Kast in behalf of himself & his Palatine Bretheren, together with the answer of Sam<sup>l</sup> Waldo Esq<sup>r</sup> have so far attended that business as to hear the Petitioner, and are of Opinion the Complainant and his Bretheren have been and are great sufferers, and if not soon relieved may stand in need of the compassion of this Government. But inasmuch as the Respondent M<sup>r</sup> Waldo is not in town & could not be heard, it is proposed that the consideration of this affair be further refer'd to the next Sitting of this Court; and in the mean time, as there has been laid before the Committee the original Contract between M<sup>r</sup> Waldo and one Sebastian Zouberbuhler for transporting the Petitioners from Germany, the Committee are of Opinion that the said Zouberbuhler and the other Parties be notified to attend such Committee as shall be appointed by this Court at such time as said Committee shall order, and that the Committee be directed to hear said Parties and make report what is proper to be done in the affair.

By Order of the Committee JOHN OSBORNE.

Read &

*Ordered* that this Report be accepted & that this Committee be & hereby are impowered to proceed in the Affair accordingly. [*Passed June 25.*]<sup>1</sup>

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## CHAPTER 86.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF SAM<sup>l</sup> STEVENS FOR A RE-HEARING OF A CAUSE.

A PETITION of Samuel Stevens of Roxbury, Shewing that whereas this Court were pleased to grant him a new Trial at the Superior Court in Boston of a cause between him and Nath<sup>l</sup> Martin, for want of Form in the Power given to the Person that appeared for him at the last Superior Court, Judgment went against him by Default; and therefore Praying that he may have an other Trial of the said cause at the Superior Court to be held at Boston in February next, and that Executions may be stayed in the mean time.

Legislative  
Records of the  
Council,  
xvii. (4), 50,  
117. Mass.  
Archives, xva.,  
37.

Mass.  
Archives, xva.,  
35. Legis-  
lative Records  
of the Council,  
xvii. (4), 111.  
House Jour-  
nal, pp. 36, 51,  
73.

Legislative  
Records of the  
Council,  
xvii. (4), 124.  
House Jour-  
nal, p. 75.  
*Ante*, p. 265,  
chap. 64.

<sup>1</sup> Adjourned to September 8. See Legislative Records of the Council, xvii. (4), 121.

Read and

*Ordered* that the Petitioner serve the adverse Party, the said Nathaniel Martyn with a Copy of this Petition, that he shew cause if any he hath on Fryday the sixteenth Curr<sup>t</sup> why the prayer thereof should not be granted, and the Executions within mentioned are stayed in the mean time. [*Passed September 8.*]

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## CHAPTER 87.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ABIG. PELL TO RECONSIDER A JUDGMENT.

Legislative  
Records of the  
Council,  
xvii. (4), 130.  
Mass.  
Archives,  
xviii., 172.

Mass.  
Archives,  
xviii., 171.  
House Jour-  
nal, p. 75.  
*Ante*, p. 231,  
chap. 248;  
p. 239, chap. 3.

A PETITION of Abigail Pell of Boston; Shewing that she being aggrieved at the Judgment of the Inferior Court of Common Pleas for the County of Suffolk pass'd on the action of Elisabeth and James Pitts, on a bond by them sued against the Petitioner, applied to this Court at their last Session, that the Court pass'd a general Resolve relating to old Bonds and Mortgages, that the Petitioner moved the Justices of the said Inferior Court to reconsider their Judgment, agreeable to the intention of the said Resolve, which they refused to do; praying for further relief from this Court, and that Execution may be stayed.

Read and

*Ordered* that the Pet<sup>r</sup> serve the Adverse Parties James and Elizabeth Pitts with a copy of this Pet<sup>n</sup> that they shew cause if any they have on tuesday the 13<sup>th</sup> curr<sup>t</sup> why the Prayer thereof should not be granted. [*Passed September 9.*]

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## CHAPTER 88.

### ORDER SUBSTITUTING COLL WENDELL FOR WILLIAM DUDLEY ON THE COMMITTEE FOR YE LIGHTHOUSE.

Legislative  
Records of the  
Council,  
xvii. (4), 131.  
Mass.  
Archives,  
lxiv., 220.

House Jour-  
nal, p. 79.  
*Ante*, p. 140,  
chap. 29.

*Ordered* that Jacob Wendell Esq<sup>r</sup> be of the Committee of this Court in the Affairs of the Light House in the room of William Dudley Esq<sup>r</sup> dec<sup>d</sup>. [*Passed September 9.*]

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## CHAPTER 89.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE EAST-ERLY PART OF THE OLD PARISH IN HAVERHILL AND ERECTING THE SAME INTO A NEW PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (4), 131.  
Mass.  
Archives, cxv.,  
107.

Mass.  
Archives, cxv.,

The Committee appointed by this Court to repair to the Old Parish in Haverhill and view the same, and the circumstances thereof, and hear all parties thereon, and set off the Petitioners and so much of the land they pray for, as they shall judge reasonable, by Metes and Bounds, in order to their being a distinct and separate Precinct, and make report thereof to this Court at their next Sessions &<sup>c</sup> have ac-

cordingly repaired to the old Parish in Haverhill, viewed the same and heard the parties thereon, and find that the Meeting house stands near six miles from the East end of said Parish, and but about one mile from the West Parish line, and stands very much in the center of the Westerly half of the Parish and commodiously situated for the conveniency of the people there, but turns out greatly to the prejudice of the people of the Easterly part of the Parish, for that a number of them have about six miles, and the bigger part more than four, to travel to the place of publick Worship. Wherefore the Committee are of Opinion that the Petitioners and others, with so much of the Land as they pray for, be set off in a distinct and separate Precinct as is comprized within the following bounds, viz<sup>t</sup> Beginning at a large lopt Black Oak tree standing on the bank of the River Merrimack, between the land of Moses Hazens and the land of Ebenezer Bucks; thence running North Westerly between said lands to Nath<sup>l</sup> Peaslys land; then running Westerly and thence running to the Country Road, so as to include all Peaslys land at that place; thence running across said Road to a White Oak tree standing in the North Easterly corner of Samuel Darsies field, on the Westerly side of said Road; from thence running on a strait line thro<sup>t</sup> the Great Pond until it comes to the Brook at the Pond Bridge, and so as said Brook runs to the Province Line. All which is humbly submitted,

In behalf and by Order of the Committee

EBEN<sup>r</sup> BURRILL.

Read and

*Order'd* that the within Report be accepted, and the Petitioners, with Such of their Estates as are comprehended within the Bounds mention'd in S<sup>d</sup> Report, be and hereby are Set off a distinct and Separate Precinct accordingly; and vested w<sup>th</sup> Such Powers and Privileges as other Precincts within this Province do or by Law ought to enjoy; and that the Charge of the Com<sup>ee</sup> be born by the Petitioners. [*Passed September 9.*]

## CHAPTER 90.

ORDER REFERRING TO PUBLICK MONEY AND PAPERS IN THE CUSTODY OF THE ESTATE OF WILL<sup>m</sup> DUDLEY ESQ<sup>r</sup> DEC<sup>p</sup>.

IN THE HOUSE OF REPRESENT<sup>ves</sup>; Whereas several sums of money and sundry publick papers have been lodged in the hands of the late William Dudley Esq<sup>r</sup> as Chairman or Member of sundry Committees appointed by this Court:

*Ordered* that the surviving Members of the said Committees be respectively directed and empowered to receive of the Administ<sup>r</sup> of the estate of the said William Dudley Esq<sup>r</sup> and give discharge accordingly for such sums as remained in his hands unaccounted for, and all such publick papers as relate to the affairs for which said Committees were appointed; and that M<sup>r</sup> Hutchinson with such as the Hon<sup>ble</sup> Board shall appoint, be a Committee to receive of the Administ<sup>r</sup> afore mentioned the Fifty Pounds granted by this Court the 25<sup>th</sup> of June last & deposited in the hands of the dec<sup>d</sup> and that they apply the same as in said Grant directed; the respective Com-

106. House  
Journal, pp. 21,  
52, 79. *Ante*,  
p. 255, chap.  
42.

Legislative  
Records of the  
Council,  
xvii. (4), 132.

Mass.  
Archives, cii.,  
315. House  
Journal, p. 79.  
*Ante*, p. 272,  
chap. 82.

mittees to be severally accountable to this Court for their proceedings herein.

In Council; Read and Concur'd; and Thomas Berry Esq<sup>r</sup> is joined in the affair. [*Passed September 10.*<sup>1</sup>

## CHAPTER 91.

### ORDER ALLOWING THE ACCT OF EXPENSES FOR SELLING THE LANDS OF THO<sup>s</sup> PEGAN, INDIAN.

Legislative  
Records of the  
Council,  
xvii. (4), 133.

House Jour-  
nal, p. 80.  
*Ante*, p. 131,  
chap. 7.

AN ACCOMPT presented by Edward Goddard Esq. & M<sup>r</sup> Joseph Livermore relating to lands sold by Thomas Pegan of Natick Indian, and debts discharged by the proceeds of the said sales, with the advice and assistance of the Accountants, pursuant to an Order of the General Court in June 1742.

Read and

*Ordered* that this Accompt be allowed, and that the Accountants be discharged accordingly. [*Passed September 10.*

## CHAPTER 92.

### ORDER TRANSFERRING DIVERS BALANCES OF APPROPRIATIONS TO THE FUND FOR THE PAYMENT OF GRANTS.

Legislative  
Records of the  
Council,  
xvii. (4), 134.

Province  
Laws, ii., 1078,  
chap. 11; iii.,  
8, 9, chap. 3;  
138, note.  
House Jour-  
nal, p. 81.

WHEREAS the Appropriation for grants in the late Act for supplying the Treasury is exhausted, and sundry grants have been made by this Court which are not yet paid, & other grants necessary for the service of the Province may hereafter be made, and the attendance of the Members of the Court at this Season of the year, in order to prepare and pass a Bill for the supply of the Treasury, will be extremely prejudicial to their affairs: And whereas part of several other Appropriations remains in the Treasury, which may not be necessary to be drawn out till the Court shall sit again:

It is therefore

*Ordered* that the sum of Forty three pounds five shillings and seven pence three farthings, being the surplus of the Five Thousand Pounds Appropriation for the service of His Majesty in the late Expedition to the West Indies, and the sum of Four Hundred and eighty pounds ten shillings and ten pence remaining of the Seven Hundred Pounds formerly taken from the Five Thousand Pounds Appropriation aforesaid, and the sum of Three Hundred pounds part of the Five Hundred Pounds Appropriation for payment of contingent charges, and the sum of Eleven Hundred and Ninety two pounds sixteen shillings and nine pence half penny, being the surplus of the Four Thousand Pounds appropriation for payment of Forts and Garrisons &<sup>c</sup> the whole of the several sums aforesaid amounting to Two Thousand and sixteen pounds thirteen shillings and three pence one farthing be taken from the several Appropriations to which they respectively belong, and applied or appropriated for the payment of such Grants as are or shall be made by this Court:

<sup>1</sup> This date is according to Mass. Archives; according to the House Journal and Legislative Records of the Council, xvii. (4), the date is September 9.

the several sums, taken as aforesaid, to be restored or made good to their respective Appropriations by the next Act for supply of the Treasury that shall pass this Court. [*Passed September 10.*]

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## CHAPTER 93.

### ORDER OF NOTICE ON THE PETITION OF MERRICONEAG NECK INHABITANTS FOR EXEMPTION FROM TAXATION.

A PETITION of John Otis, Edward Ward, and others, Inhabitants of Merriconeag Neck and the Islands adjacent in the Township of North Yarmouth, setting forth their great poverty and their distance from the place of Worship, and praying that they may be exempt from publick taxes, and be allowed a sum of money out of the publick Treasury for building a Meeting house for the Worship of God and for supporting a Minister among them.

Legislative  
Records of the  
Council,  
xvii. (4), 135.  
Mass.  
Archives, cxv.,  
171.

Mass.  
Archives, cxv.,  
170. House  
Journal, p. 80.

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Towns of North Yarmouth and Brunswick with copys of this Pet<sup>n</sup> that they shew cause if any they have on the first tuesday of the next sitting of this Court why the Prayer thereof should not be granted. [*Passed September 10.*]

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## CHAPTER 94.

### ORDER OF NOTICE WITH STAY OF PROCESSES ON THE PETITION OF COLL. BUCKMINSTER IN REGARD TO BOUNDARY LINES.

Legislative  
Records of the  
Council,  
xvii. (4), 141.  
Mass.  
Archives, cxv.,  
111.

ON THE PETITION of Joseph Buckminster Esq<sup>r</sup> [*ante*, p. 256, chap. 43]

*Ordered* that the Consideration of this petition be further refer'd to the first Wednesday of the next Sitting of this Court, & that the adverse party then give in their Answer And all Processes are Stayed in the mean time. [*Passed September 12.*<sup>1</sup>]

Mass.  
Archives, cxv.,  
108. House  
Journal, p. 85.  
*Ante*, p. 256,  
chap. 43.

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## CHAPTER 95.

### ORDER CONFIRMING THE PROCEEDINGS AT THE TOWN MEETINGS OF THE EAST PRECINCT IN MENDON.

A PETITION of Daniel Corbet and Jonathan Hayward in behalf of the Inhabitants of the Eastern Precinct in Mendon, Shewing that in their Precinct Meeting in March 1741/2, and other Meetings since, in order to maintain peace among themselves they unadvisedly condescended to admit unqualified persons to Vote; For which reasons divers persons refuse to conform to the Votes of those Meetings, more especially those that relate to the support of the Ministry and the building of a Meeting House; which causes great confusion among them; and therefore praying that this Court would confirm the Votes of said Meetings.

Legislative  
Records of the  
Council,  
xvii. (4), 143.  
Mass.  
Archives, cxv.,  
169.

Mass.  
Archives, cxv.,  
168. House  
Journal, p. 85.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council, xvii. (4), the date is September 13.

Whereas it appears to this Court the irregular proceedings within mentioned were not in wilfull Contempt of the Law. but through Inadvertence, & inas much as rendring void the same would greatly perplex their Affairs, if not prove destructive to them in their weak & infant State, Therefore

*Ordered* that the several Meetings held there & everything therein done, or in Consequence thereof be & hereby are declared valid, & all persons concerned or that may be concerned are hereby directed to conform themselves thereto, any defect in their Proceedings notwithstanding. [*Passed September 12.*<sup>1</sup>

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## CHAPTER 96.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PET<sup>n</sup> OF BENJ WARE & OTHERS, TO SET ASIDE JUDGMENTS AND REENTER AN APPEAL.

Legislative  
Records of the  
Council,  
xvii. (4), 141.  
House Jour-  
nal, p. 83.  
*Ante*, p. 272,  
chap. 84.

ON THE PETITION of Benjamin Ware and others, [*ante*, p. 272, chap. 84]

*Ordered* that the consideration of this Petition be further refer'd to the next Sitting of this Court, and that the Execution within mentioned be stayed in the mean time. [*Passed September 13.*

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## CHAPTER 97.

Legislative  
Records of the  
Council,  
xvii. (4), 141.

Legislative  
Records of the  
Council,  
xvii. (4), 94.  
House Jour-  
nal, p. 85.  
*Ante*, p. 144,  
chap. 39.

ORDER SUBSTITUTING JOSEPH WILDER ESQ<sup>r</sup> FOR WM. DUDLEY ESQ<sup>r</sup> ON THE COMMITTEE ON THE NEW SHERBURN AFFAIR.

ON THE REPORT upon New Sherburn affair, [*ante*, p. 144, chap. 39]

*Ordered* that Joseph Wilder Esq<sup>r</sup> be on the Committee mentioned in the within Vote of Council in the room of William Dudley Esq<sup>r</sup> dec<sup>d</sup>. [*Passed September 13.*

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## CHAPTER 98.

ORDER IMPOWERING JABEZ WHITTEMORE AND OTHERS, HEIRS OF ANNA MOUSEL WITH GUARDIANS, TO SELL HOUSE AND LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 142.  
Mass.  
Archives,  
xviii., 176.

Mass.  
Archives,  
xviii., 175.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 529.  
House Jour-  
nal, p. 83.

A PETITION of James Whittamore<sup>2</sup> and Mary his wife and the other adult Heirs of Anna Mousel late of Charlestown dec<sup>d</sup> and Ezekiel Chever Esq<sup>r</sup>, Caleb Lamson, and Joanna Mousel, Guardians of such heirs as are in their minority; Praying that the said Guardians may be empowered to join with the other Petitioners in the sale of a piece of land in Charlestown, with the house thereon, containing about eleven Acres, being the estate of the deceased.

Read &

*Ordered* that the prayer of the Petition be granted, & that the Guardians of the respective Minors within named be & hereby are empowered, together with the other Petitioners, to make sale of the House & Land within mentioned, & to execute a good Deed

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council xvii. (4), the date is September 14.

<sup>2</sup> Mass. Archives, xviii., 175, reads, "Jabez Whittamore."

or Deeds for the Conveyance thereof accordingly; such Guardians to give sufficient Security to the Judge of Probate for the County of Midd<sup>s</sup> to account for the Proceeds & the Application thereof according to Law. [*Passed September 13.*]

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## CHAPTER 99.

ORDER DIRECTING THE PROVINCE TREASURER TO REMIT £525 TO M<sup>r</sup> AGENT KILBY FOR THE SERVICE OF THE PROVINCE.

*Ordered* that the treasurer be directed to remit M<sup>r</sup> Agent Kilby, by exchange or other ways, in the speediest and best manner that may be; the sum of five hundred and twenty five pounds sterling, to be applied to the discharge of such obligations as the said M<sup>r</sup> Kilby may be under by order by order<sup>1</sup> of this court, for the payment of five hundred Guineas for small arms; said to have been formerly sent from Great Britain for the use of this Province. [*Passed September 14.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 530.

Legislative  
Records of the  
Council, xvii.  
(4), 144.  
House Jour-  
nal, p. 86.

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## CHAPTER 100.

ORDER ALLOWING £150 FOR REPAIRS AT CASTLE WILLIAM.

*Ordered* that the sum of One hundred and fifty pounds be paid out of the publick treasury, into the hands of the committee appointed by this Court to procure materials, and labourers, to effect the repairs at Castle William, to enable them to proceed in that affair. [*Passed September 14.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 530.

Legislative  
Records of the  
Council, xvii.  
(4), 144.  
House Jour-  
nal, pp. 86, 87.  
*Ante*, p. 109,  
chap. 230.

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## CHAPTER 101.

ORDER SUBSTITUTING JOHN CHANDLER ESQ<sup>r</sup> FOR WILLIAM DUDLEY ESQ ON THE COMMITTEE ON THE AFFAIR OF THE BILLS OF CREDIT.

ON THE VOTE for a Committee to meet Committees from the Neighbouring Governments upon the affairs of the Bills &<sup>c</sup> [*ante*, p. 267, chap. 69]

*Ordered* that John Chandler Esq<sup>r</sup> be added to the Committee in the within Vote mentioned in the room of William Dudley Esq<sup>r</sup> Deceased. [*Passed September 14.*]

Legislative  
Records of the  
Council, xvii.  
(4), 144.

House Jour-  
nal, p. 89.  
*Ante*, p. 267,  
chap. 69.

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## CHAPTER 102.

ORDER IMPOWERING ABIG. WILLARD, ADMINISTRATRIX, TO SELL REAL ESTATE.

A PETITION of Abigail Willard, Widow & Administ<sup>x</sup> of Samuel Willard late of Biddeford in the County of York, Clerk, dec<sup>d</sup> In-

Legislative  
Records of the  
Council,

<sup>1</sup> *Sic.*

xvii. (4), 145.  
 Mass.  
 Archives,  
 xviii., 174.  
 ———  
 Mass.  
 Archives,  
 xviii., 173.  
 Legislative  
 Records of the  
 Council, xvii.,  
 Mis., 530.  
 House Jour-  
 nal, p. 88.  
 Province  
 Laws, ii., 151,  
 chap. 10

testate, shewing that his personal estate is not sufficient to pay his Debts, that his real estate consists in a piece of unimproved Land at Rutland and an House and Land at Biddeford afore said, which is of very little Profit as it is; and therefore praying that she may be empowered by this Court to sell the whole of the said Real Estate for the payment of the Debts due on the said Estate and the better support of her self and her Children.

Read &

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted & the Pet<sup>r</sup> is hereby allowed & impowered to give & execute a good Deed or Deeds of the House & Lands herein mentioned for the most they will sell for, upon proper Notification agreeable to the Law in the 6<sup>th</sup> of King George y<sup>e</sup> 1<sup>st</sup> Chap: 3<sup>d</sup> she giving sufficient Security to the Judge of Probate for the County of York that the Produce arising by s<sup>d</sup> Sale be let out at Interest, one third part of said Interest to be for the Use of the Pet<sup>r</sup> during Life, the other two thirds to be applied for the Support & Education of the Children of the Dec<sup>d</sup>. The Pet<sup>r</sup> to be accountable for the Principal & the remaining Part of the Interest if any there be to the Children of the Intestate, or their legal Repres<sup>ves</sup> as they respectively arrive at Age or are married. [*Passed September 14.*]

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## CHAPTER 103.

### ORDER OF NOTICE ON THE PETITION OF JON<sup>A</sup> BOYDEN IN REGARD TO THE SETTLEMENT OF AN ESTATE.

Legislative  
 Records of the  
 Council,  
 xvii. (4), 146.  
 ———  
 House Jour-  
 nal, p. 86.

A PETITION of Jonathan Boyden of Groton, shewing that in the year 1718, the Petitioner together with William Lakin, Jonathan Lakin, Abraham Lakin, Joseph Lakin and John Nutting, children and heirs of William Lakin of Groton dec<sup>d</sup> entered into Articles of Agreement for dividing the estate of the deceased among them, but neglected to present the same to Francis Foxcroft Esq<sup>r</sup> then Judge of Probate for the County of Middlesex, but have lately offered it to Jonathan Remington Esq<sup>r</sup> the present Judge, who refuses to receive or act upon it, because two of the parties are dead, and two more are unable by reason of age to appear before the Judge: And for as much as great damage and confusion will ensue upon the voiding the said Agreement; therefore praying that this Court would enable the said Judge to confirm it.

Read and

*Ordered* that the Petitioner serve the Persons within named who are now living, and the heirs or legal representatives of such of them as are deceased, with a copy of this Petition, that they shew cause if any they have, on the first Tuesday of the next Sitting of the Court, why the prayer thereof should not be granted. [*Passed September 14.*]



## CHAPTER 104.

## ORDER OF NOTICE ON THE PETITION OF THE TOWN OF WESTERN TO LEVY A TAX ON LAND.

A PETITION of the Select Men of the Town of Western, shewing that a great part of the lands there are owned by Non Resident Proprietors, who neither improve nor will sell their lands; praying that this Court would lay a Tax on the said lands, to help them to defray the charge of building a Meeting House, and supporting a Minister in said Town.

Legislative  
Records of the  
Council,  
xvii. (4), 147.

House Jour-  
nal, p. 89.

Read and

*Ordered* that the Petitioners notify the Non Resident Proprietors by printing the substance of the within Petition in the Boston Gazette for three weeks successively, that they shew cause if any they have, on the first Fryday of the next Sessions<sup>1</sup> of this Court, why the prayer thereof should not be granted. [*Passed September 14.*]

## CHAPTER 105.

ORDER OF NOTICE ON THE PET<sup>NS</sup> OF DIVERS INHABITANTS OF LEICESTER AND RUTLAND, TO BE ERECTED INTO A SEPARATE PRECINCT.

A PETITION of Jonathan Witt and John How, & divers others Inhabitants of the Easterly part of Leicester and Southerly part of Rutland, setting forth their great difficulties in attending the publick Worship of God in their respective Towns, that they have petitioned them for their Consent to their being set off a separate Precinct, which they refused to grant; and therefore praying that this Court would make them a distinct Precinct by the Bounds particularly described in this Petition.

Legislative  
Records of the  
Council,  
xvii. (4), 148.  
Mass.  
Archives, xii.,  
356.

Mass.  
Archives, xii.,  
353-356. Prov-  
ince Laws, iii.,  
665. House  
Journal, p. 86.

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Towns of Leicester and Rutland with copys of this Pet<sup>n</sup> that they shew cause if any they have on the first tuesday of the next sitting of this Court why the Prayer thereof should not be granted. [*Passed September 14.*]

## CHAPTER 106.

ORDER DIRECTING THE PROVINCE TREASURER TO REMIT £200 TO M<sup>R</sup> AG<sup>T</sup> KILBY.

*Ordered* That the Treasurer be directed to remit to M<sup>r</sup> Agent Kilby by Exchange or other ways in the speediest & best manner that may be the Sum of Two hundred pounds sterling for the service of the Province for which the said M<sup>r</sup> Kilby is to be accountable to this Court. [*Passed September 14.*<sup>2</sup>]

Legislative  
Records of the  
Council,  
xvii. (4), 153.  
Mass.  
Archives, xx.,  
342.

Legislative  
Records of the  
Council, xvii.,  
Mis., 529.  
House Jour-  
nal, p. 86.

<sup>1</sup> The House Journal, p. 89, reads, "Session."

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is September 15.

## CHAPTER 107.

## ORDER ON THE PETITION OF THE WESTERLY INHABITANTS OF WOODSTOCK TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council, xvii.  
(4), 155.  
Mass.  
Archives, cxiv., 739.

Mass.  
Archives, cxiv., 732–743.  
House Journal, p. 87.  
*Ante*, p. 211,  
chap. 202.

ON THE PETITION of the Inhabitants of the Westerly part of Woodstock, [*ante*, p. 211, chap. 202]

Read w<sup>th</sup> the Com<sup>tees</sup> Report thereon &

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, & that the Westerly half Part of the Town of Woodstock with the Inhab<sup>ts</sup> there be & are hereby erected into a seperate & distinct Precinct, & vested with all the Rights & Privileges that Precincts by Law ought to enjoy, the Petition<sup>rs</sup> to pay all ministerial Taxes hitherto assessed or granted in the said Town. [*Passed September 14.*<sup>1</sup>]

## CHAPTER 108.

ORDER VACATING A JUDGMENT IN THE CASE OF BENJ<sup>A</sup> BARKER AND IMPOWERING HIM TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xvii.,  
Mis., 531.  
Mass.  
Archives, xlii.,  
311.

Mass.  
Archives, xlii.,  
309, 317–321.  
Legislative  
Records of the  
Council, xvii.  
(4), 149.  
House Journal,  
p. 92.  
*Ante*, p. 248,  
chap. 22.

ON THE PETITION of Benjamin Barker of Haverhill who was sued by the proprietors of the Common lands in the town of Haverhill, in the County of Essex.

Read together with the Answer of the Propriet<sup>rs</sup> of the common Lands in Haverhill, the Memorial of the Petition<sup>r</sup> & the Answer of the said Propriet<sup>rs</sup> to the same; And forasmuch as it appears to this Board that the Fore Man of the Jury that tried the Cause mentioned in the Petition was interested therein;

*Ordered* that the Judgem<sup>t</sup> in the said Action be & hereby is vacated, & declared null & void; And that the Petitioner be enabled to bring his Writ of Review of the said Cause to the Superior Court of Judicature to be holden at Salem for the County of Essex in Novem<sup>r</sup> next; And the Justices of the said Court are hereby empowered & directed to hear & try the said Action & give Judgment therein & award Execution thereupon, accordingly. [*Passed September 15.*]

## CHAPTER 109.

## ORDER REFERRING THE PETITION OF SOLOMON HOLMAN AND OTHERS TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council, xvii.  
(3), 504;  
*ibid.*, xvii. (4),  
151.

House Journal,  
pp. 91, 113  
(December,  
1742); p. 92.

A PETITION of Solomon Holman & others, Inhabitants of the Northerly part of the Town of Sutton; setting forth the inconvenience they are under by their being continued as one Precinct; and therefore praying that they may be set off a separate Precinct.

[The report of the committee] Read and

*Ordered* that the consideration of this Report and the Petition refer'd to, be further refer'd to the next Sitting of this Court. [*Passed September 15.*]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is September 15.

## CHAPTER 110.

## ORDER ALLOWING 15/ PER MONTH TO PHIL. TRUMAN AS INTERPRETER.

A PETITION of Philip Truman, Ensign at Richmond Fort, setting forth his long and faithful services, & the lowness of his wages, and praying that they may be advanced, and that he may be allowed a salary for his service as Interpreter for the Indian Trade, and a recompence for his pass'd services therein.

Read and in Answer hereto

*Ordered* that the Sum of fifteen Shillings p Month be allowed the Pet<sup>r</sup> for his Service as Interpreter for the Year past. And that the Sum of fifteen shillings p Month be allowed him for that Service during his continuance in that Station. [*Passed September 15.*]

Legislative  
Records of the  
Council,  
xvii. (4), 151.  
Mass.  
Archives,  
lxxii., 649.

House Jour-  
nal, pp. 83, 89.

## CHAPTER 111.

ORDER ON THE PETITION OF THE ELBOWS INHAB<sup>S</sup> FOR STAY OF A  
TREASURERS WARRANT.

A PETITION of the Proprietors and Inhabitants of the Elbows Plantation, setting forth their great poverty and the difficulties they are under to pay the Five hundred Pounds set on them for their Lots of Land; and praying that this Court would either abate them a part thereof, or allow them three or four years to pay the whole into the Treasury, and that the Treasurers execution against the Collectors be staid, and that they be erected into a Township.

Read and in Answer hereto

*Ordered* That the Warrant mentioned be so far Stayed as that they be Obligated to pay only one quarter part thereof forthwith and the other three quarters in three equal payments viz in the Years 1744 1745 and 1746. And that a Comm<sup>ee</sup> chosen by said Plantation or the major part thereof, shall proceed in the Sale of any delinquent Prop<sup>r</sup> lands within the whole of that tract which was granted by this Court to the Pet<sup>rs</sup> & y<sup>r</sup> Associates for payment of his proportion of said Sum, after notifying the Sale in the Boston Gazette twenty days before the same be made. Also

*Voted* that the Pet<sup>r</sup> be allowed to bring in a Bill for erecting said Plantation into a Township. [*Passed September 15.*]

Legislative  
Records of the  
Council,  
xvii. (4), 152.  
Mass.  
Archives, cxv.,  
167.

Mass.  
Archives, cxv.,  
166. Legislative  
Records of the  
Council,  
xvii., Mis., 531.  
House Jour-  
nal, pp. 87, 92.  
Province  
Laws, xii., 624,  
chap. 130.

## CHAPTER 112.

ORDER ON THE PETITION OF EBEN<sup>R</sup> & ABIG. SMITH IN REGARD TO  
DOWER RIGHTS.

A PETITION of Ebenezer Smith of Lexington & Abigail his wife, shewing that they with Thomas Fessenden petitioned this Court in April last for liberty to sell the real estate of Benjamin Willington late of Lexington dec<sup>d</sup> which the Court granted, but there happened to be a mistake in the Order, no provision being made for the Dower of the Petitioner Abigail, who was the widow of the deceased; And

Legislative  
Records of the  
Council,  
xvii. (4), 153.  
Mass.  
Archives,  
xviii., 180.

Mass.  
Archives,

xviii., 179.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 533.  
House Jour-  
nal, p. 89.  
*Ante*, p. 220,  
chap. 221.

therefore praying that this Court would assign her her Dower in the said Estate, saving the House and Barn.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the within named Abigail hold and enjoy all her right of Dower in her s<sup>d</sup> late Husband's Estate as sett off to her by the Judge of Probate for the County of Midd<sup>x</sup> or the produce thereof if the same be sold, except her right in the House and Barn within mentioned the s<sup>d</sup> Order of Court notwithstanding. The Pet<sup>rs</sup> giving sufficient Caution to s<sup>d</sup> Judge that the same shall be accounted for to the Heirs of the s<sup>d</sup> Benjamin if it be sold. [*Passed September 15.*]

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## CHAPTER 113.

### ORDER IMPOWERING DIVERS OF THE TETTICUT INDIANS TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 154;  
*ibid.*, xvii.,  
Mis., 532.

Mass.  
Archives,  
xxxii., 463, 464.  
House Jour-  
nal, p. 80.  
*Ante*, p. 221,  
chap. 223.

A PETITION of John Simons and Benjamin Wonno of Tetticut, Indians, in behalf of the said Tetticut Indians, shewing that they have contracted considerable debts by defending their Rights in the law from the invasions of their English neighbours, for the discharge of which debts it is necessary some of their Lands should be sold; And therefore praying that they may be allowed to sell a parcel of land of the quantity of about Fifty Acres, to M<sup>r</sup> Ebenezer Shaw, who is now in possession by vertue of a lease from them, approved by the General Sessions of the Peace for the County of Plymouth; he giving such sum for it as a Committee of this Court shall judge reasonable.

In Council;

Read and in answer to this petition.

*Ordered* that the petitioners John Simons and Benjamin Wonnoh be and hereby are empowered to make sale of the land within-mentioned, or any other lands of equal [value]<sup>1</sup> belonging to the petitioners, as shall be least prejudicial to their interest and to make and execute a good deed for the conveyance thereof accordingly, and John Cushing Esq<sup>r</sup> with such as shall be joined by the honorable house, are desired and empowered to assist the petitioners in the sale of the premisses, so as may be most for their advantage, the produce of the sale to be deposited in the hands of the committee for the purposes within mentioned. they to be accountable.

In the House of Representatives Read and concurred and Major Jones and M<sup>r</sup> Livermore are joined in the affair. [*Passed September 15.*]

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## CHAPTER 114.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF JN<sup>o</sup> SIMON, INDIAN, AND IMPOWERING HIM TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 96,  
154. Mass.

A PETITION of John Simon of Teticut, Indian, shewing that he is disabled from work by reason of lameness, and therefore praying that he may be impowered to sell Thirty Acres of Land in Teticut for

<sup>1</sup> Inserted from Legislative Records of the Council, xvi. (4), 154.

payment of his debts, & for his more comfortable support for the future.

The Committee to whom was refer'd the petition of John Simons of Tetticut in the Township of Middleboró, Indian man, have attended that affair, & examined into the circumstances of the said John Simons, and find that he is justly indebted near One Hundred Pounds old Tenor; And we are of Opinion that the said John Simons have liberty to sell the said Thirty Acres of land lying in Tetticut for the most it will sell for, and that some suitable persons be appointed to assist and advise in the sale thereof, and that they be appointed to give a good Deed of Sale for the same. All which is humbly submitted

In the Name and by Order of the Committee

GEO: LEONARD.

In Council; Read &

*Ordered* that this Report be accepted & that George Leonard Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>ves</sup> shall join be a Committee for the purposes above mentioned:

In the House of Rep<sup>ves</sup> Read and Concur'd And Maj<sup>r</sup> Little is Joyned in the Affair. [*Passed September 15.*]

Archives,  
xxxi., 447.

House Journal, p. 170  
(April); pp. 63,  
93.

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## CHAPTER 115.

### ORDER GRANTING TO SAM<sup>l</sup> MOODEY A LICENCE TO KEEP AN INN.

A PETITION of Dr Samuel Moodey of Falmouth in the County of York, shewing that for divers years last past he has kept a Tavern in said Town, that by reason of his attending the publick business in the General Court, he was prevented from taking out his Licence for this present year, at the proper season; and therefore Praying that the Justices of the said County may be impowered to grant his licence in the next Court of General Sessions of the Peace.

Legislative  
Records of the  
Council,  
xvii. (4), 157.  
Mass.  
Archives, xxi.,  
125.

House Journal, p. 94.

Read &

*Order<sup>d</sup>* that y<sup>e</sup> Justices of y<sup>e</sup> next Court of Gen<sup>l</sup> sessions to be held within & for the County of york be & hereby are Impowered to Licence y<sup>e</sup> petit<sup>r</sup> for y<sup>e</sup> Purpose mention<sup>d</sup> in his Petition (if they See Cause) y<sup>e</sup> Time for Granting Licences by Law appointed being elapsed not withstanding. [*Passed September 16.*]

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## CHAPTER 116.

### ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO THO. HAPGOOD.

A PLAT of Two Hundred Acres of Land laid out by Abner Lee Survey<sup>r</sup> and Chain men on Oath, to fulfill a grant made by this Court to Thomas Hapgood of Marlboró, beginning at a Stake and Stones on the North line of Paquoig being the South East corner of a Canada Township, thence running North on the East line of said Township two hundred and forty four rods to a Black Oak Tree mark'd **TH**, and Stones; thence running East one hundred and fourteen rods to a Hemlock Tree; thence South 17 Deg. East, two hun-

Legislative  
Records of the  
Council,  
xvii. (4), 158.  
Maps and  
Plans, Mis.,  
xiii., 2.

House Journal, p. 95.  
*Ante*, p. 172,  
chap. 106.

dred and fifty one rods to a Stake and Stones by a small Brook about eight rods East from Tully Brook on Paquoig Line; thence West one hundred and eighty eight rods to the Corner first mentioned, twenty Acres being allowed for a High way &c

Read and

*Ordered* that the within Plan be accepted And the land herein delineated and described be confirm'd to the s<sup>d</sup> Thomas Hapgood His Heirs and Assigns for ever Provided the Plat exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed September 16.*]

## CHAPTER 117.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PET<sup>n</sup> OF JOHN WOLCOT ESQ<sup>e</sup>.

Legislative  
Records of the  
Council,  
xvii. (4), 38.  
Mass.  
Archives, xlii.,  
438.

Mass.  
Archives, xlii.,  
437-439. Legis-  
lative Records  
of the Council,  
xvii. (4), 158.  
House Jour-  
nal, p. 94.

A PETITION of John Wolcot Esq<sup>r</sup> Administ<sup>r</sup> of the Estate of Peter Papillon dec<sup>d</sup> Shewing that in an Action of Review between the Petitioner and John Pecker and others Executors of the Testament of James Pecker dec<sup>d</sup> brought to the last Superior Court for the County of Suffolk, Judgment was pass'd against the Petitioner very suddenly and by surprize, he being on the road coming to Court, and his books, which would have been a good evidence for him, not being produced in Court; therefore Praying for an other Trial at the next Superior Court.

[Read &]

*Ordered* that the Consideration of this Pet<sup>n</sup> be refer'd to the first Wednesday in the next Session of this Court, & that Execution be stayed in the mean time. [*Passed September 16.*]

## CHAPTER 118.

### ORDER IMPOWERING W<sup>m</sup> THOMAS, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 159.  
Mass.  
Archives,  
xxxI., 460.

Mass.  
Archives,  
xxxI., 459.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 533.  
House Jour-  
nal, p. 55.

A PETITION of William Thomas of Natick, Indian, Shewing that by reason of long sickness he is run much into debt, which he is not able to discharge without selling some of his land; therefore praying for liberty from this Court to sell Ten Acres of land in Natick Commons, for the purpose aforesaid.

Read and

*Ordered* that the Pet<sup>r</sup> have liberty with the Assistance and Advice of Maj<sup>r</sup> Richards to Sell the ten Acres of land herein mentioned the produce thereof to be applyed to the purposes herein mentioned He to be accountable to this Court for his proceedings herein. [*Passed September 16.*]

## CHAPTER 119.

### ORDER IMPOWERING JN<sup>o</sup> WRIGHT TO FILE A COMPLAINT.

Legislative  
Records of the  
Council,  
xvii. (4), 159.

A PETITION of John Wright of Andover in the County of Essex, shewing that having recovered Judgment at the Inferior Court of Common Pleas for the said County held in December last, against

Nathaniel Plummer of Haverhill; the said Plummer appealed to the next Superior Court, but failed to prosecute his Appeal, and the Petitioners Attorney neglected to file his complaint; therefore praying that the Petitioner may be allowed to file his complaint against the said Plummer at the next Superior Court, for recovering additional Costs.

House Journal, p. 94.

Read and

*Ordered* that the prayer of the Petition be granted, and the Petitioner is hereby allowed and impowered to file his Complaint at the next Superior Court to be held for the County of Essex, the Petitioner notifying the adverse party Nathaniel Plummer with a Copy of this Petition and Order, fourteen days at least before the sitting of said Court. [*Passed September 16.*]

## CHAPTER 120.

ORDER OF NOTICE ON THE PETITION OF SAM<sup>l</sup> WITT & C<sup>t</sup> TO BE MADE A SEPARATE PRECINCT.

Legislative Records of the Council, xvii. (4), 161. Mass. Archives, xii., 318.

ON THE PETITION of Samuel Witt and others of Marlborô,

*Ordered* that this Petition be refer'd to the first Tuesday of the next Sitting of this Court for further Consideration, & that the Committee then make Report. [*Passed September 16.*]

Mass. Archives, xii., 315. House Journal, pp. 34, 94 *bis.* *Ante,* p. 246, chap. 18.

## CHAPTER 121.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF GERRISH & BARREL FOR LEAVE TO BRING A WRIT OF APPEAL.

A PETITION of Joseph Gerrish and John Barrell of Boston, merchants; shewing that at the Inferior Court of Common Pleas held at Plymouth in March last, in an action commenced against them by Henchman Sylvester and others, Judgement was given for the Plaintiffs; from which the Petitioners appealed to the Superior Court, but by the unexpected detention of their Attorney (on whom they relied to maintain their Action) in a neighbouring Government, the said Appeal was not prosecuted, and upon complaint of the Appellees, the Judgment of the Inferior Court was affirmed with additional costs; therefore Praying that they may be enabled by this Court to bring forward their Appeal at the next Superior Court for said County and that Execution be stayed in the mean time.

Legislative Records of the Council, xvii. (4), 161. Mass. Archives, lxiv., 223.

Mass. Archives, lxiv., 222, 226, 232. House Journal, p. 87.

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Adverse Parties within named or their Attorney with a copy of this Pet<sup>n</sup> that they shew cause if any they have on the first tuesday of the next sitting of this Court why the prayer thereof should not be granted and the Execution within mentioned is stayd in the mean time. [*Passed September 16.*]

## CHAPTER 122.

## ORDER ON THE PETITION OF JER. JONES TO ENTER THE ALMSHOUSE.

Legislative  
Records of the  
Council,  
xvii. (4), 160.  
Mass.  
Archives, cv.,  
250.

House Jour-  
nal, p. 95.

A PETITION of Jeremiah Jones, shewing that he would return to Great Britain his native country, but thro' sickness and weakness of body, he is utterly unable to support himself; and therefore praying that he may be supported at the Province charge, till he be well enough to return to England.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed to go into the Alms House or Work house in Boston there to be Employed in such Work as He is capable of performing, and Supported at the publick Charge untill He is able to return to his Friends in England and then to be transported at the charge of the Province. [*Passed September 17.*<sup>1</sup>

## CHAPTER 123.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF WILL<sup>M</sup> BROWN FOR A NEW TRIAL OF A CAUSE.

Legislative  
Records of the  
Council,  
xvii. (4), 161.

Mass.  
Archives, xlii.,  
350-357. House  
Journal, pp. 93,  
97.

A PETITION of William Brown, shewing that Joseph Jervis of London at the Inferior Court of Common Pleas held at Boston in July last prosecuted an action against the Petitioner by his Attorney Mary Jackson, and recovered a ballance of £29. 3. 6 sterling against him on his Accompt; that the Petitioner, being a stranger, was not apprized of the advantage he had by law, to file his Accompt against the said Jervis's, by which he could have proved that the biggest part of the sum recovered had been already paid; & therefore praying that he may be enabled by this Court to serve his Writ of Summons on the said Mary Jackson for the sum of money due to him from the said Jervis, which he is not credited for in the said Jervis's Accompt, and to order that such service be effectual for bringing on the said suit, and that Execution against the Petitioner be stayed till the issue of such Action.

Read and

*Ordered* that the Petitioner serve the Attorney of the adverse party, Mary Jackson, with a copy of this Petition that she shew cause if any she hath, on the first Tuesday of the next Sitting of this Court why the prayer thereof should not be granted, & Execution mentioned is stayed in the mean time; Provided the Petitioner give sufficient security to the Sheriff of the County of Suffolk to pay such sum as may be finally recovered of him on the suit afore mentioned, with lawful Interest from this time. [*Passed September 17.*<sup>1</sup>

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is September 16.



## CHAPTER 124.

## ORDER REFERRING PETITIONS &amp;c TO THE NEXT SESSION.

*Order'd* that such Petitions & other matters as were to have been heard or had Day in the present Session of this Court, & have not been pass'd on or Consider'd be continued unto & proceeded on at the next Sitting of this Court, & that then they have the like Day or Days as were assign'd them in this Session. [*Passed September 17.*]

Legislative  
Records of the  
Council,  
xvii. (4), 164.  
Mass.  
Archives,  
xlix., 178.  
House Jour-  
nal, p. 95.

## CHAPTER 125.

## VOTE DIRECTING REMITTANCE OF £100 TO ELIAKIM PALMER.

*Voted* that the Treasurer be directed to remit to Eliakim Palmer Esqr by bills of Exch<sup>e</sup> or otherwise as soon as may be One hundred pounds sterling by him to be apply'd agreeable to such Instructions as he may receive from the Council & House of Representatives He to be accountable. [*Passed September 17.*]

Legislative  
Records of the  
Council, xvii.  
(4), 165.  
Mass.  
Archives, xx.,  
348.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 533.  
House Jour-  
nal, p. 97.

## CHAPTER 126.

VOTE ALLOWING £135 TO THE OVERSEERS OF THE TRUCKHOUSE AT S<sup>t</sup> GEORGES RIVER.

*Voted* that One hundred and thirty five pounds be allowed out of the publick treasury to the overseers of the work at the truckhouse at S<sup>t</sup> Georges river to effect the repairs there. [*Passed September 17.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 534.  
Legislative  
Records of the  
Council,  
xvii. (4), 165.  
House Jour-  
nal, p. 97.  
*Ante*, p. 163,  
chap. 86.

## CHAPTER 127.

VOTE ALLOWING £100 FOR REPAIRS AT Y<sup>e</sup> LIGHTHOUSE.

*Voted* that the Sum of One hundred pound, be granted & allowed to be paid out of the publick Treasury to the Committee appointed for repairs at the Light House towards Meeting the s<sup>d</sup> repairs orderd by this Court. [*Passed September 17.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xvii. (4), 165.  
Mass.  
Archives,  
lxiv., 221.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 534.  
House Jour-  
nal, p. 97.  
*Ante*, p. 140,  
chap. 23.

## CHAPTER 128.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE NEWTON PET<sup>n</sup> IN REGARD TO REPAIRS OF BRIDGES.

THE COMMITTEE to whom was refer'd the Petition of William Trowbridge &c have heard the parties & the Evidences; but foras-

Legislative  
Records of the  
Council,  
xvii. (4), 166.

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii. (4); according to Legislative Records of the Council, xvii., Mis., the date is November 17.

House Journal, p. 96.  
Province  
Laws, iii., 127,  
chap. 21.  
*Ante*, p. 257,  
chap. 47.

much as the town of Newton have had a trial by a Jury, we are of the Opinion that the Petition be dismiss'd; altho at the same time we are sensible that said Town is likely to suffer great charge by reason of private persons erecting sundry Bridges over Charles River; Therefore we humbly offer that the Petitioners have liberty to bring in a Bill to prevent unnecessary charges accruing to particular Towns by reason of private Bridges. All which is humbly submitted

ϕ SAM<sup>r</sup> WATTS, per Order.

Read and

*Ordered* that this Report be accepted. [*Passed September 17.*]

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## CHAPTER 129.

### VOTE ABOUT YE REPRESENTATIVES PAY.

Legislative  
Records of the  
Council,  
xvii. (4), 166.  
Mass.  
Archives,  
xlix., 177.

*Voted* that the Treasurer be directed to pay the List of the Members of the House of Representatives this present Session out of the general appropriation for Grants the severel Towns to be assess'd as usual & such Sums as shall be taken from said appropriation to be replac'd there in the next Supply bill.<sup>1</sup> [*Passed September 17.*]

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## CHAPTER 130.

### ORDER ON THE PETITION OF IS<sup>a</sup> DALTON & OTHERS TO BE SET OFF TO THE OLD PARISH IN HAVERHILL.

Legislative  
Records of the  
Council,  
xvii. (4), 167;  
*ibid.*, xvii.,  
Mis., 534.

House Journal,  
p. 94.  
*Ante*, p. 274,  
chap. 89.

A PETITION of Isaac Dalton, Samuel Ayer, Thomas Johnson, John Green, and Daniel Johnson, Inhabitants of the Northerly part of the Old Parish in Haverhill, setting forth their inconvenient situation by reason of distance and badness of the way for the new parish in said Town; and therefore praying that they may remain and be continued at the old Precinct.

Read and in answer thereto,

*Ordered* that the within named Isaac Dalton and John Green within mentioned, with their estates, be set of to the old or first parish in Haverhill, there to do duty and receive priviledges accordingly. [*Passed September 17.*]

<sup>1</sup> Not found in the House Journal.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE EIGHTH DAY OF FEBRUARY, A.D. 1743.

## CHAPTER 131.

VOTE ALLOWING £12. 10 TO TERRAGIE, AN INDIAN, & HIS FAMILY  
AND A FURTHER SUM £7. 10 ANNUALLY.

*Voted* that the Sum of twelve pounds ten shillings be allowed to be paid out of the publick Treasury to Tarragie (An Indian of the Cagnawaga Tribe who hath married an English Woman) His Wife and Children now in Town as a Present.

And that the further Sum of Seven pounds ten shillings of the Bills aforesaid be allowed Annually to the said Tarragie and Wife during their natural Lives, provided they with their Children come & Settle and constantly reside Among the English Inhab<sup>ts</sup> within this Province And behave themselves peaceably and as dutiful Subjects to His Majesty. [*Passed October 22.*]

Legislative  
Records of the  
Council,  
xvii. (4), 173.  
Mass.  
Archives,  
xxxii, 466.

House Jour-  
nal, p. 102.

## CHAPTER 132.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF  
JOS. EATON TO SET ASIDE A JUDGMENT.

A PETITION of Joseph Eaton of Lyn, shewing that he was sued by Thomas Boucher of Boston at the Inferior Court of Common Pleas for the County of Suffolk in an Action of the case, that they refer'd their matters in difference to a Rule of Court, the Report whereon was first in the Petitioners favour, but afterwards by some unjustifiable managements turned against him, and Judgment of Court made up accordingly; and therefore, praying that the last Report of the Referrees may be set aside, and also the Judgment of the Court and the Execution thereon, and that the matter may be submitted again to the same Referrees that so justice may be done.

Read and

*Ordered* that the Petitioner serve the adverse party, the said Thomas Boucher, with a Copy of this Petition, that he shew cause if any he hath, on the first Fryday of the next Sitting of this Court, why the prayer thereof should not be granted; and the Execution herein mentioned is stayed in the mean time: Provided the Petitioner give sufficient security to the Sheriff of the County of Essex to pay such sum as may be finally recovered of him at the suit afore mentioned, with lawfull Interest from this time. [*Passed October 24.*]

Legislative  
Records of the  
Council,  
xvii. (4), 175.

Mass.  
Archives, xlii.,  
358-361. House  
Journal, p. 102.

## CHAPTER 133.

## ORDER IMPOWERING FARNSWORTH AND GIBSON, ADMINISTRATORS, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xvii. (4), 176.  
House Jour-  
nal, p. 103.

A PETITION of Daniel Farnsworth and Timothy Gibson, Administ<sup>rs</sup> of the Estate of Joseph Farnsworth late of Groton dec<sup>d</sup> praying for liberty to sell the real Estate of the said Farnsworth, to reimburse them a considerable sum of money which they have advanced out of their own estates for the maintenance of his aged Mother for many years, whom he was obliged, by Bond given in his life time, to support during her natural life, and also for the support of the deceaseds family.

Read and

*Ordered* that the prayer of the Petition be granted and that the Petitioners be allowed and empowered in their capacity to make sale of the estate therein mentioned for the most it will fetch, and to pass a good Deed or Deeds of the same, they giving proper caution to the Judge of Probate for the County of Middlesex that the Produce thereof shall be applied to the purposes mentioned in the Petition. [*Passed October 24.*]

## CHAPTER 134.

ORDER ACCEPTING THE SUFFOLK COUNTY TREAS<sup>RS</sup> ACC<sup>T</sup>.

Legislative  
Records of the  
Council,  
xvii. (4), 179.  
House Jour-  
nal, p. 105.

AN ACCOMPT presented by Samuel Adams Esq<sup>r</sup> Treasurer of the County of Suffolk for the year 1742, having been by him laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Read and

*Ordered* that this Accompt be allowed, the Ballance thereof being Eighty six pounds fifteen shillings and five pence one farthing, the said Treasurer is accountable to said County for. [*Passed October 27.*]

## CHAPTER 135.

ORDER ADDING JOSEPH BUCKMINSTER JUN<sup>R</sup> ESQ<sup>R</sup> TO THE HASSANIMISCO TRUSTEES.

Legislative  
Records of the  
Council,  
xvii. (4), 180.  
House Jour-  
nal, p. 109.  
Province  
Laws, xi., 233,  
chap. 36.  
*Ante*, p. 226,  
chap. 235.

*Voted* that Joseph Buckminster Jun<sup>r</sup> Esq<sup>r</sup> be added to Edward Goddard and Ephraim Curtis Esq<sup>rs</sup> already appointed Trustees to manage the affairs of the Indians at Hassanimisco alias Grafton. [*Passed October 27.*]

## CHAPTER 136.

## ORDER APPOINTING A COMMITTEE ON THE MARLBOROUGH AFFAIR.

ON THE PETITION of Samuel Wit and others of Marlborò, [*ante*, p. 246, chap. 18]

In Council Read &

*Ordered* that Joseph Wilder Esq<sup>r</sup> with such as shall be joined by the hon<sup>ble</sup> House be a Com<sup>tee</sup> to repair to the Town of Marlborough, view their Situation & Circumstances, hear the Parties first giving them timely Notice & report what may be proper for this Court to do thereon; The Charge to be born as this Court shall order

In the House of Rep<sup>ves</sup>

Read and Concur'd and Col Buckminster and Maj Jones are Joyned in the affair. [*Passed October 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 180.  
Mass.  
Archives, xii.,  
318.

Mass.  
Archives, xii.,  
315. Legislative  
Records  
of the Council,  
xvii. (4), 145.  
House Jour-  
nal, pp. 94, 109.  
*Ante*, p. 246,  
chap. 18.

## CHAPTER 137.

## ORDER OF NOTICE ON THE PETITION OF HENRY MORSE &amp; OTHERS TO BE ANNEXED TO THE TOWN OF HOLLISTON.

A PETITION of Henry Morse & divers others Inhabitants of the Town of Medway, setting forth the great inconvenience of their situation for attending the publick Worship of God and other duties, and for enjoying any Privileges in said Town, and their more convenient situation with respect to the [town of] Holliston; & praying that they with their Estates may [be] set off to Holliston.

Read and

*Ordered* that the Petitioners serve the Town of Medway with a copy of this Petition, that they shew cause if any they have, on the first Tuesday of the next Sitting of this Court, why the prayer thereof should not be granted. [*Passed October 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 181.

House Jour-  
nal, p. 106.

## CHAPTER 138.

## ORDER APPOINTING A COMMITTEE ON THE PETITION OF STOUGHTON WILLIS TO EXECUTE DEEDS.

A PETITION of Stoughton Willis, Administ<sup>r</sup> of the Estate of Ebenezer Willis late of Bridgewater dec<sup>d</sup> Shewing that the said Ebenezer did in his life time sell and convey by Deed to William Gilmore of Bridgewater aforesaid, two acres and thirty one rods of land in said Town, and also sold and conveyed by another Deed unto Robert Gilmore son to the said William eight acres and an half and ten rods of land adjoining to the first parcel; that in the month of December last the Dwelling House of the said William was burnt down, and therein the two Deeds before mentioned, were consumed, having never been recorded; and therefore praying that he may be impowered to give Deeds of the said land to the said William and Robert Gilmore, as he is Administ<sup>r</sup> as aforesaid.

Legislative  
Records of the  
Council,  
xvii. (4), 182.  
Mass.  
Archives,  
xviii., 182.

Mass.  
Archives,  
xviii., 181.

In the House of Rep<sup>ues</sup>

Read and

*Ordered* that Col Leonard and Cap<sup>t</sup> Edson with such as the Hon<sup>ble</sup> Board shall appoint be a Comm<sup>ee</sup> to consider this Pet<sup>n</sup> and report what they Judge proper for this Court to do thereon

In Council Read & Concur'd And Isaac Little Esq<sup>r</sup> is joined in the Affair.<sup>1</sup> [*Passed October 27.*]

## CHAPTER 139.

ORDER SETTING ASIDE THE PROCEEDINGS ON THE PETITION OF BENJ WARE & OTHERS.

Legislative  
Records of the  
Council,  
xvii. (4), 184.

House Jour-  
nal, pp. 111, 112.  
*Ante*, p. 272,  
chap. 84.

ON THE PETITION of Benjamin Ware and others [*ante*, p. 272, chap. 84]

Read again, and forasmuch as it appears to this Court that the Proceedings of the Court of General Sessions of the Peace for the County of Suffolk in the cause within mentioned were not according to Law:

*Ordered*, that the prayer of the Petition be so far granted as that the whole Proceedings in the said Cause be and hereby are set aside and declared to be null and void. [*Passed October 28.*]

## CHAPTER 140.

VOTE DIRECTING THE SALE OF LANDS ON THE PETITION OF THE CHURCHES IN SWANZEY & BARRINGTON AND APPOINTING A COMMITTEE THEREON.

Legislative  
Records of the  
Council,  
xvii. (4), 184.

House Jour-  
nal, pp. 102, 111.

A PETITION of the Agents for the Churches in Swanzeay and Barrington, shewing that the original Proprietors of the said Towns set apart several parcels of land towards the support of the Gospel Ministry in said Town of Swanzeay (which then included Barrington) that the said lands have been ever since and still are altogether unprofitable for that end; and therefore praying that the said Churches may be empowered by this Court to sell the said Lands, the produce thereof to be employed for the support of the Ministry in said Towns.

Read and

*Voted* that the Lands herein mentioned (or so much of them as may be thought proper) be sold, and the produce thereof laid out in some more convenient and profitable lands, to be applied to the use & benefit of said Churches, according to their respective interests therein for ever; And that M<sup>r</sup> Jonathan Kingsley one of the Agents of the said Church in Swanzeay, and M<sup>r</sup> Ebenezer Allen, one of the Agents for the Church in Barrington (with the advice of the Hon<sup>ble</sup> Nathaniel Hubbard Esq<sup>r</sup> and M<sup>r</sup> Daniel Barney) be enabled & empowered to sell any Part or Parcel thereof, and to give a good and sufficient Deed or Deeds of the same to the Purchaser or Purchasers accordingly. [*Passed October 28.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 141.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF THE NORTHERLY INHABITANTS OF SUTTON TO BE ERECTED INTO A SEPARATE PRECINCT.

THE COMMITTEE appointed by this Court to repair to the Town of Sutton on the Petition of Solomon Holman and Jeremiah Bucknam, did attend said service in February 1742, having first given seasonable notice to said Town, and having viewed the parts thereof and heard the parties and considered their circumstances, are of Opinion that the Petition be granted, and that a Line be drawn from the Westerly bounds of the Town of Grafton parallel with the North Line of the Town of Sutton and three miles South from it, till it meets with the Easterly bounds of the Town of Oxford; and that the Inhabitants of Sutton living to the Northward of said Line with their Families and Estates be set off a separate and distinct Precinct, with the same Powers and Privileges as other Parishes and Precincts within this Province by law hold and enjoy. All which is humbly submitted

By order of the Committee

JOSEPH WILDER.

Read and

*Ordered* that the Inhabitants and their Estates within the Lines mentioned in the foregoing Report (except only such qualified Voters (with their Estates) as shall within one year from this time signify to this Court their desire to continue to the First Parish in Sutton) be set off a separate and distinct Precinct, & that they enjoy the Powers and Privileges which Precincts ought by Law to enjoy. [*Passed October 28.*]

Legislative  
Records of the  
Council,  
xvii. (4), 185.

Legislative  
Records of the  
Council,  
xvii. (3), 504,  
549. House  
Journal, pp. 91,  
113 (November  
and December,  
1742); p. 111.  
*Ante*, p. 282,  
chap. 109.

## CHAPTER 142.

ORDER OF NOTICE ON THE PETITION OF THO. SMITH & OTHERS OF TRURO FOR THE PRESERVATION OF MEADOW LANDS.

A PETITION of Thomas Smith and others Agents for the Proprietors of the Eastern Harbour Meadows in Truro, setting forth the great benefit they have received from the Act of this Court for the Preservation of the said Meadows; and for as much as the said Act is near expiring, therefore praying that it may be re-enacted.

Read and

*Ordered* that the Petitioners serve the Proprietors of three eighths of the Lands within mentioned, with a copy of this Petition, that they shew cause if any they have, on the first Fryday of the next Sitting of this Court, why the prayer thereof should not be granted. [*Passed November 1.*]

Legislative  
Records of the  
Council,  
xvii. (4), 187.

House Jour-  
nal, p. 112.  
Province  
Laws, li., 967,  
chap. 16.

## CHAPTER 143.

VOTE APPOINTING A COMMITTEE FOR ENLARGING THE CLERKS OFFICE IN THE COURT HOUSE.

In the House of Repves.

It being represented to the House that the Office of the Clerks of the Inferior Court & Register of Deeds &c. for the County of

Legislative  
Records of the  
Council,  
xvii. (4), 188.  
Mass.

Archives, xlii.,  
405.

House Jour-  
nal, p. 115.

Suffolk is too small to contain the records of said County & accommodate the Clerks & Register therefore

*Voted* that M<sup>r</sup> Hutchinson M<sup>r</sup> Oliver & M<sup>r</sup> Prout be directed to cause the said Office to be enlarg'd so as to take in one Window more on the North side of the Courthouse & cause a Chimney for burning Sea Coal to be made in said Office the charge to be born by the County

In Council Read & Concur'd & Jn<sup>o</sup> Jeffries Esq<sup>r</sup> is added to the Committee.

In the House of Rep<sup>tes</sup>  
Read and Concur'd. [*Passed November 2.*]

## CHAPTER 144.

ORDER GRANTING 100 ACRES OF LAND TO MOSES BANKS.

Legislative  
Records of the  
Council,  
xvii. (4), 189.

House Jour-  
nal, pp. 102, 113.

A PETITION of Moses Banks of York, Setting forth his Services and sufferings in the late wars with the Indians, and praying that this Court would make him a Grant of Province land in consideration thereof.

Read, & in answer hereto:

*Ordered* that the Petitioner be allowed One Hundred Acres of the unappropriated Lands of the Province within the County of York adjoining to some Township or former Grant, he returning a Plan thereof to this Court (taken by a Survey<sup>r</sup> and Chain men on Oath) within twelve months, for confirmation. [*Passed November 2.*]

## CHAPTER 145.

ORDER IMPOWERING ROB<sup>t</sup> MORTON TO RE-ENTER AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (4), 190.  
Mass.

Archives, xlii.,  
201.

Mass.  
Archives, xlii.,  
198. House  
Journal,  
pp. 114, 115.  
*Ante*, p. 199,  
chap. 164;  
p. 253, chap. 35.

ON THE PETITION of Robert Morton [*ante*, p. 199, chap. 165]

Read together with the Answers of Thomas Bodkin, &

*Ordered* that the Prayer of the Pet<sup>r</sup> be so far granted as that the Pet<sup>r</sup> have Liberty to reenter the Action within mentioned at the Inf<sup>r</sup> Court of Common Pleas for the County of Essex on the last Tuesday of Decem<sup>r</sup> next, & the Justices of the s<sup>d</sup> Court are hereby impowered & directed to hear & try the same, & award Exec<sup>n</sup> thereon accordingly; Provided the Pet<sup>r</sup> give Bond to the Sheriff of the s<sup>d</sup> County to pay such Sum as may be finally recovered of him on the Suit within mentioned with lawfull Interest therefor from the time of staying Execution; Provided also that the Pet<sup>r</sup> serve said Bodkin with a Copy of this Order fourteen days at least before the Sitting of said Court. [*Passed November 3.*<sup>1</sup>]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (4), the date is November 2.



## CHAPTER 146.

### ORDER FOR A HEARING ON THE PETITION OF COLL. BUCKMINSTER.

UPON A MOTION made at the desire of Joseph Buckminster Jun<sup>r</sup> Esq<sup>r</sup>

*Ordered* that a hearing be had before the whole Court on the petition of Joseph Buckminster Esq<sup>r</sup>, now depending, upon the first Wednesday of the next Sitting of the Court, at Ten a clock in the Fore Noon, and that the Respondent be seasonably notified thereof. [*Passed November 3.*]

Legislative  
Records of the  
Council,  
xvii. (4), 191.

Mass.  
Archives, cxv.,  
113–124. House  
Journal, p. 118.  
*Ante*, p. 277,  
chap. 94.

## CHAPTER 147.

### ORDER OF NOTICE ON THE PETITION OF THE TOWN OF WESTERN TO LEVY A TAX ON LAND.

A PETITION of the Select Men of the Town of Western, shewing that a great part of the lands in said Town are owned by Non Resident Proprietors, who will neither settle nor sell their lands; and forasmuch as the Value of them is raised by the settlement of a Minister, among them; therefore praying that they may be impowered to lay a tax on the said Lands for the settlement and support of the Ministry in said Town.

[Read and]

*Ordered* that the Petitioners notify the Non Resident Proprietors by printing the substance of the within petition in the Boston Gazet three weeks successively, that they shew cause if any they have, on the first Fryday of the next Sitting of this Court why the prayer thereof should not be granted. [*Passed November 3.*]

Legislative  
Records of the  
Council,  
xvii. (4), 191.

House Jour-  
nal, p. 89.

## CHAPTER 148.

### VOTE DIRECTING THE KEEPER OF THE POWDER HOUSE NOT TO DELIVER GUN POWDER EXCEPT ON THE ORDER OF THE COURT.

*Voted* that the Keeper of the Powder House be directed not to deliver any part of the Seventy five Casks of powder lodged there for Sale till the further Order of this Court. [*Passed November 3.*]

Legislative  
Records of the  
Council, xvii.,  
xvii. (4), 192.

Mass.  
Archives,  
lxxii., 654.

House Jour-  
nal, p. 117.

## CHAPTER 149.

### VOTE DIRECTING THE SECRETARY TO MAKE DUPLICATE RECORDS OF THE PROCEEDINGS OF THIS COURT.

*Ordered* that M<sup>r</sup> Secretary Willard be and hereby is Impowered and Directed to make out a Duplicate of the records of this Court up to the End of this Session, to be lodged with the other Duplicates. [*Passed November 4.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 540.

Mass.  
Archives,  
lxxxviii., 400.

Mass.  
Archives,  
lxxxviii., 399.

Legislative  
Records of the  
Council,  
xvii. (4), 193.  
House Jour-  
nal, p. 119.

## CHAPTER 150.

Legislative  
Records of the  
Council, xvii.,  
Mis., 541.  
Mass.  
Archives,  
lxxii., 655.

Legislative  
Records of the  
Council,  
xvii. (4), 194.  
*Supra*, chap.  
148.

VOTE AUTHORIZING THE DELIVERY OF ONE BARRELL OF POWDER  
TO THE MANAGER OF THE IRONWORKS.

*Voted* That the Keeper of the powder House be allowd to deliver one bbl of powder to the Managers of the Iron Works at Attleborough to enable them to go on with casting great Guns the late order of Court restraining the said Keeper notwithstanding.<sup>1</sup> [*Passed November 5.*<sup>2</sup>

## CHAPTER 151.

VOTE FOR ENLARGING Y<sup>e</sup> SECRETARYS OFFICE AND APPOINTING A  
COMMITTEE THEREON.

Legislative  
Records of the  
Council,  
xvii. (4), 195.  
Mass.  
Archives,  
xlx., 181.

House Jour-  
nal, p. 119.

In the House of Rep<sup>ves</sup>

It being represented to this Court that the Secretary's Office is too small to contain the records of the Province therefore

*Voted* that M<sup>r</sup> Hutchinson M<sup>r</sup> Oliver and M<sup>r</sup> Prout be directed to cause the said Office to be enlarged, so as to take in one Window more on the North Side of the Court House; the charge to be de-freyyed by the Province.

In Council; Read & Concur'd & John Jeffries Esq<sup>r</sup> is joined in the affair.

In the House of Rep<sup>ves</sup>

Read and Concur'd. [*Passed November 5.*

## CHAPTER 152.

ORDER IMPOWERING TIM<sup>o</sup> METCALF, AS GUARDIAN, TO SELL AN  
ESTATE.

Legislative  
Records of the  
Council,  
xvii. (4), 195.  
Mass.  
Archives,  
xviii., 185.

Mass.  
Archives,  
xviii., 184–186.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 542.  
House Jour-  
nal, pp. 118, 119.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Timothy Metcalf, Guardian of Joseph Fisher of Wrentham in the County of Suffolk, a Minor, shewing that he has an eighth part of the real Estate of his Grandfather Cornelius Fisher late of Wrentham aforesaid Dec<sup>d</sup> which consists of several small parcels of land which are at present of little advantage to the Heirs; and therefore Praying that the Petitioner, as Guardian to the said Joseph, may be impowered to join with the other Heirs to sell the said Real Estate.

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> be allowed and Impowered to Sell the Estate within mentioned for the most it will fetch; He giving publick Notice of said Sale as is by Law required of Exec<sup>rs</sup> and Adm<sup>rs</sup> and also give sufficient Caution to the Judge of Probate for the County of Suffolk that the produce of such Sale with the Interest thereon be rendred to the said Minor at His arriving at Age. [*Passed November 5.*

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is November 4.

## CHAPTER 153.

### ORDER REFERRING THE PETITION OF DIVERS INHAB<sup>S</sup> OF LEICESTER & RUTLAND.

ON THE PETITION of John How, Jonathan Witt & others Inhabitants of Rutland and Leicester, [*ante*, p. 281, chap. 105]

Read &

*Ordered* that the further Consideration of this Pet<sup>n</sup> be refer'd to the next Sitting of this Court, & it is recommended to the Towns of Rutland & Leicester to afford the Pet<sup>rs</sup> such Relcif as shall be reasonable. [*Passed November 5.*]

Legislative  
Records of the  
Council,  
xvii. (4), 196.  
Mass.  
Archives, xii.,  
357.

Mass.  
Archives, xii.,  
353-357. House  
Journal,  
pp. 109, 110, 120.  
*Ante*, p. 281,  
chap. 105.

## CHAPTER 154.

### ORDER OF NOTICE ON THE PETITION OF BRIDGEWATER & MIDDLEBORO INHABITANTS TO BE ERECTED INTO A SEPARATE PRECINCT.

ON THE PETITION of divers Inhabitants of Bridgewater and Middleboro,

Read &

*Ordered* that the Pet<sup>rs</sup> serve the South Parish in Bridgewater & the East Parish in Middleborough with Copies of this Pet<sup>n</sup> that they shew Cause if any they have on the first Tuesday of the next Sitting of this Court why the Prayer thereof sh<sup>d</sup> not be granted. [*Passed November 5.*]

Legislative  
Records of the  
Council,  
xvii. (4), 196.  
Mass.  
Archives, cxv.,  
128.

Mass.  
Archives, cxv.,  
125-137. House  
Journal, pp. 28,  
120. *Ante*,  
p. 259, chap. 51;  
p. 332, chap.  
246.

## CHAPTER 155.

### ORDER OF NOTICE ON THE PETITION OF SAM<sup>L</sup> BLOOD FOR A NEW TRIAL OF A CAUSE.

A PETITION of Samuel Blood, of Concord, complaining of the Proceedings against him at the Superior Court for the County of Middlesex, upon an Action brought against him at that Court in January 1740. by Enoch Hunt as Attorney to Daniel Gookin Esq<sup>r</sup> upon his bonds to be a true prisoner in Worcester Goal, where he had the liberty of the Yard; And for as much as the Action was tried without the Prisoners knowledge, praying that he may be admitted to another trial, and that he may have an other Trial of the said cause at the next Superior Court for the County of Middlesex, and that all the costs he has paid may be returned to him.

Read and

*Ordered* that the Pet<sup>r</sup> serve Enoch Hunt with a copy of this Pet<sup>n</sup> that He shew cause if any He hath on the first fryday of the next sitting of this Court why the Prayer thereof should not be granted. [*Passed November 7.*]

Legislative  
Records of the  
Council,  
xvii. (4), 198.  
Mass.  
Archives, xiii.,  
381.

Mass.  
Archives, xlii.,  
375-400. House  
Journal, p. 120.

## CHAPTER 156.

## ORDER ACCEPTING THE REPORT ON THE PETITION OF THE CHEBAQUIDOCK INDIANS AND APPOINTING A COMMITTEE THEREON.

Legislative  
Records of the  
Council,  
xvii. (4), 188,  
198.

House Jour-  
nal, pp. 114, 124.

A PETITION of divers Indians, Proprietors of the Island of Chebaqueduck in Dukes County, complaining of great injuries from the English Inhabitants of Marthas Vineyard, in feeding their cattle on the Indians Lands, cutting their grass, fire wood &c & praying for redress from this Court.

The Committee to whom was refer'd the Consideration of the Petition of a number of Indians, Inhabitants of the Island of Chebaquedock in Edgar Town in Dukes County, have considered the same, and humbly Report thereon as followeth, viz<sup>t</sup> that the Petition be so far granted that some meet person or persons be appointed at the place to inquire into the matters complained of in the Petition, and to take Affidavits of such as can give evidence therein (giving seasonable notice to the adverse parties to be present at the caption, if they see meet) and that they make return to this Court of their doings herein at their next Session; and that the further consideration of the Petition be refer'd to that time.

NATH<sup>l</sup> HUBBARD, in the name of the Committee.

In Council; Read and

*Ordered* that this Report be accepted and Sylvanus Bourn Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House shall join, be a Committee for the purposes above mentioned; the charge of the Committee to be born as this Court shall order.

In the House of Represent<sup>ves</sup>; Read and Concur'd, and Cpt. Hallet and M<sup>r</sup> Davis are joined in the affair. [*Passed November 8.*]

## CHAPTER 157.

ORDER ALLOWING £6 AND A FURTHER SUM OF £4 ANNUALLY TO ALEX<sup>s</sup> MUNROE.

Legislative  
Records of the  
Council,  
xvii. (4), 199.  
Mass.  
Archives,  
lxxii., 652.

Mass.  
Archives,  
lxxii., 651.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 543.  
House Jour-  
nal, pp. 124, 125.

A PETITION of Alexander Munroe of York; Shewing that he has served most of his life in the wars, and as a Garrison Soldier in divers places, and is now much advanced in age and by reason of the hardship he endured in those services is in a broken & decrepid state and unable to do any thing to support himself praying for relief from this Court.

Read and

*Ordered* (in answer to this Pet<sup>n</sup>) that there be allowed to be paid out of the publick Treasury to the Select Men of the Town of York (or their Order) the Sum of Six pounds to be applyed for Cloathing the Pet<sup>r</sup> And that the Sum of four pounds per Annum be allowed to be paid out of the Treasury to the Select Men of said Town (for the time being) for three Years next ensuing (provided the Pet<sup>r</sup> lives that Term) for His Support in consideration of his Services and Sufferings herein mentioned. [*Passed November 8.*]

## CHAPTER 158.

## ORDER ALLOWING £5 TO ROBT WILSON.

*Ordered*, that the sum of Five Pounds be granted and allowed to be paid out of the publick Treasury to Robert Wilson a poor person, who for several years past has been a Pensioner of this Government, in consideration of his being disabled, by his wounds received in the service of the Province, from doing any thing towards his support; the money to be paid into the hands of M<sup>r</sup> Edward Bromfield, by him to be laid out for the said Wilson in such manner as he the said Bromfield shall think best. [*Passed November 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 200.

House Jour-  
nal, p. 124.

## CHAPTER 159.

ORDER ALLOWING £1. 5 FOR THREE YEARS TO W<sup>m</sup> JEFFRY, INDIAN.

A PETITION of William Jeffry of Harwich, Indian, praying for a further allowance from this Court in consideration of his wounds received in the publick service against the Indian enemy, he being unable to support himself.

Read and in answer hereto

*Ordered* that the Sum of One pound five shillings *per* Annum for the two last years and the present Year be allowed to be paid out of the publick Treasury to Edmund Freeman Esq<sup>r</sup> for the more comfortable Support of the Pet<sup>r</sup>. [*Passed November 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 201.  
Mass.  
Archives,  
lxxii., 650.

Legislative  
Records of the  
Council, xvii.,  
Mis., 543.  
House Jour-  
nal, pp. 120, 124.  
*Ante*, p. 65,  
chap. 124.

## CHAPTER 160.

ORDER GRANTING TO JON<sup>a</sup> DWIGHT A LICENSE AS INNHOLDER.

A PETITION of Jonathan Dwight of Boston, Inn holder, shewing that by reason of his being on a long journey in July last, and the Collector of Excise for the County of Suffolk being absent in the Eastern parts, he was hindered of getting his discharge for his Excise money, and so missed of taking out a Licence for the present year; and therefore praying that the Court of General Sessions of the Peace for the said County may be empowered to renew the Petitioners Licence, upon his producing a discharge for his Excise Money:

Read and

*Ordered* that the prayer of the Petition be granted, and that the Court of General Sessions of the Peace at their Adjournment be allowed (if they see meet) to grant the Petitioner a Licence accordingly. [*Passed November 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 201.

House Jour-  
nal, p. 123.

## CHAPTER 161.

## ORDER IMPOWERING JOB AHANTON, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 231.  
Mass.  
Archives,  
xxxi., 463.

Legislative  
Records of the  
Council, xvii.,  
Mis., 544.  
House Jour-  
nal, pp. 123, 124.

A PETITION of Job Ahanton of Tetticut, Indian, shewing that he is about Two Hundred Pounds in debt, which was principally occasioned by his charge of supporting an aged Grand Mother for many years; and for as much as he has leased sixty Acres of land to Elmathan Shaw of Raynham, which lease has seventeen years still to run; therefore praying that this Court would empower him to sell the said Lands for the payment of his debts.

In Council Read &

*Ordered* that Geo: Leonard Esq<sup>r</sup> with such as shall be joined by the hon<sup>ble</sup> House be a Com<sup>tee</sup> to examine into & adjust y<sup>e</sup> Debts of the Pet<sup>r</sup> within mentioned, & that the Pet<sup>r</sup> (upon the Adjustm<sup>t</sup> thereof) be allowed & empowered to sell the whole of the Estate within mentioned, or so much thereof as shall be sufficient to pay his just Debts, to such Person or Persons as shall bid most for the same, & to return the Overplus if any there be to the Guardians of the Tetticut Indians, by them to be disposed of in such manner as shall be most for the benefit of the Pet<sup>r</sup>

In the House of Rep<sup>ves</sup> Read and Concur'd and Cap<sup>t</sup> Bradford and M<sup>r</sup> Clap are Joynd in the affair. [*Passed November 8.*<sup>1</sup>

## CHAPTER 162.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO BRADFORD MEETING HOUSE.

Legislative  
Records of the  
Council,  
xvii. (4), 204.

House Jour-  
nal, pp. 25, 93,  
126. *Ante*,  
p. 241, chap. 7.

THE COMMITTEE who were appointed to repair to the first Parish in Bradford, view said Parish, hear the parties, and Report to this Court what may be proper for the Court to do thereon, have accordingly repaired to said Parish, viewed the same and heard all parties concerned; and find that the Meeting house stands about one mile from the center of said Parish, and notwithstanding in the year 1740 the Parish voted that the Meeting House should then be removed to the Center of the Parish, yet (to the great grief, uneasiness, trouble and charge of the Westerly part of the Parish) the afore said Vote hath not in any wise been complied with, but still remains very inconvenient to the said Westerly part. Wherefore the Committee are of Opinion that within eighteen months from the date hereof, the Meeting House in the first Parish in Bradford be removed about three quarters of a mile Westward of where it now stands, to a Knoll of Land rising on all sides, and is situate in the South East corner of M<sup>r</sup> Richard Kimballs pasture, formerly the land of Benjamin Chaltons, and said Knoll is about thirty three poles to the North West of the house where Nathaniel Chalton now dwells.

By Order of the Committee

Nov<sup>r</sup> 9. 1743.

EBEN<sup>r</sup> BURRILL.

Read and Accepted, and

*Ordered* that the Meeting House be removed accordingly. [*Passed November 9.*

<sup>1</sup> This date is according to Mass. Archives, the House Journal and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is November 12.

## CHAPTER 163.

ORDER ON THE PETITION OF GEO. TALBOT & OTHERS OF STOUGHTON  
ERECTING A NEW PRECINCT.

A PETITION of George Talbot, Simon Sterns and Ralph Pope for themselves and a considerable number of others of the first Precinct in Stoughton, who live at a great distance from the Meeting House there, Shewing that the said Parish have voted that the Petitioners with others, and their Estates, be set off as a distinct Precinct by the following bounds: viz<sup>t</sup> All the Inhabitants and Lands on the Southerly side of the following Line, viz<sup>t</sup> to begin at a Heap of Stones on the Easterly side of Taunton Road as laid out and now improved, twenty six rods Northward of Clifford Belchers dwelling house, and from thence with a strait line to the North West Corner of Wadsworths Farm, and so on the same course to Brantree Line, Hezekiah Gay and his estate to remain to the first Parish: praying that they may be erected into a separate parish accordingly.

Legislative  
Records of the  
Council,  
xvii. (4), 205.  
Mass.  
Archives, xii.,  
301.

Mass.  
Archives, xii.,  
300. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 544.  
House Jour-  
nal, p. 125.

Read and

*Ordered* that the Prayer of the Petition be granted and that all the lands and the Inhabitants with in the lines described herein (except Hezekiah Gay and his Estate) with their Estates be and hereby are sett off a seperate and distinct Precinct, and are Vested with all the Priviledges that other Precincts do or by Law ought to Enjoy provided the Inhabitants aforementioned pay their proportionable part of all Rates and Taxes heretofore assessed or granted.

[*Passed November 9.*]

## CHAPTER 164.

ORDER OF NOTICE ON THE PETITION OF ISA LITTLE ESQ<sup>R</sup> TO BRING  
FORWARD A WRIT OF REVIEW.

A MEMORIAL of Isaac Little Esq<sup>r</sup> praying that this Court would revive the consideration of a petition prefer'd by him in October 1741, praying for a new Trial of a cause between the Memorialist and Nicholas Sever Esq<sup>r</sup> and his Wife, which was refer'd, that so the parties might accomodate their differences.

Read and

*Ordered* that the Petitioner serve Nicholas Sever Esq<sup>r</sup> and Wife with a copy of this Petition, that they shew cause if any they have, on the first Tuesday of the next Sitting of the Court, why the prayer thereof should not be granted. [*Passed November 10.*]

Legislative  
Records of the  
Council,  
xvii. (4), 207.

House Jour-  
nal, p. 128.  
*Ante*, p. 33,  
chap. 192.

## CHAPTER 165.

ORDER OF NOTICE ON LEOMINSTER PETITION FOR LEAVE TO LEVY  
A TAX ON LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 208.  
Mass.

Archives, cxv.,  
149.

Mass.  
Archives, cxv.,

ON THE PETITION of the Inhabitants of Leominster, with the Order of the Court thereon, [*ante*, p. 240, chap. 5]

[Read &]

*Ordered* that the further consideration of this Petition be refer'd

147. House Journal, p. 128. *Ante*, p. 240, chap. 5.

to the first Fryday of the next Sitting of this Court, And that the Petitioners give out their Notifications as above ordered in the mean time, It having been hitherto neglected. [*Passed November 10.*]

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## CHAPTER 166.

### ORDER ADDING A LIEUTENANT TO THE OFFICERS OF THE PROVINCE SNOW.

Legislative Records of the Council, xvii. (4), 217. Mass. Archives, lxiv., 237.

A MEMORIAL of Cpt. Edward Tyng Commander of His Majestys Snow the Prince of Orange; proposing, as what he apprehends may be much for the publick service, that he may be allowed a Lieutenant and Surgeon & twelve seamen to be in constant pay, even in the Winter Season; and the Establishment of the Wages of the said Ships Company may be made accordingly.

Mass. Archives, lxiv., 236. Legislative Records of the Council, xvii., Mis., 546. House Journal, p. 131.

Read and in answer  
*Ordered* that a Lieutenant be added to the Officers in constant pay as already established. [*Passed November 10.*]<sup>1</sup>

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## CHAPTER 167.

Legislative Records of the Council, xvii. (4), 210. Mass. Archives, xlii., 440.

ORDER REFERRING WITH STAY OF EXECUTION THE PETITION OF JOHN WOLCOT ESQ<sup>r</sup> ADMINISTRATOR, PRAYING FOR A NEW TRIAL OF AN ACTION.

House Journal, pp. 26, 94, 128. *Ante*, p. 286, chap. 117.

*Ordered* that the Consideration of this Petition<sup>2</sup> be further refer'd to Fryday the eighteenth Instant, if the Court be then sitting, if not, to the first Wednesday of the next Sitting of this Court, And Execution is stayed in the mean time. [*Passed November 11.*]

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## CHAPTER 168.

### ORDER OF NOTICE ON THE PETITION OF DARTMOUTH INHABITANTS IN REGARD TO THE ELECTION OF TOWN OFFICERS.

Legislative Records of the Council, xvii. (4), 197, 210.

House Journal, pp. 120, 129.

A PETITION of Lemuel Pope and others, Inhabitants of the Town of Dartmouth, shewing that by reason of the irregular proceedings of the Inhabitants of said Town, there is now no lawful Town Officers among them, and therefore praying that this Court would order a regular Meeting of the Inhabitants there, and appoint a Moderator of said Meeting.

Read and

*Ordered* that the Petitioners serve the Select men of the Town of Dartmouth for the year 1742, with a Copy of this Petition, that they shew cause if any they have, on the second Tuesday of the next Sitting of this Court, why the Prayer thereof should not be granted. [*Passed November 11.*]

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is November 11.

<sup>2</sup> *Ante*, p. 286, chap. 117.



## CHAPTER 169.

## ORDER ABOUT THE TAXES OF THE INHABITANTS OF THE NEW PRECINCT IN SUTTON.

WHEREAS the Northerly part of Sutton was erected into a separate and distinct Precinct by a Vote of this Court on the 28<sup>th</sup> of October last, and there being no provision therein obliging the Inhabitants of the said Precinct to pay all past Ministerial Charges and Assessments that have arisen in the Town of Sutton:

Therefore

*Ordered* that the Inhabitants of the said new Precinct be and hereby are obliged to pay their proportionable parts and dues to all past Ministerial Charges and Assessments in the Town of Sutton, as also their proportionable part of the sum that the Inhabitants have agreed to raise for the paying their Ministers Salary this present year ending in March next; Any thing in the Vote constituting them a Precinct notwithstanding. [*Passed November 11.*]

Legislative  
Records of the  
Council, xvii. (4), 211.  
House Journal, pp. 128, 129.  
*Ante*, p. 295,  
chap. 141.

## CHAPTER 170.

## ORDER IMPOWERING JOHN SIMONS &amp; JOHN WANNO, INDIANS, TO SELL LAND.

THE COMMITTEE who were appointed on the petition of John Simons and John<sup>1</sup> Wanno, Titticut Indians for assisting them in the sale of some of their lands at Titticut, for the purposes mentioned in said petition, have repaired to Titticut, viewed the land mentioned in said petition, and assisted the petitioners in the sale thereof being about fifty three acres and one half which was under lease betwixt 20 and 30 years and held by Ebenezer Shaw, and the same was sold to said Shaw for One hundred & six pounds old tenor. which was the most that any body would give, and the full of what we judged the land worth, but the aforesaid One hundred and six pounds being not sufficient to pay the commissioners and the committees of the General Court, at the request of the Indians, we veiwed a tract of land adjoining to the land above mentioned of about thirty four acres, now under lease for almost thirty years, which they earnestly desire may be sold that the said committee and the said commissioners may be fully satisfied. And we are fully convinced that if the said Indians are empowered to make sale thereof, it will save the charge of the committees going to Titticut, and best for the Indians. all which is humbly submitted by

JN<sup>o</sup> CUSHING &  
JN<sup>o</sup> JONES. and  
JOSEPH LIVERMORE.

Read and accepted and

*Ordered* that John Simmons and Benjamin Wanno be and hereby are empowered to make sale of thirty four acres of land at Titticut in Middleborough which James Boyce now holds by virtue of a lease, and is joining to Ebenezer Shaws land, and John Cushings Esq<sup>r</sup> with

<sup>1</sup> "Benjamin," in Legislative Records of the Council, xvii. (4), 212, and in the order, *infra*.

Legislative  
Records of the  
Council, xvii.,  
Mis., 545.  
Legislative  
Records of the  
Council,  
xvii. (4), 154,  
212. House  
Journal, p. 130.  
*Ante*, p. 284,  
chap. 113.

such as the Hon<sup>le</sup> House shall appoint, be a committee to assist the said Indians to see justice [done]<sup>1</sup> them in the sale thereof, the mon'y arising by said sale to be applied by the said committee for paying the said Indians debts, the overplus if any there be, for their subsistence.

In the House of Represent<sup>ves</sup> Read and Concur'd, and Major Jones and M<sup>r</sup> Livermore are joined in the affair. [*Passed November 11.*]

## CHAPTER 171.

### ORDER ACCEPTING THE COMMITTEES REPORT ON THE NATH<sup>l</sup> MARTYN AFFAIR.

Legislative  
Records of the  
Council,  
xvii. (4), 213.

Legislative  
Records of the  
Council,  
xvii. (4), 201,  
208. House  
Journal,  
pp. 125, 126, 127,  
128, 131. *Infra*,  
chap. 173.

THE COMMITTEE having in pursuance of the foregoing Order<sup>2</sup> convened the said Nathaniel Martyn before them, and fully heard and considered what he had to offer in way of Justification or Ex-tenuation of the several exceptionable Expressions contained in his Memorial to His Excellency the Governor and Council: and the Ex-cuse made by him in his vindication not appearing to the Committee to be in any measure satisfactory; They are therefore Unanimously of Opinion, that in order to support the Honour of the Government and to express a due Resentment of his Insolence and Contempt of the Authority thereof, the said Nathaniel Martyn be forthwith com-mitted to the common Goal in the County of Suffolk, there to remain during the present Sitting of this Court and until he shall recognize before one of His Majestys Justices of the Peace for the said County in the sum of Two Hundred Pounds with two Sureties in the sum of One Hundred [Pounds] each to be of good behaviour for the space of six months from this time.

(Signed) JOHN OSBORNE, per Order.

Read and Unanimously Accepted, &

*Ordered* that the Sheriff of the County of Suffolk forthwith com-mit the said Nathaniel Martin to the Common Goal in said County there to remain during the present Sitting of this Court, and until he shall recognize before one of His Majestys Justices of the Peace for the said County, in the sum of Two Hundred Pounds with two Sureties in the sum of One Hundred Pounds each, to be of good behaviour for the space of Six Months accordingly. [*Passed Novem-ber 11.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (4), 212.

<sup>2</sup> "John Osborne Esq<sup>r</sup> from the Committee of both Houses on the affair of Nathaniel Martin, gave in their Report: Which was not accepted. But the following Vote was pass'd on that Affair, viz<sup>t</sup>

In the House of Represent<sup>ves</sup>; In as much as it is represented to the House that a Doubt arose in the Committee whether they were sufficiently impowered by the Vote of both Houses to hear and examine the said Martin upon the affair:

It is therefore *Ordered* that the Sheriff of the County of Suffolk bring the said Martyn before the Committee that he may be heard and examined by them, relating to his Offence; and they are impowered and directed to inquire into his Abettors & Encouragers, if any such there be, and to send for Persons and other Evidences, and are to make further report accordingly.

In Council: Read and Concur'd." — Legislative Records of the Council, xvii. (4), 208.

## CHAPTER 172.

ORDER OF NOTICE ON THE PETITION OF JOHN HOMANS, EXECUTOR,  
PRAYING FOR LEAVE TO OFFER AN ACCOUNT.

A PETITION of Cpt. John Homans, Shewing that he was Executor (with Timothy Emerson) of the Testament of William Brown dec<sup>d</sup> that by the managements of the said Emerson (now dec<sup>d</sup>) in the Petitioners absence he is brought into great difficulties as to the business of an Executor; and praying that the Judge of Probate for the County of Suffolk may be allowed to receive an Account from the Petitioner upon Oath, notwithstanding there has been no Inventory of the said Estate given in.

[Read and]

*Ordered* that this Pet<sup>n</sup> be continued till the first Thursday of the next Sitting of this Court, And that the Heirs of W<sup>m</sup> Brown dec<sup>d</sup> then give in their Answer. [*Passed November 11.*]

Legislative  
Records of the  
Council,  
xvii. (4), 174.  
Mass.  
Archives, xviii, 190.

Mass.  
Archives, xviii., 187-193.  
Legislative  
Records of the  
Council,  
xvii. (4), 181,  
215. House  
Journal,  
pp. 111, 130.  
*Ante*, p. 251,  
chap. 31.

## CHAPTER 173.

ORDER DISCHARGING NATH<sup>l</sup> MARTYN FROM GOAL.

A PETITION of Nathaniel Martyn of Boston, acknowledging his great fault in the indecent reflections cast on the proceedings of the Governor and Council and the House of Representatives, contained in his Memorial to the Governor and Council by him presented the third Instant, and praying the forgiveness of the Court of his said Offence.

The Secretary went down by Order of the Governor and Council on a Message to the House of Representatives, to propose that Nathaniel Martyn should be ordered to attend the whole Court in the Council Chamber; & that his Petition should be publickly read, and the said Martyn admonished for his Fault and thereupon discharged. To which the House agreed.

And the House being accordingly come up; the said Nathaniel Martyn appeared before the whole Court; And his Petition being read:

The Secretary, in the Name and by Order of the Court, admonished him for his fault above mentioned.

And then he was ordered to withdraw.

And the Representatives returned to their Chamber

Whereupon the following Vote was pass'd, viz<sup>t</sup>

In consideration of the humble submission made by Nathaniel Martyn to this Court by his Petition now presented:

*Ordered* that the Sentence of the Court for his Imprisonment and giving Bond for the good behaviour be remitted; and that the Petitioner be also discharged from his present Restraint, upon his paying Fees and Costs; and that Orders be given to the Sheriff of the County of Suffolk to discharge him accordingly. [*Passed November 11.*]

Legislative  
Records of the  
Council,  
xvii. (4), 215.

Mass.  
Archives, cil.,  
316-325, 329.  
House Jour-  
nal, p. 131 *bis*.  
*Supra*, chap.  
171.

## CHAPTER 174.

## ORDER WITH STAY OF EXECUTION IMPOWERING GERRISH &amp; BARREL TO BRING FORWARD AN APPEAL.

Legislative  
Records of the  
Council,  
xvii. (4), 216.

Mass.  
Archives,  
lxiv., 222-225.  
House Jour-  
nal, pp. 109, 129.  
*Ante*, p. 287,  
chap. 121.

ON THE PETITION of Mess<sup>rs</sup> Gerrish and Barrell, [*ante*, p. 287, chap. 121]

Read, with the answer of Henchman Sylvester and others; and the matter being fully considered:

*Ordered* that the prayer of the Petition be so far granted as that the Petitioners have liberty & power to bring forward their Appeal at the next Superior Court of Judicature to be held at Plymouth on the second Tuesday of July next; and the Justices of the said Court are hereby directed to hear the parties on the merits of the cause, and to make up Judgment and award Execution thereon, with the Costs of this and the first Trial at the Inferior Court, the failure of the Petitioners at the last Superior Court notwithstanding: Provided the Petitioners first pay to the Respondents their Cost arising at and as taxed by the said Superior Court held at Plymouth on the Second Tuesday of July last; and Execution is stayed in the mean time; Provided the Petitioners give sufficient security to the Sheriff of the County of Suffolk to pay such sum as [may]<sup>1</sup> be finally recovered of them on the Suit afore mentioned, with lawful Interest from the Twenty Seventh of October last. [*Passed November 11.*]

## CHAPTER 175.

## ORDER OF NOTICE ON JAC. HURDS PETITION FOR STAY OF EXECUTION. \*

Legislative  
Records of the  
Council,  
xvii. (4), 217.  
Mass.  
Archives, xlii.,  
377.

Mass.  
Archives, xlii.,  
376. House  
Journal, p. 106.

A PETITION of Jacob Hurd of Boston, shewing that he purchased a House and land in Boston, of Abraham Blish and Joseph Pomroy, that since his purchase he has found that the said Blish & Pomroy have no title; however they have commenced their Action against him for the Purchase money that was unpaid, and have recovered Judgment for the same; and therefore praying that the Execution thereon may be stayed, until they prove a good Deed from the Executors of the Testament of the Unkle of the said Abraham, who have the title in them by the said Will.

Read and

*Ordered* that the Pet<sup>rs</sup> serve the Adverse Parties the said Blish and Pomroy with copyes of this Pet<sup>n</sup> that they shew cause if any they have on the first fryday of the next Session of this Court, why the Prayer thereof should not be granted. And Execution within mentioned is Stayed in the mean time provided the Pet<sup>r</sup> give Sufficient Security to the Sheriff of the County of Suffolk to pay the Principal and Interest that shall become due from this time. [*Passed November 11.*]

<sup>1</sup> Inserted from Mass. Archives, lxiv., 225.

## CHAPTER 176.

VOTE GRANTING £1,666. 13. 4 TO PURCHASE STORES FOR CASTLE WILLIAM AND OTHER FORTS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 550.

*Voted* that the sum of One thousand six hundred and sixty six pounds, thirteen shillings and four pence, be granted and allowed to be paid out of the publick treasury into the hands of the committee, appointed to purchase proper stores for Castle William, and the other Forts and Garrisons in the Province. [*Passed November 11.*]

Legislative  
Records of the  
Council,  
xvii. (4), 218.  
House Journal,  
p. 132.  
*Post*, p. 311,  
chap. 183.

## CHAPTER 177.

VOTE GRANTING £1,333. 13. 8 FOR COMPLETING THE WORKS AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xvii.,  
Mis., 554.

*Voted* that the sum of One thousand three hundred and thirty three pounds, thirteen shillings and eight pence be allowed and paid out of the publick treasury into the hands of the Committee appointed to effect the repairs and works at Castle William, for the further carrying on and completing the same, the Committee to be accountable. [*Passed November 11.*]

Legislative  
Records of the  
Council,  
xvii. (4), 218.  
House Journal,  
pp. 86, 132.  
*Ante*, p. 109,  
chap. 230.

## CHAPTER 178.

VOTE GRANTING £666. 13. 4 FOR FORTIFYING BOSTON.

*Voted* that His Excellency the Captain General be desired to give orders that within twelve months there be erected in the Harbour of Boston an other good & sufficient Breast Work, and a Platform built, and not less than twelve guns eighteen Pounders or others equivalent mounted, and all suitable Warlike stores procured, and that the sum of six hundred and Sixty six [*Pounds*]<sup>1</sup> thirteen shillings and four pence be granted and allowed to be paid out of the publick Treasury to the order of the said Town of Boston, they giving security to the Treasurer for the erecting said Works & procuring the same stores, and that the same shall be from time to time maintained, or on the failure either of their performing said Works or maintaining them the money hereby granted to be repaid into the Province Treasury again. [*Passed November 11.*]

Legislative  
Records of the  
Council,  
xvii. (4), 218.  
House Journal,  
p. 132.  
*Ante*, p. 110,  
chap. 231.

## CHAPTER 179.

VOTE GRANTING £166. 13. 4 FOR FORTIFYING SALEM.

*Voted* that the Sum of One Hundred & Sixty Six Pounds thirteen Shillings & four pence be Granted and Allowed to be paid out of the Publick Treasury to the Order of the Town of Salem, they

Legislative  
Records of the  
Council, xvii.,  
Mis., 554.  
Mass.<sup>1</sup> Inserted from the House Journal, p. 132.

Archives,  
lxxii., 663.

Legislative  
Records of the  
Council, xvii.  
(4), 219.  
House Jour-  
nal, p. 132.  
*Ante*, p. 110,  
chap. 233.

giving Security to the Province Treasurer that in Case they Shall fail of performing the Conditions annexed to the Grant of Three hundred pounds made to said Town by this Court at their Sessions begun and held in July 1741. the Money hereby granted shall be repaid into the Province Treasury. and Twelve months further are allow'd s<sup>d</sup> Town to perform the Condition enjoynd. [*Passed November 11.*]

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## CHAPTER 180.

### VOTE GRANTING £166. 13. 4 FOR FORTIFYING MARBLEHEAD.

Legislative  
Records of the  
Council, xvii.,  
Mis., 548.  
Mass.  
Archives,  
lxxii., 666.

Legislative  
Records of the  
Council,  
xvii. (4), 219.  
House Jour-  
nal, p. 132.  
*Ante*, p. 111,  
chap. 234.

*Voted* that the Sum of One Hundred & Sixty Six Pounds thirteen Shillings and four pence be granted and Allowed to be paid out of the publick Treasury to the Order of the Town of Marblehead they giving Security to the Province Treasurer that in case they shall fail of performing the Conditions annex'd to the Grant of Five Hundred and Fifty Pounds made to said Town by this Court at their Sessions begun & held in July 1741. the Money hereby granted shall be repaid into the Province Treasury. And Twelve months further are allow'd s<sup>d</sup> Town to perform the Conditions of their Grant. [*Passed November 11.*]

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## CHAPTER 181.

### VOTE GRANTING £126. 13. 4 FOR FORTIFYING BEVERLY.

Legislative  
Records of the  
Council, xvii.,  
Mis., 550.  
Mass.  
Archives,  
lxxii., 665.

Legislative  
Records of the  
Council,  
xvii. (4), 220.  
House Jour-  
nal, p. 132.

*Voted* that His Excellency the Captain General be desired to give Orders that within Twelve months there be erected in the Harbour of Beverly a good & sufficient Brest Work & a platform built and not less then four Guns Nine pounds or others equivalent mounted and all suitable Warlike stores Procured & that the sum of One hundred & Twenty six pounds thirteen shillings & four pence be granted & allowed to be paid out of the Publick Treasury to the Order of the said Town of Beverly they giving security to the Province Treasurer for the Erecting said Works & procuring said Stores & that the same shall be from time to time Maintained or on the failure either of their performing said Works or Maintaining them the Money hereby granted to be repaid by said Town into the Province Treasury again. [*Passed November 11.*]

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## CHAPTER 182.

### VOTE GRANTING £126. 13. 4 FOR FORTIFYING GLOCESTER.

Legislative  
Records of the  
Council, xvii.,  
Mis., 551.  
Mass.  
Archives,  
lxxii., 668.

Legislative  
Records of the

*Voted* that the sum of One Hundred & Twenty Six Pounds thirteen Shillings and four pence be Granted and Allowed to be paid out of the Publick Treasury unto the Order of the Town of Gloucester they giving Security to the Province Treasurer that in Case they shall fail of performing the Conditions annexed to the Grant of Four hundred pounds made to said Town by this Court at their Ses-

sions began & held in July 1741. the Money hereby Granted shall be repaid into the Province Treasury. And Twelve months further are allowd said Town to perform the Conditions of their Grants. [*Passed November 11.*]

Council,  
xvii. (4), 220.  
House Journal, xvii.,  
Mis., p. 133.  
*Ante*, p. 111,  
chap. 236.

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## CHAPTER 183.

### VOTE APPOINTING A COMMITTEE TO PURCHASE STORES FOR CASTLE WILLIAM AND OTHER FORTS AND GARRISONS.

In the House of Representatives

*Voted* that M<sup>r</sup> Speaker, M<sup>r</sup> Hutchinson, M<sup>r</sup> Oliver M<sup>r</sup> Prout and M<sup>r</sup> Cotton, with such as the Honorable board shall appoint, be a committee to purchase proper stores for Castle William, and the other forts and Garrisons in the Province.

In Council. Read and concurred and John Osborne, John Jones,<sup>1</sup> Jacob Wendell & Samuel Watts Esq<sup>rs</sup> are joined in the affair. [*Passed November 11.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 548.

Legislative  
Records of the  
Council,  
xvii. (4), 221.  
House Journal,  
p. 129.

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## CHAPTER 184.

### VOTE GRANTING ALLOWANCES FOR FORTIFYING DIVERS TOWNS IN HAMPSHIRE COUNTY.

In the House of Representatives,

Whereas it Appears Necessary from the Apprehensions this House have of a Speedy Rupture between the Crowns of Great Britain & France that the Inland Frontiers in this Province be put into a better Posture of Defence, Therefore

*Voted* That the following Sums be & hereby are granted to be paid out of the Publick Treasury to be laid out in some of the Settlements in the County of Hampshire, Vizt. To Fall Town, Colerain, Blandford, Stockbridge Sheffield and Upper Housatunnock One Hundred Pounds each, And to New Hampton Sixty Six pounds Thirteen Shillings & four pence All which Sums shall be taken out of the Seven Thousand Pounds Appropriation provided in the Supply Bill now before this Court & shall be paid into the hands of Mess<sup>rs</sup> Thomas Ingersole, John Leonard and Thomas Jones with such as the Honourable Board shall join as a Committee fully Authorized & Impowered to receive the same and (first taking the Direction of the Captain General) to lay out in the most prudent manner in Erecting in each of the beforenamed Settlements for their Security during the War a Garrison or Garrisons of Stockades or of Square Timber round some Dwelling House or Houses or otherwise as will be most for the Security & Defence of the whole Inhabitants of each place the Committee as near as may be to proportion the Expence to the Sums hereby granted, And the Over pluss if any be to be Returned into the Province Treasury the Committee to be Accountable & to produce Vouchers that they have paid for the Charge of said Fortifications (as well for Materials as to the Workmen Employed) in Bills of Credit.

Provided Nevertheless that if the Apprehensions of War be over

Legislative  
Records of the  
Council, xvii.,  
Mis., 546.  
Mass.  
Archives, cxv.,  
183.

Legislative  
Records of the  
Council,  
xvii. (4), 221.  
House Journal,  
p. 134.  
Province  
Laws, iii., 112,  
chap. 13.

<sup>1</sup> "Jeffries," in Legislative Records of the Council, xvii. (4), 221.

before the Money be laid out what remains shall be returned into the Treasury, there to lye for the further Order of this Court.

In Council.

Read & Concur'd & John Stoddard & Oliver Patridge Esq<sup>rs</sup> are joined in the Affair. [*Passed November 11.*]

## CHAPTER 185.

### VOTE GRANTING ALLOWANCES FOR FORTIFYING DIVERS TOWNS IN THE COUNTIES OF MIDDLESEX & WORCESTER.

In the House of Representatives,

Whereas it Appears Necessary from the Apprehensions this House have of a Speedy Rupture between the Crowns of Great Britain & France that the Inland Frontiers in this Province be put into a better Posture of Defence, Therefore

*Voted* That the following Sums be & hereby are granted to be paid out of the Publick Treasury to be laid out in some of the Settlements in the County of Middlesex, Vizt. To the West Precinct in Groton Thirty three Pounds Six Shillings & Eight pence, To Townshend Sixty Six Pounds Thirteen Shillings & four pence in the County of Worcester, Vizt. To Lunenburgh & Leominster between them Sixty Six Pounds Thirteen Shillings & four pence, To Narraganset Number Two One Hundred Pounds, To Pequog One Hundred Pounds To Nichewoag One Hundred Pounds, To New Rutland One Hundred Pounds & in the County of Hampshire Vizt. To New Salem One Hundred Pounds

All which Sums shall be taken out of the Seven Thousand Pounds Appropriation provided in the Supply Bill now before this Court & shall be paid into the hands of Mess<sup>rs</sup> Samuel Willard, William Lawrence & James Minot with such as the Honourable Board shall join as a Committee fully Authorized and Impowered to receive the same and (first taking the Direction of the Captain General) to lay out in the most prudent manner in Erecting in each of the before-named Settlements for their Security during the War a Garrison or Garrisons of Stockades or of Square Timber round some Dwelling House or Houses or otherwise as will be most for the Security & Defence of the whole Inhabitants of each place the Committee as near as may be to proportion the Expence to the Sums hereby granted, And the Overpluss if any be to be returned Into the Province Treasury the Committee to be Accountable & to produce Vouchers that they have paid for the Charge of said Fortifications (as well for Materials as to the Workmen Employed) in Bills of Credit

Provided Nevertheless that if the Apprehensions of War be over before the Money be laid out what remains shall be returned into the Treasury, there to lye for the further Order of this Court.

In Council Read & Concur'd & Joseph Wilder & Joseph Dwight Esq<sup>rs</sup> are joined in the Affair. [*Passed November 11.*]

Legislative  
Records of the  
Council, xvii.,  
Mis., 533.  
Mass.  
Archives,  
lxxii., 656.

Legislative  
Records of the  
Council,  
xvii. (4), 222.  
House Jour-  
nal, p. 133.  
Province  
Laws, iii., 112,  
chap. 13.  
*Supra*, chap.  
184. *Infra*,  
chap. 186.



## CHAPTER 186.

## VOTE GRANTING ALLOWANCES FOR FORTIFYING DIVERS TOWNS IN THE COUNTY OF YORK.

In the House of Representatives,

Whereas it Appears Necessary from the Apprehensions this House have of a Speedy Rupture between the Crowns of Great Britain and France that the Inland Frontiers in this Province be put into a better Posture of Defence, Therefore

*Voted* That the following Sums be & hereby are granted to be paid out of the Publick Treasury to be laid out in some of the Settlements in the County of York Vizt. To Berwick One Hundred Pounds, To New Marblehead One Hundred Pounds, To Scarborough One Hundred Pounds To Gorham Town One Hundred Pounds To Sheepscutt One Hundred Pounds, To Broadway or to the Inhabitants at the Falls called Madomock as the Captain General shall direct Seventy five Pounds, To Newbury Narraganset One Hundred Pounds, To Phillips Town One Hundred Pounds To Damariscotta Sixty Six Pounds Thirteen Shillings & four pence All which Sums shall be taken out of the Seven thousand pounds Appropriation provided in the Supply Bill now before this Court & shall be paid into the hands of Mess<sup>rs</sup> Moses Butler Tobias Leighton Samuel Moody James Skinner & Jacob Perkins with such as the Honourable Board shall join as a Committee fully Authorized and Impowered to receive the same and (first taking the Direction of the Captain General) to lay out in the most prudent manner in Erecting in each of the before-named Settlements for their Security during the War a Garrison or Garrisons of Stockades or of Square Timber round some Dwelling house or Houses or otherwise as will be most for the Security & Defence of the whole Inhabitants of each place the Committee as near as may be to proportion the Expence to the Sums hereby Granted And the Overpluss if Any be to be returned into the Province Treasury, the Committee to be Accountable And to produce Vouchers that they have paid for the Charge of said Fortifications (as well for Materials as to the Workmen Employed) in Bills of Credit.

Provided Nevertheless that if the Apprehensions of War be over before the Money be laid out what remains shall be returned into the Treasury there to lye for the further Order of this Court.

In Council,

Read & Concur'd & William Pepperil, Jeremiah Moulton John<sup>2</sup> Hill & Samuel Waldo Esq<sup>rs</sup> are joined in the Affair. [*Passed November 11.*]

Legislative  
Records of the  
Council,  
xvii. (4), 223.  
Mass.  
Archives,  
lxxii., 670.

House Journal,  
p. 134.  
Province  
Laws, iii., 112,  
chap. 13.  
*Supra*, chap.  
185.

## CHAPTER 187.

## VOTE GRANTING £100 FOR FORTIFYING ARROWSICK ISLAND.

*Voted* that His Excellency the Captain General be desired to give Orders that within Twelve Months there be Erected on the Island of Arrowsick a good & Sufficient Breast Work & a Platform built & not less than Four Gunns Six Pounders mounted or others equivalent & all suitable Warlike Stores procured & that the Sum of One

Legislative  
Records of the  
Council, xvii.,  
Mis., 552.  
Mass.  
Archives,  
lxxii., 662.

Legislative  
Records of the  
Council, xvii.,  
xvii. (4), 225.  
House Jour-  
nal, p. 135.

Hundred pounds be granted and Allowed to be paid out of the Publick Treasury to the Order of the Inhabitants of George Town they giving Security to the Province Treasurer for the Erecting said Works and procuring said Stores and that the same Shall be from time to time maintained, or on the failure either of their performing said Works or maintaining them, the Money hereby granted to be repaid by said Town into the Province Treasury again. [*Passed November 11.*]

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## CHAPTER 188.

### VOTE GRANTING £133. 13. 4 FOR FORTIFYING FALMOUTH.

Legislative  
Records of the  
Council, xvii.,  
Mis., 550.  
Mass.  
Archives,  
lxxii., 664.  
Legislative  
Records of the  
Council, xvii.,  
xvii. (4), 225.  
House Jour-  
nal, p. 135.  
*Ante*, p. 114,  
chap. 243.

*Voted*, That the Sum of One Hundred & Thirty three Pounds Thirteen Shillings & four pence be granted and Allowed to be paid out of the Publick Treasury to the Order of the Town of Falmouth they giving Security to the Province Treasurer that in Case they shall fail of performing the Conditions Annexed to the Grant of Four hundred pounds made to said Town by this Court at their Sessions began & held in July, 1741, the Money hereby granted shall be repaid into the Province Treasury. And Twelve months further are allowd<sup>s</sup> Town to perform the Conditions of their Grants. [*Passed November 11.*]

Legislative  
Records of the  
Council, xvii.,  
xvii. (4), 225.  
Mass.  
Archives,  
lxxii., 658.

Legislative  
Records of the  
Council, xvii.,  
Mis., 549; *ibid.*,  
xvii. (4), 81,  
148, 163.  
House Jour-  
nal, p. 135.

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## CHAPTER 189.

### VOTE GRANTING £33. 6. 8 FOR REPAIRS AT RICHMOND FORT.

*Voted*, That the Sum of Thirty three Pounds Six Shillings & Eight pence be Granted & Allowed to be paid out of the Publick Treasury for the further Carrying on the Repairs at Richmond Fort. [*Passed November 11.*]

Legislative  
Records of the  
Council, xvii.,  
xvii. (4), 226.  
Mass.  
Archives,  
lxxii., 661.

Legislative  
Records of the  
Council, xvii.,  
Mis., 549; *ibid.*,  
xvii. (4), 112.  
House Jour-  
nal, p. 135.  
*Ante*, p. 163,  
chap. 86.

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## CHAPTER 190.

### VOTE GRANTING £133. 6. 8 FOR REPAIRS AT FORT FREDERICK.

*Voted*, That the Sum of One Hundred & Thirty three Pounds Six Shillings & Eight pence be Granted & Allowed to be paid out of the Publick Treasury for the further Carrying on the Repairs at the Fort at Pemaquid. [*Passed November 11.*]

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## CHAPTER 191.

### VOTE GRANTING £66. 13. 4 FOR FORTIFYING CHARLESTOWN.

Legislative  
Records of the  
Council, xvii.,  
Mis., 547.  
Mass.  
Archives,  
lxxii., 667.

*Voted* That the Sum of Sixty Six Pounds Thirteen Shillings & four pence be granted and Allowed to be paid out of the Publick Treasury to the Order of the Town of Charlestown they giving Security to the Province Treasurer that in Case they shall fail of

performing the Conditions Annexed to the Grant of Two hundred & fifty pounds made to said Town by this Court at their Session began & held in July. 1741. the money hereby granted shall be repaid into the Province Treasury And Twelve months further are allow'd s<sup>d</sup> Town to perform the Conditions of their Grants. [*Passed November 11.*]

Legislative Records of the Council, xvii. (4), 228. House Journal, p. 133. *Ante*, p. 110, chap. 232.

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## CHAPTER 192.

### VOTE GRANTING £100 FOR FORTIFYING PLYMOUTH.

*Voted* That the Sum of One Hundred Pounds be Granted & Allowed to be paid out of the Publick Treasury to the Order of the Town of Plymouth, they giving Security to the Province Treasurer that in Case they shall fail of performing the Conditions Annexed to the Grant of Two hundred & fifty pounds made to said Town by this Court at their Sessions began & held in July 1741. the Money hereby granted shall be repaid into the Province Treasury And Twelve months further are allow'd s<sup>d</sup> Town to perform the Conditions of their Grants. [*Passed November 11.*]

Legislative Records of the Council, xvii., Mis., 551. Mass. Archives, lxxii., 669.

Legislative Records of the Council, xvii. (4), 227. House Journal, p. 134. *Ante*, p. 111, chap. 235.

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## CHAPTER 193.

### VOTE GRANTING £33. 6. 8 FOR REPAIRS AT SACO TRUCK HOUSE.

*Voted* that the sum of Thirty three pounds six shillings and eight pence be granted and allowed to be paid out of the publick treasury, for the further carrying on the repairs at Saco Truckhouse. [*Passed November 12.*<sup>1</sup>]

Legislative Records of the Council, xvii., Mis., 549.

Mass. Archives, lxxii., 659. Legislative Records of the Council, xvii. (4), 226. House Journal, p. 135. *Ante*, p. 163, chap. 86.

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## CHAPTER 194.

### VOTE ALLOWING £100 FOR REPAIRS ON THE TRUCK HOUSE AT S<sup>r</sup> GEORGES RIVER.

*Voted* that the sum of One Hundred Pounds be granted and allowed to be paid out of the publick Treasury for the further carrying on the Repairs at the Truck House<sup>2</sup> at Georges River. [*Passed November 12.*<sup>1</sup>]

Legislative Records of the Council, xvii. (4), 226.

Mass. Archives, lxxii., 660. Legislative Records of the Council, xvii., Mis., 555; *ibid.*, xvii. (4), 81, 163. House Journal, p. 135. *Ante*, p. 289, chap. 126.

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## CHAPTER 195.

### VOTE TO RAISE SEVEN COMPANIES OF SNOW SHOOE MEN.

*Voted* That His Excellency the Captain General be desired in such Manner as to him shall seem best to Raise in the County of Hampshire Three Companys of Fifty able bodyed Effective Men

Legislative Records of the Council, xvii., Mis., 555. Mass.

<sup>1</sup> This date is according to Mass. Archives; according to both copies of Legislative Records of the Council the date is November 11.

<sup>2</sup> Legislative Records of the Council, xvii., Mis., 555, reads: "at the *fort* at Georges River."

Archives,  
lxxii., 672.

Legislative  
Records of the  
Council,  
xvii. (4), 227.  
House Jour-  
nal, pp. 135, 136.  
Province  
Laws, iii., 112,  
chap. 13.

in Each, Three Companys in the Countys of Middlesex and Worces-  
ter, and four Companys in the County of York of like Number and  
Quality with the first so situate and disposed as shall best Serve the  
Defence of the whole Frontiers, that he be pleased to Order and  
Direct that Each Officer and private Centinel in said Companys  
provide himself with a good pair of Snow Shoes, One pair of Mog-  
gissons and one Hatchett, and that during the Warr that may hap-  
pen they held themselves ready to March on the Shortest Warning,  
and that the Commanding Officer of Each of said Companys shall  
Transmitt to the Captain General a List Containing the Number  
Names & place of Abode of Each of his Men and that they are  
provided as aforesaid with a Duplicate to be Lodged in the Secre-  
tarys Office And that on receipt thereof and in Consideration of  
their Charge and Duty in thus providing themselves and being  
always ready to March there be Allowed & paid out of the Publick  
Treasury to Each such Officer & Centinel Ten shillings and that  
a Grant be & hereby is made for that purpose accordingly. the  
payment to be made out of the Appropriation for Grants. [*Passed  
November 12.*<sup>1</sup>

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## CHAPTER 196.

ORDER CONTINUING PETITIONS AND OTHER MATTERS TO THE NEXT  
SESSION.

Legislative  
Records of the  
Council, xvii.,  
Mis., 556.

Legislative  
Records of the  
Council,  
xvii. (4), 229.  
House Jour-  
nal, p. 137.

*Ordered* that such petitions and other matters, as were to have  
been heard, or had day in the present session of this Court, and  
have not been passed on or considered, be continued unto, and  
proceeded on at the next session of the general Court. and that  
then they have the like day or days as were assigned them in this  
session. [*Passed November 12.*

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## CHAPTER 197.

Legislative  
Records of the  
Council,  
xvii. (4), 229.

House Jour-  
nal, p. 136.  
Province  
Laws, iii., 118,  
chap. 17.

ORDER DIRECTING THE PUBLICATION OF THE "ACT FOR THE MORE  
SPEEDY FINISHING OF THE LAND-BANK OR MANUFACTORY SCHEME."

*Ordered* that the Secretary be directed to publish in the Boston  
Gazet the Act pass'd this Court in the present Session for finishing  
the Manufactory Scheme. [*Passed November 12.*

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## CHAPTER 198.

ORDER OF NOTICE ON GEO. & ROBERT HEWES PET<sup>n</sup> FOR NEW TRIAL  
OF A CAUSE.

Legislative  
Records of the  
Council,  
xvii. (4), 229.

Legislative  
Records of the

A PETITION of George and Robert Hewes of Boston, tanners, com-  
plaining of great injury done them in the proceedings of the Supe-  
rior Court within the County of Suffolk in several Trials between  
the Petitioners and Nathaniel Cunningham of Boston aforesaid;

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii.,  
Mis.; according to Legislative Records of the Council, xvii. (4), the date is November 11.

praying that they may be admitted to another Tryal of their cause before the said Superior Court.

Read and

*Ordered* that the Petitioners serve the adverse party the said Nathaniel Cunningham with a Copy of this Petition, that he shew cause if any he hath on Tuesday next if the Court be then sitting, if not, on the first Fryday of the next Sitting of this Court, why the prayer thereof should not be granted. [*Passed November 12.*]

Council, xvii. (4), 104, 115. House Journal, p. 130. *Ante*, p. 171, chap. 101.

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## CHAPTER 199.

### VOTE IN REGARD TO GUN POWDER.

WHEREAS the Keeper of the Powder house in Boston is restrained from delivering any Powder belonging to private persons &c. until the further order of this Court And it is possible the reason of said restraint may cease during the recess of the Court It is therefore

*Voted* That his Excellency the Governor with the advice of the Council be desired to give such further Orders relating to the said Powder as they shall think the Circumstances of the province require. [*Passed November 12.*]

Legislative Records of the Council, xvii. (4), 230. Mass. Archives, lxxii., 673.

Legislative Records of the Council, xvii., Mis., 555. House Journal, p. 136. *Ante*, p. 297, chap. 148.

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## CHAPTER 200.

### ORDER ON THE PETITION OF THE PRESIDENT & FELLOWS OF THE COLLEGE.

A PETITION of the President and Fellows of Harvard College in Cambridge, setting forth the smallness of the Revenue of the said College, by reason of which the Officers of the said Society are not sufficiently supported; and forasmuch as the Rates of the Ferriage over Charles River (which Ferry is part of the Estate of the said College) are much lower than at other Ferries; therefore praying that the Rates of Ferriage there may be raised, that so the Officers of the said College may be better supported.

*Ordered* that the consideration of this Petition be referred to the next Sitting of this Court, and that the Committee be then directed to report thereon. [*Passed November 12.*]

Legislative Records of the Council, xvii. (4), 189, 230.

House Journal, p. 131.

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## CHAPTER 201.

### VOTE ALLOWING THE COMMRS OF YE LAND BANK TO SIT IN THE COURT HOUSE.

*Voted* that the Commissioners on the affair of the late Manufactory Scheme or Bank have Leave to make use of the Room at the West End of the Court House in Boston where the assessors used to sit for transacting the affair to which they are appointed, The Town of Boston having provided for their Assessors a Room in Faniel Hall. [*Passed November 12.*]

Legislative Records of the Council, xvii. (4), 230. Mass. Archives, lix., 346.

Legislative Records of the Council, xvii. (3), 291. House Journal, p. 136. Province Laws, li., 118, chap. 17.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE TWENTIETH DAY OF OCTOBER, A.D. 1743.

## CHAPTER 202.

ORDER IMPOWERING MOSES SPEEN, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council, xvii. (4), 241.  
Mass.  
Archives,  
xxxi., 469.

A PETITION of Moses Speen of Natick, Indian, shewing that by reason of the Numb Palsy with which he has been afflicted and his advanced age he is unable to labour for his support, and therefore praying for liberty to sell twenty two acres of his dividend of land in Natick, for his support and the payment of his Debts.

Legislative  
Records of the  
Council, xvii.,  
Mis., 476.  
House Journal,  
p. 144.

Read and in answer hereto

*Ordered* that the Pet<sup>r</sup> have liberty and power with the advice and assistance of Maj<sup>r</sup> Isaac Coolidge to sell twenty two Acres part of the dividend of land abovementioned belonging to him the produce thereof to be applied to pay his Just Debts, the remainder to be applied towards his more comfortable Support, The said Coolidge to be accountable for His proceedings herein to this Court. [*Passed February 9.*]

## CHAPTER 203.

ORDER GRANTING A LICENCE TO DAV<sup>d</sup> WYMAN TO KEEP AN INN.

Legislative  
Records of the  
Council, xvii. (4), 242.  
Mass.  
Archives, cxi.,  
129.  
Mass.  
Archives, cxi.,  
128. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 477.  
House Journal,  
p. 144.

A PETITION of David Wyman Jun<sup>r</sup> of Woburn, shewing that he has lately purchased the House wherein John Fowle for many years past has kept a Tavern or Inn, it being a very suitable house, and well situated for that use; And therefore praying that the Court of General Sessions of the Peace at their next Term may be impowered to grant him a licence to keep an Inn there, for the rest of the year.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted, and the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex are hereby Impowered to grant (if they See cause) the Pet<sup>r</sup> a Licence to keep a publick House of Entertainment the remaining part of the Year, (The Pet<sup>r</sup> first producing a Certificate of the approbation of the Select Men of the Town of Woburn of his qualification for that Trust) the time for granting Licences being elapsed notwithstanding. [*Passed February 9.*]

## CHAPTER 204.

## ORDER IMPOWERING SOL. HAMPSHIRE, INDIAN, TO SELL LAND.

A PETITION of Solomon Hampshire of Warham, Indian, praying for liberty from this Court to sell Twenty Acres of Land in said Town for the payment of his debts and providing necessaries of life for him.

Read and

*Ordered* that the prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is hereby allowed and impowered with the advice and Assistance of James Warren Esq<sup>r</sup> to Sell the land within mentioned for the most the same will fetch. the produce to be applied to the payment of his Just Debts, the remainder (if any there be) to be Improved for the more comfortable Support of the Pet<sup>r</sup> The s<sup>d</sup> Warren to be accountable for his proceedings herein to this Court. [*Passed February 9.*]

Legislative  
Records of the  
Council,  
xvii. (4), 242.  
Mass.  
Archives,  
xxxi., 475.

Mass.  
Archives,  
xxxi., 474.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 476.  
House Jour-  
nal, p. 145.

## CHAPTER 205.

ORDER IMPOWERING W<sup>m</sup> HALL ESQ<sup>s</sup>, GUARDIAN, TO SELL A PORTION OF AN ESTATE.

A PETITION of William Hall Esq<sup>r</sup> Guardian of Anna Mercy Irish, a minor, Daughter of Jonathan Irish late of Little Compton dec<sup>d</sup> Shewing that her part of her fathers real Estate, by reason of its belonging to so many heirs, is of little advantage to her, being an eighth part of a Dwelling House & nine Acres of land; therefore praying that he may be impowered to sell the same for the said Minors greater benefit.

Read and

*Ordered* that the Pet<sup>r</sup> in his capacity be and he hereby is Impowered to make Sale of the Minor's eighth part of the dwelling house and the Nine Acres of land within mentioned for the most the same will fetch. He giving sufficient Caution to the Judge of Probate for the County of Bristol for his paying the principal and Interest to the s<sup>d</sup> Minor on her arriving at Age or marriage. [*Passed February 10.*]

Legislative  
Records of the  
Council,  
xvii. (4), 244.  
Mass.  
Archives,  
xviii., 210.

Mass.  
Archives,  
xviii., 209.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 477.  
House Jour-  
nal, pp. 145, 146

## CHAPTER 206.

## ORDER CALLING A TOWN MEETING AT DUNSTABLE.

A PETITION of Eleazar Tyng Esq<sup>r</sup> and others a Committee of the Town of Dunstable, shewing that by reason of the neglect of the last years Officers to issue a Warrant for a Town Meeting in March last, there are now no Town Officers; and therefore Praying that by Order of this Court they may have a Meeting called as soon as may be, that the Inhabitants may chuse Town Officers.

Read and

*Ordered* that the Qualified Voters of the Town of Dunstable be and they are hereby Impowered to convene together and to Chuse all Town Officers as the Law directs. The officers when chosen shall

Legislative  
Records of the  
Council,  
xvii. (4), 245.  
Mass.  
Archives, cxv.,  
198.

Mass.  
Archives, cxv.,  
197. Legisla-  
tive Records  
of the Council,  
xvii., Mis., 477.  
House Jour-  
nal, pp. 143, 145.

be lyable to the same Duties and Penalties as Officers that are annually chosen. and all their proceedings shall be alike effectual, their neglect in calling a Meeting in March last notwithstanding. And Eleazar Tyng Esq<sup>r</sup> a principal Inhabitant of said Town is hereby directed and impowered to convene the Inhabitants for these purposes accordingly. [*Passed February 10.*]

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## CHAPTER 207.

### ORDER IMPOWERING HAN: DELANO, ADMINISTRATRIX, TO SELL AN ESTATE.

Legislative  
Records of the  
Council,  
xvii. (4), 246.  
Mass.  
Archives,  
xviii., 138.

Mass.  
Archives,  
xviii., 136.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 478.  
House Journal,  
pp. 76, 80,  
147.

A PETITION of Hannah Delano Widow and Administ<sup>x</sup> of Jabez Delano of Dartmouth in the County of Bristol dec<sup>d</sup> with the Heirs of the said Jabez, & the Guardians of those of them<sup>1</sup> that are in their minority: Shewing that the estate of the said Jabez is considerably in debt, and that the selling part of the real estate will spoil the rest; and therefore praying for liberty from this Court to sell the whole.

Read and

*Ordered* that this Pet<sup>n</sup> be revived and that the within named Adm<sup>x</sup> be and she hereby is Impowered to Sell the whole of the Premises within mentioned for so much as it will fetch. but not under the appraised Value She giving sufficient caution to the Judge of Probate for the County of Bristol to distribute in proportion as the Law requires, so much of the produce of such Sale as shall remain after the Debts shall be paid among the Heirs of said Dec<sup>d</sup> now of Age, and the Guardians of such as are in their Minority; the said Guardians giving like caution to employ and improve the respective proportions belonging to such Minors of the proceeds of the Sale aforesaid, for their greatest benefit and advantage, and to be accountable to the said Judge of Probate for the Same. [*Passed February 11.*]

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## CHAPTER 208.

### ORDER IMPOWERING SIMON MIRIAM, GUARDIAN, TO SELL AN ESTATE.

Legislative  
Records of the  
Council,  
xvii. (4), 247.  
Mass.  
Archives,  
xviii., 208.

Mass.  
Archives,  
xviii., 207.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 478.  
House Journal,  
pp. 144, 147.

A PETITION of Nathaniel and Simon Miriam, for themselves and the rest of the Heirs of their brother David Miriam, shewing that he died seized of a House and forty five Acres of land in Townshend valued at £380 old Tenor, which they are disposed to sell (as most for the advantage of all concerned.) But forasmuch as two of the Heirs are small Children of which the Petitioner Simon is Guardian, praying that he may be impowered to sell the said Minors parts with the rest.

Read and

*Ordered* that the within named Simon Miriam in his said Capacity be and He hereby is Impowered to make sale of the House and land within mentioned for the most the same will fetch. He giving

<sup>1</sup> The words "of them" are underlined in the record, and in the margin appears the word "*Sic.*"



sufficient Caution to the Judge of Probate for the County of Middlesex to pay the Money it shall be sold for with the Interest to the said Minors when they arrive to Age. [*Passed February 11.*]

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## CHAPTER 209.

### ORDER ACCEPTING REPORT ON THE PETITION OF STOUGHTON WILLES IN REGARD TO DEEDS BURNT UP.

THE COMMITTEE to whome was Referred the Petition of Stoughton Willes As Administrator on the Estate of Ebenezer Willes, having Considered the same, & it Appearing that the deeds therein Mentioned were Causially burnt, & that the Estate of s<sup>d</sup> Nath<sup>l</sup> Willes devolves on the heirs to the Estate of the s<sup>d</sup> Ebenezer Willes who are Minors, & that the settlement of s<sup>d</sup> Estate is suspended pending s<sup>d</sup> Petition. Are humbly of oppinion that the s<sup>d</sup> Stoughton Willes be directed & Impowered by this Court to Execute a sufficient deed of said Lands to s<sup>d</sup> William Gilmor of s<sup>d</sup> two Acres & 21 Rods of Land & to s<sup>d</sup> Robert Gilmor of s<sup>d</sup> Eight Acres & half & 10 Rods. pursuant to the boundaries thereof as mentioned in the Certificates thereof Exhibited with s<sup>d</sup> Petition.

Legislative  
Records of the  
Council,  
xvii. (4), 255.  
Mass.  
Archives,  
xviii., 183.

*Ante*, p. 293,  
chap. 138.

ISAAC LITTLE p Order

Read and  
*Ordered* that this report be revived and Accepted.<sup>1</sup> [*Passed February 13.*]<sup>2</sup>

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## CHAPTER 210.

### ORDER OF NOTICE ON THE PETITION OF THE NO. PRECINCT IN BRIDGWATER.

A PETITION of David Packard and others in behalf of the North Precinct in Bridgwater; Praying that those persons who were set off from the North part of Bridgwater to the second Precinct in Stoughton may be restored to them, with their lands and estates, and also that part of Stoughton, which consists of a Gore of Land of about nine hundred Acres, may be set off to Bridgwater.

Legislative  
Records of the  
Council,  
xvii. (4), 249.

House Jour-  
nal, p. 151.

Read and

*Ordered* that the Petitioners serve the South Easterly Precinct in Stoughton with a Copy of this Petition, that they shew cause if any they have on the second Fryday of the next May Session why the Prayer thereof should not be granted. [*Passed February 14.*]

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## CHAPTER 211.

### ORDER GRANTING A LICENCE TO EBEN<sup>s</sup> KENDALL TO KEEP AN INN.

A PETITION of Ebenezer Kendall of Dunstable, shewing that he lives in a place very convenient for a Publick House which is much

Legislative  
Records of the  
Council,

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (4), the date is March (evidently a mistake for February) 15.

xvii. (4), 250.  
 Mass.  
 Archives, exi.,  
 131.

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Mass.  
 Archives, exi.,  
 130. Legisla-  
 tive Records of  
 the Council,  
 xvii., Mis., 479.  
 House Jour-  
 nal, pp. 144, 150.  
 Province  
 Laws, iii., 18,  
 chap. 6.

wanting in said place, but there being no Select men in the said Town of Dunstable this year, the Petitioner could not obtain a licence in the method and at the time the law requires; and therefore praying that this Court would impower the Court of General Sessions of the Peace to grant the Petitioner a licence to keep a Tavern in said place.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Middlesex at their Session in March next be and they are hereby Impowered (if they See cause) to grant the Pet<sup>r</sup> a Licence the remaining part of the Year, the time for granting Licences being elapsed notwithstanding. [*Passed February 14.*]

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## CHAPTER 212.

ORDER REFERRING THE PET<sup>N</sup> OF DAN<sup>L</sup> ADAMS & OTHERS OF MEDWAY.

Legislative  
 Records of the  
 Council, xvii.,  
 xvii. (4), 250.

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House Jour-  
 nal, p. 151.  
*Ante*, p. 293,  
 chap. 137.

ON THE PETITION of Daniel Adams & others Inhabitants of Medway, [*ante*, p. 293, chap. 137]

Read, with the answer of the Town of Medway; and

*Ordered* that the further consideration of this petition be refer'd to the next May Session; And it is recommended to the Town of Medway to accommodate the Petitioners in the mean time. [*Passed February 14.*]

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## CHAPTER 213.

ORDER ALLOWING £10 TO THE CHAPLAINS.

Legislative  
 Records of the  
 Council, xvii.,  
 Mis., 480.

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Mass.  
 Archives, xii.,  
 340.

Legislative  
 Records of the  
 Council,  
 xvii. (4), 253.  
 House Jour-  
 nal, p. 152.

*Ordered* that the Sum of ten pounds be granted and allowed to be paid out of the publick Treasury viz. One half to the Rev<sup>d</sup> Chaplain of the Hon. Board the present Year, the other half to the Rev<sup>d</sup> Samuel Checkley, the Chaplain of the House for their respective Services the present Year. [*Passed February 14.*]<sup>1</sup>

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## CHAPTER 214.

ORDER ALLOWING £40 TO JOSIAH WILLARD ESQ<sup>R</sup> SECRETARY.

Legislative  
 Records of the  
 Council, xvii.,  
 Mis., 480.

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Legislative  
 Records of the  
 Council,  
 xvii. (4), 252.  
 House Jour-  
 nal, p. 151.  
*Infra*, chap.  
 215.

*Ordered* that the sum of forty pounds be granted & allowed to be paid out of the public treasury to Josiah Willard Esq<sup>r</sup> Secretary of this province in full for his service for one Year ending the third day of December last. [*Passed February 15.*]<sup>2</sup>

<sup>1</sup> This date is according to Mass. Archives, Legislative Records of the Council, xvii., Mis., and the House Journal; according to Legislative Records of the Council, xvii. (4), the date is March (evidently a mistake for February) 15.

<sup>2</sup> This order is under date of March 15, in Legislative Records of the Council, xvii. (4), evidently a mistake for February 15. The same is true of the following chapters, as far as chapter 224, inclusive.

## CHAPTER 215.

ORDER ALLOWING £60 ADDITIONAL TO JOSIAH WILLARD ESQ<sup>R</sup> SECRETARY.

*Ordered* that the Sum of Sixty pounds be granted and allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Sec<sup>ry</sup> &c, in consideration of His extraordinary Services to the third day of December last. [*Passed February 15.*]

Legislative Records of the Council, xvii., Mis., 479. Mass. Archives, cii., 331.

Legislative Records of the Council, xvii. (4), 252. House Journal, p. 151. *Supra*, chap. 214.

## CHAPTER 216.

ORDER ALLOWING £200 TO THE REV<sup>D</sup> EDWARD HOLYOKE PRESIDENT OF HARVARD COLLEGE.

*Ordered* that the Sum of two hundred Pounds be granted and allowed to be paid out of the publick Treasury to the Rev<sup>d</sup> Edward Holyoke President of Harvard Colledge over and above the Rents of Massachusetts Hall for one Year, ending the 10<sup>th</sup> of September next, to be paid quarterly. [*Passed February 15.*]

Legislative Records of the Council, xvii., Mis., 480. Mass. Archives, lviii., 331.

Legislative Records of the Council, xvii. (4), 252. House Journal, p. 152.

## CHAPTER 217.

ORDER ALLOWING £150 TO WILL<sup>M</sup> FOYE ESQ<sup>R</sup> TREASURER.

*Ordered* that the Sum of One hundred and fifty pounds be granted and allowed to be paid out of the publick Treasury to William Foye Esq<sup>r</sup> Treasurer and Receiver General of His Maj<sup>ty</sup>s Revenues of this Province, for one Year ending the 2<sup>d</sup> day of January last. [*Passed February 15.*]

Legislative Records of the Council, xvii., Mis., 482. Mass. Archives, cii., 330.

Legislative Records of the Council, xvii. (4), 253. House Journal, p. 152.

## CHAPTER 218.

ORDER ALLOWING £25 TO THE REV<sup>D</sup> EDWARD WIGGLESWORTH.

*Ordered* that the Sum of twenty five p<sup>ds</sup> be granted and allowed to be paid out of the publick Treasury to the Rev<sup>d</sup> Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge, as a Gratuity, in consideration of his faithful discharge of that great and important Trust reposed in him, and for his further Encouragement therein. [*Passed February 15.*]

Legislative Records of the Council, xvii., Mis., 479. Mass. Archives, lviii., 331.

Legislative Records of the Council, xvii. (4), 253. House Journal, p. 152.

## CHAPTER 219.

ORDER ALLOWING £15 TO THE CLERK OF THE HOUSE.

*Ordered*, that the sum of Forty five Pounds be granted and allowed to be paid out of the Publick Treasury to M<sup>r</sup> Rowland Cotton Clerk of the House for his service in that Trust, the present year. [*Passed February 15.*]

Legislative Records of the Council, xvii. (4), 253. House Journal, p. 152.

## CHAPTER 220.

ORDER ALLOWING 1/ 6 PER DIEM TO THOMAS CUSHING ESQ<sup>R</sup> SPEAKER.

Legislative  
Records of the  
Council, xvii.,  
Mis., 480.

Legislative  
Records of the  
Council,  
xvii. (4), 254.  
House Jour-  
nal, p. 152.

*Ordered* that there be granted, & allowed to be paid out of the public treasury one shilling & six pence per diem to the honorable Thomas Cushing Esq<sup>r</sup> Speaker of the House of Representatives of every day of his attendance in the General Court from the opening of the sessions on the twentyfifth of May 1743, to the end of this year; in consideration of his constant application in discharging the public affairs of the province. [*Passed February 15.*]

## CHAPTER 221.

ORDER ALLOWING £55 TO THE DOORKEEPER OF Y<sup>E</sup> COURT.

Legislative  
Records of the  
Council,  
xvii. (4), 254.

House Jour-  
nal, p. 152.

*Ordered* that the sum of Fifty five Pounds be granted and allowed to be paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard, Door Keeper to His Excellency the Governor and this Court, in full for his service for one year ending the nineteenth day of February 1744, the said money to be paid him quarterly as it shall become due. [*Passed February 15.*]

## CHAPTER 222.

ORDER ALLOWING £7. 10 TO THE JUDGES OF THE COURT OF OYER &amp; TERMINER AT NANTUCKET AND A FURTHER SUM OF £7. 10 TO THE ATTORNEY, AND £7. 10 TO THE CLERK.

Legislative  
Records of the  
Council,  
xvii. (4), 254.

Province  
Laws, iii., 78,  
chap. 4.  
*Infra*, chap.  
224.

*Ordered* that the sum of Seven Pounds ten shillings be granted and allowed to be paid out of the publick Treasury to each of the Five Gentlemen appointed to hold a Court of Assize &<sup>c</sup> on the Island of Nantucket in August last, and the sum of Seven Pounds ten shillings to the Attorney, and the sum of Seven Pounds ten shillings to the Clerk that attended that Court; in full consideration of their services and expence in that affair.<sup>1</sup> [*Passed February 15.*]

## CHAPTER 223.

ORDER IMPOWERING THE TOWN OF WESTERN TO LEVY A TAX OF TWO PENCE PER ACRE PER ANNUM ON LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 256.

House Jour-  
nal, p. 153.  
*Ante*, p. 297,  
chap. 147.

ON THE PETITION of the Town of Western, [*ante*, p. 297, chap. 147]

Read, and in answer hereto

*Ordered* that there be and hereby is granted a Tax of two pence per Acre per Annum upon all the unimproved Lands belonging to the Non Resident and Resident Proprietors within the said Township for the two ensuing years. [*Passed February 15.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 224.

ORDER ALLOWING £2. 10 FOR TRANSPORTATION OF COURT TO NANTUCKET.

*Ordered* that y<sup>e</sup> Sum of Two <sup>1</sup> pounds Ten Shillings be allowed & paid out of y<sup>e</sup> publick Treasury to y<sup>e</sup> Hon<sup>l</sup> John Cushing & Sylvanus Bourn Esq<sup>rs</sup> in full for their Charge & Expence in hiring a Sloop to Carry y<sup>e</sup> Gent. appointed to hold a Special Court of Assise &c at Nantucket in Aug<sup>t</sup> last to that Island.<sup>2</sup> [*Passed February 16.*]

Legislative Records of the Council, xvii. (4), 254. Mass. Archives, xlii., 453.  
Mass. Archives, xlii., 454. *Supra*, chap. 222.

## CHAPTER 225.

ORDER OF NOTICE ON THE PETITION OF PELATIAH RICE &amp; OTHERS OF WESTBORÔ TO BE ERECTED INTO A SEPARATE PRECINCT.

A PETITION of Pelatiah Rice and many others Inhabitants of the Town of Westborô, shewing that the said Town is eleven miles in length and many of the Inhabitants, especially in the Northerly part, live five or six miles distant from the place of publick Worship, which is now too small for all the Inhabitants; and therefore praying that the Northerly end of the said Town, including one half of the lands may be erected into a separate Precinct.

Legislative Records of the Council, xvii. (4), 257.  
House Journal, pp. 155, 156.

Read and

*Ordered* that the Petitioners serve the Town of Westborô with a Copy of this Petition that they shew cause (if any they have) on the First Tuesday of the next May Session, why the prayer thereof should not be granted. [*Passed February 16.*]

## CHAPTER 226.

ORDER IMPOWERING GRACE PARKER, ADMINISTRATRIX, TO SELL REAL ESTATE.

A PETITION of Grace Parker of Charlestown Widow and Administr<sup>x</sup> of Isaac Parker dec<sup>d</sup> Praying that she may be impowered by this Court to sell a Tract of Land left by her said Husband, lying on the West side of Sagadahock River, for the payment of his Debts and the remainder for the maintenance of his Children.

Legislative Records of the Council, xvii. (4), 257. Mass. Archives, xviii., 216.

Read and

*Ordered* that the prayer of the Petition be granted and that the Pet<sup>r</sup> be and She hereby is allowed and impowered with the Advice and Assistance of Isaac Parker Zechariah Symmes and Grace Symmes to Sell the land herein mentioned for the most the same will fetch and to Execute a good Deed or Deeds of the same.

Mass. Archives, xviii., 214. Legislative Records of the Council, xvii., Mis., 481. House Journal, pp. 149, 152, 153.

She giving sufficient Caution to the Judge of Probate for the County of Middlesex that the proceeds of the Sale be applied to pay the Just Debts of the Dec<sup>d</sup>. the Overpluss if any there be to be applied to the best Advantage of the Children and Heirs of the s<sup>d</sup> Dec<sup>d</sup> according to y<sup>e</sup> direction of the Said judge. [*Passed February 16.*]

<sup>1</sup> Legislative Records of the Council, xvii. (4), 254, reads, “£10. 10.”

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (4), the date is March (evidently a mistake for February) 15.

## CHAPTER 227.

## ORDER APPOINTING TRUSTEES FOR THE GRAFTON INDIAN PROPRIETORS.

Legislative  
Records of the  
Council,  
xvii. (4), 259.  
Mass.  
Archives,  
xxxii., 477.

Mass.  
Archives,  
xxxii., 476.  
House Jour-  
nal, p. 155.  
Province  
Laws, xi., 233,  
chap. 36. *Ante*,  
p. 292, chap.  
135.

A PETITION of Andrew Abraham & others Indians and Proprietors of the Town of Groton,<sup>1</sup> complaining that they have been kept out of their Interest money for two years past, and for as much as the Trustees over them have desired a Dismission; therefore praying that new Trustees may be appointed, & that they may be such persons as live near them, which will save them a great deal of expence.

In the House of Rep<sup>ves</sup> Read and (inasmuch as the present Trustees desire to be Excused from that Service)

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that Major John Jones and Cap<sup>t</sup> Edward Baker with such as the Hon<sup>ble</sup> Board shall Joyn be and they hereby are appointed Trustees to the Indian Proprietors of Hassanamisco alias Grafton accordingly.

In Council Read and Concur'd & Jn<sup>o</sup> Chandler Esq<sup>r</sup> is joined in the Affair. [*Passed February 17.*]

## CHAPTER 228.

## ORDER OF NOTICE ON THE PETITION OF SUNDERLAND INHABITANTS TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (4), 262.

*Ante*, p. 243,  
chap. 11.

ON THE PETITION of Nathaniel Cowdrey & others, Inhabitants of the Town of Sunderland, [*ante*, p. 243, chap. 11]

Read and

*Ordered* that this Petition be revived and that the Town of Sunderland be allowed to give in their answer hereto on the Second Fryday of the next May Session.<sup>2</sup> [*Passed February 18.*]

## CHAPTER 229.

## ORDER IMPOWERING THE TOWN OF LEOMINSTER TO LEVY A TAX OF ONE PENNY PER ACRE ON LAND FOR THREE YEARS.

Legislative  
Records of the  
Council,  
xvii. (4), 263.  
Mass.  
Archives, cxv.,  
150.

Mass.  
Archives, cxv.,  
147. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 481.  
House Jour-  
nal, p. 159.  
*Ante*, p. 240,  
chap. 5; p. 303,  
chap. 165.

ON THE PETITION of the Select men of the Town of Leominster [*ante*, p. 240, chap. 5]

Read (And no Answer being given in) and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Assessors of Leominster be and hereby are Impowered to Impose a Tax of one penny per Acre per Annum upon all the Improved and Unimproved lands in said Town for three Years next ensuing for the purpose herein mentioned. [*Passed February 20.*]

<sup>1</sup> *Sic*, for "Grafton."

<sup>2</sup> Not found in the House Journal.

## CHAPTER 230.

## ORDER OF NOTICE ON THE PETITION OF PETER TALMAN, INDIAN, FOR RELIEF FROM JUDGMENTS.

A PETITION of Peter Talman<sup>1</sup> of Marthas Vineyard Indian, complaining of great injustice done him in divers Trials had before Simeon Butler Esq<sup>r</sup> one of His Majestys Justices of the Peace for Dukes County at the suit of Ebenezer Norton Esq<sup>r</sup> Ebenezer Smith, and Thomas Butler; praying for relief from this Court.

Legislative  
Records of the  
Council,  
xvii. (4), 264.  
House Jour-  
nal, p. 160.

Read and

*Ordered* that the Petitioner serve Simeon Butler Esq<sup>r</sup> together with the above named Ebenezer Norton Esq<sup>r</sup>, Ebenezer Smith, and Thomas Butler, with Copies of this Petition, that they shew cause if any they have, on the second Thursday of the next May Session, why the prayer thereof should not be granted. [*Passed February 20.*]

## CHAPTER 231.

ORDER WITH STAY OF EXECUTION REFERRING THE PET<sup>n</sup> OF JOHN WOLCOT ESQ<sup>r</sup>.

ON THE PETITION of John Wolcot Esq<sup>r</sup> [*ante*, p. 286, chap. 117].

Read with the Mem<sup>o</sup> of Jn<sup>o</sup> Read Esq<sup>r</sup> for the Pet<sup>r</sup> &

*Ordered* that the Consideration of this Pet<sup>n</sup> be refer'd to the second Tuesday of the next Sitting of this Court & Execution is staid in the mean time. [*Passed February 20.*]<sup>2</sup>

Legislative  
Records of the  
Council,  
xvii. (4), 265.  
Mass.  
Archives, xlii.,  
441.

Legislative  
Records of the  
Council,  
xvii. (4), 56, 66.  
House Jour-  
nal, p. 159.  
*Ante*, p. 286,  
chap. 117.

## CHAPTER 232.

ORDER ALLOWING £500 TO THE JUSTICES OF THE SUP<sup>R</sup> COURT.

*Ordered* that the Sum of five hundred pounds be granted and allowed to be paid out of the publick Treasury to the Hon: the Justices of His Maj<sup>ty</sup> Sup<sup>r</sup> Court of Judicature, Court of Assize, and Gen<sup>l</sup> Goal Delivery, for their Services for one Year, ending the first of January last. [*Passed February 21.*]

Legislative  
Records of the  
Council,  
xvii. (4), 264.  
Mass.  
Archives, xlii.,  
435.

Legislative  
Records of the  
Council, xvii.,  
Mis., 482.  
House Jour-  
nal, p. 151.

## CHAPTER 233.

## ORDER IMPOWERING THO. WHITE TO SELL A PART OF AN ESTATE.

A PETITION of Thomas White and Sarah his wife, formerly Sarah Broughton, and James Wilder, Guardian of Copia and Patience Broughton, minors, praying to be impowered by this Court to sell their part of the real estate of their Grand Father Josiah Wheeler dec<sup>d</sup>

Read and

Legislative  
Records of the  
Council,  
xvii. (4), 265.  
Mass.  
Archives,  
xviii., 202.

Mass.  
Archives,

<sup>1</sup> The House Journal, p. 160, reads, "*Salmon.*"

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 21.

xviii., 201.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 483.  
House Jour-  
nal, pp. 159, 161.

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and that the Pet<sup>r</sup> James Wilder be and he hereby is enabled and impowered to Sell the land herein mentioned for the most the same will fetch. He giving Sufficient Security to the Judge of Probate for the County of Worcester to Account for the produce thereof to the Minors within named when they come of Age or are married. [*Passed February 21.*]

## CHAPTER 234.

ORDER ALLOWING £32. 10 AND A FURTHER SUM OF £15 TO ROB<sup>t</sup> BALL.

Legislative  
Records of the  
Council,  
xvii. (4), 266.  
Mass.  
Archives,  
lxiv., 239.

A PETITION of Robert Ball Keeper of the Light House praying that this Court would make a proper Allowance for his service the last year, as also order payment of the charge of Fire wood burnt for keeping the Oyl in the lamps from congealing in the cold season.

Read and

Legislative  
Records of the  
Council, xvii.,  
Mis., 482.  
House Jour-  
nal, p. 161.

*Ordered* that the Sum of thirty two pounds ten shillings be allowed out of the publick Treasury to the Pet<sup>r</sup> for his Service the last year ending the 8<sup>th</sup> of November last as Keeper of the Light House And that He be allowed the further Sum of Sixteen pounds expended for firewood for the greater Benefit of the Lights. [*Passed February 21.*]

## CHAPTER 235.

ORDER IMPOWERING SOL. BRIANT, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 267.  
Mass.  
Archives,  
xxxi., 481.

A PETITION of Solomon Briant of Mashpee, Indian, praying for liberty to sell a Tract of Land in the Town of Falmouth of about one hundred Acres, to enable him to pay the debts he has contracted for the maintenance of his aged Mother, and for the charge of the sickness of his children, the Remainder for his more comfortable support.

Read and

Mass.  
Archives,  
xxxi., 480.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 482.  
House Jour-  
nal, p. 161.

*Ordered* that the prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is hereby allowed and impowered with the Advice and Assistance of Sylvanus Bourn Esq<sup>r</sup> to Sell the land therein mentioned, the produce thereof to be applied to the payment of his Just Debts, and for his more comfortable Support. [*Passed February 21.*]

## CHAPTER 236.

ORDER IMPOWERING AMOS AHANTON, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 271.  
Mass.  
Archives,  
xxxi., 479.

A PETITION of Amos Ahanton of Puncapaug, Indian, praying for liberty from this Court to sell two acres and an half of land in said place, for his more comfortable support in his old age.

Read and

Mass.  
Archives,  
xxxi., 478.  
Legislative  
Records of the

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is hereby allowed and impowered with the Advice and Assistance of



John Quincy Esq<sup>r</sup> to make sale of the land within mentioned for the most it will fetch, the produce thereof to be applied to the purposes herein mentioned. [*Passed February 21.*]

Council, xvii.,  
Mis., 483.  
House Jour-  
nal, p. 163.

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## CHAPTER 237.

### ORDER IMPOWERING JOSEPH AND HAN<sup>U</sup> BADGER TO SELL AN ESTATE.

A PETITION of Joseph Badger of Haverhill & Hannah his wife, sole Administr<sup>s</sup> on the Estate of her late husband Ebenezer Pierson dec<sup>d</sup> and the Heirs of the Deceased that are of age and the Guardians of those that are in their minority; praying that they may be impowered to make sale of the House and Land in Bradford, whereof the said Intestate died seized, with his right of the Ferry over Merrimack River; which will be very beneficial to the said Minors.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Pet<sup>s</sup> be allowed and impowered to Sell the Estate herein mentioned for the most it will fetch and to pass a good Deed or Deeds for the Same, first posting up Notifications of the time and place of Sale on some publick place in the Towns of Haverhill and Bradford thirty days at least before the time of Sale, and also give full and sufficient Caution to the Judge of Probate for the County of Essex that the produce of such Sale shall be Justly according to Law proportion'd to and amongst the Lawful Heirs. [*Passed February 22.*]

Legislative  
Records of the  
Council, xvii.  
(4), 269.  
Mass.  
Archives,  
xviii., 213.

Mass.  
Archives,  
xviii., 211.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 484.  
House Jour-  
nal, pp. 161, 163.

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## CHAPTER 238.

### ORDER OF NOTICE ON SAM<sup>L</sup> INDICOTS PETITION TO DECLARE A DECREE OF THE COURT VOID.

A PETITION of Samuel Indicot of Salem; Shewing that his Great Grand Father John Indicot dec<sup>d</sup> sold to M<sup>r</sup> John Hull dec<sup>d</sup> One thousand Acres of Land, granted him by the General Court of the late Colony, in consideration of his Adventure of £75. for the service of the Colony, that the said John Hull procured the said Land to be laid out on Hog Island and Merriconeag Neck in Casco Bay, that Samuel Sewall Esq<sup>r</sup> dec<sup>d</sup> (who had married with the Heiress of the said John Hull) finding, many years after, that the land at Merriconeag had been before granted to the College, applied to the General Court and procured an Order that an other Grant of Five hundred Acres of land made to the said John Indicot should be laid out to him instead of that at Merriconeag; praying that the said Vote of the General Court (which was pass'd November 20<sup>th</sup> 1695) may be declared null and void, or that the Petitioner may be otherwise relieved by this Court.

Read and

*Ordered* that the Petitioner serve Samuel Sewall Esq<sup>r</sup> of Brooklyn with a Copy of this Petition, that he shew cause, if any he hath, on the first Fryday of the next May Session, why the prayer of the Petition should not be granted. [*Passed February 22.*]

Legislative  
Records of the  
Council,  
xvii. (4), 270.

Legislative  
Records of the  
Council, vi.,  
303, 459. House  
Journal, p. 164.  
Province  
Laws, vii., 32,  
chap. 4; 89,  
chap. 48.

## CHAPTER 239.

## ORDER IMPOWERING THE SOUTH PRECINCT IN BRIDGWATER TO SELL SCHOOL LANDS.

Legislative  
Records of the  
Council, xvii. (4), 272.  
Mass.  
Archives,  
lviii., 333.

Mass.  
Archives,  
lviii., 332-334.  
Legislative  
Records of the  
Council, xvii,  
Mis., 483.  
House Jour-  
nal, p. 161.

A PETITION of Josiah Edson, Agent for the South Precinct in Bridgewater, shewing that in the Year 1722, Josiah Edson of said place Esq<sup>r</sup> (now deceased) gave by Deed to the said Precinct about twenty Acres of uncultivated land for the use of a School; but forasmuch as the said land has never yet been under any Improvement, nor like to be as it now lies; therefore Praying that this Court would give power for selling the said land, that the produce thereof may be applied for the benefit of a School, as was designed by the Donor.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be so far granted as that the Parish Trustees for the said South Precinct that may be chosen in March next be and they or the Major part of them are hereby fully Authorised and Impowered to make sale of the lands herein mentioned first giving publick Notice of such Sale by Posting up the same in two publick places of said Town of Bridgewater thirty days before the time of Sale, and to pass a Legal Deed or Deeds of the same. The proceeds of such Sale The said Trustees shall as soon as may be lett out on Interest on sufficient land security payable to them or their Successors in said Office. Who are hereby appointed Feoffees in Trust to manage this Affair untill the further Order of this Court, Who may from time to time recieve the Interest arising thereon, and the Principal as often as it shall become due. and if need be to Sue for and recover the same and the Principal so recieved to lett out again on real Security as afores'd Always providing in the Bonds and Mortgages that the Value of the Principal be Secured and always kept good. and the whole Interest of the Money that may arise from time to time shall be applied to the use of a School or Schools in the said South Precinct forever.

Each Sett of Trustees to Account to the next immediate Successors and to this Court when thereto required. [*Passed February 22.*]

## CHAPTER 240.

## ORDER CONFIRMING A PLAT OF 4,000 ACRES OF LAND TO THE PROPRIETORS OF NEW SALEM.

Legislative  
Records of the  
Council, xvii.,  
Mis., 485.  
Mass.  
Archives,  
xlvi., 159.

Mass.  
Archives,  
xlvi., 158.  
Legislative  
Records of the  
Council,  
xvii. (4), 274.  
House Jour-  
nal, p. 164.  
*Ante*, p. 140,  
chap. 30.

A PLAN of four thousand acres of land laid out to the proprietors of New Salem, to satisfie them by the Great and General Court of the Province of the Massachusetts Bay &c, at there session June 17<sup>th</sup> 1742. which land is bounded East and West on unappropriated land, south of Salem, original north bounds, and north on Millars river beginning at a small hemlock tree, standing at Salem north west corner, from which it runs North 10° 00 East 900 perch, and from the said hemlock tree east 1,047 perch thence north 500 perch to Millars river protracted by a scale of 150 perch to one inch. Surveyed October 15 1742

Hadley Feb<sup>y</sup> 4. 1743/4. per me NATH<sup>l</sup> KELLOGG, Surveyor

Read and

*Ordered* that the within Plat be accepted and the lands herein delineated and described be and they hereby are confirmed to the Prop<sup>rs</sup> of New Salem their Heirs and Assigns for ever Provided the lands herein described exceed not the Quantity of four thousand Acres and does not interfere with any former Grant. [*Passed February 22.*<sup>1</sup>

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## CHAPTER 241.

### VOTE TRANSFERRING APPROPRIATION.

*Toted* that the sum of One hundred & twenty eight pounds fifteen shillings and six pence, be and hereby is removed from the appropriation for grants in the last act for supply of the treasury to the appropriation for the payment of such matters and things, where, [there]<sup>2</sup> is no establishment. [*Passed February 22.*<sup>3</sup>

Legislative  
Records of the  
Council, xvii.,  
Mis., 485.

Legislative  
Records of the  
Council,  
xvii. (4), 277.  
House Jour-  
nal, p. 165.  
Province  
Laws, iii., 112,  
chap. 13.

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## CHAPTER 242.

### ORDER GRANTING A LICENCE TO JAMES LEWIS TO KEEP AN INN.

A PETITION of James Lewis of Barnstable in the County of Barnstable; shewing that the Justices of the said County, at the time appointed by Law for granting Licences to Taverners &c by mistake left the Petitioner out of the number of Taverners, tho he has followed that employment for many years, without any exception made to his conduct; therefore Praying that the said Justices may be empowered to grant the Petitioner a Licence at the next Court of General Sessions of the Peace.

Read and

*Ordered* that the Justices of the Gen<sup>l</sup> Sessions of the Peace for the County of Barnstable at their Session in March next be Impowered to grant the Pet<sup>r</sup> a Licence to keep a publick House of Entertainment (if they See cause) the time for granting Licences being elapsed notwithstanding. [*Passed February 23.*

Legislative  
Records of the  
Council,  
xvii. (4), 275.  
Mass.  
Archives, cxi.,  
133.

Mass.  
Archives, cxi.,  
132. House  
Journal, p. 165.  
Province  
Laws, iii., 18,  
chap. 6.

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## CHAPTER 243.

### VOTE CHOSING CHRISTOPHER KILBY AS AGENT.

THIS DAY being appointed for the choice of an agent for the Province, both Houses proceeded to the said choice; and the votes of the House of Representatives being brought up by a committee of that house, and numbered together with the votes of the Council. Christopher Kilby Esq<sup>r</sup> was chosen by a major vote of both Houses. [*Passed February 25.*

Legislative  
Records of the  
Council, xvii.,  
Mis., 484.

Legislative  
Records of the  
Council,  
xvii. (4), 276,  
279, 281. House  
Journal,  
p. 170 *ter*.

<sup>1</sup> This date is according to Mass. Archives, Legislative Records of the Council, xvii., Mis., and the House Journal; according to Legislative Records of the Council, xvii. (4), the date is February 23.

<sup>2</sup> Inserted from Legislative Records of the Council, xvii. (4), 277.

<sup>3</sup> This date is according to Legislative Records of the Council, xvii., Mis., and the House Journal; according to Legislative Records of the Council, xvii. (4), the date is February 24.

## CHAPTER 244.

## ORDER ANNEXING SUNDRY INHABITANTS OF NEEDHAM TO NATICK.

Legislative  
Records of the  
Council,  
xvii. (4), 279.  
Mass.  
Archives, xii.,  
339.

Mass.  
Archives, xii.,  
338. Legislative  
Records of  
the Council,  
xvii., Mis., 487.  
House Jour-  
nal, p. 168.  
*Ante*, p. 219,  
chap. 219.

A PETITION of John Goodenow, Stephen Bacon, John Underwood, Thomas Frost, Edward Ward, Timothy Bacon and Moses Fish, all of the Town of Needham, setting forth their distance from the place of publick Worship there, and their more convenient situation for the Town of Natick, and praying to be set off to the said Town of Natick.

Read &

*Ordered* that the pet<sup>rs</sup> with their Estates they live on be set off from the Town of Needham Annexed to the Town of Natick to do duty & receive priviledges there And that the pet<sup>rs</sup> pay to the Town of Needham all Such rates & Taxes as have Already been raised Upon the pet<sup>rs</sup>. [*Passed February 25.*]

## CHAPTER 245.

## VOTE GRANTING 120 ACRES OF LAND TO SAMUEL AND ELIAKIM WINCHELL.

Legislative  
Records of the  
Council,  
xvii. (4), 280.  
Mass.  
Archives, xvi.,  
153.

Mass.  
Archives,  
xvi., 152.  
Legislative  
Records of  
the Council, xvii.,  
Mis., 486.  
House Jour-  
nal, p. 169.

A PETITION of Samuel Winchel, Shewing that he has made several settlements upon Province Land but has been broken up by the running the Lines of some new granted Towns; that he has a numerous family, and therefore Praying for the Grant of a triangular piece of land near the place where he now resides, containing about one hundred & twenty Acres, to him and his eldest Son.

Read & thereupon

*Voted* that the Land Mentioned In the Petition be granted to the petitioner for Life & the reversion or Remainder to his Two Eldest Sons Sam<sup>l</sup> Winchell & Eliakim Winchell In Equal parts In fee provided It Doth not Exceed the Quantity of One Hundred & Twenty Acres And that the pet<sup>r</sup> Return a plan thereof to this Court taken by A Skillfull Survey<sup>r</sup> & Chainmen on Oath within Twelve Months for Confirmation. [*Passed February 25.*]

## CHAPTER 246.

## ORDER FOR A NEW PRECINCT IN BRIDGWATER &amp; MIDDLEBORÔ.

Legislative  
Records of the  
Council,  
xvii. (4), 281.  
Mass.  
Archives, cxv.,  
128.

Mass.  
Archives, cxv.,  
125. Legislative  
Records of  
the Council,  
xvii., Mis., 541.  
House Jour-  
nal, p. 171.  
*Ante*, p. 239,

ON THE PETITION of divers Inhabitants of Bridgwater and Middleborô, [*ante*, p. 299, chap. 154]

Read and the matter being fully considered

*Ordered* That the Prayer of the Petition be granted and that all the Land withinmentioned (contained within the Bounds hereafter mentioned and the Inhabitants dwelling thereon) Viz<sup>t</sup> beginning at the great river, at the Northwesterly corner of David Alden's homestead thence ruñing Southerly between the lands of Said David and Ebenezer Alden until it comes to the head bounds then including the lot laid out to the right of Josiah Winslow Esq<sup>r</sup> and the Packade

eighty Acres So called, thence including the lot of Benjamin Bartlet Number nine till it comes to the highway thence bounded by the highway till it comes to the lot N<sup>o</sup> Seventeen formerly John Cobbs, now owned by Elkanah Leonard Esq<sup>r</sup> including Said lot till it comes to Titient Meadows and then bounded by Said Meadows to the Lot originally belonging to William Pontry including Said lot home to the line of Middleborough West Precinct and So bounded Westerly by the line between the Precincts until it comes to the great river at the Mouth of Trout brook thence up stream by Said river to the bounds first mentioned, (including the hundred acre lot on the south Side of Trout brook on which Simeon Leonard now dwells) then to begin at the great River aforesaid Some distance above the Mouth of Middleborough river at the East or South Easterly bounds of Samuel Packards land on the Easterly Side and thence North to the four Mile line, So called, thence West by Said four Mile line until it comes to the bounds between Bridgwater and Raynham thence Southerly by Said line until it comes to the great river thence up Stream until it comes to the East or South Easterly bounds of Sam<sup>l</sup> Packards land aforesaid be and hereby are Set off a distinct or seperate Precinct and that the said Inhabitants do duty and receive Privilege to all intents and purposes as other Precincts within this Province do or by Law ought to enjoy. [*Passed February 25.*]

chap. 51; p. 299,  
chap. 154.

## CHAPTER 247.

### ORDER CONFIRMING A PLAT OF 191 ACRES OF LAND TO EBEN<sup>r</sup> JONES.

A PLAT of One Hundred and thirty one Acres of land laid out by Joseph Blodget Surveyor and Chain men on Oath, to fulfill a grant made by the General Court to Ebenezer Jones at a Place called Wales near Somers, joining to the South East Corner of Springfield, bounded on the North by Springfield Line, West by the Two hundred Acres granted to M<sup>r</sup> Collins, South by M<sup>r</sup> Stephen Williams's farm, & East by Common Land: the first bounds being a stake and stones (the North East corner of M<sup>r</sup> Collins's grant) standing in Springfield line, from thence running East &°

Legislative  
Records of the  
Council, xvii. (4), 288.  
Mass.  
Archives,  
xvii., 157.

Mass.  
Archives,  
xvii., 156.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 486.  
House Jour-  
nal, p. 169.  
*Ante*, p. 252,  
chap. 34.

Read &

*Ordered* that this platt be Accepted And that the Lands therein Delineated & described be Confirmed to Eben<sup>r</sup> Jones his Heirs & Assigns for Ever provided it doth not Exceed the Quan[t]ity of One Hundred & Ninety one Acres nor Interfere with Any former Grant. [*Passed February 25.*]<sup>1</sup>

## CHAPTER 248.

### ORDER SETTLING A BOUNDARY LINE BETWEEN GROTON AND LITTLETON.

A PETITION of William Lawrence Esq<sup>r</sup> Representative of the Town of Groton, shewing that this Court, in setting off Peleg Lawrence and others from Groton to Littleton, were led into a

Legislative  
Records of the  
Council,  
xvii. (4), 283.

<sup>1</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is February 28.

Mass. Archives, cxv., 173.

Mass. Archives, cxv., 172. Legislative Records of the Council, xvii., Mis., 487. House Journal, pp. 118, 120, 170. Province Laws, xii., 531, chap. 129.

mistake by reason of the Representative of Groton for the year 1738 not being sufficiently acquainted with the circumstances of the Town of Groton and the Petitioners; & therefore praying that the Line of Jurisdiction between Groton and Littleton (which in the said Order is wrong stated) may be rectified.

Read and thereupon

*Ordered* that the prayer of the pet<sup>n</sup> be So farr Granted as that for the future that part of the Line of Jurisdiction between the Towns of Groton & Littleton Agreeable to the pet<sup>n</sup> of Peleg Lawrance & Others to this Court In 1738 Shall be as followeth Viz to begin at the Northwest Corner of Stony brook pond then Running to the Most Northerly part of Spectacle pond At the beginning of a Small Brook Called Bennetts Brook and So to run up the pond to South Brook And running Up the Brook to the dividing Line between Littleton & Groton property Not to be Affected thereby. [*Passed February 27.*]

## CHAPTER 249.

### ORDER GRANTING ADDITIONAL LAND TO THE TOWN OF SHEFFIELD.

Legislative Records of the Council, xvii. (4), 284.

House Journal, pp. 149, 160. Province Laws, x., 189, chap. 82.

A PETITION of Nathaniel Austin in behalf of the Town of Sheffield, shewing that the Original Grant of the said Town was for seven miles square, that by mistake in running the Lines, the Plat that was allowed did not contain that whole quantity, notwithstanding which the Court have since taken off a mile square from them; praying that their whole quantity of land may be made up to them and that the mistakes in running the Lines may be rectified.

Read, & it appearing from the Plats of Sheffield and the four Towns lying contiguous, that the East boundary of Sheffield was a Line drawn from a Pine Tree about sixty rods from the Colony Line to a Stake and heap of Stones near six mile Pond; (from thence the same course one mile and 127 rods; thence North 9 Deg. East to a Black Oak Tree marked with stones about it) one mile and twenty eight rods, and that the Stake and heap of Stones was to be the South West corner of the Township Number One, and the North West Corner of the Township Number Two. And it further appears from the declaration of Cpt. Chandler the Surveyor and from a petition of a Committee for the Petitioners for the Township Number Two, that a Line was described from said Stake and heap of Stones, and in it many Trees marked, which was accounted the East bounds of Sheffield; and from thence the Township Number Two was measured and described; which in the several Plats is said to be from said Pine Tree to said Stake and heap of Stones No. 2. Deg. West, which in all probability is a mistake in the entry on said Plats, and the said Line is really North 2 Deg. East; that therefore a strait Line from the before mentioned Stake and heap of Stones to the before mentioned Pine Tree, and thence the same course to the Colony Line, is and shall remain in the Divisional Line between Sheffield and the Township Number Two, and that the said Line be run by a skilful Surveyor and Chain men under Oath, and that a Report of the course be made to this Court and that a Line parallel thereto drawn from a White Oak Tree mentioned in the Plan at the North West Corner of Sheffield to the Colony Line be the West boundary of Sheffield Grant. And further

that each Original Right of Land lying below the Indian Land in said Sheffield on which the Conditions of settlement have not been fulfilled, belonging to Matthew Noble, Major John Day, Jonathan Ashley, and Nathaniel Leonards heirs, shall pay the one hundredth part of the Taxes arising on said Town from time to time, and the said Town of Sheffield are hereby authorized to tax the same accordingly until the further Order of this Court. And further that the Lands lying between Sheffield West Line, and Taucanuck Mountain and South of the Indian Land be annexed to the Town of Sheffield, so far as that the said Town shall have the Jurisdiction of said Land during this Courts pleasure, & that the said Land be annexed to the County of Hampshire And that the Ministry Land lying between the Indian Land in Sheffield and Ingersols Mills, so called, on Housatanuck River be and remain to and for the use of the Ministry in the Town of Sheffield, agreeable to the Intent of the Original Grant, and that the same be and remain for ever free from being Taxed in the Precinct lying between Sheffield & Stockbridge where the said Lands ly. [*Passed February 27.*]

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## CHAPTER 250.

ORDER CONFIRMING A PLAT OF 8,064 ACRES OF LAND FOR HATFIELD AND ESTABLISHING THE BOUNDARIES OF NORTHAMPTON DEERFIELD AND HATFIELD.

A PLAT of Eight Thousand and Sixty four Acres of land laid out by Nathaniel Dwight Survey<sup>r</sup> & Chain men on Oath, to fulfill a grant made by the General Court to the Town of Hatfield; bounding Easterly partly on Hunts Town, so called, (as is supposed) and partly on M<sup>r</sup> Experience Mahews Farms and D<sup>r</sup> Barnards heirs land; Southerly, partly on M<sup>r</sup> Mahews Farm and partly on unappropriated land; and Westerly and Northerly on unappropriated Land.

Read &

*Ordered* that this plan be Accepted & the Lands therein delineated & described be Confirmed to the Town of Hatfield provided that it Doth not Exceed the Quantity of Eight thousand & Sixty four Acres nor Interfere with Any former Grant provided Also that the S<sup>d</sup> Town of Hatfield Accept thereof In full Consideration of the Lands Taken from S<sup>d</sup> Town Either by Northampton or Deerfield And that the Settlement of the Line between Northampton and Hatfield by the General Court Nov<sup>r</sup> 1720 & that the Settlement between the Town of Deerfield & Hatfield Agreeable to the platt returned by Deerfield In the year 1741 are hereby ratified & Confirmed as a final Settlement of the the<sup>1</sup> Lines of s<sup>d</sup> Towns. [*Passed February 28.*]

Legislative  
Records of the  
Council,  
xvii. (4), 289.  
Mass.  
Archives, cxv.,  
187.  
Mass.  
Archives, cxv.,  
185. Legisla-  
tive Records  
of the Council,  
xvii., Mis., 487.  
House Jour-  
nal, p. 174.  
Province  
Laws, x., 32,  
chap. 68.  
*Ante*, p. 30,  
chap. 40; p. 262,  
chap. 58.

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## CHAPTER 251.

ORDER ON THE PET<sup>NS</sup> OF JOHN MURDOCK ESQ<sup>RS</sup> & OTHERS OF PLYMOUTH TO BE ERECTED INTO A PRECINCT.

A PETITION of John Murdock and a great number of others Inhabitants of Plymouth in the first Precinct Shewing that the said Precinct is large, and the Petitioners being desirous to be set

Legislative  
Records of the  
Council,  
xvii. (4), 247,  
290.

Mass.  
Archives, xii.,  
326-337. House  
Journal,  
pp. 176, 177.

off from them, applied to the Precinct, who did not see meet to grant their Petition; and therefore Praying that the Petitioners with such as shall hereafter join with them (their Families and Estates) may be made a separate Society, the Minister with the Minister of the first Precinct to be equally supported by a Tax on the whole, and the Ministerial Lands also to be equally divided between them.

Read together with the answer of the adverse parties, and

*Ordered* that the prayer of the Petition be so far granted as that the Petitioners, together with their Families and Estates they now hold in their own right, and those hereafter dwelling on them, together with such persons and their Estates as shall hereafter, within six months next coming, signify their desire under their hands in writing, to be annexed to them, and give in the same to the Secretarys Office, be and hereby are set off a distinct and separate Precinct, to hold and exercise the same privileges as all other Precincts within this Province have, and by law do enjoy; Provided that no more shall, by giving in their names as aforesaid, be set off with the Petitioners, than will together with the Petitioners, amount to one half of the North Precinct in Plymouth, as to Real Estate, according to the last Valuation of Estate in said Precinct. [*Passed February 29.*]

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## CHAPTER 252.

### ORDER IMPOWERING JOHN HARMAN TO SELL A RIGHT IN A TOWNSHIP.

Legislative  
Records of the  
Council,  
xvii. (4), 291.  
Mass.  
Archives,  
xviii., 200.

Mass.  
Archives,  
xviii., 199.  
Legislative  
Records of the  
Council, xvii.,  
Mis., 488.  
House Journal,  
pp. 170, 175.

A PETITION of John Harman of York, shewing that Ebenezer Moulton of said place (who married the Petitioners Daughter) died Intestate, leaving three small Children and a little Estate, part of which is a Right in the new Town above Berwick, that the Widow of said Moulton is now dead, and therefore praying that the Petitioner may be impowered to sell the said Right for the payment of the charge arising thereon, and the Remainder of the Produce to be for the support of said Moultons Children.

Read and

*Ordered* that the Prayer of the Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is hereby allowed to Sell the right of Ebenezer Moulton in the Township at the Head of Berwick, and to Execute a good Deed or Deeds thereof. He first giving sufficient Caution to the Judge of Probate for the County of York that the proceeds of said Sale be applied to the payment of the Charge which has arisen about the same; the Overpluss to be applied for the Support of the s<sup>d</sup> Moulton's Children. [*Passed February 29.*]

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## CHAPTER 253.

### ORDER IMPOWERING THE TOWN OF DARTMOUTH TO CHOOSE TAX COLLECTORS.

Legislative  
Records of the  
Council,  
xvii. (4), 301.  
Mass.

A PETITION of the Select Men of the Town of Dartmouth, Shewing that by reason of some irregularities in the Town Meetings, and other mismanagements, they are now without Constables or Collect-



ors of Taxes, and cannot chuse any for collecting the Taxes of the last year, by Law; and therefore praying that this Court would provide a remedy for them.

Read &

*Orderd* That the prayer of the petition be so far granted as that the Inhabitants of the Town of Dartmouth be & hereby are enabled & empower'd at their annual meeting in March next for the choice of Town Officers for the ensuing year to chuse one or more persons to serve as Constables or Collectors to gather such Rates & Taxes as may remain<sup>1</sup> in said Town for the last or any preceeding years & the said Constables or Collectors so chosen are fully empower'd to collect the same & shall be liable to the same penalty for refusing to serve in such Office as any other Constable chosen & refusing to serve in said Town is or would by Law be liable to.<sup>2</sup> [*Passed March 1.*<sup>3</sup>

Archives, cxv., 178.

Mass. Archives, cxv., 177-182. Legislative Records of the Council, xvii., Mis., 489.

## CHAPTER 254.

RESOLVE DIRECTING THE ACCEPTANCE OF THE ACCOUNTS OF JONAS ADAMS, ADMINISTR<sup>r</sup>, SETTLING AN ESTATE.

A PETITION of Jonathan Adams of Medway in the County of Suffolk, Administr<sup>r</sup> of the Estate of Jasper Adams of said place dec<sup>d</sup> Shewing that since his undertaking that Trust, he has been visited by a Cancer, which has now prevailed so far upon him, as that he is utterly unable to travel and make up the Account of his Administration with the Judge of Probate, which is only wanting for the full settlement of the Estate: and therefore Praying that the Judge of Probate may be enabled to empower some person to take his Oath, or that he may be otherwise relieved.

Legislative Records of the Council, xvii. (4), 302. Mass. Archives, xviii., 222.

Mass. Archives, xviii., 221. Legislative Records of the Council, xvii., Mis., 489.

Read & in Answer to this Petition

*Resolved* that the Pet<sup>r</sup> making Oath before a Justice of the peace to the Truth of such his Accounts of Administration on the within named Deceased's Estate, as shall be exhibited to the Judge of Probate for the County of Suffolk for his Allowance, The said Judge be & he is hereby authorized to receive & allow of said Accounts (the several Payments therein mentioned or Services performed being otherwise vouch'd as usual) & such Allowance shall be deemed as valid & effectual to all Intents & Purposes as if the said Adm<sup>r</sup> had in Person appeared & rendred his Accounts to the Judge on Oath in manner as has been usual.<sup>2</sup> [*Passed March 2.*

## CHAPTER 255.

ORDER APPOINTING A COMMITTEE TO VIEW THE LAND IN TITICUTT.

A PETITION of Nehemiah Washburn, James Boise, and Israel Washburn, shewing that they purchased of the heirs of one Edward Mitchel lands in Tetticut which the said Edward had fairly purchased of the Indian Natives there; on which land the Petitioners have built and have made considerable improvements thereon; and

Legislative Records of the Council, xvii. (4), 277; *ibid.*, xvii., Mis., 492.

House Journal, pp. 168, 179.

<sup>1</sup> MS. of this word mutilated.

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> This date is according to Mass. Archives and Legislative Records of the Council, xvii., Mis.; according to Legislative Records of the Council, xvii. (4), the date is March 2.

*Ante*, p. 221,  
chap. 223.

there being differences between the Petitioners and the said Indians, therefore Praying that a Committee may be appointed to consider what land should be sold to satisfy the Petitioners for the demands they have on them.

The Committee to whom was referred the petition of Nehemiah Washburn and others, have considered thereon, and apprehend that something ought to be allowed the petitioners, in lieu of the consideration money in their deed mentioned, exclusive of any interest. they relinquish to the Indians any pretence of title to the lands therein contained, and that a Committe at the petitioners charge repair to Titicut veiw the lands, and report to this court at their next sessions, what they may judge to be a reasonable allowance by the petitioners.

All which is humbly submitted by order. JN<sup>o</sup> CUSHING.

In Council. Read and accepted, and

*Ordered* that John Cushing Esq<sup>r</sup> with such as the honorable House may join be a Committe for the above mentioned purposes.

In the House of Representatives

Read and concurred, and M<sup>r</sup> Godfrey and Major Richmond are joined in the affair. [*Passed March 2.*]

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## CHAPTER 256.

### VOTE FOR CALLING A MEETING OF THE GRANTEES OF A NEW TOWN, GRANTED TO THE TOWN OF FRAMINGHAM.

Legislative  
Records of the  
Council,  
xvii. (4), 302.  
Mass.  
Archives, cxv.,  
210.

Legislative  
Records of the  
Council, xvii.,  
Mis., 491.  
*Ante*, p. 167,  
chap. 92.

*Voted* that Joseph Buckminster ju<sup>r</sup> Esq. be and hereby is directed and impowered to call the first meeting of the Proprietors of the new Township<sup>1</sup> Granted to Sundry Inhabitants of the Town of Framingham lying on y<sup>e</sup> north of Wendalls Town commonly so called by posting up Notifications of y<sup>e</sup> Time and place of Such Meeting within Said Town of Framingham fourteen Days at least before the Time of said meeting.<sup>2</sup> [*Passed March 2.*]

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## CHAPTER 257.

### ORDER ACCEPTING THE REPORT IN REGARD TO TIMBER AND LAND OF NATICK INDIANS AND APPOINTING A COMMITTEE THEREON.

Legislative  
Records of the  
Council,  
xvii. (4), 303.  
Mass.  
Archives,  
xxxii., 486.

Legislative  
Records of the  
Council,  
xvii. (4), 251.  
House Jour-  
nal, pp. 150, 183,  
184. Province  
Laws, ii., 383,  
chap. 3.

THE COMMITTEE to whom was refer'd the Representation of Ebenezer Felch of Natick, relating to the Wood and Timber growing on the Indian Common there, as well as lotted land, having considered the same, are of Opinion, That some suitable Person or Persons be appointed as Guardian or Guardians to the Indians at Natick, who may be vested with power to inspect the Wood and Timber aforesaid, and that an Act of this Government be made, prohibiting any person from buying any Wood or Timber lying or growing on lands of any Indian or Indians, or from cutting or carrying away any such Wood or Timber under any pretence whatsoever, without licence under their hands, in writing, first obtained from such Guardian or Guardians, under the same penalty as by the Act entitled An

<sup>1</sup> This township was New Framingham; it afterwards became Lanesborough.

<sup>2</sup> Not found in the House Journal.

Act in addition to and for rendering more effectual An Act made in the Tenth Year of King William the Third, entitled An Act for the preventing of Trespass, is provided; and to be prosecuted in the same way and manner, as to the manner of Conviction, as in said Act is also provided, or by Action of Trespass at Common Law, and that said Guardian or Guardians be enabled from time to time in his or their said Capacity, to bring forward and prosecute said Actions of Trespass at the charge of the Indian Proprietor or Proprietors; and what may from time to time be recovered against such as may transgress said Act, be improved for the benefit of such Indian Proprietor or Proprietors: the said Guardian or Guardians from time to time to be accountable to this Court for their doings.

In the Name and by Order of the Committee

NATH<sup>l</sup> HUBBARD.

In Council

Read, and

*Order'd* that Col<sup>l</sup> Cushing, m<sup>r</sup> Danforth, Col: Chandler & Col: Bourn with such as shall be joyn'd by the Hon<sup>ble</sup> House, be a Committee to prepare a Bill for preventing abuses to the Indians, & the making of Stray<sup>l</sup> & Waste on their Lands, and to lay such Bill before this Court (if it may be) in their present Session, or otherwise, at their next Session: and that the further Consideration of this Report be referr'd to that time

In the House of Rep<sup>ues</sup>

Read and Concur'd and M<sup>r</sup> Livermore M<sup>r</sup> Clap Maj Foster Cap Collins and M<sup>r</sup> Liscum are Joyned in the Affair. [*Passed March 2.*]

## CHAPTER 258.

ORDER GRANTING A LICENSE TO JOSEPH TUCKER TO KEEP AN INN.

A PETITION of Joseph Tucker of Stoughton in the County of Suffolk, shewing that he has for divers years kept an Inn in said place, and was this year unanimously approbated by the Select men, but by reason of sickness was prevented from taking out his Licence at the proper time; therefore praying that the Court of General Sessions of the Peace for said County may be impowered to grant him a Licence at their next Term.

Read and

*Ordered* that the Justices of the Peace for the County of Suffolk be and they hereby are Impowered at their next Session (if they see cause) to grant the Pet<sup>r</sup> a Licence; the time for granting Licences being elapsed notwithstanding. [*Passed March 2.*]

Legislative  
Records of the  
Council,  
xvii. (4), 305.  
Mass.  
Archives, cxi.,  
127.

House Journal,  
p. 164.  
Province  
Laws, iii., 18,  
chap. 6.

## CHAPTER 259.

ORDER ALLOWING £3 TO JAMES CORS.

A MEMORIAL of James Cors of Deerfield, setting forth his expence and hazzard in a journey to Canada for the recovery of his Sister from captivity and the service he has done to the Province

Legislative  
Records of the  
Council,  
xvii. (4), 305.

<sup>1</sup> The House Journal, p. 183, reads, "Stroy."

Mass. Archives, xxxviii., 129.

in the knowledge he has attained of the Country; praying for an Allowance from this Court.

Mass. Archives, xxxviii., 125-129. House Journal, pp. 31, 37, 180.

Read and *Ordered* that three pounds be allowed to be paid out of the publick Treasury to the Pet<sup>r</sup> in consideration of the service within mentioned and as an Encouragment to him to serve the Govement as a Pilot if need be. [*Passed March 2.*]

## CHAPTER 260.

### ORDER ACCEPTING THE REPORT OF A COMMITTEE RESPECTING LANDS IN DIGHTON AND ALLOWING £28. 18. 2 FOR THEIR CHARGES.

Legislative Records of the Council, xvii., Mis., 490. Mass. Archives, cxv., 212.

THE COMMITTEE to whom was refered the petition of Silvester Richmond Esq<sup>r</sup> in behalf of the town of Dighton. Have repaired to Dighton, heard the parties. considered their original grants, and purchaces; veiwed the said township and have taken a platt thereof which is herewith humbly presented; and thereupon beg leave to say.

Mass. Archives, cxv., 211; xlii., 496. Legislative Records of the Council, xvii. (4), 306. House Journal, p. 184. Province Laws, iii., 220, note. *Ante*, p. 210, chap. 200.

First, that the red lines on the said platt deleniated; set forth the contents of the four miles square, from the river belonging to the Town of Dighton by their Indian deeds.

Secondly. the prickked lines in the said plat describe the southerly and westerly extent of what is contained in Governor Hinkley's deed of Confirmation, with allowance of eight degrees for the variation of the compass.

Thirdly, the black lines describe the town of Dighton according to their perambulations with Swansea Rehoboth and Taunton, under the hands of the Selectmen of each town at divers times since the year 1700. By which it appears that the black lines aforesaid contain two thousand six hundred & eighty four acres more than the contents of four miles square, and five hundred & fifty acres less than what is contained in Governor Hinkley's confirmation deed.

Wherefore upon the whole the committe are of opinion that the lands contained within the black lines aforesaid which are agreeable to their perambulation for many years past, be at all times hereafter accounted to be within the Jurisdiction of the said town of Dighton, but not to affect the property thereof on any account whatsoever.

All which is humbly submitted by JN<sup>o</sup> CUSHING per order

Read &

*Ordered* that this Report be accepted, And that the Accompt of the Committees Time & Expence amounting to the sum of Twenty eight Pounds eighteen shillings & two pence be paid by the Parties, viz one half by the Town of Dighton & the other Half by Charles Church Esq<sup>r</sup> & others the Respondents. [*Passed March 2.*]

## CHAPTER 261.

### VOTE GRANTING 8,000 ACRES OF EQUIVALENT LAND TO THE PROPRIETORS OF HUNTS TOWN.

Legislative Records of the Council,

*Ordered* That there be granted to the proprietors of Hunts Town So Called the Quantity of Eight Thousand Acres of Land as An

Equivalent for the Lands that were Laid out as part of S<sup>d</sup> Hunts town which Appear to be within the Town of Deerfield To be Laid out as follows Viz. to begin at the South east Corner of A farm Laid out to Doct<sup>r</sup> Jn<sup>o</sup> Barnards H<sup>rs</sup> which Corner Adjoyns to Hunts Town Line from thence to run on the Easterly line of S<sup>d</sup> Farm & on the Easterly line of M<sup>r</sup> Mayhews Farm to the Noreast Corner of S<sup>d</sup> Mayhews farm & from thence North 8 deg<sup>rs</sup> East to Boston Township N<sup>o</sup> 2. from thence Easterly on S<sup>d</sup> Line Including all the Land between that and the North line of Hunts town Untill it make the Quantity of Eight Thousand Acres Exclusive of Such Grants of Land Already Laid out in the S<sup>d</sup> Tract. as also the whole Right of Land belonging to Ebn<sup>r</sup> Hunt who was Admitted Into S<sup>d</sup> Hunts Town as an Additional Grantee over & Above the Sixty Grantees first Admitted

And further that the Salmon fishing falls In Deerfield River So Called be reserved to the use of the publick with Twenty Acres of Land Around them for Conveniency of fishing Provided The Prop<sup>rs</sup> by a Surveyor and Chain men under Oath do return a plan of the s<sup>d</sup> Eight Thousand Acres to this Court within twelve months for confirmation.<sup>1</sup> [*Passed March 2.*]

xvii. (4), 307.  
Mass.  
Archives, cxv.,  
213.

Legislative  
Records of the  
Council, xvii.,  
Mis., 539.

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## CHAPTER 262.

### ORDER OF NOTICE ON THE PETITION OF DAMARASCOTTY INHABITANTS TO BE MADE A TOWNSHIP.

A PETITION of William Vaughan Esq<sup>r</sup> and others, Inhabitants of a place called Damerascotty in the County of York, setting for[th] their difficulties for want of being incorporated into a Town, and praying that they with the lands particularly described, may be made a Township, and that the Inhabitants may be vested with powers accordingly.

Read and

*Ordered* that the Petitioners insert the substance of this Petition in the Boston Gazett with this Order thereon, six weeks successively, that so all Persons interested or concerned therein, may give answer thereto, if they see cause, the second Wednesday in May next, to which time this Petition is refer'd. [*Passed March 3.*]

Legislative  
Records of the  
Council,  
xvii. (4), 308.

Mass.  
Archives, xii.,  
305-307. House  
Journal, p. 181.

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## CHAPTER 263.

### ORDER IMPOWERING NATHANIEL COOCHUCK TO SELL AND EXCHANGE LAND.

A PETITION of Nathaniel Coochuck and Mary his Wife of Natick, Indians, praying for liberty of selling Twenty Two Acres of Land there, being part of a Right fallen to them by the death of her Father, and likewise to exchange an Acre of land with Jonathan and Daniel Dewing, the Produce of the sale to be laid out for paying the Petitioners debts contracted by charges in the Law, and also for purchasing Sheep for the Petitioner.

Legislative  
Records of the  
Council,  
xvii. (4), 309.  
Mass.  
Archives,  
xxxi., 472.

Mass.  
Archives,  
xxxi., 471.  
House Jour-  
nal, pp. 153, 182.

<sup>1</sup> Not found in the House Journal.

Read and

*Ordered* that the Pet<sup>r</sup> be allowed to sell the land contained herein (with the Advice and Assistance of Major Jones), and to exchange One Acre thereof with M<sup>r</sup> Dewing of s<sup>d</sup> Natick The s<sup>d</sup> Jones to be accountable for his proceedings herein to this Court. [*Passed March 3.*]

## CHAPTER 264.

### ORDER ALLOWING £15 TO SPENCER PHIPS ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xvii. (4), 309.  
Mass.  
Archives, lxxii., 680.

A MEMORIAL of Spencer Phips Esq<sup>r</sup> Commander of His Majestys Castle William, setting forth his expence in the entertainment of Committees of the General Court, and moving for an Allowance for the same.

Read and

Mass.  
Archives, lxxii., 679.  
House Journal, pp. 174, 183.

*Ordered* that there be Allowed to be paid out of the publick Treasury to the Memorialist the Sum of fifteen pounds in full consideration for the expence mentioned for entertaining Committees &c. [*Passed March 3.*]

## CHAPTER 265.

### ORDER ALLOWING £15 TO JOHN LARRABEE.

Legislative  
Records of the  
Council, xvii. (4), 309.  
Mass.  
Archives, lxxii., 681.

A PETITION of John Larrabee, Lieutenant of His Majestys Castle William, shewing that he has been at great charge in entertaining Committees of the General Court; praying for an allowance for the same.

[Read &]

Legislative  
Records of the  
Council, xvii.,  
Mis., 491.  
House Journal, p. 183.

*Ordered* that the Sum of fifteen pounds be allowed to be paid out of the publick Treasury to Lieu<sup>t</sup> John Larrabee in full consideration of the expence afores<sup>d</sup>. [*Passed March 3.*]

## CHAPTER 266.

### ORDER ALLOWING £10 PER ANNUM ADDITIONAL SALARY TO JOHN PHILLIPS.

Legislative  
Records of the  
Council, xvii. (4), 310.  
Mass.  
Archives, xii., 311.

A PETITION of John Phillips, Chaplain of His Majestys Castle William, setting forth the insufficiency of his pay for his support, and praying for an enlargement thereof.

Read and

Mass.  
Archives, xii., 310. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 492.  
House Journal, p. 183.

*Ordered* that the Petitioner be allowed out of the Publick Treasury ten pounds per annum in addition to his presant Salary<sup>1</sup> from the 20<sup>th</sup> of May 1742 during the continuance of the present Establishment, for his Service in that Station. [*Passed March 3.*]

<sup>1</sup> Mass. Archives, xii., 310, gives the amount as "Thirty pounds Lawful money."

## CHAPTER 267.

ORDER IMPOWERING SAM<sup>L</sup> CLARK, INDIAN, TO SELL LAND.

A PETITION of Samuel Clark of Middleboro, Indian, praying for liberty from this Court to sell a Tract of land lying at a place called Quiticus, between the English line, the Ponds and Brook, for the payment of his debts contracted by the reason of the charge of maintaining of his aged Mother & the debts contracted by his Father in his life time.

Read and

*Ordered* that the Pet<sup>r</sup> have liberty to Sell the land mentioned in the Pet<sup>n</sup> with the advice and Assistance of James Warren Esq<sup>r</sup>, the produce thereof to be applied to the purposes herein mentioned. The s<sup>d</sup> Warren to be accountable to this Court for his proceedings herein. [*Passed March 7.*]

Legislative  
Records of the  
Council,  
xvii. (4), 315.  
Mass.  
Archives,  
xxxI., 448.

Legislative  
Records of the  
Council, xvii.,  
Mis., 521.  
House Jour-  
nal, p. 183.

## CHAPTER 268.

## ORDER IMPOWERING THO. AWUNSAMUG, INDIAN, TO SELL LAND.

A PETITION of Thomas Awunsamug of Natick, Indian, and Deborah his Wife, praying for liberty to sell twenty five Acres of land for building a Dwelling house, for which he has already made some provision, and to enable him to pay some small Debts which he has contracted.

Read and

*Ordered* that the petitioner have liberty with the advice and assistance of Samuel White Esq<sup>r</sup> to sell the twenty five acres of land herein described, the proceeds thereof to be applied to the purpose mentioned in the petition, the said White to be accountable for his proceedings herein to this court. [*Passed March 7.*]

Legislative  
Records of the  
Council,  
xvii. (4), 315;  
*ibid.*, xvii.,  
Mis., 492.

House Jour-  
nal, pp. 182, 183.

## CHAPTER 269.

## ORDER ACCEPTING THE ACCOUNT OF THE CO. TREASURER OF PLYMOUTH.

AN ACCOMPT presented by Thomas Foster Treasurer of the County of Plymouth for the year 1742; having been by him laid before the Court of General Sessions of the Peace for said County and by them allowed:

Read and

*Ordered* that the within Accompt be allowed and that the Ballance thereof, being Seven Pounds Twelve Shillings and ten Pence half penny, the said Treasurer is further accountable to said County for.<sup>1</sup> [*Passed March 7.*]

Legislative  
Records of the  
Council,  
xvii. (4), 316.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 270.

ORDER IMPOWERING THO<sup>s</sup> HUTCHINSON ESQ<sup>r</sup> TO ENTER AN APPEAL.

Legislative  
Records of the  
Council,  
xvii. (4), 298,  
316.

House Jour-  
nal, pp. 179, 189.

A PETITION of Thomas Hutchinson Esq<sup>r</sup> Executor of the last Will of his late father Thomas Hutchinson Esq<sup>r</sup> dec<sup>d</sup> Shewing that by the neglect of his Attorney he lost his Appeal from a Judgment obtained against him by James Pemberton Esq<sup>r</sup> from the Inferior Court in Boston; praying that the Justices of the Superior Court now sitting may be allowed to proceed to a Trial of the said Appeal thò not entered at the Inferior Court.

Read; and it appearing that James Pemberton Esq<sup>r</sup> the adverse party, has been served with a Copy of this Petition, and that he makes no objection against the request of the Petitioner;

*Ordered* that the prayer of the Petition be granted and the Justices of the Superior Court of Judicature are accordingly empowered and directed to admit the Petitioner to enter his Appeal in the present Term. [*Passed March 7.*]

## CHAPTER 271.

## ORDER OF NOTICE ON THE PETITION OF MOSES RICE IN REGARD TO THE SETTLEMENT OF A GRANT.

Legislative  
Records of the  
Council,  
xvii. (4), 318.  
Mass.  
Archives,  
xlvi., 149.

Mass.  
Archives,  
xlvi., 148.  
House Jour-  
nal, pp. 182, 188.  
Province  
Laws, xii., 156,  
chap. 69.

A PETITION of Moses Rice, Shewing that he has lately settled himself and his family upon a Tract of land<sup>1</sup> commonly called Charlemont near Deerfield, that the other Grantees, saving some few persons particularly mentioned, have entirely neglected to perform the Conditions of the Grant; which is extremely prejudicial to the Petitioner & the rest upon the place, and praying that the other Grantees may be obliged forthwith to settle, or their Grants declared forfeited and others admitted.

Read and

*Ordered* that the Pet<sup>r</sup> insert the Substance of this Pet<sup>n</sup> in the Boston Gazette three weeks successively that so the Grantees of the Township herein mentioned shew cause (if any they have) on the second thursday of the next May Session, why the Prayer thereof should not be granted. [*Passed March 8.*]

## CHAPTER 272.

## ORDER DIRECTING THE TRANSFER OF AN APPROPRIATION.

Legislative  
Records of the  
Council,  
xvii. (4), 320.

Legislative  
Records of the  
Council, xvii.,  
Mis., 433.  
House Jour.

WHEREAS the Appropriation in the last Supply Act for the payment of such matters and things for which there is no Establishment, is exhausted; and sundry persons who have done service for the Province by Order of this Court for the repairs of Forts in the Eastern Parts and the Light House, much want their respective dues: And inasmuch as there is at present a part of the Appropria-

<sup>1</sup> Mass. Archives, xlvi., 148, adds, "Granted to the Town of Boston."



tion for putting the Province into a better posture of Defence, which probably will not be called for until further provision be made for the same by another supply:

Therefore

*Ordered* that the sum of Five Hundred Pounds be transfer'd from the afores<sup>d</sup> Appropriation for the Defence &c to the aforesaid Appropriation for New Establishments; the sum so transfer'd to be reinstated by next Supply Bill. [*Passed March 9.*]

nal, p. 192.  
Province  
Laws, iii., 75,  
chap. 2; 112,  
chap. 13.

## CHAPTER 273.

### ORDER IMPOWERING EBEN<sup>e</sup> EPHRAIM, INDIAN, TO SELL LAND.

A PETITION of Ebenezer Ephraim of Natick, Indian, praying for liberty to sell twenty Acres of Land in said place, for the finishing of a House they have lately built, and for furnishing themselves with necessary household stuff for their more comfortable living.

Read and

*Ordered* that the prayer of this Pet<sup>n</sup> be granted and the Pet<sup>r</sup> is allowed with the advice and assistance of Maj Jones to Sell the land herein mentioned for the most the same will fetch, the produce thereof to be applied to the purposes within mentioned The s<sup>d</sup> Jones to be accountable to this Court for his proceedings herein. [*Passed March 10.*]

Legislative  
Records of the  
Council, xvii. (4), 322.  
Mass.  
Archives,  
xxxI., 488.

Legislative  
Records of the  
Council, xvii.,  
Mis., 493.  
House Jour-  
nal, p. 192.

## CHAPTER 274.

### VOTE ALLOWING £100 FOR FORTIFYING NORTH YARMOUTH.

*Voted* that the Sum of One hundred pounds be allowed to be paid out of the publick Treasury and put into the hands of the Select Men and the Officers of the Militia within the Town of North Yarm<sup>th</sup> *the Sum of One hundred pounds*<sup>1</sup> to be applied in such manner, as may be most for the defence of the Inhabitants of that Town according to such Directions as they shall receive from the Captain General, They to be accountable for the said Sum. [*Passed March 13.*<sup>2</sup>]

Legislative  
Records of the  
Council, xvii. (4), 326.  
Mass.  
Archives, cxv.,  
214.

Legislative  
Records of the  
Council, xvii.,  
Mis., 498.  
House Jour-  
nal, p. 195.

## CHAPTER 275.

### ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND TO HENRY EDGAR

A PLAN of five hundred acres of land laid out to satisfy a grant<sup>3</sup> made to Henry Edgar, by the great and General Court of the Province of the Massachusetts Bay at their session in May 1742. which

Legislative  
Records of the  
Council, xvii.,  
Mis., 494.  
Mass.

<sup>1</sup> The words "the sum of One hundred pounds" are underlined in Mass. Archives, cxv., 214; they are omitted in Legislative Records of the Council, xvii. (4), but appear in *ibid.*, xvii., Mis.

<sup>2</sup> This date is according to Mass. Archives, Legislative Records of the Council, xvii. (4), and the House Journal; according to Legislative Records of the Council, xvii., Mis., the date is March 15.

<sup>3</sup> This grant of 500 acres was made in June, 1742, House Journal, p. 56: "*Ordered*, That the Petitioner be and he hereby is allowed a Grant of a Tract of unappropriated Land of this Province of five Hundred Acres in full Satisfaction for his Services and Sufferings therein mentioned. The Petitioner to return a Plat thereof to this Court within twelve Months for Confirmation."

Archives,  
xvii., 163.  
Mass.  
Archives,  
xvi., 162.  
Legislative  
Records of the  
Council,  
xvii. (4), 326.  
House Jour-  
nal, pp. 23, 46,  
56 (1742); p. 133.

land is bounded South on Hatfield new grant, East on Hunts town, North and West on unappropriated land, the south east Corner is at the north east corner of Hatfield farm, where there is a beach tree marked with stones about it, which tree stands in Hunts town west line, from which it runs N 8°- 00 E, 360 rods, thence W 200 rods. thence 8°- 00 W- 460 rods, thence E 25°- 00 N 250 rods and close to the aforesaid Beach tree. Surveyed Nov<sup>r</sup> 28<sup>th</sup>, 1743, protracted by a scale of one hundred perch to an inch.

Per me NATH<sup>l</sup> KELLOGG, Surveyor.

Read and

*Ordered* that the within Plan be so far accepted as that the lands herein delineated and described be confirmed to Henry Edgar His Heirs and Assigns forever Saving, that thirty three rods be struck off the South end of said Plan and added to the North End hereof

Provided also that it exceeds not the Quantity of the Grant and does not interfere with any former Grant. [*Passed March 13.*]

## CHAPTER 276.

ORDER APPOINTING A COMMITTEE ON THE PETIT<sup>n</sup> OF JOS. CONVERSE & OTHERS.

Legislative  
Records of the  
Council,  
xvii. (4), 327.  
Mass.  
Archives,  
xvii., 155.  
Mass.  
Archives,  
xvi., 154.  
Legislative  
Records of the  
Council, xvi.,  
328. House  
Journal, p. 188.  
Province  
Laws, xii., 404,  
chap. 106.

A PETITION of Josiah Converse & others a Committee for the Grantees of the Township Number One near Sheffield and Westfield Road, Shewing that the said Grantees were impowered to lot out & divide their lands according to such Votes as should be pass'd in a regular Meeting and approved of by the Committee of the General Court; and forasmuch as the major part of the said Committee are dead; praying that their number may be filled up by this Court.

In the House of Rep<sup>res</sup>

Read and

*Ordered* that M<sup>r</sup> Bond and Cap<sup>t</sup> W<sup>m</sup> Reed with such as the Hon<sup>ble</sup> Board shall Joyn be a Committee fully Impowered to manage the Affairs within mentioned

In Council; Read & Concur'd & Ebenezer Burrill Esq<sup>r</sup> is joined in the Affair. [*Passed March 13.*]

## CHAPTER 277.

ORDER IMPOWERING BENJ. TRAY, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 331;  
*ibid.*, xvii.,  
Mis., 493.  
House Jour-  
nal, p. 182.

A PETITION of Benjamin Tray, of Natick, Indian, praying for liberty from this Court to sell twenty three Acres of land, left him by his Father, for the payment of his said Fathers debts, and for the more comfortable support of his aged Mother.

Read and

*Ordered* that the prayer of the petitioner be granted, and that the petitioner have liberty to sell the twenty three acres of land mentioned, with the advice and assistance of Major Isaac Coolige the produce to be applied to the purpose herein mentioned, the said Coolige to be accountable for his proceedings herein, to this court. [*Passed March 13.*<sup>1</sup>]

<sup>1</sup> This date is according to Legislative Records of the Council, xvii., Mis.; according to *ibid.*, xvii. (4), the date is March 15.

## CHAPTER 278.

## ORDER IMPOWERING BENJ. WESTON, ADMINISTRATOR, TO SELL A HOUSE AND LAND.

A PETITION of Benjamin Weston Administ<sup>r</sup> of the Estate of William Coomer dec<sup>d</sup> Shewing that the real estate consists only of Dwelling House and one Acre of Land, that there is but one Son, who declines having the estate settled upon him; and therefore according to law it must be divided into eleven parts, besides the Widows Thirds; therefore praying for liberty to sell it, or that it may be settled on one of the Daughters of the Deceased.

Read and

*Ordered* that the Pet<sup>r</sup> be impowered to make sale of the Dwelling House and Land within mentioned (The Widows Dower excepted) for the most the same will fetch Setting up Notifications in the Shire Town of the County and in the Town where the Dec<sup>d</sup> last dwelt also in the two next adjoining Towns thirty days at least before the day of Sale. The Pet<sup>r</sup> giving sufficient Caution to the Judge of Probate for the County of Plym<sup>th</sup> for the payment of the Respective Heirs, their proportionable part of the same. [*Passed March 15.*]

Legislative Records of the Council, xvii. (4), 331. Mass. Archives, xviii., 204.

Mass. Archives, xviii., 203. Legislative Records of the Council, xvii., Mis., 435. House Journal, p. 197.

## CHAPTER 279.

ORDER IMPOWERING NATH<sup>l</sup>. CUNNINGHAM TO FILE A COMPLAINT.

A PETITION of Nathaniel Cunningham of Boston merchant, shewing that he recovered Judgment by default at the Inferior Court in the County of Suffolk against George and Robert Hewes & James Bracket for the sum of £120. 15 damage & costs; from which they appealed to the Superior Court, but failed of prosecuting their Appeal, and the Petitioners Attorney casually omitted filing a complaint against them; and therefore praying that he may be allowed to file his complaint at the next Superior Court for the said County.

Read, and it appearing that the adverse parties have been duly served with Copies of this Petition, but no answer being given in:

*Ordered* that the prayer of the Petition be granted and that the Petitioner be allowed to file his complaint against the said George and Robert Hews at the next Superior Court of Judicature for the County of Suffolk; and the said Court are accordingly impowered to proceed thereupon in like manner as if the complaint had been filed in due season according to Law; the Petitioner to notify the adverse parties of this Order fourteen days before the Sitting of this<sup>1</sup> Court. [*Passed March 16.*<sup>2</sup>]

Legislative Records of the Council, xvii. (4), 266, 330.

Mass. Archives, xlii., 448-452. Legislative Records of the Council, xvii. (4), 255, 314. House Journal, p. 163. *Ante*, p. 316, chap. 198.

<sup>1</sup> This word is underlined in Legislative Records of the Council, xvii. (4); in Mass. Archives the word is "the."

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xvii. (4), the date is March 15.

## CHAPTER 280.

VOTE FOR A DINNER FOR THE REPRESENT<sup>VES</sup> ON ELECTION DAY.

Legislative  
Records of the  
Council,  
xvii. (4), 334.  
Mass.  
Archives,  
xlix., 195.

House Jour-  
nal, p. 200.

*Toted* that a suitable Dinner be provided at the Charge of the Province on the Day appointed for the Election of Councillors, for the Gentlemen who shall be Chosen to Represent the several Towns the next Year, and the Members who shall be returned for the Town of Boston, are directed to make Provision at some publick House in said Town accordingly. [*Passed March 16.*]

## CHAPTER 281.

ORDER ON THE PETITION OF DAV<sup>P</sup> INGERSOL FOR A NEW PARISH AT HOUSATANUCK TO BE ANNEXED TO SHEFFIELD.

Legislative  
Records of the  
Council,  
xvii. (4), 336.  
Mass.  
Archives, xii.,  
343.

Mass.  
Archives, xii.,  
342. Legisla-  
tive Records of  
the Council,  
xvii., Mis., 495.  
House Jour-  
nal, pp. 196, 199.  
*Ante*, p. 201,  
chap. 168;  
p. 334, chap.  
249.

A PETITION of David Ingersol in behalf of the Proprietors and Inhabitants of the Upper Housatanuck, setting forth their great difficulties for want of their being made a Township or Precinct, and praying that they may be vested with the Privileges of a Precinct, and have the lands lying between Housatanuck and Takonaek Mountains added to them, and that they may be annexed to the Town of Sheffield.

Read and in answer to this Pet<sup>n</sup>

*Ordered* that the lands and Inhabitants of the npper Housatonnoc, together with those lands and Inhabitants which lye between the s<sup>d</sup> Upper Housatonnoc and the Indians land, which by an Order of this Court in Janry 1742, were made a District (excepting James Sexton & the Lands he bought of Samuel Harman) together with a Tract of Land (& its Inhabitants) which lyes West of s<sup>d</sup> District between that & Tauconick Mountains, be & here by are made a Parish or Precinct & vested with all the Powers & Privileges which other Parishes or Precincts within this Province do by Law enjoy; & that the whole of the afore s<sup>d</sup> Parish be & hereby is annexed to & incorporated with the Town of Sheffield during the Pleasure of this Court, there to do Duty & receive Privilege as amply & fully as the present Inhabitants of Sheffield Saving nevertheless to the Province their Right in the s<sup>d</sup> Land lying between Housatonnic & Tauconic Mountains. [*Passed March 16.*]

## CHAPTER 282.

ORDER IN REGARD TO Y<sup>E</sup> AFFAIRS OF THE HASSANIMISCO INDIANS.

Legislative  
Records of the  
Council,  
xvii. (4), 337.  
Mass.  
Archives,  
xxxI., 477.

Mass.  
Archives,  
xxxI., 476.  
Province  
Laws, xi., 233,  
chap. 36.  
House Jour-  
nal, p. 201.  
*Ante*, p. 326,  
chap. 227.

ON THE PETITION of the Indian Proprietors of Grafton, [*ante*, p. 326, chap. 227]

*Ordered* that the former Trustees for the Indians of Hassanamisco alias Grafton deliver the Books Bonds & other Papers, as also such Money as may be in their hands belonging to the said Indians & that relate to their Affairs to the Gentlemen newly appointed Trustees for the said Indians; And the Receipt of the said lately appointed Trustees shall be their discharge for the same. [*Passed March 16.*]

CHAPTER 283.

ORDER IN REGARD TO INDIAN LAND AT TETTICUT.

WHEREAS there is a considerable Tract of Indian Land, laying in the Centre of a Precinct lately set off, by this Court from the towns of Middleborough & Bridgewater, and it being represented; that the placing the Meeting house, & laying out a Lot for the settlement of a Minister in some part of said land, would be of great advantage to the Remainder, and be a likely means of bringing the Indians to a due attendance upon the Ordinances of the Gospel: it being also represented; that it would further advance the interest of the Indian Propriety, as well as accomodate the Precinct in general, to have a Road or Highway laid out through said Lands to the Bridge over Titecut River. Therefore

Legislative Records of the Council, xvii. (4), 339. Mass. Archives, xxxi., 490.

Legislative Records of the Council, xvii., Mis., 492, 496; *ibid.*, xvii. (4), 277. House Journal, p. 203. *Ante*, p. 332, chap. 246.

*Order'd*, that the Committee to whom was refer'd the Petition of Neh: Washburn & James Bois relating to said Lands, be likewise directed to consult the Indians upon the foregoing points; and consider of the most equitable terms upon which any part of S<sup>d</sup> lands may be sequestred for the purposes aforesaid, and make report thereof to this Court. [*Passed March 19.*]

CHAPTER 284.

ORDER ACCEPTING THE REPORT IN REGARD TO CAPE COD HARBOUR AND APPOINTING A COMMITTEE THEREON.

A PETITION of Jonathan Payne, Thomas Mulford Jun<sup>r</sup> and Thomas Lumbar<sup>d</sup>; praying that an Act may be made for the preservation of the Meadows and Beaches in the Town of Truro and Province Town.

Legislative Records of the Council, xvii. (4), 267, 340.

The Committee to whom this Petition was refer'd, as also the Petition of James Bowdoin Esq<sup>r</sup> & others merchants, relating to Cape Cod Harbour, are of Opinion that for the better understanding the Facts alledged in the Petitions, a Committee be appointed to repair to Cape Cod, view the Harbour, consider the Facts alledged in the Petition, and report their Opinion thereon at the next Session of this Court. All which is humbly submitted

Legislative Records of the Council, xvii. (4), 278. House Journal, pp. 160, 203. Province Laws, iii., 210, chap. 27; 219, note. *Ante*, p. 295, chap. 142.

By JOHN CUSHING per Order.

In Council; Read and Accepted, and *Ordered* that Thomas Berry Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House shall join, be a Committee for the purposes in the Report mentioned.

In the House of Represent<sup>ves</sup>; Read and Concurred, and Coll. Miller and M<sup>r</sup> Skinner are joined in the affair. <sup>1</sup>And the Committee are directed to repair to Cape Cod on or before the tenth of May and to give notice to the Inhabitants of Truro that they do not drive any Cattle on the Beach to the Northward of Eastern Harbour Meadows in the mean time.

In Council; Read and Concur'd. [*Passed March 20.*]

<sup>1</sup> The words, "And the Committee," through the remainder of the chapter, are not found in the House Journal.

Legislative  
Records of the  
Council, xvii.  
(4), 341.  
Mass.  
Archives, xx.,  
365.

## CHAPTER 285.

VOTE TO REMIT £200 TO M<sup>r</sup> AGENT KILBY FOR THE USE OF THE PROVINCE.

Legislative  
Records of the  
Council, xvii.,  
Mis., 497.  
House Jour-  
nal, p. 204.

*Voted* that the Treasurer be directed to remitt to M<sup>r</sup> Agent Kilby (as soon as may be) the Sum of two hundred pounds Sterling further to Enable him to Manage the Affairs of this Province at the Court of Great Britain He to be accountable for the same. [*Passed March 20.*]

## CHAPTER 286.

VOTE DIRECTING THE COMMITTEE APPOINTED, TO CALL GUARDIANS OF THE TITICUT INDIANS TO AN ACCOUNT OF THEIR GUARDIANSHIP.

Legislative  
Records of the  
Council, xvii.,  
Mis., 496.  
Mass.  
Archives,  
xxxi., 492.

*Voted* that the Co<sup>m</sup>ittee Appointed on the Petition of Job Ahawton, to assist him in the Sale of his Lands, be & hereby are Directed not to deliver the Money in their hands arising from the Sale thereof to the Gaurdians of the Tettient Indians untill the further Order of this Court and that they be also Directed & Impowered to Call the S<sup>d</sup> Gaurdians to an Account of their Gaurdian Ship & to make report to this Court at the next May Session and that Coll Warren be joined in the Affair. [*Passed March 20.*]

## CHAPTER 287.

VOTE DIRECTING THE SECRETARY TO WRITE TO THE AGENT TO SEND AN ACCOUNT OF HIS DISBURSEMENTS.

Legislative  
Records of the  
Council, xvii.,  
Mis., 496.  
Mass.  
Archives, xx.,  
364.

*Voted* that the Secretary be directed to write to M<sup>r</sup> Agent Kilby, acquainting him this Court expect that He by the first opportunity sends<sup>1</sup> over an Accompt of his past disbursements; And that He render his Accompts to this Court, as frequently as He conveniently can.

Legislative  
Records of the  
Council, xvii.  
(4), 342.  
House Jour-  
nal, p. 204.

Also that He transmit an Authenticated Copy of the receipt given him for the Money advanced at the Board of Ordnance for Small Arms &c. [*Passed March 20.*]

## CHAPTER 288.

VOTE FOR SUPPLYING OF FLOWER & FOR THE PROVINCE SNOW.

Legislative  
Records of the  
Council, xvii.  
(4), 342.  
Mass.  
Archives,  
lxiv., 240.  
*Ante*, p. 118,  
chap. 254.

*Voted* that the Officer for Victualling the Province Snow be directed to provide Flower and Rice in Lien of Indian Meal.<sup>2</sup> [*Passed March 20.*]

<sup>1</sup> *Sic.*

<sup>2</sup> Not found in the House Journal.

## CHAPTER 289.

## VOTE APPOINTING A COMMITTEE FOR BURNING TORN &amp; DEFACED BILLS.

In the House of Representatives

*Voted* that Mr Speaker Mr Hutchinson Mr Royal Mr Oliver Mr Prout and Mr Cotton with such as the Hon<sup>ble</sup> Board shall Joyn, be a Committee to repair to the Treasurer's, to take an Account of all the torn and defac'd Bills of Credit lying in his hands, and consume them to Ashes, and report their doings herein to this Court at the next May Session

In Council

Read & Concurr'd And John Osborne John Jeffries, Jacob Wendell, Sam<sup>l</sup> Waldo & Samuel Watts Esq<sup>rs</sup> are joined in the Affair. [*Passed March 21.*]

Legislative Records of the Council, xvii. (4), 343. Mass. Archives, cii., 345.

Legislative Records of the Council, xvii., Mis., 498. House Journal, p. 205.

## CHAPTER 290.

## VOTE DIRECTING THE TRANSFER OF AN APPROPRIATION.

*Voted* that the sum of Seventy four Pounds five shillings and seven pence<sup>1</sup> be taken from the Appropriation for Contingencies in the last Act for Supply of the Treasury, and transfer'd to the Appropriation for the Pay of the Members of the House of Representatives. [*Passed March 21.*]

Legislative Records of the Council, xvii. (4), 344.

House Journal, p. 205. Province Laws, iii., 112, chap. 13.

## CHAPTER 291.

## ORDER IN REGARD TO DELINQUENT CONSTABLES.

WHEREAS in and by an act, or law of this Province entitled an act directing how rates and taxes to be granted by the General assembly, as also County Town, and precinct rates. shall be assessed & collected, it is among other things enacted to the following purposes. Viz,

That if any constable or collector shall fail of his duty in not collecting, and paying unto the province treasurer or his deputy such sums of money as shall be committed to him to collect, then, and in such case the treasurer is empowered by warrant directed to the Sheriff or his deputy to cause the same to be levied by distress, which warrant the Sheriff or his deputy is thereby required to execute accordingly; and if such defective constable or collector have no real estate to be found, and his person cannot be taken, then the town to be assessed de novo, and such assessment to be committed to some other Constable or Collector to collect. And whereas it sometimes so happens that the Constables or Collectors to whom such assessments are committed to levy and pay in as aforesaid, do remove out of the County where they resided when such rates were committed to them, and carry their subsistence with them before the Sherriff or his deputy can in any manner whatsoever execute

Legislative Records of the Council, xvii., Mis., 497.

Legislative Records of the Council, xvii. (4), 344. Province Laws, ii., 921, chap. 24.

<sup>1</sup> The House Journal, p. 205, reads, £75. 4. 7.

<sup>2</sup> *Sic.*

his aforesaid warrant. And whereas in such case, some doubts have arisen what return the Sheriff or his deputy ought to make on said warrant.

*Ordered* that when any Constable or Collector shall remove out of the County within which he lived, when any rates or assessments were committed to him to collect as aforesaid, and no real estate of his can be found there, on which to levy said warrant; that in such case the Sheriff or his deputy ought to make return of his said warrant, that he can find neither person nor estate within his precinct and on his so doing shall be discharged from any action or demand whatsoever, on account of his not levying the money mentioned in said warrant.<sup>1</sup> [*Passed March 21.*]

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## CHAPTER 292.

### ORDER ALLOWING THE TREASURER GENERAL ACCOMPT FOR THE YEAR 1742.

ON THE PROVINCE TREASURERS GENERAL ACCOMPT from the 27<sup>th</sup> of May 1741 to the 26<sup>th</sup> of May 1743, [2?]<sup>2</sup> viz<sup>3</sup>

Read and

*Ordered* that the within Accompt be allowed And that the Accountant William Foye Esq<sup>r</sup> Treasurer be and hereby is discharged of the Several Payments made by him in Old Tenor amounting to three thousand three hundred and thirty Seven pounds eleven Shillings and five pence.

And that the said Accountant be further discharged of the Sum of fifteen thousand Six hundred and Ninety two pounds three shillings and Seven pence of the Middle Tenor or other Bills equivalent which were burnt to Ashes by Order of the General Court And that the said Accountant be further discharged of the several payments New tenor last Emission Amounting to Nineteen thousand One hundred and forty Nine pounds thirteen shillings and four pence halfpenny. And that the s<sup>d</sup> Treasurer be further Accountable for the Sum of Sixteen thousand two hundred and Seventy three pounds Nineteen Shillings and Six pence Old tenor, and thirty three thousand four hundred and ninety Six pounds Six shillings and two pence Middle tenor (now outstanding of the Taxes and Loans) when it shall be received in, and also for the Sum of Seventeen thousand five hundred and Ninety pounds eleven Shillings Old tenor, and for the Sum of twenty three thousand two hundred and Sixty Nine pounds Six shillings and seven pence Middle tenor, and for the Sum of two thousand eight hundred and sixty seven pounds ten shillings and ten pence in Gold and silver according to Act. And for the sum of three thousand four hundred and thirty eight pounds thirteen Shillings and three pence half penny Bills of the last New Tenor Emission which are now in his hands.

Read and

*Order'd* that t[h]e above Vote<sup>3</sup> be revived and the same Order be pasd thereon accordingly. [*Passed March 22.*]

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> *Quere*, for 1742? See Mass. Archives, cxxiv., 132; also *infra*, chap. 296.

<sup>3</sup> Passed in the House of Representatives, June 19, 1742. See House Journal, p. 50.

Legislative  
Records of the  
Council,  
xvii. (4), 346.  
Mass.  
Archives,  
cxxiv., 132.

House Jour-  
nal, pp. 22, 50  
(June, 1742).  
Province  
Laws, ii., 1083,  
chap. 12.



## CHAPTER 293.

ORDER ALLOWING THE TREAS<sup>RS</sup> GENERAL ACCOMPT IN THE YEAR 1743.

ON THE PROVINCE TREASURERS GENERAL ACCOMPT from the 26<sup>th</sup> of May 1742 to the 25<sup>th</sup> of May 1743. viz<sup>t</sup>

*Ordered* that the within Accompt be allowed and that the said William Foye Esq<sup>r</sup> Treasurer be accordingly discharged of the sum of Twenty Six Thousand and Ninety six Pounds nine shillings and eight pence half penny, Bills of the last Emission, being for sundry payments he has made, and also of the sum of Seven Thousand seven hundred pounds, nine shillings and eleven pence two thirds Middle Tenor Bills burnt to ashes, and also of the sum of Sixteen Thousand seven hundred and twenty six Pounds nine shillings and five pence farthing Bills of the last Emission, being for Forty Eight Thousand one hundred and forty nine Pounds seventeen Shillings and nine pence Old Tenor and Four Thousand six hundred and eighty nine Pounds of the Middle Tenor burnt to ashes. And that the said Treasurer be further accountable for the Bills outstanding in Taxes &c when received, being Nine Thousand eight hundred and seventy two Pounds fifteen shillings and ten pence Old Tenor, and Twenty Thousand seven hundred and forty six pounds three shillings and seven pence Middle Tenor and Twenty One Thousand six hundred and forty six Pounds three shillings and eight pence three farthings last Emission: Also that he be further accountable for the Bills that are now remaining in his hands, viz<sup>t</sup> Twenty Eight Thousand eight hundred and fifty four Pounds one shilling and eight pence Old Tenor, and Twenty Eight Thousand three hundred and eighteen pounds nineteen shillings and two pence one third Middle Tenour, and Four Thousand and Eighty Pounds ten shillings and ten pence one farthing of the last Emission: And that he be further accountable for the Silver and Gold now in his hands, being Two Thousand nine hundred and fifteen Pounds fourteen shillings, viz<sup>t</sup> for the Silver at Six Shillings and Eight Pence per Ounce, and Gold pro Ratá, according to Law.

Legislative  
Records of the  
Council,  
xvii. (4), 347.

House Jour-  
nal, pp. 16, 67.  
Province  
Laws, ii., 1083,  
chap. 12.

Read &

*Ordered* that the above Vote<sup>1</sup> be revived, and the same Order pass'd thereon accordingly. [*Passed March 22.*]

## CHAPTER 294.

ORDER APPOINTING A COMM<sup>TEE</sup> TO INQUIRE AB<sup>T</sup> COUNTERFEIT BILLS.

In the House of Representatives

M<sup>r</sup> Treasurer having laid before the House a counterfeit five shilling Bill in imitation of the five shilling Bills of this province of the last emission

*Order'd* That M<sup>r</sup> Speaker M<sup>r</sup> Hutchinson M<sup>r</sup> Cotton Major Richards M<sup>r</sup> Oliuer & D<sup>r</sup> Hale with such as the Hon<sup>r</sup> Board shall join be a Committee to make particular enquiry into this affair and they are impowred to send for persons papers & Evidences in order to the full discovery of the persons concern'd in counterfeiting or passing said

Legislative  
Records of the  
Council,  
xvii. (4), 348.  
Mass.  
Archives, cii.,  
346.

Mass.  
Archives, cii.,  
346-348. House  
Journal, p. 207.

<sup>1</sup> Passed in the House of Representatives, June 22, 1743.

Bill or any others that may have been counterfeited And they are to sit forthwith & make report.

In Council Read & Concur'd & Jn<sup>o</sup> Jeffries, Jacob Wendell, Sam<sup>l</sup> Danforth W<sup>m</sup> Foye Sam<sup>l</sup> Watts & John Chandler Esq<sup>rs</sup> are joined in the Affair. [*Passed March 22.*]

## CHAPTER 295.

### ORDER REFERRING MATTERS TO THE NEXT SESSION.

Legislative  
Records of the  
Council,  
xvii. (4), 349.  
Mass.  
Archives,  
xlix., 196.

House Jour-  
nal, p. 208.

*Ordered* that such Petitions & other Matters as were to have been heard or had day in the present Session of the Court be refer'd to the next Sitting of the Court & that they then have the like days as were assigned them in this Session. [*Passed March 22.*]

## CHAPTER 296.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ABT A BILL OF CREDIT SUPPOSED TO BE COUNTERFET.

Legislative  
Records of the  
Council,  
xvii. (4), 349.  
Mass.  
Archives, cii.,  
348.

Mass.  
Archives, cii.,  
346. House  
Journal, p. 208.  
*Ante*, p. 353,  
chap. 294.

THE COMMITTEE having attended the service appointed them Report, that they have satisfactory evidence that the Bill refer'd to in their Commission was struck off from the Province Plate; and it is the Opinion of the Committee that said Bill was designed for a Proof of the goodness of the Plate, & was probably neglected by the Persons concerned in striking off said Bills, and afterwards secreted, or found, and signed and utter'd by some evil minded Persons; and they [have]<sup>1</sup> no reason to suppose that there is any number of such false Bills current.

JOHN JEFFRIES per Order

Read & Accepted. [*Passed March 22.*]

## CHAPTER 297.

### ORDER REFERRING THE PETITION OF CPT JN<sup>o</sup> HOMANS EXECUTOR.

Legislative  
Records of the  
Council,  
xvii. (4), 350.  
Mass.  
Archives,  
xviii., 191.

Mass.  
Archives,  
xviii., 188.  
House Jour-  
nal, p. 207.  
*Ante*, p. 307,  
chap. 172.

ON THE PETITION of Cpt. John Homans, [*ante*, p. 307, chap. 172] *Ordered* that this Petition be refer'd to the next May Session for further Consideration. [*Passed March 22.*<sup>2</sup>]

<sup>1</sup> Inserted from Mass. Archives, cii., 348.

<sup>2</sup> Not signed in Mass. Archives; signed in Legislative Records of the Council.

## CHAPTER 298.

ORDER REFERRING THE PET<sup>s</sup> OF DIVERS INHABITANTS OF LEICESTER & RUTLAND.

ON THE PETITION of Jonathan Witt, John How, and others, Inhabitants of the Towns of Leicester & Rutland, [*ante*, p. 299, chap. 155]

*Ordered* that the consideration of this Petition be further refer'd to the next May Sessions, that so the Petitioners may have an opportunity to notify the Towns of Leicester & Rutland of this Order; which they have hitherto failed of doing.<sup>1</sup> [*Passed March 22.*<sup>2</sup>

Legislative Records of the Council, xvii. (4), 350.

Province Laws, iii., 665, note. *Ante*, p. 299, chap. 153.

## CHAPTER 299.

## RESOLVE MAKING PROVISION FOR AN EXPRESSION OF LOYALTY ON THE BIRTH OF A PRINCE AND THE MARRIAGE OF A PRINCESS.

THE HOUSE taking into consideration his Excel<sup>ty</sup>'s Message of this morning relating to the birth of a prince son of his Royal Highness the prince of Wales and to the Marriage of the princess Louisa and being ready to express their joyful Sense of every happy Event to his Majesty & the Royal Family. Therefore

*Resolv'd* that the Court meet this afternoon at five o'Clock in the Court house and that proper provision be made that they may shew their Duty & Loyalty on these happy Occasions. [*Passed April 5.*

Legislative Records of the Council, xvii., Mis., 558. Mass. Archives, xlix., 197.

Legislative Records of the Council, xvii. (4), 360 *bis*. House Journal, p. 212.

## CHAPTER 300.

## ORDER DIRECTING THE SELECT MEN OF BOSTON TO MAKE PROVISION FOR THE SUPPORT OF PERSONS AFFLICTED WITH SMALL POX.

A MEMORIAL of the Select Men of the Town of Boston, shewing that altho the Province provides for the support of the sick at the Hospital, that are not able to provide for themselves; yet no provision is made for the support of such indigent persons there, as are well or recovered; therefore Praying that this Court would give Orders for the charge of subsisting such of the Officers and Seamen belonging to the Bilander Young Eagle, detained at said Hospital, as are well or recovered.

Read and

*Order'd* That the Select men of Boston be directed and empower'd to make prudent provision for the Support of such persons refer'd to in said Memorial as are in danger of being infected with the Small pox & to take further care that such persons as are not liable to said Distemper come ashore or remove from said privateer in such manner as that there may be no danger of their conveying the In-

Legislative Records of the Council, xvii. (4), 360. Mass. Archives, lxxxvii., 287.

Mass. Archives, lxxxvii., 286. Legislative Records of the Council, xvii., Mis., 558. House Journal, p. 211.

<sup>1</sup> Not found in the House Journal. The Secretary's record closes "Consented to, J. Belcher," a mistake for W<sup>m</sup> Shirley, who entered upon the office of Governor on August 17, 1741.

<sup>2</sup> Adjourned to April 4. See Legislative Records of the Council, xvii. (4), 357.

fection in their Cloaths or otherwise the charge of the whole to be born by the persons themselves as far as they are able & the remaining part by the province. [*Passed April 5.*<sup>1</sup>

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## CHAPTER 301.

### ORDER ABOUT WARLIKE STORES.

*Ordered* that the Com<sup>tee</sup> appointed the 11<sup>th</sup> of Nov<sup>r</sup> last to purchase warlike Stores purchase the same from Great Britain or elsewhere according to their best Discretion. [*Passed April 18.*<sup>2</sup>

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## CHAPTER 302.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF HEN. VENNER FOR A WRIT OF REVIEW OF AN ACTION.

A PETITION of Henry Venner of Boston; Shewing that at the Inferior Court of Common Pleas for the County of Suffolk held at Boston in January last, John Jones recovered Judgment against him by default for £39. 19 lawful money; which was owing to the Petitioners ignorance of the method of proceeding; and therefore praying that he may be allowed to bring forward his Writ of Review of the said Action at the next Inferior Court for said County.

Read and

*Ordered* that the Petitioner serve the adverse party the within named John Jones with a Copy of the Petition, that he shew cause if any he hath, on the first Fryday of the next May Session, why the prayer thereof should not be granted, and that Execution within mentioned is stayed in the mean time: Provided the Petitioner give sufficient security to the Sheriff of the County of Suffolk to pay such sum as may be finally recovered of him at the Suit within mentioned, with lawful Interest from this time. [*Passed April 24.*

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## CHAPTER 303.

### ORDER REFERRING THE MEMORIAL OF ISAAC LITTLE ESQ<sup>r</sup>.

ON THE MEMORIAL of Isaac Little Esq<sup>r</sup> [*ante*, p. 303, chap. 164] Read, together with the answer of Nicholas Sever Esq<sup>r</sup> and

*Ordered* that the further consideration of this Memorial be refer'd to the first Tuesday of the next May Session; and it is Recommended to the Parties to submit the whole of the Affair within mentioned to the Determination of three such Gentlemen as shall be mutually chosen, the Agreement of any two of them to be final, and that each Party deliver to the Referrees all such papers as may be necessary to give light in the affair. [*Passed April 25.*

<sup>1</sup> Adjourned to April 18. See Legislative Records of the Council, xvii. (4), 361.

<sup>2</sup> Adjourned to April 24. See Legislative Records of the Council, xvii. (4), 363.

Legislative Records of the Council, xvii., Mis., 558. Mass. Archives, lxxii., 684.

Legislative Records of the Council, xvii. (4), 362. House Journal, pp. 129, 214. *Ante*, p. 311, chap. 183.

Legislative Records of the Council, xvii. (4), 363.

House Journal, p. 215.

Legislative Records of the Council, xvii. (4), 364.

House Journal, p. 216. *Ante*, p. 303, chap. 164.

## CHAPTER 304.

ORDER DIRECTING THE COMMITTEE FOR CASTLE WILLIAM TO RENDER  
AN ACCOMPT.Legislative  
Records of the  
Council,  
xvii. (4), 365.

*Ordered* that the Committee appointed for purchasing Materials and employing Workmen about the Repairs of Castle William do render an Accompt of their past proceedings in that matter to this Court, as soon as may be. [*Passed April 26.*]

House Jour-  
nal, p. 216.  
*Ante*, p. 109,  
chap. 230.

## CHAPTER 305.

ORDER DIRECTING THE TREASURER TO RECEIVE THE OLD OUTSTAND-  
ING BILLS OF CREDIT.Legislative  
Records of the  
Council, xvii.,  
Misc., 559.  
Mass.  
Archives, cii.,  
352.

*Ordered* that the Treasurer be directed to receive in payment all the Old outstanding Bills of this Province; and that it be an Instruction to the Committee appointed to Consume the Old torn and defac'd Bills to discharge the Treasurer of them accordingly. [*Passed April 26.*]

Legislative  
Records of the  
Council,  
xvii. (4), 365.  
House Jour-  
nal, p. 219.  
*Ante*, p. 351,  
chap. 289.

## CHAPTER 306.

ORDER AB<sup>t</sup> THE COUNTERFEIT PLATES OF RHODE ISLAND BILLS.

*Ordered* that the Clerk of the Superior Court be directed to deliver into the Secy's Office the several counterfeit Plates of any of the publick Bills of Credit of the Colony of Rhode Island, which have at any time been seized & lodged in the said Clerk of the Superior Courts Office, And that the Secretary be directed to write to the Governm<sup>t</sup> of Rhode Island, & acquaint them that he is ready to deliver said Plates to any Person they shall appoint to receive the same. [*Passed April 26.*]

Legislative  
Records of the  
Council,  
xvii. (4), 365.  
Mass.  
Archives, cii.,  
349.House Jour-  
nal, p. 219.

## CHAPTER 307.

VOTE DIRECTING THE TRANSFER OF AN APPROPRIATION FOR THE  
PAY OF Y<sup>E</sup> REPRESENT<sup>VES</sup>.

*Voted* that the sum of One Hundred and eighty Three Pounds six shillings and eight pence be taken from the Appropriation of Two Thousand six hundred and fifty Pounds in the last Supply Act, and the further sum of Thirteen Pounds three shillings and ten pence be taken from the Appropriation of Two Hundred and sixty eight Pounds in said Act, and that the two aforesaid sums, amounting to One Hundred and ninety six pounds six shillings and six pence, be removed to the Appropriation for the pay of the Members of the House of Representatives.<sup>1</sup> [*Passed April 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 368.Province  
Laws, iii., 112,  
chap. 13.<sup>1</sup> Not found in the House Journal.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1744-45.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1744-45.

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HIS EXCELLENCY WILLIAM SHIRLEY,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;*

JOHN OSBORNE	}	ESQRS.	JOHN GREENLEAF	}	ESQRS.
FRANCIS FOXCROFT			SAMUEL WALDO		
JOSIAH WILLARD			SAMUEL WATTS		
JACOB WENDELL			JOSEPH DWIGHT		
THOMAS BERRY			RICHARD SALTONSTAL		
JOSEPH WILDER			JOHN CHANDLER		
BENJAMIN LYNDE, JR.			EZEKIEL CHEVER		
SAMUEL DANFORTH			ELIAKIM HUTCHINSON		
WILLIAM FOYE			JAMES BOWDOIN		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;*

JOHN CUSHING	}	ESQRS.	GEORGE LEONARD	}	ESQRS.
NATHANIEL HUBBARD			SYLVANUS BOURN		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayn ;*

WILLIAM PEPPERIL, JEREMIAH MOULTON AND JOHN HILL, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia ;*

JOHN JEFFRIES, ESQ.

<sup>1</sup> See Legislative Records of the Council, xvii. (4), 372-377.

*For the Province, at large:—*

DANIEL RUSSEL &amp; WILLIAM BROWN, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 30, 1744 to April 25, 1745.*

MR. THOMAS CUSHING, SPEAKER.

## COUNTY OF SUFFOLK.

*Boston*, . . . Thomas Cushing, Esq.,  
 Mr. Timothy Prout,  
 Thomas Hutchinson, Esq.,  
 Andrew Oliver, Esq.  
*Roxbury*, . . . Joseph Heath, Esq.  
*Dorchester*, . . . Capt. Thomas Wiswall.  
*Milton*, . . . Samuel Swift, Esq.  
*Braintree*, . . . John Quincy, Esq.  
*Weymouth*, . . . Major Adam Cushing.  
*Hingham*, . . . Mr. Thomas Gill.  
*Dedham*, . . . Joseph Richards, Esq.  
*Medfield*, . . . Mr. Joshua Morse.  
*Wrentham*, . . . Major James Blake.  
*Brooklyn*, . . . Samuel White, Esq.  
*Stoughton*, . . . Capt. John Shepherd.

## COUNTY OF ESSEX.

*Salem*, . . . Capt. Benjamin Pickman.  
*Ipswich*, . . . John Choate, Esq.,  
 Daniel Appleton, Esq.  
*Newbury*, . . . Henry Rolfe, Esq.,  
 Joseph Gerrish, Esq.  
*Marblehead*, . . . James Skinner, Esq.  
*Lynn*, . . . Capt. William Collins.  
*Andover*, . . . Capt. Nathaniel Fry.  
*Beverly*, . . . Robert Hale, Esq.  
*Rowley*, . . . John Hobson, Esq.  
*Salisbury*, . . . Mr. Caleb Cushing, Jr.  
*Haverhill*, . . . Capt. Philip Hazleton.  
*Amesbury*, . . . Capt. John Blaisdel.  
*Glocester*, . . . Mr. William Parsons.  
*Topsfield*, . . . Mr. Jacob Peabody,  
*Boxford*, . . . Mr. Benjamin Porter.  
*Braintree*, . . . Mr. William Hardy, Jr.  
*Wenham*, . . . Mr. John Dodge.  
*Middleton*, . . . Mr. Timothy Fuller.

## COUNTY OF MIDDLESEX.

*Cambridge*, . . . Andrew Boardman, Jr.,  
 Esq.

COUNTY OF MIDDLESEX — *Concluded.*

*Charlestown*, . . . Chambers Russel, Esq.,  
 Isaac Royal, Esq.  
*Watertown*, . . . Mr. Jonas Bond.  
*Woburn*, . . . Rowland Cotton, Esq.  
*Concord*, . . . James Minot, Esq.  
*Reading*, . . . Mr. Samuel Bancroft.  
*Newtown*, . . . Mr. Thomas Greenwood.  
*Sudbury*, . . . Ephraim Curtis, Esq.  
*Groton*, . . . William Lawrence, Esq.  
*Marlboro'*, . . . Mr. Samuel Wit.  
*Billerica*, . . . Capt. Enoch Kidder.  
*Frammingham*, . . . Joseph Buckminster, Jr.,  
 Esq.  
*Lexington*, . . . Capt. William Read.  
*Chelmsford*, . . . Capt. Samuel Chamberlain.  
*Malden*, . . . Mr. Josias Bucknam.  
*Weston*, . . . Mr. Josiah Brewer.  
*Medford*, . . . Mr. Andrew Hall.  
*Littleton*, . . . Capt. Jonathan Prescott.  
*Hopkinton*,<sup>1</sup> . . . John Jones, Esq.  
*Westford*, . . . Capt. Thomas Read.  
*Townshend*, . . . Capt. John Stevens.  
*Stow*, . . . Mr. Phineas Rice.  
*Waltham*, . . . Mr. John Cutting.

## COUNTY OF HAMPSHIRE.

*Springfield*, . . . Joseph Pynchon, Esq.  
*Northampton*, . . . Timothy Dwight, Esq.  
*Hadley*, . . . Eleazar Porter, Esq.  
*Hatfield*, . . . Oliver Patridge, Esq.  
*Westfield*, . . . Thomas Ingersol, Esq.  
*Suffield*, . . . Samuel Kent, Esq.  
*Deerfield*, . . . Elijah Williams, Esq.  
*Stockbridge*, . . . Ephraim Williams, Esq.

## COUNTY OF WORCESTER.

*Worcester*, . . . Benjamin Flag, Esq.  
*Lancaster*, . . . Capt. Ephraim Wilder.  
*Mendon*, . . . Capt. Robert Taft.  
*Woodstock*, . . . Mr. Jabez Lyon.

<sup>1</sup> *Sic*, for Hopkinton.

COUNTY OF WORCESTER — *Concluded.*

*Brookfield*, . . . Thomas Gilbert, Esq.  
*Sutton*, . . . Mr. Elisha Patnam.  
*Westboró*, . . . Capt. Edward Baker.  
*Shrewsbury*, . . Nathan Ward, Esq.  
*Southboró*, . . . Mr. Samuel Lyscomb.

COUNTY OF PLYMOUTH.

*Plymouth*, . . . Mr. Thomas Foster.  
*Scituate*, . . . Thomas Clap, Esq.  
*Duxbury*, . . . Capt. Gamaliel Bradford.  
*Marshfield*, . . Otis Little, Esq.  
*Bridgewater*, . . John Holman, Esq.  
*Middleboró*, . . Mr. Samuel Wood.  
*Rochester*, . . . Mr. Elisha Barrow.  
*Plympton*, . . . Mr. Benjamin Weston.  
*Pembroke*, . . . Mr. Daniel Lewis, Jr.

COUNTY OF BARNSTABLE.

*Barnstable*, . . Mr. Robert Davis.  
*Yarmouth*, . . . John Hallet, Esq.  
*Eastham*, . . . Capt. Samuel Knowles.  
*Harwich*, . . . Mr. Chillingworth Foster.  
*Truro*, . . . Mr. Jonathan Payne.  
*Sandwich*, . . . Mr. Samuel Tupper.

COUNTY OF BRISTOL.

*Bristol*, . . . Stephen Payne, Esq.

COUNTY OF BRISTOL — *Concluded.*

*Taunton*, . . . John Godfrey, Esq.  
*Rehoboth*, . . . Capt. Daniel Carpenter.  
*Little Compton*, . William Richardson,<sup>1</sup> Esq.  
*Dartmouth*, . . . Mr. Moses Mendell.  
*Norton*, . . . Capt. Josiah Norton.<sup>2</sup>  
*Attleboró*, . . . Capt. Mahew Dogget.  
*Dighton*, . . . Sylvester Richmond, Jr.,  
 Esq.  
*Swansey*, . . . Perez Bradford, Esq.

COUNTY OF YORK.

*York*, . . . . Capt. Jonathan Bane.<sup>3</sup>  
*Kittery*, . . . Mr. Tobias Leighton.  
*Wells*, . . . Joseph Sawyer, Esq.  
*Falmouth*, . . Mr. Samuel Waldo, Jr.  
*Brunswick*, . . Mr. David Dunning.  
*Berwick*, . . . Mr. Moses Butler.  
*Scarboró*, . . . Mr. Samuel Small.  
*Biddeford*, . . Mr. Rushworth Jordan.  
*Arundel*, . . . Capt. Thomas Perkins.  
*North Yarmouth*, Capt. Cornelius Sale.<sup>4</sup>

DUKES COUNTY.

*Edgar Town*, . . John Norton, Esq.

IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . . Mr. John Bunker.

<sup>1</sup> The House Journal, p. 4, reads, "William Richmond."

<sup>2</sup> The House Journal, p. 4, reads, "Josiah Pratt."

<sup>3</sup> The House Journal, p. 4, reads, "Jonathan Bean."

<sup>4</sup> The House Journal, p. 4, reads, "Corn. Sole."



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTIETH DAY OF MAY, A.D. 1744.

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## CHAPTER 1.

VOTE REQUESTING THE GOVERNOR TO APPOINT A FAST DAY.

WHEREAS His Majestys Declaration of War with the French King has this Day been published:

*Voted* that His Excellency the Governor be desired to issue out a Proclamation for setting apart a Day of Fasting and Prayer to Almighty God for imploring the Divine Blessing on His Majestys Arms, & Protection of his People and this Government in particular, from the distressing calamities of War.<sup>1</sup> [*Passed* \* June 2.

Legislative  
Records of the  
Council,  
xvii. (4), 391.

Mass.  
Archives, xii.,  
344. Legislative  
Records of the  
Council,  
xvii. (4), 378,  
390 *bis*, 391.  
House Journal,  
p. 13.  
Love's Fast  
and Thanksgiv-  
ing Days of  
New England,  
p. 494.

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## CHAPTER 2.

ORDER DIRECTING THE PROVINCE TREASURER TO PROSECUTE DELIN-  
QUENT COLLECTORS OF EXCISE.

*Ordered* that the Treasurer be directed to prosecute all those Col-  
lectors of Excise who have not paid the full Ballance due before the  
Year 1743. [*Passed* June 7.

Legislative  
Records of the  
Council,  
xvii. (4), 399.

House Jour-  
nal, p. 17.

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## CHAPTER 3.

VOTE IMPOWERING THE COMMISS<sup>RS</sup> GOING TO ALBANY.

*Voted* that the Commissioners for treating with the Government of New York and the neighbouring Governments be and hereby are fully authorized to treat with said Governments or Commissioners chosen by them respectively, either separately or conjunctly, at such times and places as they shall judge best in order to accomplish the ends proposed by appointing them. [*Passed* June 7.

Legislative  
Records of the  
Council,  
xvii. (4), 400.

Legislative  
Records of the  
Council,  
xvii. (4), 386,  
389, 391, 393,  
395 *bis*, 396 *ter*.  
House Jour-  
nal, p. 21.

<sup>1</sup> The fast was appointed June 28, 1744, and was public.

## CHAPTER 4.

Legislative  
Records of the  
Council,  
xvii. (4), 401.

## ORDER EMPOWERING THE COMMITTEE ON DEFENCE TO CONTRACT FOR GUN POWDER.

Legislative  
Records of the  
Council,  
xvii. (4), 378,  
384, 389, 392, 395,  
399, 401.

*Ordered* that the Committee for Defence be and hereby are directed in behalf of the Province to contract in the best manner they can with some substantial Merchants for Four Hundred Barrels of Gun Powder.<sup>1</sup> [*Passed June 7.*]

## CHAPTER 5.

## VOTE ALLOWING £50 TO THE SECRETARY FOR A CLERK.

Legislative  
Records of the  
Council,  
xvii. (4), 402.  
House Jour-  
nal, p. 24.

*Voted* that the sum of Fifty Pounds be allowed out of the publick Treasury to M<sup>r</sup> Secretary Willard to enable him to provide an other Clerk for his assistance the present year in his business, which is greatly increased by means of the War with the French; said sum to be paid at the expiration of the Year. [*Passed June 8.*]

## CHAPTER 6.

ORDER REFERRING THE PETITION OF SAM<sup>l</sup> ENDICOT.

Legislative  
Records of the  
Council,  
xvii. (4), 403.

House Jour-  
nal, p. 22.  
*Ante*, p. 329,  
chap. 238.

ON THE PETITION of Samuel Endicot, [*ante*, p. 329, chap. 238]  
*Ordered* that the consideration of this Petition be refer'd to the next Sitting of the Court, and that the Committee then make Report. [*Passed June 8.*]

## CHAPTER 7.

Legislative  
Records of the  
Council,  
xvii. (4), 404.

## ORDER REFERRING THE PETITION OF DAVID PACKARD AND OTHERS TO BE RETURNED TO BRIDGEWATER.

House Jour-  
nal, p. 24.  
*Ante*, p. 321,  
chap. 210.

ON THE PETITION of David Packard and others of Bridgewater. [*ante*, p. 321, chap. 210]  
*Ordered* that the consideration of this Petition be refer'd to the second Fryday of the next Sitting of the Court. [*Passed June 9.*<sup>2</sup>]

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 8.

CHAPTER 8.

VOTE ESTABLISHING THE WAGES OF THE OFFICERS AND SAILORS ON THE VESSELS GUARDING THE FISHERIES.

*Voted* that the Wages of the Officers and Sailors on board the two Guard Sloops, appointed for the service of the Province, be agreeable to the Establishment of the Officers on board the Province Snow. [*Passed June 11.*]

Legislative Records of the Council, xvii. (4), 407.  
 Legislative Records of the Council, xvii. (4), 378, 393, 395, 406 *bis*, 407. House Journal, p. 27. *Ante*, p. 34, chap. 194.

CHAPTER 9.

ORDER ALLOWING NOAH JOHNSON £3. 10 PER ANNUM FOR FOUR YEARS.

A PETITION of Noah Johnson of Suncook, Shewing that he was wounded in the fight at Pigwacket when Cpt. Lovel was slain, that he has had a pension from this Government which is now expired, and his wounds not yet healed; praying therefore that his pension may be renewed.

Read and

*Ordered* that there be allowed and granted to the within named Petitioner Noah Johnson, out of the publick Treasury, three Pounds ten shillings, Bills of the last Emission or other Bills equivalent thereto, per annum for four years next ensuing year,<sup>1</sup> provided the Petitioner lives that Term. [*Passed June 12.*]

Legislative Records of the Council, xvii. (4), 408.  
 House Journal, pp. 23, 28. Province Laws, xii., 365, chap. 11.

CHAPTER 10.

VOTE FOR RAISING TROOPS TO BE SENT TO ANNAPOLIS ROYAL.

WHEREAS the Preservation of His Majestys fortress at Annapolis Royal is an affair of great importance to the Crown as well as to the respective Governments in New England, and that until the arrival of some Forces there, from Great Britain, it may be for His Majestys service to afford them some immediate relief.

Therefore

*Voted* that His Excellency the Captain General be desired to give his Orders for raising two Independent Companies of Voluntiers, consisting of Sixty men each, exclusive of Officers, to be sent to that Fortress as soon as may be, at the expence of this Province.

And for encouragement to good and effective men to enlist in this service:

That there be and hereby is granted to be paid out of the Province Treasury to each able bodied man that shall enlist Twenty Pounds old Tenor or other Bills equivalent, and that they be freed from all ordinary Impresses in this Province three years after their return; and that His Excellency the Governor be desired to acquaint the neighbouring Governments with the state of that Fortress, that they may afford a reasonable aid of men for the aforesaid purposes.

Legislative Records of the Council, xvii. (4), 409.  
 Mass. Archives, lxxii., 690. Legislative Records of the Council, xvii. (4), 378. House Journal, p. 28.

<sup>1</sup> The word "year" is omitted in the House Journal, p. 28.

And in as much as the said Forces are neither to be subsisted nor paid by this Province, during their continuance there, that His Excellency be further desired to use his good Offices with the Commander of that Fortress for obtaining Pay and subsistence for said Companies from the Crown until their return home. [*Passed June 12.*]

## CHAPTER 11.

### ORDER OF NOTICE ON THE REPORT OF THE LINE BETWEEN SHEFFIELD & THE TOWNS N<sup>o</sup> ONE & N<sup>o</sup> TWO.

Legislative  
Records of the  
Council,  
xvii. (4), 410.

House Jour-  
nal, p. 29.  
*Ante*, p. 334,  
chap. 249.

ON A REPORT signed John Hurston Survey<sup>r</sup> and sworn to by him and two Chain men for settling the Line between Sheffield and the Townships Number One<sup>1</sup> and Number Two.<sup>1</sup>

The within Survey having been taken in pursuance of an Order of this Court in February last, Read, and thereupon,

*Ordered* that the Representative of the Town of Marlborô notify the Proprietors of Number Two, and the Representative of the Town of Weston, notify the Proprietors of Number One adjoining to said Sheffield, that they shew cause if any they have, the first Tuesday of the next Fall Session, why the Line within mentioned should not be established. [*Passed June 12.*]

## CHAPTER 12.

### VOTE FOR BUILDING FORTIFICATIONS WEST OF COLRAIN.

Legislative  
Records of the  
Council,  
xvii. (4), 413.

House Jour-  
nal, p. 32.  
*Ante*, p. 311,  
chap. 184.

*Voted* that the Captain General be desired to give Orders that three or four Garrisons be erected as soon as may be in or nigh a Line from Colrain, so called, to the Dutch Settlements, in such places as he shall judge best for His Majestys service and defence of his subjects, on the Frontier West of Connecticut River; and that the Overplus of the money (if any there be) which was Ordered by this Court in their Session in November last, to be put into the hands of the Hon<sup>ble</sup> John Stoddard Esq<sup>r</sup> and others, to be by them paid for the building of Garrisons West of that River, be applied to that purpose; and that there be allowed, if need be, a further sum not exceeding Fifty Pounds to be paid out of the Province Treasury, to effect the purposes afore said: the Committee to be employed to be accountable. [*Passed June 14.*]

## CHAPTER 13.

### ORDER OF NOTICE ON THE PETITION OF JABEZ EDY OF MIDDLEBORÔ, & OTHERS TO BE SET OFF TO BRIDGEWATER.

Legislative  
Records of the  
Council,  
xvii. (4), 415.

House Jour-  
nal, p. 32.

A PETITION of Jabez Edy and others of the East Precinct in Middleborô, setting forth their inconvenient situation for said Precinct, and praying that they may be set off to the new Parish in Middleborô and Bridgewater.

<sup>1</sup> These towns were: No. 1, Tyringham; No. 2, New Marlborough.



Read and

*Ordered* that the Petitioner serve the West Parish in Middleborough with a copy of this Petition, that they shew cause if any they have, on the first Tuesday of the next Sitting of this Court, why the Prayer thereof should not be granted. [*Passed June 15.*]

*Ante*, p. 332,  
chap. 246.

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## CHAPTER 14.

### ORDER IMPOWERING THE TOWN OF HAVERHILL TO SELL MINISTRY LANDS.

A PETITION of a Committee of the Town of Haverhill setting forth the inconvenient situation & circumstances of some of the Ministry Land; praying for liberty to sell the same and purchase other Lands more convenient for the use aforesaid.

Legislative  
Records of the  
Council,  
xvii. (4), 415.

Read and

*Ordered* that the prayer of the Petition be granted and that the Petitioners together with M<sup>r</sup> Philip Hazletine, as Agents in trust for and in behalf of the Town of Haverhill be and hereby are fully authorized and empowered to make sale of the Lands within mentioned, and make Conveyances thereof in the law, and the money coming by the sale thereof to be by them employed to purchase such Lands as the Town of Haverhill shall order, and receive Deeds of the same, to the use of the Ministry in said Town, in the same manner and proportion as the Lands, hereby ordered to be sold, were granted by said Town. [*Passed June 15.*]

House Jour-  
nal, p. 31.

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## CHAPTER 15.

### ORDER OF NOTICE ON THE PETITION OF THE WEST PRECINCT IN WOODSTOCK TO LEVY A TAX ON LAND.

A PETITION of Joseph Chaffee in behalf of the West Precinct in Woodstock; praying that a Tax of Two pence per acre per annum may be laid on all the unimproved Lands in said Parish for the next two years, for building a Meeting House and settling a Minister there.

Legislative  
Records of the  
Council,  
xvii. (4), 417.

Read and

*Ordered* that the Petitioner notify the Non Resident Proprietors of said Land by inserting the substance of this Petition in the Boston Gazette three several times, that they shew cause if any they have, on the first Tuesday of the next Session of this Court why the prayer thereof should not be granted. [*Passed June 16.*]

House Jour-  
nal, p. 35.

## CHAPTER 16.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR DEFENCE &amp;c.

Legislative  
Records of the  
Council,  
xvii. (4), 417.

Legislative  
Records of the  
Council,  
xvii. (4),  
384 *bis*, 399, 401,  
404, 414 *bis*.  
House Jour-  
nal, pp. 11, 19,  
22, 32, 33.

JOHN OSBORNE ESQ<sup>r</sup> from the Committee for the Defence of the Province gave in the following Report, viz<sup>t</sup>

The Committee upon the Defence beg leave further to report:

In answer to the Petition of Thomas Perkins & others, that Five Pounds be granted to be paid to the Petitioner for completing the Garrison round his House, and the sum of Seven Pounds ten shillings for perfecting that round the house of M<sup>r</sup> Jabez Dorman, and Three Pounds for repairing that round the house of the Rev<sup>d</sup> M<sup>r</sup> Hovey; they giving security for its being employed in manner as aforesaid.

That in answer to the Petition of the Inhabitants of Biddeford Arundel and Wells, there be paid out of the Province Treasury the sum of Fifteen Pounds, Bills of the last Emission, towards building Garrisons in the Town of Wells, viz<sup>t</sup> the sum of Twelve Pounds to be laid out at a place called Kennebunk, and the remaining sum of Three Pounds to be laid out at a place called Merryland in said Wells, as the Captain General shall order; nothing having been allowed to the Town of Wells by the General Court in November last for Fortifications &c

That in answer to the Petition of the Rev<sup>d</sup> M<sup>r</sup> Benjamin Allen of Falmouth, Ten Pounds be allowed him for erecting a suitable Fortress round his House, to be put into the hands of the Representative of said Town for that purpose; he giving security for the same.

That Joseph Wilder Esq<sup>r</sup> and others of the Committee employed for Garrisons at New Rutland, be directed, out of the money assigned for that purpose, to build a Garrison round the house of Eleazar Brown[s] dwelling in the North East quarter of Rutland, being in the Road from Lancaster to Nichewog, provided it exceed not the sum of Twelve Pounds; it being a very convenient place for a Garrison.

That a Committee be appointed in behalf of the Province to purchase at the easiest rate, Five hundred good Fire Arms Tower mark, one half with Bayonets, also one hundred and fifty cutlasses, and ten arquebusses.

In answer to the Petition of Biddeford, that there be allowed the Rev<sup>d</sup> M<sup>r</sup> Moses Morrill, Ten Pounds to build a suitable Fortress round his house, to be put into the hands of M<sup>r</sup> Rushworth Jordan, Representative of said Town, he giving security that the same shall be employed for that purpose.

And the Committee beg leave again to sit further to proceed upon the important affairs before them.

By Order of the Committee

JOHN OSBORNE.

Read and Accepted, and the several sums proposed to be granted, be and hereby are granted and

*Ordered* to be paid out of the publick Treasury for the purposes herein mentioned: And the Committee for purchasing Warlike Stores are directed to procure the Arms, Cutlasses and Arquebusses. [*Passed June 16.*]

## CHAPTER 17.

ORDER ALLOWING ELEAZAR ROGERS £4 PER ANNUM FOR FIVE YEARS.

A PETITION of Eleazar Rogers of Plymouth, shewing that in consideration of his being wounded in the publick service, he has for many years received a pension out of the publick Treasury, settled on him for life, but by the fall of the Bills the value of his pension is sunk; praying that he may have some further Allowance out of the publick Treasury.

Legislative  
Records of the  
Council,  
xvii. (4), 420.

House Jour-  
nal, p. 23.  
Province  
Laws, xii., 483,  
chap. 12.

Read and

*Ordered* that there be allowed out of the publick Treasury to the Petitioner Four Pounds, Bills of the next Supply, per Annum for five years next coming; provided the Petitioner lives that term. [*Passed June 16.*]

## CHAPTER 18.

ORDER REVIVING AND REFERRING THE PETITION OF INHABITANTS OF RUTLAND & LEICESTER TO BE ERECTED INTO A PRECINCT.

A PETITION of Matthias How in behalf of divers Inhabitants of the Towns of Leicester and Rutland, praying for a new Precinct, shewing that by reason of divers accidents and occurrences the said Petition which was entered the 14<sup>th</sup> of September last, has never yet been fully considered and determined but is now discontinued; and therefore praying that the said Petition may be revived and determined upon.

Legislative  
Records of the  
Council,  
xvii. (4), 425.

Mass.  
Archives, xii.,  
350.

Mass.  
Archives, xii.,  
349. Province  
Laws, iii., 665,  
note. House  
Journal, p. 39.  
*Ante*, p. 281,  
chap. 105.

[Read and]

*Ordered* That the Petition within refer'd, to be and hereby is reviv'd, and the Consideration thereof further refer'd to the Second Tuesday of the next Sitting of this Court; and That the Memorialist Serve the Towns of Leicester and Rutland with Copies of this Memorial and the before mentioned Petition, that So they may Shew Cause, at the Day aforesaid, if any they have, why the Prayer thereof Should not be granted. [*Passed June 19.*]

## CHAPTER 19.

ORDER ALLOWING A BOUNTY OF £20 FOR ENCOURAGING VOLUNTIERS FOR ANNAPOLIS.

*Ordered* that each able bodied effective soldier on the Enlistment for Annapolis Royal receive Five Pounds old Tenour voted for their encouragement; and that the sum of Twenty Pounds old Tenour be paid them on their being mustered in the Town of Boston or such other place as His Excellency shall appoint, under their proper Officers, compleat in their Arms at their own charge. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xvii. (4), 426.

Legislative  
Records of the  
Council,  
xvii. (4), 423.  
House Jour-  
nal, pp. 38, 41.  
*Ante*, p. 367,  
chap. 10.

## CHAPTER 20.

## ORDER CONFIRMING A PLAT OF 9,423 ACRES OF LAND TO LOWER ASHUELET PROPRIETORS.

Legislative  
Records of the  
Council,  
xvii. (4), 426.

Mass.  
Archives,  
cxiv., 440, 441.  
House Jour-  
nal, p. 23.  
*Ante*, p. 262,  
chap. 59.

A PLAT of Nine Thousand four hundred and twenty three acres of land lying East of & adjoining to Boston Township on Housatanuck River, laid out by Oliver Patridge Esq<sup>r</sup> and Chain men on Oath to satisfy a Grant of the General Court, to the Proprietors of the Lower Ashuelet.

Read and

*Ordered* that this Plat be accepted, and the lands therein delineated and described be confirmed unto the Proprietors of the Lower Ashuelet and their Assigns for ever; provided it exceeds not the quantity of the Grant, nor interfere with any former Grant. [*Passed June 20.*]

## CHAPTER 21.

ORDER CONFIRMING A PLAT OF 130 ACRES OF LAND TO THOMAS INGERSOL ESQ<sup>R</sup>.

Legislative  
Records of the  
Council,  
xvii. (4), 427.

House Jour-  
nal, p. 16.  
*Ante*, p. 226,  
chap. 237.

A PLAT of One Hundred and Thirty Acres of Land laid out by John Hurston Survey<sup>r</sup> and Chain men on Oath, to fulfill a grant made by the General Court to Thomas Ingersol Esq<sup>r</sup> lying on the West side of Sheffield, bounded as follows viz<sup>t</sup> Beginning at a White Oak tree mark'd and stones about it, at the West side of a small run of water called Dry Brook near the bottom of Sachamuck Mountain; thence running South 6<sup>u</sup> West two hundred and forty six rods to a White Elm Tree marked, then East 6 Deg. South eighty four rods and an half, to a White Pine Tree marked and stones about it; thence North Six Deg. East two hundred and forty six rods to a stake with a heap of stones about it; from thence West 6 Deg North eighty four rods and an half to the place first mentioned.

Read and

*Ordered* that the within Plat be accepted, and the lands therein delineated and described are confirmed to the within named Thomas Ingersol Esq<sup>r</sup> his heirs and assigns for ever; provided the Plan exceeds not the quantity of the Grant & does not interfere with any former Grant. [*Passed June 20.*]

## CHAPTER 22.

## ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO ELIAS VAN SCHACK.

Legislative  
Records of the  
Council,  
xvii. (4), 427.

House Jour-  
nal, p. 16.  
Province  
Laws, xii., 582,  
chap. 30.

A PLAT of Three Hundred acres of Land laid out by John Hurston Survey<sup>r</sup> and Chain men on Oath in part to fulfill a grant made by the General Court, of One Thousand Acres of Land to Elias Van Schack as an Equivalent for the Grantees Land at Stockbridge given for the use of the Indians, lying on the West side of Sheffield; bounded as follows, viz<sup>t</sup>, Beginning at a Pine Tree marked standing a little to

the North West of a small inclosure made by David Winchel; thence running East 5 Deg. North, one hundred and eighty rods to a White Oak Tree marked and stones about it; thence South 5 Deg. East, two hundred and sixty seven rods to a couple of Hardbane Trees with stones about them, by a small run of water; thence West 5 Deg. South, one hundred & eighty rods to a Black Oak Tree marked, standing on the East side of Sachanek Mountain; thence at right angles to the bounds first mentioned.

Read and

*Ordered* that the Plat be accepted, and the land therein described is confirmed to the within named Elias Van Schaek his heirs and assigns for ever; provided it exceeds not the quantity of the Grant and does not interfere with any former Grant. [*Passed June 20.*]

## CHAPTER 23.

ORDER REFERRING THE PETITION OF DAN<sup>L</sup> ADAMS &<sup>O</sup> OF MEDWAY TO BE ANNEXED TO HOLLISTON.

ON THE PETITION of Daniel Adams and others of Medway, [*ante*, p. 293, chap. 137]

*Ordered* that the consideration of this Petition be refer'd to the Second Wednesday of the next sitting of this Court. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xvii. (4), 428.

House Jour-  
nal, p. 35.  
*Ante*, p. 293,  
chap. 137.

## CHAPTER 24.

VOTE FOR THE SUBSISTENCE OF THE RECRUITS FOR ANNAPOLIS.

*Voted* that Provision be made at the charge of the Province for subsisting the two Companies design'd for Annapolis Royal, for three months. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xvii. (4), 429.

Legislative  
Records of the  
Council,  
xvii. (4),  
423 *bis*, 424, 426.  
House Jour-  
nal, p. 41.  
*Ante*, p. 367,  
chap. 16.

## CHAPTER 25.

VOTE DIRECTING THE COMMISSARY TO SUPPLY THE SOLD<sup>RS</sup> WESTWARD WITH BREAD.

*Voted* that the Commissary be directed to supply the Soldiers, Westward, with bread. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xvii. (4), 429.

House Jour-  
nal, p. 42.

## CHAPTER 26.

VOTE DIRECTING THE COMMISSARY TO SUPPLY BLANKETS FOR THE SOLDIERS.

*Voted* that the Commissary be directed to supply the Captains of the Soldiers lately impressed into His Majestys service with so many blankets as shall be wanted, and that the Soldiers pay for the same out of their wages. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xvii. (4), 429.

House Jour-  
nal, p. 42.

## CHAPTER 27.

## ORDER EMPOWERING MOSES SPEEN, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 431.

House Jour-  
nal, pp. 33, 43.  
*Ante*, p. 318,  
chap. 202.

A PETITION of Moses Speen of Natick Indian, praying for liberty from this Court to sell Thirty Eight Acres of Land, being part of a dividend of sixty acres in the said town, twenty two aeres of which he has already obtained liberty to sell, and that the Produce thereof may be put out at Interest for his support in his old Age and sickly condition he is now in, he having no son to assist him.

In the House of Represent<sup>ves</sup>; Read and

*Ordered* that the Petitioner have liberty and power with the advice and assistance of Major Jones to sell the remaining part of the Dividend within mentioned; the said Jones to be accountable for the produce of the sale to this Court.

In Council; Read and Concur'd, and Francis Foxcroft Esq<sup>r</sup> is joined in the affair.

In the House of Represent<sup>ves</sup>; Read and Concur'd. [*Passed June 21.*]

## CHAPTER 28.

## VOTE ELECTING COMMITTEE TO SIGN BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (4), 436.

Legislative  
Records of the  
Council,  
xvii. (4), 435.  
House Jour-  
nal, pp. 44, 45.

THE TWO HOUSES according to Order proceeded to the Election of a Committee for Signing Bills of Credit.

And the following persons were chosen by the Major Vote of the Council and House of Representatives viz<sup>t</sup> John Jeffries Esq<sup>r</sup>, Josiah Willard Esq<sup>r</sup>, Samuel Watts Esq<sup>r</sup>, John Quiney Esq<sup>r</sup>, Thomas Cushing Esq<sup>r</sup>, Robert Hale Esq<sup>r</sup>, and Rowland Cotton Esq<sup>r</sup>

To which several Elections His Excellency signed his consent. [*Passed June 22.*]

## CHAPTER 29.

VOTE FOR RAISING A THIRD COMP<sup>y</sup> FOR ANNAPOLIS ROYAL.

Legislative  
Records of the  
Council,  
xvii. (4), 437.

Legislative  
Records of the  
Council,  
xvii. (4), 435.  
House Jour-  
nal, p. 46.  
*Ante*, p. 367,  
chap. 10.

*Voted* that as an Encouragement to Soldiers to enlist them selves into His Majestys service at Annapolis, there be and hereby is granted to be paid out of the publick Treasury to each able bodied Soldier who shall enlist as aforesaid to the number of sixty, exclusive of Officers, the sum of Five Pounds, old Tenor, and the further sum of Twenty Pounds Old Tenor (or Bills equivalent) on their being mustered in the Town of Boston, or such other place as His Excellency shall appoint, and that they be subsisted at the charge of the Province for three months; and that John Jeffries, William Foye, Andrew Oliver Esq<sup>rs</sup> M<sup>r</sup> Prout and M<sup>r</sup> Wheelwright be a Committee to provide Vessels to transport the said soldiers, and the two Companies before ordered to be raised, for Annapolis. [*Passed June 22.*]

## CHAPTER 30.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON DEFENCE OF THE PROVINCE AND DIRECTING THE PURCHASE OF WHALEBOATS.

THE COMMITTEE appointed to take into consideration that part of His Excellency's speech relating to the Defence of the Province, beg leave further to report, That twenty five good sufficient Whale Boats be purchased for the service of the Province to be ready for any emergency in the Eastern Rivers, Islands and Sea Coast. And the Committee pray leave to sit again to consider what is further needful to be done for the service aforesaid.

In the Name and by Order of the Committee.

JER: MOULTON.

Read and

*Ordered* that this Report be so far accepted as that fifteen new sufficient Whale boats be purchased for the service of the Province, as above mentioned.<sup>1</sup> [*Passed June 22.*]

Legislative  
Records of the  
Council,  
xvii. (4), 438.

Legislative  
Records of the  
Council,  
xvii. (4), 419.  
*Ante*, p. 370,  
chap. 16.

## CHAPTER 31.

## VOTE DIRECTING THE TREASURER TO TAKE SECURITY WHEN PAYING THE BOUNTY MONEY FOR ANNAPOLIS SOLDIERS.

INASMUCH as this [Court]<sup>2</sup> for an encouragement to One Hundred and Eighty Soldiers to enlist in His Majestys service for the defence of Annapolis Royal, have granted a Bounty of Twenty five Pounds old Tenor to each able bodied Soldier, viz<sup>t</sup> Five Pounds thereof to be paid upon his enlisting, and the remainder upon his appearing to muster according to said Grant:

*Voted* that the Treasurer be directed upon payment of said money or any part thereof to the several Captains, who are or may be appointed for said service, to take good and sufficient security of them for the due application thereof to the use & purpose of said Grant, or in case the full number of men should not appear to enlist or muster as aforesaid, then to return so much of said money as shall remain unapplied for said purposes. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xvii. (4), 439.

Legislative  
Records of the  
Council,  
xvii. (4), 423.  
House Journal,  
p. 48.  
*Ante*, p. 367,  
chap. 10.  
*Supra*, chap.  
29.

## CHAPTER 32.

## VOTE DIRECTING THE COMMITTEE APPOINTED FOR THE PURPOSE, TO PURCHASE OR HIRE A VESSEL TO GUARD THE FISHERY.

*Voted* that the Committee appointed to provide a Vessel to guard the Fishery be directed either to purchase or hire a vessel for that service as they shall judge most for the benefit and advantage of the Province. [*Passed June 23.*]

Legislative  
Records of the  
Council,  
xvii. (4), 440.

Legislative  
Records of the  
Council,  
xvii. (4), 407.  
House Journal,  
pp. 27, 47.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> Inserted from the House Journal, p. 48.

## CHAPTER 33.

Legislative  
Records of the  
Council,  
xvii. (4), 442.

VOTE ALLOWING £50 FOR COMPLETING THE REPAIRS ON THE WORKS  
AT S<sup>t</sup> GEORGES RIVER.

Legislative  
Records of the  
Council,  
xvii. (4), 81,  
163. House  
Journal, p. 46.  
*Ante*, p. 315,  
chap. 194.

*Voted* that the sum of Fifty Pounds be allowed out of the publick Treasury to the Commanding Officer of the Truck House on S<sup>t</sup> Georges River, to compleat the Repairs necessary on the Block House there, pursuant to such Orders as he shall receive from the Captain General; the said Officer to be accountable for said sum. [*Passed June 23.*]

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## CHAPTER 34.

ORDER TRANSFERRING THE APPROPRIATION OF £666. 13. 4 FOR THE  
TOWN OF BOSTON.

Legislative  
Records of the  
Council,  
xvii. (4), 443.

House Journal,  
p. 47.  
*Ante*, p. 309,  
chap. 178.

A MEMORIAL of the Select men of the Town of Boston, praying (for reasons particularly mentioned therein) that the sum of Six Hundred and sixty six Pounds, thirteen shillings and four pence, (granted by this Court at their last Session to the said Town, for building a Battery at the South end of said Town) may be laid out in finishing the Battery which they have erected at the North End of the Town, and for Cannon &<sup>c</sup>

Read and

*Ordered* that the prayer of the Petition be granted, and that the sum be applied for purchasing Cannon and other Warlike stores for use of the North Battery, the former Vote mentioned notwithstanding. [*Passed June 23.*]

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## CHAPTER 35.

ORDER ABOUT SIGNING THE BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (4), 444.

House Journal,  
p. 49.  
Province  
Laws, iii., 148,  
chap. 5. *Ante*,  
p. 374, chap. 28.

WHEREAS it is very necessary that the Bills of Credit ordered this Session to be imprinted and issued out for the payment of the publick Debts, be done with all possible dispatch: therefore

*Ordered* that the said Bills be signed but by four of the Committee appointed for that purpose, and they are desired to be as speedy in prosecuting the same as may be. [*Passed June 25.*]

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## CHAPTER 36.

ORDER OF NOTICE ON THE PETITION OF JOHN BARKER AND OTHERS  
OF ANDOVER TO BE SET OFF TO BOXFORD.

Legislative  
Records of the  
Council,  
xvii. (4), 448.

House Journal,  
p. 37.

A PETITION of John Barker and others Inhabitants of the Easterly part of the First Precinct in Andover, shewing their difficulties in attending the publick Worship there, by reason of their distance from the Meeting house; and therefore Praying that they with their



Families within the Bounds particularly described, be set off to the Second Parish in the Town of Boxford.

Read and

*Ordered* that the Petitioners serve the First Parish in Andover with a Copy of this Petition, that they shew cause if any they have on the first Tuesday of the next Fall Session why the prayer thereof should not be granted.<sup>1</sup> [*Passed June 27.*]

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## CHAPTER 37.

VOTE DIRECTING THE MANAGER OF THE TRUCK TRADE TO PROVISION THE GUARD VESSEL FOR THE FISHERY.

Legislative  
Records of the  
Council,  
xvii. (4), 449.

*Voted* that the Officer for managing the Truck Trade be directed to procure suitable provisions for the Brigantine Boston Packet, lately taken up by the Province, for a Guard to the Fishery, and provide other things needful for her with all possible dispatch. [*Passed June 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 445.  
House Journal,  
p. 51.  
*Ante*, p. 375,  
chap. 32.

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## CHAPTER 38.

ORDER ALLOWING THE ADMINISTRATORS FURTHER TIME TO EXAMINE CLAIMS ON THE ESTATE OF NATH<sup>l</sup> GERRISH.

A PETITION of John Barret and Benjamin Gerrish Administr<sup>rs</sup> of the estate of Nathaniel Gerrish late of Boston dec<sup>d</sup> Shewing that they having represented the said Estate Insolvent, the Judge of Probate for the County of Suffolk appointed Commissioners to examine the claims of the Creditors, which they have neglected to do, till the whole term allowed by law for that service, is expired; and therefore praying that the said Judge may be empowered to give further time for examining said claims.

Legislative  
Records of the  
Council,  
xvii. (4), 450.

House Journal,  
p. 53.

Read and

*Ordered* that the Prayer of the Petition be granted, and that the Judge of Probate for the County of Suffolk be and hereby is empowered and directed to appoint the same or other Commissioners to examine the claims of the Creditors of the Estate of Nathaniel Gerrish deceased, within mentioned, and to allow three or six months to give in their Report, that so the Deceaseds Estate may be proportioned among the Creditors without delay. [*Passed June 29.*]

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## CHAPTER 39.

VOTE APPOINTING COMMISSIONERS TO THE EASTW<sup>d</sup> INDIANS.

In the House of Represent<sup>ves</sup>;

*Voted* that the Commissioners appointed to repair to Albany to treat with the Six Nations of Indians &c be desired (so many of them as can attend it) to accompany the Delegates of those Nations

Legislative  
Records of the  
Council,  
xvii. (4), 451.

Legislative  
Records of the

<sup>1</sup> At the hearing October 17, 1744, House Journal, p. 91, this petition was dismissed.

Council,  
xvii. (4), 449,  
451. House  
Journal, p. 54.  
*Ante*, p. 365,  
chap. 3.

in the Province Sloop to the Eastward, at the proposed interview with the Indian Tribes there.

In Council; Read and Concur'd, and Samuel Waldo and Samuel Watts Esq<sup>rs</sup> are joined in the affair.

In the House of Represent<sup>ves</sup>; Read and Concur'd. [*Passed June 30.*]

## CHAPTER 40.

### ORDER FOR THE SUBSISTENCE OF Y<sup>E</sup> SOLDIERS.

Legislative  
Records of the  
Council,  
xvii. (4), 451.

Legislative  
Records of the  
Council,  
xvii. (4), 391.  
House Jour-  
nal, p. 54.

*Ordered* that the subsistence of so many of the Five hundred men first raised for the defence of the Frontiers, as are actually employed in defending the Frontiers, be continued for one month longer than at first was Ordered by this Court, and no more.<sup>1</sup> [*Passed June 30.*]

## CHAPTER 41.

### VOTE FOR A NEW PRECINCT IN LIECESTER.

Legislative  
Records of the  
Council,  
xvii. (4), 457.

House Jour-  
nal, pp. 22, 40.  
Province  
Laws, iii., 665,  
note.

A PETITION of John Ormes in behalf of the Proprietors of the Westerly part of the Town of Leicester, praying they may be erected into a separate Precinct. and the Inhabitants enjoy the Privileges of Inhabitants of other Precincts.

Read and

*Voted* that the Inhabitants and Estates in the Westerly half of the Town of Leicester bounding Easterly on the Settlers Part, so called, to the ancient Divisional Line formerly established between the Proprietors and Settlers Northerly, and Southerly on the North and South Bounds of said Town, and West on Brookfield East Bounds, be and hereby are erected into a separate and distinct Parish or Precinct and invested with all the privileges and powers which other Parishes do by law enjoy. [*Passed July 18.*]

## CHAPTER 42.

### ORDER APPOINTING A COMMITTEE ON THE REPORT ABOUT THE PIGWACKET INDIANS.

Legislative  
Records of the  
Council,  
xvii. (4), 459.

Mass.  
Archives,  
xxx1., 494, 495.  
Legislative  
Records of the  
Council,  
xvii. (4), 455,  
458 *bis*. House  
Journal,  
p. 59 *bis*.

THE COMMITTEE appointed to consider that part of His Excellency's Speech which relates to the Pigwacket Indians, having attended the service, find upon inquiry that there is a convenient place in the Town of Weymouth, near several good fishing ponds and not far distant from the Sea, which they apprehend may be agreeable to the Indians to sit down at: and they are therefore of Opinion that a Committee be appointed by this Court for the placing said Indians in said town of Weymouth until further order; unless it shall appear to said Committee that any very notable difficulty arise by placing said Indians there; and in such case that the Committee be impowered to provide some other convenient place

<sup>1</sup> Adjourned to July 18. See Legislative Records of the Council, xvii. (4), 452.

within this Province for said Indians to remain at, till the next Sitting of this Court; and that the Committee be likewise directed and impowered to agree with a suitable person to take the inspection and care of the said Indians, and to instruct them and their children in reading and writing the English language and in the Principles of the Protestant Religion, & that said Committee be likewise impowered to make prudent and necessary provision for the support of said Indians, in case it shall be found that they are not able wholly to subsist themselves.

By order of the Committee

JOS: WILDER.

In the House of Represent<sup>ves</sup>; Read and

*Ordered* that this Report be accepted, and that M<sup>r</sup> Hinchinson, Coll. Cotton and Major Cushing, with such as the Hon<sup>ble</sup> Board shall appoint, be a Committee for the purposes within mentioned.

In Council; Read and Concur'd, and John Cushing and John Quincy Esq<sup>rs</sup> are joined in the affair. [*Passed July 20.*]

## CHAPTER 43.

### VOTE RELAT<sup>o</sup> TO THE SUBSISTENCE OF Y<sup>e</sup> SOLDIERS.

*Voted* that the Subsistence of Two Hundred of the Five Hundred Men first raised for the Defence of the Frontiers be continued till the Twenty Ninth of August next and no longer. [*Passed July 20.*]

Legislative  
Records of the  
Council,  
xvii. (4), 461.

Mass.  
Archives, liii.,  
173. Legislative  
Records  
of the Council,  
xvii. (4), 391,  
460, 461 *bis*.  
House Jour-  
nal, p. 59.

## CHAPTER 44.

### ORDER IMPOWERING THO<sup>s</sup> PEGAN, INDIAN, TO SELL LAND.

A PETITION of Thomas Pegan of Natick, Indian, praying for liberty from this Court to sell Ten acres of Land which lies inconvenient for his improvement, and with the Produce thereof to purchase Five Acres that is more commodiously situated and with the Remainder to purchase necessaries of life.

In the House of Representatives; Read, and in answer thereto;

*Ordered* that the Petitioner have liberty (with the advice and assistance of Major Jones, with such as the Hon<sup>ble</sup> Board shall join) to sell the said Ten acres of Land for the purposes herein mentioned; they to be accountable for the Produce thereof.

In Council; Read and Concur'd, and Major Isaac Coolidge is joined in the affair. [*Passed July 20.*]

Legislative  
Records of the  
Council,  
xvii. (4), 461.

House Jour-  
nal, p. 47.

## CHAPTER 45.

### VOTE IMPOWERING JOHN WHEELWRIGHT ESQ<sup>s</sup> TO MAKE PROVISION FOR SUBSISTING SOLDIERS.

*Voted* that John Wheelwright Esq<sup>r</sup> be directed and impowered to make provision for the subsistence of the Soldiers in the pay and service of the Province, either by agreeing with Persons to

Legislative  
Records of the  
Council,  
xvii. (4), 462.

House Journal, p. 60.  
*Ante*, p. 367,  
 chap. 8; p. 373,  
 chap. 24; p. 374,  
 chap. 29; p. 378,  
 chap. 40.

billet them at certain rates, or by furnishing provisions for them himself as he shall find that one or the other of those methods will be least expensive to the Province; and that he report his doing therein to this Court at their next Sitting. [*Passed July 20.*]

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## CHAPTER 46.

### ORDER GRANTING A LICENCE TO JOHN HALL TO RETAIL STRONG DRINK.

Legislative  
 Records of the  
 Council,  
 xvii. (4), 462.

House Journal,  
 p. 60.  
 Province  
 Laws, iii., 18,  
 chap. 6.

A PETITION of John Hall the Third, of Medford, Distiller, shewing that purposing to sell by whole Sale only, he neglected to take out his Licence at the proper time, for retailing strong Drink, but he now finds it necessary for the procuring of wood and other things, to carry on the retailing business; therefore praying that the Justices of the County of Middlesex may be empowered at their next Session to grant him a Licence to retail.

Read and in answer hereto

*Ordered* that the Justices of the General Sessions of the Peace for the County of Middlesex have liberty and power at their next Session to grant the Petitioner a Licence to retail strong Drink, if they see cause (the Petitioner first obtaining the approbation of the Select men of Medford) the time for granting Licences being elapsed notwithstanding. [*Passed July 20.*]

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## CHAPTER 47.

### ORDER ACCEPTING THE ACCOMPT OF THE MIDDLESEX CO. TREAS<sup>r</sup>.

Legislative  
 Records of the  
 Council,  
 xvii. (4), 463.

House Journal,  
 pp. 47, 58.

AN ACCOMPT presented by Daniel Russel Esq<sup>r</sup> Treasurer of the County of Middlesex for the year 1743, having been laid before the Court of General Sessions of the Peace for said County and by them allowed.

Read and

*Ordered* that the within Accompt be allowed, and that the Balance, being Nine Pounds eighteen shillings and two pence half penny, the said Treasurer is further accountable to said County for. [*Passed July 20.*]

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## CHAPTER 48.

### VOTE FOR MAKING £2,000 IN SMALL BILLS.

Legislative  
 Records of the  
 Council,  
 xvii. (4), 463.

House Journal,  
 p. 59.  
*Ante*, p. 374,  
 chap. 28.

*Voted* that the Committee appointed to sign the Bills of Credit on the Province, be directed to strike off and sign Two Thousand Pounds in Bills of the lowest Plate. [*Passed July 20.*<sup>1</sup>]

<sup>1</sup> Adjourned to August 9. See Legislative Records of the Council, xvii. (4), 465.

## CHAPTER 49.

## VOTE DETERMINING THE SOUTHERLY BOUNDS OF THE EAST PRECINCT IN MENDON AND REFERRING THE QUESTION OF TAXATION.

A PETITION of the Inhabitants of the Easterly Precinct in Mendon set off in the Year 1741, shewing the Difficulties they meet with by reason of the Uncertainty of their Bounds as described by the Order of the Court; and praying that their Bounds may be more plainly described, and that they may be impowered to lay a Tax on the unimproved Lands belonging to Non Residents, for the charge of building a Meeting House and settling and supporting a Minister in the said Precinct.

Read & forasmuch as in the Vote of the General Court constituting them a Precinct, the Southerly Bounds thereof were not described: Therefore

*Voted* that the Southerly Bounds of said Precinct be the Country Road from Bellingham Line, to Sheffields Mill to the Eight Rod Road (so called) which is agreeable to the Vote of the Town of Mendon, pass'd September 22. 1741:

Also

*Voted* that the Petitioners serve the Proprietors of the unimproved Lands lying in said Precinct with a Copy of this Petition, by leaving an Attested Copy thereof, with the Proprietors Clerk, that they may shew cause, if any they have, on the first Wednesday of the next sitting of this Court, why their Lands should not be taxed, agreeable to the prayer of the within Petition. [*Passed August 10.*]

Legislative  
Records of the  
Council,  
xvii. (4), 470.

Province  
Laws, v. 1330,  
note. House  
Journal, pp. 64,  
65. *Ante*,  
p. 68, chap. 127.

## CHAPTER 50.

## ORDER IMPOWERING RELIEF GILL, EXECUTRIX, TO SELL REAL ESTATE AND EXECUTE DEEDS THEREFOR.

A PETITION of Relief Gill of Charlestown, Widow of Michael Gill Esq<sup>r</sup> dec<sup>d</sup> and one of the Executors of his last Will and Testament (Daniel Russel Esq<sup>r</sup> being the other Executor) shewing that her said Husband left her, for her support during life and widowhood and the maintaining of his children (among other Estate) the Improvement and Rent of a Wharf in the said Town of Charlestown, with the buildings thereon, as particularly described in said Will; that the said Wharf and Buildings are extremely damaged by the high Tides, and she is not able to repair them; therefore Praying (with the consent of the Heirs signified thereon) to be impowered to sell the said Wharf and buildings, the interest of the money arising from the said sale to be for her support during her Life and Widowhood, the Remainder to be for the Heirs of her said Husband.

Read and

*Ordered* that the prayer of the Petition be granted, and that the Petitioner be and hereby is impowered (with the advice of Daniel Russel Esq<sup>r</sup>) to sell the Wharf and Buildings within mentioned, & to execute in due form of law, a good Deed or Deeds for the conveyance thereof to such person or persons as shall bid most for the

Legislative  
Records of the  
Council,  
xvii. (4), 473.

House Journal,  
p. 66.  
Province  
Laws, ii., 151,  
chap. 10.

same; She observing the law in that case provided; and that the interest of the Produce thereof be disposed of for the comfortable support of the Petitioner & Family: Provided she give sufficient security to the Judge of Probate for the County of Middlesex, that the principal sum shall revert to the right Heirs of the Testator at her Death or Marriage, agreeable to his last Will. And it is further

*Ordered* that the Petitioner upon her letting out the said Principal sum, ascertain and fix the same, that so the Heirs may have the full value thereof upon the Reversion. [*Passed August 13.*]

## CHAPTER 51.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF HEN. VENNER FOR A TRIAL OF A CAUSE.

Legislative  
Records of the  
Council,  
xvii. (4), 476.

*Ante*, p. 356,  
chap. 302.

A PETITION of Henry Venner of Boston, shewing that at the Inferior Court held at Boston in January last, John Jones of Boston merchant commenced an Action against him for the amount of an accompt, wherein was charged a Negroe, which he never bought of the said Jones, that thro' the Petitioners ignorance of the Law, and the greatness of his business in the Post Office, the cause went against him both in the Inferior and Superior Courts; therefore praying that he may be admitted to a Trial of the said cause either in the next Superior Court or Inferior Court for the said County, and that Execution be staid.

Read &

*Ordered* that the Petitioner serve the adverse party the within named John Jones with a Copy of this Petition, that he shew cause if any he hath on the first Wednesday of the next Sitting of this Court, why the prayer thereof should not be granted, and that Execution within mentioned be staid in the mean time; Provided the Petitioner give sufficient security to the Sheriff of the County of Suffolk to pay such sum as may be finally recovered of him at the suit within mentioned, with lawful Interest from this time.<sup>1</sup> [*Passed August 14.*]

## CHAPTER 52.

### ORDER ALLOWING 40/ ANNUALLY TO JOHN HOBBS.

Legislative  
Records of the  
Council,  
xvii. (4), 477.

House Journal,  
p. 69.  
*Ante*, p. 43,  
chap. 68.

A PETITION of John Hobbs of Ipswich, shewing that for divers years past he has received a pension out of the Publick Treasury in consideration of his being disabled by lameness in the publick service; that the said Pension is now near expiring tho' his lameness continues and is increased: therefore praying that his Pension may be continued and enlarged.

Read &

*Ordered* that there be allowed and paid out of the publick Treasury to the Petitioner, the sum of Forty Shillings in Bills of the last Emission, annually, from the expiration of the last Grant, for three years next ensuing; provided he lives that term. [*Passed August 14.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 53.

## ORDER FOR CONTINUING THE SUBSISTENCE OF 200 MEN.

*Ordered* that the subsistence of Two Hundred of the Five Hundred men first raised for defence of the Frontiers, be continued till the fifteenth of October next, and no longer. [*Passed August 16.*]

Legislative  
Records of the  
Council,  
xvii. (4), 479.  
House Jour-  
nal, pp. 69, 71.  
*Ante*, p. 379,  
chap. 43.

## CHAPTER 54.

## VOTE ALLOWING £1,500 FOR REPAIRS TO CASTLE WILLIAM.

A MEMORIAL of the Committee for the Repairs at Castle William, shewing that the money formerly granted, is laid out in that service, and moving that Twenty five hundred Pounds may be granted for purchasing materials and paying workmen, that so the Works there may be completed.

Read and

*Voted* (in answer to the within Memorial) that there be and hereby is granted and allowed to be paid out of the publick Treasury the sum of Fifteen hundred Pounds in Bills of the last Emission into the hands of the Committee appointed by this Court for providing materials, Workmen, &c for the repairs made and making at Castle William, for which sum said Committee are accomptable.<sup>1</sup> [*Passed August 17.*]

Legislative  
Records of the  
Council,  
xvii. (4), 481.  
Province  
Laws, lii., 148,  
chap. 5.  
*Ante*, p. 205,  
chap. 187.

## CHAPTER 55.

ORDER FOR REFER<sup>g</sup> MATTERS DEPENDING IN THE COURT.

*Ordered* that all matters now before this Court, and not Pass'd upon, be refer'd to the next Sitting, and have the same day in that as was assign'd at this Sitting. [*Passed August 17.*]

Legislative  
Records of the  
Council,  
xvii. (4), 482.  
House Jour-  
nal, p. 76.

## CHAPTER 56.

ORDER ALLOWING 20/ TO JOS. WILLARD ESQ<sup>r</sup> FOR BILLS DESTROYED.

A CERTIFICATE presented by John Quincy Esq<sup>r</sup> of an Oath made before him by M<sup>rs</sup> Hannah Willard of two Ten Shilling Bills on this Province being destroyed by the mice in her chest.

*Ordered* that there be allowed and paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Twenty shillings in consideration of the loss above mentioned.<sup>1</sup> [*Passed August 17.*]

Legislative  
Records of the  
Council,  
xvii. (4), 482.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 57.

## ORDER WITH STAY OF PROCEEDINGS GRANTING JABEZ DEXTER A TRIAL.

Legislative  
Records of the  
Council,  
xvii. (4), 483.

House Jour-  
nal, pp. 69, 72.

A PETITION of Jabez Dexter of Rochester in the County of Plymouth, shewing that he was presented by the Grand Jury at the last Court of Assize for the said County, for Blasphemy, and was bound in the sum of £200 to answer the said Presentment, but thro' surprize and inadvertency he withdrew and thereupon his Recognizance was declared forfeit; and therefore praying that he may have a Trial of the said Presentment at the next Court of Assize for said County, and the prosecution of said Recognizance may be stayed.

Read and

*Ordered* that the prayer of the petition be so far granted that the Petitioner be admitted to a Trial upon the Presentment within mentioned at the next Court of Assize to be holden in the County of Plymouth; provided the Petitioner do within one month after this Order enter into Recognizance with sufficient sureties before the clerk of said Court, to appear at said Court and take his trial upon the said Presentment, and abide the Order of said Court; Provided that the Petitioner do pay at the time of his recognizing as aforesaid, to the Clerk of the Court aforesaid, all the charges hitherto arisen by the said Presentment. And it is hereby further

*Ordered* that all Proceedings for the recovery of the sum mentioned in the former Bonds be stayed in the mean time, and that the Judges of the said Court be and hereby are authorized and empowered to admit the Petitioner to his Trial accordingly. [*Passed August 17.*]

## CHAPTER 58.

ORDER ALLOWING £20 TO W<sup>M</sup> BOLLAN ESQ<sup>R</sup>.

Legislative  
Records of the  
Council,  
xvii. (4), 484.

House Jour-  
nal, p. 73.

A MEMORIAL of William Bollan Esq<sup>r</sup> setting forth his services in prosecuting divers persons at sundry times in behalf of the Government, for counterfeiting the Bills of Publick credit, and that he may have an Allowance made him for his time expence and service in the said affair.

Read and

*Ordered* that there be granted out of the Publick Treasury to the Memorialist Twenty Pounds Bills of Credit of the last Emission in full for his charge and service within mentioned. [*Passed August 17.*]

## CHAPTER 59.

## VOTE DIRECTING THE COMMISSARY IN REGARD TO PROVISIONS FOR THE FORCES.

Legislative  
Records of the  
Council,  
xvii. (4), 484.

House Jour-  
nal, pp. 74, 75.

THE FOLLOWING CERTIFICATE was presented by M<sup>r</sup> John Wheelwright the Officer appointed to provide for the forces; viz<sup>t</sup>

These may certify the Hon<sup>ble</sup> House of Representatives that for these Thirty four years past the allowance of provisions to men in



your service successively, either in Peace or War, has been as follows: Garrison Allowance One Pound of Bread to a man per Day, half a pint of Pease or Beans to a man per Day, One piece of Pork weighing two pounds to a man for three Days, One Gallon of Molasses to a man for forty two days: Marching Allowance One Pound of Bread to a man per Day, One Pound of Pork to a man per Day, one Jill of Rum to a<sup>1</sup> man per Day.

Aug. 17. 1744.

Attest.

JN<sup>o</sup> WHEELWRIGHT.

*Ante*, p. 379,  
chap. 45.

*Voted* that the Commissary be directed to supply the Forces Eastward and Westward agreeable to the within written Establishment. [*Passed August 17.*]

## CHAPTER 60.

### ORDER OF NOTICE ON THE PETITION OF JN<sup>o</sup> STANIFORD FOR A NEW TRIAL OF A CAUSE.

A PETITION of John Staniford of Boston complaining of partial and unfair dealing of the Referrees to whom was submitted by a Rule of the Superior Court of Judicature held at Boston in Feby last the matters in difference between the Petitioner and Cornelius Waldo Esq<sup>r</sup> and therefore Praying that the said Report and the Judgment of the Court thereon may be set aside, and that he may be allowed an other Trial of the said cause at the next Superior Court in Boston.

Legislative  
Records of the  
Council,  
xvii. (4), 485.  
House Jour-  
nal, p. 60.

Read and

*Ordered* that the Petitioner serve the adverse party the said Cornelius Waldo Esq<sup>r</sup> with a copy of this Petition, that he shew cause on the first Wednesday of the next Sitting of this Court, if any he hath, why the Prayer thereof should not be granted.<sup>2</sup> [*Passed August 17.*]

## CHAPTER 61.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF THE INHAB<sup>s</sup> OF THE SO. PART OF HINGHAM.

A PETITION of sundry Inhabitants of the South part of the first parish in Hingham; setting forth their difficulties in attending the publick Worship there, and praying to be made a separate precinct.

The Committee to whom was refer'd the foregoing Petition, having heard the Parties, and had a plan of the first Parish in Hingham laid before them, in which was described the place of the old Meeting House, and of the New, and the position of the several Inhabitants, do find that the Petitioners by the Boundary that they pray for, will have much the larger part of the Parish set off to them; that the Petitioners are about sixty in number within their limits, and pay about one fifth of the Ministerial Tax, they having included within their limits about twenty four persons with their estates, who have offered their reasons and are adverse to joining with them; So that the Committee are of Opinion that the Prayer of the Petition

Legislative  
Records of the  
Council,  
xvii. (4), 385,  
485.

Legislative  
Records of the  
Council,  
xvii. (4), 415.  
House Jour-  
nal, p. 74.

<sup>1</sup> *Sic.*

<sup>2</sup> At the hearing October 12, 1744, Legislative Records of the Council, xvii. (4), 505, this petition was dismissed.

for a Parish be not granted: but in as much as a Meeting House is erected, which will accommodate such of the first Parish as live at a distance and will ease the Petitioners of the difficulties they complain of, the Committee therefore are of Opinion that Theophilus Cushing and others the Petitioners with their Adherents, together with all such, within the limits they pray for, as shall join with them and give in a list of their Names into the Secretarys Office within six months, be freed from the charge of maintaining the Gospel in the Old Meeting House, and that from hence forward and so long as they have preaching among themselves, they shall draw out of the first Parish Treasury, so much as their Estates pay towards the Tax in the said Parish. All which is humbly submitted

In the Name and per Order of the Committee

BENJ<sup>A</sup> LYNDE Jun<sup>r</sup>

Read and

*Ordered* that this Report be accepted. [*Passed August 17.*]

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## CHAPTER 62.

### ORDER OF NOTICE ON THE PET<sup>n</sup> OF CONCORD WESTON AND LEXINGTON INHABITANTS TO BE ERECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (4), 486.

House Jour-  
nal, pp. 65, 72.  
Province  
Laws, xii., 263,  
chap. 8.

A PETITION of Joshua Brooks and forty eight others Proprietors of Tenements in the Easterly part of Concord, Northerly part of Weston and Westerly part of Lexington, Setting forth their great difficulties as to their families attending the publick Worship in their respective Towns; and therefore praying that they may be set off from them and made a separate Precinct.

Read and

*Ordered* that the Petitioners serve the Towns of Concord Lexington and Weston with Copies of this Petition that so they shew cause if any they have, on the first Fryday of the next Sitting of this Court why the prayer thereof should not be granted. [*Passed August 17.*]

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## CHAPTER 63.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR STATING Y<sup>E</sup> VALUE OF THE BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (4), 489.

Legislative  
Records of the  
Council,  
xvii. (4), 479.  
House Jour-  
nal, pp. 156, 184,  
185 (1743);  
p. 73. Prov-  
ince Laws, ii.,  
1083, chap. 12.

JOHN OSBORNE Esq<sup>r</sup> from the Committee appointed to state the value of the Bills of Credit, gave in the following Report, viz<sup>t</sup>

In obedience to the within Order the Committee report, That in pursuance of a Law of this Province pass'd in the Fifteenth year of His present Majestys Reign, entitled An Act for ascertaining the Value of Money and of Bills of publick Credit of this Province, Do Certify that Seven Shillings and Six pence in Province Bills emitted in and since the year 1741, is equal in value to One Ounce of Silver, and that One Hundred and Forty Two Pounds ten shillings in said Bills is equal in value to One Hundred Pounds Sterling in good Bills of Exchange payable in London.

By Order of the Committee

JOHN OSBORNE.

Read and

*Ordered* that this Report be Accepted, and that it be the Rule

by which the Justices of the respective Courts within this Province proceed in making up their Judgments; And that the Secretary notify the several Courts hereof accordingly. [*Passed August 17.*]

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## CHAPTER 64.

### VOTE ALLOWING £700 FOR THE PURCHASE OF WARLIKE STORES.

*Voted* that the sum of Seven Hundred Pounds be allowed out of the Publick Treasury to be put into the hands of the Committee for purchasing Warlike Stores, which together with the sum of Five Hundred and Five Pounds thirteen Shillings and four pence already appropriated for that purpose, is further to enable them to pay for the Two hundred Barrels of Powder which this Court have wrote to M<sup>r</sup> Agent Kilby for. [*Passed August 17.*]

Legislative  
Records of the  
Council,  
xvii. (4), 490.  
Legislative  
Records of the  
Council,  
xvii. (4), 384,  
392, 470. House  
Journal, p. 73.

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## CHAPTER 65.

### ORDER ALLOWING £30. 10. 10 FOR REPAIRING THE TRUCK HOUSE AT SACO.

*Ordered* that the sum of Thirty Pounds ten shillings, be granted and allowed to be paid out of the publick Treasury to be applied to the repairing the Truck House at Saco, and is to make good a deficiency in a grant of One Hundred Pounds made by this Court in September 1743, which deficiency was occasioned by transferring part of the Appropriation made in the Supply of the Treasury for the payment of said Grant. [*Passed August 18.*]

Legislative  
Records of the  
Council,  
xvii. (4), 491.  
House Jour-  
nal, p. 74.  
*Ante*, p. 163,  
chap. 86.

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## CHAPTER 66.

### VOTE ESTABLISHING SOLDIERS WAGES.

*Voted* that the Soldiers appointed to guard the Frontiers be allowed Twenty five shillings per month for that service. [*Passed August 18.*]

Legislative  
Records of the  
Council,  
xvii. (4), 491.  
House Jour-  
nal, p. 69.  
*Ante*, p. 378,  
chap. 40.

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## CHAPTER 67.

### ORDER ALLOWING THE ACC<sup>t</sup> OF THE TREASURER OF SUFFOLK COUNTY.

AN ACCOMPT presented by Samuel Adams Esq<sup>r</sup> Treasurer of the County of Suffolk for the year 1743, having been laid before the Court of General Sessions of the Peace for said County, and by they allowed;

Read and

*Ordered* that the within Accompt be allowed, and that the sum of One Hundred and Thirty Eight Pounds nine shillings and one farthing the said Treasurer is further accountable to said County for. [*Passed August 18.*]

Legislative  
Records of the  
Council,  
xvii. (4), 493.  
House Jour-  
nal, pp. 47, 69.

## CHAPTER 68.

ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREASURER OF HAMPSHIRE COUNTY.

Legislative  
Records of the  
Council, xvii. (4), 493.

House Jour-  
nal, pp. 47, 58.

AN ACCOMPT presented by William Pyncheon Esq<sup>r</sup> Treasurer of the County of Hampshire for the year 1743, having been laid before the Court of General Sessions of the Peace for the said County, and by them allowed.

Read and

*Ordered* that the within Accompt be allowed, and that the Ballance being One Hundred Twenty four Pounds seven shillings and seven pence, the said Treasurer is further accomptable to said County for. [*Passed August 18.*]

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## CHAPTER 69.

ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREASURER OF BARNSTABLE COUNTY.

Legislative  
Records of the  
Council, xvii. (4), 493.

House Jour-  
nal, pp. 47, 58.

AN ACCOMPT presented by Ebenezer Lewis Esq<sup>r</sup> Treasurer of the County of Barnstable for the year 1743 having been laid before the Court of General Sessions of the Peace for the said County, and by them allowed.

Read and

*Ordered* that the within Accompt be allowed, and that the Balance, being Three Pounds five shillings, one peny and three farthings the said Treasurer is further accountable to said County for. [*Passed August 18.*]

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## CHAPTER 70.

ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREASURER OF WORCESTER COUNTY.

Legislative  
Records of the  
Council, xvii. (4), 494.

House Jour-  
nal, pp. 47, 69.

AN ACCOMPT presented by Benjamin Flag Esq<sup>r</sup> Treasurer of the County of Worcester for the year 1743, having been laid before the General Sessions of the Peace for the said County & by them allowed.

Read and

*Ordered* that the within Accompt be allowed, and that the Balance being Twenty Pounds nine shillings and six pence half peny the County is accountable to said Treasurer for. [*Passed August 18.*]

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## CHAPTER 71.

## ORDER DIRECTING THE LAND BANK BILLS TO BE BURNT.

Legislative  
Records of the  
Council, xvii. (4), 494.

FORASMUCH as this Court are informed that there have been paid in to the late Directors of the Manufactory Company (so called) by the late Partners in the Land Bank or Manufactory Scheme, and are

now in the hands of Samuel Adams Esq<sup>r</sup> considerable quantities of said Companies Bills remaining unconsumed; And the Commissioners appointed by law to order and adjust the affairs of said Scheme have received, and from time to time may receive further sums in said Bills; the receiving of which till said Scheme shall be finished will be attended with great risque and other inconveniences: Therefore

*Ordered* that said Commissioners be authorized to take into their own hands the afore mentioned Bills received by said late Directors, and to cause them, with such other of said Bills as have been or shall be paid in to themselves by the delinquent Partners in said Scheme, to be consumed and burnt to ashes from time to time as they shall receive them. [*Passed August 18.*]

Province  
Laws, iii., 172,  
chap. 12; 218,  
note. House  
Journal, p. 76.  
*Ante*, p. 120,  
chap. 259.

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## CHAPTER 72.

### ORDER PROVIDING FOR THE SUBSISTENCE AND TRANSPORTATION OF THE OFFICERS OF THE FOURTH COMP<sup>y</sup> FOR ANNAPOLIS.

WHEREAS provision has been made for the subsistence & transportation of three Companies to Annapolis, to consist of One hundred and eighty men, exclusive of Officers, and His Excellency has been pleased to dispose said One Hundred and Eighty men into Four Companies; and a doubt has arisen whether Provision should be made for the subsistence and transportation of the Officers of the Fourth Company:

*Ordered* that the same Provision be made for the Officers of such Fourth Company, as for those of the first Three; and that John Wheelwright Esq<sup>r</sup> be directed to provide accordingly. [*Passed August 18.*]

Legislative  
Records of the  
Council,  
xvii. (4), 495.

House Jour-  
nal, pp. 76, 77.  
*Ante*, p. 367,  
chap. 10; p. 374,  
chap. 29.

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## CHAPTER 73.

### ORDER ALLOWING THE YORK COUNTY TREASURER HIS ACCOMPT.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Treasurer of the County of York for the year 1743, having been laid before the Court of General Sessions of the Peace for the said County, & by them allowed.

Read and

*Ordered* that the within Accompt be allowed, and that the Balance, being Two Pounds eleven shillings and six pence, the said Treasurer is further accountable to said County for. [*Passed August 18.*<sup>1</sup>]

Legislative  
Records of the  
Council,  
xvii. (4), 496.

House Jour-  
nal, pp. 47, 58.

<sup>1</sup> Adjourned to September 19. See Legislative Records of the Council, xix., 496.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TENTH DAY OF OCTOBER, A.D. 1744.

## CHAPTER 74.

ORDER OF NOTICE ON THE PETITION OF W<sup>m</sup> SHEFFIELD & OTHERS TO  
REMAIN IN THE OLD PARISH OF MENDON.

Legislative  
Records of the  
Council,  
xvii. (4), 502.  
House Jour-  
nal, p. 81.  
*Ante*, p. 381,  
chap. 49.

A PETITION of William Sheffield, John Sprague, and Nehemiah Nelson, all of Mendon, shewing their dissatisfaction at their being rated to the support of the Ministry in the new Precinct in said Town, the Meeting House being placed at such a distance from them that they can have no benefit by it, and therefore praying that they and their Estates may yet remain in the old Precinct, and the Tax aforesaid taken off from them.

Read and

*Ordered* that the Petitioners serve the new or Easterly Precinct in the Town of Mendon with a Copy of this Petition, that they shew cause if any they have, on the first Fryday of the next Session of this Court, why the prayer thereof should not be granted.<sup>1</sup>  
[*Passed October 12.*]

## CHAPTER 75.

ORDER DIRECTING THE EMPLOYMENT OF THE GUARD VESSELS TILL  
NOVEMBER 19.

Legislative  
Records of the  
Council,  
xvii. (4),  
503 *bis*.

House Jour-  
nal, p. 84.  
*Ante*, p. 367,  
chap. 8.

HIS EXCELLENCY sent down the following Message by the Secretary to the House of Representatives, viz<sup>t</sup>  
Gentlemen of the House of Representatives.

As you have provided for the pay of the Officers and Seamen belonging to the Brigantine & Sloop taken up for guarding the Coast until the nineteenth day of the next month, but have (I suppose, casually) omitted providing for the hire of the said Vessels; And therefore I desire you would extend the hire of the said Brigantine and Sloop to the same term to which the Wages of the Commanders and Companies are extended: it being of great necessity at this time for His Majestys special service and the defence of the Province, that the said Vessels should be continued in the service till that time.

*Ordered* that the Committee who were employed for the hire of

<sup>1</sup> At the hearing, December 1, House Journal, p. 115, this petition was dismissed.

Vessels &c be directed and impowered to agree for the hire of the within mentioned Vessels<sup>1</sup> till the Nineteenth of November next. [*Passed October 12.*]

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## CHAPTER 76.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON BURNING TORN AND DEFACED BILLS OF CREDIT.

WE THE SUBSCRIBERS being appointed by the General Court to take an Account of the above<sup>2</sup> Bills and consume them to ashes, have accordingly attended that service and have told up the above sum of Nine Thousand Seven Hundred and Ninety Five Pounds Bills of the Middle Tenour, and also the sum of Eighteen Thousand One Hundred and Seventy Five Pounds Bills of the Old Tenor and have consumed [them] to ashes.

In the Name of the Committee                      JOHN OSBORNE.

Read and

*Ordered* that this Report be Accepted and that the Treasurer be discharged of the above sum of Nine Thousand Seven Hundred and Ninety Five Pounds, Bills of the New Tenor, and also the sum of Eighteen Thousand One Hundred and Seventy Five Pounds, Bills of the Old Tenor accordingly. [*Passed October 12.*]

Legislative  
Records of the  
Council,  
xvii. (4), 504.  
House Jour-  
nal, p. 83.  
*Ante*, p. 352,  
chap. 292.

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## CHAPTER 77.

### VOTE REQUESTING THE GOVERNOR TO APPOINT A DAY OF THANKS- GIVING.

IT BEING near the season of the year wherein Days of Thanksgiving have been usually observed by this Government:

Therefore

*Voted* that His Excellency the Governor be desired to issue out a Proclamation for keeping a Day<sup>3</sup> of solemn Thanksgiving to Almighty God, thro' out this Province for his Mercies in the year past, to our Nation and Land. [*Passed October 13.*]

Legislative  
Records of the  
Council,  
xvii. (4), 505.  
Mass.  
Archives, xii.,  
361. House  
Journal, p. 85.  
Love's Fast  
and Thanks-  
giving Days of  
New England,  
p. 494.

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## CHAPTER 78.

### ORDER REMITTING IMPOST DUTIES ON PRIZE GOODS.

A PETITION of Thomas Hutchinson Esq<sup>r</sup> Agent for the Officers and Company of the Brigantine Hawk Privateer fitted out by divers Inhabitants of this Province, shewing that they have brought in several French Prizes, in which they have brought in divers goods which are subject to pay duties of Impost; praying that the said duties may be taken off.

Legislative  
Records of the  
Council,  
xvii. (4), 506.  
House Jour-  
nal, pp. 81, 82.  
Province  
Laws, iii., 184,  
chap. 16; 218,  
note.

<sup>1</sup> Probably the brigantine "Boston Packet" and the sloop "Orphan." — Mass. Archives, cxxiv., 154.

<sup>2</sup> See Legislative Records of the Council, xvii. (4), 504.

<sup>3</sup> The Thanksgiving Day was appointed for November 22, 1744, and was public.

Read and

*Ordered* that the Prayer of the Petition be granted, and that the said liquors and other goods be freed from the duties of Impost, and that the Comm<sup>r</sup> of Impost govern himself accordingly. And it is further

*Ordered* that all Prize Goods which shall be brought in and condemned within this Province during the present war with France and Spain, shall be exempt from all Duties which such goods are or would be liable to by any Law of this Province, had they been imported for merchandize or in the ordinary way of Trade and Commerce. [*Passed October 13.*]

## CHAPTER 79.

ORDER GRANTING A LICENSE TO GEO. HARRINGTON TO KEEP AN INN.

Legislative  
Records of the  
Council,  
xvii. (4), 512.

House Jour-  
nal, p. 88.  
Province  
Laws, iii., 18,  
chap. 6.

A PETITION of George Harrington of Brookfield praying that the Justices of the Peace in the County of Worcester in their next General Sessions may be impowered to grant a Licence to the Petitioner to keep an Inn in the house in the said town, which he has lately purchased of Jonas Clark Esq<sup>r</sup> which is very commodiously situated for the entertainment of Travellers, and has been so used for divers years past.

Read and

*Ordered* that the Justices of the General Sessions of the Peace for the County of Worcester be allowed and impowered to grant the Petitioner a Licence, at their Term in November next (if they see cause) the Petitioner first producing the Approbation of the Select Men of the Town of Brookfield; the time for granting Licences being elapsed, notwithstanding. [*Passed October 16.*]

## CHAPTER 80.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF PEACE CAZNEAU.

Legislative  
Records of the  
Council,  
xvii. (4), 513.

House Jour-  
nal, p. 87.

A PETITION of Peace Cazneau of Boston Felt maker, shewing that he being indebted to John Woodhouse of Boston aforesaid in the sum of Thirty nine Pounds in Bills of the Old Tenor, he gave the said Woodhouse a note of hand for the said sum, & then Woodhouse withdrew out of the Province; whereupon Isaac Cazneau sued the Petitioner for the said sum as Agent or Trustee for Woodhouse, and John Read Esq. as his Attorney has put the said note in suit against the Petitioner and recovered Judgment thereon; so that he apprehends that he shall be liable to pay the note double; therefore praying that the Execution on the said Judgment may be stayed until the said Isaac shall obtain Judgment, and that so much as the Petitioner shall be obliged on such Judgment to pay, the said Isaac, be allowed as a payment on the said Note.

Read and

*Ordered* that the Petitioner serve the said John Read Esq<sup>r</sup> as Attorney to John Woodhouse within mentioned, with a Copy of



this Petition, that he shew cause if any he hath, on Thursday the eighteenth Currant why the prayer thereof should not be granted, and Execution within mentioned is stayed in the mean time.<sup>1</sup> [*Passed October 16.*]

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## CHAPTER 81.

### VOTE ALLOWING £275 FOR THE HIRE OF VESSELS FOR THE EXCHANGE OF PRISONERS.

*Voted* that the sum of Two Hundred and Seventy five Pounds in Bills last emitted by this Court, or so much thereof as shall be found necessary for the purpose hereafter mentioned, be and hereby is granted and allowed to be paid out of the publick Treasury from the Appropriation of £12,000 for putting the Province into a better Posture of Defence, to be applied to the defraying the charge arising on the part of this Province for the Freight or Hire and Demurrage of the Sloop Society and Schooner Magdalene employed as Flags of Truce for the exchange of Prisoners, between this Province and Cape Breton. [*Passed October 17.*]

Legislative  
Records of the  
Council,  
xvii. (4), 516.

House Journal, p. 91.  
Province  
Laws, iii., 148,  
chap. 5.

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## CHAPTER 82.

### ORDER APPOINTING A COMMITTEE ON THE PET<sup>n</sup> OF DIVERS INHAB<sup>s</sup> OF THE WEST PRECINCT IN GROTON.

A PETITION of Josiah Parker and seventeen others, Inhabitants of the West Precinct in Groton, shewing that the Inhabitants of said Precinct are about to erect their Meeting House in a place extremely inconvenient; Praying that this Court would send a Committee to view the Place proposed and hear the parties, and report to the Court what place they apprehend most convenient for erecting the said Meeting House on.

Legislative  
Records of the  
Council,  
xvii. (4), 516.

House Journal, pp. 84, 90.

In the House of Representatives; Read, and in answer hereto

*Ordered* that M<sup>r</sup> Clap and Major Jones, with such as the Hon<sup>ble</sup> Board shall join, be a Committee to repair to the West Precinct in Groton, consider the situation and circumstances of the Inhabitants, and report what they judge proper for this Court to do thereon, and the Inhabitants are hereby forbid any further proceedings upon the affair of the Meeting House till the further Order of this Court.

In Council; Read and Concur'd, and that the charge of the Committee be born as this Court shall order, and that Thomas Berry Esq<sup>r</sup> be added on the affair.

[Sent down for Concurrence. Read and concurr'd.]<sup>2</sup> [*Passed October 17.*]

<sup>1</sup> At the hearing on the 22<sup>d</sup> October, House Journal, p. 100, this petition was dismissed.

<sup>2</sup> Inserted from the House Journal, p. 90.

## CHAPTER 83.

ORDER IMPOWERING ELIJAH COOKS ADMINIST<sup>RS</sup> TO EXECUTE A DEED.Legislative  
Records of the  
Council,  
xvii. (4), 517.House Jour-  
nal, p. 91.

A PETITION of Deborah Cook and Enoch Cook, Administrators of the Estate of Elijah Cook late of Worcester dec<sup>d</sup> Intestate, shewing that the said Elijah in his life time sold to James Sloan of the same Town, six Acres and three quarters of an acre of land, at a place called Kettle Brook and received part of the consideration money, but never executed the Deed thereof; praying that the Petitioners may be impowered by this Court to execute a Deed of the said Land, and receive the remainder of the money for the said Estate.

Read, & in answer to this Petition:

*Ordered* that the Prayer thereof be granted, and that the Petitioners be and hereby are fully impowered and authorized to execute a good Deed of the Land within mentioned to the said James Sloan, they giving Bond to the Judge of Probate of Wills for the County of Worcester to be accountable for the money arising by the sale, viz. so much as shall remain unpaid. [*Passed October 17.*]

## CHAPTER 84.

ORDER REFERRING THE PETITION OF HENRY MORSE &amp; OTHERS ON MEDWAY AND BELLINGHAM AFFAIRS.

Legislative  
Records of the  
Council,  
xvii. (4), 520.House Jour-  
nal, p. 151  
(February,  
1743); p. 96.  
*Ante*, p. 293,  
chap. 137.

ON THE PETITION of Henry Morse & others, Inhabitants of the Town of Medway, [*ante*, p. 293, chap. 137]

Read and

*Ordered* that the consideration of this Petition, together with the petition of James Clark and others Inhabitants of Medway, and the Petition of the Church of Bellingham, be further refer'd to the second Wednesday of the next Sitting of this Court. [*Passed October 18.*]

## CHAPTER 85.

ORDER OF NOTICE ON THE PETITION OF SAM<sup>L</sup> MILES & OTHERS OF CONCORD IN REGARD TO PAYING A MINISTER.Legislative  
Records of the  
Council,  
xvii. (4), 521.House Jour-  
nal, pp. 96, 97.

A PETITION of Samuel Miles and Stephen Hasmer Jun<sup>r</sup> a Committee for near forty Inhabitants of Concord, shewing that the said Inhabitants have been, by the advice of two Ecclesiastical Councils separated from the Ministry of M<sup>r</sup> Daniel Bliss the settled Minister of the said place; & praying that they may be discharged from any Expence for the support of M<sup>r</sup> Bliss in the Ministry, from the month of June 1743 when they began to support the Ministry among themselves, and that others may be exempted from that charge that shall join with them.

Read and

*Ordered* that the Petitioners serve the Town of Concord with a

Copy of this Petition and that they lay the same before the said Town, that they may shew cause, if any they have, on the second Tuesday of the next Sitting, why the Prayer thereof may not be granted. [*Passed October 18.*]

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## CHAPTER 86.

### VOTE ABOUT THE DEFENCE OF THE FRONTIERS.

In the House of Represent<sup>ves</sup>

*Voted* that it is not necessary for His Majestys Service that any of that part of the Seven Hundred Men now posted in the Western Frontiers should be subsisted in the Pay of this Government any longer than till the Fifteenth Instant; and that His Excellency the Captain General be desired to issue his Order for their dismissal: But in as much as it may be necessary that some marching Scout or Scouts be employed in the Winter for a seasonable discovery of an enemy that may be approaching the said Western Parts, or other His Majestys subjects in that neighbourhood that are neglected in this time of danger, and beg protection of this Governm<sup>t</sup> That Twelve men out of each of the five Snow Shooe Companies in the said Western Parts, amounting to Sixty in the whole, be detached and sent out under a Captain commissioned for that purpose, to scout and range the Woods for four months next coming: Their marches to be from Contóocook on Merrimack River, and to extend Westward, in such manner and by such parties as the Captain General shall judge most for the protection of said Frontiers: No party of said Sixty men, less than the whole, to be allowed an Officer on higher pay than a Sergeant. And that Two Hundred of the remaining part of the Seven Hundred Men now posted on the Eastern Frontiers be taken out of the last Five Hundred that was raised (if so many of them remain there, otherwise to be supplied out of the first) be subsisted until the Nineteenth of November next, to be posted in the several Block houses, as His Excellency shall see meet.

The above Vote being Read & Considered in Council

The Board sent down a Message to propose some alterations to be made in it.

Whereupon it was returned with the following Vote, viz<sup>t</sup>

In the House of Represent<sup>ves</sup>; The House taking into consideration the Message sent down from the Hon<sup>ble</sup> Board this day respecting the Frontiers of the Province &<sup>c</sup>

*Voted*, in addition to and amendment of the Vote of this House of the 13<sup>th</sup> Instant, That His Excellency the Captain General be desired to enlist eighty Voluntiers, or otherwise detach that number of effective men for the defence of the Western Frontiers of the Province, and others who have applied to this Court for protection, in lieu of the Sixty men proposed in the said Vote to be taken out of the Snow Shoe Men for that purpose. And that the Forces to be continued by said Vote for the defence of the Eastern Frontiers be further continued till the first day of December next, and be either posted in the several Garrisons there or employed in scouting the Woods, as the Captain General shall order.

In Council; Read and concur'd. [*Passed October 19.*]

Legislative  
Records of the  
Council,  
xvii. (4), 522.

Legislative  
Records of the  
Council,  
xvii. (4), 391,  
412. House  
Journal, pp. 84,  
85, 95. *Ante*,  
p. 383, chap.  
53.

## CHAPTER 87.

ORDER ALLOWING THE BRISTOL CO. TREA<sup>RS</sup> ACC<sup>T</sup>.

Legislative  
Records of the  
Council,  
xvii. (4), 525.

House Jour-  
nal, pp. 47, 96.

AN ACCOMPT presented by Joseph Russel Esq<sup>r</sup> Treasurer of the County of Bristol for the year 1743, having been laid before the Court of General Sessions of the Peace for the said County, and by them allowed.

Read and

*Ordered* that the within Accompt be allowed, and that the Balance, being Ninety Pounds, nineteen shillings and two pence three farthings, lawful money, the Treasurer is further accountable for. [*Passed October 19.*]

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## CHAPTER 88.

Legislative  
Records of the  
Council,  
xvii. (4), 528.

House Jour-  
nal, p. 151  
(February,  
1743); pp. 24,  
98. *Ante*,  
p. 321, chap.  
210.

ORDER REFERRING THE PETITION OF DAV<sup>P</sup> PACKARD AND OTHERS TO BE RETURNED TO BRIDGWATER.

ON THE PETITION of David Packard and others, a Committee for the North Precinct in Bridgewater, [*ante*, p. 321, chap. 210]

Read and

*Ordered* that the consideration of this Petition (together with the Petition of Moses Curtiss and others) [be referred]<sup>1</sup> to the first Thursday of the next Sitting of this Court. [*Passed October 20.*]

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## CHAPTER 89.

ORDER REFERRING THE PET<sup>N</sup> OF DIVERS INHAB<sup>S</sup> OF CONCORD &<sup>o</sup> TO BE MADE A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (4), 530.

House Jour-  
nal, pp. 91, 98.  
*Ante*, p. 386,  
chap. 62.

ON THE PETITION of divers Inhabitants of Concord, Weston and Lexington: [*ante*, p. 386, chap. 62]

Read, and

*Ordered* that the consideration of this Petition be refer'd to the second Wednesday of the next Sitting of this Court, and that the Committee appointed, then report. [*Passed October 20.*]

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## CHAPTER 90.

VOTE ESTABLISHING THE WAGES OF OFFICERS ON THE FRONTIERS.

Legislative  
Records of the  
Council,  
xvii. (4), 533.

House Jour-  
nal, p. 97.  
*Ante*, p. 395,  
chap. 86.

*Voted* that the Wages of the Officers appointed for the Defence of the Frontiers be as follows, viz<sup>t</sup>

That the wages of the Captains be Forty shillings each per month.

One Lieutenant to each Company, Thirty Shillings per month.

Two Sergeants to every forty men, Twenty Seven shillings and six pence per month.

<sup>1</sup> Inserted from the House Journal, p. 98.

One Clerk to each Company, Twenty Seven shillings and six pence per month.

Two Corporals to every forty men, Twenty Six shillings per month each. [*Passed October 23.*]

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## CHAPTER 91.

ORDER ALLOWING £1 PER MONTH ADDITIONAL TO JOS. BANE INTERPRETER.

A PETITION of Joseph Bane,<sup>1</sup> shewing that his wages as Interpreter was the last year, upon his Petition to this Court, raised to Ten Pounds per Pounds<sup>2</sup> per Month, and that he is informed that he stands in this years Establishment at Six Pounds per month, which he presumes is by mistake; and therefore praying that he may be allowed as he was last year.

Legislative  
Records of the  
Council,  
xvii. (4), 533.

House Journal, p. 100.  
*Ante*, p. 253,  
chap. 37.

Read, and in answer hereto

*Ordered* that the sum of One Pound per month be added to the present Establishment of the Petitioner until the further Order of this Court. [*Passed October 23.*]

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## CHAPTER 92.

VOTE FOR PROVID<sup>g</sup> BLANKETS & SNOW SHOES FOR THE SOLDIERS.

*Toted* that each able bodied and effective man to the number of Eighty that shall voluntarily enlist into His Majestys service for the defence of the Western Frontiers, agreeable to the Vote of the General Court at their present Session, shall by the Commissary of the Province be provided with a Blanket and a Pair of Snow Shoes at the charge of the Province, and that Eighty pair of the Snow Shoes now in the hands of the Commissary be employed for that purpose; and in case the said Snow Shoes prove ineffectual that then there be that number provided that are good, & given to the said Men that shall so enlist. [*Passed October 24.*]

Legislative  
Records of the  
Council,  
xvii. (4), 534.

House Journal, p. 102.  
*Ante*, p. 395,  
chap. 86.

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## CHAPTER 93.

VOTE GRANTING £500 FOR A BATTERY AT GOVERNORS ISLAND.

WHEREAS it is apprehended to be necessary for His Majestys Service and the publick safety that two small Batteries and a Block house should be erected on the Island called Governours Island in Boston Harbour; and the cost of said Batteries & Block house, and inclosing with Pallasadoes a sufficient quantity of land, has been estimated at Five Hundred Pounds in Bills of the last Emission: In confidence therefore that the said Works shall be proportioned to said sum and that they be compleated without any further Grant of this Court;

Legislative  
Records of the  
Council,  
xvii. (4), 535.

Legislative  
Records of the  
Council,  
xvii. (4), 380,  
499, 532. House  
Journal, p. 103.

<sup>1</sup> "Bean," in the House Journal, p. 100.

<sup>2</sup> *Sic.*

*Voted* that the sum of Five Hundred Pounds in Bills of this Province, to be taken out of the next Supply of the Treasury and such Appropriation as shall be made for the Defence of the Province, be and hereby is granted to His most excellent Majesty for the purposes aforesaid, and for no other use whatsoever. [*Passed October 24.*]

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## CHAPTER 94.

### ORDER ALLOWING £7. 10 TO JOHN OVERING ESQ<sup>R</sup>.

Legislative  
Records of the  
Council,  
xvii. (4), 535.

House Journal,  
pp. 100, 103.  
*Ante*, p. 114,  
chap. 244; p. 225,  
chap. 234.

A PETITION of John Overing Esq<sup>r</sup> Shewing that he has served this Government as Attorney General for divers years past, that this Court have usually made him an Allowance out of the Province Treasury for his said Service; but he has had no Allowance for divers years, tho his business has increased; and therefore Praying for a further Allowance from this Court.

Read, and in answer hereto:

*Ordered* that the sum of Seven Pounds Ten Shillings be allowed and paid out of the publick Treasury to the Petitioner in full for his service as Attorney General of this Province to this time. [*Passed October 24.*]

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## CHAPTER 95.

### ORDER OF NOTICE ON THE READING PETITION IN REGARD TO BOUNDARY LINES.

Legislative  
Records of the  
Council,  
xvii. (4), 536.

House Journal,  
p. 103.  
Province  
Laws, xi., 138,  
chap. 12.

A PETITION of Thomas Eaton and Ebenezer Nichols a Committee for the town of Reading, shewing that in the Year 1726 the General Court set off Ten Families belonging to Malden to the said Town; that in the year 1729 the said Town of Malden ran their Line with Reading, but Malden have since that refused to run their Line with Reading, tho by reason of some new settlement made, Malden claims more than their due; and for as much as the Order pass'd in the year 1726 above mentioned, does not so clearly describe the Lines between Reading and Malden, and Reading and Stoneham; praying that this Court would pass an Order for explaining the same, that all controversies may be removed.

Read and

*Ordered* that the Petitioners serve the Towns of Malden and Stoneham with Copies of this Petition, that they shew cause if any they have, on the first Fryday of the next Sitting of this Court, why the prayer thereof should not be granted. [*Passed October 24.*]

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## CHAPTER 96.

### ORDER WITH STAY OF EXECUTION, UPON A CONDITION GRANTING HEN. VENNERS PETIT<sup>N</sup> TO ENTER AN APPEAL.

Legislative  
Records of the  
Council,  
xvii. (4), 538.

ON THE PETITION of Henry Venner, [*ante*, p. 382, chap. 51]

Read, together with the answer of John Jones, and the matter being fully considered:

*Ordered* that the prayer of the Petition be so far granted as that the Petitioner be allowed to enter his said Appeal at the next Superior Court to be holden at Boston in the County of Suffolk on the Second Tuesday of February next, and Execution is stayed in the mean time; and the Justices of the said Court are hereby impowered and directed to admit the same, with the proper pleas that the said Venner or his Attorney may make, to Issue; and the said Justices shall proceed by a Jury to a Trial of the Merits of said Action, and give Judgment and award Execution accordingly; any thing attending this affair to to<sup>1</sup> the contrary notwithstanding: Provided the said Venner shall first pay to the Plaintiff the lawful cost that has already arisen at the Superior Court, and also give sufficient security to the Sheriff of the County of Suffolk, to pay such sum as may be finally recovered of him at the suit within mentioned, with lawful Interest from this time. [*Passed October 24.*]

House Journal, p. 89.  
*Ante*, p. 382,  
chap. 51.

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## CHAPTER 97.

VOTE ALLOWING £100 FOR THE SCALP OF A CAPE SABLES OR ST JOHN'S INDIAN AND DEMANDING THEIR QUOTA OF MEN AS PER TREATY.

*Voted* that there be and hereby is granted to be paid out of the publick Treasury, to any Company, party, or person singly, of His Majestys Subjects, belonging or residing within this Province, who shall voluntarily and at their own proper cost and charge, go out and kill a male Indian of the age of twelve years or upwards of the Tribe of St Johns or Cape Sables, after this time and before the last day of June Anno Dom. 1745. or for such part of that Term as the war shall continue, in any place to the Eastward of a line to be fixed by His Excellency the Governor and His Majestys Council, somewhere to the Eastward of Penobscot, and produce his Scalp in evidence of his death, the sum of One Hundred Pounds, in Bills of Credit of this Province of the new Tenour, and the sum of One Hundred and Five Pounds in said Bills for any male of like age, who shall be taken captive and delivered to the Order of the Captain General, to be at the disposal and for the use of the Government. And the sum of Fifty Pounds in said Bills for Women and the like sum for Children under the age of Twelve years, killed in fight, and Fifty five Pounds for such when taken prisoners, and the plunder. Provided that no payment be made as aforesaid for killing or captivating any of said Indians, until proof thereof be made to the acceptance of the Governor and Council. And that the Captain General be desired forthwith to give notice to the several Tribes of the Eastern Indians who are still in amity with us, of the Boundary Line aforesaid, and that this Governm<sup>t</sup> have determined to treat as enemies all such Indians as live beyond it. And that he also be desired, as soon as may be, to demand of the said Eastern Tribes their Quota of men stipulated by Gov<sup>r</sup> Dummer's Treaty to join with ours in any War entered into by us with the other Tribes for their breach of the Articles of said Treaty. [*Passed October 25.*]

Legislative  
Records of the  
Council,  
xvii. (4), 539.

Mass.  
Archives,  
xxix., 230-249.  
House Journal,  
pp. 106, 107.  
Province  
Laws, iii., 218,  
note.

<sup>1</sup> *Sic.*

## CHAPTER 98.

## VOTE FOR SENDING A FLAG OF TRUCE TO LOUISBOURGH.

Legislative  
Records of the  
Council,  
xvii. (4), 541.

Mass.  
Archives,  
lxxii, 701.  
Legislative  
Records of the  
Council,  
xvii. (4), 511,  
514, 518, 527.  
House Jour-  
nal, pp. 105, 106.

WHEREAS Cpt. Joshua Loring and company, who were lately taken by a French man of War, in their cruise against His Majestys enemies, are now Prisoners at Cape Breton, and in all probability will be in distressing circumstances for want of the necessaries of life should they remain there until the next Spring:

Therefore

*Voted* that His Excellency the Governor be desired to order that a Flag of Truce be sent as soon as may be to the Governor of Cape Breton for said Loring and such of his company as belong to this Province, and any other prisoners there belonging to the Province, with necessary Provisions for their subsistence on their voyage hither, and to use his interest for their release; the charge of the Flag of Truce and Provisions to be paid out of the publick Treasury, except such part as shall be paid by the Gov<sup>r</sup> of Cape Breton, according to the terms stipulated for the exchange of Prisoners between His Excellency and the said Governor. [*Passed October 25.*]

## CHAPTER 99.

## ORDER ON THE PETITION OF CALEB BLACKWELL &amp; OTHERS OF ROCHESTER.

Legislative  
Records of the  
Council,  
xvii. (4), 541.

A PETITION of Caleb Blackwell and others, for themselves and other Inhabitants of the first Precinct in Rochester, shewing that they are set off by a Vote of the said Precinct as a distinct Society for the Worship of God; praying that this Court would exempt them from the charge of the Ministry in the first Precinct, and others that shall join with them, or otherwise order that the publick Worship of God may be supported among the Petitioners and those that shall join with them.

Read, and in answer to this Petition:

*Ordered* that the Petitioners mentioned in the Petition to be voted off, be and hereby are impowered to draw out of the first Precinct Treasury in Rochester so much as they are assessed to pay anually towards the said Precinct Tax, so long as they shall procure and continue to have Preaching among them, and the said first Precinct be and hereby are impowered to assess the Inhabitants so much as that when the said Petitioners have drawn out of said Treasury what they shall be assessed, the remainder shall be sufficient to defray said Parish charge.<sup>1</sup> [*Passed October 25.*]

<sup>1</sup> Not found in the House Journal.



## CHAPTER 100.

### ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO JOHN SMEAD.

A PLAT of Two Hundred Acres of Land laid out [by] Seth Field Survey<sup>r</sup> and Chain men on Oath, to satisfy a Grant made by the General Court to John Smead, beginning at a Maple Tree and Stones at the South East Corner of Roxbury Canada Township Number Two in the West line of Paquoig Township, running South one mile on Paquoig Line to a stake & stones; then West thro' Country Land one hundred rods to a Red Oak Tree and heap of Stones; then North one mile to the South Line of Roxbury Canada Township to a Stake and Stones; then East to the place where it began.

Read and

*Ordered* that the within Plat be accepted and the Lands therein delineated and described be and hereby are confirmed to the within mentioned John Smead his Heirs and Assigns for ever; Provided the Plat exceeds not the quantity of the Grant & does not interfere with any former Grant. [*Passed October 25.*]

Legislative  
Records of the  
Council,  
xvii. (4), 542.

House Jour-  
nal, p. 105.  
*Ante*, p. 252,  
chap. 33.

## CHAPTER 101.

### ORDER ABOUT GUN POWDER.

*Ordered* that the Committee for purchasing Gun Powder be im-  
powered to lay out the several sums ordered into their hands, in  
procuring the same in such manner as they shall apprehend most  
for the advantage of the Province. [*Passed October 26.*]

Legislative  
Records of the  
Council,  
xvii. (4), 544.

Legislative  
Records of the  
Council,  
xvii. (4), 384.  
House Jour-  
nal, pp. 11, 107.  
*Ante*, p. 387,  
chap. 64.

## CHAPTER 102.

### VOTE APPOINTING A COMMITTEE TO PROVIDE FOR THE BATTERY AT GOVERNORS ISLAND.

In the House of Represent<sup>ves</sup>;

*Voted* that M<sup>r</sup> Prout, M<sup>r</sup> Hutchinson and M<sup>r</sup> Oliver, with such  
as the Hon<sup>ble</sup> Board shall join, be a Committee to procure proper  
Work men and Materials on the most reasonable terms, for erecting  
the Batteries and Block house on Governors Island, agreeable to the  
provision which this Court have made therefor.

In Council; Read and Concur'd, & John Jeffries, and John<sup>1</sup> Watts  
Esq<sup>rs</sup> are joined in the affair. [*Passed October 26.*]

Legislative  
Records of the  
Council,  
xvii. (4), 544.

House Jour-  
nal, p. 107.  
*Ante*, p. 397,  
chap. 93.

<sup>1</sup> "Samuel," in the Legislative list, *ante*, p. 361.

## CHAPTER 103.

## ORDER REFERRING THE REPORT ABOUT THE INDIAN TRADE.

Legislative  
Records of the  
Council,  
xvii. (4), 544.

A REPORT given in by Jacob Wendell Esq<sup>r</sup> from the Committee of both Houses on the affair of Indian Trade.

Read &

Legislative  
Records of the  
Council,  
xvii. (4), 524.  
House Jour-  
nal, p. 103.

*Ordered* that the consideration of this Report be refer'd to the next Session of this Court; at which time the Committee are allowed further to report; and that in the mean time the Schedle annexed<sup>1</sup> be a direction to the Truck Masters, who are hereby Ordered to conform themselves accordingly. [*Passed October 26.*]

## CHAPTER 104.

## ORDER IMPOWERING THE INHABITANTS OF THE WEST PRECINCT IN WOODSTOCK TO TAX LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 546.

ON THE PETITION of the West Precinct in Woodstock [*ante*, p. 369, chap. 15]

Read and

House Jour-  
nal, p. 99.  
*Ante*, p. 369,  
chap. 15.

*Ordered* that the prayer of the Petition be so far granted, as that the Petitioners be and hereby are authorized and impowered to tax all the unimproved Land as well of the Petitioners as the Non Residents, within the South Half of said Precinct, and all the Lands lying one mile Northward of the Centre of said Precinct Line, for the space of two years, at five farthings per Acre, to be improved for the purposes mentioned in the Petition. [*Passed October 26.*]

## CHAPTER 105.

ORDER ALLOWING THE CO. TREASURER OF PLYMOUTH HIS ACC<sup>t</sup>.

Legislative  
Records of the  
Council,  
xvii. (4), 546.

AN ACCOMPT presented by M<sup>r</sup> Thomas Foster, Treasurer of the County of Plymouth for the year 1743; Having been laid before the Court of General Sessions of the Peace for said County, and by them allowed:

Read and

House Jour-  
nal, pp. 47, 96.

*Ordered* that the within Accompt be allowed, and the Ballance, being Twenty Six Pounds, seven shillings and three pence lawful money, the said Treasurer is further accountable to said County for. [*Passed October 26.*]

<sup>1</sup> The House Journal, p. 103, reads: "the Schedule presented by the Commissary;" which has not been found.

## CHAPTER 106.

## ORDER ALLOWING THE CO. TREASURER OF ESSEX HIS ACCT.

AN ACCOMPT presented by Daniel Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the year 1743 Having been laid before the Court of General Sessions of the Peace for said County, and by them allowed.

Legislative  
Records of the  
Council,  
xvii. (4), 546.

Read and

*Ordered* that the within Accompt be allowed, and that the Treasurer of the County of Essex stands chargeable with the sum of Thirty Pounds, nine shillings and one peny old Tenor, and also with the sum of Thirty four Pounds four shillings and nine pence, Ballance of the County Treasurers Accompts for the year 1739; in the whole Sixty four Pounds thirteen shillings and ten pence, for which the said Treasurer stands accountable to the said County for. [*Passed October 26.*]

House Jour-  
nal, pp. 47, 96.  
Province  
Laws, xii., 602,  
chap. 78.

## CHAPTER 107.

## ORDER ERECTING THE NORTHERLY PART OF WESTBORO INTO A SEPARATE PRECINCT.

SAMUEL WATTS ESQ<sup>r</sup> from the Committee on the Petition of the Inhabitants of the Northerly part of Westborough, gave in their Report.

Legislative  
Records of the  
Council,  
xvii. (4), 547.

Which was Not Accepted by the Court; but the following Order was pass'd on the said Petition, viz<sup>t</sup>

Legislative  
Records of the  
Council,  
xvii. (4), 478.  
*Ante*, p. 325,  
chap. 225.

*Ordered* that the Petitioners and others included in the Bounds described in said Petition with their Estates be and hereby are erected into a distinct and separate Precinct, and that they be vested with all such Privileges as other Precincts in this Province do or by Law ought to enjoy: Provided Security be given for the payment of One Hundred Pounds lawful money, Settlement, and Fifty Pounds like money, Salary, per Annum, to the Rev<sup>d</sup> M<sup>r</sup> Ebenezer Parkman, to be paid by the Petitioners and others included in the aforesaid Lines, if said Parkman agrees to settle with them or otherwise, Provided Security be given for the payment of Twelve Pounds ten shillings like money, by the Petitioners within six months, if the said Parkman chuses to continue in the South Part.<sup>1</sup> [*Passed October 26.*<sup>2</sup>]

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> Adjourned to November 28. See Legislative Records of the Council, xix., 548.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-EIGHTH DAY OF NOVEMBER, A.D.  
1744.

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## CHAPTER 108.

ORDER ACCEPTING THE TREAS<sup>RS</sup> ACC<sup>T</sup> OF INDIAN TRADE.

Legislative  
Records of the  
Council,  
xvii. (4), 563.  
House Jour-  
nal, p. 24.

AN ACCOMPT presented by William Foye Esq<sup>r</sup> of the manage-  
ment of the Truck Trade with the Indians from June 1742 to  
May 1743, ballance whereof due to the Province is £11,452. 4. 6  
in Bills of the old Tenor.

Read and

*Ordered* that the within Accompt be allowed, the Ballance thereof,  
being Eleven Thousand Four Hundred and Fifty Two Pounds four  
shillings and six pence, old Tenor, which sum the Officer for man-  
aging the Indian Truck trade is further accountable for. [*Passed*  
*December 6.*]

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## CHAPTER 109.

ORDER OF NOTICE ON THE SURVEY OF SHEFFIELD BOUNDS.

Legislative  
Records of the  
Council,  
xvii. (4), 568.

House Jour-  
nal, p. 120.  
*Ante*, p. 368,  
chap. 11.

ON THE RETURN made by John Hurston Survey<sup>r</sup> of running the  
Lines between the Town of Sheffield and the Towns called Number  
One, and Number Two, [*ante*, p. 368, chap. 11]

Read with the Answer of the Proprietors of the Township Num-  
ber One, &

*Ordered* that the consideration hereof be refer'd to the first Tues-  
day of the next Sitting of the Court. [*Passed December 8.*]

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## CHAPTER 110.

ORDER ON HAVERHILL PETITION ABOUT BUILDING BRIDGES.

Legislative  
Records of the  
Council,  
xvii. (4), 568.

House Jour-  
nal, pp. 114, 122.  
*Ante*, p. 369,  
chap. 14.

A PETITION of Philip Hasselton & others in behalf of the Town of  
Haverhill, Shewing that whereas this Court were pleased in Answer  
to their former Petition to give leave to the said Town to sell a piece  
of Parsonage Land, the product to be laid out in other lands for the  
same use, the Town find it necessary to lay out some part of the said  
money in building two Bridges on & adjoining to the Parsonage Land  
to accommodate the House Lots its laid to, which will make it sell

for near twice the sum; and therefore praying that they may lay [out] about One Hundred Pounds new Tenor for said Bridges.

Read, and in answer hereto,

*Ordered* that One Hundred Pounds in Bills of the last Emission (of the moneys the Land sells for) or so much thereof as shall be necessary for that service, be applied for building the Bridges herein mentioned; the Town of Haverhill to be at all the charge that hereafter may arise in rebuilding or repairing said Bridges. [*Passed December 8.*]

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## CHAPTER 111.

### ORDER IMPOWERING JAMES THOMAS, INDIAN, TO SELL AN ESTATE.

A PETITION of James Thomas of Tetticut, Indian, shewing that he stands seized of a parcel of Land in said place of the quantity of about sixty acres, in his deed, whereof there is a Reserve of the West side of said land to Mary Movet and her Daughter, that since the making of the said deed, the Petitioner has given Bond to maintain the said Mary, who is his Aunt and very old and infirm, and has cost the Petitioner for Doctors and other things near fifty Pounds, who is thereby and thro' the charge of maintaining his aged father fallen into debt near One Hundred and Fifty Pounds old Tenor, which he cannot pay without selling the said Land; Therefore praying that he may be impowered by this Court to sell the said Land under the Reservation before mentioned for the payment of his lawful Debts.

Legislative  
Records of the  
Council,  
xvii. (4), 569.

House Journal,  
pp. 83, 122.

In the House of Represent<sup>ves</sup>; Read and

*Ordered* that M<sup>r</sup> Tupper and M<sup>r</sup> Clap, with such as the Hon<sup>ble</sup> Board shall join, be a Committee to examine into and adjust the debts of the Petitioner and that he be allowed and impowered (upon the adjustment thereof) with the Assistance of the said Committee to sell the whole of the Estate within mentioned; or so much thereof as shall be sufficient to pay his just Debts; and that the Committee take effectual care, that the Petitioner be obliged to provide for the maintenance of Mary Movet his Aunt, who gave him the Land mentioned.

In Council; Read and Concur'd & John Cushing Esq<sup>r</sup> is joined in the Affair. [*Passed December 10.*]

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## CHAPTER 112.

### ORDER GRANTING SAM<sup>l</sup> RIDER A LICENCE TO KEEP AN INN.

A PETITION of Samuel Rider of Province Town, Shewing that there is now no Tavern in the said Town by reason of the removal of Cpt. William Roach, who kept a Tavern there for some years past; and therefore praying that the Petitioner (who has the approbation of the Select Men of the said Town as they have herewith signified) may be licenced to keep a Tavern in Province Town aforesaid.

Legislative  
Records of the  
Council,  
xvii. (4), 574.

House Journal,  
p. 133.  
Province  
Laws, iii., 18,  
chap. 6.

Read, and in answer hereto;

*Ordered* that the Justices of the General Sessions of the Peace

for the County of Barnstable be allowed and impowered (if they see meet) at their next Term to grant the Petitioner a Licence, the time for granting Licences being elapsed notwithstanding. [*Passed December 14.*]

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## CHAPTER 113.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF MOSES CURTIS &<sup>c</sup> TO BE ANNEXED TO NORTH PRECINCT IN BRIDGEWATER.

Legislative  
Records of the  
Council,  
xvii. (4), 575.

House Journal, p. 135.  
*Ante*, p. 321,  
chap. 210;  
p. 396, chap. 88.

THE COMMITTEE to whom was refer'd the Petitions of the North Precinct in Bridgwater, and Moses Curtis and others, Inhabitants of Stoughton, have repaired to the Towns of Bridgwater and Stoughton and have viewed the situation and circumstances of the Petitioners and heard the Pleas & Allegations of all persons concerned, Do Report as our Opinion that Cpt. Moses Curtis, William Curtis, Edward Curtis, Theophilus Curtis, Ashley Curtis, Nathaniel Hammond, Joseph Richards, Dependence French and William Nightingale, inhabitants of Stoughton, together with their Estates in the said Precinct in Stoughton, be annexed to the North or fourth Precinct in Bridgwater to do duty and enjoy Privileges there.

All which is humbly submitted.

Per Order                      GEO: LEONARD.

Read and Accepted and

*Ordered* that the Persons in the above Report mentioned, together with their Estates in the Third Precinct in Stoughton be and they hereby are set to the North or Fourth Precinct in Bridgwater accordingly, there to do Duty and enjoy Privileges. [*Passed December 14.*]

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## CHAPTER 114.

ORDER IMPOWERING DAN<sup>l</sup> BODWELL TO SURVEY AND LAY OUT 40 ACRES OF LAND.

Legislative  
Records of the  
Council,  
xvii. (4), 576.

House Journal, pp. 130, 133.  
Province  
Laws, xii., 302,  
chap. 94.

A PETITION of Daniel Bodwell of Methuen, shewing that whereas this Court were pleased to grant unto Joseph Varnham Esq<sup>r</sup> in consideration of his services against the Indian Enemy, a certain piece of land lying in the Town of Methuen, containing about forty Acres, the Petitioner purchased the said Land of him; since which time it appears that the whole of the said Forty acres is comprized in a Grant formerly made and confirmed to John Higginson Esq<sup>r</sup> now dec<sup>d</sup> And therefore praying that the said forty acres or equivalent in value may be laid out in some other (unappropriated) land, to the Petitioner.

Read and

*Ordered* that the prayer of the Petition be granted, and that the Petitioner have liberty by a Surveyor & Chain men on Oath, to lay out a tract of Forty acres of the unappropriated land of the Province, and return a Plat thereof to this Court within twelve months for confirmation, instead of the lands mentioned in the Petition granted by this Court Anno 1736 to Joseph Varnham Esq<sup>r</sup>. [*Passed December 14.*]

## CHAPTER 115.

ORDER ALLOWING £4. 10 TO JOS. RICHARDS ESQ<sup>r</sup>.

A PETITION of Joseph Richards Esq<sup>r</sup> one of His Majestys Justices of the Peace for the County of Suffolk, praying for some consideration from this Court for his expence and trouble in pursuing and detecting divers persons that were concerned in counterfeiting Bills of Credit.

Read and

*Ordered* that there be paid out of the publick Treasury to the Memorialist, Four Pounds ten shillings, Bills of the last Emission, in full discharge for the services above mentioned, and for the Officers Fees & Expences in said affair. [*Passed December 14.*]

Legislative  
Records of the  
Council,  
xvii. (4), 576.  
House Jour-  
nal, pp. 121, 131.

## CHAPTER 116.

ORDER OF NOTICE ON THE PETITION OF WOODWARD AND HASSEY  
IN REGARD TO A REVIEW OF A CAUSE.

A PETITION of John Woodward and Nathaniel Hassey both of Sudbury, shewing that at the Superior Court of Judicature held at Boston for the County of Suffolk in February 1742 John Henderson of Boston merch<sup>t</sup> recovered Judgment against them by Default (on their Bond to him) for £186. 16. 7½ debt, which was an evident mistake of the Clerk of the Inferior Court, and is more by £51. 2. 10 than it ought to be. And whereas the said Henderson refuses to rectify the said mistake, but takes the advantage of it; therefore praying that this Court would grant them a Review of the said Cause either in the Inferior or Superior Court.

Read and

*Ordered* that the Petitioners serve the adverse party the said John Henderson with a Copy of this Petition, that he shew cause, if any he hath, on Fryday the fourth of January next, why the prayer thereof should not be granted. [*Passed December 14.*]

Legislative  
Records of the  
Council,  
xvii. (4), 577.  
House Jour-  
nal, p. 134.

## CHAPTER 117.

## ORDER ALLOWING £3 PER ANNUM FOR FIVE YEARS TO ELEA. DAVIS.

A PETITION of Eleazar Davis, shewing that for divers years past he has been allowed by this Court a pension of Twelve Pounds old Tenor per annum, in consideration of the wounds he received in the Fight against the Indians under Cpt Lovewell at Pigwacket; and for as much as the time limited for the said Pension is expired, therefore praying that he may still enjoy the benefit of the said Pension.

Read and

*Ordered* that the Petitioner be allowed to be paid out of the publick Treasury the sum of Three Pounds per Annum in Bills of the last Emission for the space of five years next ensuing; provided the Petitioner lives that term. [*Passed December 14.*]

Legislative  
Records of the  
Council,  
xvii. (4), 577.  
House Jour-  
nal, pp. 130, 134.  
Province  
Laws, xii., 486,  
chap. 21.

## CHAPTER 118.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF THE SO. PRECINCT IN PLIMPTON TO SET ASIDE A DECREE OF THE SUPERIOUR COURT.

Legislative  
Records of the  
Council,  
xvii. (4), 579,  
580.

House Journal,  
pp. 123, 136.

A PETITION of Nathaniel Atwood and Joseph Bridgham Agents for the South Precinct in the Town of Plimpton in the County of Plymouth; shewing that the Court of General Sessions of the Peace for the said County held at Plymouth in May last, upon the complaint of Mr Othniel Campbell against the said Precinct for withholding his Salary from him as their Minister, were pleased to order that the said Precinct should pay Mr Campbel his salary at £185 old Tenor per Annum from the 13<sup>th</sup> of June 1742 to the 26<sup>th</sup> of December 1743; from which Judgment he appealed to the Court of Assize, who gave cognizance thereof and pass'd Judgment thereon; which the Petitioners apprehend is not agreeable to Law, and that the Judgment of the Sessions ought to be final; and therefore Praying for relief from this Court in such manner as they judge fit.

The Committee to whom the foregoing Petition was refer'd have attended the Service, and are humbly of Opinion that the Sessions have not pursued the true Intent of the Law in allowing an Appeal in this Case, where the Determination ought to be final; and that the Superior Court ought not to have sustained the Appeal; and therefore all Proceedings had before the said Superior Court be superseded and set aside; and the Order of Sessions appealed from be and remain in full force. And that a Bill be brought in for preventing such Appeals for the future. All which is humbly submitted.

THO: BERRY, per Order.

In Council; Read and

*Ordered* that this Report be Accepted, and that the Proceedings of the Superior Court in the affair referred to in said Report, be and they hereby are set set<sup>1</sup> aside. And further

*Ordered* that Thomas Berry and Samuel Danforth Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House shall join, be a Committee to prepare a Bill to prevent such Appeals for the future.

In the House of Represent<sup>ves</sup>; Read & Concur'd, and Major Appleton, Cpt. Lawrence and Major Curtis are joined in the affair. [*Passed December 15.*]

## CHAPTER 119.

ORDER IMPOWERING EDM<sup>d</sup> & JOS<sup>u</sup> QUINCY TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (4), 581.

House Journal,  
p. 137.

A PETITION of Edmund and Josiah Quincy; Shewing at the Inferior Court of Common Pleas held in October 1743 Mess<sup>rs</sup> Smith and Newman recovered Judgment against them for money goods and effects in their hands, of Judah Israel, late of the City of New York, to the value of Eighty Three pounds and nine pence farthing lawful money &c, damage and costs, & thereupon sued out Execution and got nothing, and afterwards took out a Writ of Scire facias against the Petitioners returnable in October last, to shew cause why

<sup>1</sup> *Sic.*



Execution should not go out against their Bodies and Estates; that a Trial was had on the said Writ, though neither of the Petitioners knew any thing of it, the one being out of the Province, and altho a Copy of the Writ was left at the House of the Petitioner, yet it came not to his knowledge till after the Court, and therefore Judgment went against the Petitioners by default; praying that they may be enabled to bring their Writ of Review of the said Judgment and upon their Oath to shew what effects they have of the said Judah Israel in their hands, that the said Smith and Newman may recover that only according to Law.

To the granting of which Prayer the adverse parties signified their Consent in writing

Read and

*Ordered* that the Prayer of the Petition be granted, and that the Petitioners be and hereby are enabled to bring their Writ of Review of the Judgment within mentioned at the next Inferior Court of Common Pleas, to be holden for and within the County of Suffolk, they to attend the directions of the law in such cases provided; & the Justices of the said Court are hereby impowered to hear and determine thereupon; the Default herein mentioned notwithstanding. [*Passed December 15.*]

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## CHAPTER 120.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PET<sup>n</sup> OF DIVERS INHABITANTS OF MEDWAY.

THE COMMITTEE to whom was refer'd the Petition of Henry Morse and others, as also the Petition of James Clark and others, all of them Inhabitants of the Town of Medway, having perused the papers and inquired into the circumstances of said Town, whereby it appears to us that the Petitioners are not able to take upon them the burthen of a separate Precinct, as they pray for; but are humbly of Opinion that in as much as the said Town refuses to move the Meeting house into the Center of the said Town for the ease of the Petitioners according to their Vote Decem<sup>r</sup> 14 A. D. 1743, that the Petitioners receive out of the Town Treasury of said Town, Thirty Pounds per annum old Tenor; Provided that they maintain preaching in some convenient place nigh to the School house in the Westerly part of said Town, four months in the year, for the convenience of themselves and families.

All which is humbly submitted.

per SAM<sup>l</sup> WALDO,<sup>1</sup> per Order.

Read & accepted &

*Ordered* that the Petitioners above Mentioned be and hereby are Entitled to Receive out of the Treasury of the Town of Medway thirty Pounds old Tenor p<sup>o</sup> Annum Provided S<sup>d</sup> Petitioners Maintain Preaching in Some Convenient Place Nigh y<sup>e</sup> School-House in the Westerly Part of S<sup>d</sup> Town four Months in a Year for the Convenience of themselves and families. [*Passed December 17.*<sup>2</sup>]

<sup>1</sup> Samuel Watts was the chairman of the committee.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 15.

Legislative  
Records of the  
Council,  
xvii. (4), 583.  
Mass.  
Archives, cxv.,  
266.

Legislative  
Records of the  
Council,  
xvii. (4), 581.  
House Jour-  
nal, pp. 132, 136.  
*Ante*, p. 293,  
chap. 137;  
p. 394, chap. 84.

## CHAPTER 121.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE AB<sup>T</sup> THE MEETING HOUSE IN WEST GROTON.

Legislative  
Records of the  
Council,  
xvii. (4), 585.

House Jour-  
nal, p. 135.  
*Ante*, p. 338,  
chap. 82.

THE COMMITTEE appointed the 13<sup>th</sup> of October last on the petition of Josiah Parker and others of the West Precinct in Groton, have attended that service, viewed the said Precinct, heard all parties fully, and considered the situation and circumstances of the present Inhabitants, and are humbly of Opinion that it will be for the Interest of the Precinct, if the Meeting House for said Precinct be erected two hundred and twenty rods from the house of Nath<sup>l</sup> Bowers in said Precinct, running the same on the Two Mile, so called, and from thence Northward about sixteen rods, near a Pitch Pine Tree without a top, marked on four sides; which Tree is on the Westward of the Valley that runs near Cpt. Tarbells field as now fenced in. All which is humbly submitted.

THO: BERRY per Order.

Read and Accepted and

*Ordered*, that the Meeting House be erected as in this Report; and it is further

*Ordered* that the charge of the Committee amounting to Forty Pounds, Eight shillings and six pence old Tenor be paid by the said Precinct. [*Passed December 17.*]

## CHAPTER 122.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JN<sup>O</sup> GODDARD & OTHERS TO DECLARE AN EXECUTION VOID.

Legislative  
Records of the  
Council,  
xvii. (4), 588.

House Jour-  
nal, p. 134.

A PETITION of John Goddard of Roxbury in the County of Suffolk, shewing that he together with Elijah Vinall and Jonathan Payson, became bound to Martha Allen of Boston, jointly and severally, for the payment of Twenty Five Pounds, that the said Martha obtained two several Judgments for the whole debt against the Petitioner and the said Payson, and two several Executions were issued accordingly, that the said Payson has fully satisfied that issued against him, & yet the Sheriff insists upon the Petitioners paying off the other Execution, which will make a double payment; Praying that this Court would declare the last mentioned Execution void, or grant him some other relief.

Read and

*Ordered* that the Petitioners serve the adverse party, Martha Allen, with a Copy of this Petition that [she]<sup>1</sup> shew cause if any she hath on the Twenty Sixth enrrant<sup>2</sup> why the prayer thereof should not be granted, and Execution within mentioned is stayed in the mean time. [*Passed December 18.*]

<sup>1</sup> Inserted from the House Journal, p. 134.

<sup>2</sup> The House Journal, p. 134, reads, "Tuesday next."

## CHAPTER 123.

## ORDER IMPOWERING JAC. CHALCOM, INDIAN, TO SELL LAND TO PAY DEBTS.

A PETITION of Jacob Chalcom of Natick, Indian, praying for liberty from this Court to sell Thirty six acres of land, lying seven miles distant from his homestead, for payment of a Debt of Eighty pounds old Tenour, contracted by him in the purchase of the real estate of his Wifes Father now dec<sup>d</sup> he being otherwise unable to pay said Debt.

Legislative  
Records of the  
Council,  
xvii. (4), 588.  
House Jour-  
nal, p. 121.

Read and

*Ordered* that the prayer of the Petition be granted, and the Petitioner is allowed and impowered (with the advice and assistance of Col. Richards) to sell the Land for the purposes above mentioned. [*Passed December 18.*]

## CHAPTER 124.

ORDER IMPOWERING JN<sup>o</sup> EPHRAIM, INDIAN, TO SELL LAND TO PAY DEBTS.

A PETITION of John Ephraim of Natick Indian Planting,<sup>1</sup> praying for liberty from this Court, to sell thirty five Acres of his Out Land, to pay his debts contracted in the building a Dwelling house and Barn, and to enable him to purchase utensils, and to purchase Land near him.

Legislative  
Records of the  
Council,  
xvii. (4), 589.  
House Jour-  
nal, p. 121.

Read and

*Ordered* that the prayer of the Petition be granted, and the Petitioner is allowed and impowered, (with the Advice and Assistance of Major Jones) to sell the said Land for the purposes above mentioned. [*Passed December 18.*]

## CHAPTER 125.

## VOTE FOR TRANSFERRING APPROPRIATIONS.

*Voted* that the Treasurer of the Province be and hereby is directed to transfer the Remainder of any Appropriations of the same Denominations respectively in the last Supply of the Treasury; and that the Treasurer pay out the Bills of the last Emission as they may be brought in by Taxes in order to discharge such Warrants or Orders as may be payable out of said Appropriations. [*Passed December 19.*]

Legislative  
Records of the  
Council,  
xvii. (4), 591.  
House Jour-  
nal, pp. 135, 140.

<sup>1</sup> *Sic*, it seems, for "planter."

## CHAPTER 126.

## RESOLVE FOR PREACHING TO THE PRISONERS IN BOSTON GOAL.

Legislative  
Records of the  
Council,  
xvii. (4), 591.

Legislative  
Records of the  
Council,  
xvii. (4), 558.  
House Jour-  
nal, p. 142.

IN THE HOUSE OF REPRESENTATIVES; Whereas it is apprehended very expedient that the Prisoners that now are or that hereafter may be confined in His Majestys Goal in Boston in the County of Suffolk, who are generally numerous, should have the Word of God preached to them as often as may be; and in as much as there is a considerable number of Ministers belonging to said Town, and that it is frequent for other Gentlemen in the Ministry to tarry in Boston on the Lord's Day, by whom the Word may be dispensed to said Prisoners without any inconvenience to their respective Churches or Congregations;

Wherefore

*Resolved* that it be earnestly recommended to the Ministers of the said Town of Boston, either by themselves or by such other Ministers as may from time to time be in town on the Lord's Day, by turns to preach to such Prisoners in such part of said Goal as is best accommodated to that purpose, once at least every Lords Day; and the Keeper of the said Goal is hereby required to assist this design by bringing the Prisoners within hearing as far as he may with safety; and the Members of the Town of Boston with such as the Hon<sup>ble</sup> Board shall join, are directed to wait on the Rev<sup>d</sup> Ministers in said Town and acquaint them with this Resolution.

In Council; Read and Concur'd, & John Osborne and John Jeffries Esq<sup>r</sup> are joined with the Members for the purpose above mentioned.  
[*Passed December 19.*]

## CHAPTER 127.

Legislative  
Records of the  
Council,  
xvii. (4), 592.

Legislative  
Records of the  
Council,  
xvii. (4),  
586 bis. House  
Journal,  
pp. 117, 140.

## VOTE RESPECTING THE PAY AND SUBSISTENCE OF THE OFFICERS AND SAILORS OF THE PROVINCE SNOW.

*Voted* that Pay and Subsistence be allowed from this time to the Captain, Lieutenant, Boatswain, Gunner, and two Sailors only, on board the Province Snow, till the further Order of this Court.  
[*Passed December 19.*]

## CHAPTER 128.

## ORDER OF NOTICE ON THE PETITION OF ARENT VAN DYKE FOR A NEW TRIAL OF A CAUSE.

Legislative  
Records of the  
Council,  
xvii. (4), 592.  
House Jour-  
nal, pp. 139, 140.

A PETITION of Arent Van Dyke of Kender Hook in the Province of New York, shewing that at the Inferior Court of Common Pleas held at Springfield for the County of Hampshire in August last, Benjamin Stebbins brought an Action against him, recovered Judgement and served the Execution he took out, upon some lands the Petitioner has at Sheffield, but by reason of the Petitioners Attorney taking a Power of Attorney from the said Stebbins also, and the Copy of the Writ being served upon his said Attorney, no body

appeared for him, but the cause was tried, Judgment went against him by Default, and Execution was levied upon his land in Sheffield without his knowledge; And therefore praying that the said Trial may be set aside, and that he may have a new Trial at the Term in May next.

Read and

*Ordered* that the Petitioner, serve the adverse party Benjamin Stebbins Jun<sup>r</sup> with a Copy of this Petition, that he shew cause if any he hath, on the first Fryday of the next Session of this Court, why the prayer thereof should not be granted. [*Passed December 19.*]

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## CHAPTER 129.

ORDER ALLOWING 30/ TO AARON KING FOR BURNT BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (4), 595.

*Ordered* that the Treasurer of the Province deliver to Aaron King of Westfield or Order, Thirty Shillings in Bills of the last Emission, in consideration of that sum consumed by fire. [*Passed December 20.*]

House Jour-  
nal, p. 135.

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## CHAPTER 130.

ORDER DIRECTING THE APPOINTMENT OF COMMISSIONERS ON THE CLAIMS AGAINST THE ESTATE OF PETER BLIN.

A PETITION of Jacob Wendell Esq<sup>r</sup> & others, Creditors of the Estate of Peter Blyn dec<sup>d</sup> Shewing that the Estate being represented Insolvent, the Judge of Probate for the County of Suffolk appointed three Commissioners to examine the Creditors claims; who had agreed upon their Report, which was drawn up, but before it was signed, one of them went beyond Sea and an other of them died, and the time allowed by Law for examining claims is now expired; and therefore praying that the said Judge of Probate may be impowered to allow further time, and to add one more Commissioner in the room of him that is deceased.

Legislative  
Records of the  
Council,  
xvii. (4), 596.

House Jour-  
nal, p. 146.

Read and

*Ordered* that the prayer of the Petition be so far granted as that the Judge of the Probate of Wills for the County of Suffolk be impowered and directed to add some suitable person to the surviving Commissioners for examining the claims of the Creditors to the Estate of Peter Blin dec<sup>d</sup> in the room of Rowland Houghton dec<sup>d</sup> and to allow the said Commissioners two or three months further, as he shall judge necessary, for examining the said Claims, and giving in their Report thereon, that so the Deceaseds Estate may be proportioned among the Creditors without delay. [*Passed December 20.*]

## CHAPTER 131.

## ORDER IMPOWERING JOHN WRIGHT TO FILE A COMPLAINT.

Legislative  
Records of the  
Council,  
xvii. (4), 596.

House Jour-  
nal, p. 145.  
*Ante*, p. 286,  
chap. 113.

A MEMORIAL of John Wright, of Andover, shewing that upon his petition to this Court in September last, an Order pass'd the two Houses, for granting the said Petition, but did not pass the whole Court; praying the said Petition and the Order thereon may be revived.

Read and

*Ordered* that the prayer of the Memorial be granted, and that the Memorialist be and hereby is allowed and impowered to file his complaint at the next Superior Court to be holden for the County of Essex, the Memorialist notifying the adverse party Nathaniel Plummer with a Copy of this Memorial and Order, fourteen days at least before the Sitting of the said Court. [*Passed December 20.*]

## CHAPTER 132.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF THE TREASURER OF HARVARD COLLEGE REFER<sup>d</sup> TO THE LINE BETWEEN HOPKINTON & HOLLISTON.

Legislative  
Records of the  
Council,  
xvii. (4), 598.

House Jour-  
nal, pp. 147, 148.  
*Ante*, p. 107,  
chap. 227.

A PETITION of Edward Hutchinson Esq<sup>r</sup> Treasurer of Harvard College, Shewing that upon his former Petition a Committee was appointed to run the Dividing Line between the Towns of Holliston and Hopkinton; which they did accordingly and made Report to this Court; since which the Affair has been further committed, and the Lines of certain lands purchased by the Town of Sherburn of the Indians have been also run and Return thereof made to this Court; and therefore praying that the Report first mentioned may be considered and accepted.

Read, and in answer to this Petition;

*Ordered* that the Report of the Committee appointed on the eleventh of July 1741 in said Petition mentioned be Accepted, and that the Lines running through Parkers Farm (so called) and else where, as set forth and described in the said Report be settled and established as the Boundary Lines betwixt the Towns of Hopkinton and Holliston; Provided no private property be thereby altered or affected; the Charge of the Committee to be born by the Treasurer of Harvard College and the Town of Holliston in equal proportions. [*Passed December 22.*]

## CHAPTER 133.

ORDER IMPOWERING SAM<sup>l</sup> CURTIS, GUARDIAN, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council,  
xvii. (4), 599.

House Jour-  
nal, pp. 136, 137.

A PETITION of Samuel Curtiss, Guardian to his sister Sarah Curtiss (a person Non Compos) Shewing that her Debts amount to much more than her personal estate; and therefore praying that he may be impowered to sell a small quantity of land belonging to her, which is apprizd at no more than Forty eight pounds ten shillings old Tenor.

Read and

*Ordered* that the prayer of the Petition be granted, and that the Petitioner Samuel Curtiss in his capacity within mentioned be and hereby is impowered to sell the real Estate within mentioned to such Person or Persons as will give most for the same, and to execute in due form of law a good Deed or Deeds for the Conveyance thereof; the Petitioner to be accountable to the Judge of Probate for the County of Plymouth for the produce of the Premisses. [*Passed December 24.*]

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## CHAPTER 134.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ABOUT PROVINCE LAND IN NEW SHERBURN.

THE COMMITTEE authorized and impowered by this Hon<sup>ble</sup> Court on June the 27<sup>th</sup> 1743, to dispose of the Land belonging to this Province at a Place called New Sherburn in the County of Worcester, have in pursuance thereof repaired to said place, together with Cpt. Joseph Wilder a Surveyor, and have laid out and appropriated Two Hundred Acres of land for the Ministry there, also Two Hundred Acres for the first Minister that shall settle there, and likewise Two Hundred acres more for the use of the School in said place: and have also executed Deeds in the Name and Behalf of this Government to sundry persons that have settled on said Lands, viz<sup>t</sup> Beriah Curtiss, John Leonard, William Davidson, Joseph Roberts, Josiah Balch, Ebenezer Chamberlain, Joseph Gould, Elitherah Carpenter, Simon Chamberlain, and Stephen Streeter, and have taken Bonds amounting to One Hundred fifty eight pounds eight shillings old Tenor. We have also executed Deeds as aforesaid for the remainder of said Lands, to Joseph Marsh and nineteen others, Petitioners, and taken their Bonds amounting to One Hundred and Twenty Pounds Old Tenor; and the abovesaid Bonds amounting in the whole to Two Hundred Seventy eight Pounds eight shillings old Tenor, we have delivered to the Province Treasurer, as per his Receipt herewith exhibited may appear. Which is humbly offered

By Order of the Committee

JOSEPH WILDER.

Read and

*Ordered* that this Report be Accepted. [*Passed December 24.*]

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## CHAPTER 135.

### ORDER AB<sup>t</sup> THE TRUCK TRADE AT FORT DUMMER.

*Voted* that the Officer for the Truck Trade be and hereby is impowered and directed to call to an Accompt the Officer who managed under him at the Truck house above Northfield, and receive of him the Ballance. [*Passed December 26.*]

Legislative  
Records of the  
Council,  
xvii. (4), 601.  
House Jour-  
nal, p. 148.

## CHAPTER 136.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ABOUT THE VALUE OF MONEY AND SETTLING THE SAME.

Legislative Records of the Council, xvii. (4), 603. Mass. Archives, cii., 358.

Mass. Archives, cii., 359. Legislative Records of the Council, xvii. (4), 598. House Journal, p. 151. Province Laws, ii., 1083, chap. 12. *Ante*, p. 386, chap. 63.

JOHN OSBORNE Esq<sup>r</sup> from the Committee for stating the Value of Money, gave in the following Report, viz<sup>t</sup>

In Obedience to the foregoing Order [Legislative Records of the Council, xvii. (4), 598] the Committee report, That in pursuance of a Law of this Province pass'd in the fifteenth year of His present Majestys reign, entitled An Act for ascertaining the Value of Money and of the Bills of Publick Credit of this Province, seven shillings and six pence in Province Bills emitted in and since the year 1741, is equal in value to One Ounce of Silver, & that One Hundred and Forty two Pounds ten shillings in said Bills is equal in value to One Hundred Pounds Sterling in good Bills of Exchange payable in London.

By Order of the Committee

JN<sup>o</sup> OSBORNE.

Read &

*Ordered* that this Report be accepted, & that it be the Rule, by which the Justices of the respective Courts, within this Province, proceed in making up Judgments, & that the Secretary notify the several Court<sup>s</sup> hereof accordingly.<sup>2</sup> [*Passed December 27.*]

## CHAPTER 137.

## ORDER FOR SUBSISTING THE EASTERN FORCES.

Legislative Records of the Council, xvii. (4), 608.

Legislative Records of the Council, xvii. (4), 589. House Journal, pp. 154, 155. *Ante*, p. 395, chap. 86.

IN THE HOUSE OF REPRESENT<sup>IVES</sup>; It being represented to the House that as no Order had pass'd this Court for subsisting the Two Hundred men posted in the County of York, longer than the First instant, John Wheelwright Esq<sup>r</sup> the Officer for the Forces in the pay of the Province, had accordingly provided for said Two Hundred men for said time only, and for want of further Orders of the Court, could provide for no longer time; and the House apprehending that the continuance of said men was necessary for His Majestys service in the Defence of that Frontiers, and that it is therefore incumbent on the House further to make provision for the Subsistence and Wages of said men, who otherwise could have no claim or demand on the Province Treasury: Therefore

*Ordered* that the said John Wheelwright Esq<sup>r</sup> be and he hereby is directed to provide for subsisting said men till the First of January and that they be allowed their Wages till said time, unless they shall have been before dismissed.

In Council; Read and Concur'd. [*Passed December 29.*]

<sup>1</sup> Legislative Records of the Council, xvii. (4), 604, reads, "Courts."

<sup>2</sup> This chapter is apparently a duplicate of chapter 63, but examination of the records will show that it is the report of a subsequent committee.—Legislative Records of the Council, xvii. (4), 598.



## CHAPTER 138.

ORDER AB<sup>t</sup> THE SUBSISTENCE OF THE PIGWACKET INDIANS.

*Ordered* that the Families of the three Pigwacket Indians now scouting with Cpt. Jordan, being fifteen in number, be supplied till next May Session with a pint of Indian corn, half a pound of Beef, and one jill of Molasses (or the value of Molasses in Tobacco and Pipes) to each of them, per day, and one Gallon of Rum per week to the whole Company; provided the said Indians make ten pair of Snow Shoes per week, and deliver them to M<sup>r</sup> Samuel Waldo Jun<sup>r</sup> for the service of the Province; & that M<sup>r</sup> Wheelwright be directed to procure and send down to the said M<sup>r</sup> Waldo a quantity of corn, molasses, beef and rum, necessary for the purpose; and that Cpt. Jordan be directed at the charge of the Province, to purchase and deliver to the Indians from time to time, good Skins for the making of Snow Shoes and that he inspect their work, as to the sufficiency of the Bows and strength and form of filling them, and that he also be impowered & directed to receive from the Truck Master on Saco River a number of Snow Shoes in part made, also sundry bows and materials for making others, or such part thereof as are fit for service, and to set an equitable price on each pair of Snow Shoes so made (exclusive of the price of Skins aforesaid and other materials) and give the said price to M<sup>r</sup> Waldo, that so the Province may be reimbursed the price of the supply proposed to be sent, and that the said Indians may have the benefit of the Overplus, if any there be. [*Passed December 29.*]

Legislative  
Records of the  
Council,  
xvii. (4), 609.  
House Jour-  
nal, pp. 122, 153.

## CHAPTER 139.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE CREDITORS OF JOS. THOMAS ESQ<sup>r</sup>.

A PETITION of Thomas Holmes & sundry others Creditors of the Estate of Joseph Thomas late of Plimpton Esq<sup>r</sup> dec<sup>d</sup> Shewing that the estate having been rendered insolvent, and the Administrator impowered to sell the real Estate, and a Day being appointed for the sale, it proved extremely stormy, by reason of which the Petitioners could not attend the sale, and notwithstanding the Administrator strongly urged that the time of sale might be defer'd, the Creditors then present, by threats prevailed upon the Administrator then to sell it, and by Arts and management (as the Petitioners suggest) the said Estate was sold, vastly below its apprizd and real value; and therefore praying that the said sale may be declared void.

Read together with the answer of Joseph Scot, and

*Ordered* that Thomas Berry, Samuel Watts, Richard Saltonstall and Ezekiel Chever Esq<sup>rs</sup><sup>1</sup> with such as the Hon<sup>ble</sup> House shall join be a Committee to hear the parties and consider the Petition, and Report what they judge proper for this Court to do thereon.

[Read and concur'd, and Capt. *Pickman*, Col. *Cotton*, Capt. *Choate*, Mr. *Skinner*, Capt. *Baker*, and Mr. *Clap*, are joined in the Affair.]<sup>2</sup> [*Passed January 1.*]

Legislative  
Records of the  
Council,  
xvii. (4), 582,  
611.

House Jour-  
nal, pp. 136, 157.

<sup>1</sup> The House Journal, p. 157, gives the committee as follows: "*John Cushing, Samuel Watts, Richard Saltonstall, Ezekiel Cheever, and Sylvanus Bourn.*"

<sup>2</sup> Inserted from the House Journal, p. 157.

## CHAPTER 140.

## VOTE ABOUT THE GOODS AT SACO TRUCK HOUSE.

Legislative  
Records of the  
Council,  
xvii. (4), 617.  
House Jour-  
nal, p. 160.

WHEREAS the Pigwacket Indians which usually traded at the Truck house, are removed at Stroud Water, and there are many goods belonging to this Province which will therefore be of no further use there; Therefore

*Voted* that the Officer for managing the Truck Trade with the Indians, be and hereby is directed and impowered to adjust with the Truck Master the Accompt of the Province with him, and receive of him such of the Province goods as are at said Truck house, and may be further due from him in ballance of his Accompt, and transport the same to Boston, to be applied as this Court shall hereafter direct. [*Passed January 5.*]

## CHAPTER 141.

## ORDER IMPOWERING STEPH. BRAYNTON TO ENTER AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (4), 621.  
House Jour-  
nal, p. 152.

A PETITION of Stephen Braynton shewing that at the Superior Court of Judicature held in the County of Bristol there was an Action between the Petitioner and one Thomas Sisson, which by the Order of the said Court was remitted to the Inferior Court of Common Pleas for the said County, & the Petitioner took out a Copy of the said Order, but when it was produced in Court, it appeared that the Clerk of the Superior Court had neglected to attest it; for which reason the said Inferior Court dismiss'd the Action; Therefore praying that he may have an other Trial of the said Action at the next Inferior Court.

Read and

*Ordered*, that the Petitioner be and hereby is impowered to bring forward and enter his Action herein mentioned, at the Inferior Court of Common Pleas to be holden at Bristol on the Second Tuesday in March next; and the Justices of the said Court are impowered and directed to hear the said cause and enter up Judgment and award Execution thereupon, as if the same had been remitted down to that Court for Trial; and Judgment or Proceedings since the Superior Court in October last notwithstanding; the Petitioner serving the said Thomas Sisson with a Copy of this Order at least fourteen days before the Sitting of said Inferior Court. [*Passed January 5.*]

## CHAPTER 142.

ORDER ACCEPTING THE ACC<sup>t</sup> OF JOHN QUINCY ESQ<sup>r</sup> AS TRUSTEE FOR THE PUNCAPAUG INDIANS.

Legislative  
Records of the  
Council,  
xvii. (4), 621.  
House Jour-  
nal, pp. 152, 153.

AN ACCOMPT presented by John Quincy Esq<sup>r</sup> Trustee for the Indians of Puncapaug, of his Receipts and Disbursements for them.

Read and

*Ordered* that the within Account be allowed, and that there be allowed and paid to the Accountant, the sum of Twenty four pounds fourteen shillings & ten pence old Tenor, ballance due to him; and for his care and trouble for three years last past ending the seven-teenth of December last, the sum of Nine pounds, Bills of the last Emission, to be paid him out of the Interest of the Indians Money, as he shall receive it; the said Accountant to be accountable for the Principal Sum, being Six Hundred forty six pounds, eight shillings & six pence Old Tenor. [*Passed January 5.*]

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## CHAPTER 143.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ABOUT THE RIOTERS AT BRISTOL.

THE COMMITTEE to whom was refer'd the consideration of His Excellencys Message of the 28<sup>th</sup> of December relating to the Rioters lately fled from justice into the Colony of Rhoad Island, have considered the same, with the Declaration of Charles Church Esq<sup>r</sup> and are humbly of Opinion that the conduct of the Government of that Colony, on the receipt of the letter wrote October 18<sup>th</sup> last to the Hon<sup>ble</sup> William Green Esq<sup>r</sup> their Governor, by M<sup>r</sup> Secretary Willard on the direction of His Excellency with the advice of the Council, is a delay to deliver up to this Government the offenders applied for in said letter of the Secretary, of such a nature and made in such manner as greatly impedes the distribution of justice within this Province in that affair of a most heinous Riot, and has a tendency to subvert the good ends of Government, and to obstruct the Peace and Welfare of His Majestys subjects within these his Plantations; And the Committee are thereupon further of Opinion that M<sup>r</sup> Secretary be directed to write to the Governor of that Colony, once more urging that Government to exereise their Authority for the delivery of such of those Rioters by name, as are yet residing with that Colony, and to signify to him that a further delay must be interpreted a Denial of what this Government so justly expects from them, for the execution of justice and maintaining the Kings Peace; a mischief for the remedy whereof this Government will be obliged to apply to the Crown, if it be not prevented. All which is humbly submitted.

By Order of the Committee

NATH<sup>l</sup> HUBBARD.

Read and

*Ordered* that this Report be accepted. [*Passed January 7.*<sup>1</sup>]

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## CHAPTER 144.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF DAN<sup>l</sup> GAY FOR A NEW TRIAL OF A CAUSE.

A PETITION of Daniel Gay of Dedham, shewing that he had a Trial depending between him and William Fisher at the Inferior Court of Common Pleas held at Boston in July last, that the parties

Legislative  
Records of the  
Council,  
xvii. (4), 618.

Legislative  
Records of the  
Council,  
xvii. (4), 501,  
605, 610. House  
Journal,  
pp. 154, 163.

Legislative  
Records of the  
Council,  
xvii. (4), 627.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is January 5.

House Journal, p. 164.

submitted the said cause to a Rule of Court, that the Report of the Referrees was delivered into Court without the Petitioners knowledge, and being against him; therefore praying that the Judgment thereon may be set aside, and that he may have an other Trial, and that Execution may be stayed in the mean time.

Read and

*Ordered* that the Petitioner serve the adverse party the within named William Fisher with a Copy of this Petition, that he shew cause if any he have, on the first Tuesday of the next Sitting of this Court why the prayer thereof should not be granted, and Execution is stayed in the mean time; Provided the Petitioner give Security to the Sheriff of the county of Suffolk to pay the sum that shall be finally recovered, with Interest from this time. [*Passed January 8.*]

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## CHAPTER 145.

### VOTE APPOINTING COMMISSIONERS TO TREAT WITH NEW HAMPSHIRE GOVERNMENT.

Legislative Records of the Council, xvii. (4), 631.

THE TWO HOUSES proceeded this day (according to Order) to chuse Commissioners to treat with the Government of New Hampshire, about the method of carrying on the War in conjunction with them.

Legislative Records of the Council, xvii. (4), 616, 620, 627. House Journal, p. 167.

And the following Persons were chosen by the Major Vote of the Council & House of Represent<sup>ves</sup>, viz<sup>t</sup> Thomas Berry, Richard Saltonstal, Joseph Heath, John Choat and Chambers Russel Esq<sup>rs</sup>

To which Election His Excellency signed his Consent. [*Passed January 9.*]

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## CHAPTER 146.

### VOTE APPOINTING MANAGERS FOR THE LOTTERY.

Legislative Records of the Council, xvii. (4), 631.

THE TWO HOUSES proceeded this day, according to Order, to the choice of Managers of the Publick Lottery, and the following persons were chosen by the major Vote of the Council & House of Represent<sup>ves</sup>, viz<sup>t</sup> James Bowdoin, Samuel Watts, John Quincy, Robert Hale and Thomas Hutchiusion Esq<sup>rs</sup>

Legislative Records of the Council, xvii. (4), 629. House Journal, p. 167. *Infra*, chap. 147.

To which Elections His Excellency signed his Consent. [*Passed January 9.*]

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## CHAPTER 147.

### ORDER FOR PUBLISHING AN ABSTRACT OF Y<sup>e</sup> LOTTERY BILL.

Legislative Records of the Council, xvii. (4), 632.

House Journal, p. 163. Province Laws, iii., 195, chap. 20., 219, note. *Supra*, chap. 146.

*Ordered* that the Managers of the Lottery appointed by this Court be and hereby are directed to prepare a proper Abstract of the Act lately pass'd relating to the said Lottery, that so His Majestys subjects of this Province & the neighbouring Provinces and Colonies may be duly and seasonably advertised of the substance of the said Act; and that the Managers take care that the said Abstract be forthwith published in all the Weekly News Papers in the town of Boston. [*Passed January 10.*]

## CHAPTER 148.

## VOTE ESTABLISHING THE GARRISON AT FORT DUMMER.

THE GOVERNORS MESSAGE of the eighth Instant, accompanying His Majestys Order in Council respecting the State of Fort Dummer, having been read in the House; it is thereupon

Unanimously

*Voted* that in consideration of the great danger there is that the said Fort may fall into the Enemys hands, and the Inhabitants from Contoocook to Connecticut River be all drove from their Settlements, notwithstanding the forces that are maintained by this Province in scouting within those limits, the said Frontier having been neglected by the Province of New Hampshire; that therefore the Captain General be desired to cause the same number of Officers and Men as were on the last Establishment at said Fort, to be enlisted & there posted, and that the same Allowance as before be made for their Wages and Subsistence, for a term not exceeding three months, to commence from the twentieth of this Month: Provided that this Vote or Grant shall not be looked upon or urged against this Government, as a Precedent for their taking into their Pay this or any Fort which may serve as a Protection to any Inhabitants or Estates, the Jurisdiction whereof is claimed by any other Government. [*Passed January 10.*]

Legislative  
Records of the  
Council,  
xvii. (4), 633.

Legislative  
Records of the  
Council,  
xvii. (4), 433,  
628. House  
Journal, p. 167.  
Province  
Laws, xii., 344,  
chap. 186.  
*Ante*, p. 291,  
chap. 131.

## CHAPTER 149.

ORDER FOR THE SUBSISTENCE OF Y<sup>E</sup> CAGNAWAGA INDIANS AT WESTFIELD.

ON HIS EXCELLENCYS MESSAGE referring to the Cagnawaga Indians now at Westfield, entered the 8<sup>th</sup> instant.

*Ordered* that Coll. Dwight and Cpt. Ingersoll be desired to provide at the charge of the Province, subsistence for the Indians mentioned in the within Message, until May next, unless they return home before that time, and to furnish each of them with two Shirts, and at their taking leave to present each Person with a Blanket, and each of the three men with a laced Hat. [*Passed January 11.*]

Legislative  
Records of the  
Council,  
xvii. (4), 636.

Legislative  
Records of the  
Council,  
xvii. (4), 623.  
House Jour-  
nal, pp. 164, 169.  
*Ante*, p. 291,  
chap. 131.

## CHAPTER 150.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIR OF CHEBAQUEDOCK INDIANS.

A PETITION of Joseph Naquaty & others, Indian Proprietors of the Island of Chebaquiduck, complaining of great encroachments made by the English upon them, contrary to the Award<sup>1</sup> ratified by this Court many years ago; and praying for Relief from this Court.

The Committee to whom was referred the consideration of a Petition of a number of the Indians, Inhabitants of the Island of Chebaquidock in Edgar Town in the County of Dukes County, have considered the same, together with the Award therein refer'd to,

Legislative  
Records of the  
Council,  
xvii. (4), 607,  
634.

Legislative  
Records of the  
Council, x., 35.  
House Jour-  
nal, pp. 153, 171.  
Province  
Laws, ix., 318,

<sup>1</sup> The record of the award has not been found.

chap. 108; x.,  
229, chap. 201.  
*Ante*, p. 300,  
chap. 156.

and are humbly of Opinion that there be some suitable Person appointed by this Court, as a Commissioner, to assist the Indian Inhabitants and Proprietors of said Island of Chebaquedock, in redressing the Injuries they from time to time have suffered or may suffer from the English, relating to the matters contained in said Award, and that he be impowered, as the Case may require, in his own Name, & as Commissioner as afore said, in behalf of said Indians and at their charge, to commence any action against any Person or Persons who have acted or done or may hereafter act or do any thing in prejudice of said Indians, contrary to said Award, and the same to prosecute to final Judgment and Execution, or otherwise to make up by Agreement or Arbitration, any Controversy, the grounds of which may heretofore have arisen or that may hereafter arise between said Indians or any other Person or Persons, relating to any matter or thing contained in said Award: said Commissioner always rendering to said Indians what ever he may recover or receive in their behalf, and to be accountable to this Court for all his Proceedings in pursuance of his said Trust. All which is humbly submitted

In the Name and by Order of the Comm<sup>tee</sup>

RICH<sup>d</sup> SALTONSTAL.

Read and

*Ordered* that this Report be Accepted, and that Payne Mahew Esq<sup>r</sup> be and hereby is appointed a Commissioner to assist the Indian Inhabitants and Proprietors of said Island of Chebaquiduck in redressing the injuries they from time to time have suffered or may suffer from the English, relating to the matters contained in the Award refer'd to in the Petition; And the said Commissioner is impowered, as the case may require, and as Commissioner as afore said, in behalf of said Indians and at their charge, to commence any action against such Person or Persons as have acted or done, or may hereafter act or do any thing in prejudice of said Indians, contrary to said Award, and the same to prosecute to final Judgment and Execution, or otherwise to make up by Agreement or Arbitration, any Controversy, the grounds of which may heretofore have arisen or that may hereafter arise, between said Indians and any other Person or Persons, relating to any matter or thing contained in said Award; the said Commissioner to render to said Indians what ever he may recover or receive in their behalf, and to be accountable to this Court for all his Proceedings in pursuance of said Trust. [*Passed January 12.*<sup>1</sup>]

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## CHAPTER 151.

### ORDER DIRECTING THE RETENTION OF JEREMY JUDE IN GOAL AT BARNSTABLE.

A MEMORIAL of John Russel Esq<sup>r</sup> Sheriff of the County of Barnstable, setting forth that one Jeremy Jude an Indian of Nantucket was brought over by a Writ of Habeas Corpus from the Court of Assize from Dukes County, to have his trial for murther, at Barnstable, and was found Guilty, but upon his Councils moving for an arrest of Judgement, the Court were divided in their Opinions, so that

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council, xvii. (4), the date is January 11.

Legislative  
Records of the  
Council,  
xvii. (4), 531,  
639.

House Jour-  
nal, pp. 100, 170.  
Province  
Laws, iii., 156,  
chap. 8.

the matter was continued over to the next Term, and the said Jeremy remains in Barnstable Goal; and for as much as its not just or reasonable that that County should be burthened with the charge of his imprisonment, praying that this Court would take such orders, as may free them from it.

Read and

*Ordered* that inasmuch as the Removal of the said Jeremy Jude from Barnstable to Nantucket will be attended with great difficulty and cost, that therefore the Sheriff of the County of Barnstable be and hereby is directed to retain the said Jeremy in the said Goal at Barnstable till he be thence delivered by due course of law, and that the Inhabitants of Nantucket pay the reasonable costs thereof. [*Passed January 12.*]

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## CHAPTER 152.

VOTE NOT TO LAY OUT CERTAIN UNAPPROPRIATED LANDS IN HAMPSHIRE COUNTY.

*Voted* that no part of the unappropriated Lands in the County of Hampshire (of which there has lately a Plat been taken and lodged in the Secretarys Office) be laid out in consequence of any Grant of this Court, without a special clause inserted in said Grant for that purpose. [*Passed January 15.*]

Legislative  
Records of the  
Council,  
xvii. (4), 641.  
House Jour-  
nal, p. 174.

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## CHAPTER 153.

ORDER ANNEXING SAM<sup>l</sup> CHICKERING AND HIS ESTATE TO THE FIRST PARISH IN DEDHAM.

A PETITION of Samuel Chickering, of Dedham, shewing that he was set off in the year 1729, to Medfield to pay Ministerial Rates there, which he finds greatly inconvenient to himself and family; and therefore praying that he may be set back to the first Parish in Dedham.

Read and

*Ordered* that the Prayer of the Petition be granted, and that the Petitioner with his estate be and hereby is annexed to the First Parish in Dedham, where he originally belonged, there to do duty and receive Privilege accordingly; provided the Petitioner pay all his past dues to Medfield. [*Passed January 17.*]

Legislative  
Records of the  
Council,  
xvii. (4), 646.  
House Jour-  
nal, pp. 170, 177.  
Province  
Laws, xi., 462,  
chap. 148.

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## CHAPTER 154.

VOTE FOR TAKING OFF Y<sup>e</sup> RESTRAINT ON DELIVERY OF POWDER.

IN AS MUCH as there has been by this Court some restraint laid upon the Keeper of the Powder House as to the delivery of any powder to private Persons for sale, that so this Government might be furnished with the necessary publick Stock, and it now appearing that they have furnished a sufficient quantity for the Province:

Legislative  
Records of the  
Council,  
xvii. (4), 647.  
Legislative  
Records of the  
Council,

xvii. (4), 612,  
642. House  
Journal, p. 181.  
*Ante*, p. 297,  
chap. 148.

*Voted* that the Keeper of the Powder House be directed to deliver the Powder belonging to private persons; saving the Powder which this Court by their Committee contracted for, that so the several towns within this Province and their Inhabitants may be furnished with suitable Stores as may be needful. [*Passed January 19.*]

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## CHAPTER 155.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF SAM<sup>L</sup> MILES AND OTHERS OF CONCORD TO BE EXCUSED FROM PAYING A MINISTERIAL TAX.

Legislative  
Records of the  
Council,  
xvii. (4), 648.

House Jour-  
nal, pp. 143, 180,  
181. *Ante*,  
p. 394, chap. 85.

SAMUEL DANFORTH Esq. from the Committee on the Petition of Samuel Miles [*ante*, p. 394, chap. 85] and others of Concord gave in their Report.<sup>1</sup> Which was Pass'd upon as follows, viz<sup>t</sup>

Read and

*Ordered* that this Report be Accepted, and that the Petitioners with those whom they represent (whose Names are subscribed to the Certificate annexed to the Petition) together with their respective Families and Estates be and hereby are excused from all other Ministerial charges in the town of Concord, so long as they shall support the publick Worship of God among themselves, or untill this Court shall order otherwise; as also that they be freed from paying to the support of the Ministry there what remains unpaid of the two Assessments made since they have been at charge for supporting the publick Worship separately or among themselves; and that the like Indulgence with respect to any future assessments for the support of the Ministry in said Town, be also granted to such and so many of their Associates (refer'd to in the afore said Petition) who shall constantly assemble with them for publick Worship and contribute their part towards the support thereof, as this Court at their Session in May next (upon proper Application to them made for that purpose) shall judge reasonable. [*Passed January 19.*]

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## CHAPTER 156.

ORDER OF NOTICE ON THE PETIT<sup>NS</sup> OF ISAAC PHILLIPS & OTHERS TO BE ANNEXED TO THE SECOND PRECINCT IN MARSHFIELD.

Legislative  
Records of the  
Council,  
xvii. (4), 653.

House Jour-  
nal, p. 49.  
*Ante*, p. 196,  
chap. 158.

A PETITION of Isaac Phillips, Benjamin Hatch, Lemuel White, Samuel Crooker, Jun<sup>r</sup>, Job Nichols, and Joshua Oldham, all of Marshfield, Shewing that the Petitioners are situate within the Lines of the Second Precinct, thó left in the Old Precinct at the dividing of the Towns; and for as much as they are more conveniently situated for the said Second Precinct, praying that they and their Estates may be added to it.

Read and

*Ordered* that the Petitioners serve the First Precinct in Marshfield with a Copy of this Petition, that they shew cause, if any they have, on the first Tuesday of the next Sitting of this Court, why the prayer thereof should not be granted. [*Passed January 23.*]

<sup>1</sup> This report has not been found.



## CHAPTER 157.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO  
CAPE BRETON.

WILLIAM PEPPERIL ESQ<sup>r</sup> from the Committee of both Houses on His Excellencys Message relating to Cape Breton gave in the following Report, viz<sup>t</sup>

Legislative  
Records of the  
Council,  
xvii. (4), 657.

The Committee of both Houses upon the subject of His Excellencys Messages of the 19<sup>th</sup> and 22<sup>d</sup> Instant make the following Report, viz<sup>t</sup>

Legislative  
Records of the  
Council,  
xvii. (4),  
649 *bis*, 650, 654,  
656 *bis*.

That they have [been] attended by two Gentlemen, who have lately been prisoners at Louisbourg, and by others who have been traders there and who are well acquainted with the place; from whom the Committee have received information that the Garrison there does not consist of more than five or six hundred regular troops, and that there are not above three or four hundred fighting men of the Inhabitants; that they have but a small stock of provisions; that they have no vessels of force in their Harbour, and that the Place is at this time less capable of being defended against an attack than it is probable it will ever be hereafter.

The Committee therefore are of Opinion that it is incumbent upon this Government to embrace this favourable opportunity to attempt the reduction thereof; and they humbly propose That His Excellency the Captain General be desired to give forth his proclamation to encourage the Enlistment of Three thousand Volunteers under such Officers as he shall appoint; that each person so enlisting be allowed Twenty five shillings per month, and that there be delivered to each man a blanket, that one months pay be advanced, and that<sup>1</sup> be entitled to all the plunder; that provision be made for the furnishing of necessary Warlike Stores for the Expedition; that four months provisions be laid in; that a Committee be appointed to procure and fit vessels to serve as Transports to be ready to depart by the middle of March, and that a suitable Naval force be provided for their convoy, as this Court shall hereafter order; that application be forthwith made to the Governments of New York, the Jerseys, Pensilvania, New Hampshire, Connecticut and Rhoad Island to furnish their respective quotas of Men and Vessels to accompany and follow the Force of this Province.

In the Name and by Order of the Comm<sup>tee</sup>

W<sup>m</sup> PEPPERIL.

Read and Concur'd.<sup>2</sup> [*Passed January 25.*]

## CHAPTER 158.

## VOTE IN REGARD TO THE SALE OF LOTTERY TICKETS.

IN ORDER to encourage the design proposed by the Act pass'd this Session for raising the sum of Seven Thousand five hundred Pounds by a Lottery:

Legislative  
Records of the  
Council,  
xvii. (4), 659.

*Voted* that in case Twenty thousand Tickets shall not be disposed

House Jour-  
nal, p. 187.

<sup>1</sup> *Sic.*

<sup>2</sup> *Sic*, it seems, for "accepted." Not found in the House Journal.

Province  
Laws, iii., 195,  
chap. 20.

of, by the time appointed for drawing the said Lottery, the Managers & Directors thereof shall forthwith return the money they receive, to the respective Adventurers. [*Passed January 25.*]

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## CHAPTER 159.

### ORDER ADJOURNING THE WORCESTER COUNTY COURTS.

Legislative  
Records of the  
Council,  
xvii. (4), 660.

WHEREAS the Court of General Sessions of the Peace and Court of Common Pleas within and for the County of Worcester is appointed by Law to be held at Worcester on Tuesday the fifth day of February, being the first Tuesday of said Month; and there being affairs of great importance now before this Court, and several Members of this Court being Justices of those Courts, whose attendance here is thought necessary:

*Ordered* that the said Courts be Adjourned to the fourth Tuesday of said month of February, and all Persons concerned are to conform themselves accordingly; And the Sheriff of said County is hereby directed to set up a Notification thereof at the Court House.<sup>1</sup> [*Passed January 25.*]

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## CHAPTER 160.

### RESOLVE AG<sup>ST</sup> IMPRESSING MEN FOR THE EXPEDITION AGAINST LOUISBOURG.

Legislative  
Records of the  
Council,  
xvii. (4), 661.

House Journal,  
p. 188.  
*Ante*, p. 425,  
chap. 157.  
*Infra*, chap.  
161.

ON A MOTION made and seconded:

The following Question was put, viz<sup>t</sup> Whether it is the intention of this Court, that there should be impressed any part of the Three Thousand Land Forces, proposed to be employed in the Expedition against Louisbourgh, in case a sufficient number of Voluntiers should not seasonably enlist?

*Resolved* in the Negative Unanimously. [*Passed January 26.*]

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## CHAPTER 161.

### ORDER IN REGARD TO AN EMBARGO ON SHIPPING.

Legislative  
Records of the  
Council,  
xvii. (4), 662.

Legislative  
Records of the  
Council,  
xvii. (4), 659.  
*Supra*, chap.  
160. *Infra*,  
chap. 162.

TO PREVENT any information being given to the Enemy of the intention of this Government to attempt the reduction of the Island of Cape Breton:

*Ordered* that no Ship Sloop or other Vessel be permitted to sail out of any Port Harbour or Creek within this Province for the space of Thirty Days next ensuing without the Special licence of the Governor and Commander in Chief; and that the Select Men of each Town respectively, and all His Majestys Officers as well Military as Civil are hereby strictly enjoined to use their utmost endeavours to see this Order duly executed, on pain of the highest displeasure of this Court.<sup>1</sup> [*Passed January 26.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 162.

## VOTE APPOINTING A COMMITTEE TO PROVIDE TRANSPORTATION FOR TROOPS TO LOUISBURG.

In the House of Represent<sup>ves</sup>;

*Voted* that M<sup>r</sup> Speaker, Cpt. Choat, Cpt. Laurence, M<sup>r</sup> Skinner, D<sup>r</sup> Hale, M<sup>r</sup> Hutchinson, M<sup>r</sup> Russel & M<sup>r</sup> Hall, with such as the Hon<sup>ble</sup> Board shall join, be a Committee to provide proper Transports for the proposed Expedition against Louisbourgh, and suitable provisions for the men (in which preference to be given to the Vessels and Produce of this Province) and to purchase a suitable ship of Force for the defence and guard of the Sea Coast, and impress some suitable vessel to go Express to the West Indies on His Majestys service, if it be thought necessary.

In Council; Read and Concur'd; and William Pepperil, John Osborne, John Jeffries, Jacob Wendell, Thomas Berry, Samuel Waldo, Ezekiel Chever and James Bowdoin Esq<sup>rs</sup> are joined in the affair.<sup>1</sup> [*Passed January 26.*]

Legislative  
Records of the  
Council,  
xvii. (4), 662.  
*Supra*, chap.  
161. *Infra*,  
chap. 163.

## CHAPTER 163.

## VOTE DESIRING THE GOVERNOR TO ISSUE AN ORDER TO PREVENT SEAMEN FROM LEAVING THE PROVINCE.

WHEREAS it may be necessary that proper orders be taken effectually to prevent Seamen going out of the Province untill such ships & other vessels as may be employed in the intended Expedition against Louisbourgh be suitably manned:

Therefore

*Voted* that His Excellency the Governor be desired to give such orders and issue out such Warrants with the Advice and Consent of His Majestys Council as shall be judged needful, in order to prevent seamen removing into distant parts to avoid their being impressed into His Majestys service; and all Officers, Ferrymen and others, to whom such orders or Warrants shall be directed, be and they hereby are strictly required & authorized to yield obedience thereunto and to use their utmost endeavours that the same be duly observed and put in execution.<sup>1</sup> [*Passed January 26.*]

Legislative  
Records of the  
Council,  
xvii. (4), 663.  
*Supra*, chap.  
162.

## CHAPTER 164.

## ORDER GRANTING £1,000 FOR PURCHASING PROVISIONS.

*Ordered* that the sum of One Thousand Pounds now in the hands of the Treasurer, appropriated for Grants &c be paid into the hands of the Committee appointed to provide Transports, Provisions &c to be applied to the purchasing Pork and other Provisions at the cheapest rate.<sup>1</sup> [*Passed January 29.*]

Legislative  
Records of the  
Council,  
xvii. (4), 664.  
Province  
Laws, iii., 190,  
chap. 17.  
*Supra*, chap.  
162.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 165.

## ORDER APPOINTING A COMMITTEE TO GO TO THE NEIGHBOURING GOVERNMENTS ABOUT THE EXPEDITION.

Legislative  
Records of the  
Council,  
xvii. (4), 665.

Legislative  
Records of the  
Council,  
xvii. (4), 654,  
656. *Infra*,  
chap. 166.

In the House of Represent<sup>ves</sup>;

*Voted* that John Choat Esq<sup>r</sup> with such as the Hon<sup>ble</sup> Board shall join be a Committee forthwith to repair to the Governments of Connecticut, New York, and the Jerseys, and in the name and on behalf of this Government to do all in their power jointly or severally to prevail on those Governments or the Governors there, to furnish and assist the intended Expedition against Cape Breton with as large a Land and Sea Force as possible, and that all imaginable dispatch be given in this affair.

In Council; Read and Concur'd, and Thomas Berry Esq<sup>r</sup> is joined in the affair.<sup>1</sup> [*Passed January 30.*]

## CHAPTER 166.

## ORDER APPOINTING A COMMITTEE TO SOLICIT AID FROM THE RHODE ISLAND GOVERNMENT FOR THE LOUISBURG EXPEDITION.

Legislative  
Records of the  
Council,  
xvii. (4), 666.

*Supra*, chap.  
165.

*Voted* that Thomas Hinchinson Esq<sup>r</sup> be desired forthwith to repair to the Government of Rhoad Island, and in the name and behalf of this Government to do all in his power to prevail on that Government or the Governor there, to furnish and assist the intended Expedition against Cape Breton with as large a Land and Sea Force as possible, and that all imaginable dispatch be given, in this affair.<sup>1</sup> [*Passed January 30.*]

## CHAPTER 167.

## VOTE EMPOWERING THE COMMITTEE TO PURCHASE WARLIKE STORES.

Legislative  
Records of the  
Council,  
xvii. (4), 667.

Legislative  
Records of the  
Council,  
xvii. (4), 664.  
*Ante*, p. 427,  
chaps. 162, 164.

*Voted* that the Committee for providing proper Transports for the proposed Expedition be empowered to provide all Warlike Stores necessary for the same.<sup>1</sup> [*Passed January 30.*]

## CHAPTER 168.

## VOTE ALLOWING £70. 13. 4 TO CPT. AMMI RUH. CUTTER.

Legislative  
Records of the  
Council,  
xvii. (4), 668.

House Jour-  
nal, pp. 75, 190.  
*Ante*, p. 387,  
chap. 65.

THE HOUSE having on August 18<sup>th</sup> last remonstrated to His Excellency the Governor the unwarrantable proceedings of Cpt. Ammi Ruhmah Cutter in expending Seventy Pounds thirteen shillings and four pence more on the repairs of Saco Truck House than was granted for that use; praying his care to prevent the like proceedings for the future; do rely on it that in no time to come the money of their Con-

<sup>1</sup> Not found in the House Journal.

stituents shall not<sup>1</sup> be expended without their Consent, nor their payment of a sum so arising due, be pleaded as justly accounted for by them:

And with this Confidence,

*Voted* that there be and hereby is granted to be paid out of the Appropriation of Grants in the next Act for supplying the Treasury, unto the said Ammi Ruhamah Cutter the sum of Seventy Pounds thirteen shillings and four pence, in full consideration for his charge in the repairs afore mentioned. [*Passed January 30.*]

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## CHAPTER 169.

VOTE ALLOWING £4,000 FOR PURCHASING GUN POWDER AND SMALL ARMS.

*Voted* that Four Thousand Pounds be allowed and paid out of the publick Treasury, to be taken out of the next Supply Bill, and put into the hands of the Committee for purchasing Warlike Stores to pay for the powder and Small Arms contracted for by the Province. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xvii. (4), 668.

Legislative  
Records of the  
Council,  
xvii. (4), 643.  
House Jour-  
nal, p. 191.  
*Ante*, p. 428,  
chap. 167.

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## CHAPTER 170.

ORDER APPOINTING A COMMITTEE ON THE MEM<sup>o</sup> OF THE SELECT MEN OF BOSTON ABOUT Y<sup>e</sup> HOSPITAL ON RAINSFORD ISLAND.

A MEMORIAL of the Select Men of Boston; shewing the necessity of having an House built at the Hospital on Rainsfords Island, for the Reception of such as may be put there upon suspicion of their being infected with the Small Pox, or any other mortal and infectious Distemper; that so the sick and the well may be kept apart; therefore praying that such a House may be built at the publick charge.

In the House of Represent<sup>ves</sup>; Read and

*Ordered* that a small House be built upon Rainsfords Island twenty feet long, eighteen feet wide, and fourteen feet stud, with a chimney in each Room, for the purposes mentioned in the said Memorial; and that M<sup>r</sup> Prout and M<sup>r</sup> Oliver with such as the Hon<sup>ble</sup> Board shall join, be a Committee to see the same effected as cheap as may be.

In Council; Read and Concur'd, and John Jeffries Esq<sup>r</sup> is joined in the Affair. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xvii. (4), 669.

House Jour-  
nal, pp. 179, 183,  
190. Province  
Laws, iii., 124,  
chap. 19.

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## CHAPTER 171.

ORDER ALLOWING £72. 10 TO JN<sup>o</sup> LARRABEE.

A PETITION of Lien<sup>t</sup> John Larrabee shewing that he has been at great expence in procuring Boats for transporting the independent Companies to Castle William, for refreshment of the said Companies

Legislative  
Records of the  
Council,  
xvii. (4), 670.

<sup>1</sup> The word "not" is omitted in the House Journal, p. 190.

House Journal, pp. 183, 189, 190.

in hauling up the heavy Cannon to their places, as also for entertaining the Mohawks at Castle William; praying that he may be reimbursed.

Read and

*Ordered* that the sum of Seventy Two pounds ten shillings be allowed and paid out of the publick Treasury to the Memorialist in full consideration of his expences and disbursements herein mentioned. [*Passed January 30.*]

## CHAPTER 172.

Legislative Records of the Council, xvii. (4), 671.

House Journal, p. 194.

VOTE DESIRING THE GOVERNOR TO EMPLOY THE PROVINCE SNOW "PRINCE OF ORANGE" AS A GUARD VESSEL TO THE FISHERY.

*Voted* that His Excellency be desired to employ the Province Snow Prince of Orange, upon her return from the intended Expedition, as a Guard to the Fishery. [*Passed February 1.*]

## CHAPTER 173.

VOTE FOR EMPLOYING VESSELS OF WAR, FOR Y<sup>e</sup> EXPEDITION AGAINST LOUISBOURG.

Legislative Records of the Council, xvii. (4), 671.

Legislative Records of the Council, xvii. (4), 664, 669. House Journal, p. 194. *Ante*, p. 390, chap. 75; p. 427, chap. 162.

*Voted* that the Captain General be desired to employ in the intended Expedition against Louisbourg the ship of Twenty Guns lately purchased for guarding our Sea Coast, also the Province Snow and Sloop already in the service; and that the Committee for Transports &<sup>c</sup> be impowered to hire, upon the most reasonable terms, one other Sloop of equal force, together with two Twenty Gun Ships to be employed in the intended Expedition; And that it be an Instruction to the said Committee that every affair committed to them in reference to said Expedition, be so conducted that as little expence or damage accrue to the Province as conveniently may be, in case by any unforeseen accident the Expedition be prevented. [*Passed February 1.*]

## CHAPTER 174.

ORDER IMPOWERING JOHN LYDSTON TO SURVEY AND LAY OUT 300 ACRES OF LAND.

Legislative Records of the Council, xvii. (4), 672.

House Journal, pp. 142, 173, 193.

A PETITION of John Lydstone of Kittery, shewing that in the year 1693 being then in the publick service, he received a dangerous wound from the Indian enemy, which broke his thigh bone and put him to great expence in Surgeons, and has again broke out, so as to confine him to his House for three years last pass'd; and therefore praying that this Court would make him an Allowance for his charge pain and loss of time.

[Read] and in answer

*Ordered* that the Petitioner be allowed, by a Survey<sup>r</sup> and Chain men on oath, to lay out Three hundred Acres of land in the County

of York, adjoining to some Township or former grant, and return a Plat thereof to this Court within twelve months for confirmation. [*Passed February 1.*]

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## CHAPTER 175.

### VOTE ALLOWING £50 FOR PASSAGE OF PILOTS TO GREAT BRITAIN.

HIS EXCELLENCY sent the following Message to the House of Representatives by the Secretary viz<sup>t</sup>

Gentlemen of the House of Representatives

As I apprehend it necessary to send one or two Pilots to Great Britain by the ships that are ready to sail, for the piloting any of His Majestys ships of War that may be sent from thence to assist us in the Expedition against Louisburgh, I am in hopes that their charges and pay may be born by His Majesty; yet it is necessary that some thing be advanced for their setting out. I have prevailed on Cpt. Joshua Loring, whom I esteem a very suitable person for this service, to undertake it; and therefore I desire you would advance some thing suitable for his charge in his passage, as also for such other Pilot as I shall send.

Read and

*Voted* that althô it be not reasonable for this Province to sustain the charges and pay of the two Pilots proposed to be sent to Great Britain, yet to encourage that Design, that there be advanced out of the Province Treasury the sum of Fifty Pounds to Cpt. Joshua Loring, and such other Pilot as His Excellency shall appoint, in equal parts, to enable them to provide for their passage to Great Britain on the design of His Excellencys above Message. [*Passed February 2.*]

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## CHAPTER 176.

### ORDER AGAINST INDIANS, NEGROES AND MOLATTOES BEING CONCERNED IN THE LOTTERY.

WHEREAS the liberty of adventuring in the Government Lottery erected by a late Act of this Province is granted to all persons without discrimination; and whereas the permitting of Indians, Negroes or Molattoes to purchase tickets or draw any Lot or Lots might prove of mischievous consequence in many respects:

It is therefore hereby

*Ordered* that the Managers of said Lottery do not deliver any Ticket to any Indian, Negroe or Molattoe, or to others on their behalf or in partnership with them; & no Indian, Negroe or Molattoe or their partners so adventuring, shall be entitled to any benefit, Lot or Lots whatsoever; and the said Managers be & hereby are impowered to examine any person who applies to them for any of said Tickets, on Oath, about their being any ways concerned with any Indian, Negro or Molatto in any such Tickets as well at the time of purchasing the same, as when any Benefit, Lot or Lots shall be claimed as having been drawn in consequence or by vertue of any Ticket purchased as aforesaid.<sup>1</sup> [*Passed February 2.*]

<sup>1</sup> Not found in the House Journal.

Legislative  
Records of the  
Council,  
xvii. (4), 672,  
673.

House Jour-  
nal, pp. 194, 195.

Legislative  
Records of the  
Council,  
xvii. (4), 674.

Province  
Laws, iii., 195,  
chap. 20; 219,  
note.

## CHAPTER 177.

## VOTE ALLOWING ADVANCED PAY AND SUBSISTENCE TO SOLDIERS.

Legislative  
Records of the  
Council,  
xvii. (4), 675.  
House Jour-  
nal, p. 197.

*Voted* that one Months Pay be advanced to each effective man, upon his enlistment for the intended Expedition against Louisbourg; also that five shillings per Week be allowed each for his subsistence, after his said Enlistment. [*Passed February 5.*]

## CHAPTER 178.

VOTE FOR EXAMIN<sup>g</sup> AND STOPPING LETTERS.

Legislative  
Records of the  
Council,  
xvii. (4), 676.  
*Ante*, p. 426,  
chap. 161.

IN COUNCIL; Whereas there are divers vessels now bound for Great Britain and near sailing, and it is probable that some of the letters that may be Sent therein by private persons to their Correspondents, may give an Account of the designed Expedition against Cape Breton, and by that means intelligence of the said Expedition may get to France:

*Resolved* that it is for His Majestys service that the Bags of Letters going by the said Vessels be secured, and the letters stop'd until His Majestys ship Eltham shall sail to Great Britain, unless the Writers of the said letters will open them before a Committee of this Court, and the said Committee peruse the said letters; and in case there be nothing contained therein relating to the said Expedition, that the Writer seal up the said letters in their presence: and

*Voted* that His Excellency give Orders to secure the said Bags of Letters accordingly, and that Daniel Russel, William Brown and Eliakim Hutchinson, with such as the Hon<sup>ble</sup> House shall appoint be a Committee for the purposes above mentioned.

In the House of Represent<sup>ves</sup>; Read and Concur'd, and Coll. Richards, Coll. Heath, D<sup>r</sup> Pynchon and M<sup>r</sup> Skinner be joined in the affair.<sup>1</sup> [*Passed February 5.*]

## CHAPTER 179.

## ORDER DIRECTING THE DELIVERY OF FIRELOCKS TO THE SOLDIERS.

Legislative  
Records of the  
Council,  
xvii. (4), 677.

INASMUCH as it is probable that sundry Soldiers who may enlist for the intended Expedition against Louisbourg may be destitute of Firelocks;

Legislative  
Records of the  
Council,  
xvii. (4), 643,  
664. House  
Journal, p. 198.  
*Ante*, p. 427,  
chap. 162.

It is therefore

*Ordered*, that the Committee appointed to procure Provisions &c for the said Expedition, be impowered and directed to deliver to every such Soldier (out of the Firelocks lately purchased by this Province, or others as may be necessary) as soon as he or they shall parade in such place as the Captain General shall direct, one Firelock, to be paid for by the said Soldier or Soldiers respectively and charged in the Muster Roll accordingly; taking a receipt of each Captain for such Firelocks as any of his Company so receive, by

<sup>1</sup> Not found in the House Journal.



way of security to the Province, until he or they discharge themselves by certificate from the Commissary that the price of such Firelocks have been charged in his Muster Roll, and paid for out of the Soldiers wages as aforesaid. [*Passed February 6.*]

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## CHAPTER 180.

VOTE RESPECTING INEFFECTIVE MEN RECEIVING THE ADVANCE PAY. Legislative Records of the Council, xvii. (4), 678.

*Voted* that if any Captain shall pay advanced Wages to any Person or Persons enlisting in the intended Expedition, who are not able bodied and effective, such Captain or Captains shall refund what they receive for that purpose. [*Passed February 6.*]

House Journal, p. 188. *Ante*, p. 432, chap. 177.

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## CHAPTER 181.

VOTE ALLOWING £400 TO ROBT AUKMUTY ESQ<sup>R</sup>.

*Voted* that the sum of Four hundred Pounds, Bills of the last Emission, be granted and paid out of the publick Treasury to Robert Aukmuty Esq<sup>r</sup> in full consideration for his time and service whilst Agent for this Province at the Court of Great Britain. [*Passed February 7.*]

Legislative Records of the Council, xvii. (4), 680.

House Journal, p. 188.

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## CHAPTER 182.

ORDER DIRECTING THE COMMITTEE ON THE MALDEN FARM AFFAIR TO REPORT AT THE NEXT SESSION.

*Ordered* that the Committee appointed to settle the Controversy respecting Malden Farm make report of their proceedings in the affair, at the next Sitting of this Court. [*Passed February 8.*]

Legislative Records of the Council, xvii. (4), 680.

Legislative Records of the Council, xvii. (4), 325. House Journal, p. 201. *Ante*, p. 261, chap. 56.

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## CHAPTER 183.

ORDER REFERRING THE PETITION OF THE CREDITORS OF JOSEPH THOMAS AND DIRECTING THE COMMITTEE TO REPORT AT THE NEXT SESSION.

ON THE PETITION of the Creditors of Joseph Thomas Esq<sup>r</sup> dec<sup>d</sup> [*ante*, p. 417, chap. 139]

Forasmuch as the Committee appointed to consider this Petition, by reason of matters of greater importance lying before the Court, have not had an opportunity to perform that service, and it is apprehended this Court may be near rising:

*Ordered* that the consideration of this Petition be refer'd to the next Sitting of this Court, and that the Committee then make Report; and all Parties concerned in the Estate within mentioned are hereby strictly forbidden any further proceedings therein. [*Passed February 8.*]

Legislative Records of the Council, xvii. (4), 681.

House Journal, pp. 200, 201. *Ante*, p. 417, chap. 139.

## CHAPTER 184.

## ORDER GRANTING A LOAN OF £27 TO JOHN BLAISDEL.

Legislative  
Records of the  
Council,  
xvii. (4), 421,  
681.

Legislative  
Records of the  
Council,  
xvii. (4), 439.  
House Jour-  
nal, pp. 32, 200.  
Province  
Laws, xii., 102,  
chap. 222.

A PETITION of John Blaisdel of Amesbury, Shewing that he had taken up four hundred Acres of Land on the East side of Merrimack River to fulfill two several Grants, that the said land was confirmed to him upon certain conditions by this Court, which conditions he has fully performed and peaceably possessed the said land for some time; but is now sued for it by some persons in the Province of New Hampshire; praying for relief from this Court.<sup>1</sup>

Read and

*Ordered* that the Petitioner be granted the Loan of Twenty seven Pounds out of the publick Treasury till the next May Sessions; Provided the Petitioner gives sufficient caution to the Province Treasurer for that sum. [*Passed February 8.*]

## CHAPTER 185.

## VOTE ESTABLISHING THE WAGES FOR THE FORCES OF THE LOUIS-BOURG EXPEDITION.

Legislative  
Records of the  
Council,  
xvii. (4), 682.

House Jour-  
nal, pp. 199, 200.  
*Ante*, p. 425,  
chap. 157.

*Voted* the following Wages for four months, if the Expedition continue so long, viz';

That the Wages of a Brigadier General, be Fifteen Pounds per month.

A Colonel, Twelve Pounds.

A Lieutenant Colonel Ten Pounds.

A Major Eight Pounds ten Shillings.

Adjutant General, Four Pounds ten shillings.

Captain of Fifty men, Four Pounds ten shillings.

A Lieutenant Three Pounds.

A Second Lieutenant, or Ensign, Two Pounds.

A Sergeant, One Pound twelve Shillings.

A Corporal, One Pound eight shillings.

A Clerk, One Pound twelve shillings.

A Quarter Master General, Four Pounds.

A Surgeon General, Five Pounds

Two Surgeons to each Regiment, each Four Pounds ten shillings.

One Drum Major, One Pound twelve shillings.

A Common Drummer, One Pound eight shillings

One Chaplain to each Regiment, each Four Pounds ten shillings.

One Armourer for each Regiment, One Pound twelve shillings,  
of which the principal to be allowed Three Pounds per month.

One Captain of the Artillery, Nine Pounds.

One Lieutenant, Four Pounds ten shillings.

Sixteen Gunners, each Two Pounds

Two Bombardiers, each Eight Pounds ten shillings

Two Assistants, each Two Pounds.

Two Clerks, for the service of the General, each Two Pounds ten shillings per month. [*Passed February 8.*]

<sup>1</sup> The House Journal, p. 200, states that a report was made on this petition; but the record has not been found.

## CHAPTER 186.

VOTE ALLOWING 2/ 6 PER MAN FOR THE CHARGE OF ENLISTING SOLDIERS.

Legislative  
Records of the  
Council,  
xvii. (4), 683.

*Voted* that there be allowed two shillings and six pence for the charge of enlisting each effective man, who shall enlist on the intended Expedition, and that the money be paid to the Officers who first enlists said Volunteers after service performed. [*Passed February 9.*]

Legislative  
Records of the  
Council,  
xvii. (4), 683.  
House Journal,  
p. 202.

## CHAPTER 187.

VOTE ALLOWING £300 TO M<sup>r</sup> AUKMUTY.

*Voted* that the sum of Three hundred Pounds, Bills of the last Emission, be granted and paid out of the publick Treasury to Robert Aukmuty Esq<sup>r</sup> which (with the grants he hath already received) is in full consideration of his Expences and Disbursements in the service of the Province, from his departure to Great Britain till his return home. [*Passed February 9.*]

Legislative  
Records of the  
Council,  
xvii. (4), 684.  
House Journal,  
p. 188.

## CHAPTER 188.

VOTE DESIRING THE CAPTAIN GENERAL TO IMPRESS SEAMEN.

*Voted* that the Captain General be desired to cause to be impressed, a sufficient number of Seamen, only to man the ships of Force and Transports that shall be sent in the intended Expedition against Louisbourgh; provided a suitable number do not seasonably enlist. [*Passed February 9.*]

Legislative  
Records of the  
Council,  
xvii. (4), 684.  
House Journal,  
p. 202.  
*Ante*, p. 427,  
chap. 163.

## CHAPTER 189.

VOTE ALLOWING 20/ ADDITIONAL BOUNTY TO SOLDIERS ENLISTING.

*Voted* that the sum of Twenty shillings, Bills of the last Emission, be allowed out of the publick Treasury as a further Encouragement to every able bodied effective man who shall enlist in the intended Expedition against Louisbourgh to be paid upon his enlistment. [*Passed February 9.*]

Legislative  
Records of the  
Council,  
xvii. (4), 684.  
House Journal,  
p. 201.  
*Ante*, p. 432,  
chap. 177.

## CHAPTER 190.

VOTE ESTABLISHING WAGES ON ARMED VESSELS.

*Voted* that the same Establishment both as to Officers & common Sailors, which was made in May last for the Naval Force in the service of the Province be and hereby is made for the several Vessels

Legislative  
Records of the  
Council,  
xvii. (4), 684.

House Journal, p. 201.  
*Ante*, p. 367,  
chap. 8.

of Force which may be employed in said service, to be continued for the space of four months; provided the intended Expedition against Louisbourgh should continue so long. [*Passed February 9.*]

## CHAPTER 191.

Legislative  
Records of the  
Council,  
xvii. (4), 685.

### VOTE ESTABLISHING THE RATE OF PAPER TO SILVER ON TUNNAGE DUES.

House Journal, p. 201.  
Province  
Laws, lii., 188,  
chap. 16.

*Voted* that the Officer for receiving the Duty upon Tunnage, be directed to receive Seven shillings and six pence, Bills of the last Emission, as equal to an Ounce of Silver. [*Passed February 9.*]

## CHAPTER 192.

### VOTE ALLOWING £150 FOR THE GENERALS TABLE.

Legislative  
Records of the  
Council,  
xvii. (4), 685.

House Journal, p. 202.

*Voted* that the sum of One Hundred and Fifty Pounds be granted out of the publick Treasury to the Hon<sup>ble</sup> William Pepperil Esq<sup>r</sup> General &<sup>c</sup> to enable him to provide for his Table in the intended Expedition. [*Passed February 9.*]

## CHAPTER 193.

### VOTE DIRECTING THE PAYMENT FOR POWDER AND ARMS PURCHASED.

Legislative  
Records of the  
Council,  
xvii. (4), 685.

House Journal, p. 201.  
*Ante*, p. 429,  
chap. 169.

*Voted* that it be an Instruction to the Committee who have purchased a quantity of Gun Powder and Small Arms, to pay the several Persons they contracted with, what may be justly due to them, agreeable to the true intent and meaning of their contract. [*Passed February 9.*]

## CHAPTER 194.

### ORDER ALLOWING THE COMMISSIONERS FURTHER TIME TO EXAMINE CLAIMS AGAINST ESTATE OF NATHANIEL ALDEN.

Legislative  
Records of the  
Council,  
xvii. (4), 685.

A PETITION of John Jones Esq<sup>r</sup> and Timothy Green Administrators of the Estate of Nathaniel Alden dec<sup>d</sup> Intestate, shewing that the said estate proving Insolvent, the Judge of Probate appointed Commissioners to examine the claims of the Creditors; that the term of eighteen months for receiving claims allowed by law is expired, since which the Petitioners find themselves obliged to claim as Creditors; and therefore praying that the Judge of Probate may be empowered by this Court to allow the Commissioners some further time to receive claims.

Read &

*Ordered* that the Judge of Probate for the County of Suffolk be

directed to allow the Commissioners (appointed as within mentioned) one month longer from this time for the purpose herein mentioned.<sup>1</sup> [*Passed February 9.*]

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## CHAPTER 195.

### ORDER IMPOWERING DAN<sup>L</sup> SIMPSON TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A PETITION of Daniel Simpson of York, setting forth his service against the Indians, and therefore praying for a Grant of Land or money, in consideration of his said services.

Legislative  
Records of the  
Council,  
xvii. (4), 434,  
686.

Read, and

*Ordered* that the within Petition be revived, & that the Petitioner be allowed by a Survey<sup>r</sup> & Chain men under Oath, to lay out Two Hundred Acres of the unappropriated Lands of the Province (in the County of York) and return a Plat thereof to this Court within twelve months for confirmation, in full consideration for the services and sufferings within mentioned. [*Passed February 9.*]<sup>2</sup>

House Jour-  
nal, pp. 38, 41,  
43.

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## CHAPTER 196.

### VOTE ESTABLISHING THE WAGES OF THE MASTERS & SEAMEN ON Y<sup>E</sup> TRANSPORTS.

*Voted* that there be allowed to each Captain of a Transport in the intended Expedition Three pounds per Month; to each Mate, two pounds ten shillings per month; to each Fore mast Man forty shillings per month. [*Passed February 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 687.

House Jour-  
nal, p. 203.  
*Ante*, p. 435,  
chap. 188.

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## CHAPTER 197.

### VOTE GRANTING A FURTHER ALLOWANCE OF £1. 15 PER MONTH TO THE SURGEONS.

*Voted* that as an encouragement to each Chief Surgeon of a Regiment in the intended Expedition, there be further allowed him one Pound fifteen shillings per month. [*Passed February 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 688.

House Jour-  
nal, p. 203.  
*Ante*, p. 434,  
chap. 185.

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## CHAPTER 198.

### VOTE GRANTING A FURTHER ALLOWANCE OF £1. 10 PER MONTH TO THE CHAPLAINS.

*Voted* that as an encouragement to each Chaplain of a Regiment in the intended Expedition, there be further allowed him One Pound ten shillings per month. [*Passed February 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 688.

House Jour-  
nal, p. 203.  
*Ante*, p. 434,  
chap. 185.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> Adjourned to February 26. See Legislative Records of the Council, xvii. (4), 686.

## CHAPTER 199.

Legislative  
Records of the  
Council,  
xvii. (4), 688.

VOTE GRANTING A FURTHER ALLOWANCE OF 18/ PER MONTH TO THE  
ARMOURERS.

House Jour-  
nal, p. 203.  
*Ante*, p. 434,  
chap. 185.

*Voted* that as an encouragement to each Armourer of a Regiment in the intended Expedition, there be further allowed him eighteen shillings per month. [*Passed February 27.*]

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## CHAPTER 200.

Legislative  
Records of the  
Council,  
xvii. (4), 688.

VOTE ALLOWING SUGAR & GINGER TO THE SOLDIERS IN THE LOUIS-  
BOURG EXPEDITION.

House Jour-  
nal, p. 188.

*Voted* that half a pound of Ginger and one pound and half of Sugar be allowed each soldier in the Expedition against Louisbourg. [*Passed February 27.*]

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## CHAPTER 201.

Legislative  
Records of the  
Council,  
xvii. (4), 688.

VOTE GRANTING AN ADVANCE OF ONE MONTHS WAGES TO MARINERS  
ON THE TRANSPORTS.

House Jour-  
nal, p. 204.  
*Ante*, p. 435,  
chap. 188.

*Voted* that the Mariners on board the Transports that proceed in the intended Expedition against Louisbourg, have one months Wages advanced to them, out of the publick Treasury. [*Passed February 27.*]

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## CHAPTER 202.

VOTE FOR ENLISTING HOUSE CARPENTERS AND ESTABLISHING THEIR  
WAGES.

Legislative  
Records of the  
Council,  
xvii. (4), 689.

*Voted* that there be an enlistment of the number of Twelve house Carpenters in the intended Expedition against Louisbourg; who are each of them to carry at his own charge a compleat set of proper tools and also Fire Arms, that so they may act as Carpenters and Soldiers as the affairs of the Expedition may require: and on that consideration, that Four Pounds be allowed to the chief Carpenter, per month; three Pounds to the second, per month; and fifty shillings to each of the other Ten, per month. [*Passed February 27.*]

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## CHAPTER 203.

RESOLVE CONFIRMING THE ACTION OF THE COMMITTEE IN HIRING  
THE SNOW CÆSAR.

Legislative  
Records of the  
Council,  
xvii. (4), 689.

REPORT being made from the Committee of War, That in the recess of the Court agreement had been made in behalf of this Province for the Insurance of a Snow taken into the service,

towards the hire of which subscription had been made by certain persons at Newport; and there having been an<sup>1</sup> Order of Court for such Agreement, and it being now approved of as necessary for the Service:

Therefore

*Resolved* that the Proceedings and Agreement of the Committee with respect to the said Snow be confirmed; provided that it be not urged as a Precedent for the confirming any such Agreement, incurring charge on the Province without an express Order of the Court, for the future. [*Passed February 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 384.  
House Jour-  
nal, p. 204.

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## CHAPTER 204.

### VOTE FOR TAKING CPT. DONAHEWS AND CPT. ROWSES VESSELS INTO THE SERVICE.

*Voted* that the Committee of War be directed, in the best manner they can, to take into the service of this Province, the Sloop<sup>2</sup> commanded by Cpt. Donahew, as also the Ship<sup>2</sup> commanded by Cpt. Rowse; to be employed in the Expedition against Louisbourg, for a space not exceeding four months; the Committee to reserve a power to the General to discharge the said Sloop and Ship at any time within the said four months that he sees cause. [*Passed February 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 690.

Legislative  
Records of the  
Council,  
xvii. (4), 384.  
House Jour-  
nal, p. 10  
(June, 1744);  
p. 204. *Ante*,  
p. 430, chap.  
173.

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## CHAPTER 205.

### VOTE IMPOWERING THE TOWN OF SALEM TO CHOOSE A CONSTABLE.

*Voted* that the Town of Salem be impowered at their next Town Meeting to make choice of a Constable in the room of Charles King, chosen a Constable the last year, to collect the remaining part of a List of Rates committed to him to collect; and that the said Charles King account with the Treasurer of the Town of Salem for what he has already collected; the Treasurer of the Town of Salem to be accountable for the same to whom it may be respectively due. [*Passed February 27.*]

Legislative  
Records of the  
Council,  
xvii. (4), 690.  
House Jour-  
nal, p. 204.

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## CHAPTER 206.

### VOTE ALLOWING COMMISSARIES 40/ PER MONTH.

*Voted* that a Commissary to each Regiment in the intended Expedition be allowed Forty Shillings per month. [*Passed March 1.*]

Legislative  
Records of the  
Council,  
xvii. (4), 691.  
House Jour-  
nal, p. 205.

<sup>1</sup> The House Journal, p. 204, for "an" reads "no," which, as the resolve following shows, is correct.

<sup>2</sup> The sloop "Resolution," see Mass. Archives, lxxii., 736. The "Shirley" galley, see Mass. Archives, lxxii., 736.

## CHAPTER 207.

VOTE FOR INSURING THE VESSELS HIRED FOR Y<sup>E</sup> EXPEDITION.

Legislative  
Records of the  
Council,  
xvii. (4), 691.

House Jour-  
nal, p. 205.  
*Ante*, p. 438,  
chap. 203.

*Voted* that the several vessels that are or shall be taken up in the service of the Province on the intended Expedition against Louisbourg, be and they hereby are insured by the Government according to several apprizements taken by Persons under Oath. [*Passed March 1.*]

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## CHAPTER 208.

## VOTE FOR PROVIDING STORES FOR THE SICK &amp;c.

Legislative  
Records of the  
Council,  
xvii. (4), 692.

Legislative  
Records of the  
Council,  
xvii. (4), 384.  
House Jour-  
nal, p. 10  
(June, 1744);  
p. 203.

*Voted* that the Committee of War be directed to provide all Hospital Stores that shall be necessary for the sick and wounded in the intended Expedition. [*Passed March 1.*]

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## CHAPTER 209.

## VOTE ALLOWING ONE MONTHS ADVANCE PAY TO THE FIELD OFFICERS.

Legislative  
Records of the  
Council,  
xvii. (4), 692.

House Jour-  
nal, p. 205.  
*Ante*, p. 434,  
chap. 185.

*Voted* that one Months advanced Wages be allowed out of the publick Treasury to the Field Officers who proceed in the intended Expedition against Louisbourg. [*Passed March 1.*]

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## CHAPTER 210.

## VOTE ON THE PETITION OF THE NORTH PRECINCT OF WESTBOROUGH TO BE EXEMPTED FROM THE PAYMENT OF A MINISTERIAL TAX.

Legislative  
Records of the  
Council,  
xvii. (4), 646,  
693.

House Jour-  
nal, p. 179, 205.

A PETITION of the Committee and others of the North Precinct in Westborough, complaining of a Vote pass'd by the said Town of Westborough for taxing the Petitioners towards the support of the Minister of the said Town, for that time wherein the Petitioners maintained a Minister by themselves; praying for redress from this Court.

Read &

*Voted* that the Charge of the Committee therein refer'd to be paid by the said Town and that the Petitioners and their Associates be exempted from any part of the charge of the Fifty Three Pounds ten shillings within mentioned. [*Passed March 2.*]



## CHAPTER 211.

## VOTE IMPOWERING THE TOWN OF GROTON TO CHOOSE A COLLECTOR OF TAXES.

*Voted* that the Town of Groton be empowered at their next annual Meeting for the choice of Town Officers to chuse a Collector to gather the Assessment laid on said Town the last year, contained in the Lists that were committed to Benjamin Martin to collect, who is departed out of the Province, and so has neglected his duty in that affair; and the Province Treasurer is hereby directed to issue his Warrant accordingly. And the said Collector so chosen shall conform himself to and shall be subject to the same rules of Law as in cases of this nature is provided. [*Passed March 2.*]

Legislative  
Records of the  
Council,  
xvii. (4), 693.  
House Jour-  
nal, p. 204.

## CHAPTER 212.

## VOTE ABOUT BILLETING SOLDIERS.

*Voted* that the Officers of the several Companies be empowered under the direction of His Excellency the Governor and Council, to agree with Persons, either in Town or Countrey, to billet the Soldiers under their care, after the best rate they can, not exceeding seven shillings and six pence per week; the subsistence money to be paid upon proper Certificates given. [*Passed March 2.*]

Legislative  
Records of the  
Council,  
xvii. (4), 694.  
House Jour-  
nal, p. 206.

## CHAPTER 213.

VOTE AUTHORIZING A NEW ESTABLISHM<sup>t</sup> FOR THE WAGES OF OFFICERS &<sup>c</sup> IN THE ARTILLERY.

WHEREAS some large Artillery is expected from the Government of New York, which (besides what may be furnished from Castle William &<sup>c</sup>) is to be employed in the intended Expedition, & so a larger number of Officers will be required for the management thereof than are already provided for: Therefore

*Voted* that the former Establishment made for Officers of the great Artillery be superseded and in lieu thereof the following Establishment be and hereby is made, viz<sup>t</sup> That two Captains be paid, one the sum of Nine pounds per month; the other Five Pounds per month; one Lieutenant Four pounds per month; three others Two pounds ten shillings per month; one Bombardeer Eight Pounds ten shillings per month; three others, Two pounds each per month; Four Assistants, Two pounds each per month; and Thirty Gunners one pound ten shillings each per month. [*Passed March 2.*]

Legislative  
Records of the  
Council,  
xvii. (4), 694.  
Legislative  
Records of the  
Council,  
xvii. (4), 692.  
House Jour-  
nal, p. 206.  
*Ante*, p. 434,  
chap. 185.

## CHAPTER 214.

## ORDER ESTABLISHING WAGES ON THE FRIGATE MASSACHUSETTS.

Legislative  
Records of the  
Council,  
xvii. (4), 695.

Legislative  
Records of the  
Council,  
xvii. (4), 558.  
House Jour-  
nal, p. 206.

A MEMORIAL of Cpt. Edward Tyng, Commander of the Ship Massachusetts Frigate, moving for an Establishm<sup>t</sup> of Wages for divers new Officers, not yet allowed him, and for raising the Wages of others who are now upon the Establishment.

Read, and in answer hereto

*Ordered* that there be allowed to the Doctor Eight shillings per month,<sup>1</sup> he to be kept in constant pay; that a Second Lieutenant be allowed for four months to said ship at Three pounds three shillings; that a Doctors Mate be allowed two pounds ten shillings per month for four months; that there be allowed One hundred and fifty Men to said ship, including Officers. [*Passed March 2.*]

## CHAPTER 215.

Legislative  
Records of the  
Council,  
xvii. (4), 696.

House Jour-  
nal, p. 207.  
*Ante*, p. 434,  
chap. 185.

## VOTE ALLOWING ARMOURERS, PILOTS AND CLERKS ADVANCED WAGES.

*Voted* that the Armourers Pilots and Clerks who proceed in the Expedition against Louisbough be allowed one months advanced Wages. [*Passed March 7.*]

## CHAPTER 216.

Legislative  
Records of the  
Council,  
xvii. (4), 696.

Legislative  
Records of the  
Council,  
xvii. (4), 384.  
House Jour-  
nal, p. 10  
(June, 1744);  
p. 207. *Ante*,  
p. 438, chap.  
202.

## VOTE TO PROVIDE FOUR SHIP CARPENTERS AND ALLOW THEM 50/ PER MONTH.

*Voted* that the Committee of War be impowered to provide four Ship Carpenters to proceed in the Expedition against Louisbough, allowing them fifty shillings per month each, they finding proper tools for the service. [*Passed March 7.*]

## CHAPTER 217.

Legislative  
Records of the  
Council,  
xvii. (4), 696.

Legislative  
Records of the  
Council,  
xvii. (4), 384.  
House Jour-  
nal, p. 10  
(June, 1744);  
p. 207.

## VOTE TO PROVIDE AN INTERPRETER AND ALLOW HIM £3. 15 PER MONTH.

*Voted* that the Committee of War be impowered to provide an able skilful Interpreter to go with the Forces in the Expedition against Louisbough; allowing him Three pounds fifteen shillings per month. [*Passed March 7.*]

<sup>1</sup> The House Journal, p. 206, reads, "That *eight Shillings* per Month be added to the Doctor's Pay."

## CHAPTER 218.

## VOTE ESTABLISHING THE WAGES OF CAPTAINS OF COMPANIES OF FORTY MEN.

Legislative  
Records of the  
Council,  
xvii. (4), 696.

*Voted* that every Captain who has raised Forty Men, be entitled to the Bounty and Wages already established for a Captain of Fifty Men. [*Passed March 7.*]

House Jour-  
nal, p. 207.  
*Ante*, p. 434,  
chap. 185.

## CHAPTER 219.

## VOTE ALLOWING COMMISSARIES ONE MONTHS ADVANCED WAGES.

Legislative  
Records of the  
Council,  
xvii. (4), 697.

*Voted* that the Commissaries who proceed in the Expedition against Louisbourgh be allowed one months advanced Wages. [*Passed March 7.*]

House Jour-  
nal, p. 208.  
*Ante*, p. 433,  
chap. 206.

## CHAPTER 220.

## ORDER GRANTING TO WM BRIANT A LICENCE AS INNHOLDER.

A PETITION of William Briant Jun<sup>r</sup> of Reading shewing that for divers years past he has had a Licence as an Inn holder, but through some misunderstanding between him and the late Select men of said Town, he has lost his Licence to keep an Inn; praying that the Justices of the Peace for the County of Middlesex at their next General Sessions may be impowered to renew his Licence upon the Approbation of the Select men of the said Town.

Legislative  
Records of the  
Council,  
xvii. (4), 697.House Jour-  
nal, p. 208.  
Province  
Laws, iii., 18,  
chap. 6.

Read and

*Ordered* that the Justices of the General Sessions of the Peace for the County of Middlesex at their next Term, be allowed and impowered to grant the Petitioner a Licence to keep a House of Entertainment &c (he first producing the approbation of the present Select men of Reading) the remaining part of the Year; the time for granting Licences being elapsed notwithstanding. [*Passed March 7.*]

## CHAPTER 221.

## VOTE FOR CONTINUING THE FORCES ON THE FRONTIERS.

*Voted* that the Establishment provided for the Pay & Subsistence of Eighty men employed as Scouts on the Western Frontiers, and one Hundred men on the Eastern Frontiers, which expired the First Instant, be continued from that time till the first of June next; the said Scouts to be employed agreeable to the Resolution of the Court in that case already provided. [*Passed March 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 698.Legislative  
Records of the  
Council,  
xvii. (4), 522,  
589. House  
Journal, p. 209.

## CHAPTER 222.

## ORDER ALLOWING £500 TO THE JUDGES.

Legislative  
Records of the  
Council,  
xvii. (4), 698.

House Jour-  
nal, p. 210.

*Ordered* that the sum of Five Hundred Pounds be granted and allowed to be paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of His Majestys Superior Court of Judicature, Court of Assize and General Goal Delivery for their services for one year, ending the first of January last. [*Passed March 8.*]

## CHAPTER 223.

## ORDER ALLOWING £200 TO THE PRESIDENT OF HARVARD COLL.

Legislative  
Records of the  
Council,  
xvii. (4), 699.

House Jour-  
nal, p. 210.

*Ordered* that the sum of Two Hundred Pounds be granted & allowed to be paid out of the publick Treasury, to the Rev<sup>d</sup> Edward Holyoke, President of Harvard College over and above the Rents of the Massachusetts Hall, for one year ending the tenth of September next, to be paid quarterly. [*Passed March 8.*]

## CHAPTER 224.

ORDER ALLOWING £160 TO Y<sup>E</sup> TREASURER.

Legislative  
Records of the  
Council,  
xvii. (4), 699.

House Jour-  
nal, p. 210.  
*Infra*, chap.  
225.

*Ordered* that the sum of One Hundred and Sixty Pounds be granted and allowed to be paid out of the publick Treasury to William Foye Esq<sup>r</sup> Treasurer and Receiver General of His Majestys Revenues of this Province, for one year ending the Second Day of January next. [*Passed March 8.*]

## CHAPTER 225.

## ORDER ALLOWING £20 ADDITIONAL TO THE TREASURER.

Legislative  
Records of the  
Council,  
xvii. (4), 699.

House Jour-  
nal, pp. 210, 211.  
*Supra*, chap.  
224.

*Ordered* that the sum of Twenty Pounds be granted and allowed to be paid out of the publick Treasury to William Foye Esq<sup>r</sup> Treasurer &<sup>c</sup> in consideration of his extraordinary Service to the third Day of December last. [*Passed March 8.*]

## CHAPTER 226.

## ORDER ALLOWING £40 TO THE SECRETARY.

Legislative  
Records of the  
Council,  
xvii. (4), 699.

House Jour-  
nal, p. 210.  
*Infra*, chap.  
227.

*Ordered* that the sum of Forty Pounds be granted and allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province in full for his Service for one year ending the third day of December last. [*Passed March 8.*]

## CHAPTER 227.

ORDER ALLOWING £60 ADDITIONAL TO THE SECRETARY.

*Ordered* that the sum of Sixty Pounds be granted and allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary &<sup>e</sup> in consideration of his Extraordinary Services to the third day of December last. [*Passed March 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 700.  

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House Jour-  
nal, p. 210.  
*Supra*, chap.  
226.

## CHAPTER 228.

ORDER ALLOWING 1/6 PER DIEM TO THE SPEAKER.

*Ordered* that there be granted and allowed to be paid out of the publick Treasury One Shilling and Six pence per Diem to the Hon<sup>ble</sup> Thomas Cushing Esq<sup>r</sup> Speaker of the House for every day of his attendance in the General Court from the Opening of the Session on the Twenty fifth of May 1744 to the end of this year, in consideration of his constant application in discharging the publick affairs of the Province. [*Passed March 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 700.  

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House Jour-  
nal, p. 211.

## CHAPTER 229.

ORDER ALLOWING £45 TO THE CLERK OF THE HOUSE.

*Ordered* that the sum of Forty five pounds be granted and allowed to be paid out of the publick Treasury to Rowland Cotton Esq<sup>r</sup> Clerk of the House for his service in that Trust the present year. [*Passed March 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 700.  

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House Jour-  
nal, p. 211.  
*Infra*, chap.  
230.

## CHAPTER 230.

ORDER ALLOWING £5 ADDITIONAL TO THE CLERK OF THE HOUSE.

*Ordered* that the sum of Five Pounds be granted and allowed to be paid out of the publick Treasury to Rowland Cotton Esq<sup>r</sup> in consideration of his being allowed short the said sum, for his service as Clerk in the year 1739. [*Passed March 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 701.  

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House Jour-  
nal, p. 211.  
Province  
Laws, xii., 693,  
chap. 57.  
*Supra*, chap.  
229.

## CHAPTER 231.

ORDER ALLOWING £25 TO REV<sup>d</sup> M<sup>r</sup> EDW<sup>d</sup> WIGGLESWORTH, PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

*Ordered* that the sum of Twenty five pounds be granted and allowed to be paid out of the publick Treasury to Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in

Legislative  
Records of the  
Council,  
xvii. (4), 701.

House Journal, p. 211.

Cambridge, as a Gratuity in consideration of his faithful discharge of that great and important Trust reposed in him, and for his further encouragement therein. [*Passed March 8.*]

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## CHAPTER 232.

### ORDER ALLOWING £10 TO THE CHAPLAINS OF BOTH HOUSES.

Legislative Records of the Council, xvii. (4), 701.  
House Journal, p. 211.

*Ordered* that the sum of Ten Pounds be granted and allowed to be paid out of the publick Treasury, viz<sup>t</sup> One Half to the Rev<sup>d</sup> Chaplain of the Hon<sup>ble</sup> Board the present year, the other half to the Rev<sup>d</sup> Ellis Gray the Chaplain of the House, for their respective services the present year. [*Passed March 8.*]

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## CHAPTER 233.

### ORDER ALLOWING £55 TO THE DOOR KEEPER.

Legislative Records of the Council, xvii. (4), 701.  
House Journal, p. 211.

*Ordered* that the sum of Fifty five pounds be granted and allowed to be paid out of the publick Treasury to Mr Richard Hubbard Door Keeper to His Excellency the Governor and this Court, in full for his service for one year ending the 19<sup>th</sup> day of February 1745, the said money to be paid quarterly as it shall become due. [*Passed March 8.*]

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## CHAPTER 234.

Legislative Records of the Council, xvii. (4), 702.

### VOTE APPOINTING ADJUTANTS AND ALLOWING THEM £3 PER MONTH AND ONE MONTHS ADVANCE WAGES.

Legislative Records of the Council, xvii. (4), 702.  
House Journal, p. 210.

*Voted* that there be allowed to each Regiment, an Adjutant at Three Pounds per Month, that the one months advanced Wages be paid them out of the publick Treasury. [*Passed March 8.*]

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## CHAPTER 235.

Legislative Records of the Council, xvii. (4), 703.

### VOTE ALLOWING AN ENGINEER £8. 10 PER MONTH, AND ONE MONTHS ADVANCE WAGES.

Legislative Records of the Council, xvii. (4), 702.  
House Journal, p. 210.

*Voted* that there be allowed to an Engineer in the intended Expedition Eight Pounds ten shillings per Month, and that one Months advanced Wages be allowed him out of the publick Treasury. [*Passed March 8.*]

## CHAPTER 236.

## VOTE ALLOWING 10/ PER MONTH ADDITIONAL TO THE GUNNERS WAGES.

*Voted* that Ten shillings per Month be added to the Wages of each of the thirty Gunners who shall proceed in the Expedition against Louisbourgh. [*Passed March 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 703.

Legislative  
Records of the  
Council,  
xvii. (4), 702.  
House Jour-  
nal, p. 210.  
*Ante*, p. 434,  
chap. 185.

## CHAPTER 237.

## VOTE ALLOWING 20/ PER MONTH ADDITIONAL TO THE COMMISSARIES WAGES.

*Voted* that Twenty Shillings per month be added to each Commissary that shall proceed in the present Expedition. [*Passed March 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 703.

House Jour-  
nal, p. 210.  
*Ante*, p. 434,  
chap. 219.

## CHAPTER 238.

## VOTE FOR IMPRESSING 200 MEN FOR THE SHIPS OF WAR.

*Voted* that the Captain General be desired to issue his orders for the impressing Two Hundred effective men in the Towns of Boston, Roxbury, Dorchester, Milton, Brantree, Hingham, Scituate, and Marshfield for the manning the Ships of War proceeding on the Expedition against Louisbourgh, to consist as much as may be of Seamen. [*Passed March 8.*]

Legislative  
Records of the  
Council,  
xvii. (4), 704.

House Jour-  
nal, p. 212.  
*Ante*, p. 427,  
chap. 163.

## CHAPTER 239.

VOTE IMPOWERING CAP<sup>t</sup> EDWARD TYNG TO MAKE UP HIS MUSTER ROLL OF THE PROVINCE SNOW "PRINCE OF ORANGE," TO DECEMBER 19, 1744.

A MEMORIAL of Cpt. Edward Tyng late Commander of the Province Snow the Prince of Orange, shewing that the Establishment of the Wages of himself and Company, ended the 19<sup>th</sup> of November last, at which time he was upon a cruize at Sea, by His Excellencys Order, and had no Order from the Governor to discharge the Ships Company till the 19<sup>th</sup> of December following; praying that the Establishment may be continued until that time.

Legislative  
Records of the  
Council,  
xvii. (4), 704.

House Jour-  
nal, p. 208.

Read, & it appearing that the said Snow was not returned from her cruize on the 19<sup>th</sup> of November last, when according to the Establishment of this Court she ought to have been discharged, and that after her return the danger of our Navigation from Privateers on the Coast was apprehended so great as to bring under consideration of this Court the expediency of prolonging that Establishment, so that the men were not actually discharged till the 19<sup>th</sup> of December after; Therefore

*Voted* that Cpt. Tyng be allowed to make up his Muster Roll to the said Nineteenth of December as if the Establishment had extended to that time. [*Passed March 8.*]

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## CHAPTER 240.

### ORDER ALLOWING £10 TO AUG. MOOR.

Legislative  
Records of the  
Council,  
xvii. (4), 705.

House Jour-  
nal, p. 208 *bis*.

A PETITION of Augustus Moor of Salisbury, Shewing that being in the service of this Province against the enemy, he was wounded and was much disabled thereby; praying for an Allowance from this Court.

Read and

*Ordered* that the sum of Ten Pounds, Bills of the last Emission be allowed to the Petitioner, in full consideration for his loss of time and sufferings herein mentioned. [*Passed March 8.*]

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## CHAPTER 241.

### ORDER ALLOWING 2/ PER MONTH ADDITIONAL TO THE WAGES OF JOHN GARDNER PILOT OF THE FRIGATE MASSACHUSETTS.

Legislative  
Records of the  
Council,  
xvii. (4), 706.

House Jour-  
nal, p. 212.

A PETITION of John Gardner Pilot of the Ship Massachusetts Frigate setting forth the insufficiency of the Wages allowed him for his service in that trust; praying that his Wages may be advanced.

Read and in answer thereto.

*Ordered* that the sum of Two shillings per month be added to the Establishment already allowed the Memorialist as Pilot<sup>1</sup> herein mentioned. [*Passed March 9.*]

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## CHAPTER 242.

### VOTE FOR SUBSIST<sup>6</sup> IMPRESS'D MEN.

Legislative  
Records of the  
Council,  
xvii. (4), 708.

Legislative  
Records of the  
Council,  
xvii. (4), 706,  
707. House  
Journal, p. 215.

*Voted* that the Sheriff of the County of Suffolk be directed to take care that all those persons who are impressed for the service of the Expedition, and put into his custody, be properly subsisted till they shall be put into the service. [*Passed March 11.*]

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## CHAPTER 243.

### VOTE ALLOWING OFFICERS OF THE LAND FORCES BOUNTY MONEY AND BLANKETS.

Legislative  
Records of the  
Council,  
xvii. (4), 708.

House Jour-  
nal, p. 215.  
*Ante*, p. 425,  
chap. 157.

*Voted* that the several Officers of the Land Forces who proceed in the Expedition be allowed the same subsistence, Bounty Money and Blankets as the common Soldiers are entitled to. [*Passed March 11.*]

<sup>1</sup> The record establishing his wages has not been found.



## CHAPTER 244.

## VOTE ALLOWING £500 TO THE LIEUTENANT GENERAL.

*Voted* that the sum of Five Hundred Pounds be put into the hands of the Lieu<sup>t</sup> General the Hon<sup>ble</sup> Will<sup>m</sup> Pepperil Esq<sup>r</sup> for extraordinary services &<sup>c</sup> he to be accountable for that sum. [*Passed March 11.*]

Legislative  
Records of the  
Council,  
xvii. (4), 708.

House Jour-  
nal, p. 215.

## CHAPTER 245.

VOTE SUBSTITUTING THO. HUTCHINSON ESQ<sup>r</sup> FOR ROBERT HALE ESQ<sup>r</sup> ON THE COMMITTEE FOR SIGNING BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (4), 709.

*Voted* that Thomas Hutchinson Esq<sup>r</sup> be added to the Committee for signing the Bills of Publick Credit of the last Emission, in the room of Robert Hale Esq<sup>r</sup>, who is appointed to proceed in the Expedition against Louisbourgh. [*Passed March 12.*]

House Jour-  
nal, p. 216.  
*Ante*, p. 374,  
chap. 28.

## CHAPTER 246.

VOTE REFERRING ALL MATTERS BEFORE THE COURT TO THE NEXT SESSION.

Legislative  
Records of the  
Council,  
xvii. (4), 709.

*Voted* that all matters now before the Court which had Day at this Sitting, be referring<sup>1</sup> to the next Sitting of this Court. [*Passed March 12.*]

House Jour-  
nal, p. 216.

## CHAPTER 247.

## VOTE EMPOWERING THE GENERAL TO EMPLOY PIONEERS.

*Voted* that the General be allowed to apply part of the money put into his hands for employing Pioners in digging Trenches &<sup>c</sup> if it be needful. [*Passed March 12.*]

Legislative  
Records of the  
Council,  
xvii. (4), 710.

House Jour-  
nal, p. 217.  
*Supra*, chap.  
244.

## CHAPTER 248.

## VOTE FOR MANNING CPT. GAYTONS SHIP.

*Voted* that His Excellency the Captain General be desired to cause to be impressed a number of Seamen, and no other than such, not exceeding Seventy, for the manning His Majestys ship<sup>2</sup> under the command of Cpt. Gayton; Provided that the said Men shall be employed in no other service than that of the present Expedition, and that they all be discharged at the end of the service: Provided also that no such Impress be made till within one Week of the time said ship may be ready to sail in the said service. [*Passed March 12.*]

Legislative  
Records of the  
Council,  
xvii. (4), 711.

Legislative  
Records of the  
Council,  
xvii. (4), 705,  
710. House  
Journal, p. 217.  
*Ante*, p. 447,  
chap. 238.

<sup>1</sup> The House Journal, p. 216, reads, "refer'd."

<sup>2</sup> The name of this ship was "Bien Amy" according to Legislative Records of the Council, xvii. (4), 705.

## CHAPTER 249.

## VOTE FOR EXCHANGING MEN IMPRESS'D IN THE CO. OF SUFFOLK.

Legislative  
Records of the  
Council,  
xvii. (4), 711.

House Jour-  
nal, p. 217.  
*Ante*, p. 447,  
chap. 238.

IN AS MUCH as in consequence of an Order of this Court considerable numbers of men have been impressed in the Towns of Roxbury and Brantree, which, considering the Enlistment made in said Towns may be esteemed an hardship: Wherefore

*Ordered* that the Captain General be desired to cause to be impressed out of other Towns in the County of Suffolk, such a number of men as may be necessary for exchanging the men impressed, as aforesaid, or such part of them as may be thought proper; Provided it can be done in season for the Embarkation, and also that the number exceed not the Two hundred first proposed. [*Passed March 12.*<sup>1</sup>

## CHAPTER 250.

## ORDER IMPOWERING JOS. COGNEHEW, INDIAN, TO SELL LAND TO PAY DEBTS.

Legislative  
Records of the  
Council,  
xvii. (4), 721.

House Jour-  
nal, p. 222.

A PETITION of Josiah Cognehew Indian Minister of Falmouth in the County of Barnstable, Shewing that by reason of much sickness in his family he is fallen considerably into Debt, which he is not able to discharge without disposing of some of his land; and therefore praying that he may be impowered by this Court to sell a small Island in the Town of Sandwich belonging to him, called Hog Island, for the purpose aforesaid.

Read and

*Ordered* that the prayer of the Petition be granted, and Mr Tupper is directed and hereby impowered to assist the Petitioner in the sale of the land within mentioned, the produce thereof to be applied for the purposes in the Petition mentioned. [*Passed April 5.*

## CHAPTER 251.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE HASSANIMISCO INDIAN AFFAIR AND RENEWING THE BONDS DUE TO SAID INDIANS.

Legislative  
Records of the  
Council,  
xvii. (4), 719,  
722.

House Jour-  
nal, pp. 222, 223,  
224. Province  
Laws, xi., 233,  
chap. 36.  
*Ante*, p. 326,  
chap. 227.

A MEMORIAL of John Chandler, John Jones and Edward Baker Esq<sup>rs</sup> Trustees for the Indians of Hassanimisco; shewing that the former Trustees took Bonds of the purchasers of the Indian Lands there, which Bonds are to be taken up, and new Bonds made to the Memorialists in behalf of the said Indians; but forasmuch as there is a difficulty arisen referring to the Bills being depreciated; praying that this Court would direct the Memorialists how to proceed in the Affair.

The Committee appointed to consider the Memorial of the Trustees of the Indians at Hassanimisco, have attended that service, and are of Opinion that the Trustees forthwith renew the Bonds due to the Indians, and that they take good security for the payment of the

<sup>1</sup> Adjourned to April 3. See Legislative Records of the Council, xvii. (4), 712.

same, in lawful money, and that the Trustees make allowance for the depreciating of the Bills, since 1741.

FRA: FOXCROFT per Order.

Read & Not Accepted; &

*Ordered* that the Trustees forthwith renew the Bonds due to the Indians, and that for every Twenty eight shillings and eight pence due on said Bonds, the said Trustees take security for the payment of One Ounce of Silver, or so much in Bills of Credit as at the time of payment will purchase an Ounce of Silver at the rate it shall be then commonly sold at, and so in proportion for a greater or less sum that may be due. [*Passed April 5.*]

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## CHAPTER 252.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE AB<sup>t</sup> THE SUPER-NUMERARY COMPANIES.

SAMUEL DANFORTH ESQ<sup>r</sup> from the Committee for considering His Excellencys Message respecting the supernumerary Companies, reported as follows, viz<sup>t</sup>

The Committee to whom His Excellencys Message aforegoing was refer'd, having taken the same into consideration, are of opinion, that as the full number of men proposed to be enlisted for the Expedition to Cape Breton have already been raised and sent thither, that therefore such of the two Supernumerary Companies before mentioned as have not already received the same, be allowed and paid their Bounty Money, Wages & Subsistence, (agreable to the Establishment of this Court) to the ninth day of April instant inclusively; and that His Excellency the Captain General be desired to dismiss them from the Service before mentioned.

SAM<sup>r</sup> DANFORTH, per Order.

Read and

*Ordered* that this Report be accepted. [*Passed April 5.*]

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## CHAPTER 253.

### ORDER OF NOTICE ON THE PETITION OF JOHN HOMANS TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of John Homans of Boston, Merchant shewing that Mess<sup>rs</sup> Gerrish and Barrel of Boston aforesaid, merchants, at the Superior Court held at Boston in August 1742 recovered Judgment against the Petitioner as Trustee for Francis Dolby the sum of £831. 1. 11½ lawful money, and afterwards by their Writ of Scire Facias brought to the said Superior Court, obtained Judgement for the same sums, of the Petitioners proper estate, althó the said Gerrishes and Barrels accompt, upon which they sued expressed the Ballance to be £831. 1. 11½ Bills of the New Tenor or lawful money; which the Petitioner apprehends ought to have been so expressed in the Judgment of the Court; and therefore praying that for obtaining a Reconsideration of the said Judgment, he may be impowered to bring his Writ of Review, and that the Judges

Legislative  
Records of the  
Council,  
xvii. (4), 724.

Legislative  
Records of the  
Council,  
xvii. (4), 720,  
721. House  
Journal, p. 224.

Legislative  
Records of the  
Council,  
xvii. (4), 725.

House Jour-  
nal, pp. 222, 223.

of the Court may be enabled and directed to reconsider the said Judgment.

Read and

*Ordered* that the Petitioner serve the adverse party the said Gerish & Barrel with a copy of this Petition, that they shew cause if any they have, on Wednesday next, if the Court be then sitting, if not, on the second Wednesday of the next Sitting of the Court why the prayer thereof should not be granted. [*Passed April 5.*]

## CHAPTER 254.

### ORDER IMPOWERING JAMES NED, INDIAN, TO SELL LAND TO PAY DEBTS.

Legislative  
Records of the  
Council,  
xvii. (4), 726.  
House Jour-  
nal, p. 222.

A PETITION of James Ned of Sandwich, Indian, praying for liberty from this Court to sell the Lands he lives on, which has no wood on it, for the payment of his Debts, and the remainder to be laid out for the purchase of other Lands more commodious for the support of himself and his mother.

Read and

*Ordered* that the prayer of the Petition be granted, and M<sup>r</sup> Tupper is directed and hereby empowered to assist the Petitioner in the sale of the land within mentioned, the produce thereof to be applied to the purposes mentioned in this Petition. [*Passed April 5.*]

## CHAPTER 255.

### ORDER OF NOTICE ON THE PETITION OF THE WEST PRECINCT IN GROTON TO LEVY A TAX ON LANDS.

Legislative  
Records of the  
Council,  
xvii. (4), 726.  
House Jour-  
nal, p. 222.  
*Ante*, p. 410,  
chap. 121.

A PETITION of Moses Woods and others, a Committee for the West Precinct in Groton, praying that a Tax of two pence per acre per annum for three years next coming, may be laid upon the unimproved lands there; the produce thereof to be applied for building a house for the publick Worship of God within the said Precinct.

Read and

*Ordered* that the Petitioners serve the Non Resident Proprietors of said land with a Copy of this Petition (by inserting the substance thereof in the Boston Gazet and one other of the publick papers) that they shew cause, if any they have, on the second Wednesday of the next May Session why the prayer thereof should not be granted. [*Passed April 5.*]

## CHAPTER 256.

### VOTE FOR ADVANC<sup>d</sup> MONEY TO SEAMENS FAMILIES.

Legislative  
Records of the  
Council,  
xvii. (4), 727.

*Voted* that the Committee for providing for the Expedition be allowed and directed to advance a sum, not exceeding Two Hundred and Fifty Pounds for the service of any distressed Families of

such Seamen as are on board the ships of War, in the pay and service of this Province; provided that not more than one months pay be advanced for any Person, and that the same be deducted from their Wages, when the Muster Rolls of the Vessels to which they belong are made up and paid. [*Passed April 6.*]

Legislative  
Records of the  
Council,  
xvii. (4), 664,  
669, 678. House  
Journal, p. 225.  
*Ante*, p. 427,  
chap. 162.

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## CHAPTER 257.

### ORDER APPOINTING A COMMITTEE FOR BURNING TORN AND DEFACED BILLS OF CREDIT.

In the House of Represent<sup>ves</sup>;

*Ordered* that M<sup>r</sup> Speaker, M<sup>r</sup> Hutchinson, M<sup>r</sup> Skinner, M<sup>r</sup> Oliver, M<sup>r</sup> Russel, M<sup>r</sup> White and M<sup>r</sup> Prout, with such as the Hon<sup>ble</sup> Board shall join, be a Committee to repair to the Treasury and take an Account of all the torn and defaced Bills & all other Bills emitted before 1744, and see them consumed to ashes, giving the Treasurer a Receipt for the same.

In Council; Read and Concur'd, and Francis Foxcroft, Daniel Russel and Samuel Danforth Esq<sup>s</sup> are joined in the affair. [*Passed April 6.*]

Legislative  
Records of the  
Council,  
xvii. (4), 727.  
House Jour-  
nal, p. 226.

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## CHAPTER 258.

### ORDER FOR AN EXTENSION OF THE TIME FOR DRAWING THE LOTTERY.

WHEREAS by An Act entitled An Act for raising by a Lottery the sum of Seven Thousand Five Hundred Pounds for the service of this Province for this present year, it is among other things provided "That if there shall not be at least Twenty thousand tickets disposed of at the time appointed for drawing the said Lottery, the Managers and Directors shall wholly desist from any further proceedings until they shall receive further Orders from the General Court:" And in as much as the time for drawing the said Lottery is to be on the Ninth Instant, and by information from the said Directors it is not probable that the said Number of Twenty thousand Tickets will by that time be taken out:

Therefore

*Ordered* that the time for drawing the said Tickets by the said Directors or Managers be further lengthened out to the fourth day of June next; and the said Directors be and hereby are impowered to proceed to dispose of said Tickets until that time; and what of said Tickets shall then remain undisposed of, shall be the proper Lot and Share of the Province, & the said Directors shall then proceed to draw pursuant to said Act. [*Passed April 6.*]

Legislative  
Records of the  
Council,  
xvii. (4), 729.  
House Jour-  
nal, pp. 225, 226.  
Province  
Laws, iii., 195,  
chap. 20.  
*Ante*, p. 425,  
chap. 158.

## CHAPTER 259.

## VOTE ABOUT PAYING DIVERS MUSTER ROLLS.

Legislative  
Records of the  
Council,  
xvii. (4), 729.

House Jour-  
nal, pp. 226, 227.  
Province  
Laws, iii., 211,  
chap. 28.

WHEREAS the Muster Rolls of Capt. Dominicus Jordan for services done before December 1744, were not made up and passed upon, until the passing and publication of the Act of this Government providing how Soldiers and Seamen shall be paid for the two years next succeeding the passing said Act; which Act requires such Muster Rolls to be discharged and paid off to the Soldiers in person or to their express Order; but in as much as the Soldiers born on the said Roll or Rolls were impressed before the passing said Law, and therefore can not produce such Certificates from the Officers that impressed them, as is required by the Law to entitle them to their pay in the aforesaid manner:

*Voted* that the Treasurer be impowered and directed to pay to the Soldiers born on such Roll or Rolls, or to their Order or to the Order of their Master or Parent, such sum or sums as may be due, the aforesaid defect or want of Certificate notwithstanding. [*Passed April 6.*<sup>1</sup>

Legislative  
Records of the  
Council,  
xvii. (4), 736.

Legislative  
Records of the  
Council,  
xvii. (4), 731,  
734. House  
Journal, p. 233.  
*Ante*, p. 421,  
chap. 148.

## CHAPTER 260.

## VOTE CONTINUING THE PRESENT GARRISON AT FORT DUMMER.

*Voted* that the present Establishment of the Garrison at Fort Dummer be and hereby is continued to the First of June next. [*Passed April 18.*

## CHAPTER 261.

## ORDER ON THE PETITION OF ARENT VANDYKE FOR ANNULLING A JUDGMENT AND RESUMING THE TRIAL OF AN ACTION.

Legislative  
Records of the  
Council,  
xvii. (4), 736.

*Ante*, p. 412,  
chap. 128.

ON THE PETITION of Arent Vandyke, [*ante*, p. 412, chap. 128]

It appearing to this Court that the within named Benjamin Stebbins Jun<sup>r</sup> has been notified of this Petition, agreeable to the order of the General, [Court] and having made no answer:

Therefore

*Ordered* that the Judgment of the Inferior Court within refer'd to, and all the proceedings thereon, be and hereby are made null and void and of none effect, and the said Inferior Court are hereby Ordered and impowered to resume the trial of the cause within mentioned, at the next Inferior Court to be held at Springfield in the County of Hampshire on the third Tuesday of May next, the former judgment of said Court notwithstanding; and that the Petitioner be allowed to file his Accompt against said Stebbins at said Court, agreeable to the practice of the law, Provided the Petitioner serve the said Stebbins or his Attorney with a Copy of this Order fourteen days at least before the sitting of the said Court.<sup>2</sup> [*Passed April 18.*

<sup>1</sup> Adjourned to April 17. See Legislative Records of the Council, xvii. (4), 730.

<sup>2</sup> Not found in the House Journal.

## CHAPTER 262.

## ORDER DIRECTING THE PAYMENT OF BENJ. LARRABEES MUSTER ROLL.

A MEMORIAL of Benjamin Larrabee, Commander of Fort George, setting forth the great inconveniences both to himself and the Garrison there, if his present Muster Roll should be paid off in the manner prescribed in the new Law, of which he was entirely ignorant when he left that Fort; and therefore praying that he may receive the whole of the Wages due on the said Roll, according to the former practice.

Read &

*Ordered* that the Province Treasurer be and he hereby is impowered and directed to pay the Memorialist the ballance of his Muster Roll; provided the Memorialist give sufficient security to the said Treasurer that he produces the proper receipts from the several persons within named, within three months from the date of this Order. [*Passed April 18.*]

Legislative  
Records of the  
Council,  
xvii. (4), 737.

House Journal,  
p. 231.  
Province  
Laws, iii., 211,  
chap. 28.

## CHAPTER 263.

## VOTE FOR PAYING SUBSISTENCE MONEY TO DIVERS SOLDIERS.

*Voted* that the following Persons who have subsisted themselves whilst in His Majestys service at the Eastward, be allowed out of the publick Treasury as follows, viz<sup>t</sup> Thomas Colby one shilling per diem for fourteen days, Samuel Weed 1/. for 14 days, James Hadlock 14 days, Zacheus Hunt 14 days, Jonathan Huntington 14 days, Cutting Sergeant 14 days, Robert Andrews 14 days, Matthew Hardy 14 days, Moses Smith 14 days, Richard Styles 8 days, Richard Hardy 10 days, James Bayley 9 days, John Burbank 9 days, Peter Hazeltine 9 days, Nathaniel Bayley 9 days, William Easman 9 days, Thomas Walley 15 days, Samuel Runnels Jun<sup>r</sup> 8 days, Stephen Brown 5 days, John Rindge 5 days, Nathaniel Fuller 5 days, Humphrey Williams 5 days, Zacheus Wilcom 5 days, Benjamin Robbins 5 days, Moses Davis 5 days, Joseph Emerson 5 days.<sup>1</sup> [*Passed April 19.*]

Legislative  
Records of the  
Council,  
xvii. (4), 738.

*Ante*, p. 411,  
chap. 212.

## CHAPTER 264.

## VOTE FOR A PRESENT TO COMMODORE WARREN.

*Voted* that the Committee of War be directed, at the charge of this Government, out of the money in their hands, to procure Fifty Pounds worth of suitable Live Stock, and present the same to the Hon<sup>ble</sup> Commodore Warren, by the first opportunity, as an Expression of the Respect of this Government. [*Passed April 19.*]

Legislative  
Records of the  
Council,  
xvii. (4), 738.

Legislative  
Records of the  
Council,  
xvii. (4), 3-4.  
House Journal,  
p. 233.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 265.

## VOTE FOR ENLISTING OR IMPRESSING OF SOLDIERS FOR THE DEFENCE OF THE WESTERN FRONTIERS.

Legislative  
Records of the  
Council,  
xvii. (4), 739.

Legislative  
Records of the  
Council,  
xvii. (3), 74.  
House Journal,  
p. 234.

UPON CONSIDERATION of the Petition of the Inhabitants of sundry Townships and Proprieties of Land on the Western Frontier and lying between the Rivers of Connecticut and Merrimack, setting forth that they have made repeated Applications to the Government of New Hampshire for protection, but can receive none, and are now in an exposed state, the Forces allowed them by this Government not being sufficient for their Defence; and upon consideration also of the defenceless state of the Inhabitants of said Frontier near Merrimack River, who are likewise to the Northward of the Boundary Line lately run, and who are not among the Petitioners aforesaid:

*Resolved* that His Excellency the Captain General be desired to cause to be enlisted or impressed Thirty Men, to be employed together with the Fifty Men already in the pay of this Province on said Frontier, for the defence of the aforesaid Inhabitants from Merrimack to Connecticut River, and that the said Thirty Men be allowed Pay and Subsistence to the First of June next. [*Passed April 19.*]

## CHAPTER 266.

## ORDER DIRECTING CPT. JOHN GRAY TO PAY SOLDIERS.

Legislative  
Records of the  
Council,  
xvii. (4), 739.

House Journal,  
p. 234.

In the House of Represent<sup>ves</sup>

The House having received information that Cpt. John Gray of Biddeford has received out of the publick Treasury the Wages due to the Soldiers born on his Roll, for services done the last year, and has carried the same to his own dwelling House without giving notice to the said Soldiers that he had received the same; by means of which, together with the great distance the said Gray lives at from the dwelling places of many of said Soldiers, they have been hitherto kept out of their pay, to their great loss and damage: Wherefore

*Ordered* that the said Gray certify in the publick Prints that he has received the Wages afore said, and that he therein appoint a Time and Place in some part of the Town of Boston, where he or some other Person in his stead shall meet the said Soldiers, in order to pay their said Wages to them or their Order, to which he is strictly required without unnecessary loss of time, and that Cpt. Thomas Perkins be directed to acquaint the said Cpt. John Gray with this Order as soon as may be.

In Council; Read and Concur'd. [*Passed April 19.*]

## CHAPTER 267.

## VOTE IMPOWERING THE SELECT MEN OF BOSTON TO COMMIT THE ASSESSMENT OF TAXES FOR 1744 TO THE COLLECTORS FOR THE PRESENT YEAR.

Legislative  
Records of the  
Council,  
xvii. (4), 740.

A MEMORIAL of the Select Men of the Town of Boston, shewing that the Assessors of said Town for the year 1744 thro' the difficulties they met with in their business, did not commit the Assessment of



that year to the Collectors to gather; on which accompt the said Town have chosen a greater number of Collectors than usual; but for as much [as] the said Assessment for the year 1744, cannot be committed to the Collectors of this year, without the special authority of this Court: therefore praying for the same.

Read and

*Voted* that the prayer of the Petition be granted, & that the Assessors of the Town of Boston for 1744 be and hereby are impowered to commit the Assessment for that year to the Collectors of the present year, and that said Collectors be and hereby are fully impowered to collect the same. [*Passed April 19.*]

House Journal, pp. 231, 234.

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## CHAPTER 268.

### ORDER ALLOWING THE ACCOMPT OF THE TRUSTEES OF HASSANIMISCO INDIANS.

AN ACCOMPT presented by John Chandler, John Jones and Edward Baker Esq<sup>rs</sup>, Trustees for the Hassanimisco Indians, of Receipts and Disbursements for them, ending the Tenth of April Instant.

Read and

*Ordered*<sup>1</sup> that the within Accompt be allowed, the Ballance being Seventy four Pounds ten shillings and eleven pence old Tenor, the Trustees are further accountable for, over and above the Capital sum of Twenty Five Hundred Pounds old Tenor. [*Passed April 19.*]

Legislative Records of the Council, xvii. (4), 741.

House Journal, p. 233 *bis*. *Infra*, chap. 263.

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## CHAPTER 269.

### ORDER ALLOWING THE 2<sup>ND</sup> ACCT OF THE TRUSTEES FOR THE HASSANIMISCO INDIANS.

AN ACCOMPT presented by John Chandler, John Jones and Edward Baker, Trustees of the Hassanimisco Indians, relating to the money due to the Minor Children of Moses Printer dec<sup>d</sup> ending the Tenth of April Instant.

Read and

*Ordered* that the within Accompt be allowed, the Ballance thereof, being Thirty Three Pounds seven shillings and five pence old Tenor, the Trustees are accountable for.<sup>2</sup> [*Passed April 19.*]<sup>3</sup>

Legislative Records of the Council, xvii. (4), 742.

*Supra*, chap. 268.

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## CHAPTER 270.

### VOTE FOR THE CONTINUANCE OF THE COMMITTEE OF WAR.

WHEREAS the present Assembly of this Province must, agreeable to the Royal Charter in a few days be dissolved, and the important business of the Expedition requires the continuance of the Committee of War: Therefore

Legislative Records of the Council, xvii. (4), 744.

Legislative Records of the

<sup>1</sup> The House Journal, p. 233, reads, "*Voted.*"

<sup>2</sup> Not found in the House Journal.

<sup>3</sup> Adjourned to April 25. See Legislative Records of the Council, xvii. (4), 742.

Council,  
xvii. (4), 384.  
House Journal,  
p. 238.  
*Ante*, p. 425,  
chap. 157.

*Voted* that the said Committee do subsist and continue, and that all and every the Orders, Instructions, and Powers given to them, be and remain until the Session of the General Court in May next, in as full force as if this Session of the present Assembly had continued until that time; and the said Committee are hereby further directed and impowered, in case it shall be found absolutely necessary, to provide and cause to be transported to the Fleet and Army, provisions of every species for one months longer term than they have hitherto impowered to provide. [*Passed April 25.*]

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1745-46.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1745-46.

---

HIS EXCELLENCY WILLIAM SHIRLEY [*until August -, 1745*],  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

SPENCER PHIPS, LIEUTENANT GOVERNOR [*Acting Governor from  
August -, 1745 until December 11, 1745*].

JOSIAH WILLARD, Esq.,

SECRETARY OF THE PROVINCE.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly  
called the Colony of the Massachusetts Bay ;*

JOHN OSBORNE	}	ESQRS.	WILLIAM FOYE	}	ESQRS.
FRANCIS FOXCROFT		JOHN GREENLEAF			
JOSIAH WILLARD		SAMUEL WALDO			
JACOB WENDELL		SAMUEL WATTS			
THOMAS BERRY		JOSEPH DWIGHT			
JOSEPH WILDER		RICHARD SALTONSTAL			
BENJAMIN LYNDE		EZEKIEL CHEVER			
DANIEL RUSSEL		ELIAKIM HUTCHINSON			
SAMUEL DANFORTH	JAMES BOWDOIN				

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly  
called the Colony of New Plymouth ;*

JOHN CUSHING	}	ESQRS.	GEORGE LEONARD	}	ESQRS.
NATHANIEL HUBBARD		SYLVANUS BOURN			

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly  
called the Province of Mayn ;*

WILLIAM PEPPERIL, JEREMIAH MOULTON AND JOHN HILL, ESQRS.

<sup>1</sup> See Legislative Records of the Council, xvii. (5), 2-7.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia ;*

JOHN WHEELWRIGHT, ESQ.

*For the Province, at large : —*

WILLIAM BROWN & JOHN CHANDLER, ESQRS.

REPRESENTATIVES OR DEPUTIES.

*May 29, 1745 to April 26, 1746.*

MR. THOMAS CUSHING, SPEAKER.

COUNTY OF SUFFOLK.

*Boston*, . . . Samuel Welles, Esq.  
                   Thomas Cushing, Esq.,  
                   Thomas Hutchinson, Esq.,  
                   Andrew Oliver, Esq.  
*Roxbury*, . . . Joseph Heath, Esq.  
*Dorchester*, . . . Capt. Thomas Wiswall.  
*Brantree*, . . . John Quiney, Esq.  
*Milton*, . . . Samuel Miller, Esq.  
*Weymouth*, . . . Adam Cushing, Esq.  
*Hingham*, . . . Mr. Jacob Cushing.  
*Dedham*, . . . Joseph Richards, Esq.  
*Wrentham*, . . . Mr. Timothy Metcalf.  
*Stoughton*, . . . Mr. John Shepherd.  
*Chelsea*, . . . Mr. Thomas Pratt.

COUNTY OF ESSEX.

*Salem*, . . . Capt. Benjamin Pickman.  
*Ipswich*, . . . John Choate, Esq.,  
                   Daniel Appleton, Esq.  
*Newbury*, . . . Joseph Gerrish, Esq.  
*Lynn*, . . . Capt. William Cushing.<sup>1</sup>  
*Marblehead*, . . . James Skinner.  
*Andover*, . . . Capt. Timothy Johnson.  
*Beverly*, . . . Robert Hale, Esq.  
*Rowley*, . . . John Hobson, Esq.  
*Salisbury*, . . . Mr. Caleb Cushing.  
*Haverhill*, . . . Capt. Philip Hazletine.  
*Glocester*, . . . Mr. William Parsons.  
*Topsfield*, . . . Mr. Jacob Peabody,  
*Anesbury*, . . . Thomas Rowel, Esq.  
*Boxford*, . . . Mr. Benjamin Porter.  
*Bradford*, . . . Mr. William Hardy.  
*Wenham*, . . . Mr. Jonathan Porter.  
*Middleton*, . . . Mr. Timothy Fuller.

COUNTY OF MIDDLESEX.

*Cambridge*, . . . Andrew Boardman, Jr.,  
                   Esq.  
*Charlestown*, . . . Chambers Russel, Esq.,  
                   Isaac Royal, Esq.  
*Watertown*,<sup>2</sup> . . . Mr. John Hunt.  
*Concord*, . . . Mr. Ephraim Jones.  
*Reading*, . . . Mr. Thomas Eaton.  
*Newton*, . . . Mr. Thomas Greenwood.  
*Sudbury*, . . . Ephraim Curtis, Esq.  
*Groton*, . . . William Lawrence, Esq.  
*Marlborough*, . . . Mr. Samuel Witt.  
*Billerica*, . . . Benjamin Thomson, Esq.  
*Frammingham*, . . . Joseph Buckminster, Jr.,  
                   Esq.  
*Lexington*, . . . Capt. William Read.  
*Chelmsford*, . . . Capt. Samuel Chamberlain.  
*Malden*, . . . Josias Bucknam, Esq.  
*Weston*, . . . Mr. Josiah Brewer.  
*Medford*, . . . Mr. Andrew Hall.  
*Littleton*, . . . Mr. Jonathan Prescott.  
*Hopkinton*, . . . John Jones, Esq.  
*Waltham*,<sup>3</sup> . . . Capt. Samuel Livermore.  
*Holliston*, . . . Mr. Nathaniel Sheffield.

COUNTY OF HAMPSHIRE.

*Springfield*, . . . Joseph Pyncheon, Esq.  
*Northampton*, . . . John Stoddard, Esq.  
*Hadley*, . . . Mr. Chiliaab Smith.  
*Hatfield*, . . . Oliver Partridge,<sup>4</sup> Esq.  
*Westfield*, . . . Mr. Matthew Noble.  
*Suffield*, . . . Samuel Kent, Esq.  
*Deerfield*, . . . Elijah Williams, Esq.  
*Enfield*, . . . Capt. Samuel Dwight.

<sup>1</sup> The House Journal, p. 4, reads, "Capt. William Collins."

<sup>2</sup> The House Journal, p. 4, after this town, inserts: "*Woburn*, Roland Cotton, Esq."

<sup>3</sup> The House Journal, p. 4, after this town, inserts: "*Townshend*, Capt. John Stevens."

<sup>4</sup> *Sic*, for Partridge.

COUNTY OF WORCESTER.

*Worcester*, . . Benjamin Flag, Esq.  
*Lancaster*, . . Capt. William Richardson.  
*Woodstock*, . . Mr. Jabez Lyon.  
*Brookfield*, . . Josiah Converse, Esq.  
*Leicester*, . . Capt. Daniel Denny.  
*Lunenburg*, . . Edward Hartwell, Esq.

COUNTY OF PLYMOUTH.

*Plymouth*, . . Mr. Thomas Foster.  
*Scituate*, . . Capt. Caleb Torrey.  
*Duxbury*, . . Capt. Gamaliel Bradford.  
*Marshfield*, . . Otis Little, Esq.  
*Bridgewater*, . . Capt. Josiah Edson.  
*Middleboro*, . . Mr. Samuel Wood.  
*Rochester*, . . Mr. Elisha Barrow.  
*Plympton*, . . Mr. William Churchill.  
*Pembroke*, . . Mr. Daniel Lewis, Junior.

COUNTY OF BARNSTABLE.

*Barnstable*, . . James Otis, Esq.  
*Sandwich*, . . Samuel Tupper, Esq.  
*Yarmouth*, . . John Hallet, Esq.  
*Eastham*, . . Capt. Samuel Knowles.  
*Harwich*, . . Edmund Freeman, Esq.  
*Falmouth*, . . Seth Parker, Esq.

COUNTY OF BRISTOL.

*Bristol*, . . . Stephen Payne, Esq.  
*Taunton*, . . . James Williams, Esq.  
*Rhoboth*, . . . Mr. Daniel Barney.  
*Swansey*, . . . Mr. Eseck Brown.  
*Little Compton*, . . William Richmond, Esq.  
*Dartmouth*, . . . Mr. Moses Mendall.  
*Norton*, . . . Capt. Samuel Caswell.  
*Attleborough*, . . Mr. Mahew Dogget.  
*Dighton*, . . . Mr. David Walker.

COUNTY OF YORK.

*York*, . . . . M. Richard Milberry.  
*Kittery*, . . . Nathaniel Sparhawk, Esq.  
*Wells*, . . . . Mr. Pelatiah Littlefield.  
*Falmouth*, . . . Mr. Jabez Fox.  
*North Yarmouth*, . . Jeremiah Powell, Esq.  
*Biddeford*, . . . Mr. John Davis.  
*Berwick*, . . . Humphrey Chadburn,  
 Esq.

DUKES COUNTY.

*Edgar Town*, . . John Sumner, Esq.

IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . . Mr. Abishai Folger.





# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF MAY, A.D. 1745.

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## CHAPTER 1.

VOTE INCREASING THE COM<sup>TEE</sup> OF WAR AND DIRECTING THE FORMER  
COMMITTEE TO GIVE IN THEIR ACCT.

In the House of Represent<sup>ves</sup>;

*Voted* that the Gentlemen who were of the Committee of War the last year, and now belonging to the House, with such as the Hon<sup>ble</sup> Board shall appoint, be a Committee fully impowered to proceed in said affair; and that Samuel Welles and Andrew Oliver Esq<sup>rs</sup> M<sup>r</sup> Lewis, Coll. Cotton, and Major Hartwell, be added to the Committee, and

Legislative  
Records of the  
Council,  
xvii. (5), 15.

Legislative  
Records of the  
Council,  
xvii. (4), 384,  
393, 401, 404,  
414 *bis*. House  
Journal, p. 12.  
*Ante*, p. 461.

*Voted* that the late Committee be directed to lay an Account of their proceedings the last year, before the Court forthwith.

In Council; Read and Concur'd; and that the Gentlemen who were of the Committee the last year and now belong to this Board, with John Jeffries Esq<sup>r</sup> be added to the Committee of the House on the affair aforesaid. [*Passed May 31.*]

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## CHAPTER 2.

RESOLVE THAT THE COMMITTEE OF WAR BE IMPOWERED TO PRO-  
CURE WARLIKE STORES.

*Resolved* that the Committee of War be fully impowered to procure all such provisions and Warlike Stores as may be necessary for the additional Forces already voted or which may hereafter be voted by this Court for Cape Breton. [*Passed May 31.*]

Legislative  
Records of the  
Council,  
xvii. (5), 15.

Legislative  
Records of the  
Council,  
xvii. (5), 8.  
House Jour-  
nal, p. 13.  
*Supra*, chap. 1.  
*Infra*, chap. 3.

## CHAPTER 3.

VOTE FOR ENLISTING MEN FOR THE ARMY AT CAPE BRETON, SAID  
RECRUITS TO HAVE AN EQUAL SHARE IN THE PLUNDER.

*Voted* that His Excellency the Captain General be desired to give orders that Four Hundred effective men be enlisted to reinforce the army upon Cape Breton: also

*Voted* that the Persons who shall enlist to proceed to the Camp before Louisbough, be entitled to an equal share with the soldiers

Legislative  
Records of the  
Council,  
xvii. (5), 15.

Legislative  
Records of the  
Council,

xvii. (4), 713.  
House Journal, p. 12.  
*Supra*, chap. 2.

already there of all the Plunder that shall be taken after embarkation for the said Camp, and that they have the same encouragement that the three thousand men already gone, were entitled to. [*Passed May 31.*]

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## CHAPTER 4.

### VOTE FOR IMPRESSING SEAMEN FOR THE SHIP VIGILANT.

Legislative  
Records of the  
Council,  
xvii. (5), 16.

Legislative  
Records of the  
Council,  
xvii. (5), 13, 14.  
House Journal,  
p. 13.

*Voted* that His Excellency the Captain General be desired, as soon as may be, to cause to be impressed such seamen as are Forreigners belonging to all outward bound vessels (coasting and provision Vessels coming from the Northward of South Carolina on the Continent excepted) in order for manning the Vigilant, a ship of War lately taken by the Hon<sup>ble</sup> Commodore Warren from the French: and that there be allowed and paid out of the publick Treasury the sum of Three Pounds to every other able bodied man that shall voluntarily enlist himself in His Majestys service for the manning of the said ship Vigilant, to make up in the whole, with those impressed, the number of Three Hundred. [*Passed June 1.*]

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## CHAPTER 5.

### VOTE FOR PROVIDING CLOATHING FOR THE ARMY AT CAPE BRETON.

Legislative  
Records of the  
Council,  
xvii. (5), 17.

House Journal,  
p. 15.  
*Ante*, p. 465,  
chap. 1.

*Voted* that the Committee of War be directed to provide such cloathing &c as may be necessary for the army at Cape Breton, to be delivered to the Soldiers there, at such prices as shall be stated by the said Committee. [*Passed June 4.*]

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## CHAPTER 6.

### VOTE FOR SUSPENDING THE DRAWING OF THE LOTTERY.

Legislative  
Records of the  
Council,  
xvii. (5), 18.

House Journal,  
p. 15.  
Province  
Laws, iii., 195,  
chap. 20.  
*Ante*, p. 453,  
chap. 255.

*Voted* that the drawing the Lottery ordered by the Government upon this day; be suspended till Thursday the sixth Currant. [*Passed June 5.*]

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## CHAPTER 7.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR BURNING TORN AND DEFACED BILLS AND DISCHARGING THE TREASURER OF £20,556. 17. 6.

Legislative  
Records of the  
Council,  
xvii. (5), 18.

House Journal,  
p. 17.  
*Ante*, p. 453,  
chap. 257.

THE COMMITTEE appointed by the General Court to count over and consume to ashes the Torn and Defaced Bills pack'd up by the Treasurer aforesaid, have accordingly attended that service, and have received of M<sup>r</sup> Treasurer Foye the Bills of the several Tenors & Denominations aforesaid, and have consumed them to

ashes; amounting to the sum of Twenty Thousand Five Hundred and Fifty Six Pounds, seventeen shillings and Six Pence, last Emission.

FRA: FOXCROFT	DAN <sup>b</sup> RUSSEL
ELIAK: HUTCHINSON	SAM <sup>b</sup> DANFORTH
SAMUEL WHITE	SAM <sup>b</sup> WATTS
ANDR: OLIVER	EZEK: CHEVER.
CHAR: CHAMBERS	

Read and

*Ordered* that the within Report be Accepted, and that the Treasurer be and hereby is discharged of the said sum of Twenty Thousand Five Hundred and Fifty Six Pounds Seventeen Shillings & Six pence last Emission accordingly. [*Passed June 5.*]

## CHAPTER 8.

### ORDER OF NOTICE ON THE PETITION OF INHABITANTS OF PELHAM TO LEVY A TAX ON LAND.

A PETITION of George Cowan & others, Inhabitants of the Town of Pelham, setting forth the difficulty they are under to defray the charge of building a a<sup>1</sup> Meeting House, settling a Minister, & the common charges of the said Town, and therefore praying that they may be enabled to tax the lands in the said Town at one peny half peny per acre per Annum, for two years, in Bills of the New Emission, and one<sup>1</sup> per Acre per annum for five years next after, for defraying the said charge.

Legislative  
Records of the  
Council,  
xvii. (5), 21.  
House Jour-  
nal, p. 19.

Read and

*Ordered* that the Petitioners serve the Non Resident Proprietors of the Lands in Pelham (if any there be) and the Inhabitants of said Town who are Non Petitioners, with Copies of this Petition, that they shew cause if any they have, on the first Tuesday of the next Sitting of this Court why the prayer of the Petition should not be granted. [*Passed June 6.*]

## CHAPTER 9.

### ORDER REMITTING TO THE TOWN OF YARMOUTH THE FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of John Hallet in behalf of the Town of Yarmouth; shewing that by reason of the failing of the Whale fishery the Inhabitants are much impoverished, and therefore praying that the Fine laid upon them the last year for not sending a Representative to the General Court, may be remitted.

Legislative  
Records of the  
Council,  
xvii. (5), 22.  
House Jour-  
nal, pp. 18, 19.  
Province  
Laws, iii., 165.

Read and

*Ordered* that the prayer of the Petition be granted, and that the within mentioned sum be paid to John Hallet Esq<sup>r</sup> for the use of the Town of Yarmouth accordingly, out of the publick Treasury. [*Passed June 7.*]

<sup>1</sup> Sic.

## CHAPTER 10.

ORDER IMPOWERING EBEN<sup>s</sup> EPHRAIM, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (5), 22.  
House Jour-  
nal, p. 20.

A PETITION of Ebenezer Ephraim of Natick, Indian, praying for liberty to sell ten acres of Land he has purchased in the said place, for paying the debts he has contracted by his sickness and for buying a Wood Lot, necessary for his accommodation.

Read and

*Ordered* that the prayer of this Petition be granted and Major Jones is desired to assist the Petitioner in the sale of the Land mentioned, & take care that the produce thereof be applied to the purpose above mentioned. [*Passed June 7.*]

## CHAPTER 11.

## VOTE REMITTING TO THE TOWN OF ENFIELD £12. 10 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council,  
xvii. (5), 23.  
House Jour-  
nal, pp. 20, 22.  
Province  
Laws, iii., 161.

A MEMORIAL of the Select Men of the Town of Enfield, shewing that the said Town was the last year visited with great sickness, which much impoverished them; and therefore praying that this Court would remit a fine of £12. 10 laid upon them for not sending a Representative.

Read and thereupon

*Voted* that the prayer of this petition be granted, and that there be paid to the Town of Enfield the the<sup>1</sup> sum of Twelve Pounds ten shillings out of the Province Treasury, which was laid upon said Town as a Fine for not sending a Representative the last year. [*Passed June 10.*]

## CHAPTER 12.

## VOTE REFERRING TO THE LOTTERY.

Legislative  
Records of the  
Council,  
xvii. (5), 24.  
House Jour-  
nal, pp. 26, 27.  
Province  
Laws, iii., 195,  
chap. 20.

WHEREAS in the Act entitled An Act for the raising by a Lottery the sum of Seven Thousand five hundred Pounds for the service of the Province in the present year, the Directors for the management of the said Lottery are enjoined severally to attend at the Drawing of the Tickets: and whereas a Doubt hath arisen among the said Directors, Whether the absence of any one of them at the drawing of any of the said Tickets will not be interpreted as a breach of the said Law, and invalidate their proceedings thereon: And forasmuch as sickness or other Accidents may prevent the attendance of some of the Directors:

*Voted* that the Attendance of the Major Part of the Directors at the Drawing of the Tickets be and hereby is deemed to answer the Law in that behalf. [*Passed June 11.*]

<sup>1</sup> *Sic.*

## CHAPTER 13.

## ORDER ALLOWING £50 FOR A CLERK FOR THE SECRETARY.

*Ordered* that the sum of Fifty Pounds be allowed and paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary, to enable him to provide an other Clerk, for his assistance the present year, in his business, which is greatly increased by means of the War with the French; said sum to be paid at the expiration of the year. [*Passed June 12.*]

Legislative  
Records of the  
Council,  
xvii. (5), 25.  
House Jour-  
nal, p. 28.

## CHAPTER 14.

## ORDER IMPOWERING JOHN WALLEY, ADMINISTRATOR, TO SELL LANDS TO PAY DEBTS.

A PETITION of John Walley Administ<sup>r</sup> of the Estate of John Walley late of Boston Esq<sup>r</sup> dec<sup>d</sup> Intestate, Katherine Walley, Sarah Walley and Bethiah Walley, all Children of the Dec<sup>d</sup> & Thomas Walley, Elisabeth Walley and Mary Walley, minor children by their Guardian the said John Walley; shewing that there are considerable Debts due from the said Estate, more than the personal Estate will discharge, and that there is a Farm belonging to the said Estate lying in the Towns of Roxbury and Brooklyn, which they may sell now at great advantage, which opportunity may be lost, if they should wait the Sitting of the Superior Court; and therefore praying that they may have liberty from this Court to sell the said Farm with the buildings thereon for the payment of the Deceaseds debts and bringing up the Minors.

Legislative  
Records of the  
Council,  
xvii. (5), 27.  
House Jour-  
nal, pp. 30, 31.

Read and in answer hereto

*Voted* that the prayer of the Petition be so far granted, as that the petitioners be and they hereby are enabled to make sale of the Land and Premises herein mentioned, lying in Roxbury and Brooklyn, for the most it will fetch, and to give and execute a good and sufficient Deed or Deeds for the same, for the payment of the said Deceaseds debts, they first giving sufficient caution to the Judge of Probate for the County of Suffolk to account with him therefor; so that the overplus may be distributed according to Law. [*Passed June 13.*]

## CHAPTER 15.

## ORDER IMPOWERING SUSANNAH NEGUS TO SELL LAND.

A PETITION of Susannah Negus of Boston, shewing that her husband Edward Negus went into His Majestys service in the Expedition against the Spaniards, and soon after his arrival in the West Indies the Petitioner received advice of his being dangerously sick, and there have since been divers rumours of his death, but no certain intelligence of him; that the said Edward was Owner of one half of a stone House in Pudding Lane in Boston, his brother Samnel Negus, now living in Boston, owning the other half, that the said House is in so ruinous a condition as to endanger those

Legislative  
Records of the  
Council,  
xvii. (4), 525;  
*ibid.*, xvii. (5),  
29.  
House Jour-  
nal, p. 98 (Octo-  
ber, 1744);  
p. 20.

that pass by, and the Owners are expecting that it will be presented as a Nusance; that there is now opportunity of selling it to some advantage; and therefore praying the Petitioner or some other person may be empowered by this Court to join with the said Samuel Negus in the sale of the House, security to be given to the Judge of Probate for that part which belongs to the Petitioners Husband or his family, that it shall be for their use.

Read and

*Ordered* that this Petition be revived,<sup>1</sup> and the prayer thereof granted, and that the Petitioner be and hereby is empowered to make sale of the moyety of the estate within mentioned, and to make a good Deed thereof to such Person or Persons as shall give most for the same; the produce thereof to be put into the hands of Nathaniel Loring Jun<sup>r</sup> of Boston, maltster, and by him let out to interest, such Interest to be applied towards the support of the Petitioner & her family; provided the said Loring gives Bond with sufficient sureties to the Judge of Probate for the County of Suffolk, that the Principal shall be delivered to the Petitioners husband in case of his return, or otherwise that upon certain news of his death or upon the Childrens arriving to full age, division thereof be made to & among the said Children according to law, reserving the Interest of one third part thereof to the Widow during her natural life. [*Passed June 13.*]

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## CHAPTER 16.

### ORDER OF NOTICE ON THE PET<sup>n</sup> OF DIVERS INHABITANTS OF IPSWICH AND ROWLEY TO BE MADE A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (5), 31.  
House Jour-  
nal, p. 29.

A PETITION of John Fowler, James Davis & others, Inhabitants of the Westerly part of Ipswich and the Southerly part of Rowley; setting forth the difficulties they are under in attending the publick Worship of God in their respective Towns; and therefore praying that they may be set off a separate Precinct, by certain Bounds particularly set forth in the said Petition.

Read and

*Ordered* that the Petitioners serve the first parish in Ipswich and the first<sup>2</sup> Parishes in Rowley with copies of this petition, that they shew cause if any they have, on the first Fryday of the next Sitting of this Court, why the prayer thereof should not be granted. [*Passed June 13.*]

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## CHAPTER 17.

Legislative  
Records of the  
Council,  
xvii. (5), 35.

House Jour-  
nal, p. 34.  
*Ante*, p. 109,  
chap. 230;  
p. 121, chap.  
261.

### VOTE DIRECTING THE COMMITTEE FOR CASTLE WILLIAM TO RENDER AN ACC<sup>t</sup>.

*Voted* that the Committee appointed to provide materials and employ Workmen &<sup>c</sup> at Castle William be directed to exhibit an Account of what moneys they have received and expended for that purpose, as soon as may be. [*Passed June 14.*]

<sup>1</sup> The petition had been filed at a prior term of the General Court.

<sup>2</sup> The House Journal, p. 29, reads, "and West."

## CHAPTER 18.

### VOTE IMPOWERING THE COMMANDANT TO MAKE UP HIS MUSTER ROLL AT FORT DUMMER.

*Voted* that Josiah Willard Esq<sup>r</sup> Commander of the Fort called Fort Dummer, be allowed to make up his Muster Roll from the twentieth of May 1744 to the Twentieth of January following, agreeable to the Establishment immediately preceeding said Twentieth of May respecting said Garrison: also

*Voted* that the Officers and Soldiers already posted there, be allowed the same Pay and Subsistence, as per the last Establishment, from the Twentieth of April last to the Twentieth of November next. [*Passed June 15.*]

Legislative Records of the Council, xvii. (5), 38.

Legislative Records of the Council, xvii. (5), 35. House Journal, p. 36. *Ante*, p. 421, chap. 148; p. 454, chap. 260.

## CHAPTER 19.

### VOTE FOR RAISING MEN FOR THE WEST FRONTIERS.

WHEREAS the time is expired for which the Soldiers sent for the defence of the Western Frontiers of this Government were raised, and it is apprehended to be for His Majestys service that further provision be made for the defence of the said Frontier:

*Voted* that His Excellency the Captain General be desired to cause to be enlisted or impressed such a number, as to make up in the whole, including those already posted there and such as may be sent from the Colony of Connecticut, One Hundred and Seventy Eight able bodied effective men, under the command of proper Officers, and put under the pay of this Province, to be constantly employed in scouting and guarding in the Western Frontier of this Province; and that His Excellency be desired that so many only of said men be taken out of those Frontiers as may be sufficient to serve as guides to the several parties that may be employed in scouting, and that they be paid and subsisted from the time of their being enlisted or impressed to the first of November next. [*Passed June 15.*]

Legislative Records of the Council, xvii. (5), 39.

Legislative Records of the Council, xvii. (5), 11. House Journal, p. 36. *Ante*, p. 443, chap. 221. *Infra*, chap. 20.

## CHAPTER 20.

### VOTE FOR RAISING MEN FOR THE EASTERN FRONTIERS.

WHEREAS the time is expired for which the Soldiers sent into the County of York were raised, and it is apprehended to be for His Majestys service that further Provision be made by this Court for the defence of the same, many parts of which are very much exposed to the Insults of the Enemy in time of War, and unable to defend themselves without the Protection of the Province; and inasmuch as the expence that has already been occasioned by the War has been so great as not to make it practicable to garrison every place exposed to danger, and the same ends may be answered by marching Scouts:

Legislative Records of the Council, xvii. (5), 40.

House Journal, p. 35. *Supra*, chap. 19.

*Voted* that His Excellency the Captain General be desired to cause to be enlisted or impressed such a number as to make up in the whole, including those already posted there Four Hundred and Sixty able bodied effective men, under the command of proper Officers and put under the pay of this Province, to be constantly employed as Scouts on the Inland Frontiers of the County of York from Newichawonnoek River to S<sup>t</sup> Georges, so that the whole Frontier be alike ranged by them, and that the said Scouts may be posted at the several Garrison Houses on said Frontiers (for the security of such Houses) when they are not on actual march; and that His Excellency be desired that so many only of said Scouts be taken out of the said Frontiers as may be sufficient to serve as Guides to the several parties, that may be employed for that service, and that they be paid & subsisted from the time of their being enlisted or impressed to the first Day of November next. [*Passed June 15.*]

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## CHAPTER 21.

ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF BLANFORD TO LEVY AND COLLECT A TAX OF ONE PENNY PER ACRE ON LAND FOR THREE YEARS.

Legislative  
Records of the  
Council,  
xvii. (5), 45.  
House Jour-  
nal, pp. 23, 32.

A PETITION of divers Inhabitants and Proprietors of the Town of Blanford, setting forth that the said Town have built a Meeting House & settled a Minister, that many of the Proprietors that are benefited in their Interests thereby live in other places and cannot be taxed for the charges of the said Town, without the Order of this Court; And therefore praying that such a Tax may be laid on all the unimproved lands of the Non Resident Proprietors as this Court shall think fit.

Read and

*Voted* that the Assessors of the Town of Blanford be authorized and required for and during the three next succeeding years, to tax the Proprietors of said Town of Blanford for all such lands as they respectively are Owners of, within said Town, at one penny per Acre in the Bills of the last Emission in each of said years, and that such Tax or Assessment be committed to a Collector or Collectors to be chosen by said Town for that purpose, with Warrant for collecting the same; who are hereby enabled to collect the same of each person his respective proportion, in such way and manner as Constables by law are directed to proceed in collecting publick assessments; saving that if any such Proprietor dwell in any other Town, and that neither the said Proprietor nor any personal Estate to him belonging can be found in said Blanford whereon to make Distress, that in every such case such Collector is hereby enabled and directed to make Distress on such Proprietor or his Estate where ever he shall find him or his Estate; Saving that if any Proprietor think himself over rated, he may have liberty to apply himself to the General Sessions of the Peace for the County of Hampshire for relief, as in cases of like nature. [*Passed June 18.*]



## CHAPTER 22.

## VOTE FOR ENLISTING 600 RECRUITS FOR THE ARMY AT CAPE BRETON.

*Resolved* that His Excellency the Captain General be desired forthwith to give orders that Six Hundred effective men be enlisted to reinforce the army upon Cape Breton:

Also

*Resolved* that the persons who shall enlist to proceed to the Camp before Louisbourg be entitled to an equal share with the Soldiers already there of all the Plunder that shall be taken after their Embarkation for the said Camp, and have the same encouragement here that the Three Thousand Men already gone were entitled to. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xvii. (5), 49.

Legislative  
Records of the  
Council,  
xvii. (5), 46.  
House Journal,  
p. 41.  
*Ante*, p. 465,  
chap. 3.

## CHAPTER 23.

## VOTES FOR ENLISTING OR IMPRESSING SCOUTS FOR DUTY ON THE NORTH SIDE OF THE LINE.

*Resolved* that His Excellency the Captain General be desired to cause to be enlisted or impress'd such a number as to make up in the whole, including those already posted on the Northward of the Line, One Hundred and Nine able bodied effective men under the command of proper Officers, and put under the pay of this Province to be constantly employed in Scouting and guarding those Settlements that are to the Northward of the Line as lately run: to be posted after the following manner, if His Excellency the Captain General pleases, viz' Ten at Great Meadow, Twenty five at Number Four, Fifteen at Contocuck, Eight at Upper Ashuelet, Eight at Lower Ashuelet, Eight at Winchester, Eight at New Ipswich, Eight at Peterborø, Eight at Rumford, Five at New Hopkinston, Three at Bridgmans, Three at Cellars and Merrys Meadow: To be paid and subsisted till the first of November next. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xvii. (5), 50.

House Journal,  
p. 37.  
*Ante*, p. 456,  
chap. 265.

## CHAPTER 24.

VOTE ESTABLISHING THE WAGES OF Y<sup>E</sup> GARRISON AT THE TRUCK HOUSE ABOVE NORTHFIELD.

*Resolved* that the Wages of the [Captain of the]<sup>1</sup> Truck House above Northfield from the Twentieth day of April 1745 to the Twentieth day of November next shall be at the rate of Forty shillings per month; of one Lieutenant, Twenty six shillings per month; of one Sergeant, Twenty five shillings per month; of Sixteen Centinels, each Twenty two shillings and six pence per month; of one Interpreter, Thirty shillings per month; of one Chaplain there, Twenty five Pounds per annum; And that there be allowed for the subsistence of each man Three shillings and nine pence per week; and that His Excellency the Captain General be desired to give Orders that the Soldiers placed at the said Truck house be

Legislative  
Records of the  
Council,  
xvii. (5), 50.

House Journal,  
p. 42.

<sup>1</sup> Inserted from the House Journal, p. 42.

employed in Scouting from time to time, as His Excellency shall think proper for the better defence and guarding the Frontier Towns and Places adjacent thereto. [*Passed June 19.*]

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## CHAPTER 25.

ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF GROTON WEST PRECINCT TO LEVY AND COLLECT A TAX OF TWO PENCE PER ACRE ON LAND FOR TWO YEARS.

Legislative  
Records of the  
Council,  
xvii. (5), 51.

ON THE PETITION of the West Precinct in Groton [*ante*, p. 452, chap. 255]

House Jour-  
nal, p. 42.  
*Ante*, p. 452,  
chap. 255.

Read, and it appearing that the Non Resident Proprietors have been notified of this Petition, as directed in the Order of April 5<sup>th</sup> last, and no Answer being given in:

*Ordered* that the prayer of the Petition be so far granted as that the Assessors of said Precinct be and hereby are fully impowered to assess and levy a Tax of Two pence per Acre for two years next coming on all the unappropriated lands in said Precinct; the money to be applied for finishing the House for publick Worship and settling a Minister. [*Passed June 19.*]

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## CHAPTER 26.

ORDER ALLOWING £20 TO CPT. BENJAMIN LARRABEE FOR REPAIRS AT FORT GEORGE.

Legislative  
Records of the  
Council,  
xvii. (5), 52.

House Jour-  
nal, pp. 28, 42.

A PETITION of Cpt. Benjamin Larrabee Commander of Fort George at Brunswick; shewing that he has begun several repairs there necessary for the Defence of the said Fort; praying that he may be allowed a sufficient sum of money for finishing of them and for other things still necessary to be done for the security of the said Fort.

Read and

*Ordered* that the sum of Twenty Pounds be allowed out of the publick Treasury to the Memorialist Benj<sup>n</sup> Larrabee to enable him to finish the Repairs herein mentioned. [*Passed June 19.*]

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## CHAPTER 27.

VOTE FOR SEND<sup>o</sup> TRANSPORTS TO CONNECTICUT.

Legislative  
Records of the  
Council,  
xvii. (5), 53.

House Jour-  
nal, p. 43.  
*Ante*, p. 463,  
chap. 1.

*Voted* that the Committee of War be and hereby are directed to order one or more of the Transports returned or returning from Cape Breton forthwith to the Colony of Connecticut, there to receive on board the additional forces ordered by that Government together with their Provisions and Stores, for the service of the Expedition. [*Passed June 20.*]

## CHAPTER 28.

## VOTE DIRECTING THE SURGEON TO TAKE CARE OF THE SICK &amp; WOUNDED PRISONERS.

A MESSAGE was sent to the House from the Governor and Council, by the Secretary, to inform them that there is a number of sick and wounded French Prisoners now in town, taken by His Majestys ships at Cape Breton and that D<sup>r</sup> Gardner the Navy Surgeon declines the care of this government, they being out of his agreement, but is willing to take the care of them upon the terms he has agreed respecting English Seamen; and therefore proposing that the said D<sup>r</sup> Gardner may have the Orders of this Government for his taking care of the said French Prisoners.

Legislative  
Records of the  
Council,  
xvii. (5), 55.

Legislative  
Records of the  
Council,  
xvii. (5), 44.  
House Jour-  
nal, p. 47.

In the House of Represent<sup>ves</sup>; On consideration of the Message of this day from His Excellency and the Honorable Board:

*Voted* that altho the House apprehend that it is not incumbent on them to provide for sick and wounded Prisoners taken by His Majestys ships of War and sent into this Province, yet as the Navy Surgeon declines the care of the Prisoners now sent in, and humanity requires that they be not suffered to perish; Therefore His Excellency be desired to direct the Surgeon aforesaid forthwith to take all due care of said prisoners; and in case the reasonable charge should not be allowed him (which it is apprehended there is no room to suppose will be the case) Provision shall be made therefor by this Court.

In Council; Read and Concur'd. [*Passed June 22.*]

## CHAPTER 29.

## VOTE IMPOWERING THE COMMITTEE OF WAR TO ADVANCE A MONTHS PAY TO CERTAIN SOLDIERS.

*Voted* that the Committee of War be and hereby are empowered to advance one months Pay more to such soldiers as are occasionally come to Town, and are in present necessity, the same to be deducted out of their wages: the Committee to inform the Commissaries upon Cape Breton with what is thus supplied, and to whom. [*Passed June 24.*]

Legislative  
Records of the  
Council,  
xvii. (5), 58.

House Jour-  
nal, p. 49.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 30.

## ORDER IMPOWERING JOHN &amp; MARY STACEY TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of John Stacy and Mary Stacy Administr<sup>rs</sup> of the estate of John Stacey late of Marblehead dec<sup>d</sup> Intestate, shewing that the said John by his Deed <sup>1</sup> dated to his Daughter by his Deed dated the 16<sup>th</sup> of October 1722 Twenty pounds per Annum for nine years to be paid out of his Estate for her maintenance, and appointed his two Brothers Samuel Stacy and William Stacey, Trustees for demanding and recovering the same, and bound his Heirs Executors

Legislative  
Records of the  
Council,  
xvii. (5), 25.  
Mass.  
Archives,  
xliii., 48.

Mass.  
Archives,  
xliiii., 41-49.

<sup>1</sup> *Sic*, as to the words "by his Deed . . . 1722." The record in Mass. Archives, xliii., 48, reads, "on the sixteenth Day of October AD 1722 . . . by his Deed Granted to Grace Stacey his youngest Daughter Twenty Pounds," &c.

Legislative  
Records of the  
Council,  
xvii. (5), 59.  
House Jour-  
nal, pp. 27, 49.

and Administrators to the payment thereof; and notwithstanding the Petitioners have fully paid the said Annuity to the said Grace, yet William Girdler who intermarried with her, at the Inferior Court of Common Pleas for the County of Essex held in December 1740, brought his action against the Petitioners in the name of Samuel Stacey the surviving Trustee above mentioned, for the same; upon which the Petitioners went to the said Samuel, who well knew that the said Debt was satisfied & promised that the action should not be entered: Upon which the Petitioners depended, and therefore did not appear at Court, and yet the Action was entered and Judgment went by Default against the Petitioners: and therefore praying that they may be impowered to bring their Writ of Review of the said Action, and that it may be tried by a Jury.

Read with a Certificate under the Hand of Samuel Stacey Jun<sup>r</sup> that he has nothing to object against the Prayer of the Petition & Ordered that the Prayer of this Petition be granted & that y<sup>r</sup> Petitioners be & hereby are Enabled to bring forward their writt of Review of the the<sup>1</sup> Action therein mentioned At the next Inferiour Court of Comon Pleas in the County of Essex, & that the said Samuel Stacey be made a Party to the said Writt, & the Justices of the said Court are hereby Impowered & directed to hear & try the said Action & give Judgment therein & Award Execution thereupon. [*Passed June 24.*]

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## CHAPTER 31.

### VOTE ALLOWING THE ACC<sup>t</sup> OF THE TREASURER OF BARNSTABLE CO.

Legislative  
Records of the  
Council,  
xvii. (5), 61.  
House Jour-  
nal, pp. 17, 52.

AN ACCOMPT was presented by Ebenezer Lewis Esq<sup>r</sup> as Treasurer of the County of Barnstable for the last year, which had been by him laid before the Court of General Sessions for the said County and by them allowed.

*Voted* that the within Accompt be allowed, and that the Treasurer be accountable to the said County for the sum of Nine Pounds Eleven Shillings and Ten Pence farthing. [*Passed June 26.*]

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## CHAPTER 32.

### VOTE FOR ADVANCING ONE MONTHS WAGES FOR THE INDIGENT FAMILIES OF SOLDIERS IN Y<sup>e</sup> EXPEDITION.

Legislative  
Records of the  
Council,  
xvii. (5), 61.

House Jour-  
nal, p. 51.  
*Ante*, p. 465,  
chap. 1.

WHEREAS sundry indigent Families belonging to Soldiers gone in the Expedition against Louisbrough are in distressing circumstances and exposed to suffer if not speedily relieved: Therefore

*Voted* that the Committee for War be directed to advance one months wages to the Select men or Overseers of the Poor or the majority of them in Towns where such indigent Families may reside, on their presenting a list to the Committee of such indigent Families (to be applied for their present relief and deducted out of each of said Soldiers wages respectively on the first Muster Roll made up and presented for payment) taking sufficient Bond of the said Select men or Overseers of the Poor, by way of Security to the Province

for their refunding to the said Committee the sum or sums of Bills of Credit so received, unless upon making up the Muster Rolls as afore said it appear to the said Committee by Certificate from the Commissary that there is then due to each soldier the particular sum so advanced for relief of his family in his absence, and that the said Commissary has given the Province credit for the same in the Commissary column accordingly. [*Passed June 26.*]

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## CHAPTER 33.

### VOTE ESTABLISHING THE WAGES OF THE SCOUTS ON THE WESTERN FRONTIERS.

*Voted* that the Establishment for the Officers and Soldiers in the service and pay of this Government as Scouts on the Western Frontiers in the last Winter, be as follows, viz<sup>t</sup> To a Captain, Fifty shillings per month; Lieutenant, thirty eight shillings per month; Sergeant, Thirty three shillings per month; Corporal, thirty two shillings & eight pence per month; Clerk thirty three shillings per month; each Centinel, twenty five shillings per month: And that there be allowed Pay and Subsistence to one Captain, one Lieutenant, three Sergeants, three Corporals, and one Clerk, and no more, during the time of their having fifty Soldiers employed as Scouts out of the Line of Government. And after the number of soldiers was increased to eighty men, that one Lieutenant, one Sergeant, and one Corporal more be allowed to said Company: And that one Captain and two Sergeants be allowed pay and subsistence to the Company that was employed as Scouts on the Western Frontiers within the Province. [*Passed June 27.*]

Legislative  
Records of the  
Council,  
xvii. (5), 64.

House Journal,  
p. 52.  
*Ante*, p. 456,  
chap. 265.

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## CHAPTER 34.

### VOTE FOR SENDING LIVE STOCK TO THE ARMY.

*Voted* that the Committee of War be directed to purchase Live Stock to the value of One Hundred Pounds, and send them down to the several Commissaries, to be equally divided between the Regiments for the use of the Commission Officers & Sick People. [*Passed June 27.*]

Legislative  
Records of the  
Council,  
xvii. (5), 65.

House Journal,  
p. 54.  
*Ante*, p. 465,  
chap. 1.

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## CHAPTER 35.

### VOTE ALLOWING £25 FOR A PRESENT TO THE HOUSATANUCK INDIANS.

*Voted* that the sum of Twenty five Pounds be allowed out of the publick Treasury to provide a suitable Present to the above named Indians, to be made them in the Name of this Government, before their departure. [*Passed June 27.*]

Legislative  
Records of the  
Council,  
xvii. (5), 66.

Legislative  
Records of the  
Council,  
xvii. (5), 65.  
House Journal,  
p. 53.

## CHAPTER 36.

## VOTE ALLOWING £25 FOR THE DEFENCE OF DEERFIELD.

Legislative  
Records of the  
Council,  
xvii. (5), 67.

House Jour-  
nal, pp. 25, 53.  
*Ante*, p. 311,  
chap. 184.

A MEMORIAL of Elijah Williams Esq<sup>r</sup> in behalf of the Town of Deerfield, setting forth how much the said Town is exposed to the Indians, and their great charge in fortifying; and praying that a sum may be allowed the said Town out of the publick Treasury for that service.

Read and

*Voted*<sup>1</sup> that the sum of Twenty five pounds be allowed to the Town of Deerfield for building Fortifications there, to be paid out of the monies in the hands of the Committee for building Fortifications in the County of Hampshire (if any there be) otherwise to be paid out of the Province Treasury. [*Passed June 27.*]

## CHAPTER 37.

## ORDER APPOINTING A COMMITTEE ON THE PETITION OF HINGHAM SOUTH INHABITANTS.

Legislative  
Records of the  
Council,  
xvii. (5), 43, 68.

House Jour-  
nal, pp. 19, 44.  
*Ante*, p. 385,  
chap. 61.

A PETITION of Theophilus Cushing for himself and divers others Inhabitants of the Southerly part of the first Precinct in Hingham; praying that a Committee of this Court may be appointed to view their situation & consider their circumstances, and report their Opinion to this Court whether they ought not to be set off a separate Precinct.

In Council; Read with the answer of the First Parish in Hingham, and

*Ordered* that George Leonard Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House shall join, be a Committee to repair to the said first Parish, giving notice to the Committee of the said Parish as well as to the Petitioners of the time of their coming, & that they view said Parish, hear the parties, and make report on the first Tuesday of the next Sitting of this Court what they judge proper to be done thereon.

In the House of Represent<sup>ves</sup>; Read & Concur'd, and Cpt. Lawrence and Coll. Gerrish are joined in the affair. [*Passed June 27.*]

## CHAPTER 38.

## VOTE LIMITING THE PAY OF THE WESTERN SCOUTS.

Legislative  
Records of the  
Council,  
xvii. (5), 71.

House Jour-  
nal, pp. 52, 57.  
*Ante*, p. 477,  
chap. 33.

In the House of Represent<sup>ves</sup>;

*Voted* in further Addition to and Explanation of the Vote of the House of the 26<sup>th</sup> Instant<sup>2</sup> establishing the Pay and Subsistence of the Scouts employed for the defence of the Western Frontiers the Winter past; That with respect to those mentioned within the line of Government, the Pay and Subsistence shall extend to Thirty men only raised by Order of this Court exclusive of their Officers mentioned in said Vote.

In Council; Read and Concur'd. [*Passed June 28.*]

<sup>1</sup> The House Journal, p. 53, reads, "*Ordered.*"

<sup>2</sup> The Council concurred on the next day. — *Ante*, chap. 33.

## CHAPTER 39.

VOTE SUBSTITUTING ANDREW OLIVER ESQ<sup>R</sup> FOR THO<sup>S</sup> CUSHING ESQ<sup>R</sup>  
ON THE COMMITTEE FOR SIGNING BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (5), 71.

*Voted* that Andrew Oliver Esq<sup>r</sup> be appointed one of the Committee for signing the publick Bills of Credit in the room of Thomas Cushing Esq<sup>r</sup> who declines that Service. [*Passed June 28.*]

House Jour-  
nal, p. 58.  
*Ante*, p. 374,  
chap. 28; p. 449,  
chap. 245.

## CHAPTER 40.

ORDER REFERRING THE PETITION OF JN<sup>O</sup> FLYNT & OTHERS OF CON-  
CORD IN REGARD TO A MINISTERIAL TAX.

A PETITION of John Flynt and James Minot Esq<sup>rs</sup> Inhabitants of the Town of Concord, shewing that they are greatly dissatisfied with the Conduct of their Minister M<sup>r</sup> Daniel Bliss; and whereas this Court has exempted a number of other Persons (who separated from M<sup>r</sup> Bliss's ministry upon the same reasons that are the grounds of the Petitioners dissatisfaction) from the charge of his support; therefore praying that the Petitioners may be likewise exempt from said charge, upon their joining with the others in the maintenance of a Minister.

Legislative  
Records of the  
Council,  
xvii. (5), 34, 71.

House Jour-  
nal, pp. 32, 53,  
54. *Ante*,  
p. 424, chap.  
155.

Read, together with the answers of M<sup>r</sup> Bliss and the Town of Concord; &

*Ordered* that the further consideration of this Petition be refer<sup>d</sup> to the Second Wednesday of the next Sitting of this Court, and that the Petitioners in the mean time, together with their Families and Estates, be excused from all other Ministerial Charges in said Town, so long as they shall pay their proportionable part of the charge of supporting the publick Worship of God in said Town; agreeable to an Order of this Court (upon the Petition of Sam<sup>l</sup> Miles & Stephen Hosmer Jun<sup>r</sup> for themselves & others)<sup>1</sup> on Jan<sup>y</sup> 18. 1744. [*Passed June 28.*]

## CHAPTER 41.

ORDER ADMITTING THE EVIDENCE OF DR THO<sup>S</sup> LITTLE DECEASED,  
ON THE PET<sup>N</sup> OF ABIG. BOOTH FOR A TRIAL.

ON THE PETITION of Abigail Booth,<sup>2</sup>

Read together with the answer of Hannah Dyer, and the matter being fully considered;

*Ordered* that the prayer of the Petition be so far granted as that it shall be no Bar to the Superior Courts receiving the evidence of D<sup>r</sup> Thomas Little dec<sup>d</sup> in this Petition mentioned, that it was taken before the Action depending between the said Abigail Booth and Hannah Dyer was commenced, or its being now unsealed; and the Secretary be directed to take a copy of the above mentioned Evidence, before the Original be sent back to the Superior Court. [*Passed June 28.*]

Legislative  
Records of the  
Council,  
xvii. (5), 72.

House Jour-  
nal, pp. 22, 56.

<sup>1</sup> Inserted from the House Journal, p. 54.

<sup>2</sup> This petition has not been found.

## CHAPTER 42.

## ORDER ALLOWING £10 TO JOHN HINDS.

Legislative  
Records of the  
Council,  
xvii. (5), 72.

House Jour-  
nal, pp. 34, 55.  
*Ante*, p. 377,  
chap. 37.

A PETITION of John Hinds, shewing that while he was Armourer of the Boston Paquet in the service of this Government, by accident he broke his left Arm, and was near three months under the Surgeons hands; praying that he may be allowed for his nursing and subsistence during that time.

Read, and in answer;

*Ordered* that the sum of Ten Pounds, Bills of Credit be allowed the Petitioner out of the publick Treasury in full consideration of his sufferings within mentioned. [*Passed June 28.*]

## CHAPTER 43.

## ORDER ALLOWING £32. 10 AND A FURTHER SUM OF £10. 17 TO ROBERT BALL.

Legislative  
Records of the  
Council,  
xvii. (5), 72.

House Jour-  
nal, p. 237  
(April, 1745);  
p. 55.

A PETITION of Robert Ball, Keeper of the Light house, praying for an allowance for his service, since November 1743, and that it may be enlarged in consideration of the increase of his business and the lessening of his profits; praying also that he may be reimbursed the sum of Forty Three Pounds eight shillings old Tenor, which he expended for wood used to keep the Oyl from congealing in the winter.

Read and

*Ordered* that the sum of Thirty two Pounds ten shillings be allowed and paid out of the publick Treasury to the Petitioner Robert Ball in full for his service one year ending the 8<sup>th</sup> of November last; And that he be allowed the further sum of Ten Pounds seventeen shillings expended for Fire Wood for the benefit of the Lights. [*Passed June 28.*]

## CHAPTER 44.

## VOTE IN REGARD TO THE METHOD OF RAISING MINISTERIAL TAXES IN THE NORTH PRECINCT IN SHEFFIELD.

Legislative  
Records of the  
Council,  
xvii. (5), 75.

House Jour-  
nal, p. 33.  
Province  
Laws, ii., 941,  
chap. 6.

A PETITION of Joseph Noble, Luke Noble and Aaron Shelden, a Committee for the North Precinct in the Town of Sheffield; setting forth the great difficulties they are under in raising the Taxes set upon the Inhabitants and Estates, for defraying the charge of building their Meeting House and settling and supporting their Minister, and therefore praying that this Court would relieve them by passing such Order as may be effectual for bringing in the said Taxes.

Read and

*Voted* that the charges that have arisen or may arise in building and finishing the Meeting house in the North Parish in Sheffield, as also the sum agreed to be given to their present Minister for his



settlement, shall be discharged and paid by the Proprietors of the said North Parish in such manner as this Court in January 1742 ordered that Taxes should be raised on the said Proprietors; And what hath become due to the said Minister as a Salary since his Settlement, with what shall become due to him hereafter, together with other Parish charges, shall be paid in manner following, viz<sup>t</sup> One third part (of any Right) by the Inhabitants of that part of said North Parish that heretofore belonged to Sheffield, to be raised upon Polls and Estates, both real and personal, saving that twenty Polls only shall be rated to the said third part of any Rate; and that towards the defraying the other Two third Parts of any Rates that may be raised the other Polls in said Parish each shall be rated so much as the said twenty Polls severally are; and the remaining part of any Rate shall be raised upon the lands lying in that part of said parish, called the Upper Housatanuck, together with the lands of John King of Suffield, which ly in any part of said parish, to be laid on each Acre an equal part; And upon failure of payment the Assessors be and hereby are impowered to sell so much of each of the said Proprietors land who neglect to pay what shall be laid on each Acre, as may be sufficient to answer the same, together with the charge arising thereupon, and they shall observe the directions of the Laws made in the Eleventh and Twelfth years of His present Majestys Reign, relating to the sale of the land of Delinquent Proprietors in new Townships; and that this method of raising Taxes in said Parish shall be and remain till the further Order of this Court. [*Passed June 29.*]

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## CHAPTER 45.

### ORDER IMPOWERING JOS<sup>A</sup> SPEEN, INDIAN, TO SELL LAND.

A PETITION of Josiah Speen of Natick, Indian, shewing that by reason of sickness and old age whereby he is disabled from labour, he is considerably in debt, which he is not able to pay without selling some of his Land; and therefore praying that he may be impowered by this Court to sell ten acres of the uncultivated Land belonging to his House Lot, and two pieces of his Out Lands (containing eight acres and an half more) for the payment of his Debts and his more comfortable living in his old age; to be under such regulations as this Court shall think fit.

Read and

*Ordered* that the prayer of the within Petition be granted, and Major Jones is desired to assist the Petitioner in the sale of the within mentioned Land and take care that the produce thereof be applied to the purposes herein mentioned. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xvii. (5), 76.  
House Jour-  
nal, pp. 31, 58.

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## CHAPTER 46.

### ORDER IMPOWERING JEFFRY HENRY, INDIAN, TO SELL LAND.

A PETITION of Jeffry Henry and Mary his wife of Natick, Indians, shewing that by sickness in their family they have contracted considerable Debts, and are at the charge of maintaining their Father,

Legislative  
Records of the  
Council,  
xvii. (5), 77.

House Journal, pp. 20, 58.

who is of great age and wholly blind; and therefore praying that they may be impowered to sell seven Acres of their uncultivated Lands for the payment of their debts and purchasing some necessary things for their more comfortable living.

Read and

*Ordered* that the prayer of the petition be granted; and Major Jones is desired to assist the Petitioner in the sale of the Land mentioned, and take care that the produce be applied to the purposes herein mentioned. [*Passed June 29.*]

## CHAPTER 47.

### ORDER APPOINTING PERSONS TO FARM OUT THE EXCISE.

Legislative Records of the Council, xvii. (5), 78.

House Journal, p. 58.  
Province Laws, iii., 237, chap. 2.

In the House of Represent<sup>ves</sup>;  
*Ordered* that Thomas Cushing and Thomas Hutchinson Esq<sup>rs</sup> of the County of Suffolk, John Hobson and Daniel Appleton Esq<sup>rs</sup> of the County of Essex, Rowland Cotton and Chambers Russel Esq<sup>rs</sup> of the County of Middlesex, Joseph Pynchon and Oliver Partridge Esq<sup>rs</sup> of the County of Hampshire, Josiah Convers Esq<sup>r</sup> and Cpt. William Richardson of the County of Worcester, M<sup>r</sup> Daniel Lewis Jun<sup>r</sup> and Cpt. Gamaliel Bradford of the County of Plymouth, Cpt Mahew Dagget and James Williams Esq<sup>r</sup> of Bristol, M<sup>r</sup> Jabez Fox, and Jeremiah Powell Esq<sup>r</sup> of the County of York, James Otis and Samuel Tupper Esq<sup>rs</sup> of the County of Barnstable, John Norton Esq<sup>r</sup> and M<sup>r</sup> John Sumner of the County of Dukes County, and Abishai Folger and M<sup>r</sup> John Bunker of the County of Nantucket, with such as the Hon<sup>ble</sup> Board shall join, be Committees for their respective Counties, (to be sworn by a Justice of the Peace for the faithful discharge of their Trust) and they are hereby severally fully authorized and impowered to let out to Farm the Excise which may arise in the several Counties to which the above named persons belong; agreeable to the Act of the Province in that case made and provided: None of the Committees to be allowed to hire the Excise by themselves or any other Person.

In Council; Read and Concur'd, and Jacob Wendell Esq<sup>r</sup> of the County of Suffolk, Thomas Berry Esq<sup>r</sup> of the County of Essex, Ezekiel Chever Esq<sup>r</sup> of the County of Middlesex, John Stoddard Esq<sup>r</sup> of the County of Hampshire, John Chandler Esq<sup>r</sup> of the County of Worcester, John Cushing Esq<sup>r</sup> of the County of Plymouth, Sylvanus Bourn Esq<sup>r</sup> of the County of Barnstable, Nathaniel Hubbard of the County of Bristol, John Hill Esq<sup>r</sup> of the County of York, Zacheus Mahew Esq<sup>r</sup> of the County of Dukes County, and M<sup>r</sup> George Gardner of the County of Nantucket, are joined in the affair. [*Passed June 29.*]

## CHAPTER 48.

### ORDER IMPOWERING THE ADMINISTRATORS AND THE GUARDIAN OF THE MINOR SON OF HEN. GIBBON TO SELL LAND.

Legislative Records of the Council, xvii. (5), 79.

A PETITION of Jacob Sheaf and Hannah Gibbon Administr<sup>rs</sup> of the Estate of Henry Gibbon dec<sup>d</sup>, and Nathan Simpson Guardian of Henry Gibbon a Minor Son of the said dec<sup>d</sup>; shewing that the

said Henry Gibbon dec<sup>d</sup> has left considerable real Estate, consisting principally in buildings, many of which are in a decayed and ruinous condition and that the personal estate is not sufficient to pay the Debts; therefore praying that this Court would give liberty for selling so much of the real Estate as will be necessary to pay the Debts and put the remaining buildings into good repair.

Read and

*Ordered* that the Petitioners be and they hereby are empowered to sell such part of the Real Estate of the Dec<sup>d</sup> as the Judge of Probate for the County of Suffolk shall direct or consent to, to the amount of Two Thousand Pounds old Tenor, they giving Bond to the said Judge to apply the proceeds thereof to the discharge of the Deceaseds debts and to put the other parts of the Estate into tenantable repairs; they accounting with the said Judge for their doings herein. [*Passed June 29.*]

House Jour-  
nal, p. 42.

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## CHAPTER 49.

### ORDER TO REBUILD THE BRIDGE OVER THE SWAN POND CREEK.

A PETITION of Thomas Bradbury, Commander of the Fort on Saco River, praying for an allowance to be made him for digging a Well in said Fort, which cost him £30 old Tenor, and also that such orders may be given as may be necessary for keeping the Bridge at Swan Pond, in sufficient repairs for transporting the Stores to the said Fort and Goods, from thence to the Town.

Read, and in answer,

*Ordered* that the Bridge herein mentioned over Swan Pond Creek in the way to the Block House on Saco River be rebuilt and kept in constant repair from time to time, the one half of the whole charge to be defrayed by the Province, the other half by the Town of Biddeford. [*Passed June 29.*]

Legislative  
Records of the  
Council,  
xvii. (5), 80.  
House Jour-  
nal, pp. 22, 50.  
Province  
Laws, xi., 597,  
chap. 41.

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## CHAPTER 50.

### ORDER ALLOWING THE ACC<sup>T</sup> OF THE MID<sup>X</sup> CO. TREASURER.

AN ACCOMPT presented by Daniel Russel Esq<sup>r</sup> Treasurer of the County of Middlesex for the year 1744; having been laid before the Court of General Sessions of the Peace for said County, and by them allowed.

Read and

*Ordered*, that the within Accompt be allowed, and the Ballance, (being One Hundred Pounds sixteen shillings and ten pence) the said Treasurer is further accountable for. [*Passed July 1.*]

Legislative  
Records of the  
Council,  
xvii. (5), 83.  
House Jour-  
nal, pp. 17, 55.

## CHAPTER 51.

## ORDER ALLOWING £5 TO ROBT WILSON.

Legislative  
Records of the  
Council,  
xvii. (5), 84.

House Journal,  
p. 63.  
*Ante*, p. 301,  
chap. 158.

*Ordered* that the sum of Five Pounds be granted and paid out of the publick Treasury, to Robert Wilson a poor person, who several years past has been a pensioner of this Government, in consideration of his being disabled by his wounds received in the service of this Province, from doing any thing towards his support; the money to be paid into the hands of M<sup>r</sup> Edward Bromfield, by him to be laid out for the said Wilson, in such manner as the said Bromfield shall think best. [*Passed July 2.*]

Legislative  
Records of the  
Council,  
xvii. (5), 85.

Legislative  
Records of the  
Council,  
xvii. (4), 550;  
*ibid.*, xvii. (5),  
82, 84. House  
Journal, p. 65.  
Province  
Laws, iii., 206,  
chap. 24.

## CHAPTER 52.

VOTE FOR AN INCREASE OF Y<sup>E</sup> GARRISON AT CASTLE WILLIAM.

*Voted* that there be added to the Establishment already made at Castle William, forty effective men as Centinels, to be paid and subsisted from this time till the fifteenth of October next. [*Passed July 2.*]

## CHAPTER 53.

## ORDER ALLOWING £20 TO MR RIC. HUBBARD.

Legislative  
Records of the  
Council,  
xvii. (5), 86.

House Journal,  
p. 63.  
*Ante*, p. 446,  
chap. 233.

A PETITION of Richard Hubbard, Door Keeper to His Excellency and the General Court, praying in consideration of his extraordinary labour and service occasioned by the Expedition, and the Dearness of all the necessaries of life, for some further Allowance for his support.

Read and

*Ordered* that the sum of Twenty Pounds be allowed and paid out of the publick Treasury to the Memorialist Richard Hubbard in full consideration for his services within mentioned. [*Passed July 2.*]<sup>1</sup>

## CHAPTER 54.

## VOTE ACCEPTING THE REPORT OF THE COMMITTEE OF WAR ON THE GOVERNORS SPEECH.

Legislative  
Records of the  
Council,  
xvii. (5), 95.

Legislative  
Records of the  
Council,  
xvii. (5), 89, 94.  
House Journal,  
p. 71.

JOHN OSBORNE ESQ<sup>R</sup> from the Committee of War gave in their Report on those parts of the Governors Speech which relate to the Expedition.

Which Report was Read and Accepted in both Houses with Amendments, and as amended is as follows, viz<sup>t</sup>

The Committee to whom was refer'd that part of His Excellency's speech which relates to the Expedition, having maturely considered the same, are humbly of Opinion and make Report,

<sup>1</sup> Adjourned to July 17. See Legislative Records of the Council, xvii. (5), 87.

That it is of great importance that the Damage done by the army to the Fortifications and other buildings in the City and Harbour of Louisbourg, be immediately repaired, and that it is absolutely necessary that a competent number of the Forces be supplied with sufficient Provisions and Warlike Stores until His Majestys pleasure can be known.

That it is incumbent upon and for the Honour and Interest of this Government, to continue to advance such sums as may be requisite for securing and maintaining for His Majesty this invaluable acquisition; and that therefore the Committee of War be directed to provide all necessary materials for effecting the aforesaid Repairs, and cause the same with all convenient speed to be transported to the General at Louisbourg, and that they likewise furnish him with the sum of Two Thousand Pounds in Bills of Credit of this Province to be paid by such persons as he shall appoint to the Workmen employed in said Repairs, the said persons to be accountable for the same. And with respect to Warlike Stores and Provisions, the Committee report that a large quantity of Powder and other Stores has been sent from this Government, which was not arrived at the time of the surrender of the place, and that the present circumstances of this Province will not admit of any further considerable quantity of Powder being sent from hence until a further supply shall arrive.

That a large quantity of Provisions also has lately been transported to Louisbourg, but as a considerable part of the Armys stock must have been employed for the transportation of the French inhabitants to France, the Committee are therefore of Opinion that a further Supply may be necessary, and that the Committee of War be directed to procure such a quantity of each species, as with with<sup>1</sup> what is already provided shall be sufficient in their Judgment to subsist such a part of the Garrison sent from this Province as shall be judged necessary, to remain there for three months from this time. And as the Army are in great want of Cloathing, the Committee likewise Report that the said Committee of War be directed to make further provision in this regard, and cause that the Army be supplied on the most reasonable terms. The Committee further Report, that the Committee of War be enabled and directed to pay one months wages to the Order of each of the Officers and Soldiers of the first Enlistment sent from this Province, and who are Sui Juris, and to the Masters and Parents of each of those who are servants or under age, upon its appearing to said Committee of War by Certificate from the Commissary of each Regiment & the General Commissary, that such Officer and Soldier has one months Pay remaining due, over and above what he has yet received and taken up.

And that letters be sent to the Governments of Connecticut and New Hampshire, acquainting them with the Resolutions of this Court, that they may also provide for their proportion of the Forces, as they see cause.

Also that a Congratulatory Address be prepared to be presented to His Most Excellent Majesty upon this acquisition to His Majestys Dominions: also a Petition to His Majesty for relief under the heavy burthen occasioned by this Expedition; and the Committee of War are directed to prepare the Address and Petition accordingly. [*Passed July 19.*<sup>2</sup>

<sup>1</sup> *See.*

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is July 20.

## CHAPTER 55.

## VOTE FOR A MONTHS PAY TO THE WIVES OF THE SOLDIERS AT LOUISBOURGH.

Legislative  
Records of the  
Council,  
xvii. (5), 101.

House Journal,  
p. 77.  
*Ante*, p. 465,  
chap. 1.  
*Supra*, chap.  
54.

*Voted* that in lieu of the months wages to be paid each Soldiers Wife upon certificate from the Commissaries at Louisbourgh, as pass'd the 20<sup>th</sup> Currant, the Committee of War be directed immediately to pay one months wages to the wives of such soldiers in the Expedition, as they judge in necessitous circumstances, upon application being made to them. [*Passed July 23.*]

## CHAPTER 56.

## VOTE FOR PAYING ADVANCED WAGES TO SOLDIERS &amp; SEAMEN.

Legislative  
Records of the  
Council,  
xvii. (5), 102.

House Journal,  
p. 77.  
*Ante*, p. 465,  
chap. 1.  
*Infra*, chap. 57.

*Voted* that it be a Direction to the Committee of War, to pay the respective Soldiers and Sailors who are or may arrive from Louisbourgh, one months advanced Wages upon their making Oath that so much is then due to them. [*Passed July 23.*]

## CHAPTER 57.

## VOTE FOR RAISING SOLDIERS FOR THE EASTERN AND WESTERN FRONTIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 105.

House Journal,  
pp. 78, 79.  
*Ante*, p. 471,  
chaps. 19, 20.  
*Supra*, chap.  
56.

*Voted* that His Excellency the Governor be desired to cause to be enlisted or impressed eighty effective men, as a reinforcement for the Defence of the Western Frontiers, exclusive of those that may be sent from Connecticut, to be employed as the Soldiers already posted there are ordered to be, & subsisted for three months. Also

*Voted* that His Excellency be desired to cause to be enlisted or impressed One hundred and seventy five effective men, as a reinforcement for the Defence of the Eastern Frontiers; the soldiers to be employed as the Soldiers already on said Frontiers are ordered to be, and subsisted for three months, or till the return of the Eastern Volunteers from Louisbourgh, if they should return sooner, and no longer, unless by Order of this Court. Also

*Voted* that His Excellency be desired that the whole Reinforcement voted for the security and defence of the said Eastern Frontier be with all convenient speed sent thither.

Also

*Voted* that His Excellency be desired to order that all such of the said Eastern Volunteers now at Louisbourgh (as may desire the same) be dismissed from the service there, so far as may be consistent with the safety of the garrison in that place, and return forthwith in order to prevent the ruine of their Families and Estates.

*Voted* also, that His Excellency be desired, if it be needful to impress all or any of the Two Hundred and fifty five men aforesaid, that he would be pleased to give special Orders that the same

may be impressed out of such Companies as have sent the smallest number of men into the publick service in proportion to their number hitherto. [*Passed July 24.*]

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## CHAPTER 58.

### ORDER GRANTING A LICENCE TO EPH. WESSON TO KEEP AN INN.

A PETITION of Ephraim Wesson of Reading; shewing that he now lives in a House where his Father kept a Tavern for twenty years past, that he has obtained the Approbation of the Select Men of said Town to keep a Tavern there, but has been denied a Licence by the Justices of the County of Middlesex, upon a suggestion that he is not able of body for that service; and forasmuch as altho he is much disabled by hard labour, for other service, he apprehends he has strength of body sufficient for this; and therefore Praying that the Court of General Sessions of the Peace for the said County may be enabled to give him a licence to keep the said Tavern at their next Term.

Legislative  
Records of the  
Council,  
xvii. (5), 107.  
House Jour-  
nal, p. 79.  
Province  
Laws, iii., 236,  
chap. 2.

Read, and in answer hereto

*Ordered* that the Justices of the General Sessions of the Peace for the County of Middlesex be and hereby are allowed and impowered (if they see cause) at their next Term, to grant the Petitioner a Licence for an Innholder, the time for granting Licences being elapsed notwithstanding. [*Passed July 24.*]

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## CHAPTER 59.

### ORDER ACCEPTING THE REPORT ON THE PETITION OF JA<sup>S</sup> LINDAL ESQ<sup>R</sup> AND OTHERS ABOUT A BRIDGE REFERRED TO THE NEXT SESSION.

A PETITION of James Lindall Esq<sup>r</sup> and others, a Committee of the Proprietors of the North Field in Salem, shewing that they were appointed by the said Proprietors to apply to the Town of Salem for liberty to build a Bridge over the North River from Ornes Point to Symonds's Land, & to carry on said Work; which by the leave of the said Town they did, and cannot get the money necessary to defray the charge, many of the Proprietors refusing to pay their parts; and therefore praying that this Court would give such orders as would oblige the Delinquent Proprietors to pay their parts for reimbursing the Petitioners.

Legislative  
Records of the  
Council,  
xvii. (5), 26,  
106.  
Legislative  
Records of the  
Council,  
xvii. (5), 101.  
House Jour-  
nal, pp. 28, 80.

The Committee to whom was refer'd the Petition of James Lindal Esq<sup>r</sup> and others, having heard the parties and considered the Petition, are of Opinion that inasmuch as the Proprietors were not seasonably notified of the Petition, that therefore this Petition ought to be refer'd to a further day, that so a legal Meeting of said Proprietors may be called; & it is recommended to them to accommodate this affair among themselves in the mean time.

All which is humbly submitted

By JOHN CUSHING p<sup>r</sup> Order.

Read and Accepted, & the Petition is refer'd to the first Tuesday of the next Sitting of this Court accordingly. [*Passed July 25.*<sup>1</sup>]

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is July 24.

## CHAPTER 60.

## VOTE AND ORDER FOR RECTIFYING MISTAKES IN DIVERS MUSTER ROLLS.

Legislative  
Records of the  
Council,  
xvii. (5), 108.

House Jour-  
nal, p. 79.  
Province  
Laws, iii., 146,  
chap. 2.

WHEREAS it appears that sundry Soldiers in the service of the Province the year past and born on the Muster Rolls of the Captains Gray, Moodey, Sale and Jordan, have been paid and subsisted from the time of their joining their several Companies only, and not from the time of their being impressed or enlisted; and the House apprehending it just and agreeable to the design of the Court in their Grant for the Pay of the said Soldiers that it should commence at the time of their being so enlisted or impressed:

It is therefore

*Voted and Ordered*, that all such mistakes in the Muster Rolls aforesaid, be allowed to be corrected and rectified, and that the several soldiers be paid & subsisted accordingly. [*Passed July 25.*]

## CHAPTER 61.

## VOTE ALLOWING A PREMIUM FOR INDIAN SCALPS &amp; PRISONERS.

Legislative  
Records of the  
Council,  
xvii. (5), 109,  
112.

Legislative  
Records of the  
Council,  
xvii. (5), 89, 93.  
House Jour-  
nal, pp. 81, 82.  
*Ante*, p. 339,  
chap. 97.

*Voted* that the Premium for the Scalps and Captives of the St Johns and Cape Sables Indians be revived and continued for one year of such term or time as the War may continue with them.

And that His Excellency be humbly desired to demand of the Penobscot and Norridgewock Tribes the Indians belonging to them who lately beset His Majestys Fort at Georges,<sup>1</sup> burnt sundry buildings and destroyed many Cattle belonging to His Majestys subjects there; and in case they can not immediately deliver them, that they give sufficient hostages to do it at a short day, not exceeding fourteen days at most, and if finally they be not able to deliver the Indians thus demanded, that then they forthwith, according to an express article in their Treaty with this Government furnish at least thirty men, to assist against the Indians we are at war with. And if the said Penobscot and Norridgewock Tribes should refuse this, that His Excellency be humbly moved to declare War against them, only giving liberty to such of them as shall be so inclined, to come and live with us, to be protected and subsisted by us; provided they come in within fourteen days after Declaration of War.

And that there be and hereby is granted to be paid out of the publick Treasury to any Company Party or Person singly of His Majestys Subjects belonging to and residing within this Province, who shall voluntarily and at their own proper cost and charge go out and kill a male Indian of the age of twelve years or upwards of such Eastern Indians or such others as may be found with them who shall not come in as afore said and live among us after the War be declared with them, at any time so long as the War may continue, and produce the Scalp in evidence of his death, the sum of One Hundred Pounds in Bills of Credit of this Province of the New Tenor, and the sum of One Hundred and Five Pounds of said Bills for any male of like age who shall be taken captive and delivered to the

<sup>1</sup> The House Journal, p. 81, reads, "St. George's."



Order of the Captain General to be at the disposal and for the use of the Government, and the sum of Fifty Pounds for each Woman and the like sum for Children under the age of Twelve years killed in fight, & Fifty five Pounds in said Bills for such when taken prisoners, and the Plunder. And to such Person or Persons of this Province as afore said for whom the Province shall provide ammunition & Provisions viz. provisions from the day they go forth until their return, to be paid in said Bills for each Male above the age of twelve years killed and Scalp produced, the sum of Seventy five Pounds and Captives Seventy Eight pounds fifteen shillings; and for a Female and others as afore said, Thirty nine pounds five shillings: And to the Inhabitants of this Province and such soldiers as may be employed by the Province who shall issue out upon any party or parties of Indians, for each Male above twelve years killed & scalp produced as afore said Thirty Pounds and for a Captive Thirty Three pounds of like Bills, for a Female and others killed and scalp produced Fifteen Pounds, and Captives of the like sort Sixteen Pounds ten shillings; and that the like premium be given for any Indian killed and Scalp produced as afore said or Captain taken, who shall be found armed (unless called in to our aid) easterly of a Line drawn from the Massachusetts Blockhouse near Hoo-suck over to Crown Point, viz<sup>t</sup> between such a Line and the Eastern Frontiers of this Province and New Hampshire.

Provided no payment be made as afore said for killing and captivating any Indian as afore said, until Proof thereof be made to the acceptance of the Governor and Council. And that the Captain General be desired forthwith to give notice to the Six Nations, the River Indians, the Scatacook and Cagnawaga Tribes, our Friends, of the mischiefs lately done among us, and the necessity of these measures, that none of their people may be exposed by inadvertently going in the way of danger.

And further that His Excellency be desired from time to time to send small parties of men to pursue our Enemy any where beyond the Province Line as far as he may find is necessary. [*Passed July 25.*]

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## CHAPTER 62.

VOTE SUBSTITUTING W<sup>m</sup> LAWRENCE ESQ<sup>r</sup> FOR ROLAND COTTON ESQ<sup>r</sup> ON THE COMMITTEE FOR FARMING THE EXCISE IN THE COUNTY OF MIDDLESEX.

Legislative  
Records of the  
Council,  
xvii. (5), 115.

*Voted* that William Lawrence Esq<sup>r</sup> be of the Committee for farming the Excise for the County of Middlesex in the room of Rowland Cotton Esq<sup>r</sup> who desires to be excused from that service. [*Passed July 26.*]

House Jour-  
nal, p. 83.  
*Ante*, p. 482,  
chap. 47.

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## CHAPTER 63.

VOTE ESTABLISHING THE PAY OF THE SOLDIERS ON THE WESTERN FRONTIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 116.

*Voted* that the forty five men raised by Coll. Stoddard by order of His Excellency, with the Advice of the Council, for the defence

Legislative  
Records of the  
Council,

xvii. (5), 116.  
House Journal, p. 84.

of the Western Frontiers and the persons building the line of Garrisons &c be allowed the same Pay and Subsistence as the other Soldiers in that Frontier, during the time of their being in actual service. [*Passed July 26.*]

## CHAPTER 64.

### VOTE ALLOWING THE ACC<sup>T</sup> OF THE YORK COUNTY TREAS<sup>R</sup>.

Legislative  
Records of the  
Council,  
xvii. (5), 117.

House Journal, pp. 17, 83.

AN ACCOMPT of Jeremiah Monlton Esq<sup>r</sup> Treasurer of the County Treasurer<sup>1</sup> of York for the year 1744 having been laid before the Court of General Sessions of the Peace for the said County and by them allowed.

Read, and it appears that the sum of Six Pounds sixteen shillings and six pence charged as paid the Grand Jury there is no Vouchers for; and that the ballance of the former accompt, being Two Pounds eleven shillings and six pence is not brought forward as it ought to be; therefore

*Voted* that the Ballance of this Accompt being Ten Pounds sixteen shillings the said Treasurer is accountable to said County for. [*Passed July 26.*]

## CHAPTER 65.

### ORDER IMPOWERING THO<sup>S</sup> PAYNE TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council,  
xvii. (5), 31, 117.

House Journal, pp. 32, 33,  
86.

A PETITION of Thomas Payne of Boston, merchant, shewing that he brought his action at the Inferior Court for the County of Suffolk in July last, against Robert Sanderson of Attleborô in order to recover a debt of £305 Old Tenor, due to him by vertue of a Note of Hand to one John Gridley and endorsed over to the Petitioner, and Judgement went against the said Saunderson by default; from which he appealed to the Superior Court, but the Petitioner did not appeal, supposing the Judgment to be right, but a little before the sitting of the Superior Court he looked into the Judgment and found it to be for no more than £38 lawful money or £40. 13. 9 in Bills emitted in the year 1741 which was but little more than half his debt; that the said Sanderson failed of prosecuting his appeal, but the Petitioner did not file his complaint against him at that Court, supposing he could obtain no more than what the Judgment of the Inferior Court gave him: and therefore praying that he may be enabled to file his complaint at the next Superior Court, and that upon his setting forth the errors of that Judgment, the Court may be empowered to make up Judgment for the whole Debt and Costs.

Read, and it appearing that the adverse party had been served with a Copy of the Petition, but no answer given:

*Ordered* that the prayer of the Petition be so far granted, that the Petitioner be and hereby is enabled to bring forward his Writ of Review on the Judgment of the Inferior Court mentioned in said Petition, at the next Inferior Court of Common Pleas, to be holden at Boston within and for the County of Snffolk; and the

Justices of the said Court be and hereby are enabled to try the said Action and award Execution; the Appeal mentioned in said Petition notwithstanding. [*Passed July 26.*]

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## CHAPTER 66.

### ORDER DIRECTING PROCEEDS OF SALE OF THE LAND OF THO<sup>S</sup> PEGAN, INDIAN, TO BE APPLIED FOR HIS SUPPORT.

A MEMORIAL of John Jones Esq<sup>r</sup> shewing that he together with Major Stephen Coolidge were appointed by the General Court to sell ten Acres of Land belonging to Thomas Pegan of Natick, Indian, part of the produce whereof was to be laid out for purchasing of a lot of land for the settlement of his son; and forasmuch as the said son is since dead, and the said Thomas Pegan is aged and infirm; therefore proposing that the whole of the produce may be employed for his support.

Read and

*Ordered* that the prayer of this Memorial be granted, and that the whole of the produce of the sale of the ten Acres mentioned be applied for the support of the said Thomas Pegan. [*Passed July 26.*]

Legislative  
Records of the  
Council,  
xvii. (5), 119.  
House Jour-  
nal, p. 85.  
*Ante*, p. 379,  
chap. 44.

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## CHAPTER 67.

### ORDER OF NOTICE ON THE PETITION OF EDM<sup>D</sup> DWIGHT TO BRING FORWARD AN ACTION.

A PETITION of Edmund Dwight of Enfield, shewing that William Larkin brought his action against him at the Inferior Court of Common Pleas for the County of Suffolk in October last for fraudulently selling to the said Larkin a castrated Negroe, and Judgement went against the Petitioner, from which he appealed to the Superior Court, but being delayed on his journey, he did not get to Boston till the second day of the Court, when he found Judgment was entered up against him upon the said Larkins complaint; praying that he may be allowed a new Trial at the Superior Court to be held at Boston in August next, and that Execution may be stayed in the mean time.

Read and

*Ordered* that the Petitioner serve the adverse party William Larkin or his Attorney with a Copy of this Petition that he shew cause if any he hath on the first Fryday of the next Sitting of this Court, why the prayer thereof should not be granted; Provided the Petitioner give sufficient caution to the Sheriff of the County of Suffolk to pay the sum that shall be finally recovered, with Interest from this time. [*Passed July 26.*]

Legislative  
Records of the  
Council,  
xvii. (5), 44,  
120.  
House Jour-  
nal, p. 26.

## CHAPTER 68.

## ORDER ALLOWING THE ACCOMPT OF THE BRISTOL COUNTY TREASURER.

Legislative  
Records of the  
Council,  
xvii. (5), 121.

AN ACCOMPT of Joseph Russel Esq<sup>r</sup> Treasurer of the County of Bristol for the year 1744, having been laid before the Court of General Sessions of the Peace for the said County and by them allowed.

Legislative  
Records of the  
Council,  
xvii. (5), 67.  
House Jour-  
nal, pp. 17, 83.

Read and

*Ordered* that this Accompt be allowed, and the Ballance thereof being Ninety five shillings and nine pence<sup>1</sup> including the outstanding Debts, the said Treasurer is further accountable to said County for. [*Passed July 26.*]

## CHAPTER 69.

## ORDER DIRECTING THE COMMITTEE OF WAR TO MAKE AN ESTIMATE OF THE CHARGE OF THE EXPEDITION AGAINST LOUISBURG.

Legislative  
Records of the  
Council,  
xvii. (5), 123.

House Jour-  
nal, p. 87.  
*Ante*, p. 465,  
chap. 1.

*Ordered* that the Committee of War be directed to make an Estimate of the charge of the Expedition against Louisburgh from the beginning until they shall report and lay the same before this House at their next sitting. [*Passed July 27.*]

## CHAPTER 70.

ORDER ALLOWING £5. 5 TO DANIEL GOULD JUN<sup>R</sup>.

Legislative  
Records of the  
Council,  
xvii. (5), 126.

House Jour-  
nal, pp. 83, 87.

A PETITION of Daniel Gould, Jun<sup>r</sup> of Stoneham, shewing that on the fifth of June last, his dwelling house was burnt down, with all his Household goods and other moveables, and at the same time the sum of Twenty one Pounds in Bills of this Province of the Old Tenor was wholly consumed, of which the Petitioner has made Oath before one of His Majestys Justices of the Peace for the County of Middlesex; therefore praying that he may be reimbursed that sum out of the Treasury.

Read and

*Ordered* that there be allowed and granted out of the Province Treasury the sum of Five Pounds five shillings<sup>2</sup> in full consideration for that sum burnt to ashes with his House. [*Passed July 27.*]

## CHAPTER 71.

## VOTE ALLOWING £1,000 FOR REPAIRS AT CASTLE WILLIAM.

Legislative  
Records of the  
Council,  
xvii. (5), 128.

House Jour-  
nal, pp. 87, 91.  
*Ante*, p. 470,  
chap. 17.

*Voted* that the sum of One Thousand Pounds be granted and paid into the hands of the Committee for repairing Castle William to enable them to pay for the materials purchased and work done there the last year. [*Passed July 30.*]

<sup>1</sup> A previous record of this is found on Legislative Records of the Council, xvii. (5), 67, under date of June 27, in which the amount given is £95. 5. 9.

<sup>2</sup> The House Journal, p. 87, reads, £3. 5.

## CHAPTER 72.

## VOTE FOR CLOATHING THE TROOPS AT LOUISBOURGH AND PURCHASING NINE MONTHS PROVISION FOR THEM, AND ALSO PROVIDING FOR TRANSPORTING PRISONERS.

*Voted* that the Committee of War be directed to provide suitable cloathing of all sorts, especially shoes and stockings sufficient for a twelve months supply of such of the soldiers as belong to this Province, and have been sent to Louisbourgh, that may be thought necessary to remain there; and that the same be sent to our Commissaries there, to be delivered to the said Soldiers without any advance thereon, the prime cost to be deducted out of the Soldiers wages that shall take up the same.

Also

*Voted* that the said Committee be directed to take the most convenient opportunities to procure nine months provisions (exclusive of three months already voted by this Court this Session) for a further supply of the said soldiers; but not to be sent till the further Order of this Court.

Also

*Voted* that His Excellency be desired to draw Bills home for the charge of the transportation of the French Prisoners sent here; as soon as may be.

*Voted* further that His Excellency be desired to acquaint the neighbouring Governors, with the Resolutions of this Court in this matter. [*Passed July 30.*]

Legislative  
Records of the  
Council,  
xvii. (5), 128.

Legislative  
Records of the  
Council,  
xvii. (5), 89.  
House Journal,  
p. 390.  
*Ante*, p. 465,  
chap. 1; p. 475,  
chap. 28; p. 484,  
chap. 54.

## CHAPTER 73.

## VOTE FOR DISCHARGING AND PAYING THE SOLDIERS RETURNED FROM LOUISBOURGH.

*Voted* that His Excellency the Captain General be desired to give Orders for the discharge of such soldiers as are returned from the Expedition against Cape Breton

And that the Committee of War be directed to pay said soldiers what may appear to be due to them upon a Muster Roll produced by their commanding Officers where they are returned with them, and where men are returned without their Officer, bringing Certificates that may ascertain the sums due to them, that in such case the Committee be directed to pay those Soldiers likewise, as tho' a Muster Roll had been made out as aforesaid, and allow the usual subsistence and wages after the rate of twenty miles to a day, until they may arrive at their respective homes. And the Committee are directed to require also of the said men, before payment, a Certificate from the Commissary General of the respective sums due from the several soldiers, for arms and any other thing supplied them by the Province, and deduct the same out of their pay. [*Passed July 31.*]

Legislative  
Records of the  
Council,  
xvii. (5), 130.

House Journal,  
p. 392.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 74.

VOTE FOR APPOINTING W<sup>M</sup> BOLLAN ESQ. AGENT.

Legislative  
Records of the  
Council,  
xvii. (5), 131.

Legislative  
Records of the  
Council,  
xvii. (5), 120,  
131 *bis*. House  
Journal, p. 92.  
*Ante*, p. 484,  
chap. 54.

WHEREAS the House are informed that William Bollan Esq<sup>r</sup> His Majestys Advocate General designs to embark in a short time for Great Britain, & the House being sensible of this Gentlemans knowledge in the affairs of the Province, so far as relates to the subject matter of the Petition of the two Houses to His Majesty for relief from the insupportable charge of the Expedition:

It is therefore

*Voted* that the said William Bollan Esq<sup>r</sup> be desired and impowered together with M<sup>r</sup> Agent Kilby to prefer and pursue the afore said Petition to His Majesty, and also to make application to Parliament, if it shall be thought convenient and necessary, for the obtaining the desired Relief. And it is further

*Voted* that in case of Death, Absence or other Inability of either of the said Gentlemen, the other be and hereby is impowered to act solely, relating to the Petition aforesaid. [*Passed July 31.*]

## CHAPTER 75.

VOTE ALLOWING 12 PER DIEM FOR FOURTEEN DAYS FOR THE SUBSISTENCE OF JON<sup>A</sup> KIMBAL & EDM. CHADWICK.

Legislative  
Records of the  
Council,  
xvii. (5), 133.

*Voted* that Jonathan Kimbal and Edmund Chadwick, who assisted themselves whilst in His Majestys service at the Eastward, be allowed twelve pence per day each for fourteen days, out of the publick Treasury. [*Passed August 1.*]

## CHAPTER 76.

## VOTE ALLOWING THE SOLDIERS TO RETURN THEIR ARMS AND ALLOWING AN ADDITIONAL BOUNTY OF 25/ TO EACH SOLDIER IN FIRST ENLISTMENT.

Legislative  
Records of the  
Council,  
xvii. (5), 134.

House Journal, pp. 93, 94.  
*Ante*, p. 425,  
chap. 157.

*Voted* that the Soldiers who received Guns from the Province have liberty to return them again if they see cause: And also

*Voted* that the sum of Twenty five shillings be allowed to each Soldier who were upon the first Enlistment in the Expedition against Louisbourgh as an additional Bounty. [*Passed August 1.*]

## CHAPTER 77.

## ORDER ALLOWING THE DEFICIENCY IN SUPPLIES FOR THE SOLDIERS TO BE MADE UP IN MONEY.

Legislative  
Records of the  
Council,  
xvii. (5), 136.

IN THE HOUSE OF REPRESENT<sup>VES</sup>; Whereas it has been represented to this House that thro' the scarcity of Rum, Molasses, & Beer at Louisbourgh the Soldiers and Seamen for some considerable time

<sup>1</sup> Not found in the House Journal.

have not had their proper Allowance thereof according to Establishment.

*Ordered* that whatever Deficiency there has been in any of the articles afore said, the respective Commissaries and Commanders of the Ships of War belonging to this Province are directed to make the same appear to the Commissary General, who shall pay the said Deficiencies in money, and that they pay the same to the soldiers and Seamen to whom it is due, and that the said Commissaries and Commanders be allowed in making up their accounts for no more than they shall have actually delivered to the said Soldiers and Seamen, and that Notice be given hereof in the publick prints.

In Council; Read and Concur'd. [*Passed August 2.*]

House Journal, pp. 94, 95.  
*Ante*, p. 384,  
chap. 53.

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## CHAPTER 78.

### VOTE APPOINTING A COMMITTEE TO CONSIDER THE STATE OF THE BORDERERS ON THE NORTH LINE.

In the House of Represent<sup>ves</sup>;

*Voted* that Mr Hutchinson, Mr Oliver, Mr Welles & Mr Russel, with such as the Hon<sup>ble</sup> Board shall join, be a Committee to take under consideration the distressed state of the Borderers on the Northern Line, and report what they judge proper for this Court to do for their Relief.

In Council; Read and Concur'd, and Thomas Berry, Samuel Watts, and Ezekiel Chever Esq<sup>rs</sup> are joined in the affair. [*Passed August 2.*]

Legislative Records of the Council, xvii. (5), 136.

Legislative Records of the Council, xvii. (3), 610.  
House Journal, p. 93.  
Province Laws, xii., 706, chap. 92; 709, chap. 100.  
*Ante*, p. 272, chap. 82.

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## CHAPTER 79.

### ORDER SUBSTITUTING MR AND. HALL IN PLACE OF CHAMBERS RUSSELL ON THE COMMITTEE FOR FARMING THE EXCISE IN THE COUNTY OF MIDDLESEX.

*Ordered* that Mr Andrew Hall be of the Committee for farming the Excise in the County of Middlesex in the room of Chambers Russel Esq<sup>r</sup> who desires to be excused from that service. [*Passed August 2.*]

Legislative Records of the Council, xvii. (5), 137.

House Journal, p. 95.  
*Ante*, p. 482,  
chap. 47.

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## CHAPTER 80.

### ORDER SUBSTITUTING CPT. SAM<sup>l</sup> DWIGHT IN THE PLACE OF JOSEPH PYNCHON ESQ<sup>r</sup> ON THE COMM<sup>tee</sup> FOR FARMING THE EXCISE IN THE COUNTY OF HAMPSHIRE.

*Ordered* that Cpt. Samuel Dwight be of the Committee for farming the Excise for the County of Hampshire in the room of Joseph Pynchon Esq<sup>r</sup> who desires to be excused from that service. [*Passed August 2.*]

Legislative Records of the Council, xvii. (5), 137.

House Journal, p. 95.  
*Ante*, p. 482,  
chap. 47.

## CHAPTER 81.

VOTE SUBSTITUTING BENJAMIN LYNDE ESQ<sup>r</sup> IN THE PLACE OF THOMAS BERRY ESQ<sup>r</sup> ON THE COMMITTEE FOR FARMING THE EXCISE IN THE COUNTY OF ESSEX AND JOHN STURGES ESQ<sup>r</sup> IN THE PLACE OF SYLVANUS BOURN IN THE COUNTY OF BARNSTABLE.

Legislative  
Records of the  
Council,  
xvii. (5), 138.

House Jour-  
nal, p. 95.  
*Ante*, p. 482,  
chap. 47.

*Voted* that Benjamin Lynde Esq<sup>r</sup> be of the Committee for farming the Excise in the County of Essex in the room of Thomas Berry Esq<sup>r</sup> who desires to be excused; and that John Sturges Esq<sup>r</sup> be of the Committee for said service in the County of Barnstable in the room of Sylvanus Bourn Esq<sup>r</sup> who also desires to be excused. [*Passed August 2.*]

## CHAPTER 82.

ORDER IMPOWERING THO<sup>s</sup> MOFFAT TO FILE A COMPLAINT.

Legislative  
Records of the  
Council,  
xvii. (5), 56,  
138.

House Jour-  
nal, pp. 46, 80.

A PETITION of Thomas Moffat of Boston, merchant, shewing that at the Inferior Court for the County of Suffolk held in October last, he recovered Judgment against James Allen, Taylour, for the sum of £7. 14 from which he appealed to the next Superior Court, but failed of prosecuting his Appeal, and the Petitioner accidentally omitted to file his complaint; and therefore praying that he may be enabled to file his complaint at the next Superior Court, in order to his obtaining an affirmation of said Judgment, with Costs.

Read &

*Ordered* that the Petitioner be allowed to file his Complaint at the next Superior Court for the County of Suffolk, the within mentioned failure notwithstanding; And the Justices are hereby empowered to make up judgment and award Execution thereon accordingly. [*Passed August 2.*]

## CHAPTER 83.

ORDER IMPOWERING SARAH BOYLSTONE TO FILE A COMPLAINT.

Legislative  
Records of the  
Council,  
xvii. (5), 68,  
138.

House Jour-  
nal, pp. 47, 80.

A PETITION of Sarah Boylstone of Boston Widow, shewing that at the Inferior Court of Common Pleas, held at Boston in July last, she recovered Judgment against Benjamin Crabtree of Attleborough for £50. 5. 6 lawful money &<sup>c</sup> from which Judgment the said Crabtree appealed to the next Superior Court for said County, but failed of prosecuting his Appeal, and the Petitioner accidentally omitted filing her complaint; and therefore praying that she may be enabled to file her complaint at the next Superior Court for the confirmation of said Judgment, with additional Costs.

Read and

*Ordered* that the Petitioner be allowed to file her complaint at the next Superior Court for the County of Suffolk, the within mentioned failure notwithstanding; And the Justices are hereby empowered to make up Judgment and award Execution therein accordingly. [*Passed August 2.*]



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIFTH DAY OF SEPTEMBER, A.D.,  
1745.

## CHAPTER 84.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR FARMING  
THE EXCISE FOR THE CO. OF SUFFOLK.

THE COMMITTEE appointed by the General Court to let to farm the Excise for the County of Suffolk report, That having proceeded according to the directions of the laws, have agreed with M<sup>r</sup> William Coffin of Boston Distiller for the farm of said Excise for the term of three years, at the rate of Eight Hundred and Thirty Pounds New Tenor for each year; and in thus doing they have pursued, as far as they are capable, the greatest profit and advantage of the Publick. All which is humbly submitted

Legislative  
Records of the  
Council,  
xvii. (5), 143.

House Jour-  
nal, p. 101.  
*Ante*, p. 482,  
chap. 47.

THO. HUTCHINSON.

T. CUSHING.

JACOB WENDELL.

Read and Accepted. [*Passed September 25.*]

## CHAPTER 85.

ORDER GRANTING THO: HOWLET A LICENCE TO KEEP AN INN.

A PETITION of Thomas Howlet of Topsfield in the County of Essex, shewing that he has kept an House of Entertainment there for divers years, but being lame he could not attend the Court of General Sessions of the Peace at the time of granting licences, and so lost his opportunity; and therefore praying that the said Court at their present or next Session, may be allowed to renew his licence if they see cause, notwithstanding the said Failure.

Legislative  
Records of the  
Council,  
xvii. (5), 145.

House Jour-  
nal, p. 99.  
Province  
Laws, iii., 236,  
chap. 2.

Read, and in answer hereto:

*Ordered* that the Justices of the General Sessions of the Peace for the County of Essex at their present or next Session have liberty to grant the Petitioner a Licence for keeping a House of Entertainment, the time for granting Licences being elapsed notwithstanding. [*Passed September 26.*]

## CHAPTER 86.

VOTE FOR CHUSING COMMISS<sup>ES</sup> TO TREAT WITH Y<sup>E</sup> SIX NATIONS.

Legislative  
Records of the  
Council,  
xvii. (5), 145.

Legislative  
Records of the  
Council,  
xvii. (5), 142.  
House Jour-  
nal, p. 99.  
*Infra*, chap. 87.

*Voted* that three Commissioners be chosen by joint Ballot to be fully impowred to meet with the Commissioners of the neighbouring Governments at Albany on the fourth of October next, to treat with the Six Nations of Indians; in order to remove any ill impressions which may have been made on them by the Governor of Canada, or other ways; and to renew friendship with them, & effectually to secure their attachment to His Majestys Interest. [*Passed September 26.*]

## CHAPTER 87.

VOTE CHOOSING COMMISSIONERS FOR THE TREATY WITH Y<sup>E</sup> SIX NATIONS.

Legislative  
Records of the  
Council,  
xvii. (5), 146.

House Jour-  
nal, pp. 99, 100.  
*Supra*, chap.  
86.

THE TWO HOUSES proceeded to the choice of Commissioners to treat with the Six Nations of Indians at Albany; and the Votes being numbered and sorted, the following Gentlemen were chosen for that service by the Major Vote of the Council and House of Representatives, viz<sup>t</sup> Jacob Wendell, Samuel Welles and Thomas Hutchinson Esq<sup>rs</sup>

To which Elections His Honour the Lieutenant Governor signed his Consent. [*Passed September 26.*]

## CHAPTER 88.

VOTE SUBSTITUTING ROB<sup>T</sup> HALE ESQ<sup>R</sup> FOR THOMAS HUTCHINSON ESQ<sup>R</sup> ON THE COMMITTEE TO SIGN BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (5), 146.

Legislative  
Records of the  
Council,  
xvii. (4), 436.  
House Jour-  
nal, p. 100.  
*Ante*, p. 449,  
chap. 245.

*Voted* that Robert Hale Esq<sup>r</sup> be one of the Committee for signing the publick Bills of Credit, in the room of Thomas Hutchinson Esq<sup>r</sup> who desires to be excused from that service. [*Passed September 26.*]

## CHAPTER 89.

VOTE ALLOWING £400 FOR A PRESENT TO Y<sup>E</sup> SIX NATIONS.

Legislative  
Records of the  
Council,  
xvii. (5), 146.

House Jour-  
nal, p. 100.  
*Supra*, chap.  
87.

*Voted* that the sum of Four Hundred Pounds be put into the hands of the Commissioners to enable them to purchase suitable presents to be made to the Six Nations of Indians on the part of this Government at the designed Interview at Albany. [*Passed September 26.*]

## CHAPTER 90.

VOTE ADDING JN<sup>O</sup> STODDARD ESQ<sup>R</sup> TO THE COMM<sup>RS</sup> APPOINTED FOR THE SIX NATIONS.

*Voted* that John Stoddard Esq<sup>r</sup> in consideration of his great experience in the best way and manner of treating the Indian Nations, be added to the Commissioners appointed to repair to Albany on the fourth of October next: any two to be a Quorum. [*Passed September 26.*]

Legislative  
Records of the  
Council,  
xvii. (5), 147.

House Jour-  
nal, p. 100.  
*Ante*, p. 498,  
chap. 87.

## CHAPTER 91.

VOTE FOR PAYING THE MUSTER ROLLS OF Y<sup>E</sup> GARRISON AT LOUISBOURGH.

*Voted* that the Committee of War be directed to write to the Hon<sup>ble</sup> Lieuten<sup>t</sup> General Pepperil at Louisbourg, desiring him to take effectual care that the several Captains in the service there transmit with all expedition Muster Rolls for their several Companies, made up to the first of October next, with Certificates from the respective Commissaries of what sums have been advanced by them towards the discharge of the same; and upon receipt of said Muster Rolls, the Committee of War are directed to pay what may remain due to the said Soldiers their heirs or assigns, many of whom may be in great danger of suffering in the ensuing Winter if they should be without their pay. [*Passed September 26.*]

Legislative  
Records of the  
Council,  
xvii. (5), 148.

House Jour-  
nal, p. 101.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 92.

## VOTE GRANTING ADDITIONAL WAGES TO THE GARRISON AT LOUISBOURGH.

*Voted* that there be and hereby is granted to be paid out of the publick Treasury to each Centinel<sup>1</sup> in His Majestys service in the Garrison of Louisbourg, which His Excellency the Governor and Captain General shall determine to be the proper Quota of this Province, of the Troops necessary to be continued there during the Winter Season, the sum of Twenty five shillings per Month, over and above their present Allowance from the first of October to the first of May next. [*Passed September 26.*]

Legislative  
Records of the  
Council,  
xvii. (5), 148.

House Jour-  
nal, p. 101.  
*Ante*, p. 484,  
chap. 54.

## CHAPTER 93.

## VOTE ALLOWING £1,000 FOR THE REPAIRS OF CASTLE WILLIAM.

*Voted* that the sum of One Thousand Pounds be granted out [of]<sup>2</sup> the publick Treasury and put into the hands of the Committee appointed to repair Castle William, to effect (under the direction of

Legislative  
Records of the  
Council,  
xvii. (5), 149.

<sup>1</sup> The House Journal, p. 101, reads, "to each Sergeant and Centinel."

<sup>2</sup> Inserted from the House Journal, p. 102.

Legislative  
Records of the  
Council,  
xvii. (5), 145.  
House Jour-  
nal, pp. 100, 102.  
*Ante*, p. 109,  
chap. 230;  
p. 121, chap.  
261.

the Captain General) the works and repairs mentioned in the within Report; <sup>1</sup> the Committee to employ some prudent & active Person as Overseer, to take care that the Work men employed do faithfully and diligently attend their Duty; and that they pay the Work men and Labourers in Province Bills only: the Committee to be accountable. [*Passed September 27.*]

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## CHAPTER 94.

ORDER IMPOWERING THE COMMISSIONERS ASSEMBLING AT ALBANY TO TREAT WITH THE OTHER COLONIAL REPRESENTATIVES FOR THEIR MUTUAL DEFENCE.

Legislative  
Records of the  
Council,  
xvii. (5), 149.

Legislative  
Records of the  
Council,  
xvii. (5), 147.  
House Jour-  
nal, pp. 102, 103.  
*Ante*, p. 498,  
chap. 87.

*Ordered* that the Commissioners appointed by this Court to treat with the Six Nations at Albany be and hereby are fully impowered to treat with the Commissioners of the several Governments that may be assembled there on the said Treaty and agree with them upon the proper measures to be taken by His Majestys Governments in North America for their mutual defence against and annoyance of the French and Indian enemy, both by Sea and Land, agreeable to such instructions as they shall receive from this Court. [*Passed September 27.*]

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## CHAPTER 95.

VOTE DIRECTING PROVISIONS TO BE SENT TO LOUISBOURGH.

Legislative  
Records of the  
Council,  
xvii. (5), 150.

Legislative  
Records of the  
Council,  
xvii. (5), 127.  
House Jour-  
nal, p. 101.  
*Ante*, p. 498,  
chap. 72.

*Toted* that the Committee of War be directed to transport all the Provisions they have purchased, to the Garrison at Louisbourgh, as soon as may be. [*Passed September 27.*]

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## CHAPTER 96.

ORDER IMPOWERING SAM<sup>l</sup> SPEEN & ABIG: MOHEAG, INDIANS, TO SELL THEIR RIGHTS TO LAND.

Legislative  
Records of the  
Council,  
xvii. (5), 150.  
House Jour-  
nal, pp. 70, 102.

A PETITION of Samuel Speen of Natick, Indian, and Abigail Moheag of the same place, Indian, praying that thay may have liberty to sell their Right in one hundred and Twenty acres of Land, which they hold in common and undivided, with Bethia Cole and Betty Speen, as Coheirs to their brother John Speen; the produce of the said Samuels part to be laid out for the better cultivation and improvement of the estate he lives upon, and the said Abigails part for her more comfortable support and for discharging debts contracted by the charge her late husband was at occasioned by his being burnt in his Wigwam, and lying a great while under the Doctors hands.

Read and

*Ordered* that the Petitioners be allowed and impowered with the advice and assistance of Jos. Buckminster Esq<sup>r</sup> to sell their Right

<sup>1</sup> No report has been found.

and Share in the common and undivided Land belonging to the Estate of John Speen dec<sup>d</sup> the produce to be applied to the payment of the just debts of the dec<sup>d</sup> the Overplus, if any there be, to be improved for the support and relief of the said Abigail Moheag; the said Coll. Buckminster to be accountable to the Court for his proceedings herein. [*Passed September 27.*]

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## CHAPTER 97.

### ORDER ALLOWING £50 TO PHILLIP LIVINGSTON ESQ<sup>R</sup>.

A PETITION of Thomas Berry Esq<sup>r</sup> in behalf of the Hon<sup>ble</sup> Philip Livingston Esq<sup>r</sup> one of the late Commissioners appointed to hear and determine the controversy referring to the Boundary Line between this Province and New Hampshire, shewing that the said M<sup>r</sup> Livingston has had no allowance as yet for his time and expence in the said affair and therefore (at his request) praying for a suitable Allowance for said service.

Legislative  
Records of the  
Council,  
xvii. (5), 151.

House Journal, p. 102.  
Province  
Laws, xii., 398,  
chap. 90.

Read and

*Ordered* that the sum of Fifty Pounds be granted out of the public Treasury and put into the hands of the Hon<sup>ble</sup> Thomas Berry Esq<sup>r</sup> for the Order of the Hon<sup>ble</sup> Philip Livingston Esq<sup>r</sup> in full consideration of his services as a Commissioner in the affair of the Northern Boundary. [*Passed September 27.*]

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## CHAPTER 98.

### VOTE ALLOWING THE ACC<sup>T</sup> OF THE COUNTY TREAS<sup>R</sup> OF SUFFOLK.

AN ACCOMPT presented by Samuel Adams Esq<sup>r</sup> Treasurer of the County of Suffolk for the Year 1744; having been laid before the Court of General Sessions of the Peace for the said County and by them allowed:

Legislative  
Records of the  
Council,  
xvii. (5), 151.

House Journal, pp. 17, 83.

Read, & it appears that 24/. charged paid Elisha Tuttle, 39/ paid Benjamin Loring, 30/. paid Jonathan Bill; for which said three sums, being Four Pounds thirteen shillings, there are no Vouchers; Therefore

*Voted* that the Ballance due to said County, being One Hundred and Seventy one Pounds nineteen shillings and eleven pence, including the outstanding Debts the said Treasurer is further accountable to said County for. [*Passed September 27.*]

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## CHAPTER 99.

### ORDER ALLOWING £200 TO THE TOWN OF SALEM TO COMPLETE THE FORTIFICATIONS.

A PETITION of William Brown Esq<sup>r</sup> and others a Committee for the Town of Salem, Shewing that the said Town have laid out the sums granted by the General Court for putting the said Town into

Legislative  
Records of the  
Council,  
xvii. (5), 152.

House Journal, p. 103.  
Province  
Laws, xii., 110,  
chap. 233.

a posture of Defence, with considerable sums more, advanced by some of the Inhabitants, and yet there remains much to be done for the same purpose; and therefore praying for a further grant of money for that service from this Court.

Read and

*Ordered* that the sum of Two Hundred Pounds be granted out of the publick Treasury to the order of the Town of Salem, to enable them to perfect the works herein mentioned; they giving security to the Province that in case they shall fail of performing the conditions annexed to the grant of Three Hundred Pounds made to said Town by this Court at the Session in July 1741, the money hereby granted shall be repaid into the Province Treasury. It is also further

*Voted* that the said Town be allowed twelve months from this time to perform the conditions enjoined on them. [*Passed September 27.*]

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## CHAPTER 100.

### VOTE IMPOWERING THE TOWN OF SWANZEY TO CHOSE COLLECTORS OF TAXES.

Legislative  
Records of the  
Council,  
xvii. (5), 153.

House Journal, p. 102.

A PETITION of the Select men of the Town of Swanzey, shewing that by reason of the refusal of sundry persons to serve as Constables there, after they were chosen, and other Accidents, they have had no Constable or Collector for the West End of said Town for the year 1744, and therefore praying that they may now be impowered to chuse some meet Person or Persons to collect the Taxes remaining unpaid.

Read and in answer thereto:

*Voted*<sup>1</sup> that the prayer of said Petition be so far granted as that the said Town be and are hereby authorized (at a regular Meeting of the qualified Voters in said Town called for that purpose) to chuse some meet Person or Persons to be Collector or Collectors of the Taxes laid or assessed on the Inhabitants or Proprietors of said Town of Swanzey for the year 1744, notwithstanding their not having Collectors qualified for that purpose in said year; and that the Collector or Collectors so chosen, be and hereby are fully impowered to collect the Taxes aforesaid that were made (according to the Rate Bills) by the Assessors of said Town in 1744, afore mentioned; any law usage or custom to the contrary notwithstanding. [*Passed September 27.*]

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## CHAPTER 101.

### ORDER ABOUT PAY<sup>g</sup> THE MUSTER ROLLS OF THE GARRISON AT LOUISBOURGH.

Legislative  
Records of the  
Council,  
xvii. (5), 154.

House Journal, p. 103.

WHEREAS this Court did by their Vote yesterday direct the Committee of War to pay off the sums remaining due upon the Muster Rolls they may receive from the several Captains, who are or have been in the service of the Province upon the Expedition against

<sup>1</sup> The House Journal, p. 102, reads, "*Ordered.*"

Cape Breton, upon which Muster Rolls the respective Commissaries were to certify what they had advanced on account of the same. *Ante*, p. 499, chap. 91.

*Ordered*<sup>1</sup> that the Captains or other Commanding Officers of each Company as well as Commissaries be directed forthwith to adjust their several Accompts, and transmit to the Committee of War, distinct accompts of the particulars supplied each Soldier out of the goods sent to them by the Government and of their own goods; that so the Muster Rolls may be speedily paid off; the said Officers or Commissaries upon neglect of so doing to forfeit their whole wages. And that the Committee of War transmit a Copy of this Vote to General Pepperil that so they may be informed of the Resolution of this Court hereupon. [*Passed September 28.*]

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## CHAPTER 102.

### ORDER ALLOWING £10 TO MARTHA THORN.

A PETITION of Martha Thorn of Topsham, shewing that her son was surprized by the Indian enemy and scalped and wounded, and that she has been at great expence for his cure and for her own support in the mean time; praying for some consideration from this Court. Legislative Records of the Council, xvii. (5), 154. House Journal, p. 104.

Read and

*Ordered* that the sum of Ten Pounds be allowed to the Petitioner out of the publick Treasury, in full consideration of her charge and trouble within mentioned. [*Passed September 28.*]

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## CHAPTER 103.

### VOTE FOR TRANSPORTING FRENCH PRISONERS OF WAR.

*Voted* that the Sheriff of the County of Suffolk be directed to dispose of as many of the French Prisoners as still remain in this Province, to Masters of Vessels bound to Great Britain or other parts of His Majestys Dominions, they giving Bond to deliver them to some proper Officer upon their arrival there, where any such is appointed, with a Certificate of their being French Prisoners taken from hence, or to return them; & such Prisoners of War taken in the Expedition against Cape Breton as cannot be thus disposed of, that the Committee of War be directed to take up Vessels suitable, to transport them to France to be exchanged for English Prisoners, to be carried to England; And that His Excellency the Governor be desired to draw Bills of Exchange for the payment for those Flags of Truce, as in the case of those taken up for Prisoners under Capitulation: And that His Excellency the Governor be further desired to take the most suitable measures to obtain such proportion of the foregoing charge as may properly belong to the French King to discharge. [*Passed September 28.*]

Legislative Records of the Council, xvii. (5), 155.

Legislative Records of the Council, xvii. (5), 74. House Journal, pp. 104, 105. *Ante*, p. 493, chap. 72.

<sup>1</sup> The House Journal, p. 103, reads, "*Voted.*"

## CHAPTER 104.

## VOTE ALLOWING £200 TO THE TOWN OF MARBLEHEAD TO COMPLETE THE FORTIFICATIONS.

Legislative  
Records of the  
Council,  
xvii. (5), 156.

House Jour-  
nal, pp. 103, 104.  
Province  
Laws, xii., 111,  
chap. 234.

A PETITION of the Select Men of the Town of Marblehead, shewing that the sums granted by this Court to the said Town for fortifying, are wholly laid out in that service, & yet their Works are unfinished and they want Cannon & ammunition necessary for their defence; praying for a further grant from this Court for providing the same.

Read and

*Voted*<sup>1</sup> that there be granted to be paid out of the publick Treasury to the Order of the Town of Marblehead the sum of Two Hundred and Twenty five Pounds to be applied for the finishing the Fortification there and for purchasing Gun powder & Cannon shot, to be delivered to the said Town on the same terms and under the same restrictions (saying as to the time of one year; which is to commence from this Day) as their former Grant was limited to; and that upon finishing the said Works, His Excellency the Captain General be earnestly desired to order six of the Nine Pounders lately bestowed by the Crown on this Province, to be planted there for their defence. [*Passed September 28.*]

## CHAPTER 105.

## ORDER REFERRING THE PETITION OF JOS. DIMMOCK FOR AN ALLOWANCE WITH STAY OF PROCEEDINGS.

Legislative  
Records of the  
Council,  
xvii. (5), 156.

House Jour-  
nal, p. 104.  
Province  
Laws, iii., 156,  
chap. 8; 182,  
chap. 14.  
*Ante*, p. 422,  
chap. 151.

A PETITION of Joseph Dimmock Under Keeper of His Majestys Goal in the County of Barnstable, shewing that for divers months past he has been at the charge of supporting two Indians, one named Jeremy Jude, committed for murther perpetrated in the Island of Natucket, the other named James Doggamus committed on an Execution, who has made application to two Justices of the Peace for the benefit of the Act referring to poor Prisoners for Debt; praying that this Court would give Order that the Petitioner may be paid the said charge.

Read and

*Ordered* that the consideration of this Petition be referr'd till the next Sitting of this Court, and that the Justices of the Peace for the County of Barnstable be and they hereby are directed to surcease any further proceedings with James Doggamus within mentioned, until the further Order of this Court. [*Passed September 28.*]

<sup>1</sup> The House Journal, p. 104, reads, "*Ordered.*"



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTIETH DAY OF OCTOBER, A.D. 1745.

## CHAPTER 106.

VOTE FOR PAYING SMALL SUMS DUE TO DEC<sup>d</sup> PERSONS IN THE LATE  
EXPEDITION.

WHEREAS sundry Persons who have been in the service of the Province in the Expedition against Cape Breton to whom several small sums are due, which will be wholly or in great part spent in Fees and Attendance, if their surviving Friends are obliged to qualify themselves to receive what is due, by Letters of Administration &c as in ordinary cases: Therefore

*Voted* that where there is no Executor or Administrator of any such Person as afore said (unless he was a servant) and the whole sum due to him shall not exceed Ten Pounds, new Tenor, the Committee of War be and hereby are impowered and directed (upon a satisfactory Certificate given them of the Relation) to pay the sum due to him, to his Widow or Children if such he hath, and in case he hath no Widow or Child, to his Father or Mother surviving. Always provided that such sums shall be liable to the Claim or Demand of any Executor or Administrator that may be appointed on the Estate of such deceased Person, from the Person receiving the same, as if such sums had remained in the hands of the Committee. [*Passed November 1.*]

Legislative  
Records of the  
Council,  
xvii. (5), 161.

House Jour-  
nal, p. 108.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 107.

ORDER ALLOWING £113. 16. 4 TO ISAAC ANNIS FOR REPAIRS AT FORT  
FREDERICK.

AN ACCOMPT of Work done by Isaac Annis in the repairs of Fort Frederick at Pemaquid, with materials, charge of workmen, labourers &c amounting to £313. 16. 4 whereof £200 was paid by vertue of a grant of the General Court for that sum, Ballance remaining is £113. 16. 4.

*Ordered* that the sum of One hundred and thirteen Pounds sixteen shillings and four pence be allowed the Accomptant out of the publick Treasury, to enable him to pay the several persons therein named the sums due to them respectively for Work done at Fort Frederick; the said Annis to be accountable. [*Passed November 1.*]

Legislative  
Records of the  
Council,  
xvii. (5), 162.

House Jour-  
nal, p. 108.  
*Ante*, p. 163,  
chap. 86; p. 314,  
chap. 190.

## CHAPTER 108.

## VOTE FOR MAKING £1,000 OF SMALL BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (5), 162.

House Jour-  
nal, p. 108.  
*Ante*, p. 374,  
chap. 28; p. 498,  
chap. 88.

*Voted* that the Committee for signing Bills of Credit be directed to strike off as soon as may be from the lowest plate, One Thousand Pounds. [*Passed November 1.*]

## CHAPTER 109.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE MEMORIAL OF CAPT JOHN ROUSE ABOUT IMPRESSED SEAMEN.

Legislative  
Records of the  
Council,  
xvii. (5), 160,  
164.

Legislative  
Records of the  
Council,  
xvii. (4), 715.  
House Jour-  
nal, pp. 108, 110.  
*Ante*, p. 439,  
chap. 204.

A MEMORIAL of Cpt John Rowse Commander of His Majestys Snow the Shirley Frigate,<sup>1</sup> shewing that the greatest part of the seamen belonging to the said Snow, were enlisted only for the Expedition against Cape Breton, and he is now obliged to discharge them. And for as much as the said Snow is taken into His Majestys immediate service and the Memorialist is directed to man her in this Place, therefore proposing that this Court would give a Bounty to such of his men as would enlist for the further service he is engaged in; which the Memorialist apprehends would be a means of saving the trade of this place from great inconvenience.

The Committee to whom the within Memorial was refer'd, having considered the same, apprehend it proper that a letter be written in the name of the Government to Admiral Warren, setting forth the difficulties the People of this Province labour under by reason of the frequent impresses made by the Captains of His Majestys Ships of War: a Draught of which letter is herewith presented and submitted.

In the Name and by Order of the Committee

BENJ<sup>A</sup> LYNDE.

Read and Accepted, &

*Ordered* that the Secretary sign a fair Draught of the said Letter in the Name of this Court and send the same to the Hon<sup>ble</sup> Admiral Warren by the first opportunity. [*Passed November 1.*]

## CHAPTER 110.

## VOTE APPOINTING A COMMITTEE ON THE PURCHASE OF GUN POWDER FOR THE TOWNS OF BOSTON AND CHARLESTOWN.

Legislative  
Records of the  
Council,  
xvii. (5), 165.

Legislative  
Records of the  
Council,  
xvii. (5), 60, 87,  
129. House  
Journal, p. 111.

In the House of Represent<sup>ves</sup>;

*Voted* that the Representatives of Boston and Charlestown with such as the Hon<sup>ble</sup> Board shall join, be a Committee to project some method to redress the grievance the Inhabitants of this Province labour under, respecting the purchasing Gun Powder: to report as soon as may be.

In Council; Read and Concur'd, & John Osborne, Jacob Wendell, Samuel Watts, and Ezekiel Chever Esq<sup>rs</sup> are joined in the affair. [*Passed November 2.*]

<sup>1</sup> The "Shirley" galley. — See Mass. Archives, lxxii., 736.

## CHAPTER 111.

ORDER ALLOWING SUBSISTENCE TO THE SOLDIERS OF CPT. EDM<sup>d</sup>  
DWIGHTS COMPANY.

A PETITION of Daniel Prior, Jonathan Benton, Josiah Stadlock and Peter Hunt for them selves & in behalf of the rest of the Company enlisted (for recruiting the Garrison at Louisbourgh) under the command of Cpt. Edmund Dwight; shewing that they enlisted in expectation of having Billeting Money allowed them from the time of their Enlistment, which is denied them; And therefore praying that this Court would Order that they may be relieved in this matter.

Legislative  
Records of the  
Council,  
xvii. (5), 167. —  
House Jour-  
nal, pp. 110, 111.  
*Annals*, p. 441,  
chap. 212;  
p. 473, chap. 22.

Read and in answer to the within written Petition:

*Ordered* that there be allowed and paid to the several men who have enlisted in the three Companies lately raised, subsistence for fourteen days before the day of their March for Boston, if they have been enlisted for that time or longer. [*Passed November 2.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-EIGHTH DAY OF NOVEMBER, A.D.  
1745.

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## CHAPTER 112.

VOTE FOR CONTINUING THE ESTABLISHM<sup>t</sup> FOR CASTLE WILLIAM.

*Voted* that the Establishment for Castle William, which ended the Twentieth of this Month, be further continued from that time to the Twentieth of March next. [*Passed November 29.*]

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## CHAPTER 113.

VOTE ALLOWING PAYMENT OF THE WAGES OF THE CREW OF THE PROVINCE SNOW "PRINCE OF ORANGE."

THERE BEING the greatest reason to presume that the Snow, Prince of Orange, in the pay of this Province, in the late Expedition, was lost some time in the month of May last, and there being no probability that the exact time the Officers and Seamen on board said Snow were in actual service can ever be ascertained:

It is therefore

*Voted* that there be allowed for the service of each person, who shall appear to the satisfaction of the Committee of War to have remained on board until the time she is supposed to have been lost, four months Wages; & that the Committee cause the same to be paid to the next of Kin where no Executor or Administrator shall appear, deducting such sums as have already been advanced; also reserving or allowing out of each Persons Wages for any just or reasonable supplies that may have been made such person by Cpt. Smethurst or any person on his behalf; the money reserved to be paid to the legal Representatives of the said Cpt. Smethurst. [*Passed November 29.*]

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## CHAPTER 114.

VOTE ALLOWING £12. 10 FOR CLOATHING FRENCH WOMEN & CHILDREN.

*Voted* that the Committee of War be directed to advance a sum not exceeding Twelve Pounds ten shillings, for the necessary cloathing of such French women and children as shall be transported to France this Fall; to be repaid in the same manner as the charge of transportation. [*Passed November 29.*]

Legislative  
Records of the  
Council,  
xvii. (5), 171.

Legislative  
Records of the  
Council,  
xvii. (5),  
162 *bis*, 163, 170.  
House Jour-  
nal, p. 114.  
Province  
Laws, lii., 153,  
chap. 7.

Legislative  
Records of the  
Council,  
xvii. (5), 171.

Legislative  
Records of the  
Council,  
xvii. (5), 89.  
House Jour-  
nal, pp. 114, 115.

Legislative  
Records of the  
Council,  
xvii. (5), 172.

House Jour-  
nal, p. 115.  
*Ante*, p. 465,  
chap. 1; p. 503,  
chap. 103.

CHAPTER 115.

ORDER DIRECTING THE TRANSFER OF AN APPROPRIATION.

*Ordered* that the sum of Six Hundred Pounds be transferred from the Appropriation of Grants to the Appropriation of £6,000 for the Payment of Soldiers. [*Passed November 30.*]

Legislative  
Records of the  
Council,  
xvii. (5), 174.

House Jour-  
nal, p. 116.  
Province  
Laws, iii., 245,  
chap. 6.

CHAPTER 116.

VOTE ALLOWING 40/ FOR CLOATHING PRISONERS COMMITTED FOR PIRACY.

*Voted* that there be allowed out of the publick Treasury Forty Shillings for the necessary cloathing of each of the Prisoners in Boston Goal committed for Piracy; the said sum to be delivered to the Sheriff of the County of Suffolk for that purpose: he to be accountable. [*Passed November 30.*]

Legislative  
Records of the  
Council,  
xvii. (5), 174.

House Jour-  
nal, p. 117.

CHAPTER 117.

VOTE FOR AN ADDITION OF THIRTY MEN FOR THE WESTERN FRONTIERS &c.

*Voted* that there be Pay and Subsistence allowed to thirty effective men over and above the Ninety five already posted between Connecticut and Merrimack Rivers, and that His Honour the Lieutenant Governor be desired to order that fifteen of them be posted for the protection of Pennicook, New Hopkinton and Suncook, the remaining fifteen to be posted for the protection of the Great Meadow, Number Four, & the Ashuelets. [*Passed November 30.*]

Legislative  
Records of the  
Council,  
xvii. (5), 174.

Legislative  
Records of the  
Council,  
xvii. (5), 165.  
House Jour-  
nal, p. 117.

CHAPTER 118.

ORDER OF NOTICE ON THE PET<sup>n</sup> OF JOHN LELAND AND MOSES JOHNSON FOR STAY OF PROCESS.

A PETITION of John Leland and Moses Johnson both of Holliston, shewing that they purchased Lands of Jonathan Fairbanks and his son George Fairbanks, being part of the land called Parkers Farm, that the said George is endeavouring to compel the Petitioners to perambulate the lines of the purchased premisses with him, which they can not do without great prejudice to their Interests, because the Boundaries of the said Parkers Farm are under the consideration of this Court, and undetermined; Therefore praying that all Process in the law referring to the said Perambulation may be suspended till this Court shall have stated and adjusted the Boundaries of the said Parkers Farm.

Legislative  
Records of the  
Council,  
xvii. (5), 175.

Legislative  
Records of the  
Council,  
xvii. (3), 663.  
House Jour-  
nal, p. 114.  
*Ante*, p. 207,  
chap. 191.

Read and

*Ordered* that the Petitioners serve the said George Fairbanks with a Copy of this Petition, that he shew cause if any he hath on the first Fryday of the next Sitting of this Court, why the prayer thereof should not be granted; And all Processes against the Petitioners on the above mentioned affair, are stayed in the meantime. [*Passed November 30.*]

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## CHAPTER 119.

Legislative  
Records of the  
Council,  
xvii. (5), 175.

### VOTE FOR AN ADDITION OF THIRTY TWO MEN TO THE FORCES ON THE WESTERN FRONTIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 165.  
House Jour-  
nal, p. 114.

*Voted* that there be an Addition of Thirty two effective men to the Sixty already posted on the West Side of Connecticut River, for the protection of that Frontier. [*Passed November 30.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE ELEVENTH DAY OF DECEMBER, A.D. 1745.

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### CHAPTER 120.

#### VOTE ALLOWING £8 TO JEAN NODAL.

A PETITION of Ebenezer Eastman, Commander of a Company at the late Siege of Louisbourg, Shewing that in the beginning of the said Siege one Jean Nodal a French Man deserted from the Garrison and surrendered himself to the Petitioner (who was soon after followed by two others) that the said Jean Nodal has been very useful to the English Army in giving intelligence of the state of the Place and Garrison and is now in great want of cloathing, praying that this Court would order some cloathing to be provided for him at the charge of the Province.

Legislative  
Records of the  
Council,  
xvii. (5), 188.  
House Jour-  
nal, p. 126.

Read and

*Voted* that the Committee of War be directed to put into the hands of the petitioner Ebenezer Eastman, Eight Pounds to procure suitable cloathing &<sup>c</sup> for the within named Jean Nodal; the said Eastman to be accountable. [*Passed December 17.*]

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### CHAPTER 121.

#### VOTE ALLOWING A PENSION OF £5 ANNUALLY TO ROBT WILSON.

*Voted* that the sum of Five Pounds be granted and allowed to be paid out of the publick Treasury to Robert Wilson a poor person, who for several years past has been a Pensioner of this Government (as an annual Pension to commence from Novem<sup>r</sup> 8. 1745) in consideration of his being disabled by his wounds, received in the service of the Province, from doing any thing towards his support; the money to be paid into the hands of M<sup>r</sup> Edward Bromfield, to be laid out for the said Wilson in such manner as the said Bromfield shall think best. [*Passed December 17.*]

Legislative  
Records of the  
Council,  
xvii. (5), 189.  
House Jour-  
nal, p. 125.  
*Ante*, p. 301,  
chap. 158.

## CHAPTER 122.

VOTE FOR PAYING SUCH PERSONS AS HAVE BEEN TAKEN OUT OF THE TRANSPORTS &<sup>c</sup> FOR MANNING THE KINGS SHIPS.

Legislative  
Records of the  
Council,  
xvii. (5), 190.

House Jour-  
nal, p. 127.  
*Ante*, p. 465,  
chap. 1.

*Voted* that it be an Instruction to the Committee of War that they pay all such persons the Wages due to them who have been taken out of any Company or Transport at Cape Breton to man the Kings ships, upon such persons making Oath that they never have received any consideration from the Commanders of any such ship or Vessel for that service. [*Passed December 18.*]

## CHAPTER 123.

## VOTE FOR PAYING THE SOLDIERS TWO THIRDS OF THEIR WAGES.

Legislative  
Records of the  
Council,  
xvii. (5), 190.

House Jour-  
nal, p. 127.  
*Ante*, p. 465,  
chap. 1.

*Voted* that the Committee of War be instructed to make payment to such persons whose Captains have or shall make up their Muster Rolls, so much of their wages as shall, with what they have already received of the Province, amount to two thirds of their full wages to the first of October last, altho the Commissaries have transmitted no Accompts. [*Passed December 18.*]

## CHAPTER 124.

VOTE DIRECTING THE COMMISSARIES AT CAPE BRETON TO SEND UP THEIR ACC<sup>T</sup>S.

Legislative  
Records of the  
Council,  
xvii. (5), 191.

House Jour-  
nal, p. 127.

*Voted* that the Commissary General be directed to write to the Commissaries of the respective Regiments that still continue at Louisburgh, that they send up to the said Commissary General, a particular accompt of their disbursements to the Soldiers there and here, within one month after the receipt of this Order, otherwise no Reserve will be made for the payment of their own particular Supplies. [*Passed December 18.*]

## CHAPTER 125.

ORDER OF NOTICE ON THE PETITION OF JON<sup>A</sup> POOL AND OTHERS, OF WOBURN TO BE EXCUSED FROM PAYING A MINISTERIAL TAX.

Legislative  
Records of the  
Council,  
xvii. (5), 191.

House Jour-  
nal, p. 127.

A PETITION of Jonathan Pool Esq<sup>r</sup>, John Fowle, and others, Inhabitants in the first parish in Woburn, shewing that thro the great confusions and disorders brought on the affairs of that parish, the Petitioners have been desirous to be set off as a separate Society, and have used all possible means to have a fair meeting of the Inhabitants to consider of their request, but thro the unwarrantable managem<sup>t</sup> of the Parish Committee they have not been able to obtain relief; and therefore praying that the Petitioners and their Associates with their Families and Estates may be set off a distinct



parish, and be exempted from any charge towards the building a Meeting House for their younger Minister Mr Jackson, or his future maintenance.

Read and

*Ordered* that the Petitioners serve the Clerk of the First Parish in Woburn with a Copy of this Petition that so they shew cause (if any they have) on the first Wednesday of the next Session of this Court, why the prayer thereof should not be granted; and all proceedings with respect to making Parish Taxes are suspended in the mean time. [*Passed December 18.*]

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## CHAPTER 126.

### ORDER FOR PAYING SOLDIERS WAGES TO THEIR WIVES, WIDOWS OR FRIENDS.

IN THE HOUSE OF REPRESENT<sup>IVES</sup>; The House taking into consideration the distressed state of the Wives and Families of many of the Soldiers retained in His Majestys service at Cape Breton, they not being able to draw any part of the Wages due to said Soldiers, partly because that some of the Commissaries have neglected to make up their accompts and some of the Captains their Muster Rolls, and partly because some of said soldiers have neglected to send Orders for drawing their Wages:

*Ordered* that the Committee of War be directed to pay three months wages to the Wives of such Soldiers as are retained in His Majestys service at Cape Breton, and to the Widows or Friends of such others as are dead, who shall produce Orders therefor, altho the Muster Rolls are not as yet made up. The said Committee are also directed to pay two months Wages to the Wives or Widows of such Soldiers as can produce no order, whether their Captains have made up their Muster Rolls or not.

In Council; read and concur'd. [*Passed December 19.*]

Legislative  
Records of the  
Council,  
xvii. (5), 193.

House Journal,  
p. 126.  
*Ante*, p. 465,  
chap. 1.

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## CHAPTER 127.

### VOTE CITING CPT. JON<sup>A</sup> LAWRENCE AND JOHN HODGES TO APPEAR BEFORE THE COURT.

IN THE HOUSE OF REPRESENT<sup>IVES</sup>; Whereas it has been represented to this House that Cpt. Jonathan Laurence, an Officer in the Expedition against Cape Breton, has born on his Muster Roll one John Hodges as a Centinel in his Company in that Expedition, and has received his pay of the Committee of War by vertue of an Order from said Hodges, when in fact the said Hodges never served in said Expedition nor was in His Majestys service under said Captain, so that thereby said Officer and Soldier have betrayed their Trust and defrauded the Province:

Therefore

*Voted* that the above mentioned Capt Jonathan Laurence and John Hodges be convened before this Court that so their proper resentment against so unjust and wicked an action may be shewn, and those persons, if guilty, brought to condign punishment.

In Council; read and concur'd. [*Passed December 19.*]

Legislative  
Records of the  
Council,  
xvii. (5), 193.

House Journal,  
p. 128.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 128.

## ORDER IMPOWERING ELEAZER AND MAHIT. FLETCHER TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (5), 195.

House Jour-  
nal, pp. 127, 128.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Eleazar Fletcher and Mahitabel his Wife, late Widow and Administ<sup>r</sup> of James Cutter of Grafton dec<sup>d</sup> shewing that the personal Estate of the said James is insufficient to pay his debts and his real estate in such circumstances as that it will be much for the advantage of the children of the deceased to have the whole of it sold; and therefore praying for liberty to sell the same for the payment of the said debts, the remainder to be distributed according to law.

Read and

*Ordered* that the Prayer of this Petition be granted and the Petitioners are hereby fully empowered to make sale of the lands within mentioned for the most the same will fetch, the money arising by said sale to be employed for paying the just debts of the deceased, and the remainder, if any be, to be put into the hands of the Guardian, that is to say, two Thirds thereof to be let out on interest, and the other Third to be to and for the use of the Petitioner during life, and at her decease the principal to be divided between the said Minors or their legal Representatives; Provided the Petitioners give suitable Bond to the Judge of Probate for the County of Worcester to be accountable for the same, and attend the Rules and Directions of the law providing for the sale of Lands. [*Passed December 19.*]

## CHAPTER 129.

## ORDER IN REGARD TO WAGES OF SNOW SHOE MEN AND OFFICERS SCOUTNIG ON THE WESTERN FRONTIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 196.

House Jour-  
nal, p. 129.

A PETITION of Samuel Tarball and Joseph Wilder Jun<sup>r</sup> Captains of two Companies of Snow Shoe Men in the Counties of Middlesex and Worcester, shewing that by Order of the Commander in Chief they marched with their Companies in the most busy season of the year to the protection of the Western Frontiers, that most of them being Farmers were obliged to hire persons to take care of their business in their absence, and praying for a suitable allowance of Wages and subsistence during the time of their service aforesaid.

[Read &]

*Ordered* that the Centinels who scouted as within mentioned be allowed Nine Pounds old Tenor each for that service, and the Officers in proportion, they subsisting themselves during that time; and that the Captains make up their rolls accordingly. [*Passed December 20.*]

## CHAPTER 130.

VOTE FOR PAYING SAILORS AND SOLDIERS ON BOARD THE SHIP  
"BIEN AIME."

Legislative  
Records of the  
Council,  
xvii. (5), 199.

Legislative  
Records of the  
Council,

*Voted* that it be an instruction to the Committee of War that all the Soldiers and Sailors who were sent by this Government on board

the Bien Amy,<sup>1</sup> Capt. Gayton then Commander and are now released, be paid as other Soldiers & Sailors are, in the service of the Province. [*Passed December 23.*]

xvii. (4), 705,  
710. House  
Journal, p. 131.  
*Ante*, p. 449,  
chap. 248;  
p. 465, chap. 1.

## CHAPTER 131.

### VOTE AND ORDERS FOR SENDING STORES FOR THE SICK AT CAPE BRETON.

IN THE HOUSE OF REPRESENT<sup>VE</sup>S; Whereas it has been represented to this House that fresh Provisions suitable for the sick in the Garrison at Louisbourg are exceeding scarce, and likely to be so thro' the Winter season without the further direction of this Court:

Wherefore

*Ordered* that the Committee of War procure and from time to time transport to Louisbourg, for the use of the Officers and Soldiers that are gone or shall go from this Province that are or may be sick, Sheep, Fowls, Raisins, Flower, Butter, Oatmeal, Rice, and other necessaries, sufficient for their relief, until the Twenty fifth of March next; to be delivered to the Hon<sup>ble</sup> Lien<sup>t</sup> General Pepperil. And in as much as it is apprehended that the circumstances of the Garrison demand an equal and exact distribution of the afore said stores:

It is further

*Voted* that it be and hereby is recommended to the said Lieutenant General to appoint some suitable persons to visit the sick and make report to him the several quantities they may respectively require, for his more certain information and government in giving orders for the delivery of the same to such only; and that he require a strict account of the distribution as aforesaid, and transmit a Duplicate thereof to His Excellency the Captain General. The said Committee are also further

*Ordered* to cause to be transported to the Soldiers &c at Louisbourg, such convenient supplies as their friends here shall provide for them, for their comfortable subsistence.

In Council; Read and Concur'd. [*Passed December 24.*]

Legislative  
Records of the  
Council,  
xvii. (5), 200.

Legislative  
Records of the  
Council,  
xvii. (5),  
197 bis. House  
Journal, p. 133.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 132.

### VOTE ALLOWING £15 EACH TO TWO FRENCH PILOTS.

*Voted* that it be an Instruction to the Committee of War to pay the two French men who were Pilots to the Army in the Expedition Fifteen Pounds each, including what they have already received from the said Committee as a recompence for that service. [*Passed December 24.*]

Legislative  
Records of the  
Council,  
xvii. (5), 201.

House Jour-  
nal, p. 134.  
*Ante*, p. 465,  
chap. 1.

<sup>1</sup> The House Journal, p. 131, reads, "*Bein Aime.*"

## CHAPTER 133.

## ORDER GRANTING TO ABIJAH ADAMS A LICENCE TO SELL LIQUOR.

Legislative  
Records of the  
Council,  
xvii. (5), 203.

House Jour-  
nal, p. 135.  
Province  
Laws, iii., 236,  
chap. 2.

A PETITION of Abijah Adams of Boston, shewing that for divers years past he has had a Licence for retailing strong Drink, but having lately lived in a part of the Town where there is but little custom, he neglected to seek for the renewal of his Licence at the Sessions in July last, but being now removed to a part of the Town more suitable for that business; Therefore praying that the Court of General Sessions of the Peace for the County of Suffolk, to be held in January next may be empowered by this Court to grant him a Licence.

Read and

*Ordered* that the Justices of the General Sessions of the Peace for the County of Suffolk be allowed, if they see cause at their Session in January next, to grant the Petitioner a Licence (he first obtaining the approbation of the Select men of Boston) the time for granting Licences being elapsed, notwithstanding. [*Passed December 24.*]

## CHAPTER 134.

## ORDER IMPOWERING CPT. THOMAS BRADBURY TO MAKE UP HIS MUSTER ROLL.

Legislative  
Records of the  
Council,  
xvii. (5), 204.

House Jour-  
nal, p. 135.  
Province  
Laws, iii., 207,  
chap. 24.

A PETITION of Cpt. Thomas Bradbury, Commander of the Truck House on Saco River, shewing that in August 1744 he took possession of that place, and the command of the Garrison there, consisting of twenty three soldiers, and the Petitioner not having received orders from the Captain General to dismiss any of the said Garrison, the whole number were continued on his Muster Roll from the first of November 1744 to the twentieth of March following, and he has subsisted them for that time; for fourteen of which men there was no Establishment; that from March last to November last he has made up his Muster Roll for thirteen men only: Praying that the full wages may be allowed according to the Muster Roll first mentioned, with subsistence for the whole number of men.

Read and

*Ordered* that the prayer of the Petition be granted, and the Petitioner be allowed to make up his Muster Roll accordingly. [*Passed December 24.*]

## CHAPTER 135.

ORDER GRANTING LICENCES TO JN<sup>o</sup> HILL & OTHER RETAILERS.

Legislative  
Records of the  
Council,  
xvii. (5), 207.

House Jour-  
nal, p. 134.  
Province  
Laws, iii., 236,  
chap. 2.

A PETITION of John Hill Esq<sup>r</sup> Francis Wells Esq<sup>r</sup> Thomas Jackson, John Wendell, Elias Dupee, Hezekiah Blanchard and Cord Cordis, all of Boston, Distillers, Shewing the necessity they are under of selling Distilled Liquors, especially Rum, in small quantities; and for as much as the time stated by law for taking out Licences for Retailing is past, Therefore praying that the Court of

General Sessions of the Peace for the County of Suffolk may be impowered to grant them a Licence at the next Term.

Read and

*Ordered* that the Justices of the General Sessions of the Peace for the County of Suffolk, be allowed, if they see cause, at their Session in January next, to grant the Petitioners to retail Strong Liquors, (they first obtaining the approbation of the Select men of Boston) the time for granting Licences being elapsed notwithstanding. [*Passed December 24.*]

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## CHAPTER 136.

### ORDER OF NOTICE ON THE PETITION OF BENJ. & JUDITH CLARK.

A PETITION of Benjamin Clark of Wrentham and Judith his wife, Administ<sup>x</sup> of the estate of Samuel Metcalf late of Wrentham dec<sup>d</sup> Shewing that John Metcalf was bound to the said Samuel for the payment of £26 borrowed of him, & together with Major Eliphalet Pond further bound to him for £265 borrowed for their equal use, of which they afterwards paid £130 After the decease of the said Samuel, the said John Metcalf & Eliphalet Pond took up their Bonds, and gave new Bonds to the said Administ<sup>x</sup> After which the said Judith married with the Petitioner Benjamin & dwelt with him, and in June last their dwelling house was burnt, and the Bonds above mentioned consumed in it, no part thereof being paid; that the said Eliphalet Pond readily gave a new Bond for his part of the larger Bond, but the said John Metcalf utterly refuses to give any security for his debt; and therefore praying that he may be summoned to answer to this Court; and that the Court would pass such order in the premisses, as that the Petitioners may be enabled to recover their just debt of the said John Metcalf.

Legislative  
Records of the  
Council,  
xvii. (5), 208.  
House Jour-  
nal, p. 137.

Read and

*Ordered* that the Petitioners serve the within named John Metcalf with a Copy of this Petition, that he shew cause if any he hath, on Tuesday the seventh of January next, if the Court be then sitting, if not, on the first Fryday of the next Sitting of the Court, why the prayer thereof should not be granted. [*Passed December 27.*]<sup>1</sup>

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## CHAPTER 137.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR FARMING Y<sup>e</sup> EXCISE IN MIDDLESEX COUNTY.

THE COMMITTEE appointed to farm the Excise on Rum and other Spirituous Liquors, Lemons and Limes &c for the County of Middlesex for the space of three years from the Twenty ninth of June last, have attended that service, and farmed the same to Edward Sheaf Jun<sup>r</sup> of Charlestown in said County for the sum of Three Hundred and fifty pounds, Bills of the last Emission, per annum, and have taken three Bonds with security for the several pay-

Legislative  
Records of the  
Council,  
xvii. (5), 211.  
House Jour-  
nal, p. 137.  
*Ante*, p. 482,  
chap. 47.

<sup>1</sup> No further action found.

ments thereof, and have lodged them with the Province Treasurer. Which is submitted.

In the Name and by Order of the Committee.

EZEK. CHEVER.

Read and

*Ordered* that this Report be accepted. [*Passed December 28.*]

## CHAPTER 138.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR FARM<sup>o</sup> THE EXCISE FOR THE COUNTY OF WORCESTER.

Legislative  
Records of the  
Council,  
xvii. (5), 212.

House Journal, p. 137.  
Province  
Laws, iii., 239,  
chap. 2. *Ante*,  
p. 482, chap. 47.

THE COMMITTEE appointed to farm the Excise on Rum and other Spirituous Liquors &<sup>c</sup> for the County of Worcester, agreeable to the late Excise Act, having attended that service, farmed the same to M<sup>r</sup> John Chandler Jun<sup>r</sup> for the sum of Eighty Pounds ten shillings of last Emission Bills of Credit, per annum, and have taken Bond, with Sureties for the several payments, and lodged the same with the Province Treasurer.<sup>1</sup>

Read and Accepted. [*Passed December 30.*]

## CHAPTER 139.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR FARM<sup>o</sup> THE EXCISE FOR THE COUNTY OF PLYMOUTH.

Legislative  
Records of the  
Council,  
xvii. (5), 212.

House Journal, p. 139.  
*Ante*, p. 482,  
chap. 47.

THE COMMITTEE appointed to farm the Excise on Rum and Spirituous Liquors, Lemons & Limes &<sup>c</sup> for the County of Plymouth for the space of three years from the 29<sup>th</sup> of June last, have attended that service, and farmed the same to M<sup>r</sup> Peleg Ford of Marshfield in said County for the sum of Ninety Eight Pounds five shillings, Bills of the last Emission, per annum, and have taken Bond with security for the several payments, & lodged the same with the Province Treasurer. Which is submitted.

In the Name and by Order of the Committee

JOHN CUSHING.

Read and

*Ordered* that this Report be accepted. [*Passed December 30.*]

## CHAPTER 140.

### RESOLVE EXEMPTING THO<sup>s</sup> WEST AND ELISHA TUPPER FROM TAXES.

Legislative  
Records of the  
Council,  
xvii. (5), 213.

House Journal, p. 139.  
Province

WHEREAS M<sup>r</sup> Thomas West of Tisbury in the County of Dukes County, and M<sup>r</sup> Elisha Tupper of Sandwich in the County of Barnstable are both of them stately employed to preach the Gospel to the Indians in the Towns to which they respectively belong & places adjoining:

<sup>1</sup> " [See signature omitted.] " These words occur in the margin of Legislative Records of the Council, the report not being signed by John Chandler.

*Resolved* for their Encouragement in so good a work, that the polls of the said Thomas West & Elisha Tupper and their Estates under their own Improvement in the Towns to which they belong, be exempted from Taxes during their continuance in said service, as the Polls and Estates of settled Ministers are by law exempted, and that the Select Men or Assessors in making their several Assessments in time to come, govern themselves accordingly. [*Passed December 31.*]

Laws, iii., 233, chap. 1.

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## CHAPTER 141.

### ORDER ALLOWING £5 TO DAV<sup>n</sup> STANWOOD.

A PETITION of David Stanwood a soldier in the late expedition against Cape Breton, shewing that he was dangerously wounded and taken Prisoner by the Indians, but has made his escape and is now much disabled to labour by his wounds, & therefore praying for relief from this Court.

Legislative Records of the Council, xvii. (5), 213.

House Journal, pp. 135, 136. *Ante*, p. 465, chap. 1.

Read and

*Ordered* that it be an instruction to the Committee of War to pay the Petitioner Five Pounds for his present relief. [*Passed December 31.*]

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## CHAPTER 142.

### VOTE ORDERING THE DIRECTORS OF THE LOTTERY TO PRESENT THEIR ACCOUNTS.

*Voted* that the Directors of the late Lottery lay their Accompts of that matter before this Court, as soon as may be. [*Passed January 3.*]

Legislative Records of the Council, xvii. (5), 217.

House Journal, p. 141. Province Laws, iii., 195, chap. 20. *Ante*, p. 466, chap. 6; p. 468, chap. 12.

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## CHAPTER 143.

### ORDER ALLOWING THE PETITION OF ISAAC ELDRIDGE FOR WAGES AND EXPENSES.

A PETITION of Isaac Eldridge, shewing that he was impressed into the service on the 20<sup>th</sup> of Sept<sup>r</sup> last and waited at Boston the greatest part of that time for his transportation Eastward, and upon the 23<sup>d</sup> instant was dismissed; And forasmuch as there is a difficulty about the payment of his wages and subsistence money, praying that this Court would give order that he be paid till the time of his dismissal.

Legislative Records of the Council, xvii. (5), 218.

House Journal, pp. 137, 138.

Read and

*Ordered* that the Petitioner be allowed the usual Wages and Subsistence, to the time within mentioned; as also a reasonable allowance for his return home. [*Passed January 4.*]

## CHAPTER 144.

ORDER ALLOWING £2. 5 TO CPT. JN<sup>o</sup> HOYT.

Legislative  
Records of the  
Council,  
xvii. (5), 219.  
House Jour-  
nal, p. 143.

A PETITION of Cpt. John Hoyt, shewing that he impressed one John Whittier into the service Eastward under Cpt. Ballard, and was obliged to furnish him with a Firelock of the value of Forty five shillings lawful money; praying that that sum may be repaid out of his wages.

Read and

*Ordered* that the Treasurer be directed to pay Two Pounds, five shillings of the wages due to the above named John Whittier Jun<sup>r</sup> to the above named John Hoyt, in consideration of the Firelock mentioned. [*Passed January 4.*]

## CHAPTER 145.

ORDER REMITTING THE FINE OF DAV<sup>o</sup> CROSBY.

Legislative  
Records of the  
Council,  
xvii. (5), 219.  
House Jour-  
nal, p. 143.

A PETITION of David Crosby shewing that by order of the Justices of the Court of Assize in the County of Worcester in September 1744 he was fined in the sum of Thirty<sup>1</sup> Pounds lawful money, which being unable to pay, he was committed to the Goal of the said County, where he hath been confined ever since; and for as much as his family is in a starving condition, and he not likely ever to be able to pay the Fine (which he owns to be just, and is sorry for his Offence that has occasioned it) therefore praying that this Court would remit the said Fine.

Read, and in answer

*Ordered* that the Fine of Thirty<sup>1</sup> Pounds which the Petitioner was sentenced to pay the King for the use of the Government, be remitted. [*Passed January 4.*]

## CHAPTER 146.

## VOTE FOR ERECTING THE PLANTATION OF NATICK INTO A PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (5), 220.  
House Jour-  
nal, p. 144.  
Province  
Laws, xi., 462,  
chap. 148.

*Voted* that the Plantation known by the name of Natick & lying in the County of Middlesex, be and hereby is erected into a Precinct or Parish by the Name of the Precinct or Parish of Natick; & the Inhabitants of the said Plantation are hereby endowed with all the Privileges and subjected to all the Duties which the Inhabitants of other Precincts or Parishes as such are by the Laws of this Province endowed with or subjected to.

And whereas the said Plantation is not annexed to any Township within this Province and can not by Law raise moneys for laying out & maintaining their Highways, for support of their Poor, and maintaining a School; It is further

*Voted* that the Parish Assessors in said Plantation, be and hereby

<sup>1</sup> The House Journal, p. 143, reads, “sixty.”



are fully impowered to assess, and the said Parish Constables or Collectors, to collect, all such sums as at a Parish Meeting regularly warned for that purpose, shall be voted to be raised for the uses and services aforesaid; and the Parish Committee shall have the same power in said Precinct or Parish, with respect to the Privileges aforesaid, as the Select men of any Town have by Law, in such Town; and the said Precinct or Parish shall have power to chuse any other Officers for the enforcing and improvement of the several Privileges aforesaid, which the Towns of this Province may by Law chuse for improving & rendering effectual such Privileges in such Towns.

And the said Plantation or Parish and the Officers thereof shall be liable to the same Penaltys for any defect in their Highways, for neglect of their Poor, and for not supporting a school, as they would have been liable to in case they had been made a Township. And the Parish Committee shall have power and be obliged to renew and perambulate the Bounds of said Precinct or Parish from time to time with the Select men of the several Towns adjoining.

And it is further

*Voted and Ordered* that the Families, which by the Vote of the Court of the 20<sup>th</sup> of Decem<sup>r</sup> 1729 were taken from Dedham and annexed to the said Plantation of Natick, shall during their continuance to Natick, by force of the said Vote, be deemed a part of the Precinct or Parish of Natick, and be subject to all the Duties and receive all the Privileges which the other Inhabitants thereof are subject to or may receive by vertue of this Vote: And M<sup>r</sup> David Morse is impowered to call the first Parish Meeting. [*Passed January 6.*]

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## CHAPTER 147.

### VOTE ON THE PETITION OF CPT STEVENS & CPT MELVIN FOR ENCOURAG<sup>g</sup> VOLUNTIERS AGAINST THE INDIANS.

*Voted* that there be allowed and paid as an encouragement to Two hundred able bodied and effective men who shall enlist under such Officers as His Excellency the Governor shall appoint to go against His Majestys Indian Enemy, in the places where the[y] dwell and hunt, and to such & such only as shall actually perform the said service, the following sum, viz<sup>t</sup> Eighty Pounds for each male captive of twelve years of age, & Forty Pounds for each male under twelve years of age, and the same sum for Females of any age, and for each scalp of a male above twelve years of age Seventy five Pounds, and for the Scalp of a male under Twelve years of age, Thirty seven Pounds ten shillings, and the like sum for the Scalps of Females; and that during any march or marches made before the tenth day of June next, there shall be paid to every person that shall enlist and perform as aforesaid, Twenty five shillings, and for their billeting five shillings per week, and for wages Twenty five shillings per month; their wages and subsistence to begin ten days before their departure from the last English settlement, and to cease after their return to the first English Settlement; and that there shall be allowed pay to one Captain and two Lieutenants to each of said Companies and no more, and their pay to be the same as those of the same rank in the Province service on the Frontiers; and that there shall be allowed a Surgeon to each Company, who shall have equal pay

Legislative  
Records of the  
Council,  
xvii. (5), 224.

Legislative  
Records of the  
Council,  
xvii. (5), 170,  
173 *bis*, 198.  
House Jour-  
nal, pp. 137, 145,  
146.

with the Captain; and that the said Commission Officers and Surgeon shall be equally entitled to the Bounty & Premium before mentioned with the private Soldiers; the Commanding Officers by themselves or some other meet Person to keep a fair Journal of their Travels and doings, and lay before this Court, before any Muster Roll shall be allowed and paid; the Captains to give security to return the Bounty to the Province Treasury of any person that shall receive it, that doth not actually go into & perform said service. [*Passed January 7.*]

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## CHAPTER 148.

Legislative  
Records of the  
Council,  
xvii. (5), 226.

VOTE ALLOWING £250 TO THE GOVERNOR FOR HIS CHARGE AT LOUISBOURGH.

Legislative  
Records of the  
Council,  
xvii. (5), 93,  
106, 114, 122, 125,  
127. House  
Journal, p. 148.

*Voted* that the sum of Two Hundred and Fifty Pounds be granted and paid out of the publick Treasury to His Excellency in full consideration of his expence in his late voyage to Louisbough. [*Passed January 9.*]

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## CHAPTER 149.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIR OF CPT. JON<sup>A</sup> LAWRENCE AND JOHN HODGES.

Legislative  
Records of the  
Council,  
xvii. (5), 226.

Legislative  
Records of the  
Council,  
xvii. (5), 222.  
House Journal,  
p. 147.  
*Ante*, p. 513,  
chap. 127.

THE COMMITTEE appointed on the affair of Cpt. Jonathan Lawrence having considered that matter do find that the said John Hodges enlisted himself a soldier in the Expedition against Louisbough, that he was soon after taken sick and continued so a great part of the year, and never went on the said Expedition, that on Orders afterwards issued for such Soldiers as were not dismissed, to repair to Boston, the said John Hodges came to Boston pursuant to the said Orders, that the said Cpt. Lawrence in making up his Muster Roll, inserted the said John Hodges among them who had been in actual service, received his Wages by vertue of an Order from him, and alledges that he paid them over to the said Hodges, for which he produces a Receipt (the said Hodges having absconded): but it does not appear to the Committee that the said Lawrence received any personal advantage of said wages, nor that they were wilfully misapplied, but that the said Lawrences conduct was grounded on an apprehension that as the said Hodges was bound to appear on the aforesaid Orders, he ought to be considered as a Soldier in the service, and accordingly put on his Roll. All which is submitted

In the Name and Behalf of the Committee

RICH: SALTONSTAL.

Read and Accepted, and

*Voted* further that the Commissary General be directed to take effectual care that the within named John Hodges be not allowed subsistence, he not having been at Louisbough in the late Expedition.

Then the Question was put, Whether the said John Hodges be well entitled to his Wages without further Inquiry? It pass'd in the Negative. [*Passed January 9.*]

## CHAPTER 150.

## ORDER ON THE PETITION OF RIC GIBBONS FOR LEAVE TO TAX COSTS.

A PETITION of Richard Gibbons one of the Under Sheriffs of the County of Middlesex, shewing that by vertue of a warrant from John Jones Esq<sup>r</sup> one of His Majestys Justices of the Peace for said County he apprehended and convened before him Richard Smith and Nathaniel Smith, both of Hopkinton, for breach of law, and the said Richard and Nathaniel refusing to give bond to appear at the Court of General Sessions of the Peace for said County to answer for said Offence, the Petitioner by vertue of a Mittimus from the said Justice carried them to the Goal of the said County, in which service he was obliged to take considerable assistance, and in making up Judgment, his bill for that charge being casually lost, was left out of the cost allowed by the Court; and therefore praying that the said Court may be impowered to issue a warrant of Distress against the said Richard and Nathan<sup>l</sup> Smith for the said charge, they having been discharged before the Petitioner was informed that his Bill was wanting.

Legislative  
Records of the  
Council,  
xvii. (5), 194,  
227.

House Jour-  
nal, pp. 129, 146.

Read, and no answer being given in;

*Ordered* that the Prayer of the Petition be granted and that the Court of General Sessions of the Peace within and for the County of Middlesex be and they hereby are authorized and impowered, at their next Term, to tax the Costs arisen for the services in the said Petition mentioned and to levy the same by Warrant of Distress on the estates of the said Richard and Nathaniel or either of them in proportion as they shall be respectively ordered to pay, any omission or failure in taxing the same before the said Richard and Nathaniel were discharged notwithstanding. [*Passed January 9.*]

## CHAPTER 151.

## ORDER APPOINTING TRUSTEES TO RECEIVE PROCEEDS OF SALE OF LAND OF SAMUEL PEGAN, INDIAN.

A PETITION of Samuel Pegan, Jonathan Pegan, Solomon Pegan, Hannah Pegan & Patience Pegan, Children of Samuel Pegan late of Dudley, Indian, dec<sup>d</sup> shewing that upon their said Fathers petition and by vertue of an Order of this Court,<sup>1</sup> John Chandler Esq<sup>r</sup> and William Lyon both of Woodstock were impowered to sell some lands belonging to the said Samuel, lying in Natick, which they did accordingly; And for as much as they are now both deceased, therefore praying that Jabez Lyon of Woodstock or some other person may be impowered to receive the money produced by the sale of the said land and distribute it to the Petitioners, according to their respective Shares therein.

Legislative  
Records of the  
Council,  
xvii. (5), 228.

House Jour-  
nal, pp. 129, 148.  
Province  
Laws, xii., 208,  
chap. 150;  
659, chap. 197.

In the House of Represent<sup>ves</sup>: Read and

*Ordered* that M<sup>r</sup> Jabez Lyon with such as the Hon<sup>ble</sup> Board shall join, be appointed and impowered as Trustees to receive the moneys that were left in the hands of the Executors or Administr<sup>rs</sup> of John Chandler Esq<sup>r</sup> and Deacon William Lyon both dec<sup>d</sup> that belonged

<sup>1</sup> No such order has been found.

to the Petitioners, and, if need be, to sue for and recover the same for their benefit, agreeable to the original Order of this Court.

In Council; Read and Concur'd, & John Chandler Esq<sup>r</sup> is joined in the affair. [*Passed January 9.*]

## CHAPTER 152.

### ORDER ALLOWING 20/ TO RUTH ATKINS.

Legislative  
Records of the  
Council,  
xvii. (5), 229.  
House Jour-  
nal, p. 150.

A PETITION of Ruth Atkins of Marblehead, shewing that in looking over a parcel of Bills whilst she was near the fire, a Bill of Twenty Shillings of this Province of the new Tenor accidentally drop'd out of her hands into the fire and was burnt, so as to make it unserviceable, the remains being herewith offered for proof; praying that she may have the like sum out of the publick Treasury.

Read, and in answer to the within Petition

*Ordered* that the Province Treasurer be and hereby is directed to exchange a Twenty shilling Bill of the last Emission for the within mentioned defaced Bill. [*Passed January 9.*]

## CHAPTER 153.

### ORDER ALLOWING £7. 10 TO ROGER HUNAWELL.

Legislative  
Records of the  
Council,  
xvii. (5), 230.  
House Jour-  
nal, p. 136.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Roger Hunawell a soldier in the late Expedition, shewing that in his passage to Boston, he with others was ordered to carry on shoar at Cape Sables the body of a dead soldier for burial, where he was so wounded by the Indian Enemy that his arm was afterwards cut off, praying for relief from this Court.

Read and

*Ordered* that it be an Instruction to the Committee of War, to pay the Petitioner seven pounds ten shillings for his present relief. [*Passed January 10.*]

## CHAPTER 154.

### VOTE AB<sup>t</sup> THE SOLDIERS ARMS IN THE LATE EXPEDITION.

Legislative  
Records of the  
Council,  
xvii. (5), 232.  
House Jour-  
nal, p. 151.

WHEREAS several of the Captains of the Companies in the Expedition against Cape Breton, who gave Receipts for the Province Arms that were delivered to their men, are deceased and others dismissed from the Service and returned home, and their men with their Arms put under the care of other Officers, of which (if lost or imbezzeled) the said Captains will be inevitably wronged without the interposition of this Court: Therefore

*Voted* that such of said Captains as are returned and living and the Executors and Administr<sup>rs</sup> of such as are dead, do as far as they are able lodge at the Commissary Generals Office a list of the Names of such of their men as had Province Arms, and the name of the Commander of the Company they were incorporated into at their

departure from Louisbourg respectively; which, so far as it is true, shall be a Discharge for the arms of such soldiers; and the Chief Officer or Commander of the Company as aforesaid shall be accountable for the Arms of all the soldiers who dy at Louisbourg while under his care: And if any Soldier who had of said<sup>1</sup> arms shall dy in his passage from Louisbourg or after his return, and being returned alive, and his arms in either case not delivered back to the Commissary, that then the value of them shall be deducted out of the wages of such Soldier respectively. [*Passed January 11.*]

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## CHAPTER 155.

### ORDER ESTABLISHING THE WAGES OF THE COMPANY OF CPT. THOMAS STANNIFORD.

A PETITION of Cpt. Thomas Stanniford for himself and Company, shewing that altho' they were raised for the Land service against Cape Breton yet they were for the space of six months employed in the Sea service; praying that they may be allowed pay accordingly.

Legislative  
Records of the  
Council,  
xvii. (5), 236.  
House Jour-  
nal, pp. 137, 150.

Read and

*Ordered* that the following wages be allowed to the person, hereafter mentioned whilst they were actually in the Sea Services viz<sup>t</sup> the Captain, five pounds per month, the first Lieutenant three pounds fifteen shillings per month, the second Lieutenant two pounds seventeen shillings and six pence per month, Sergeants each two pounds seven shillings and six pence per month, Corporals each two pounds five shillings per month, Clerk two pounds seven shillings and six pence per month, Drummer Two pounds five shillings per month, Centinels each two pounds per month. [*Passed January 11.*]

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## CHAPTER 156.

### RESOLVE ESTABLISHING THE WAGES OF TROOPERS IN THE SERVICE.

*Resolved* that there be allowed and paid out of the publick Treasury to each Captain of the Troops sent in the service of this Province from the County of Essex to the County of York the last Summer, for his wages, twelve shillings and six pence, for his subsistence seven shillings and six pence, for his horse three shillings & six pence, for keeping his horse three shillings and six<sup>2</sup> pence per week; which is in the whole One Pound six shillings and nine pence per week: To each Lieutenant, for his wages ten shillings, for subsistence, horse hire and pasturing twelve shillings and nine pence, being in the whole, One Pound two shillings and nine pence per week; To each Cornet, for wages subsistence horse hire and pasturing, One Pound and six pence per week; To each Quarter Master, for wages subsistence horse hire and pasturing, nineteen shillings and nine pence per week; To each Clerk, Corporal, and Trumpeter, nineteen shillings and three pence per week; To each Centinel, seventeen shillings and six pence per week; And that

Legislative  
Records of the  
Council,  
xvii. (5), 237.  
House Jour-  
nal, pp. 147, 148,  
152.

<sup>1</sup> *Sic*, as to "had of said."

<sup>2</sup> The House Journal, p. 152, reads, "three."

the said Troops be allowed and paid for their Ferryage over the several Ferries they were obliged to pass in their respective marches and for necessary pilots, over and above the aforesaid Pay and Subsistence. [*Passed January 13.*]

## CHAPTER 157.

### ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREAS<sup>R</sup> OF THE COUNTY OF WORCESTER.

Legislative  
Records of the  
Council,  
xvii. (5), 237.

House Jour-  
nal, pp. 17, 152.

AN ACCOMPT presented by Samuel Haywood Treasurer of the County of Worcester for the Year 1744, having been laid before the Court of General Sessions of Peace for the said County and by them allowed.

Read and

*Ordered* that the within Accompt be allowed, the Ballance due to said County being seven pounds and six pence, besides a Bond of Moses Mercys of seventeen pounds nineteen shillings, which (when paid) the said Treasurer is accountable to said County for. [*Passed January 13.*]

## CHAPTER 158.

### ORDER GRANTING A LICENCE TO JOS: WHEELER TO SELL STRONG DRINK.

Legislative  
Records of the  
Council,  
xvii. (5), 238

House Jour-  
nal, p. 145.  
Province  
Laws, iii., 236,  
chap. 2.

A PETITION of Joseph Wheeler of Boston, shewing that his father, and afterwards his mother (who are both now deceased) had a licence for retailing strong drink, and the Petitioner now lives in their house, and has the stock of Liquors his mother left; and therefore praying that the Court of General Sessions of the Peace may be empowered to grant him a Licence.

Read and

*Ordered* that the Justices of the General Sessions of the Peace for the County of Suffolk be allowed (if they see cause) to grant the Petitioner a Licence (he first obtaining the approbation of the Select men of Boston therefor) the time for granting Licences being elapsed notwithstanding. [*Passed January 13.*]

## CHAPTER 159.

### VOTE APPROPRIATING A PORTION OF THE TAXES OF THE TOWN OF SUNDERLAND, TO THE SUPPORT OF PREACHING IN THE NORTHERLY PART THEREOF.

Legislative  
Records of the  
Council,  
xvii. (5), 239.  
Mass.

Archives,  
cxv., 723.

House Jour-  
nal, pp. 153, 154.

ON THE PETITION of the Inhabitants of the Northerly part of the Town of Sunderland. [*ante*, p. 243, chap. 11]

*Voted* that as an Encouragement to the S<sup>d</sup> Northern Inhabitants to maintain winter preaching among themselves One third part of such Sums as the S<sup>d</sup> Inhabitants & Others that may associate with them Living North of the Line mentioned in Said Petition Shall

be Rated towards the Support of Preaching the Gospel in Said town of Sunderland Shall be Annually refunded to the S<sup>d</sup> Northern Inhabitants Untill this Court shall otherwise Order Provided so much shall have been Expended by them for that purpose.

*Ante*, p. 243, chap. 11; p. 326, chap. 228.

And also that all such sums as have been raised for one year Last past on S<sup>d</sup> Northern Inhabitants or hereafter may be raised by S<sup>d</sup> town on them & Others that may Associate with them Living North of Said line In Order to procure a Settlement for, or to Settle a Minister in Said town shall be refunded to said Northern Inhabitants at such Time as this Court shall think proper to sett them off as a Distinct Precinet or parish.

And that the Selectmen of Said Town are hereby Required to take a particular Account of all such Sums as Said Northern Inhabitants may be Rated in Either of the Aforementioned Respects and Cause a fair Entry to be made thereof in the Records of Said Town. [*Passed January 14.*]

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## CHAPTER 160.

### VOTE ALLOWING £5 TO JOHN BULKLEY.

A PETITION of John Bulkley of Groton, shewing that he took a French Prisoner named Francis, to ease the Province of the charge of his support and to have some benefit by his labour, but it happened that soon after his coming into his family, he was taken sick of a violent fever, which held him for a great while and put the Petitioner to great charge for Doctors, nursing, &c praying for an allowance for his said charge out of the publick Treasury.

Legislative Records of the Council, xvii. (5), 240.  
House Journal, p. 152.

Read and

*Voted* that the Petitioner be allowed and paid out of the Province Treasury the sum of Five pounds in full consideration of all his trouble and charge. [*Passed January 14.*]

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## CHAPTER 161.

### ORDER IMPOWERING THE HEIRS OF JOHN PAYNE TO SELL LAND.

A PETITION of John Payne and others, heirs of William Payne Esq<sup>r</sup> dec<sup>d</sup> shewing that the said William Payne, by his last Will and Testament ordered that his real estate should be divided among his children and heirs, that they have an opportunity to sell two of the houses belonging to said Estate to good advantage, viz<sup>t</sup> one in Orange Street and the other in Cornhill in the Town of Boston with the land belonging thereto, but they can not give a title thereto, because Kenelm Winslow Jun<sup>r</sup> Guardian of Mary Payne, grandchild of the Testator, utterly refuses to join in the sale; and therefore praying that they may have the authority of this Court to make the said sale notwithstanding the refusal of the said Guardian.

Legislative Records of the Council, xvii. (5), 199, 231.

Legislative Records of the Council, xvii. (5), 209.  
House Journal, pp. 131, 137, 138, 155.

The Committee to whom was refer'd the Petition of John Payne and others, having heard the Petitioners and Kenelm Winslow Jun<sup>r</sup>

Guardian of Mary Payne also, and that said Kenelm is willing to join in the sale of the House and Land in Orange Street, which William Payne Esq<sup>r</sup> dec<sup>d</sup> died seized of in Boston, Provided that one ninth part thereof may come into his hands as Guardian to said Mary, And in as much as the said House is very much out of repair and can't be divided into nine parts, pursuant to the Will of the Dec<sup>d</sup>, without great prejudice to the Heirs; therefore we are humbly of opinion that the said Petitioners together with the said Kenelm in his said capacity ought to be impowered and enabled by this Court, with the consent of Margaret Payne Widow of the Testator, to make sale of the said Estate, and give good and sufficient Deed or Deeds in the Law for the same, and receive each one ninth part of the produce thereof, they severally giving Bond to the Judge for the Probate of Wills &<sup>e</sup> for the County of Suffolk to be accountable for what they receive, that so the will of the Testator may be fulfilled as to their respective proportions of the said Deceaseds estate. All which is humbly submitted.

Jos: WILDER per Order.

Read and

*Ordered* that this Report be accepted. [*Passed January 15.*<sup>1</sup>]

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## CHAPTER 162.

### VOTE ALLOWING £25 TO REV<sup>d</sup> M<sup>r</sup> STEPH. WILLIAMS.

Legislative  
Records of the  
Council,  
xvii. (5), 240.

House Jour-  
nal, pp. 127, 155.  
Executive  
Records of the  
Council, xi.,  
561. *Ante*,  
p. 463, chap. 1.

*Voted* that the sum of Twenty five Pounds be allowed and paid by the Committee of War, to the Rev<sup>d</sup> Stephen Williams in consideration of his extraordinary services as Chaplain at Louisbough being for a considerable time, during the great mortality, the only Chaplain there, and visiting & praying with the sick, not only of the Regiment to which he belonged, but of the whole Garrison. [*Passed January 15.*]

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## CHAPTER 163.

### ORDER IMPOWERING JOB AHANTON, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (5), 241.

House Jour-  
nal, pp. 72, 155.

A PETITION of Job Ahanton of Tetticut, Indian, shewing that he is in debt about Two Hundred & twelve Pounds, old Tenor, which was occasioned by the support of his aged Grandmother and the building of a Dwelling house suitable to his large family; and therefore praying that he may have liberty to sell One hundred Acres of Land, being part of a Tract of Land descending to him by his Grand Parents, to discharge said debt.

In the House of Represent<sup>ves</sup>; Read and

*Ordered* that the prayer of the petition be so far granted, as that the Petitioner be impowered with the advice and direction of M<sup>r</sup> Samuel Wood and Cpt. Gamaliel Bradford, with such as the Hon<sup>ble</sup> Board shall join, to make and execute a lawful Deed of Sale of such part of the land within mentioned as may be sufficient to pay the sum of Two hundred and twelve pounds thirteen shillings and one

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is January 11.



peny, old Tenor due to Abraham Gershit in full discharge of his Account.

In Council; Read and Concur'd & John Cushing Esq<sup>r</sup> is joined in the Affair. [*Passed January 15.*]

## CHAPTER 164.

### VOTE DIRECTING THE PURCHASE OF GUNPOWDER.

THE HOUSE being informed that a quantity of Gun Powder has been offered to the Committee for purchasing Powder at the same rate with what they have already contracted for:

*Voted* that the said Committee be directed to purchase the same for the service of the Province, provided the quantity does not exceed five hundred Barrels. [*Passed January 16.*]

Legislative  
Records of the  
Council,  
xvii. (5), 243.  
—  
Legislative  
Records of the  
Council,  
xvii. (5), 87,  
129. House  
Journal, pp. 64,  
157. *Ante*,  
p. 506, chap.  
110.

## CHAPTER 165.

### VOTE ACCEPTING M<sup>r</sup> WHEELWRIGHTS ACC<sup>t</sup> OF THE INDIAN TRADE.

A MEMORIAL of John Wheelwright Esq<sup>r</sup> with an account of the state of the Indian Truck Trade in the Eastern Parts, and the sums that divers Truck Masters are indebted to the Province, with the sums owing from the Province for the service of Cpt. Samuel Jordan dec<sup>d</sup> as Truck Master; praying for the Order of this Court referring to these matters, and for the disposing the ballance of the Stock for the Indian Trade.

Read and

*Voted* that the sum of Twenty five pounds six shillings and eight pence, old Tenor, be remitted to the above named Samuel Jordan dec<sup>d</sup> for his service as Truck Master.

*Voted* also, that the Memorialist be directed forthwith to take the most effectual measures for recovering from all the other within mentioned Truck Masters or their Bonds men, the several sums due, to prevent any loss or damage which may otherwise accrue to this Province. [*Passed January 16.*]

Legislative  
Records of the  
Council,  
xvii. (5), 244.  
—  
House Jour-  
nal, pp. 140, 141,  
156.

## CHAPTER 166.

### VOTE FOR THE ESTABLISHMENT OF PAY FOR THE FORCES ON THE FRONTIERS.

*Voted* that the Officers and Soldiers which were in the service on the Eastern and Western Frontiers, from the first day of November last to the first of January instant, be on the same Establishment of Wages that was made by this Court on the Twenty Sixth of June last, viz<sup>t</sup> A Captain £2. 10 per month Lieutenant £1. 18 Sergeant £1. 13 Corporal £1. 12. 8 Clerk, £1. 13 Centinel, £1. 5 And that Pay and Subsistence be allowed only to one Captain, one Lieutenant,

Legislative  
Records of the  
Council,  
xvii. (5), 245.  
—  
House Jour-  
nal, pp. 156, 157.  
*Ante*, p. 477,  
chap. 33; p. 489,  
chap. 63.

three Sergeants, three Corporals, and one Clerk to each Company of fifty men.

*Voted* that the same Wages be allowed, and three shillings and nine pence a week for subsistence to the men lately raised by Coll. Stoddard for the defence of the County of Hampshire for the time they were in the service; and the further sum of three shillings and six pence per Week for a horse, and three shillings and three pence for forrage to such of them as were Dragoons. [*Passed January 16.*]

## CHAPTER 167.

### VOTE DIRECTING THE PAYMENT OF THE MUSTER ROLLS OF CPT. MIGHILL & CPT. BOARDMAN.

Legislative  
Records of the  
Council,  
xvii. (5), 246.  
House Jour-  
nal, p. 158.

*Voted* that the Province Treasurer be directed to pay Cpt. Mighill and Cpt. Boardman or their order, the money due to the Officers and Troopers born on their respective Muster Rolls for their service at the Eastward the summer past, they to repay it to whom it is respectively due. [*Passed January 17.*]

## CHAPTER 168.

### VOTE ACCEPTING THE REPORT OF THE COMMITTEE FOR FARMING THE EXCISE IN YORK CO.

Legislative  
Records of the  
Council,  
xvii. (5), 248.  
House Jour-  
nal, p. 160.  
*Ante*, p. 482,  
chap. 47.

THE COMMITTEE appointed by His Excellency and this Hon<sup>ble</sup> Court to farm out the Excise in the County of York, after due notification of the time and place of Sale, did on the Third day of September A.D. 1745, sell or farm the same for three years from the 29<sup>th</sup> of last June to M<sup>r</sup> Jeremiah Moulton Jun<sup>r</sup> for Two hundred twenty two pounds, fifteen shillings, last Emission Bills of Credit, he being the highest bidder, and have taken Bond with sureties for payment of the same at three Payments to the Province Treasurer or his Successor and have delivered him said Bond.

By Order of the Committee JOHN HILL.

Read and Accepted. [*Passed January 17.*]

## CHAPTER 169.

### VOTE DIRECTING THE PAYMENT OF THE WAGES OF CAP<sup>t</sup> BECKET AND THE MUSTER ROLL OF CAP<sup>t</sup> JAQUES.

Legislative  
Records of the  
Council,  
xvii. (5), 250.

*Voted* that the wages of Robert Becket, Commander of the Sloop Bonetta, who was in the service with a Company of Marines on board, be allowed Four Pounds ten shillings per month: Also

House Jour-  
nal, pp. 148 *bis*,  
160. *Ante*,  
p. 465, chap. 1.

*Voted* that the Muster Roll of Richard Jaques dec<sup>d</sup> be allowed as made up by the Commissary General, and that the Committee of War be directed to pay off the persons born thereon accordingly. [*Passed January 18.*]

## CHAPTER 170.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE FOR FARMING  
THE EXCISE FOR BRISTOL COUNTY.

THE COMMITTEE for letting to farm the Excise on Rum &c arising within the County of Bristol have attended that service and have letten the same unto Cpt. Samuel Miller of Swanzey from the 11<sup>th</sup> of September 1745 to the 29<sup>th</sup> of June which will be in the year of Our Lord 1748 for the sum of Two Hundred sixty eight pounds thirteen shillings and eleven pence half penny, Bills of the last Emission, to be paid at three yearly payments, and have taken Bonds with sureties for the several payments, and delivered the same to the Province Treasurer.

Legislative  
Records of the  
Council,  
xvii. (5), 253.

House Jour-  
nal, p. 161.  
*Ante*, p. 482,  
chap. 47.

In the Name & by Order of the Com<sup>tee</sup> NATH<sup>l</sup> HUBBARD

Read and Accepted. [*Passed January 21.*]

## CHAPTER 171.

## VOTE IN REGARD TO PAYING THE WAGES OF HAMPSH. MEN.

*Voted* that the Treasurer be allowed and directed to pay the sums that are allowed to the persons that were lately mustered on the Allarum on the Western Frontiers, to the Members of the several towns in the County of Hampshire, to be by them paid to the several persons to whom it is due; agreeable to the Muster Rolls. [*Passed January 21.*]

Legislative  
Records of the  
Council,  
xvii. (5), 254.

House Jour-  
nal, p. 164.

## CHAPTER 172.

## ORDER ALLOWING £6 TO DAVID POOR.

A PETITION of David Poor, a soldier in the late Expedition against Cape Breton, praying for some relief from this Court for wounds he received in the service, whereby he is disabled from labouring for his support.

Legislative  
Records of the  
Council,  
xvii. (5), 254.

*Ante*, p. 465,  
chap. 1.

Read and

*Ordered* that the Committee of War be directed to pay to the said David Poor six pounds for his present relief.<sup>1</sup> [*Passed January 21.*]

## CHAPTER 173.

## VOTE FOR PROVIDING SNOW SHOES &amp;c.

*Voted* that the Commissary General be directed to procure seven hundred pair of Snow Shoes & as many Moggasons made after the best manner, at the publick charge; three hundred of them to be

Legislative  
Records of the  
Council,  
xvii. (5), 259.

<sup>1</sup> Not found in the House Journal.

House Journal, p. 167.

deposited in the County of Hampshire, two hundred in the Counties of Middlesex and Worcester, two hundred in the County of York, for the service of the Province. [*Passed January 24.*]

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## CHAPTER 174.

### ORDER ALLOWING THE ACC<sup>T</sup> OF THE CO. TREASURER OF PLYMOUTH.

Legislative Records of the Council, xvii. (5), 259.  
House Journal, pp. 17, 167.

AN ACCOMPT presented by M<sup>r</sup> Thomas Foster, Treasurer of the County of Plymouth for the year 1744, having been laid before the Court of General Sessions of the Peace for the said County, and by them allowed:

Read and

*Ordered* that the within Accompt be allowed; the Ballance thereof, being Three pounds four shillings and eight pence half peny the Treasurer is further accountable to said County for. [*Passed January 24.*]

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## CHAPTER 175.

### VOTE ALLOWING £37. 10 TO JOS: ASHLEY AND A LIKE SUM FOR A CHAPLAIN AT DIVERS POSTS.

Legislative Records of the Council, xvii. (5), 260.

House Journal, p. 168.  
*Ante*, p. 473, chap. 24.

A PETITION of Joseph Ashley Chaplain to the Garrison at Fort Dummer and places adjacent, setting forth the insufficiency of the usual allowance for the support of himself and Family; and praying for some further encouragement

Read and

*Ordered* that the sum of Thirty seven pounds ten shillings per annum be allowed to the Petitioner, as Chaplain in the places within mentioned; the pay to commence from the time of making up the last Muster Roll:

Also

*Voted* that the said sum of Thirty Seven Pounds ten shillings be allowed out of the Publick Treasury per Annum to a Chaplain who shall perform constant service at Colrain, Fort Shirley, Fort Pelham and Fort Massachusetts alternately, the pay to begin from the time of his actual service. [*Passed January 24.*]

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## CHAPTER 176.

### ORDER ALLOWING £25 FOR A FORTIFICATION AT GREEN RIVER.

Legislative Records of the Council, xvii. (5), 260.

House Journal, pp. 160, 161, 169.  
*Ante*, p. 478, chap. 36.

A PETITION of James Coss and others Inhabitants of that part of Deerfield called Green River, shewing their exposedness to the Indian enemy; & whereas this Court were pleased to allow them Twenty five pounds towards the charge of their Fortifications, (which they have not yet received) praying that they would increase that allowance.

Read and

*Ordered* that the Twenty five pounds within mentioned, now

remaining in the hands of the Committee for building Fortifications in the County of Hampshire, be employed by the said Committee under the direction of the Captain General towards fortifying that part of Deerfield called Green River, as they shall judge proper. [*Passed January 25.*]

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## CHAPTER 177.

### ORDER DIRECTING THE REPAYMENT TO CPT. JON<sup>A</sup> BANE OF WAGES PAID BY HIM.

A PETITION of Cpt. Jonathan Bane, shewing that he supplied Joseph Pain and Wollen Chesee (two Soldiers in his Company) with necessary cloathing, to the amount of Ten pounds nineteen shillings and four pence, old Tenor (as appears by their accompts herewith exhibited) praying that so much may be stop'd out of their Wages, & paid to the Petitioner.

Legislative  
Records of the  
Council,  
xvii. (5), 261.

House Jour-  
nal, p. 169.

Read and

*Ordered* that the prayer of the Petition be granted, and the Treasurer is hereby directed to deduct the said sums out of the wages of the within named Persons and pay them to the Petitioner in full consideration of his Accompt. [*Passed January 25.*]

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## CHAPTER 178.

### VOTE IMPOWERING MANASS. DIVEL, GUARDIAN, TO SELL LAND.

A PETITION of Manasseh Divel, Guardian to John, Isaac and Sarah Solendine, Children of John Solendine late of Groton dec<sup>d</sup> and Susannah Houghton his widow, praying for liberty to sell the real estate of the said Solendine, consisting of a small house and forty acres of land, as being most for the benefit of s<sup>d</sup> minors.

Legislative  
Records of the  
Council,  
xvii. (5), 261.

House Jour-  
nal, pp. 158, 169.

Read and

*Voted* that the prayer of the Petition be granted, & that the Petitioner have liberty to make sale of the premisses within mentioned, giving sufficient caution to the Judge of Probate of Middlesex as usual in such cases; and that Susannah Houghton, who hath the Dower therein, shall have the interest annually paid her of one third part of the sum said land shall sell for, during her natural life. [*Passed January 25.*]

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## CHAPTER 179.

### VOTE IMPOWERING THE INHABITANTS OF BEDFORD TO LEVY AND COLLECT A TAX ON LAND.

A PETITION of Jonathan Rose & others Inhabitants of a place called Bedford in the County of Hampshire, shewing the great difficulties they are under to pay the great charge of the Settle-

Legislative  
Records of the  
Council,  
xvii. (5), 262.

House Journal, pp. 160, 168.

ment and Support of their Minister and other charges; and praying that they may have liberty to assess the lands there, towards the payment of the said charge.

Read and

*Voted* that the prayer of the petition be so far granted as that the Inhabitants settled,<sup>1</sup> commonly called Bedford, be and they hereby are impowered at a Meeting duly warned from time to time for three years next coming to rate and lay such reasonable assessments or Taxes on the settling lands in said Bedford as may be necessary to defray the charge of settling and supporting a Minister, mending High ways and other reasonable charges, beyond what the Proprietors have or shall raise, & to chuse persons to collect such assessments; and in case of the Settlers neglect or refusal to pay, to appoint Persons to sell such part and so much of the land assessed as shall be necessary to pay the assessments and incidental charges: Always Provided that such lands only shall be subject to the above assessment as are disposed to persons who have undertaken to settle or dwell on them, unless they be lands belonging to Proprietors who have not set a part and disposed of their Share and Proportion of their lands (being about a fifth part) for settling their proportions of the seventy Families ordered, by the Great and General Court in their grant,<sup>2</sup> to be settled by the Proprietors or Grantees of said Bedford: In which case, one fifth part of the lands of such deficient Proprietors, Grantee or Grantees, may be sold by Persons chosen as above, if need be, & such Person shall and may execute good and sufficient Deeds in the law; always Provided notification of the intended sale be posted up sixty days before such sale on the usual House of Meeting in said Bedford and on the Court House in Springfield and be published four weeks successively in the News Paper called the Evening Post in Boston; And the Proprietor or Grantee shall have liberty of Redemption by paying the sum it is sold for and charges, within twelve months after such sale; and Daniel Brown a principal Inhabitant is ordered to call the first Meeting. [*Passed January 25.*]

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## CHAPTER 180.

### ORDER EMPOWERING NATH. COOCHUCK, INDIAN, TO SELL LAND.

Legislative Records of the Council, xvii. (5), 264.

House Journal, p. 169.

A PETITION of Nathaniel Coochuck of Natick, Indian, and Mary his wife, praying for liberty to sell twelve Acres of land of their common Rights in Natick for paying their Debts.

In the House of Represent<sup>ves</sup>; Read and

*Ordered* that the Petitioners have liberty to sell the land within mentioned (with the Advice & Assistance of Colonel Richards and Major Jones, with such as the Hon. Board shall join) for the purposes mentioned.

In Council; Read and Concur'd, & Samuel Danforth Esq<sup>r</sup> is joined in the affair. [*Passed January 27.*]

<sup>1</sup> The House Journal, p. 168, inserts, "on the Land."

<sup>2</sup> This grant has not been found.

## CHAPTER 181.

### ORDER ESTABLISHING THE HIRE AND WAGES OF THE SLOOP "MASSACHUSETTS."

A MEMORIAL of Cpt. Thomas Saunders, Commander of the Province Sloop Massachusetts, setting forth the insufficiency of the allowance of Wages to him and Company for their service and the hire of the Sloop; praying that this Court would advance the same to the usual Rates.

Read and

*Ordered* that there be allowed for the hire of the Sloop within mentioned three shillings & nine pence per Tun per Month; and that the within named Captain be allowed Four Pounds per month, the Mate three pounds ten shillings per month, the Fore mast men forty shillings per month; and that the Memorialist be allowed to make up his Portlage Bill from the Twenty Second of July last accordingly. [*Passed January 28.*]

Legislative  
Records of the  
Council,  
xvii. (5), 265.

House Journal, pp. 157, 172.  
Province  
Laws, iii., 242,  
chap. 4; 297,  
chap. 4. *Ante*,  
p. 106, chap.  
223.

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## CHAPTER 182.

### ORDER FOR AN ALLOW<sup>CE</sup> TO THE SOLDIERS IN THE BRIG. BOSTON PACKET.

*Ordered* that the Committee of War be impowered to allow the soldiers who lately suffered on board the Brigantine Boston Paquet, what they shall judge proper for procuring necessaries for their voyage to Louisbourg; the several sums so allowed to be deducted out of their wages when they shall become due. [*Passed January 28.*]

Legislative  
Records of the  
Council,  
xvii. (5), 266.

House Journal, p. 174.  
*Ante*, p. 465,  
chap. 1.

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## CHAPTER 183.

### ORDER IMPOWERING ELEA. POIGNAT, INDIAN, TO SELL LAND.

A PETITION Eleazar Poignat of Natick, Indian, praying for liberty to sell eleven Acres of his common land in said place, for paying a Bond in which he was bound for satisfying a debt of his mother and brother, on which Bond he is now sued.

Read and

*Ordered* that the Petitioner have liberty to sell the land within described (with the Advice and assistance of Coll. Richards and Major Jones, with such as the Hon<sup>ble</sup> Board shall join) for the purposes mentioned.<sup>1</sup> [*Passed January 28.*]

Legislative  
Records of the  
Council,  
xvii. (5), 266.

<sup>1</sup> Not found in the House Journal; and no appointment by the Council is recorded, though the Council concurred in the order.

## CHAPTER 184.

## ORDER FOR ENLISTING 200 VOLUNTIERS FOR THE EASTERN SERVICE.

Legislative  
Records of the  
Council,  
xvii. (5), 266.

Legislative  
Records of the  
Council,  
xvii. (5), 187.  
House Journal,  
pp. 124, 173,  
174. *Ante*,  
p. 521, chap.  
147.

IN THE HOUSE OF REPRESENT<sup>ES</sup>; Inasmuch as this House did on the 13<sup>th</sup> of December past, by a Message, desire His Excellency the Captain General to cause the Forces in the Eastern Parts to be reduced to the number of Two Hundred and Six Men, and that special care might be taken in passing all Muster Rolls of such forces, that the wages and subsistence of such Soldiers be allowed no longer time than while they continued in actual service, except so many of them as shall return and be employed in the service to the amount of Two Hundred and Six Men, as aforesaid; which number the House apprehend may be insufficient to guard said Frontiers: Therefore

*Ordered* that for the further & more effectual Defence and Security of the Inhabitants in the Eastern Frontier, and annoyance of the Enemy, there be allowed and paid as an Encouragement to two Companies of able bodied and effective men, of One Hundred men in each Company, over and above the Two Hundred and Six Soldiers already posted there, under such able experienced Officers as His Excellency shall appoint, to go out in two parties against His Majestys Indian Enemies in the places where they dwell and hunt, and that they scout chiefly to the Eastward of Amerescoggen River, and that during any March or Marches they shall make before the tenth day of June next, there shall be allowed and paid to every such Person and to such only, a Bounty of Twenty five shillings, and Twenty five shillings per month wages, and five shillings per week billeting or subsistence; the said Wages and Subsistence to begin ten days before their departure from the last English Settlement and to cease at their return to the first English Settlement; and that they likewise be entitled to the same Bounty or Premium for Scalps or Captives by them killed or taken that was allowed by this Court on the sixth of January instant, to the two hundred Men to be enlisted by Mess<sup>rs</sup> Phineas Stevens and Eleazar Melvin; the Commanding Officers by themselves or some other meet person to keep and present to this Court on Oath, a fair Journal of their travels and doings, before any Muster Roll shall be allowed and paid. And the Captains to give security to return the Bounty to the Province Treasurer of any person who shall receive it that doth not actually go into and perform the said service:

And

*Ordered* that Pay and Subsistence be allowed to one Captain and two Lientenants to each of the said Companies and no more, whose Pay shall be the same as those of the same Rank in the Province Service on the Frontiers, and that there shall be allowed one Surgeon to each Company who shall have equal pay with the Captain; And that the said Commission Officers & Surgeons shall be equally entitled to the Bounty & Premium aforesaid with the private Soldiers.

In Council; Read and Concur'd. [*Passed January 28.*]



## CHAPTER 185.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ABOUT THE  
EXCISE IN ESSEX COUNTY.

THE COMMITTEE appointed to farm the Excise on Rum and Spirituous Liquors, Lemons and Limes &c for the County of Essex for the space of Three years from the 29<sup>th</sup> of June last, have attended that service and farmed the same to Daniel Epes Esq<sup>r</sup> of Salem in said County, for the sum of Two hundred sixty two pounds ten shillings, Bills of last Emission, per annum, and have taken three Bonds with security for the several payments thereof, and have lodged the same with the Province Treasurer. Which is submitted  
In the Name and by Order of the Comm<sup>tee</sup>

Legislative  
Records of the  
Council,  
xvii. (5), 270.

House Jour-  
nal, p. 175.  
*Ante*, p. 436,  
chap. 81.

BENJ: LYNDE.

Read and Accepted. [*Passed January 29.*]

## CHAPTER 186.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETI-  
TION OF WM. COFFIN AND GRANTING HIM A LICENCE FOR RETAIL-  
ING STRONG DRINK.

A PETITION of William Coffin of Boston, Farmer of the Excise upon Rum and other strong drink for the County of Suffolk, complaining of the practice of many of the Distillers in the town of Boston, which gives him obstruction in the execution of the said Office; and praying for an explanation of the Law in divers particulars: and

A Petition of George Cradock Esq<sup>r</sup> and others Distillers in the Town of Boston complaining against William Coffin Farmer of the Excise in the County of Suffolk; and praying that the said Coffin may not be allowed a Licence to retail strong Drink, and that they may be heard by Council before the whole Court on these matters.

The Committee appointed by this Court to consider the Petition of William Coffin of Boston Distiller & Farmer of the Excise for the County of Suffolk, together with the answers of George Cradock Esq<sup>r</sup> and others Distillers, and to hear the parties and make Report thereon; having maturely considered the said Petition and answers (the Respondents declining to say any thing to enforce the answers made by them unless they might be heard by Council) are of Opinion that the Prayer of the Petition of the said William Coffin so far as it respects the Excise Act as to the Penalty for more than one offence against the said Act on the same day, be not granted; the Committee apprehending that the Law in that case is plain and intelligible. They further Report that the Justices of the Court of Sessions for the County of Suffolk be empowered to grant the said William Coffin a licence for retailing, at their present or next Session; Provided he enter into recognizance as the Law directs.

The Committee further Report for answer to the other part of the Petition of the said Coffin, they have prepared a Bill in Addition to the present Excise Acts, Which Bill with this Report is humbly submitted.

JOSEPH WILDER per Order.

Legislative  
Records of the  
Council,  
xvii. (5), 242,  
271.

House Jour-  
nal, pp. 141, 155,  
175. Province  
Laws, iii., 236,  
chap. 2; 257,  
chap. 12.

Read and

*Ordered* that this Report be accepted, and that the Justices of the General Sessions of the Peace for the County of Suffolk be allowed and impowered (if they see cause) to grant William Coffin, within mentioned a Licence (he first obtaining the Approbation of the Select men of the Town of Boston) the time for granting Licences being elapsed notwithstanding. [*Passed January 29.*]

## CHAPTER 187.

### VOTE ALLOWING £200 TO THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council,  
xvii. (5), 273.

House Jour-  
nal, p. 177.  
*Infra*, chap.  
188.

*Voted* that the sum of Two Hundred Pounds be granted and allowed out of the public Treasury to John Wheelwright Esq<sup>r</sup> Commissary General, for his service in that Office for one year ending in May next. [*Passed January 30.*]

## CHAPTER 188.

### VOTE ALLOWING £250 ADDITIONAL TO THE COMMISSARY GENERAL.

Legislative  
Records of the  
Council,  
xvii. (5), 273.

House Jour-  
nal, p. 177.  
*Ante*, p. 465,  
chap. 1.  
*Supra*, chap.  
187.

*Voted* that the Committee of War be and hereby are impowered to pay to John Wheelwright Esq<sup>r</sup> the sum of Two hundred and fifty pounds in consideration of his extraordinary trouble and service in transacting the business of the late Expedition against Lewisburgh. [*Passed January 30.*]

## CHAPTER 189.

### ORDER ALLOWING £200 TO PRESIDENT HOLYOKE.

Legislative  
Records of the  
Council,  
xvii. (5), 274.

House Jour-  
nal, p. 176.

*Ordered* that the sum of Two Hundred pounds be granted and allowed to be paid out of the publick Treasury to the Rev<sup>d</sup> Edward Holyoke President of Harvard College, over and above the Rents of Massachusetts Hall, for one year ending the tenth of September next, to be paid Quarterly. [*Passed January 30.*]

## CHAPTER 190.

### ORDER ALLOWING £160 TO THE TREASURER.

Legislative  
Records of the  
Council,  
xvii. (5), 274.

House Jour-  
nal, p. 176.  
*Infra*, chap.  
191.

*Ordered* that the sum of One Hundred and sixty pounnds be granted and allowed to be paid out of the publick Treasury to William Foye Esq<sup>r</sup> Treasurer and Receiver General of His Majestys Revenues of this Province for one year ending the second day of January instant. [*Passed January 30.*]

## CHAPTER 191.

## ORDER ALLOWING £40 ADDITIONAL TO THE TREASURER.

*Ordered* that the sum of Forty Pounds be allowed and granted to be paid out of the publick Treasury to William Foye Esq<sup>r</sup> Treasurer &<sup>c</sup> in consideration of his extraordinary services occasioned by the War in the last year. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xvii. (5), 274.  
House Jour-  
nal, p. 176.  
*Supra*, chap.  
190.

## CHAPTER 192.

ORDER ALLOWING £25 TO D<sup>r</sup> WIGGLESWORTH.

*Ordered* that the sum of Twenty five Pounds be granted and allowed to be paid out the publick Treasury to the Rev<sup>d</sup> Edw<sup>d</sup> Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge, as a gratuity, in consideration of his faithful discharge of that great and important Trust reposed in him and for his further encouragement therein. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xvii. (5), 274.  
House Jour-  
nal, p. 177.

## CHAPTER 193.

## ORDER ALLOWING 1/6 PER DIEM TO THE SPEAKER.

*Ordered* that there be granted and allowed to be paid out of the publick Treasury one shilling and six pence per diem to the Hon<sup>ble</sup> Thomas Cushing Esq<sup>r</sup> Speaker of the House for every day of his Attendance in the General Court from the opening of the Session on the 30<sup>th</sup> of May 1745 to the end of this year in consideration of his constant application in discharging the publick affairs of the Province. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xvii. (5), 275.  
House Jour-  
nal, p. 177.

## CHAPTER 194.

## ORDER ALLOWING £50 TO THE CLERK OF THE HOUSE.

*Ordered* that the sum of Fifty Pounds be granted and allowed to be paid out of the public Treasury to Rowland Cotton Esq<sup>r</sup> Clerk of the House for his service in that Trust for the present year. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xvii. (5), 275.  
House Jour-  
nal, p. 177.

## CHAPTER 195.

VOTE ALLOWING £1,000 TO M<sup>r</sup> AGENT KILBY.Legislative  
Records of the  
Council,  
xvii. (5), 275.Legislative  
Records of the  
Council,  
xvii. (3), 209.  
House Jour-  
nal, p. 177.

*Voted* that the sum of One Thousand Pounds be granted and allowed out of the publick Treasury to Christopher Kilby Esq<sup>r</sup> Agent of this Province in the Court of Great Britain, in consideration of his service in that station since his appointment in January 1741. [*Passed January 30.*]

## CHAPTER 196.

ORDER ALLOWING £55 TO THE DOOR KEEPER.

Legislative  
Records of the  
Council,  
xvii. (5), 276.House Jour-  
nal, p. 177.

*Ordered* that the sum of Fifty five pounds be allowed and granted to be paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door Keeper to His Excellency the Governor and this Court, in full for his service one year ending the nineteenth day of February 1746, the said money to be paid quarterly, as it shall become due. [*Passed January 30.*]

## CHAPTER 197.

VOTE ALLOWING £50 TO JOHN HEN. BASTIDE ESQ<sup>r</sup>.Legislative  
Records of the  
Council,  
xvii. (5), 276.Legislative  
Records of the  
Council,  
xvii. (4), 313,  
728; xvii. (5),  
265. House  
Journal,  
pp. 226, 235  
(April, 1745);  
p. 177.

*Voted* that Fifty Pounds be allowed out of the publick Treasury to John Henry Bastide in consideration of the assistance he has given the Captain General in the Repairs of several Fortifications within this Province. [*Passed January 30.*]

## CHAPTER 198.

ORDER ALLOWING £40 TO THE SECRETARY.

Legislative  
Records of the  
Council,  
xvii. (5), 276.House Jour-  
nal, p. 176.  
*Infra*, chap.  
198.

*Ordered* that the sum of Forty Pounds be granted and allowed to be paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province in full for his service, for one year ending the third day of December last. [*Passed January 30.*]

## CHAPTER 199.

ORDER ALLOWING £60 ADDITIONAL TO THE SECRETARY.

Legislative  
Records of the  
Council,  
xvii. (5), 276.House Jour-  
nal, p. 176.  
*Supra*, chap.  
198.

*Ordered* that the sum of Sixty Pounds be granted and allowed to be paid out of the publick Treasury to Josiah Willard, Secretary &<sup>c</sup> in consideration of his extraordinary Services to the third of December last. [*Passed January 30.*]

## CHAPTER 200.

## ORDER ALLOWING £10 TO THE CHAPLAINS OF THE COURT.

*Ordered* that the sum of Ten Pounds be granted and allowed to be paid out of the publick Treasury; viz<sup>t</sup> One half to the Rev<sup>d</sup> Chaplain of the Hon<sup>ble</sup> Board, and the other half to the Rev<sup>d</sup> Ellis Gray, the Chaplain of the House for their respective services the present year. [*Passed January 30.*]

Legislative  
Records of the  
Council,  
xvii. (5), 277.  
House Jour-  
nal, p. 177.

## CHAPTER 201.

## VOTE IMPOWERING THE TOWN OF SWANZEY TO CHOOSE COLLECTORS OF TAXES.

A PETITION of the Select men of the Town of Swanzey, shewing that the provision made by this court upon their former Petition referring to the choice of Collectors proved ineffectual, thro' their mistake in dissolving their Meeting before the Collectors elect were notified; and therefore praying for further relief from this Court.

Legislative  
Records of the  
Council,  
xvii. (5), 277.  
House Jour-  
nal, p. 171.  
*Ante*, p. 502,  
chap. 100.

Read, together with the Petition herein refer'd to, and

In answer hereto,

*Resolved* that the Town of Swanzey be and hereby are impowered at a regular meeting of the qualified Voters of said Town (to be called by Warrant from the Select men, for that purpose) to chuse some meet Person or Persons to be Collector or Collectors of all the Taxes laid or assessed on the Inhabitants or Proprietors of said Town of Swanzey for the year 1744; and the Collector or Collectors so chosen be and hereby are fully impowered to collect the Taxes afore said that were made according to the Rate Bill by the Assessors of said Town in the year 1744 and that on their refusal to serve or neglect of their duty, they be liable to the same penalties as any other Collectors are liable in such cases; any law usage or custom to the contrary notwithstanding. [*Passed January 30.*]

## CHAPTER 202.

## VOTE AUTHORIZING THE ENLISTMENT OF DIVERS INHABITANTS OF TOPSHAM.

A PETITION of Adam Hunter in behalf of the Inhabitants of the Town of Topsham; setting forth the great difficulties and discouragements they are under by reason of the War with the Indians, and praying that some of them may be taken into the pay of the Province for the defence of said place.

Legislative  
Records of the  
Council,  
xvii. (5), 278.  
House Jour-  
nal, pp. 175, 178.  
*Ante*, p. 536,  
chap. 184.

Read, and in answer

*Resolved* that His Excellency the Captain General be desired to order that six of the within mentioned Inhabitants, to be exchanged once in two months, be allowed pay and subsistence one year next coming, if the Indian war continue so long, to guard the said Inhabitants

(one of whom to have Sergeants pay) and that an equal number of the Two Hundred and six men now posted in the Eastern Frontiers be thereon dismiss'd the service. [*Passed January 30.*]

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## CHAPTER 203.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE INHABITANTS OF IPSWICH & ROWLEY FOR A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (5), 279.

*Ante*, p. 470,  
chap. 16.

ON THE PETITION of divers Inhabitants of Ipswich and Rowley, [*ante*, p. 470, chap. 16]

In the House of Represent<sup>ves</sup>; Read &

*Ordered* that Coll. Heath and M<sup>r</sup> Foster, with such as the Hon<sup>ble</sup> Board shall appoint, be a Committee to repair to the several parishes affected by this Petition, take a full view of their situation and circumstances, hear the parties concerned, and report what they judge proper for this Court to do thereon, the charge to be defrayed as this Court shall hereafter order.

In Council; Read and Concur'd, and Samuel Watts Esq<sup>r</sup> is joined in the affair.<sup>1</sup> [*Passed January 30.*]

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## CHAPTER 204.

VOTE ALLOWING £150 TO THE LIEU<sup>t</sup> GOV<sup>r</sup>.

Legislative  
Records of the  
Council,  
xvii. (5), 279.

Legislative  
Records of the  
Council,  
xvii. (5), 141.  
House Jour-  
nal, p. 179.

*Voted* that the sum of One Hundred and fifty pounds, be granted and allowed out of the publick Treasury to the Hon<sup>ble</sup> Spencer Phipps Esq<sup>r</sup> Lientenant Govern<sup>r</sup> in consideration of his attendance upon the publick affairs in the absence of His Excellency at Louisburgh. [*Passed January 31.*]

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## CHAPTER 205.

ORDER ALLOWING £500 TO THE JUSTICES OF THE SUP<sup>r</sup> COURT.

Legislative  
Records of the  
Council,  
xvii. (5), 280.

House Jour-  
nal, p. 176.

*Ordered* that the sum of Five Hundred Pounds be granted & allowed to be paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of His Majestys Superior Court of Assize and General Goal Delivery, for their services for one year ending the first of January instant. [*Passed January 31.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 206.

VOTE ALLOWING £60 TO M<sup>r</sup> JOHN LYDIUS.

*Voted* that the sum of Sixty Pounds be granted and allowed out of the publick Treasury to M<sup>r</sup> John Henry Lydius in consideration of his continual readiness upon all occasions to serve this Government. [*Passed January 31.*]

Legislative  
Records of the  
Council,  
xvii. (5), 280.

House Jour-  
nal, p. 179.  
Province  
Laws, xi., 643,  
chap. 145.

## CHAPTER 207.

## ORDER GRANTING FURTHER TIME FOR THE EXAMINATION OF THE CLAIM OF SAMPSON SALTER AGAINST AN INSOLVENT ESTATE.

A PETITION of Sampson Salter of Boston brewer, shewing that he being a Creditor to the estate of Piam Blower who died insolvent, gave in his claim to the Commissioners in season, & expected upon the Dividend of the said Estate, to have received his part, when upon inquiry he found his name not returned, which was thro' an accidental forgetfulness of the Commissioners; And for as much as the time allowed by law for examining claims on said estate is elapsed, therefore Praying that the Judge of Probate for the County of Suffolk may be impowered to lengthen it out, that the Petitioner may have his right.

Legislative  
Records of the  
Council,  
xvii. (5), 281.

House Jour-  
nal, p. 165.

Read, & in answer to this Petition

*Ordered* that the Judge for Probate of Wills &c for the County of Suffolk be and hereby is impowered and directed to allow such further time as he shall think fit, not exceeding three months, that so the Commissioners formerly appointed may examine the Petitioners claim, and that they make report thereon, and that the said Judge distribute what of the Deceaseds estate remains unpaid by the Administrator, to and among the Creditors yet unsatisfied. [*Passed January 31.*]

## CHAPTER 208.

VOTE ABOUT EDW<sup>d</sup> CLARKS WAGES.

*Voted* that Edward Clark be allowed Lientenants pay from the date of his Commission; viz<sup>t</sup> May 29<sup>th</sup> 1745, to the 30<sup>th</sup> of September following. [*Passed January 31.*]

Legislative  
Records of the  
Council,  
xvii. (5), 282.

House Jour-  
nal, p. 179.

## CHAPTER 209.

ORDER IMPOWERING IS<sup>a</sup> WABAN, INDIAN, TO SELL LAND.

A PETITION of Isaac Waban of Natick Indian praying for liberty from this Court, to sell fifteen acres of land in Natick, left to him by his Father, for building a good house for his accommodation.

Legislative  
Records of the  
Council,  
xvii. (5), 282.

In the House of Represent<sup>ves</sup>; Read and

*Ordered* that the Petitioner have liberty to sell the land within mentioned (with the advice & assistance of Coll. Richards with such as the Hon<sup>ble</sup> Board shall join) for the purposes mentioned.

In Council; Read and Concur'd and Samuel Danforth Esq<sup>r</sup> is joined in the affair.<sup>1</sup> [*Passed January 31.*]

## CHAPTER 210.

### ORDER IMPOWERING PAUL DUDLEY ESQ<sup>r</sup> TO EXCHANGE AND CONVEY LAND.

Legislative  
Records of the  
Council,  
xvii. (5), 284.  
Mass.  
Archives,  
xvii., 170.

Mass.  
Archives,  
xvii., 169.  
House Jour-  
nal, pp. 146, 147,  
180.

A PETITION of Paul Dudley of Roxbury, Esq<sup>r</sup> praying to be im-  
powered by this Court to exchange with Francis Brinley Esq<sup>r</sup> of said  
place, a lot of land containing about eight acres (which lies between  
the said Brinleys farm whereon he lives and other land belonging  
to him) for part of a lot of land belonging to the said Brinley con-  
taining about seventeen acres, which exchange will be much for the  
advantage of the Petitioners farm, which (including the said eight  
acres) is entailed and he can not dispose of and exchange said land  
without the authority of this Court.

Read and

*Ordered* that the prayer of the Petition be so far granted as that  
the Petitioner be and hereby is allowed and Impowered by way of  
Exchange to Convey unto Francis Brinley Esq<sup>r</sup> withinnamed the  
Eight Acre Lot withinmentioned, PROVIDED the said Francis in  
Consideration thereof do Convey to the petitioner the like quan-  
tity of his seventeen acre Lot adjoining the said Pauls Farm, and  
that the Land Conveyed by said Francis to the said Paul be En-  
tailed in the same manner that the said 8 Acre Lot is Entailed to  
him by his late Father Gov<sup>r</sup> Dudleys Will, and that the Exchange  
so made be and hereby is declared and held good and Valid to all  
intents and purposes in the Law as well against the heirs intail  
and the heirs General of the said Govern<sup>r</sup> Dudley as against the  
said Francis and his heirs. [*Passed February 1.*]

## CHAPTER 211.

### ORDER GRANTING DAN<sup>l</sup> SILSBY A LICENCE TO SELL STRONG DRINK.

Legislative  
Records of the  
Council,  
xvii. (5), 285.  
House Jour-  
nal, p. 180.  
Province  
Laws, iii., 236,  
chap. 2.

A PETITION of Daniel Silsby of Boston, shewing that for divers  
years past he has had a licence for retailing Strong Drink and has  
kept a Victualling House to good acceptance, & therefore praying  
that the Court of General Sessions of the Peace for the County of  
Suffolk may be impowered to renew his licence for Retailing.

Read and

*Ordered* that the Justices of the General Sessions of the Peace  
for the County of Suffolk be allowed (if they see cause) to grant  
the Petitioner a Licence, (he first obtaining approbation from the  
Select men of Boston) the time for granting Licences being elapsed  
notwithstanding. [*Passed February 1.*]

<sup>1</sup> Not found in the House Journal.



CHAPTER 212.

ORDER AND VOTE ALLOWING £32. 10, AND A FURTHER SUM OF £19. 1. 3  
TO ROBT<sup>r</sup> BALL.

A PETITION of Robert Ball Keeper of the Light house; praying for the advancement of his Salary for the last year, & for an allowance for the expence of wood which he is obliged to burn in the Winter Season to prevent the oyls congealing in the lamps.

Legislative  
Records of the  
Council,  
xvii. (5), 286.  
House Jour-  
nal, pp. 139, 179.

Read and

*Ordered* that the sum of Thirty two pounds ten shillings be granted out of the publick Treasury to the Petitioner in consideration of his service in the year past in that Station: also

*Voted* that the sum of nineteen pounds one shilling and three pence be allowed to the Petitioner, being for so much expended for wood to prevent the Oyl in the Lamps from congealing. [*Passed February 1.*]

CHAPTER 213.

VOTE ABOUT SMALL ARMS.

*Voted* that the Commissary General be directed to take effectual care that the Small Arms belonging to the Province (in the hands of such soldiers who have returned from Louisbourgh and have received their full wages) be returned into his Office as soon as may be, and that they be kept in good order for service &c. [*Passed February 6.*]

Legislative  
Records of the  
Council,  
xvii. (5), 291.  
House Jour-  
nal, p. 184.

CHAPTER 214.

VOTE FOR THE TREASURERS PAYING THE BILLS OF GEN<sup>t</sup> PEPPERIL IN  
SILVER OR GOLD.

WHEREAS His Excellency has drawn Bills upon the Committee of War for Fifteen Pounds fifteen shillings sterling and seven guineas payable to Lieu<sup>t</sup> General Pepperil; the said sums being expended for the publick service:

Legislative  
Records of the  
Council,  
xvii. (5), 292.  
House Jour-  
nal, p. 184.

*Voted* that the Treasurer be directed to deliver, of the Silver and Gold in his hands, the aforesaid sums, to be repaid the said General or his order. [*Passed February 6.*]

CHAPTER 215.

ORDER ALLOWING £4 TO JEDEDIAH DAVIS.

A PETITION of Jedediah Davis a soldier in the late Expedition against Cape Breton, shewing that he was wounded in the right Arm in the attack of the Island Battery, & in the judgment of the Surgeons he is likely always to be a cripple, and therefore praying for some assistance from this Court for his support.

Legislative  
Records of the  
Council,  
xvii. (5), 281.  
House Jour-  
nal, pp. 180, 185.  
*Ante*, p. 465,  
chap. 1.

Read and

*Ordered* that the Petitioner be allowed Four Pounds, by the Committee of War for his present relief. [*Passed February 7.*<sup>1</sup>

## CHAPTER 216.

VOTE ALLOWING £80 TO COLL. JOHN STODDARD.

*Voted* that the sum of Eighty Pounds be granted out of the publick Treasury to the Hon<sup>ble</sup> John Stoddard Esq<sup>r</sup> in consideration of his publick Services, since the commencement of the War. [*Passed February 7.*

## CHAPTER 217.

VOTE REFERR<sup>o</sup> THE PETITION OF THE INHAB<sup>s</sup> OF DEDHAM SET OFF TO NATICK.

ON A MOTION made by the Representatives of the Town of Dedham, setting forth that a number of the Inhabitants of said Town, who by a Vote pass'd this Court at their present Sitting, were annexed to and made part of the parish of Natick, apprehend themselves aggrieved by said Vote;

*Voted* that the consideration of this affair be referr'd to the next Sitting of this Court; & that in the mean time the aforesaid Inhabitants of Dedham be freed from all Duties & excluded from all Privileges, which, as part of said Parish of Natick, they were liable or had a Right to, by force of said Vote. And the said Parish of Natick is required to govern them selves accordingly, any thing in the aforesaid Vote to the contrary notwithstanding. [*Passed February 7.*

## CHAPTER 218.

VOTE ALLOWING A PROVINCE LAW BOOK TO NATICK.

*Voted* that there be allowed to the Plantation called Natick a Province Law Book, at the Province charge. [*Passed February 7.*

## CHAPTER 219.

ORDER ALLOWING £3 TO OBAD. BEAL.

A PETITION of Obadiah Beal a Soldier in the late expedition against Cape Breton, shewing that he was wounded by the enemy in the right arm, which has rendered him incapable of using it; praying for some allowance for his support.

Read and

*Ordered*<sup>2</sup> that the Committee of War be directed to allow the Petitioner three pounds for his present relief. [*Passed February 7.*

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is January 31.

<sup>2</sup> The House Journal, p. 185, reads, "*Voted.*"

Legislative  
Records of the  
Council,  
xvii. (5), 295.

Legislative  
Records of the  
Council,  
xvii. (4), 677;  
xvii. (5), 12,  
116, 293. House  
Journal, p. 187.  
*Ante*, p. 489,  
chap. 63.

Legislative  
Records of the  
Council,  
xvii. (5), 295.

House Jour-  
nal, p. 187.  
*Ante*, p. 489,  
chap. 146.

Legislative  
Records of the  
Council,  
xvii. (5), 295.

House Jour-  
nal, p. 186.

Legislative  
Records of the  
Council,  
xvii. (5), 296.

House Jour-  
nal, pp. 175, 185.  
*Ante*, p. 463,  
chap. 1.

## CHAPTER 220.

### ORDER ALLOWING £6 TO JOB STANWOOD.

A PETITION of Job Stanwood a soldier in the late expedition against Cape Breton, shewing that his left hand was shot off by the enemy, and praying for some present relief from this Court.

Read and

*Ordered*<sup>1</sup> that the Petitioner be allowed by the Committee of War, six pounds for his present relief. [*Passed February 7.*]

Legislative  
Records of the  
Council,  
xvii. (5), 296.

House Jour-  
nal, pp. 175, 185.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 221.

### ORDER ALLOWING WAGES TO DAVID KING.

A PETITION of David King, shewing that he performed the office of an Ensign in the Company of Coll. Thomas Chandler on the Expedition against Cape Breton; and therefore praying that Ensigns Pay may be allowed him.

Read, and in answer

*Ordered*<sup>1</sup> that the Petitioner be allowed Ensigns Pay from Feb<sup>y</sup> 9<sup>th</sup> to the 20<sup>th</sup> of March last, and that he be further allowed ten days pay and subsistence after his arrival at Boston. [*Passed February 7.*]

Legislative  
Records of the  
Council,  
xvii. (5), 297.

House Jour-  
nal, p. 185.

## CHAPTER 222.

### ORDER ALLOWING £4 TO PELATIAH DAY.

A PETITION of Pelatiah Day a Soldier in the late Expedition against Cape Breton, shewing that in the attack of the Island Battery he lost one of his eyes; praying for some present relief from this Court.

Read and

*Ordered*<sup>1</sup> that the Committee of War be directed to pay the Petitioner four pounds for his present relief. [*Passed February 7.*]

Legislative  
Records of the  
Council,  
xvii. (5), 297.

House Jour-  
nal, pp. 175, 185.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 223.

### ORDER ALLOWING £3 TO PETER BENNET.

A PETITION of Peter Bennet a Soldier in the late Expedition against Cape Breton, shewing that he was wounded in the knee by a bullet the enemy, that he has much pain thereby and is greatly disabled from his business; praying for some present relief from this Court.

Read and

*Ordered*<sup>1</sup> that the Committee of War allow the Petitioner three pounds for his present relief. [*Passed February 7.*]

Legislative  
Records of the  
Council,  
xvii. (5), 297.

House Jour-  
nal, pp. 175, 185.  
*Ante*, p. 465,  
chap. 1.

<sup>1</sup> The House Journal, p. 185, reads, "*Voted.*"

## CHAPTER 224.

VOTE REFERR<sup>d</sup> TO MONEY IN THE HANDS OF EL<sup>m</sup> PALMER ESQ<sup>s</sup>.

Legislative  
Records of the  
Council,  
xvii. (5), 298.  
House Jour-  
nal, pp. 185, 186.  
*Ante*, p. 493,  
chap. 78.

THERE HAVING been remitted to Eliakim Palmer Esq<sup>r</sup> in London the sum of One Hundred Pounds Sterling to defray the expence of a Petition from the Council and House of Representatives of this Province to His Majesty in Council; and application having been made to the House in behalf of the Borderers on the Northern Line of this Province who are molested in the possession of their Properties by the Inhabitants of New Hampshire, that they might receive some assistance from this Court in prosecuting their Petitions to His Majesty, for redress, which Petitions are under the care of said M<sup>r</sup> Palmer: Therefore

*Voted* that the said M<sup>r</sup> Palmer be directed to apply such part of said One Hundred Pounds as may remain in his hands, for the service of such Petitioners, and that the Accompt thereof be laid before this Court. [*Passed February 7.*]

## CHAPTER 225.

VOTE ACCEPTING THE REPORT OF THE COMM<sup>rs</sup> OF THE LAND BANK AND THE ASSESSMENT OF THE PARTNERS THEREIN.

Legislative  
Records of the  
Council,  
xvii. (5), 298.  
House Jour-  
nal, p. 187.  
Province  
Laws, iii., 118,  
chap. 17.

A MEMORIAL of John Jeffries & Samuel Danforth Esq<sup>rs</sup> two of the Commissioners appointed to settle the affairs of the late Land Bank, setting forth their proceedings herein, more especially in their making an assessment upon the Partners for paying of the charges of the Company with the List or Schedule of the said assessment herewith presented, for the Approbation and Allowance of this Court.

Read and

*Voted* that the foregoing Report and the Assessment thereto annexed, be & the same are hereby approved and allowed. [*Passed February 7.*]

## CHAPTER 226.

## VOTE APPOINTING A COMMITTEE FOR BURNING TORN AND DEFACED BILLS OF CREDIT.

Legislative  
Records of the  
Council,  
xvii. (5), 299.  
House Jour-  
nal, p. 187.

In the House of Represent<sup>ves</sup>;

*Voted* that M<sup>r</sup> Speaker M<sup>r</sup> Welles, M<sup>r</sup> Hutchinson, M<sup>r</sup> Oliver, M<sup>r</sup> Russel, M<sup>r</sup> Royal, Coll. Heath, Coll. Cotton, Cpt. Wiswall, and Coll. Miller, with such as the Hon<sup>ble</sup> Board shall join, be a Committee to repair to the Treasurers Office, in the recess of the Court, take an Account of the torn and defaced Bills now lying in his hands not fit for service, consume them to ashes, and report their doings therein to this Court.

In Council; Read and Concur'd & John Osborne, Jacob Wendell, Daniel Russel, Samuel Watts, Ezekiel Chever, Eliakim Hutchinson and John Wheelwright Esq<sup>rs</sup> are joined in the affair. [*Passed February 7.*]

## CHAPTER 227.

ORDER APPOINTING A COMMITTEE TO REPORT ON THE PETITION OF  
DIVERS INHAB<sup>s</sup> OF CONCORD WESTON AND LEXINGTON.

BENJAMIN LYNDE Esq<sup>r</sup> from the Committee on the petition [*ante*, p. 386, chap. 62] of divers Inhabitants of Concord, Weston and Lexington, gave in their Report:

Which was Not Accepted; But the following Vote pass'd on the petition, viz<sup>t</sup>

In the House of Represent<sup>ves</sup>;

*Ordered* that M<sup>r</sup> Oliver and Coll. Richards, with such as the Hon<sup>ble</sup> Board shall join, be a Committee to repair to the Towns within mentioned, view the circumstances of the Petitioners and the Lands proposed to be made into a Preeinct, and the situation and circumstances of the several Towns; (giving seasonable notice to the Parties concerned, of the time of their being there,) and report what they judge proper for this Court to do thereon, at their next Sitting; the charge of the Committee to be borne, at this Court shall hereafter order.

In Council; Read and Concur'd, & Thomas Berry Esq<sup>r</sup> is joined in the affair. [*Passed February 8.*]

Legislative  
Records of the  
Council,  
xvii. (5), 301.

House Jour-  
nal, p. 187.  
*Ante*, p. 396,  
chap. 89.

## CHAPTER 228.

ORDER GRANTING A LICENCE TO NATH. WALKER TO SELL STRONG  
DRINK.

A PETITION of Nathaniel Walker of Weston, shewing that he has lately purchased a house at Weston aforesaid, which has for many years past been licenced for a Tavern; therefore praying that the Court of General Sessions of the Peace for the County of Middlesex may be impowered to grant him a licence for selling strong drink there, upon his obtaining the approbation of the Select men.

Read and

*Ordered* that the Justices of the General Sessions of the Peace for the County of Middlesex be allowed, if they see cause, to grant the Petitioner a Licence, he first obtaining the recommendation of the Select men of the Town of Weston; the time for granting Licences being elapsed notwithstanding. [*Passed February 11.*]

Legislative  
Records of the  
Council,  
xvii. (5), 303.

House Jour-  
nal, p. 189.  
Province  
Laws, iii., 236,  
chap. 2.

## CHAPTER 229.

## VOTE FOR APPOINTING COMMISSIONERS FOR MUTUAL PROTECTION.

*Voted* that three Commissioners be chosen by this Court (to be commissioned by His Excellency the Governor) with power to treat with such Commissioners as may be appointed by any of the other Governments on this Continent, for the mutual protection and defence of such Governments, and also for annoying and dis-

Legislative  
Records of the  
Council,  
xvii. (5), 305.

Legislative  
Records of the  
Council,

xvii. (5), 300,  
302, 303. House  
Journal, p. 190.  
*Infra*, chap.  
230.

trussing His Majestys enemies: The Commissioners So chosen to receive Instructions from, and to make return of their doings to this Court for their approbation. [*Passed February 12.*]

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## CHAPTER 230.

### VOTE APPOINTING COMMISSIONERS FOR MUTUAL PROTECTION.

Legislative  
Records of the  
Council,  
xvii. (5), 306.

House Jour-  
nal, p. 190.  
*Supra*, chap.  
229.

AND THEN the two Houses proceeded to the choice of Commissioners for the affair mentioned in the above Vote:

And Jacob Wendell, Samuel Welles and Thomas Hutchinson Esq<sup>r</sup> were chosen by the Major Vote, and the Election consented to by the Governor. [*Passed February 12.*]

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## CHAPTER 231.

### ORDER GRANTING A LICENCE TO WILL<sup>m</sup> COFFIN TO RETAIL STRONG DRINK.

Legislative  
Records of the  
Council,  
xvii. (5), 306.

House Jour-  
nal, pp. 189, 190.  
Province  
Laws, iii., 236,  
chap. 2.  
*Ante*, p. 537,  
chap. 186.

A PETITION of William Coffin of Boston, Farmer of the Excise for the County of Suffolk, shewing that he has this present year been approved of by the Select Men of the Town of Boston, for retailing of Strong Drink and licenced by the Justices of the said County, but omitted giving Recognizance in proper season; and therefore praying that the Court of General Sessions of the Peace for the said County may be now impowered to take his Recognizance for the said Licence.

Read and

*Ordered* that the prayer of the Petition be granted, and the Justices of the General Sessions of the Peace for the County of Suffolk be and they hereby are directed to take the Recognizance of the Petitioner accordingly, any former order of this Court to the contrary notwithstanding. [*Passed February 12.*]

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## CHAPTER 232.

### ORDER ON THE PETITION OF THE INHABITANTS OF COLRAIN ABOUT ENLISTING SOLDIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 307.

House Jour-  
nal, p. 161.  
*Ante*, p. 311,  
chap. 184.

A PETITION of Thomas Morris in behalf of the Inhabitants of the Plantation called Colrain, shewing that they are much exposed to the attacks of the enemy; and praying that for their encouragement to continue upon their lands, some of them may be put into the service and pay of the Province.

Read and

*Ordered* that the prayer of the Petition be so far granted as that His Excellency the Captain General be desired to give order that six of the Soldiers on the Western Frontiers be dismissed from the service, and that of the Militia at Colrain there be enlisted the same

number to serve as Soldiers, and that said Militia be employed alternately, such of them as are suitable for service, & be exchanged every month. [*Passed February 12.*]

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## CHAPTER 233.

### VOTE ESTABLISHING THE PAY OF MAJOR HARTWELL & CPT. STEVENS SOLDIERS.

IT HAVING been represented to the House that upon the late apprehensions of an Attack from the enemy upon the Western Frontier a number of Forces under the command of Major Hartwell & Cpt. Stevens were employed for the service of said Frontiers and by means thereof the whole number of the Forces in the service exceeded the several Establishments made by this Court; and it appearing to the House that such exceeding was upon that emergency necessary for the publick service:

Therefore

*Voted* that the same pay and subsistence be granted and allowed to the whole of the Forces under the command of said Hartwell and Stevens, until the Twenty fifth day of February currant, as to the two hundred and thirty seven men for which establishments have been made by the Court; and the said Commanders are allowed to make up their Rolls accordingly. [*Passed February 13.*]

Legislative  
Records of the  
Council,  
xvii. (5), 308.

House Journal,  
p. 193.  
*Ante*, p. 473,  
chap. 24; p. 509,  
chap. 117;  
p. 510, chap.  
119.

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## CHAPTER 234.

### VOTE ADJUSTING THE PAY OF OFFICERS & SOLDIERS FROM CAPE BRETON.

IT HAVING been represented that some of the Officers & Soldiers who left the Army and Service at Cape Breton in the Summer and others in the Fall, have since claimed their Wages and pretend to be still in the service and ready to return, having never been expressly and formerly discharged:

It is therefore

*Voted*<sup>1</sup> that the Committee of War, in adjusting the Pay of those Officers and Soldiers who left the service before the last of September, allow it till that time and no longer: and that the Commissary General allow their subsistence for the time they were in actual service and no longer: and such Officers and Soldiers are to expect no further pay accordingly. [*Passed February 13.*]

Legislative  
Records of the  
Council,  
xvii. (5), 308.

House Journal,  
p. 192.  
*Ante*, p. 465,  
chap. 1.

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## CHAPTER 235.

### ORDER IMPOWERING MICH. CEFFY, & KATH. DEEST TO MARRY.

A PETITION of Cpt. Ebenezer Eastman, shewing that one of his soldiers named Michael Ceffy<sup>2</sup> is published in order to his marriage unto one Katherine Deest of Boston; but forasmuch as the

Legislative  
Records of the  
Council,  
xvii. (5), 310.

<sup>1</sup> The House Journal, p. 192, reads, "*Ordered.*"

<sup>2</sup> The House Journal, p. 192, reads, "*Coffy.*"

House Journal, p. 192.

time for his publishment is not yet expired, and the Petitioner and his Soldiers are now ready to embark for Louisbourgh; therefore praying that this Court would grant a Licence for the said Marriage.

Read and

*Ordered* that the prayer of the Petition be granted, and any person properly authorized is allowed and impowered to marry the within named Persons; any law usage or custom to the contrary notwithstanding; Provided no other lawful let appear saving the want of due Publishment. [*Passed February 13.*]

## CHAPTER 236.

### VOTE FOR THE CONTINUANCE OF THE WESTERN FORCES.

Legislative Records of the Council, xvii. (5), 310.

House Journal, pp. 191, 192. *Ante*, p. 551, chap. 233.

*Voted* that the Establishments of the Forces upon the Western Frontiers made in November last for Two Hundred and thirty seven men including the Twenty men at Fort Dummer, which expired the first of January last, be continued from that time to the Tenth of March next. [*Passed February 13.*]

## CHAPTER 237.

### VOTE APPOINTING COLL: STODDARD A COMMISS<sup>r</sup> OF MUTUAL PROTECTION.

Legislative Records of the Council, xvii. (5), 311.

House Journal, p. 192. *Ante*, p. 550, chap. 230.

*Voted* that John Stoddard Esq<sup>r</sup> be added to the Commissioners appointed yesterday to treat with such Commissioners as may be appointed by the other Governments, for their mutual Protection and Defence, and for annoying & distressing His Majestys enemies &c. [*Passed February 13.*]<sup>1</sup>

## CHAPTER 238.

### ORDER IMPOWERING ELIS<sup>a</sup> AMES ADMINISTRATRIX, TO CONVEY LAND.

Legislative Records of the Council, xvii. (5), 316.

House Journal, p. 197.

A PETITION of Elisabeth Ames, Widow and Administ<sup>x</sup> of the estate of John Ames late of Groton dec<sup>d</sup> praying that she may be impowered to give and execute a Deed for conveying Sixteen Acres of Land in Groton, which her said husband obliged himself by Bond to convey to M<sup>r</sup> Caleb Trowbridge of said Town, but died before he had performed his obligation.

Read and

*Ordered* that the prayer of the Petition be granted, and that the said Elisabeth Ames be and hereby is impowered to make a Conveyance of the Lands above mentioned agreeable to the Bond and that such Conveyance shall be deemed as good and valid in Law to all intents and purposes, as if the same had been made by her late husband in his life time. [*Passed March 7.*]

<sup>1</sup> Adjourned to March 5. See Legislative Records of the Council, xvii. (5), 311.



## CHAPTER 239.

## ORDER IMPOWERING BENJAMIN WHETCOMB, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Benjamin Whetcomb, Guardian of Jonathan Buss of Leominster, a person Non Compos, shewing that his whole personal estate is expended in the support of him; and for as much as the Superior Court for the County of Worcester (in which the land lies) is now at a great distance; therefore praying that this Court would empower the Petitioner to sell the Real Estate of the said Jonathan Buss (which is very small) for paying his debts and for his future support.

Legislative  
Records of the  
Council,  
xvii. (5), 317.

House Jour-  
nal, p. 198.  
Province  
Laws, ii., 151,  
chap. 10.

Read and

*Ordered* that the Prayer of the Petition be granted and that the Petitioner in the Capacity of Guardian to the before named Jonathan Buss be and hereby is empowered to sell the whole of his real Estate and to execute in due form of law a Deed for the conveyance thereof to such person as shall give most for the same; Provided that before such sale be made the Petitioner observe the same directions as are prescribed by the law of this Province pass'd in the sixth year of the Reign of King George the First for enabling Executors & Administrators to sell the real Estates of Persons deceased; also give Bond with sufficient Sureties to the Judge for Probate of Wills &c for the County of Worcester for the Improvement and Disposal of the Produce of the Premises pursuant to Law. [*Passed March 7.*]

## CHAPTER 240.

ORDER ALLOWING £3 TO JED<sup>U</sup> DAVIS.

A PETITION of Jedediah Davis, shewing that in his former petition to this Court, on which he had an Allowance for his sons being wounded at the attack made on the Island Battery at Cape Breton he forgot to mention his being taken by the enemy and losing all his cloaths; and therefore praying for a further allowance on that Account.

Legislative  
Records of the  
Council,  
xvii. (5), 320.

House Jour-  
nal, pp. 199, 200.  
*Ante*, p. 465,  
chap. 1; p. 545,  
chap. 215.

Read and in answer

*Ordered* that the Committee of War be directed to allow the Petitioner Three pounds for his present relief. [*Passed March 11.*]

## CHAPTER 241.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF WILL<sup>U</sup> COFFIN.

A PETITION of William Coffin Farmer of Excise for the County of Suffolk, shewing that he has had many vexatious suits commenced against him by the Distillers, in one of which brought by Anthony Caverly, Judgment went against the Petitioner for his Sons selling Strong Drink without Licence; and as he conceives the last Para-

Legislative  
Records of the  
Council,  
xvii. (5), 321.

House Jour-  
nal, p. 204.  
*Ante*, p. 537,  
chap. 186.

graph in the Excise Act upon which the Action was grounded was greatly wrested beyond the true intention of it, to cause this Judgment to be given against him; therefore praying that the said paragraph may be repealed or explained so as to prevent such vexatious suits against the Farmers of the Excise & that execution be staid.

Read and

*Ordered* that the Petitioner serve Anthony Caverly within named with a Copy of this Petition that he shew cause, if any he hath, on Fryday the fourteenth curreant, if the Court be then sitting, if not, on the first Thursday of the next Sitting of this Court, why the prayer thereof should not be granted, and that execution and all force of the Judgment herein referred to be suspended in the mean time; Provided the Petitioner give the usual Bond to the Sheriff of Suffolk to pay what shall finally be adjudged, with Interest from this time. [*Passed March 11.*]

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## CHAPTER 242.

### RESOLVE AND ORDER IN REGARD TO PRECINCT MEETINGS.

Legislative  
Records of the  
Council,  
xvii. (5), 323.  
House Jour-  
nal, p. 205.

WHEREAS divers Precincts lately granted by this Court have regulated their Voters by the Valuation made in the Towns or Districts whence they were taken, and not by a List or Valuation made by the Assessors of such Precincts, wherenpon great doubts and controversies have arisen concerning the Votes pass'd and Officers chosen by such Precincts, and many inconveniencies must arise if such Meetings be declared illegal & their doings vacated:

It is therefore

*Resolved and Ordered* that no Meetings of Precincts or Societies, nor any Votes or Elections shall be vacated or set aside by reason that the Qualification of Voters at such Meetings were not regulated by a List or Valuation taken by the Assessors of such Precincts respectively. And all choices of Officers, Grants of Money, Rates or Taxes made, shall be holden valid and collected notwithstanding the want of a List made by the Assessors in such particular Precincts to regulate the Voters, and notwithstanding any Judgment of Court given against such proceedings for want of said Regulation. [*Passed March 12.*]

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## CHAPTER 243.

### ORDER ON THE PET<sup>n</sup> OF ISAAC LOTHROP ESQ<sup>r</sup> TO BE SET OFF TO THE NEW PRECINCT IN PLYMOUTH.

Legislative  
Records of the  
Council,  
xvii. (5), 233,  
323.

House Jour-  
nal, pp. 150, 151,  
205, 206. *Ante*,  
p. 325, chap.  
251.

A PETITION of Isaac Lothrop of Plymouth Esq<sup>r</sup>, shewing that his late father Isaac Lothrop Esq<sup>r</sup> dec<sup>d</sup> before his death subscribed to the building the Meeting House, lately erected in the said Town of Plymouth, and for maintaining a Minister, but by reason of his death before the passing the Order of the General Court referring to that new Society, his real estate was not thereby subjected to the support of the said Minister, according to his intention; And therefore praying that the said real estate now in the hands of the

Petitioner may be taxed to the support of the Ministry in the new Parish and not in the old.

Read, together with the answer of the First Parish in Plymouth, and the matter being fully considered:

*Ordered* that the prayer of the Petition be granted, and that the real Estate of Isaac Lothrop Esq<sup>r</sup> dec<sup>d</sup> now held by the Petitioner (as mentioned in the Petition) be and hereby is set off to the new Precinct to be taxed there, the Poles and Personal Estate thereon to remain as they are. [*Passed March 12.*]

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## CHAPTER 244.

### ORDER SETTING OFF DIVERS PERSONS AND THEIR ESTATES FROM MEDWAY TO WRENTHAM.

A PETITION of Timothy Metcalf, Agent for the Town of Wrentham, shewing that in the year 1735, John Pond, Thomas Bacon, Samuel Pond, Richard Puffer, Peter Adams and Samuel Fisher, were set off from the Town of Wrentham to the Town of Medway, for their more convenient attendance on the Worship of God; soon after which there being a new Parish erected in Wrentham, the said six persons with their families, were by Order of the General Court joined to the said parish, but on other accounts they still belong to the Town of Medway, which is in many respects inconvenient; therefore praying that the said six Families may be set back to Wrentham.

The Committee appointed to take under consideration the Petitions of Edward Clark in behalf of the Town of Medway, and Timothy Metcalf, Agent for the Town of Wrentham, respecting Mess<sup>rs</sup> John Pond, Thomas Bacon, Samuel Pond, Richard Puffer, Peter Adams, and Samuel Fisher, their Families and Estates, have heard the parties and perused their papers, as also heard their Pleas and Allegations; And inasmuch as the above Persons, originally belonging to the Town of Wrentham, but were set off in the year 1735 to the Town of Medway for their conveniency of attending the publick Worship of God there, since which the Town of Wrentham is made into two Precinets, by reason of which the above named Persons with their Families are nigher to the Meeting house in the Town of Wrentham, where they originally belonged, than to any other; Therefore the Committee are humbly of Opinion that the above said Persons with their Families and Estates be set off from the Town of Medway and annexed again to the Town of Wrentham. All which is humbly submitted

per SAMUEL WATTS p Order.

Read and Accepted, &

*Ordered* that the above mentioned John Pond, Thomas Bacon, Samuel Pond, Richard Puffer, Peter Adams and Samuel Fisher, their Families and Estates be and they hereby are set off from the Town of Medway and again annexed to the Town of Wrentham, there to do duty and receive Privilege accordingly. [*Passed March 12.*]

Legislative  
Records of the  
Council,  
xvii. (5), 30,  
324.

Legislative  
Records of the  
Council,  
xvii. (5),  
269 bis. House  
Journal,  
pp. 172, 206.  
Province  
Laws, xii., 93,  
chap. 201.

## CHAPTER 245.

## VOTE IN REGARD TO THE FORCES ON THE EASTERN AND WESTERN FRONTIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 325.

Legislative  
Records of the  
Council,  
xvii. (5), 165.  
House Jour-  
nal, p. 205.  
*Ante*, p. 529,  
chap. 166.

*Voted* that the Establishment of the Two Hundred & Six soldiers on the Eastern Frontiers, which expired the Tenth instant, be further continued to the First Day of June next; that His Excellency the Governor be desired to give Order for the enlistment of eight of the Inhabitants of Brunswick, Six of New Marblehead, and Six at Gorham Town, one of which in each town to be in Sergeants pay, & all of them to be exchanged monthly for other men of the said Towns, and to be on the same Establishment of the Two Hundred and Six men afore said, till the first of June next. And forasmuch as it does not appear necessary at present that any Soldiers be posted at Suncook and New Ipswich,

*Voted* that His Excellency be desired to give orders for the dismission of twenty Men on that part of the Western Frontiers, and that the Establishment of all the other Forces on the Western Frontiers be continued to the said first of June next. [*Passed March 12.*]

## CHAPTER 246.

## ORDER AND VOTE ERECTING THE LANDS AT NEW SHERBURN INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (5), 331.

Legislative  
Records of the  
Council,  
xvii. (4), 94.  
House Jour-  
nal, p. 206.  
*Ante*, p. 205,  
chap. 184.

A PETITION of Samuel Dudley and others, Inhabitants of the Plantation called New Sherburn Shewing that by reason of the Bill for making the said Plantation a Township not passing the whole Legislature the Petitioners find great difficulty in raising money for defraying the charge of settling and supporting a Minister and other necessary charges; and therefore praying that this Court would grant them power for those ends, and for managing the affairs of the said Plantation & especially for taxing the lands lying in the said Plantation.

Read and

*Ordered* that the prayer of the Petition be so far granted as that the Lands commonly called and known by the name of New Sherburn and other Lands adjoining, as delineated in a plan thereof taken by William Chandler Surveyor in April 1743 and the Inhabitants thereon, be erected into a district or Precinct, and vested with such Powers and Privileges as Towns by law enjoy, so far as relates to the choice of Town Officers and for granting money from time to time to defray the charges of said District and for managing their other affairs relating to the District, settling a Minister, erecting a Meeting House, granting and making all needful roads and ways; and that Mr Samuel Dudley, a principal Inhabitant in said Place, is hereby empowered to call the first Parish Meeting.

Also

*Voted* that the Petitioners notify the Non resident Proprietors of the Lands herein mentioned by inserting the substance of this Petition in the Boston Gazett or some other publick Print, three

weeks successively, that they shew cause (if any they have) on the first Fryday of the next May Session, why the prayer thereof relating to the Tax should not be granted. [*Passed March 14.*]

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## CHAPTER 247.

### ORDER ALLOWING £25 TO JON<sup>A</sup> PROCTOR.

A PETITION of Jonathan Proctor of Marblehead Owner of the Scooner Hawk, shewing that he fitted out the said Scooner on a Fishing voyage to the Isle of Sables in the beginning of April last, that in her passage thither she met with Admiral Warren, who took out the Master and one more of the Company for Pilots; by means of which the voyage was broke up & the rest of the Company brought home the said Scooner; praying that they may be reimbursed the loss and damage thereby sustained.

Legislative  
Records of the  
Council,  
xvii. (5), 332.  

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House Jour-  
nal, pp. 200, 207.  
*Ante*, p. 465,  
chap. 1.

Read and

*Ordered* that the Committee of War be directed to pay to the within named Jonathan Proctor Twenty five pounds, five eighths of which to be for the use of the said Proctor as Owner and Shore Man, and the other three Eighths for the use of the Crew left on board said Scooner after Admiral Warren had taken out his two Pilots. [*Passed March 14.*]

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## CHAPTER 248.

### VOTE FOR PAYING THE WAGES OF OFFICERS AND SOLDIERS SERVING ON THE FRONTIERS OUT OF THE GENERAL APPROPRIATION FOR GRANTS.

In the House of Representatives;

It having been represented to the House that there are no Bills of Credit now lying in the Treasury, specially appropriated for the payment of the Officers and Soldiers who have served the Province on the Frontiers, and for whose Wages and Subsistence an Establishment<sup>t</sup> has been made by this Court: therefore

Legislative  
Records of the  
Council,  
xvii. (5), 333.  

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House Jour-  
nal, p. 209.  
*Ante*, p. 556,  
chap. 245.

*Voted* that the Wages and Subsistence of all such Officers and Soldiers be paid out of the general appropriation for Grants.

In Council; Read and Concur'd. [*Passed March 14.*]

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## CHAPTER 249.

### ORDER ON THE PETITION OF JOHN FARRAR IN REGARD TO THE DISTRIBUTION OF AN ESTATE.

A PETITION of John Farrar for himself & others Devises mentioned in the last Will and Testament of M<sup>r</sup> John Swift late of Framingham dec<sup>d</sup>, shewing that the real estate of the Testator which is devised generally, lies in divers Counties, and a division of it in each County into as many parts as there are Devises (which is the only method which the Law directs to) in their case; and

Legislative  
Records of the  
Council,  
xvii. (5), 338.  

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House Jour-  
nal, p. 212.

therefore praying that as the Deceased lived and died in the County of Middlesex, Administration on the said Will may be had in the Probate Office of that County only, and that five persons particularly mentioned in the Petition, belonging to the several Counties where the said real Estate lies, and who are acceptable to all the Devises, may be appointed to divide it.

Read, and in answer to this Petition:

*Ordered* that the prayer thereof be granted and that the before mentioned John Haynes, Hezekiah Rice, Henry Eames, <sup>1</sup>Hewens, and Elkanah Billings be and they are hereby appointed and impowered (after they shall have been duly sworn to the faithful performance of that service) to make division of the afore mentioned estate among the Devises according to the Tenor of the Devise (due notice being first given to the parties interested to be present, if they think fit, at the making of the same) And the Partition or Division so made, being reduced to writing with the names of the said Freeholders subscribed, or the names of any three of them, and entered in the Registry of Probate in the County where the Testator last dwelt, shall be valid and effectual in the law, to all intents and purposes whatsoever. [*Passed March 15.*]

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## CHAPTER 250.

### ORDER ALLOWING £5 TO TERENCE CANE AND SEVEN WEEKS' SUBSISTENCE.

A PETITION of Terence Cane a Soldier in the late Expedition against Cape Breton, shewing that he was so wounded in that Service, as to be rendered utterly incapable of doing any thing for his support; praying that this Court would provide for his support and order payment of seven weeks subsistence now due to him.

Read and

*Ordered* that the Committee of War be directed to allow the within named Terence Cane seven weeks subsistence and Five pounds for his further relief under his sufferings. [*Passed March 18.*]

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## CHAPTER 251.

### ORDER ALLOWING £5 TO DAVID POWER AND SEVEN WEEKS' SUBSISTENCE.

A PETITION of David Power a soldier in the late Expedition against Cape Breton; shewing that he was so wounded in the service as to be rendered incapable of doing any thing for his support; praying that this Court would provide for his maintenance and order payment of seven weeks Subsistence now remaining due to him.

Read and

*Ordered* that the Committee of War be directed to allow the within named David Power seven weeks subsistence and Five pounds for his further Relief under his sufferings. [*Passed March 18.*]

<sup>1</sup> *Sic*, as to blank.

Legislative  
Records of the  
Council,  
xvii. (5), 342.

House Jour-  
nal, pp. 199, 211.  
*Ante*, p. 465,  
chap. 1.

Legislative  
Records of the  
Council,  
xvii. (5), 343.

House Jour-  
nal, pp. 199, 212.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 252.

## ORDER IMPOWERING THE EXECUTORS OF JOHN BRADFORD TO SELL A HOUSE AND LAND.

A PETITION of Sarah Jennings, Wife of Edward Jennings of Boston, one of the Executors of John Bradford dec<sup>d</sup> and late his widow, and Joseph Bradford the other Executor of the last Will and Testament of the said John; shewing that the said John left a small Tenement and land in Boston to be divided among his four small children, which Tenement is much out of Repair; & forasmuch as the Petitioners have now an opportunity to sell the said estate to advantage; praying for liberty from this Court therefor.

Read and

*Ordered* that the prayer of the Petition be granted, and the Petitioners, in their said Capacity, are hereby empowered to sell the House and Land mentioned in their Petition, and to execute a good Deed or Deeds of the same to such as will give most therefor; Provided that before such sale, the Petitioners observe the same directions as are prescribed by the Law of this Province of the Sixth of King George the first, respecting the sale of Intestate Estates, they also giving Bond with sufficient sureties to the Judge of Probate of Wills for the County of Suffolk for the Improvement of the produce of said sale agreeable to the last Will of the Deceased. [*Passed March 18.*]

Legislative Records of the Council, xvii. (5), 343.

House Journal, pp. 206, 211, 212. Province Laws, ii., 151, chap. 10.

## CHAPTER 253.

ORDER ALLOWING £10 TO TIM<sup>o</sup> BARRON.

A PETITION of Timothy Barron, shewing that he and his son served at the Siege of Louisbourg, that his son was killed by the enemy and he so wounded as to be rendered unable to support himself; and therefore praying for relief from this Court.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner the sum of Ten Pounds in consideration of his sufferings within mentioned. [*Passed March 19.*]

Legislative Records of the Council, xvii. (5), 345.

House Journal, pp. 214, 215. *Ante*, p. 465, chap. 1.

## CHAPTER 254.

ORDER IMPOWERING JA<sup>s</sup> THOMAS, INDIAN, TO SELL LAND.

A PETITION of James Thomas of Tetticut, Indian, praying for liberty to sell about eighty acres of land in said place given him by his father, who is now aged and infirm, for paying his own just debts and supporting his Father and Mother in their old age.

In the House of Represent<sup>ves</sup>; Read and

*Ordered* that the Petitioner be allowed and empowered with the Advice and assistance of Cpt. Gamaliel Bradford and M<sup>r</sup> Samuel Wood with such as the Hon<sup>ble</sup> Board shall join to sell the Eighty

Legislative Records of the Council, xvii. (5), 345.

House Journal, pp. 216, 217.

Acres of Land herein mentioned; the produce to be applied to pay the Petitioners just debts; the overplus, if any there be to remain in the hands of the Committee for the further support & relief of the aged Parents of the Petitioner.

In Council; Read and Concur'd, and John Cushing Esq<sup>r</sup> is joined in the affair. [*Passed March 19.*]

## CHAPTER 255.

### ORDER ALLOWING £13. 16 TO MARY BALL.

Legislative  
Records of the  
Council,  
xvii. (5), 345.

House Journal, pp. 214, 215.

A PETITION of Mary Ball of Marblehead, shewing that by accident her Pocket Book fell into the fire and that Bills of this Province to the value of Thirteen Pounds sixteen shillings of the Old Tenor were then consumed; praying that the Treasurer may be ordered to deliver to her, bills of the same value.

Read and

*Ordered* that the Petitioner be allowed the within mentioned sum of Thirteen Pounds Sixteen Shillings old Tenor out of the publick Treasury, in consideration of the loss expressed. [*Passed March 19.*]

## CHAPTER 256.

Legislative  
Records of the  
Council,  
xvii. (5), 346.

Legislative  
Records of the  
Council,  
xvii. (5), 334,  
341. House  
Journal, p. 215.

### VOTE INCREASING THE WAGES OF SAILORS ON THE MASSACHUSETTS FRIGATE.

*Voted* that Forty shillings per month Old Tenor be added to the Eight Pounds old Tenor, usually granted to the sailors that shall enlist on board the Massachusetts Frigate. [*Passed March 19.*]

## CHAPTER 257.

### ORDER ALLOWING £10 TO ROBT MILLER.

Legislative  
Records of the  
Council,  
xvii. (5), 348.

House Journal, pp. 197, 215.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Robert Miller a Soldier in the late Expedition against Louisbourgh, shewing that his left arm was shot off by the enemy, whereby he is rendered unable to support himself; praying that this Court would grant him suitable relief under these circumstances.

Read and

*Voted* that in consideration of the Petitioners great loss and sufferings he be allowed by the Committee of War, Ten Pounds for his support until the further order of this Court or until he be otherwise provided for. [*Passed March 19.*]



## CHAPTER 258.

## ORDER IMPOWERING JOHN HALE TO SELL LAND.

A PETITION of Elisabeth Simonds Widow of Joseph Simonds late of Ipswich dec<sup>d</sup> Shewing that her husband purchased of Ambrose Hale of Boxford a small farm and paid some part of the purchase consideration in money & gave bond for the payment of the rest, one John Hale being bound with him, for whose security he made an Absolute Deed of the said land and then died, leaving no personal estate to discharge the said Bond; and therefore praying that she may be inabled to sell so much of the said land as will produce money sufficient for paying the said bond & redeeming the rest of the land.

Read and

*Ordered* that the within named John Hale be and hereby is impowered to sell to the highest bidder (first giving publick notice of such sale ten days before hand) so much of the real estate of the deceased as is sufficient to discharge the Debt herein mentioned to Ambrose Hale, taking the advice of the Select Men of Boxford as to what part of the Estate he shall sell, and on the said sale and payment, the said John Hale shall forthwith pass and execute a legal Deed of sale of the residue of the said deceaseds estate, to his Heirs, and thereupon his Bond of Defeazance shall be taken up and cancel'd; Provided that nothing herein contained shall be construed to deprive the Widow of her Right of Dower in the said Residue as is usual in the settlement of Intestate Estates. [*Passed March 20.*<sup>1</sup>

Legislative  
Records of the  
Council,  
xvii. (5), 346.

House Jour-  
nal, pp. 215, 218,  
219.

## CHAPTER 259.

ORDER ON THE PETITION OF W<sup>m</sup> BOARDMAN TO PAY TAXES IN CHELSEA ONLY.

A PETITION of William Boardman, shewing that his Farm on which he lives consisting of one hundred and fifty eight Acres lies within the town of Chelsea, saving eight acres lying in the Town of Lyn, that in building his dwelling house he has happened to set some part of it over the line on Lyn side, whereupon that Town have taxed him for Polls, for which he is likewise taxed in Chelsea; praying for relief from this Court.

Read and

*Ordered*, that the prayer of the Petition be granted, & that the Petitioner be and hereby is freed from any Taxes already made by the Town of Lyn for any Polls dwelling in said house, and that for the future the Polls in the said House, be taxed to the Town of Chelsea only. [*Passed March 20.*

Legislative  
Records of the  
Council,  
xvii. (5), 350.

House Jour-  
nal, pp. 209, 218.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is March 19.

## CHAPTER 260.

## ORDER ON THE REPORT OF THE COMMITTEE FOR A NEW PRECINCT IN HINGHAM.

Legislative  
Records of the  
Council,  
xvii. (5), 352.

House Jour-  
nal, p. 219.  
*Ante*, p. 478,  
chap. 37.

THE COMMITTEE to whom was refer'd the Petition of Theophilus Cushing in behalf of him self, & others, Inhabitants of the Southerly part of the first Parish in Hingham, having repaired to Hingham and viewed the said Parish, and heard the Parties, and are of the Opinion that the Petition be so far granted as that all the Inhabitants and Estates on the Southerly side of the Line described in their Petition be set off into a separate and distinct Precinct, and be invested with all the Liberties and Privileges which other Precincts enjoy, excepting the farms of Jacob Cushing, Samuel Gill, John Fearing, Ebenezer Lincoln and Jonathan Lazel, whereon they dwell and ly adjoining together, which the said Line runs across; and also Josiah Sprague, Josiah Sprague Jun<sup>r</sup>, Benjamin Sprague, Daniel Sprague, Israel Lazel, Isaac Lazel, Israel Lazel Jun<sup>r</sup> Daniel Lazel, Ephraim Jones, Jeremiah Sprague, Jeremiah Sprague Jun<sup>r</sup> Thomas Jones, Hezekiah Cushing, Matthew Sprague and James Fearing together with their Estates they now dwell on, where their houses stand, who are very much against being set off to said Precinct, notwithstanding many of them live within one mile of the new Meeting House, and might be well accommodated there.

All which is humbly submitted

In the Name and by Order of said Committee

GEO: LEONARD.

Read and

*Ordered* that the within Report be accepted with the following Amendment, viz<sup>t</sup> That all the Non Petitioners comprehended within the lines mentioned in the Petition, have liberty to join themselves to this Precinct within Twelve months from this time. [*Passed March 21.*]

## CHAPTER 261.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PET<sup>n</sup> OF DEAN ROBINSON AND OTHERS OF ANDOVER.

Legislative  
Records of the  
Council,  
xvii. (5), 248,  
353.

House Jour-  
nal, pp. 160, 222.  
*Ante*, p. 376,  
chap. 36.

A PETITION of Dean Turner<sup>1</sup> & others Inhabitants in the Easterly Part of the first Precinct in Andover, shewing their great distance from the place of Publick Worship there, and their convenient situation for the Second Precinct in Bradford,<sup>2</sup> & praying that they may be set off to the last mentioned Precinct, or that a Committee of this Court may be appointed to view their situation and circumstances, and report to this Court.

The Committee to whom was refer'd the Petition of Dean Robinson and others Inhabitants of the Easterly Part of the first Parish in Andover, having repaired to Andover and Boxford and viewed the situation of said Petitioners, are of Opinion that the prayer of the Petition be granted and that the Petitioners with their lands be freed from all Ministerial charges in the first Parish in Andover, and that they with their lands be annexed to the Second Parish in Boxford,

<sup>1</sup> "*Robinson*," in the House Journal, p. 160. *So infra.*

<sup>2</sup> The House Journal, p. 160, reads, "*Boxford*." *So infra.*

to do Duty and receive Privileges with the said Parish; and that the said first Parish in Andover be freed from all charges of laying out and repairing any High ways that hereafter may be made leading from any of the said Petitioners to the Meeting House in said second Parish in Boxford. All which is submitted

In the Name and by Order of the Committee W: BROWN.

Read and

*Ordered* that this Report be accepted and that the charge of the Committee be paid by the Petitioners. [*Passed March 21.*]

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## CHAPTER 262.

### VOTE ALLOWING ONE MONTHS WAGES TO THE WIVES OF OFFICERS AND SOLDIERS IN THE LOUISBOURG EXPEDITION.

*Voted* that the Committee of War be directed to allow one Months Wages to the Wives of such Officers and Soldiers as are now in the service at Louisbourgh. [*Passed March 22.*]

Legislative  
Records of the  
Council,  
xvii. (5), 355.

House Jour-  
nal, p. 223.  
*Ante*, p. 465,  
chap. 1.

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## CHAPTER 263.

### VOTE ESTABLISHING THE WAGES OF THE OFFICERS OF Y<sup>E</sup> MASSACHUSETTS FRIGATE.

*Voted* that the following Establishment be made for the Massachusetts Frigate, viz<sup>t</sup>

The Captain five pounds ten shillings per month; Lieutenant, three pounds fifteen shillings; Master, three pounds ten shillings; Doctor, three pounds ten shillings; Chaplain, three pounds ten shillings; Gunner, three pounds six shillings; Boatswain three pounds; Boatswains Mate, two pounds twelve shillings and six pence; Mate, two pounds fifteen shillings; Steward, two pounds twelve shillings and six pence; Cook, two pounds twelve shillings and six pence; Gunners Mate, two pounds twelve shillings and six pence; Pilot, three pounds ten shillings; Carpenter, three pounds; Cooper, two pounds twelve shillings and six pence; Armourer, two pounds twelve shillings and six pence; Coxswain two pounds twelve shillings and six pence; two Quarter Masters, two pounds twelve shillings and six pence each; four Midship Men, two pounds twelve shillings and six pence each; Common Sailors, two pounds ten shillings each. [*Passed March 22.*]

Legislative  
Records of the  
Council,  
xvii. (5), 355.

House Jour-  
nal, p. 222.  
*Ante*, p. 442,  
chap. 214.

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## CHAPTER 264.

### ORDER AB<sup>T</sup> GUNS IMPRESS'D FOR SOLDIERS.

WHEREAS it is provided in the Act entitled An Act for levying Soldiers, that where any impressed man appearing at the place of Rendezvonz, being actually destitute of arms and unable to purchase the same, the Officer who impressed him is impowered to im-

Legislative  
Records of the  
Council,  
xvii. (5), 355.

House Jour-  
nal, pp. 221, 222.

Province  
Laws, iii., 144,  
chap. 2.

press a Gun for him, to be apprized and paid for out of the publick Treasury, as the Great and General Court shall order; and it is further Provided in said Act That four pence per Week shall be deducted out of the said Soldiers wages for such Gun: But there being as yet no Order of this Court whereby the Owners of such Guns as shall not be returned, are enabled to receive the apprized Value thereof, nor the said Four Pence a week in the interim out of the Treasury; It is necessary that further provision be made in that respect: Therefore -

*Ordered* that all Officers impowered by said Act who have or hereafter shall impress any Gun, be and hereby are directed forthwith to certify the same to the Commissary General, in writing, with the name of the Person whose Gun he has or shall so impress, together with the price set on it by the apprizers, and the name of the Soldier for whom it was impressed; & the Commissary General is directed to charge such Gun to the said Soldier in the Muster Roll, to the end that the apprized value thereof may be secured to the Owner, and that the four pence per week be carried into the Commissary column for the use of the Province. And the Treasurer is alike directed on a Certificate from the Commissary General thereof, to pay the Owner of a Gun, therein named, the four pence per week for the use of his Gun, and to deduct out of said Soldiers Wages and Pay to the said Owner the whole apprized Value of such Gun, unless the said Soldier return the same to the Owner on or before his dismissal from the service, and shall produce to the Treasurer a Certificate from said Owner that he has so done. [*Passed March 22.*]

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## CHAPTER 265.

### VOTE ESTABLISHING WAGES AND SUBSISTENCE OF CPT. JOHN LANE.

Legislative  
Records of the  
Council,  
xvii. (5), 357.

House Jour-  
nal, pp. 181, 221.  
*Ante*, p. 463,  
chap. 1.

A PETITION of Cpt. John Lane an Officer in the Expedition against Cape Breton, shewing that he came up from thence on Furlow in September last, and has been sick ever since & his sickness has been very chargeable; praying that he may be allowed his pay and subsistence till this time with the charge of his Sickness.

Read and

*Voted* that the Petitioner be allowed Wages till this time, and ten shillings per week for his subsistence from the time he was last paid; and that the Committee of War be directed to pay him accordingly. [*Passed March 22.*]

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## CHAPTER 266.

### ORDER ALLOWING £5 TO ROB<sup>t</sup> HEWES.

Legislative  
Records of the  
Council,  
xvii. (5), 357.

House Jour-  
nal, p. 217.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Robert Hewes a Prisoner in Boston Goal setting forth his services in discovering a design of sending a vessel loaden with provisions for supplying the French enemy, & in officiating as Interpreter to the French Prisoners in Goal with him, by which means he took an infectious sickness from them which endangered his life; and praying for an Allowance for the same.

Read and

*Ordered* that the sum of Five pounds be allowed the Petitioner by the Committee of War in full consideration of his services and sufferings herein mentioned. [*Passed March 22.*<sup>1</sup>

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## CHAPTER 267.

### ORDER REFERRING THE PETIT<sup>n</sup> TO ERECT A BRIDGE AT MEDFORD WEARS.

A PETITION of a great number of Inhabitants of divers towns in the County of Middlesex, shewing the great difficulty they are under in passing from the upper parts of the County towards Charlestown, by reason of a place between Medford and Charlestown called the Wares, where there ought to be a Bridge built to make it passable, it being at some seasons extremely dangerous to be forded; and therefore praying that this Court would order a Bridge to be built there, that the Petitioners and others may have a safe passage over said place.

*Ordered* that the Consideration of this Petition be refer'd to the first Tuesday of the Session of the General Court in May next, & that the Towns of Charlestown and Medford then give in their Answers. [*Passed April 9.*

Legislative  
Records of the  
Council,  
xvii. (5), 358,  
359.

House Jour-  
nal, pp. 221, 225.

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## CHAPTER 268.

### ORDER ALLOWING £5 TO JOS: COWELL.

A PETITION of Joseph Cowell one of the Armourers in the late Expedition; Shewing that he received a Wound from the enemy which has disabled him from getting a livelihood by his labour, and therefore praying for some relief from this Court.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner five pounds in consideration of his wounds therein mentioned. [*Passed April 9.*

Legislative  
Records of the  
Council,  
xvii. (5), 359.

House Jour-  
nal, pp. 197, 221.  
*Ante*, p. 465,  
chap. 1.

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## CHAPTER 269.

### ORDER ALLOWING £6 TO JAC. HYLER, A SOLDIER, AND VOTE REQUESTING THE CAP<sup>t</sup> GEN<sup>l</sup> TO PUT HIM IN SERVICE.

A PETITION of Jacob Hyler a Soldier in the late Expedition, shewing that by wounds received from the enemy his Thigh was broken in two places: praying for relief from this Court.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner five pounds, for his further relief.

Also

*Voted* that the Captain General be desired to place him in some Fort in the Province, upon the Establishment, and that thereupon an other man be released from that service. [*Passed April 9.*

Legislative  
Records of the  
Council,  
xvii. (5), 360.

House Jour-  
nal, pp. 215, 218.  
*Ante*, p. 465,  
chap. 1.

<sup>1</sup> Adjourned to April 9. See Legislative Records of the Council, xvii. (5), 358.

## CHAPTER 270.

Legislative  
Records of the  
Council,  
xvii. (5), 360.

House Jour-  
nal, p. 225.

VOTE FOR AN ADDITION TO THE WAGES OF Y<sup>E</sup> ARTILLERY SOLDIERS.

*Voted* that Ten Shillings per month be added to the Wages of the Soldiers in the Artillery in the service at Louisbrough to make them equal to the other Soldiers in the said Service. [*Passed April 9.*<sup>1</sup>

## CHAPTER 271.

Legislative  
Records of the  
Council,  
xvii. (5), 366.

House Jour-  
nal, p. 231.  
*Ante*, p. 549,  
chap. 227.

VOTE SUBSTITUTING SAMUEL WATTS ESQ<sup>R</sup> FOR THOMAS BERRY ON THE COMMITTEE FOR THE CONCORD AFFAIR.

*Voted* that Samuel Watts Esq<sup>r</sup> be and hereby is appointed of the Committee on the Petition of divers Inhabitants of Concord, Weston and Lexington, in the room of Thomas Berry, who desires to be excused from that service. [*Passed April 18.*

## CHAPTER 272.

ORDER REFERRING THE PETITION OF RIC. TREE AND WIFE TO BE PUT IN POSSESSION OF AN ESTATE HELD IN GUARDIANSHIP.

Legislative  
Records of the  
Council,  
xvii. (5), 316,  
366.

House Jour-  
nal, pp. 196, 220,  
232.

A PETITION of Richard Tree and Margaret his Wife, late Widow of Joseph Dagget late of Attleborô dec<sup>d</sup> for themselves and Hannah Dagget a minor one of the Children of the deceased; shewing that Israel Dagget who was many years since appointed Guardian to Simeon Dagget the only son of the Dec<sup>d</sup> (who if alive is now above the age of Twenty One years) holds the real estate of the said Deceased against the Petitioners and takes the profits thereof to him self under pretence of the said Guardianship, althô the said Simeon has been beyond sea above five years and not heard of; praying that this Court would order that the Petitioners may be put in possession of the said estate, upon their giving Bond to be accountable to the said Simeon (if he should return) and the other Heir.

*Ordered* that the further consideration of this Petition be refer<sup>d</sup> till May next. [*Passed April 18.*

## CHAPTER 273.

ORDER GRANTING A LICENCE TO NEHEM. MILLS TO KEEP AN INN.

Legislative  
Records of the  
Council,  
xvii. (5), 366.

House Jour-  
nal, p. 225.

A PETITION of Nehemiah Mills, shewing that he has kept Tavern in the town of Needham for some time to general acceptance; from which business he was obliged to desist by reason of some circumstances in his family the last year, and having now none of that nature, therefore praying that this Court would impower the General Sessions of the Peace for the County of Suffolk to grant him a licence, if they shall think fit.

<sup>1</sup> Adjourned to April 17. See Legislative Records of the Council, xvii. (5), 360.

Read and

*Ordered*, that the Justices of the General Sessions of the Peace for the County of Suffolk be allowed, if they see cause, to grant the Petitioner a Licence, the time for granting of Licences being elapsed notwithstanding. [*Passed April 18.*]

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## CHAPTER 274.

ORDER ON THE PET<sup>N</sup> OF JA<sup>S</sup> CLARK & OTHERS OF MEDWAY IN REGARD TO THE MINISTRY.

A PETITION of James Clark, Joseph Barber and Ephraim Partridge for themselves and others Inhabitants of the Western Part of Medway, Shewing that whereas this Court ordered that the Treasurer of the said Town should pay them Thirty pounds a year Old Tenor out of the moneys raised for the support of the Ministry, towards the charge of a Minister for four months in the year, the said Treasurer refused to pay it the last year; and forasmuch as that charge is more than double, praying that they may be allowed Fifty Pounds a year till they have a Meeting House in the Centre of the Town or they be otherwise relieved.

Legislative Records of the Council, xvii. (5), 318, 368.

House Journal, pp. 197, 211, 230. *Ante*, p. 409, chap. 120.

Read, with the answer of the Town of Medway; and

*Ordered* that the prayer of the Petition be so far granted as that the Petitioners receive out of the Treasury of the Town of Medway the sum of Fifty Pounds per annum; provided they maintain preaching among themselves according to the former Order of this Court. [*Passed April 18.*]<sup>1</sup>

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## CHAPTER 275.

ORDER OF NOTICE ON THE PETITION OF THE WESTERLY INHAB<sup>S</sup> OF BRADFORD.

A PETITION of the Inhabitants of the Westerly Part of the First Parish in Bradford, shewing that in consequence of an Order of this Court, the Inhabitants of the said Precinct, at a regular Meeting, Voted the removal of the Meeting House to the Place directed to in the said Order, and also Voted to raise a sum of money to defray the said Charge; but in a subsequent Meeting voted not to proceed therein and to prohibit the Collectors from collecting the said Tax; therefore Praying that the said Precinct may be obliged to give in their answer to this Complaint.

Legislative Records of the Council, xvii. (5), 369.

Legislative Records of the Council, xvii. (5), 53. House Journal, p. 231. *Ante*, p. 302, chap. 162.

Read and

*Ordered* that the prayer of the Petition be granted, and that the Petitioners serve the First Parish in Bradford with a Copy of this Petition, that they shew cause, if any they have on Fryday the Twenty fifth currant, if the Court be then sitting, if not, on the first Fryday of the next May Session why the prayer thereof should not be granted. [*Passed April 19.*]

<sup>1</sup> Under date of April 25, 1746, Legislative Records of the Council, xvii. (5), 387, a duplicate of this order will be found.

## CHAPTER 276.

## VOTE APPOINTING A COMMITTEE TO PROCURE A GUNNER FOR CASTLE WILLIAM.

Legislative  
Records of the  
Council,  
xvii. (5), 370.

House Jour-  
nal, p. 231.

In the House of Represent<sup>ves</sup>;  
*Voted* that M<sup>r</sup> Hutchinson M<sup>r</sup> Wells and M<sup>r</sup> Oliver with such as the Hon<sup>ble</sup> Board shall join, be a Committee to prepare and send a letter with Instructions to M<sup>r</sup> Agent Kilby to contract as soon as may be with some person well skilled in Gunnery and of competent knowledge in Fortifications to come over for the service of Castle William &<sup>c</sup>

In Council; Read and Concur'd, and Jacob Wendell and Jeremiah Moulton Esq<sup>rs</sup> are joined in the affair. [*Passed April 21.*]

## CHAPTER 277.

## VOTE FOR ADVANCING ONE MONTHS PAY TO CAPE BRETON SOLDIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 371.

House Jour-  
nal, p. 234.  
*Ante*, p. 465,  
chap. 1.

*Voted* that the Committee of War be directed to advance One Months Wages to the soldiers that have been in the service at Louisbourg the Winter past. [*Passed April 22.*]

## CHAPTER 278.

VOTE FOR THE PAYMENT OF THE WAGES OF THE OFFICERS AND SAILORS OF THE MASSACHUS<sup>TS</sup> FRIGATE OUT OF THE GENERAL APPROPRIATION FOR GRANTS.

Legislative  
Records of the  
Council,  
xvii. (5), 371.

House Jour-  
nal, p. 234.  
*Ante*, p. 563,  
chap. 263.

IT HAVING BEEN REPRESENTED that there are no Bills of Credit now lying in the Treasury specially appropriated for the payment of the Officers and Sailors that are now or shall be in the service on board the Massachusetts Frigate, Edward Tyng Esq<sup>r</sup> Commander, and the victualling and fitting the said Ship for the Sea; therefore

*Voted* that such payments be made out of the general Appropriations for Grants. [*Passed April 22.*]

## CHAPTER 279.

## ORDER REFERRING THE PETITION OF JACOB SHEAF.

Legislative  
Records of the  
Council,  
xvii. (5), 371.

House Jour-  
nal, p. 236.

A PETITION of Jacob Sheaf one of the Collectors of the Taxes for the Town of Boston, shewing that by reason of the great Difficulties he has met with in the said Collection and his losses by Fire, he is fallen into arrears to the Province Treasurer to the amount of about £3,000 of which he will soon be able to pay the greatest part; praying for the indulgence of this court for a few months.

Read and

*Ordered* that the consideration of this petition be refer'd till next May. [*Passed April 22.*]



### CHAPTER 280.

ORDER ALLOWING £8 TO DAV. STANWOOD, A SOLDIER, AND REQUESTING THE CAPTAIN GENERAL TO ASSIGN HIM SERVICE AT BRUNSWICK.

A PETITION of David Stanwood a Soldier in the late Expedition, shewing that he has received a wound from the enemy in his Arm by which he is disabled from labour and is still in great pain; praying to be allowed his wages and Billetting money to this time.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner Eight Pounds in full consideration of his sufferings within mentioned; and that his Excellency the Captain General be desired to place the said Petitioner in the Garrison at Brunswick in the room of an effective man. [*Passed April 22.*]

Legislative Records of the Council, xvii. (5), 371.

House Journal, pp. 226, 235. *Ante*, p. 465, chap. 1.

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### CHAPTER 281.

ORDER ALLOWING £12. 10 TO JAMES PIERCE.

A PETITION of James Pierce a mariner in the late Expedition against Cape Breton; praying an allowance for his expence and loss of time in his sickness occasioned by the hardships he endured in the service.

Read and

*Ordered* that the Committee of War be directed to pay the Petitioner James Pierce, twelve pounds ten shillings, in full consideration of his sufferings herein mentioned. [*Passed April 22.*]

Legislative Records of the Council, xvii. (5), 372.

House Journal, pp. 226, 235. *Ante*, p. 465, chap. 1.

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### CHAPTER 282.

ORDER ALLOWING £15 TO EDW<sup>d</sup> MANCHESTER.

A PETITION of Edward Manchester a soldier in the late Expedition; shewing that he was blown up by several barrels of powder taking fire, and so extremely burnt that he is likely to be a cripple during his life; and therefore praying for a suitable Allowance from this Court for his support.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner fifteen pounds in full consideration of his sufferings herein mentioned. [*Passed April 22.*]

Legislative Records of the Council, xvii. (5), 372.

House Journal, pp. 235, 236. *Ante*, p. 465, chap. 1.

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### CHAPTER 283.

ORDER IMPOWERING THE COMMITTEES OF THE EAST AND WEST PRECINCT IN AMESBURY TO DIVIDE THE MINISTERIAL LANDS.

A PETITION of John Hoyt and others a Committee for the West Parish in Amesbury, shewing that the said parish has, as yet, had no benefit of the Ministerial Land which they hold in equal parts

Legislative Records of the Council, xvii. (5), 373.

House Journal, pp. 233, 235.

with the other Parish, granted by Edward Challice and Mary his wife, by reason of its lying in common; and therefore praying that they may be impowered to divide the said land with the other Precinct, and to sell the part belonging to the West Precinct and purchase other lands, which may be more beneficial.

Read and

*Ordered* that the prayer of the Petition be granted, and the Committees of the East and West Precincts in Amesbury are accordingly impowered to divide the Lands belonging to the Ministry in said Town, into equal parts, as agreed when the said Town was divided into Precincts; and such Division under the hands and seals of said Committee & recorded in the Office of the Register of the County of Essex shall be Valid to all Intents and Purposes in the Law; and the Committee of the said West Precinct is hereby impowered to sell the said West Precincts part for the most it will fetch; laying out the whole of the price their part sells for, in real Estate, to be and remain for ever to the use of the Ministry in said West Precinct; both the Sale and Purchase to be with the advice and approbation of John Greenleaf, Joseph Gerrish & Caleb Cushing Esq<sup>rs</sup> and the sale and purchase of lands thus performed and approved are hereby ratified and shall be holden good & valid for ever. [*Passed April 22.*]

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## CHAPTER 284.

ORDER DECLARING THE PROCEEDINGS AT THE TOWN MEETING AT UPTON TO BE NULL AND VOID, AND AUTHORIZING ANOTHER MEETING.

Legislative Records of the Council, xvii. (5), 374. Mass. Archives, cxv., 320.

Mass. Archives, cxv., 319. House Journal, pp. 233, 234.

A PETITION of John Hazletine & others Inhabitants of the Town of Upton, complaining of the irregular and illegal proceedings of the Inhabitants of the said Town in a Meeting held in March last, in the choice of Officers, by admitting unqualified persons, and other mismanagements; praying that the Proceedings in the said Meeting may be set aside, and an other Meeting appointed for managing the affairs of the said Town.

Read &

*Ordered* y<sup>t</sup> y<sup>e</sup> Prayer of y<sup>e</sup> Petition be granted (it appearing that the Proceedings within mentioned were illegal) & that y<sup>e</sup> doings of y<sup>e</sup> said Inhabitants at their meeting on y<sup>e</sup> third of March last be & hereby are made null & void & y<sup>e</sup> Select men for y<sup>e</sup> year 1745 are hereby impowered to appoint another meeting as soon as may be for y<sup>e</sup> Choice of Town Officers & other matters proper to be transacted at said meeting, & one of y<sup>e</sup> Constables for y<sup>e</sup> said year 1745 is hereby impowered & directed to warn the same according to Law. [*Passed April 22.*]

## CHAPTER 285.

ORDER REFERRING THE PETITION OF GEO. AND ROB<sup>t</sup> HEWES FOR NEW TRIAL OF DIVERS ACTIONS.

A PETITION of George and Robert Hewes; praying that they may be allowed a new trial of divers Actions between them and Nathan<sup>l</sup> Cunningham, forasmuch as there was great unfairness in the proceedings on the former trials, which was the means of Judgments going against them.

Read and

*Ordered* that this Petition be refer'd till next May Session.  
[*Passed April 22.*]

Legislative  
Records of the  
Council,  
xvii. (5), 374.

Legislative  
Records of the  
Council,  
xvii. (4), 255,  
337, 482. House  
Journal,  
pp. 233, 235.  
*Ante*, p. 316,  
chap. 198.

## CHAPTER 286.

ORDER ALLOWING £10 TO W<sup>m</sup> TARBALL.

A PETITION of William Tarball Jun<sup>r</sup> shewing that being in the publick service against the Indian Enemy under Cpt. Samuel Tarball he was accidentally wounded in the foot by a shot, which shivered divers of the bones, whereby he is taken off from his labour, and fears he shall be always lame; praying for some allowance from this Court.

Read and

*Ordered* that the Petitioner be allowed out of the publick Treasury Ten pounds in full consideration for his sufferings within mentioned. [*Passed April 23.*]

Legislative  
Records of the  
Council,  
xvii. (5), 375.  
House Jour-  
nal, p. 237 *bis*.

## CHAPTER 287.

## VOTE IMPOWERING DIVERS EASTERN CAPTAINS TO MAKE UP THEIR MUSTER ROLLS.

A PETITION of Cpt. Ebenezer Raymond, Cpt. William Burnes, Cpt. James House and Cpt. Morgan Cobb, Commanders of Companies on the Eastern Frontiers; shewing that they dismiss'd their respective Companies as soon as they had received Orders from the Captain General, but by reason of the Establishment of Wages not extending to the time their Service ended, they can not make up their Rolls to that time; praying that their pay for themselves and Companies be allowed for that Time.

Read, and inasmuch as by reason of the season of the year and some extraordinary circumstances the Commanding Officers did not receive their Orders from the Captain General till a considerable time after the Establishment expired; therefore

*Voted* that the several Captains herein named be directed to make up their Muster Rolls until the above mentioned time, allowing the men respectively a proper time to return to their places of abode, excepting such soldiers who came home upon a furlow on or about the Twentieth of December last, and did not return to duty again. In such cases the Captain is hereby directed to make up their Mus-

Legislative  
Records of the  
Council,  
xvii. (5), 376.

House Jour-  
nal, p. 236.

ter Rolls only till the time their furlows expired; and that the Commissary General be directed to allow them subsistence no longer.

*Voted* also, that Cpt. Morgan Cobb with several of his soldiers who by reason of bad weather did not return till the twenty Second of March last be allowed to make up their Muster Roll for such soldiers till that time. [*Passed April 23.*]

## CHAPTER 288.

### ORDER REFERRING THE PETITION OF MICH: HODGE FOR AN ALLOWANCE.

Legislative  
Records of the  
Council,  
xvii. (5), 377.

House Jour-  
nal, p. 237.

A PETITION of Michael Hodge, shewing that he served in the late Expedition as Master of a Transport and also as a Pilot in the most hazzardous services; and therefore praying that he may have a further allowance than he has yet had in consideration thereof.

Read & Refer'd to May Session for consideration. [*Passed April 23.*]

## CHAPTER 289.

### ORDER ALLOWING £5 TO DAVID POWER.

Legislative  
Records of the  
Council,  
xvii. (5), 377.

House Jour-  
nal, pp. 231, 238.  
*Ante*, p. 465,  
chap. 1.

A PETITION of David Power a Soldier in the late Expedition, shewing that he is much disabled by wounds he received from the enemy, and is still under the Doctors hands; praying that he may be allowed his subsistence.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner Five Pounds for his sufferings within mentioned. [*Passed April 23.*]

## CHAPTER 290.

### ORDER ALLOWING £15 TO EBEN<sup>r</sup> & JOHN NUTTING.

Legislative  
Records of the  
Council,  
xvii. (5), 377.

House Jour-  
nal, p. 237.  
*Ante*, p. 465,  
chap. 1.

*Ordered* that the Committee of War be directed to pay Ebenezer Nutting of Marblehead fifteen pounds part of the wages due to his two sons under age, viz<sup>t</sup> Ebenezer and John Nutting, in His Majestys service at Louisbourgh. . [*Passed April 23.*]

## CHAPTER 291.

### ORDER IMPOWERING LYDIA SHEPLE AND JOSIAH SARTLE, ADMINIST<sup>rs</sup> TO EXECUTE A DEED.

Legislative  
Records of the  
Council,  
xvii. (5), 378.

A PETITION of Lydia Sheple and Josiah Sartle Administ<sup>rs</sup> of the Estate of Jonathan Sheple, late of Groton dec<sup>d</sup> praying that they may be impowered in their said Capacity to give a Deed to one

Philip Woolrick of Groton of one third part of a Twenty Acre right in Groton Commons, which the said Intestate sold to him in his life time, and gave his bond for making the said Conveyance, but died before he had accomplished it.

Read and

*Ordered* that the prayer of the Petition be granted, and the Petitioners in their Capacity within mentioned be and hereby are impowered to give and execute a good Deed of the land herein described, to the within named Philip Woolrick accordingly. [*Passed April 23.*]

House Journal, p. 237.

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## CHAPTER 292.

### ORDER ALLOWING £5 TO TERENCE CAIN.

A PETITION of Terence Cain a Soldier in the late Expedition, praying for some further consideration from this Court for the wounds he received from the Enemy whereby he is disabled from labour for his support.

Legislative Records of the Council, xvii. (5), 378.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner Five pounds in full consideration for his sufferings mentioned. [*Passed April 23.*]

House Journal, pp. 231, 238. *Ante*, p. 465, chap. 1.

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## CHAPTER 293.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR FARMING THE EXCISE IN BARNSTABLE COY.

THE COMMITTEE appointed to farm the Excise on Rum and Spirituous Liquors, Lemons and Limes &c for the County of Barnstable for the space of Three years from the 29<sup>th</sup> of June last, have attended that Service and farmed the same to M<sup>r</sup> Cornelius Crocker of Barnstable in said County for the sum of Seventy Six Pounds and ten shillings per Annum and have taken Bond with security for the several payments thereof and have lodged the same with the Province Treasurer. Which is submitted.

Legislative Records of the Council, xvii. (5), 379.

House Journal, p. 240. *Ante*, p. 482, chap. 47.

By Order of the Committee

JAMES OTIS.

Read and

*Ordered* that this Report be Accepted. [*Passed April 24.*]

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## CHAPTER 294.

### ORDER ALLOWING £10 TO JA<sup>s</sup> M<sup>c</sup>FALDEN.

A PETITION of James M<sup>c</sup>Falden a Soldier in the late Expedition, shewing that thro' the great hardships he has endured therein he has had a dangerous fever, and has now a Fever Sore in his Thigh; praying for some consideration from this Court for his sufferings.

Legislative Records of the Council, xvii. (5), 380.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner, ten pounds, in full consideration of his sufferings herein mentioned. [*Passed April 24.*]

House Journal, pp. 236, 241. *Ante*, p. 465, chap. 1.

## CHAPTER 295.

VOTE ALLOWING £23. 10 TO JOHN DENNIS.

Legislative  
Records of the  
Council,  
xvii. (5), 381.  
House Jour-  
nal, pp. 234, 239.

A PETITION of John Dennis late Truck Master at S<sup>t</sup> Georges River, with an Accompt of his disbursements for the service of the Government; praying the allowance of the said Acc<sup>t</sup> amounting to the sum of £232 Old Ten<sup>r</sup>

Read and

*Voted* that the Commissary General be directed, in adjusting Accompts with the Petitioner, to allow him Twenty Three Pounds ten shillings Bills of the last Emission in full for the several articles of Charge exhibited in the above written Accompt. [*Passed April 24.*]

## CHAPTER 296.

ORDER ALLOWING £8 TO JOHN BARRET.

Legislative  
Records of the  
Council,  
xvii. (5), 381.

House Jour-  
nal, p. 239.  
*Ante*, p. 465,  
chap. 1.

A PETITION of John Barret a Soldier in the late Expedition, praying for an Allowance from this Court in consideration of his dangerous sickness occasioned by the hardships he endured in the said Expedition.

Read and

*Ordered* that the Committee of War be directed to pay the Petitioner Eight Pounds in full consideration of his sufferings above mentioned. [*Passed April 24.*]

## CHAPTER 297.

ORDER ALLOWING £5 TO BENJ: ANGIER.

Legislative  
Records of the  
Council,  
xvii. (5), 382.

House Jour-  
nal, pp. 231, 239.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Benjamin Angier a Soldier in the late Expedition; shewing that thro' his great hardships endured thereon he fell into a dangerous fever which left him under great languishments with the loss of one of his eyes; praying for some allowance from this Court.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner Five Pounds in full consideration of his sufferings herein mentioned. [*Passed April 24.*]

## CHAPTER 298.

VOTE ALLOWING £10 FOR ROBERT DUNLAP.

Legislative  
Records of the  
Council,  
xvii. (5), 382.

A PETITION of James Dunlap in behalf of his Father Robert Dunlap a Soldier in the late Expedition, shewing that his said father while in the Trenches received a grievous wound in the

head, whereby his skull is fractured, and thereby is rendered incapable of doing any thing for his support, the charge of which has lain upon the Petitioner since his return; praying for some consideration from this Court.

*Voted* that the sum of Ten pounds be allowed by the Committee of War to the Petitioner for the use of his Father, in full consideration of his sufferings herein mentioned. [*Passed April 24.*]

House Journal, pp. 231, 239. *Ante*, p. 466, chap. 1.

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## CHAPTER 299.

### ORDER OF NOTICE ON THE REPORT FOR A NEW PARISH IN IPSWICH AND ROWLEY.

SAMUEL WATTS Esq<sup>r</sup> from the Committee on the Petition of divers Inhabitants of the Towns of Ipswich and Rowley for a Precinct [*ante*, p. 470, chap. 16, gave in a report]:

Legislative Records of the Council, xvii. (5), 383.

On which was pass'd the following Vote, viz<sup>t</sup>

Read, and inasmuch as by the within Report some tracts of Land are set off from the first Parishes in Ipswich & Rowley which are excepted in the Votes of the Parishes and which were not petitioned for;

Therefore

*Voted* that the First Parishes in Ipswich and Rowley be notified of the contents of this Report, that they shew cause if any they have, on the first Tuesday of the next May Session why the said Report should not be accepted. [*Passed April 24.*]

House Journal, pp. 238, 239. *Ante*, p. 470, chap. 16; p. 542, chap. 203.

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## CHAPTER 300.

### ORDER ALLOWING £25. 15 TO JOHN RUSSEL ESQ<sup>r</sup>.

A PETITION of John Russel Esq<sup>r</sup> Sheriff of the County of Barnstable; praying that his Accompt of the charge of the removal of Jeremy Jude (an Indian tried for murther) from Duke County to Barnstable and from thence to Nantucket (which Acc<sup>t</sup> is herewith exhibited) may be allowed and the sum of £25. 16 the amount thereof paid to him out of the publick Treasury.

Legislative Records of the Council, xvii. (5), 383.

Read and

*Ordered* that Twenty five pounds sixteen shillings be paid to the Petitioner John Russel Esq<sup>r</sup> out of the publick Treasury, in full of his Accompt of charge upon Jeremy Jude removed by Order of this Court from Nantucket to Barnstable for his trial for murther. [*Passed April 24.*]

House Journal, pp. 232, 239. Province Laws, iii., 156, chap. 8. *Ante*, p. 422, chap. 151. *Infra*, chap. 301.

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## CHAPTER 301.

### ORDER ALLOWING £11. 12 TO JOS. DIMOCK.

A PETITION of Joseph Dimmock, Under Keeper of the Goal in the County of Barnstable, praying that this Court would give order for the payment of the charge of keeping Jeremy Jude an Indian committed for murther of Simon Aaron at Nantucket.

Legislative Records of the Council, xvii. (5), 383.

House Journal, pp. 104, 239,

240. *Ante*,  
p. 504, chap.  
105. *Supra*,  
chap. 300.

Read and

*Ordered* that this petition be revived, and that the sum of Eleven Pounds twelve shillings<sup>1</sup> be allowed the Petitioner out of the Publick Treasury for dieting Jeremy Jude, at four shillings per week, in full consideration thereof. [*Passed April 24.*]

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## CHAPTER 302.

### VOTE APPOINTING A COMMITTEE TO PROVIDE A PLACE FOR THE PIGWACKET INDIANS.

Legislative  
Records of the  
Council,  
xvii. (5), 384.

Legislative  
Records of the  
Council,  
xvii. (5), 289.  
House Jour-  
nal, p. 244.

*Voted* that M<sup>r</sup> Foster, M<sup>r</sup> Otis and M<sup>r</sup> Tupper be a Committee to provide a suitable place for the reception of the Pigwacket Indians now at the Castle, where they may be less chargeable to the Province, and transport them there as soon as may be; the Committee to report their doings herein to this Court at the next May Session. [*Passed April 25*]

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## CHAPTER 303.

### VOTE FOR SOLDIERS GOING OUT OF THE PROVINCE.

Legislative  
Records of the  
Council,  
xvii. (5), 385.

House Jour-  
nal, p. 245.  
Province  
Laws, i., 267,  
chap. 1.

*Voted* that for six months next ensuing that upon news or apprehension of an Attack or Invasion by Land, His Excellency the Captain General be desired to give Orders to the Officers of the established Forces for the Defence of the Province, and such others as may issue forth upon that occasion, agreeable to the directions of the law in case of an Invasion, to repel or pursue the Enemy, altho out of the limits of the Province. [*Passed April 25.*]

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## CHAPTER 304.

### ORDER ALLOWING £4 TO AND. LESLEAR.

Legislative  
Records of the  
Council,  
xvii. (5), 386.

House Jour-  
nal, p. 245.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Andrew Leslear a Soldier in the late Expedition against Cape Breton, shewing that he was wounded in the Thigh by the bursting of a Cannon, by which wound he is much disabled from labour, and therefore praying for an Allowance from this Court for his support.

Read and

*Ordered* that the Committee of War be directed to pay the Petitioner Four Pounds in full consideration of the sufferings mentioned in the Petition. [*Passed April 25.*]

<sup>1</sup> The House Journal, p. 239, reads, "£11. 13."



## CHAPTER 305.

## VOTE DECLARING HATHORNS FARM TO BE IN TOWNSHEND.

A MEMORIAL of Cpt. John Stevens in behalf of the Inhabitants of the town of Townshend, praying that the Tract of Land called Hathorns Farm (which lies in the midst of the said Town) with the Inhabitants thereof may be annexed to the said Town of Townshend and accounted a part thereof.

Read and Forasmuch as by the Law of this Province pass'd in the fifth and sixth year of His present Majestys reign entitled An Act for erecting a new Town in the County of Middlesex at the North part of Turkey Hills (so called) they are already made a part of said Town, and therefore ought to do Duty and receive Privilege as the other Inhabitants thereof. [*Passed April 25.*]

Legislative  
Records of the  
Council,  
xvii. (5), 386.

House Jour-  
nal, pp. 236, 244.  
Province  
Laws, II., 643,  
chap. 3.

## CHAPTER 306.

## VOTE FOR THE ESTABLISHMENT OF THE FORCES ON THE FRONTIERS.

*Voted* that His Excellency the Captain General be desired to cause to be forthwith enlisted or imprested for the defence of the Eastern Frontiers, Four Hundred and Sixty able bodied effective men, including the Two Hundred and Six already employed there; And for the Western Frontiers, One hundred and seventy eight, including those already employed there, together with One hundred and twenty five more Inhabitants in the Eastern Parts to be employed there, & Ninety three men more Inhabitants in the Western Parts to be employed there, proportioned in the following manner, viz<sup>t</sup> Paquoig, six; Nechawag, five; Narraganset N<sup>o</sup> 2, four; Lunenburg, six; Leominster two; Groton West Preeinet, four; Townshend, five; Number 4, four; Contocook, four; Rumford, six; Great Meadows, two; New Hopkinton, two; Upper Ashuelet, four; Lower Ashuelet, four; Winchester, four; Colrain, four; Fall Town, four; Northfield, six; Deerfield, six; New Ipswich, two; Sohegan West, four; Salem Canada, two; The Inhabitants near Witchcasset called Unksehansel, two; Moses Rice, at Charlemont.<sup>1</sup> East Georges, twenty; Damarascotty, four; Sheepscott, six; Wiscasset, eight; George Town twenty; Brunswick, eight; Topsham, six; North Yarmouth, eight; Falmouth, ten; Scarboro, six; Biddeford, four; Arundell, three; Philips Town, eight; Gorham Town, seven; New Marblehead, seven. The Inhabitants already in pay to be included in the 125 for the Eastern Parts: and the Inhabitants already in pay to be included in the 93 for the Western Parts, to be employed in guarding and Scouting in and near the Towns where they respectively belong, and to be exchanged alternately in their several Towns once every month, & oftener if need be.

Also

*Voted* that there be an addition of ten men to the twelve already posted at Fort Georges in Brunswick in order to strengthen the same.

Further

*Voted* that the Pay and Subsistence be the same as before for the soldiers employed in the Eastern and Western Frontiers, and to con-

Legislative  
Records of the  
Council,  
xvii. (5), 388.

House Jour-  
nal, pp. 242, 243.  
*Ante*, p. 556,  
chap. 245.

<sup>1</sup> The House Journal, p. 242, inserts, "one."

tinue to the first day of November next; and that there be an Addition of eight men to the Soldiers already employed at the Upper Block House on Saco River, to be entitled to the same Pay and Subsistence with the other soldiers posted in the Eastern & Western Parts.

Also

*Voted* that there be allowed and paid as an encouragement to Sixty able bodied effective men who shall enlist under such Officers as His Excellency the Governor shall appoint to go against His Majesty's Indian enemy in the places where they dwell and hunt (the said sixty to include twenty five of those to be employed in the Western Parts) and to such and such only as shall actually perform said service, the following sums, viz<sup>t</sup> Eighty Pounds for each male Captive upwards of twelve years of age, and Forty Pounds for each male captive under twelve years of age and the same sum for females of any age; and for each scalp of a male of above twelve years of age Seventy five pounds, and for the scalp of a male under twelve years of age Thirty Seven pounds ten shillings and six pence, and the like sum for the scalp of Females. And that during any march or marches made before the first day of November next, there shall be paid to every person who shall enlist and perform as aforesaid, as a Bounty, twenty five shillings, and for their bilet- ing twenty five shillings per month, and for their wages twenty five shillings per month; their wages & subsistence to begin ten days before their departure from the last English Settlement, and to cease at their return to the first English Settlement; and one pound of powder, two pounds of bullets, & six good flints to each Soldier who shall enlist and perform duty as aforesaid; and that there shall be allowed Pay and Subsistence to one Captain and two Lieutenants to said Company and no more; and their pay to be the same as theirs of the same rank in the Province Service in the Frontiers And that there shall be allowed a Surgeon to said Company who shall have equal pay with the Captain; and that the said Commission Officers and Surgeon shall be equally entitled to the Bounty and Premium before mentioned with the private Soldiers; the Commanding Officer by himself or some other meet person to keep a fair Journal of their Travel and Doings, and lay before the Court before any Muster Roll shall be allowed & passed; and the said Captain to give security to return the Bounty to the Province Treasurer of any Person that shall receive it and doth not actually go into and perform said service. [*Passed April 25.*]

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## CHAPTER 307.

### ORDER REFERRING THE PETITION OF W<sup>m</sup> SWIFT.

Legislative  
Records of the  
Council,  
xvii. (5), 391.  
House Jour-  
nal, p. 114  
(November,  
1744); p. 117  
(December,  
1744); pp. 216,  
241.

A PETITION of William Swift, Clerk of the Military Company in the Town of Sandwich, shewing that he has obtained Judgment against divers persons for not being furnished with Arms according to Law, but by reason of the delay of this Court to act upon his former Petition, and his not having his Executions served till he could know the mind of this Court, he has lapsed the time for taking out Alias Executions, and he is liable to pay the charge of these prosecutions; therefore praying for relief from this Court.

Read and

*Ordered* that this Petition be revived, & that the consideration thereof be refer'd till next May Session. [*Passed April 25.*]

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## CHAPTER 308.

### ORDER REFERRING THE PETITION OF JOS. NEWLAND & OTHERS OF EASTON.

A PETITION of Joseph Newland and others of the town of Easton complaining of the irregular proceedings of the Inhabitants of the said Town at their meeting in March last especially in their choice of the Officers of the said Town; and therefore praying that this Court would set aside the said Elections and other proceedings of the said Meeting and order an other Meeting for the affairs of the said Town.

Legislative  
Records of the  
Council,  
xvii. (5), 367,  
393.

House Jour-  
nal, pp. 225, 230,  
242.

Read together with the answer of the Select men of the Town of Easton, &

*Ordered* that the consideration of this Petition be refer'd to the second Wednesday of the Session of this Court in May next. [*Passed April 25.*]

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## CHAPTER 309.

### VOTE ESTABLISHING THE WAGES OF THE GARRISON AT CASTLE WILLIAM.

*Voted* that the usual Establishment be made for One Hundred men for the defence of Castle William; their Wages as per last Establishment, to begin May first, 1746, & to continue till the first of September following.<sup>1</sup> [*Passed April 25.*]

Legislative  
Records of the  
Council,  
xvii. (5), 394.

Province  
Laws, iii., 206,  
chap. 24.

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## CHAPTER 310.

### VOTE ALLOWING £1,000 FOR REPAIRS AT CASTLE WILLIAM.

*Voted* that the Treasurer be directed to deliver to the Committee appointed to repair the Works &c at Castle William One Thousand Pounds out of the General Appropriation for Grants, in order to compleat the Works there; the Committee to be accountable. [*Passed April 25.*]

Legislative  
Records of the  
Council,  
xvii. (5), 395.

Province  
Laws, iii., 254,  
chap. 11.  
*Ante*, p. 109,  
chap. 230;  
p. 121, chap.  
261.

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## CHAPTER 311.

### VOTE AUTHORIZING THE ENLISTMENT OF FIFTY MEN FOR SERVICE AGAINST THE INDIANS.

A PETITION of Cpt. Eleazar Melvin, Shewing that he is ready to proceed in quest of the Indian Enemy with a number of Volunteers, if His Excellency shall think proper to grant him a Commis-

Legislative  
Records of the  
Council,  
xvii. (5), 395.

<sup>1</sup> Not found in the House Journal.

*Ante*, p. 577,  
chap. 306.

sion for that Service and this Court shall give proper Encouragement, And therefore praying that the Court would vote such encouragement accordingly.

Read and

*Voted* that there be the same Encouragement for fifty able bodied men who shall enlist under such Officers as His Excellency the Governor shall appoint for that purpose, the said Fifty to include the Twenty five already posted at Contocook; their head quarters to be at said place. [*Passed April 25.*]

## CHAPTER 312.

### RESOLVE AND ORDER ON THE PETITION OF JAMES JERVIS AND OTHERS DIRECTING THE RETURN OF TAXES.

Legislative  
Records of the  
Council,  
xvii. (5), 348,  
365.

House Jour-  
nal, pp. 205, 215,  
238. Province  
Laws, iii., 235,  
chap. 1.

A PETITION of James Jervis & others, Inhabitants of the Towns near Boston, complaining that the Assessors of Boston have assessed a Tax upon them for selling Beef in the Market of that Town, which they apprehend to be against Law; and therefore praying for relief from this Court.

Read, with the answer of the Assessors of the Town of Boston, &

*Resolved* that the Petitioners within named are not Merchants Traders or Factors within the true intent and meaning of that Paragraph in the Tax Acts, nor ought to have been understood and assessed by the Assessors of the Town of Boston:

Therefore

*Ordered* that the Collectors of the said Town give the Petitioners no further trouble in this matter, but return the money they have received from any of them, to the respective Persons from whom the same was collected; and the said Assessors be and hereby are impowered & directed to abate the Collectors all such sums as they have assessed the Petitioners and committed to them or any of them to collect. [*Passed April 25.*]

## CHAPTER 313.

### RESOLVE AFFIRMING WM COFFIN TO BE IN FULL EXERCISE OF THE POWERS OF HIS OFFICE AS FARMER OF EXCISE.

Legislative  
Records of the  
Council,  
xvii. (5), 396.

Legislative  
Records of the  
Council,  
xvii. (5), 342.  
House Jour-  
nal, p. 242.  
*Ante*, p. 553,  
chap. 241.

A PETITION of William Coffin, Farmer of the Excise for the County of Suffolk, shewing that several of the Retailers in the Town of Boston refuse to pay their Excise to him, supposing him disabled from receiving it, by reason of the Judgment obtained against him at the Superior Court by Anthony Caverly, altho he has given Bond to prosecute a Review of that Action, and his Writ of Review is actually served upon the said Caverly, praying for the Aid of this Court in the said affair.

Read and

*Resolved* that the Petitioner is and ought to be in the full exercise of his said Office of Farmer of Excise, and that it shall be so understood, the aforesaid Judgment mentioned in the said Petition notwithstanding. [*Passed April 25.*]

## CHAPTER 314.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON NATICK AFFAIR  
AND FORBIDDING ANY CHANGE IN THE PLACE OF PUBLIC WORSHIP.

A PETITION of Joseph Ephraim & others, Indian Inhabitants of the Plantation of Natick; shewing their Satisfaction in the Order of this Court for erecting the said Plantation into a Precinct, & praying that the Inhabitants taken out of the Town of Dedham may not be taken off from them, but continued as part of the said Precinct or that they may be entirely set back to Deedham and the Inhabitants of Needham also be set off again to that place.

A Petition of the Select men of the Town of Dedham, shewing that they are informed that some of the Inhabitants of the North Westerly part of said Town have petitioned this Court to be set off to Natick; therefore praying that they may have opportunity to give in their reasons against granting the prayer of the said Petition.

Pursuant to the Order of this Hon<sup>ble</sup> Court of the 18<sup>th</sup> Instant, the Committee have considered the several Petitions relating to Natick Precinct, heard the parties, and are humbly of Opinion, That for the Families that by the Vote of this Court of the 20<sup>th</sup> of December 1729 were taken from Dedham and annexed to the Plantation of Natick, to be deemed a part of the Parish or Precinct of Natick, so as to do all the Duties and receive all the Privileges which the other Inhabitants thereof are subject to or may receive, agreeable to the Order of this Court in January last, would be very hurtful both to the Parish of Natick and said Families of Dedham, as also to the whole Parish of Dedham, of whom the said Families were a part: And that therefore the said Families of Dedham should be & remain in the same situation as they were by the said Vote of this Court of the 20<sup>th</sup> of December 1729.

In the Name and by Order of the Committee

JOSEPH DWIGHT

Read and

*Ordered*, that this Report be Accepted, and that the Families belonging to Dedham, be and remain in the same state as they were by the Vote of this Court of the 20<sup>th</sup> of December 1729. And whereas great part of the Inhabitants of Natick are Indians, and the Minister there is in a great measure supported by charitable Donations or Funds for propagating the Gospel among said Indians, and it is reasonable that the house for Publick Worship should always be placed convenient for them:

It is further

*Ordered* that no Votes or Acts of the said Parish of Natick for altering the place of publick Worship, shall be deemed valid or have any effect until they are approved of by this Court. [*Passed April 25.*]

## CHAPTER 315.

## VOTE CALLING A TOWN MEETING IN THE NEW PARISH IN HINGHAM.

*Voted* that Theophilus Cushing one of the principal Inhabitants of the South Parish in Hingham be & hereby is enabled and empowered to call the first Parish Meeting to chuse Precinct Officers and transact the other affairs according to Law. [*Passed April 26.*]

Legislative  
Records of the  
Council,  
xvii. (5),  
339 bis, 396.

Legislative  
Records of the  
Council,  
xvii. (5), 368.

Province  
Laws, xi., 462,  
chap. 148.  
House Jour-  
nal, pp. 189, 211,  
230, 240. *Ante*,  
p. 346, chap.  
217.

Legislative  
Records of the  
Council,  
xvii. (5), 398.  
House Jour-  
nal, p. 248.

## CHAPTER 316.

## VOTE FOR SENDING MEDICINES TO THE FRONTIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 398.

House Jour-  
nal, p. 249.

*Voted* that the Commissary General be directed to procure and send to the Head Quarters of the Eastern and Western Frontiers, six Boxes of Medicines &<sup>c</sup> to the value of Three Pounds ten shillings each, for the supply of the Soldiers employed in defence of the Province there; to be committed to the care of some meet person or persons there. [*Passed April 26.*]

## CHAPTER 317.

## VOTE FOR CONTINUING MATTERS NOW BEFORE THE COURT, TO THE NEXT SESSION.

Legislative  
Records of the  
Council,  
xvii. (5), 398.

House Jour-  
nal, p. 249.

*Voted* that all matters which have Day in this Session and not pass'd upon, shall have the same day in the next May Session. [*Passed April 26.*]

## CHAPTER 318.

ORDER ALLOWING MARY AND SAM<sup>l</sup> GREENWOOD, ADMINISTRATORS, FURTHER TIME TO REPORT ON AN INSOLVENT ESTATE.

Legislative  
Records of the  
Council,  
xvii. (5), 401.

House Jour-  
nal, p. 237.

A PETITION of Mary Greenwood & Samuel Greenwood Administr<sup>rs</sup> of the Estate of Samuel Greenwood late of Boston merchant, dec<sup>d</sup>; shewing that the said Estate having been represented insolvent the Judge of Probate for the County of Suffolk appointed Commissioners to examine the claims of the Creditors, which they did accordingly, but not being able to make their Report till the time allowed by law was elapsed, the Judge refused to receive it; praying that he may be empowered by this Court to receive the said Report.

Read and

*Ordered* that the prayer of the petition be granted, and the said Judge is allowed to appoint a further time accordingly. [*Passed April 26.*]

## CHAPTER 319.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF CONCORD, WESTON AND LEXINGTON INHABITANTS TO BE ERRECTED INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (5), 401.

Legislative  
Records of the  
Council,  
xvii. (5), 251.  
House Jour-  
nal, pp. 91, 98  
(October,

THE COMMITTEE appointed to consider the Petition [*ante*, p. 386, chap. 62] of Sundry Persons and Proprietors of lands and tenements lying in the Easterly Part of Concord, Northerly part of Weston and Westerly part of Lexington, in pursuance thereof have repaired to to<sup>1</sup> the above said Towns, viewed the circumstances of the Estates proposed to be made into a Precinct, and the situation and circumstances of the above said Towns, have also heard the Parties affected

by said Petition; and upon the whole are humbly of Opinion That the Petitioners and others with their estates included within the bounds mentioned in said Petition, be erected into a distinct and separate Precinct, excepting the following Persons and their Estates, viz<sup>t</sup> Daniel Brown, Thomas Nelson, Nehemiah Abbot, Jabez Stratton, Timothy Billings, Joseph Billings, Amos Heald, Daniel Parks, Zachariah Parks, Samuel Farrar, Joseph Wheat Jun<sup>r</sup> Jonas Wheeler, Benjamin Wheeler, Nathaniel Whittamore, of Concord; Samuel Billings, George Farrar, George Farrar Jun<sup>r</sup> Job. Brooks, Daniel Brooks, Daniel Brooks,<sup>1</sup> Samuel Brooks Hugh Brooks, Joseph Brooks Jun<sup>r</sup> Joseph Wheat, John Wheat Timothy Cook, Timothy Lampson, Ephraim Hartwell, Josiah Brewer, John Jackson, William Hagar, and Joseph Underwood, and the estates of the heirs of Gregory Stone and John Hoar, unless the above named Persons declare their willingness therefor, by giving in their Names into the Secretarys Office within one year from the date hereof, Which is humbly submitted

1744); p. 161 (January, 1745); pp. 247, 248. *Ante*, p. 386, chap. 62; p. 549, chap. 227.

By SAMUEL WATTS, p Order of the Committee.

Read and

*Ordered* that this Report be Accepted, & that the Petitioners and others with their Estates included within the bounds mentioned in the Petition (except such Persons and their Estates as are excepted by the Report) be and hereby are erected into a distinct and separate Precinct, and vested with all such Powers and Privileges as other Precincts within this Province are or by Law ought to enjoy; and that such of the aforesaid exempted Persons as shall within one year signify to the Secretary under their hands their willingness to join with the Petitioners, be (together with their Estates) incorporated with them and do and receive alike Duty and Privileges as the Petitioners. [*Passed April 26.*]

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## CHAPTER 320.

ORDER DIRECTING THAT THE LOTTERY MONEY BE PAID INTO THE TREASURY, AND VOTE THAT £275 BE PAID TO THE MANAGERS THEREOF.

*Ordered* that the Managers of the late Lottery forthwith pay into the publick Treasury the sum of Two Thousand five hundred and five Pounds five shillings, deducting what shall be allowed them by the Governor and Council for necessary charges.

Legislative Records of the Council, xvii. (5), 403.

*Voted* also that the sum of Two Hundred and seventy five pounds be allowed and paid out of the publick Treasury to the five Managers of said Lottery, to be divided among them according to their respective Services. [*Passed April 26.*]

House Journal, p. 248. Province Laws, iii., 195, chap. 20.

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## CHAPTER 321.

VOTE ALLOWING THE ENLISTMENT OF SIXTY VOLUNTIERS.

A MEMORIAL of John Davis of Bideford, shewing that a number of men in the Eastern Parts are willing to go out against the Indians upon proper Encouragement; and therefore praying that he may be

Legislative Records of the Council, xvii. (5), 403.

<sup>1</sup> *Sic.*

House Journal, p. 249.  
*Ante*, p. 577,  
chap. 306.

encouraged to enlist Sixty men for that Service, to go upon the Indians hunting grounds.

Read and

*Voted* that there be allowed the same Encouragement for sixty able bodied men who shall enlist under such Officers as His Excellency shall appoint to go against the Indian Enemy in the places where they dwell and hunt, as has been allowed to the Sixty men already appointed for that purpose. [*Passed April 26.*]

Legislative Records of the Council, xvii. (5), 403.

House Journal, p. 250.  
Province Laws, iii., 254,  
chap. II. *Ante*,  
p. 583, chap.  
320.

## CHAPTER 322.

VOTE DIRECTING THE LOTTERY MONEY TO BE ADDED TO THE APPROPRIATION FOR GRANTS.

*Voted* that the Ballance of the Accompts of the Governments Lottery be added to the Appropriation for Grants in the last Supply Bill. [*Passed April 26.*]

## CHAPTER 323.

VOTE FOR A MEETING OF THE NEW PRECINCT TAKEN FROM CONCORD &<sup>c</sup>.

Legislative Records of the Council, xvii. (5), 404.

House Journal, p. 248.  
*Ante*, p. 582,  
chap. 319.

*Voted* that Benjamin Brown one of the principal Inhabitants of the Parish <sup>1</sup> this day set off, consisting of Inhabitants partly of the Town of Concord, and partly of the Towns of Weston and Lexington, be and hereby is enabled to call the first Precinct Meeting in said Parish, to chuse Precinct Officers, and to act and do all other things according to Law. [*Passed April 26.*]

## CHAPTER 324.

VOTE FOR ADDIT<sup>l</sup> FORCES FOR Y<sup>e</sup> WESTERN FRONTIERS.

Legislative Records of the Council, xvii. (5), 404.

House Journal, p. 247.  
*Ante*, p. 577,  
chap. 306.

*Voted* that there be an addition of One Hundred and Nine men to those already posted on the Western Frontiers by the Vote of this Court the twenty fourth currant, to be upon the same Establishment and for the same time. [*Passed April 26.*]

## CHAPTER 325.

VOTE APPOINTING A COMM<sup>TEE</sup> ON THE SUPPLY OF THE GARRISON AT LOUISBURGH.

Legislative Records of the Council, xvii. (5), 404.

House Journal, p. 247.

In the House of Representatives;  
*Voted* that M<sup>r</sup> Hutchinson, M<sup>r</sup> Oliver, M<sup>r</sup> Welles, M<sup>r</sup> Russel, Coll. Cotton and M<sup>r</sup> Royal, with such as the Hon<sup>ble</sup> Board shall appoint, be a Committee to write to the Agents directing them to contract

<sup>1</sup> This afterward became the town of Lincoln.



in behalf of this Province for the supplying the Garrison at Louis-  
bourg.

In Council; Read and Concur'd, & John Osborne Jacob Wendell  
and Andrew Oliver Esq<sup>rs</sup> are joined in the affair. [*Passed April 26.*]

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## CHAPTER 326.

### VOTE RESPECTING MONEY FOR THE PURCHASE OF GUN POWDER.

*Voted* that what money shall be necessary for purchasing Powder  
be taken out of the general Appropriation for Grants. [*Passed*  
*April 26.*]

Legislative  
Records of the  
Council,  
xvii. (5), 405.

House Jour-  
nal, p. 249.  
Province  
Laws, iii., 254,  
chap. 11.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1746-47.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1746-47.

HIS EXCELLENCY WILLIAM SHIRLEY,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,

SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay ;*

JOHN OSBORNE	}	ESQRS.	SAMUEL DANFORTH	}	ESQRS.
EBENEZER BURRILL		WILLIAM FOYE			
FRANCIS FOXCROFT		JOHN GREENLEAF			
JOSIAH WILLARD		SAMUEL WATTS			
JACOB WENDELL		JOSEPH DWIGHT			
THOMAS BERRY		JOHN CHANDLER			
JOSEPH WILDER		EZEKIEL CHEVER			
BENJAMIN LYNDE		ELIAKIM HUTCHINSON			
DANIEL RUSSEL	JAMES BOWDOIN				

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth ;*

JOHN CUSHING	}	ESQRS.	SYLVANUS BOURN	}	ESQRS.
GEORGE LEONARD		PEREZ BRADFORD			

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne ;*

SIR WILLIAM PEPPERIL, BARONET, JEREMIAH MOULTON & JOHN HILL, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia ;*

JOHN WHEELWRIGHT, Esq.

<sup>1</sup> See Legislative Records of the Council, xvii. (5), 409-416.

*For the Province, at large:—*

JAMES MINOTT & ANDREW OLIVER, ESQRS.

REPRESENTATIVES OR DEPUTIES.

*May 28, 1746 to April 25, 1747.*

MR. THOMAS HUTCHINSON, SPEAKER.

COUNTY OF SUFFOLK.

*Boston*, . . . Samuel Welles, Esq.,  
                   Thomas Hutchinson, Esq.,  
                   Andrew Oliver, Esq.,  
                   Thomas Hubbard, Esq.  
*Roxbury*, . . . Joseph Heath, Esq.  
*Dorchester*, . . . Capt. Thomas Wiswall.  
*Milton*, . . . Col. Samuel Miller.  
*Brantree*, . . . Major William Hunt.  
*Weymouth*, . . . Major Adam Cushing.  
*Hingham*, . . . Col. Benjamin Lincoln.  
*Dedham*, . . . Joseph Richards, Esq.  
*Stoughton*, . . . Capt. John Shepherd.  
*Medfield*, . . . Mr. George Barber.  
*Wrentham*, . . . Mr. John Goldsbury.  
*Chelsea*, . . . Mr. Thomas Pratt.

COUNTY OF ESSEX.

*Salem*, . . . Capt. Benjamin Pickman.  
*Ipswich*, . . . John Choat, Esq.,  
                   Daniel Appleton, Esq.  
*Newbury*, . . . Joseph Gerrish, Esq.  
*Lyn*, . . . Ebenezer Burrill, Esq.  
*Marblehead*, . . . James Skinner, Esq.  
*Andover*, . . . Capt. Nathaniel Frye.  
*Beverly*, . . . Robert Hale, Esq.  
*Rowley*, . . . John Hobson, Esq.  
*Salisbury*, . . . Caleb Cushing, Esq.  
*Haverhill*, . . . Capt. Nathaniel Peaslee.  
*Glocester*, . . . Mr. William Parsons.  
*Amesbury*, . . . Thomas Rowell, Esq.  
*Boxford*, . . . Mr. Benjamin Porter.  
*Bratford*, . . . Mr. William Hardy.  
*Wenham*, . . . Mr. Jonathan Porter.  
*Middleton*, . . . Mr. Timothy Fuller.

COUNTY OF MIDDLESEX.

*Cambridge*, . . . Andrew Boardman, Jr.,  
                   Esq.  
*Charlestown*, . . . Isaac Royal, Esq.,  
                   Mr. James Russel.

COUNTY OF MIDDLESEX — *Concluded.*

*Watertown*, . . . Mr. Jonas Bond.  
*Woburn*, . . . Mr. Josiah Pierce.  
*Concord*, . . . Mr. Ephraim Jones.  
*Reading*, . . . Capt. Thomas Eaton.  
*Newtown*, . . . Mr. Thomas Greenwood.  
*Sudbury*, . . . Ephraim Curtis, Esq.  
*Groton*, . . . William Lawrence, Esq.  
*Marlboro'*, . . . Mr. Samuel Witt.  
*Billerica*, . . . Benjamin Thomson, Esq.  
*Framingham*, . . . Joseph Buckminster, Jr.,  
                   Esq.  
*Lexington*, . . . Capt. William Reed.  
*Chelmsford*, . . . Capt. Samuel Chamberlain.  
*Malden*, . . . Joses Bucknam, Esq.  
*Weston*, . . . Mr. Josiah Brewer.  
*Medford*, . . . Mr. Andrew Hall.  
*Littleton*, . . . Mr. Jonathan Prescott.  
*Hopkinton*, . . . John Jones, Esq.  
*Sherburn*, . . . Isaac Coolidge, Esq.  
*Westford*, . . . Thomas Read, Esq.  
*Waltham*,<sup>1</sup> . . . Capt. Samuel Livermore.

COUNTY OF HAMPSHIRE.

*Springfield*, . . . Joseph Pyncheon, Esq.  
*Northampton*, . . . John Stoddard, Esq.  
*Hadley*, . . . Eleazer Porter, Esq.  
*Hatfield*, . . . Oliver Patridge, Esq.  
*Westfield*, . . . Mr. Matthew Noble.  
*Suffield*, . . . Samuel Kent,<sup>2</sup> Esq.  
*Enfield*, . . . Mr. Ebenezer Terrey.  
*Deerfield*, . . . Thomas Wells, Esq.  
*Brimfield*, . . . Mr. Thomas Mighill.

COUNTY OF WORCESTER.

*Worcester*, . . . Benjamin Flagg, Esq.  
*Laneaster*, . . . Capt. Josiah Wilder.  
*Woodstock*, . . . Mr. Jabez Lyon.  
*Brookfield*, . . . Thomas Gilbert, Esq.  
*Leicester*, . . . Capt. Daniel Denny.  
*Mendon*, . . . Capt. Robert Taft.

<sup>1</sup> The House Journal, p. 4, after this town inserts, "*Townshend*, Capt. John Stevens."

<sup>2</sup> The House Journal, p. 4, inserts, "Jun."

COUNTY OF WORCESTER — *Concluded.*

*Lunenburg,* . Edward Hartwell, Esq.  
*Westborough,* . Mr. Francis Whipple.  
*Southborough,* . Mr. Samuel Liscomb.  
*Shrewsbury,* . John Keys, Esq.  
*Uxbridge,* . . John Harwood, Esq.

COUNTY OF PLYMOUTH.

*Plymouth,* . . Mr. Thomas Foster.  
*Scituate,* . . Capt. Caleb Torrey.  
*Duxbury,* . . Capt. Gamaliel Bradford.  
*Marshfield,* . John Little, Esq.  
*Bridgewater,* . Capt. Josiah Edson, Jr.  
*Middleboro,* . Mr. Benjamin Tucker.  
*Rochester,* . . Mr. Samuel Wing.  
*Plympton,* . . Mr. William Churchill.

COUNTY OF BARNSTABLE.

*Barnstable,* . James Otis, Esq.  
*Sandwich,* . . Mr. Timothy Ruggles.  
*Yarmouth,* . . Mr. John Miller.  
*Eastham,* . . Capt. Samuel Knowles.  
*Falmouth,* . . Capt. Thomas Shiverick.  
*Harwich,* . . Joseph Freeman, Esq.

COUNTY OF BRISTOL.

*Bristol,* . . . Charles Church, Esq.  
*Taunton,* . . . James Williams, Esq.  
*Rhoboth,* . . . Mr. Daniel Barney.  
*Little Compton,* . William Richmond, Esq.  
*Dartmouth,* . . Mr. James Allen.  
*Norton,* . . . Capt. Samuel Caswall.  
*Attleborough,* . Perez Bradford, Esq.  
*Dighton,* . . . Mr. Joseph Atwood.  
*Tiverton,* . . . Job Almy, Esq.  
*Freetown,* . . Mr. John Winslow.  
*Swansey,* . . Mr. Caleb Luther.  
*Easton,* . . . Capt. Eliphalet Leonard.

COUNTY OF YORK.

*York,* . . . . Capt. Thomas Bragdon.  
*Kittery,* . . . Nathaniel Sparhawk, Esq.  
*Wells,* . . . . Mr. Peletiah Littlefield.  
*North Yarmouth,* Jeremiah Powell, Esq.  
*Berwick,* . . . Capt. Moses Butler.  
*Falmouth,* . . Mr. Jabez Fox.  
*Arundel,* . . . Capt. Thomas Perkins.

IN THE COUNTY OF NANTUCKET.

*Sherburn,* . . Mr. Abishai Folger.





# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-EIGHTH DAY OF MAY, A.D. 1746.

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## CHAPTER 1.

ORDER ALLOWING BENJ: MILLER & OTHERS 7/6 PER WEEK FOR BILLETING MONEY.

A PETITION of Benjamin Miller, Nath<sup>l</sup> Mayo, Thomas Clark, Benjamin Cassel, & Moses Wight, shewing that they were impressed in April last for the service on the Eastern Frontiers and have travel'd about one hundred miles to Boston, and are ready to proceed Eastward, but cannot get their billeting money; praying that they may receive it by Order of this Court.

Read and

*Ordered* that the Commissary General be directed to pay unto Benjamin Miller, Nathaniel Mayo, Thomas Clark, Benjamin Cassel, Moses Wight and Ebenezer Jones seven shillings and six pence per week, from the time of their being impressed to the time of their Embarkation.<sup>1</sup> [*Passed May 30.*]

Legislative  
Records of the  
Council,  
xvii. (5), 423.  
House Journal,  
pp. 11, 12.

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## CHAPTER 2.

ORDER IMPOWERING BENJ: JOB, INDIAN, TO SELL LAND AND EXECUTE A DEED.

A PETITION of Benjamin Job of Mashpee, Indian, shewing that he has been at much charge in the law to maintain his right to a lot of land belonging to him in said place, by which means he is considerably in debt; praying for liberty to sell the said land for payment of the said debt, and for his future support.

Read and

*Ordered* that the Petitioner be and he hereby is allowed and empowered (with the assistance of James Otis Esq<sup>r</sup>) to sell the land herein mentioned for the most the same will fetch, and to execute a good Deed or Deeds of the same, the Produce thereof to be applied for the payment of the Petitioners just debts, the Overplus (if any there be) to be applied for the support of his aged mother and his own family. [*Passed May 31.*]

Legislative  
Records of the  
Council,  
xvii. (5), 424.  
House Journal,  
p. 13.

<sup>1</sup> The House Journal, p. 23, states that this petition was recommitted.

## CHAPTER 3.

## ORDER AND VOTE GRANTING BOUNTY AND SUPPLIES FOR THREE THOUSAND MEN TO BE ENLISTED FOR AN EXPEDITION AGAINST CANADA.

Legislative  
Records of the  
Council,  
xvii. (5), 426.

House Jour-  
nal, pp. 13, 14.  
*Infra*, chap. 4.

In the House of Represent<sup>ves</sup>

Whereas His Majesty has been pleased to resolve upon an Expedition against his enemies in Canada, which is apprehended to be of great importance to His Majestys subjects in Great Britain as well as America; and notwithstanding the great difficulties and charges to which this Province is exposed by reason of the numerous attacks made on all parts of our Frontiers, which burthens are made much heavier by coming immediately upon the loss of so great a number of men as were killed and died in the late expedition against Cape Breton; yet this House judge it to be their duty to contribute all in their power thereunto in humble confidence that as His Majesty has determined upon it and recommended it to his Excellency the Governor to raise what men he can in this Province, with transports & provisions suitable, the charge thereof will be reimbursed by the Crown, the Costs and Difficulties whereof would otherwise be insupportable:

*Voted*<sup>1</sup> that there be granted as an Encouragement to a number of good and effective men not exceeding Three Thousand to enlist Voluntiers into His Majestys service in the said Expedition against Canada, as a Bounty, Thirty Pounds in Bills of Credit of the Old Tenour, and a Blanket, for each man, and a bed for every two men, the money to be paid upon Enlistment and the Blankets & Beds delivered on embarkation. That as soon as may be a sufficient quantity of provisions be secured and a suitable number of vessels for Transports, as also a proper number of Chaplains, Physicians, and Surgeons, and a full supply of medicines, with all other conveniences for such as may be sick.

*Voted* also, that His Excellency the Governor be requested, by Proclamation, to publish the above said Encouragement with all other Encouragements mentioned in His Grace the Duke of Newcastle's letter of the Ninth of April last.

In Council; Read and Concurr'd. [*Passed May 31.*]

Legislative  
Records of the  
Council,  
xvii. (5), 428.

House Jour-  
nal, p. 15.  
Love's Fast  
and Thanks-  
giving Days  
of New Eng-  
land, p. 495.  
*Supra*, chap. 3.

## CHAPTER 4.

## VOTE REQUESTING THE GOVERNOR TO APPOINT A FAST.

*Voted* that His Excellency the Governor be desired to appoint a day of Fasting and Prayer to implore the Divine Presence and Blessing on the intended Expedition against Canada.<sup>2</sup> [*Passed* \* *May 31.*]

## CHAPTER 5.

## VOTE FOR RECRUITS ON THE FRONTIERS.

*Voted* that there be Two Hundred and Seven men raised & added to the Four Hundred and forty already posted in the Western Fron-

Legislative  
Records of the  
Council,  
xvii. (5), 429.

<sup>1</sup> The House Journal, p. 15, reads, "*Ordered.*"

<sup>2</sup> The fast was appointed for July 10, 1746, and was public.

tiers, which will make in the whole Six hundred and forty seven, Twenty whereof to be for a Scout from Stockbridge and to consist of four English and sixteen Indians; forty six on or near Connecticut River above Northfield; sixty one to be posted in the Counties of Middlesex and Worcester and on Merrimack River; ten at Sheffield; ten at Number One; and ten at Number Two; the remaining Fifty to be a Company, under such Officer as His Excellency the Captain General shall appoint, to range the Woods with Fifty large Dogs, to be provided and fed at the charge of the Government. And that there be also raised Twenty Men to be sent to the Frontiers in the County of York in addition to the Six hundred & three men already posted there, and to the sixty men now raising, to range the Woods in said County. And that a Surgeon be allowed for the service of the Eastern Forces, his principal residence to be at George Town on the Island of Arowsick. All which additional forces shall be in pay till the Third of August next. [*Passed June 3.*]

House Journal, p. 19.  
*Ante*, p. 577,  
chap. 306;  
p. 584, chap.  
324.

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## CHAPTER 6.

### ORDER IMPOWERING THE TOWN OF NEW SHERBURNE TO LEVY A TAX OF ONE PENNY PER ACRE ON LAND.

ON THE PETITION of the Inhabitants of New Sherburn, [*ante*, p. 556, chap. 246]

Read, together with the answer of Benjamin Taft, and the matter being fully considered:

*Ordered* that the Petitioners be and hereby are fully empowered to tax that part within said Precinet which was formerly granted by this Court to the Inhabitants of Sherburn, at one peny per Acre, and the Remainder at one half peny per Acre, for three years next ensuing for the purposes mentioned in the Petition. And the Assessors of the said Precint are directed and required to assess and the Constables or Collectors to collect and pay in the same accordingly. [*Passed June 3.*]

Legislative Records of the Council, xvii. (5), 426, 429.

House Journal, p. 19.  
*Ante*, p. 556,  
chap. 246.

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## CHAPTER 7.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR FARMING THE EXCISE IN NANTUCKET COUNTY.

A REPORT of John Gardner, John Bunker, and Abishai Folger of their letting out the Excise in the County of Nantucket to Grafton for Ten Pounds per Annum for three years, beginning the 29<sup>th</sup> of June 1745, and taken bonds for the payment of the same and delivered them to the Province Treasurer.

Which Report was Accepted by both Houses and consented to by the Governor. [*Passed June 3.*]

Legislative Records of the Council, xvii. (5), 430.

House Journal, p. 19.  
*Ante*, p. 482,  
chap. 47.

## CHAPTER 8.

VOTE APPOINTING A COMMITTEE TO PROVIDE PROVISIONS &c. FOR THE INTENDED EXPEDITION AG<sup>ST</sup> CANADA.

Legislative  
Records of the  
Council,  
xvii. (5), 430,  
431.

House Jour-  
nal, p. 18.  
*Ante*, p. 594,  
chap. 3.

In the House of Represent<sup>ves</sup>;

*Voted*<sup>1</sup> that M<sup>r</sup> Speaker, M<sup>r</sup> Welles, M<sup>r</sup> Hubbard, Coll Heath, Cpt. Pickman, M<sup>r</sup> Skinner, M<sup>r</sup> Russel, M<sup>r</sup> Thomas Foster, M<sup>r</sup> James Otis, Cpt. Patridge, and M<sup>r</sup> Hall, with such as the Hon<sup>ble</sup> Board shall join, be a Committee to provide, as soon as may be, for the intended Expedition against Canada, a sufficient quantity of Provisions, a suitable number of Vessels for transports, as also a proper number of Chaplains, Physicians and Surgeons, and a full supply of medicines with all other conveniences for such as may be sick; The Committee in procuring Provisions and all necessaries, to give the preference to the produce of this Province.

In Council; Read and Concur'd & John Osborne, Jacob Wendell, Thomas Berry, Samuel Watts, Ezekiel Chever, James Bowdoin, John Wheelwright, and Andrew Oliver Esq<sup>rs</sup> are joined in the affair. [*Passed June 3.*]

## CHAPTER 9.

VOTE REQUIRING THE COMMISSARIES IN THE LATE EXPEDITION AGAINST LOUISBURGH TO BRING IN THEIR ACC<sup>Ts</sup>.

Legislative  
Records of the  
Council,  
xvii. (5), 431.

House Jour-  
nal, p. 21.

*Voted* that the Commissary General be directed to require the Under Commissaries, who have been in the service in the late Expedition against Louisburgh, forthwith to issue their Accompts with respect to Provisions and other supplies advanced to the Soldiers in the said Expedition; and that the Commissary General lay the state of those Accompts before this Court as soon as may be. [*Passed June 4.*]

## CHAPTER 10.

## ORDER RESTORING DIVERS ESTATES TO UXBRIDGE.

Legislative  
Records of the  
Council,  
xvii. (5), 432.

House Jour-  
nal, pp. 18, 20.  
Province  
Laws, ix., 393,  
chap. 19; xii.,  
306, chap. 103.  
*Ante*, p. 117,  
chap. 250;  
p. 556, chap.  
246.

A PETITION of the Inhabitants of Uxbridge, shewing that in the year 1742 a tract of land formerly granted to Simon Bradstreet & Edmund Freeman Esq<sup>rs</sup> was annexed to the said Town of Uxbridge, that in the year 1745 the greatest part of the land was granted to New Sherburn, whereby the said Town of Uxbridge is much injured; and therefore praying that the said land may be restored to them.

Read and

*Ordered* that the prayer of the Petition be so far granted as that Benjamin Murdock and David Draper with their estates be set back from the Precinct of New Sherburn and remain to the Town of Uxbridge as heretofore; inasmuch as the Agents for New Sherburn and the Representatives for Uxbridge have agreed. [*Passed June 4.*]

<sup>1</sup> The House Journal, p. 18, reads, "*Ordered.*"

## CHAPTER 11.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ABOUT THE PIGWACKET INDIANS, AND ALLOWING £25 FOR THEIR SUPPORT.

THE COMMITTEE who were ordered by the General Court in April 25. 1746 to take care to provide a suitable place for the Pigwacket Indians then at the Castle, and to remove them and make report of their doings to this Court, report as follows:

That we have attended that service & provided a place for their reception at Rochester in the County of Plymouth on a certain Neck of Land called Assawamock Neck and have removed them there. Which place we apprehend convenient for them to settle, there being a plenty of divers sorts of fish there, the Owners of said Land requiring for what wood they burn, eight shillings old Tenor per Cord, which is all that is demanded for the use of the land; and the Committee are of Opinion that the care of said Indians be committed to Cpt. Noah Sprague and M<sup>r</sup> Benjamin Hammond Jun<sup>r</sup> of Rochester, to provide what may be judged necessary for their support, they rendering fair accounts of their proceedings, and that they be ordered to provide a suitable boat for them for fishing, as also axes and hoes, & that a suitable sum of money be allowed at present for that purpose, to enable said Sprague and Hammond to purchase such provisions as said Indians shall need. All which is humbly submitted

THOMAS FOSTER, by Order of the Committee.

Read and

*Ordered* that the within Report be Accepted, and that the sum of Twenty five pounds be paid out of the publick Treasury to M<sup>r</sup> Thomas Foster, Representative of Plymouth to be delivered into the hands of the within named Noah Sprague & Benjamin Hammond Jun<sup>r</sup> to enable them to provide a boat, tools, provisions & other necessaries for the present support of the said Indians: they the said Sprague and Hammond to be accountable to this Court for their proceedings herein. [*Passed June 5.*]

## CHAPTER 12.

## ORDER REMITTING TO THE TOWN OF SOUTHBORÔ £12. 10 FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of M<sup>r</sup> Samuel Lyscomb, Representative of the Town of Southboro', praying that the Fine set on the said Town for not sending a Representative in the year 1744 may be remitted to them, in consideration of the circumstances the said Town was then under.

Read and

*Ordered* that the Prayer of the Petition be granted, and the Treasurer is directed to pay out of the Treasury to the said Town or their order the said sum of Twelve pounds ten shillings accordingly. [*Passed June 6.*]

Legislative  
Records of the  
Council,  
xvii. (5), 433.

House Jour-  
nal, p. 23.  
*Ante*, p. 576,  
chap. 302.

Legislative  
Records of the  
Council,  
xvii. (5), 435.

House Jour-  
nal, p. 22.  
Province  
Laws, iii., 228.

## CHAPTER 13.

## ORDER DIRECTING THE PAYMENT OF THE LOTTERY MONEY INTO THE TREASURY.

Legislative  
Records of the  
Council,  
xvii. (5), 435.

House Jour-  
nal, p. 24.  
*Ante*, p. 584,  
chap. 322.

*Ordered* that the Directors of the late Government Lottery be directed to pay the ballance of the money in their hands into the Treasury forthwith; the said money to be applied for the service of the Expedition against Canada, any former Appropriation to the contrary notwithstanding. [*Passed June 6.*]

## CHAPTER 14.

ORDER DIRECTING THE COMMITTEE OF WAR TO LAY THEIR ACC<sup>T</sup>S OF THE CAPE BRETON EXPEDITION BEFORE THE COURT.

Legislative  
Records of the  
Council,  
xvii. (5), 436.

House Jour-  
nal, p. 22.  
*Ante*, p. 465,  
chap. 1.

*Ordered* that the Committee of War be directed to lay before the Court as soon as may be, an Account of the disposition of the money put into their hands for the service of the late Expedition against Cape Breton; and that the Secretary be directed to lay before the Court the Accounts of the other moneys paid for the service of the said Expedition. [*Passed June 6.*]

## CHAPTER 15.

## ORDER REMITTING TO THE TOWN OF WESTFORD £5 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative  
Records of the  
Council,  
xvii. (5), 436.

House Jour-  
nal, p. 25.  
Province  
Laws, iii., 226.

A PETITION of the Town of Westford, praying in consideration of the smallness and poverty of the said Town, that the Fine laid on them the last year for not sending a Representative, may be remitted.

Read and in Answer

*Ordered* that the sum of Five Pounds, one half of the said Fine be remitted; and the Treasurer is directed to deliver the said Town or their order the sum of Five Pounds out of the Treasury accordingly. [*Passed June 6.*]

## CHAPTER 16.

## VOTE IMPOWERING THE TOWN OF SWANZEY TO CHOOSE A COLLECTOR OF TAXES.

Legislative  
Records of the  
Council,  
xvii. (5), 437.

House Jour-  
nal, p. 25.

A PETITION of the Select Men of the Town of Swanzeay, shewing that the Inhabitants of the said Town at their Meeting in March 1740/1, chose one John Hewlet a Collector of Taxes, and that the Assessors of the said Town committed to him the Tax laid on the Westerly Inhabitants, with Warrant to collect it, that before he col-

lected any part thereof he removed out of the Province; and therefore praying that they may be impowered to chuse an other Collector and that such Collector may be authorized to levy the said Tax.

Read and

*Voted* that the prayer of this Petition be granted, and that the Town of Swanzey at a Meeting called for that purpose be enabled to chuse a Collector in the room of John Hulit, who was chosen in March 1740/1, to collect the Taxes on the Westerly part of said Town for the year 1741, & removed out of the Province before said Taxes were collected; and that said Collector so chosen he & he hereby is impowered to collect the same, and enjoy all the privileges by law, as in the case of any of the said Collectors chosen heretofore. [*Passed June 6.*]

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## CHAPTER 17.

### ORDER IMPOWERING CAP<sup>T</sup> JOB MARSH GUARDIAN OF W<sup>M</sup> MARSH TO EXECUTE A DEED OR DEEDS OF LAND.

A PETITION of William Marsh a minor, Son of William Marsh late of Hadley dec<sup>d</sup> shewing that his said father left him several small parcels of land lying at a distance from one an other in the said Town, that the Petitioner has for divers years past lived in the Colony of Connecticut where he has the opportunity of purchasing a good farm that will be very commodious for him; and therefore praying that his Guardian may be impowered to sell the said land in Hadley and lay out the produce thereof in purchasing lands for him in Connecticut.

Legislative  
Records of the  
Council,  
xvii. (5), 437.

House Jour-  
nal, pp. 13, 14,  
23.

Read &

*Ordered* that Cpt. Job Marsh of Hadley (in his Capacity as Guardian to the within named William Marsh) be and he hereby is impowered to execute a good Deed or Deeds of Sale of the land herein mentioned; provided he first give caution to the Judge of Probate for the County of Hampshire to apply the produce thereof to the purpose mentioned in the Petition; the said Marsh to accompt with the Minor for proceedings herein when he arrives at age. [*Passed June 6.*]

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## CHAPTER 18.

### ORDER APPOINTING A COMMITTEE ON BENJ. TAFTS PETITION TO SETTLE BOUNDARIES.

A PETITION of Benjamin Taft of Uxbridge, shewing that he purchased of the Grantees one half of a Tract of Land lying near New Sherburn sold by a Committee of this Court to Richard Williams and others, that the Bounds of the said land are something uncertain, and a controversy like to be about them in the Law, unless they be made more clear; And therefore praying that would way<sup>1</sup> have the Bounds between the said land & the adjacent Towns explained, to prevent disputes in the law with the towns and places adjoining to it.

Legislative  
Records of the  
Council,  
xvii. (5), 438.

House Jour-  
nal, pp. 25, 26.

<sup>1</sup> *Sic.*

In the House of Represent<sup>ves</sup>; Read and

*Ordered* that Samuel Lyscomb and Cpt. Robert Taft with such as the Hon<sup>ble</sup> Board shall join, be a Committee at the cost of the within named Benjamin Taft (it being agreeable to his desire) to ascertain & settle the Bounds of the land within mentioned, they giving seasonable notice to the Towns bordering on the said land of the time of their so doing, that they may attend the said Committee if they see cause.

In Council; Read and Concur'd and Jos. Wilder, and Samuel Watts Esq<sup>rs</sup> are joined in the affair. [*Passed June 7.*]

## CHAPTER 19.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED ON THE PETITION OF THE INHABITANTS OF IPSWICH AND ROWLEY TO BE ERECTED INTO A NEW PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (5), 439.

House Jour-  
nal, p. 22.  
*Ante*, p. 575,  
chap. 299.

THE COMMITTEE to whom was refer'd the Petition [*ante*, p. 470, chap. 16] of sundry of the Westerly Inhabitants of the First Parish in Ipswich, and others Inhabitants on the South part of the First and West Parish in Rowley, have repaired to the several parishes affected by said Petition, taken a view of their situation and circumstances, and are of Opinion, That the Inhabitants with all the lands lying within the Bounds described in said Petition, be erected into a distinct and separate Precinct, excepting the following Persons and their Estates, viz<sup>t</sup> John Chaplain, Moses Hopkinson, Sammel Stickney Jun<sup>r</sup> John Dickenson, Thomas Dickenson, George Kilburn, Thomas Wood, Thomas Wood Jun<sup>r</sup> John Chaplin Jun<sup>r</sup> Job Pingre, Aaron Pingre, Jedediah Kilburn, David Perley, Eliphalet Kilburn, Stephen Pingre; unless the above said Persons give into the Secretarys Office under their hands, that they are willing to be joined to said Precinct within twelve months, and that in the mean time they be exempted from paying any thing towards repairing and building any Meeting Houses in the Parishes to which they respectively belong during the abovesaid term of twelve months. And for enabling the above proposed precinct to carry on the charge thereof, the Committee are further of Opinion that all other estate belonging to the Inhabitants of said Precinct lying either in Ipswich or Rowley be exempted from paying any Parish taxes to the Parishes where they ly, and that they be taxed towards this proposed Parish. All which is humbly submitted.

SAM<sup>L</sup> WATTS p Order.

Read, and it appearing that the first Parish in Ipswich and Rowley have been notified pursuant to the former Order, but no answer given in:

*Ordered* that the foregoing Report be Accepted, with the following Proviso, namely, That in case any of the Persons by the Report exempted, do not give in their names within the said twelve months, they shall pay their just proportion of all such Parish charges as may have arisen during that time in the Parishes to which they respectively belong; And that the Inhabitants and their Estates by the Report set off, together with such of the Persons exempted as may join with them within the time aforesaid, be and hereby are erected into a distinct and separate Precinct accord-



ingly, and do duty and receive Privilege as other Precincts within this Province do or by law ought to enjoy; and that the charge of the Committee, amounting to six Pounds one shilling and nine pence be paid by the Petitioners. [*Passed June 7.*]

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## CHAPTER 20.

### ORDER ALLOWING £3 TO W<sup>m</sup> COVEL.

A PETITION of William Covel Jun<sup>r</sup> praying for some relief in consideration of an accidental lameness which he contracted while he was in the pay of this Province as a Soldier in the late Expedition.

Legislative  
Records of the  
Council,  
xvii. (5), 441.

House Jour-  
nal, pp. 18, 27.  
*Ante*, p. 465,  
chap. 1.

Read and

*Ordered* that the Committee of War be directed to pay the Petitioner Three Pounds for his present relief. [*Passed June 7.*]

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## CHAPTER 21.

### ORDER ALLOWING £4 TO THO<sup>s</sup> COOK.

A PETITION of Thomas Cook a Soldier in the late Expedition praying for an Allowance from this Court, in consideration of a wound he received in said service which has much disabled him from labour.

Legislative  
Records of the  
Council,  
xvii. (5), 441.

House Jour-  
nal, pp. 17, 27.  
*Ante*, p. 465,  
chap. 1.

Read and

*Ordered* that the Committee of War be directed to pay the Petitioner Four Pounds for his present relief. [*Passed June 7.*]

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## CHAPTER 22.

### ORDER ALLOWING £3 TO W<sup>m</sup> CRANY.

A PETITION of William Crany, a Soldier in the late Expedition, praying for some relief from this Court for the wounds he received in a fight with the enemy, whereby he is disabled from labour.

Legislative  
Records of the  
Council,  
xvii. (5), 441.

House Jour-  
nal, pp. 18, 27.  
*Ante*, p. 465,  
chap. 1.

Read and

*Ordered* that the Committee of War be directed to pay the Petitioner Three Pounds for his present relief. [*Passed June 7.*]

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## CHAPTER 23.

### ORDER SETTING ASIDE THE PROCEEDINGS OF A TOWN MEETING AT EASTON AND CALLING A NEW MEETING.

ON THE PETITION of divers Inhabitants of Easton, [*ante*, p. 579, chap. 308]

Legislative  
Records of the  
Council,  
xvii. (5), 443.

Read together with the Answer of Benjamin Drake and others,

House Journal, p. 24.  
*Ante*, p. 579,  
 chap. 308.

and it appearing that the proceedings therein mentioned were illegal;

*Ordered* that the whole of the same be and hereby are superseded and set aside, and that those who were the Select Men of the Town of Easton the last year, as soon as may be, convene the Inhabitants of the said Town, qualified by law to vote in Town Affairs, in order to their proceeding to the choice of such Officers as they are by law required to do in the month of March annually; the time by law limited for that purpose being lapsed notwithstanding. [*Passed June 9.*]

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## CHAPTER 24.

### ORDER IMPOWERING ABIG. PRESCOT TO SELL REAL ESTATE.

Legislative  
 Records of the  
 Council,  
 xvii. (5), 445.

House Journal, pp. 12, 21.

A PETITION of Abigail Prescott, Guardian to her son Oliver Prescott a minor, shewing that in the settlement of his Fathers Estate, most of his part consisted in unimproved Lands which can yield no profit without great cost being laid out upon them; And therefore praying that she may be empowered to sell so much of the said wild land as will be sufficient to pay the charge of his Education.

Read and

*Ordered* that the Petitioner have liberty (with the Advice and Consent of William Lawrence Esq<sup>r</sup>) to sell so much of her son Olivers real Esq<sup>r</sup>,<sup>1</sup> as will be sufficient to defray the charge of his education at College, and to execute a good Deed or Deeds of the same, as the circumstances of the case may require, She giving proper caution to the Judge of Probate for the County of Middlesex as to her proceedings herein, and to account with her Son when he shall arrive at age. [*Passed June 10.*]

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## CHAPTER 25.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PET<sup>n</sup> OF NATH<sup>l</sup> OLIVER & OTHERS TO BRING FORWARD WRITS OF REVIEW.

Legislative  
 Records of the  
 Council,  
 xvii. (5), 449.

House Journal, p. 29.

A PETITION of Nathaniel Oliver, Nathaniel Oliver Jun<sup>r</sup> William Oliver and David Parker, complaining of great hardships they have suffered by Judgements obtained against them by David Le Gallais at the Superior Court for the County of Essex in November last, upon their Bonds; and praying to be enabled to review the said Actions at the next Court, and that Executions may be stayed in the mean time.

Read and

*Ordered* that the Petitioners serve the adverse party Cpt. David David<sup>2</sup> Le Gallais with a Copy of this Petition that he shew cause if any he have, on Wednesday the eighteenth Instant why the prayer thereof should not be granted, and that Execution be stayed in the mean time; Provided the Petitioners give sufficient security to the Sheriff of the County of Essex to pay interest for the sum which shall finally be recovered. [*Passed June 10.*]

<sup>1</sup> *Sic*, it seems, for "Estate."

<sup>2</sup> *Sic*.

## CHAPTER 26.

## ORDER DIRECTING AN ALLOWANCE TO BE PAID TO ROBT THORNDIKE.

A PETITION of Robert Thorndyke, shewing that he took into his house one John Davy a soldier in the late Expedition, and that he remained there sick for a long time; praying for an Allowance from this Court to the Petitioner for his charge and trouble therein.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner such sum (if any) as shall appear to them just and reasonable. [*Passed June 10.*]

Legislative  
Records of the  
Council,  
xvii. (5), 450.

House Jour-  
nal, p. 30.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 27.

## ORDER ALLOWING £3 TO JOHN MARCH.

A PETITION of John March a Soldier in the late Expedition against Cape Breton, shewing that by means of his long sickness there, he is much disabled from labour; and praying for an Allowance from this Court.

Read and

*Ordered* that the Committee of War be directed to pay the Petitioner Three Pounds, for his present relief. [*Passed June 11.*]

Legislative  
Records of the  
Council,  
xvii. (5), 452.

House Jour-  
nal, pp. 18, 27.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 28.

## ORDER ALLOWING £2. 10 TO BENONI HARADEN.

A PETITION of Benoni Haraden a Soldier in the late Expedition against Cape Breton, praying for some support from this Court in consideration of the Wounds he has received in the service, whereby he is much disabled from labouring for his support.

Read and

*Ordered* that the Committee of War be directed to pay the Petitioner Two Pounds ten shillings, in full consideration for his sufferings within mentioned. [*Passed June 11.*]

Legislative  
Records of the  
Council,  
xvii. (5), 452.

House Jour-  
nal, pp. 18, 27.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 29.

## ORDER ALLOWING £46. 0. 7½ TO DIVERS INHABITANTS OF NORTHFIELD.

A PETITION of Benjamin Doolittle and others Inhabitants of Northfield, shewing that there being a sum of money due to them out of the publick Treasury for billeting the Soldiers under the command of Major Edward Hartwell, which they had ordered one Joshua Holton to receive and bring to them; said Holton in his travel to Northfield was killed by the Indians and the said Billetting money taken and carried off by them (as the Petitioners sup-

Legislative  
Records of the  
Council,  
xvii. (5), 453.

House Jour-  
nal, pp. 13, 32.

pose) and therefore praying that they may be reimbursed the said sum out of the publick Treasury.

Read and

*Ordered* that the sum of Forty six pounds seven pence halfpeny be allowed out of the publick Treasury to the Inhabitants of Northfield in full satisfaction for billeting the Soldiers as within mentioned. [*Passed June 11.*]

## CHAPTER 30.

### ORDER ALLOWING £2. 10 TO NATH. REDINGTON.

Legislative  
Records of the  
Council,  
xvii. (5), 453.

House Jour-  
nal, p. 34 *bis.*  
*Ante*, p. 465,  
chap. 1.

A PETITION of Nathaniel Redington a Soldier in the late Expedition against Cape Breton, praying for an Allowance from this Court for wounds he has received there, which have disabled him from labour.

Read and

*Ordered* that the Committee of War be directed to allow the the<sup>1</sup> Petitioner Two pounds ten shillings in full consideration for his sufferings. [*Passed June 11.*]

## CHAPTER 31.

### ORDER ALLOWING £5 TO HENRY JORDAN.

Legislative  
Records of the  
Council,  
xvii. (5), 454.

House Jour-  
nal, pp. 31, 35.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Henry Jordan a Soldier in the late Expedition against Cape Breton, praying for some allowance from this Court in consideration of Wounds he received in the service whereby he is much disabled from labour.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner Five Pounds for his present relief. [*Passed June 11.*]

## CHAPTER 32.

### ORDER DIRECTING A PAYMENT OF MONEY TO HUGH MORRISON.

Legislative  
Records of the  
Council,  
xvii. (5), 454.

House Jour-  
nal, p. 34.  
*Ante*, p. 311,  
chap. 154.

A MEMORIAL of Hugh Morrison of Colrain, Praying that this Court would give Order to the Committee for building Blockhouses to allow the Memorialist for his charge in building a good Fort round his house.

Read and

*Ordered* that the Committee appointed to build Block houses in the County of Hampshire be instructed to allow the within named Hugh Morrison (of the money in their hands) so far towards the building within mentioned as they shall judge the same to be necessary for the publick service. [*Passed June 11.*]

## CHAPTER 33.

ORDER IMPOWERING THO. BUCKMINSTER, GUARDIAN, TO SELL LAND  
AND EXECUTE DEED THEREFOR.

A PETITION of Thomas Buckminster of Brookfield shewing that he married a Daughter of M<sup>r</sup> Joseph Baxter of Medfield dec<sup>d</sup> by whom he has divers children, of which he is Guardian (his Wife being dead) that the eldest Son of the said M<sup>r</sup> Baxter has purchased of all the rest of the Heirs their shares in his fathers real estate; and therefore praying that the Petitioner may be impowered to sell his childrens part to their Uncle aforesaid.

Legislative  
Records of the  
Council,  
xvii. (5), 456.  
House Jour-  
nal, p. 36.

Read and

*Ordered*, that the Petitioner, in his said Capacity, he and hereby is impowered to make sale of his said Childrens Right in the Estate within mentioned & to execute in due form of law a Deed for the Conveyance thereof to such person as shall bid most for the same; Provided he give Bond to the Judge of Probate for the County of Suffolk for the disposal of the produce of the Premisses for the benefit of the Minors, pursuant to law, and that he secure the value of the money and account for the Principal, either to the said Judge or to the Minors respectively, as they arrive at age or are married.

[*Passed June 12.*]

## CHAPTER 34.

ORDER FOR THE ENLISTMENT OF THE INHAB<sup>s</sup> OF NEW MARBLEHEAD.

A PETITION of James Chute and others, Inhabitants of the Plantation called New Marblehead, setting forth their danger from the enemy, the great expence they have been at in fortifying, & the necessity they are under of drawing off, without further assistance from the Government; And therefore praying that they may all have the pay and subsistence of the Province, and more Soldiers to protect them.

Legislative  
Records of the  
Council,  
xvii. (5), 457.  
House Jour-  
nal, pp. 35, 37,  
38. *Ante*,  
p. 556, chap.  
245.

Read and

*Ordered* that the prayer of the Petition be so far granted, as that all the Inhabitants of the Plantation called New Marblehead be put into the Pay of the Province as Soldiers accordingly. [*Passed June 12.*]

## CHAPTER 35.

## ORDER ALLOWING £8. 10. 6 TO ABEL MERRILL.

A PETITION of Abel Merrill, Constable of Methuen in the year 1736, shewing that he met with great difficulty in collecting the Taxes of that year from sundry persons, under pretence of their living to the Northward of the Line; praying for the direction of this Court thereon.<sup>1</sup>

Legislative  
Records of the  
Council,  
xvii. (5), 454,  
459.  
House Jour-  
nal, pp. 34, 37,  
39.

Read and

*Ordered* that the above Report<sup>2</sup> be Accepted, and that the sum

<sup>1</sup> The petition itself is not on record; it probably alleged certain losses and charges for which compensation was desired.

<sup>2</sup> This report has not been found.

of Eight Pounds ten shilling & six pence be paid to the Petitioner by the Province Treasurer, in consideration of his loss & charge within mentioned. [*Passed June 13.*]

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## CHAPTER 36.

### VOTE APPOINTING A COMMITTEE FOR BUILDIN<sup>G</sup> A MAGAZINE FOR POWDER.

Legislative  
Records of the  
Council,  
xvii. (5), 460.

Legislative  
Records of the  
Council,  
xvii. (5), 459.  
House Jour-  
nal, p. 240  
(April, 1746);  
p. 40.

In the House of Represent<sup>ves</sup>;  
*Voted* that a suitable Magazine for powder be built on Charles-  
town Common between a place called the Neck of Land and Cam-  
bridge, near a large gravel pit, and that Andrew Boardman Esq<sup>r</sup> &  
M<sup>r</sup> James Russell with such as the Hon<sup>ble</sup> Board shall join, be a  
Committee to see that the same be effected as soon as may be.

In Council; Read and Concur'd, and Ezekiel Chever Esq<sup>r</sup> is  
joined in the affair. [*Passed June 13.*]

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## CHAPTER 37.

### VOTE, FORBIDDING THE BEATING DRUMS NEAR THE COURT HOUSE.

Legislative  
Records of the  
Council,  
xvii. (5), 460.

House Jour-  
nal, p. 42.  
Province  
Laws, iii., 384,  
note.

*Voted* that all Persons be strictly forbidden to beat any Drums  
within ten rods of the Court House during the Sitting of either  
House, upon pain of the displeasure of this Court, unless by order  
of the Governor and Council. [*Passed June 13.*]

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## CHAPTER 38.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ABOUT THE BOUNTY MONEY AND APPOINTING A NEW COMMITTEE.

Legislative  
Records of the  
Council,  
xvii. (5), 461.

Legislative  
Records of the  
Council,  
xvii. (5), 436.  
House Jour-  
nal, pp. 25, 39.  
*Ante*, p. 534,  
chap. 3.

THE COMMITTEE to whom was refer'd the consideration of a  
proper method to prevent loss to the Province by the disposition  
of the Bounty or Enlisting Money, to be paid to those who shall  
go as Soldiers on the Expedition against Canada, have considered  
the same and are of Opinion, that three or more Gentlemen be  
appointed by this Court to receive the said Bounty money, who  
shall deliver it to such persons as His Excellency the Captain Gen-  
eral shall give Beating Orders to, they giving to the said Gentle-  
men, so appointed, sufficient security for the faithful disposition  
of the said money, and accounting for the same.

By Order of the Committee EBEN<sup>R</sup> BURRILL.

In Council; Read and

*Ordered* that this Report be Accepted.

In the House of Represent<sup>ves</sup>; Read and Concur'd and M<sup>r</sup> Hub-  
bard and M<sup>r</sup> Welles, with such as the Hon<sup>ble</sup> Board shall join, be a  
Committee for that purpose.

In Council; Read and Concur'd, and Eliakim Hutchinson Esq<sup>r</sup>  
is joined in the affair. [*Passed June 13.*]

## CHAPTER 39.

### ORDER MAKING AN ALLOWANCE TO REUBIN SMITH.

A PETITION of Reubin Smith a Soldier in the late Expedition, praying for some allowance from this Court in consideration of his sufferings, loss of time and charge occasioned by sickness while in the said service.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner such a sum as has been usual to allow in cases of this nature. [*Passed June 13.*]

Legislative  
Records of the  
Council,  
xvii. (5), 462.

House Jour-  
nal, pp. 18, 27.  
*Ante*, p. 465,  
chap. 1.

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## CHAPTER 40.

### ORDER ALLOWING £25 TO D<sup>R</sup> CH. PYNCHON.

A PETITION of D<sup>r</sup> Charles Pynchon one of the Surgeons in the late Expedition, shewing that by the accidental fall of some part of a bridge in his way in visiting the sick, he broke one of his legs in two places and was otherwise so wounded as that he is likely to be a cripple all the rest of his life; therefore praying for some proper allowance from this Court.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner Twenty five pounds in consideration of his services and sufferings herein mentioned. [*Passed June 13.*]

Legislative  
Records of the  
Council,  
xvii. (5), 462.

House Jour-  
nal, pp. 36, 39.  
*Ante*, p. 465,  
chap. 1.

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## CHAPTER 41.

### ORDER ANNEXING JA<sup>S</sup> BRICKET TO THE WEST PARISH OF NEWBURY.

A PETITION of James Bricket of Newbury, shewing his inconvenient situation for attending the publick worship of God in the Parish where he now belongs, and therefore praying that he may be set off from it, with his Estate and Family, and annexed to the West Parish in the said Town.

Read and

*Ordered* that this Report<sup>1</sup> be Accepted, and that the said James Bricket with his estate be annexed to the said West Parish in Newbury and do Duty & receive Privilege there accordingly. [*Passed June 14.*]

Legislative  
Records of the  
Council,  
xvii. (5), 423,  
464.

House Jour-  
nal, pp. 12, 40,  
41.

<sup>1</sup> This report has not been found.

## CHAPTER 42.

ORDER ALLOW<sup>g</sup> PEASE FOR MARCHING SOLDIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 465.

House Jour-  
nal, p. 43.

*Ordered* that such Soldiers as are or may be sent forth for the defence of the Frontiers, as marching men, who are not billeted in particular Families, shall be allowed half a pint of pease each man per diem, in addition to what is already allowed by this Court. [*Passed June 14.*]

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## CHAPTER 43.

VOTE DIRECTING PERSONS TO ACCOUNT FOR PROVISIONS REC<sup>d</sup> ON THE EASTERN FRONTIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 466.

House Jour-  
nal, p. 43.

*Voted* that Mr Commissary Wheelwright be directed to compel those Persons who have received provisions from him upon the Province Account on the Eastern Frontiers, (and have not accounted for the same) to account forthwith. [*Passed June 17.*]

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## CHAPTER 44.

## VOTE ESTABLISHING THE WAGES FOR THE MASSACHUSETTS FRIGATE.

Legislative  
Records of the  
Council,  
xvii. (5), 471.

House Jour-  
nal, pp. 47, 48.

*Voted* that the following Establishment be made for the Massachusetts Frigate, viz<sup>t</sup> That the wages of the Captain of the said Frigate until the thirty first day of October one thousand seven hundred and forty six, shall be at the rate of Five Pounds ten shillings per month; Lieutenant, Three Pounds fifteen shillings per month; the Master, Three Pounds ten shillings per month; Doctor, Three Pounds ten shillings per month; Chaplain, Three Pounds ten shillings per month; Gunner, Three Pounds, six shillings per month; The Boatswain, Three Pounds per month; Mate, Two Pounds fifteen shillings per month; Steward, Two Pounds twelve shilling and six pence per month; Cook, Two Pounds twelve shillings and six pence per month; Gunners Mate, Two Pounds twelve shillings and six pence per month; Pilot, Three Pounds ten shillings per month; Boatswains Mate, Two Pounds twelve shillings and six pence per month; Carpenter, Three Pounds per month; Cooper, Two Pounds twelve shillings and six pence per month; Armourer, Two Pounds twelve shillings and six pence per month; Coxswain, Two Pounds twelve shillings and six pence per month; Two Quarter Masters, each Two Pounds twelve shillings & six pence per month; Four Midshipmen, Two Pounds twelve shillings and six pence per month;<sup>1</sup> One Hundred and thirty Sailors or Foremast Men, each Two Pounds ten shillings per month. [*Passed June 18.*]

<sup>1</sup> The House Journal, p. 48, adds, "each."



## CHAPTER 45.

### VOTE DESIRING THE GOVERNOR TO IMPRESS TRANSPORTS, &c.

*Voted* that His Excellency be desired to issue his Warrant immediately to the Committee of War for carrying on the Expedition against Canada, to impress Transports, Provisions and other necessaries at such reasonable prices as the said Committee shall agree upon, in order to effect the same. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xvii. (5), 475.

Legislative  
Records of the  
Council,  
xvii. (5), 445,  
448. House  
Journal, p. 51.  
*Ante*, p. 596,  
chap. 8.

## CHAPTER 46.

### ORDER ALLOWING £5 TO JAMES PIERCE.

A PETITION of James Pierce a Soldier in the late Expedition against Cape Breton, praying for some Allowance from this Court for the wounds he has received from the Enemy, whereby he is much disabled from labour.

*Ordered* that the Committee of War be directed to pay the Petitioner Five Pounds for his present relief. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xvii. (5), 475.

House Jour-  
nal, pp. 50, 51.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 47.

### ORDER APPOINTING A COMMITTEE FOR SIGNING BILLS OF CREDIT.

THE COUNCIL and House of Representatives proceeding this day to the Election of a Committee for signing the Bills of Credit ordered to be emitted:

The following Persons were chosen by the Major Vote of both Houses, viz<sup>t</sup>

Josiah Willard, Samuel Welles, Samuel Watts, Thomas Hutchinson, Rowland Cotton, and Joseph Heath Esq<sup>rs</sup>

To which Election His Excellency signified his Consent in Writing, under his hand. [*Passed June 19.*]

Legislative  
Records of the  
Council,  
xvii. (5), 475.

House Jour-  
nal, p. 56.

## CHAPTER 48.

### VOTE DIRECTING THE MAKING UP OF THE MUSTER ROLLS OF THE LATE EXPEDITION.

*Voted* that the chief Officers of each Company in the late Expedition who have not yet made up their Muster Roll, be directed forthwith to do it, and that they perfect their Rolls, so far as respects the Officers and Soldiers who are already arrived, or who died in the service, and as to those who are not arrived, that the Rolls be perfected except only as to the time of their discharge; and that upon their Arrival the Committee of War are to compleat the Rolls and pay each soldier their respective Wages accordingly. [*Passed June 20.*]

Legislative  
Records of the  
Council,  
xvii. (5), 477.

House Jour-  
nal, p. 52.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 49.

VOTE WITH ORDER OF NOTICE ON THE PETITION OF JAMES GOUGH FOR A RETRIAL OF A CAUSE.

Legislative  
Records of the  
Council,  
xvii. (5), 478.House Jour-  
nal, pp. 48, 51.

A PETITION of James Gough of Boston Merchant; representing the great difficulties he is under and the great injury he apprehends is done to him & his partner Oliver Noyes, by the Report of the Referees, on the Accompts between the said Partners and John Gerrish of Boston, Vendue Master, and the judgment of the Superior Court thereon; and praying that the said Judgment may be set aside, and that they may have an other trial of the said cause.

Read and

*Voted* that the Petitioner serve the adverse party John Gerrish with a Copy of this Petition, that he shew cause on Tuesday next, if the Court be then sitting, if not, on the first Tuesday of the next Sitting of the Court why the prayer thereof should not be granted. [*Passed June 20.*]

## CHAPTER 50.

VOTE FOR TAKING INHAB<sup>s</sup> OF Y<sup>e</sup> EASTERN FRONTIERS INTO PAY.Legislative  
Records of the  
Council,  
xvii. (5), 480.House Jour-  
nal, p. 55.  
*Ante*, p. 583,  
chap. 321.In the House of Represent<sup>ves</sup>;

It appearing to this House that only a part of the sixty men proposed to be raised by Cpt. Davis for Scouts on the Eastern Frontiers have ever been in the Service.

*Voted* that His Excellency the Captain General be desired to cause to be taken into the Pay of the Province so many of the Inhabitants of that Frontier, as, including the thirteen lately put into pay in the Township of Falmouth and such of said Davis's men as shall continue in the service, as shall make the whole number Sixty: their Pay and Subsistence to continue the same term with the other forces on that Frontier.

In Council: Read & Concurr'd. [*Passed June 21.*]

## CHAPTER 51.

VOTE DIRECTING £10 TO BE DEDUCTED FROM JOS. FLINTS WAGES.

Legislative  
Records of the  
Council,  
xvii. (5), 481.House Jour-  
nal, p. 54.  
*Ante*, p. 465,  
chap. 1.

*Voted* that the Committee of War be directed to deduct out of the Wages of Joseph Flint, a soldier in the late Expedition under Cpt. Dwight, the sum of Ten Pounds, old Tenor, being so much due from him for a Gun impressed from Oldham Gates of Leicester, and that the Committee pay the same to said Gates or Order. [*Passed June 21.*]

CHAPTER 52.

VOTE DIRECTING THE PAYMENT OF THE EXPRESS SENT TO GAIN INTELLIGENCE OF Y<sup>e</sup> FRENCH FLEET.

Legislative Records of the Council, xvii. (5), 485.

*Voted* that the Committee of War for the Expedition against Canada be directed to defray the charge of the Express sent by order of this Court from Marblehead, to get intelligence of the French Fleet reported to be at some harbour on the Cape Sables shoar. [*Passed June 25.*]

Legislative Records of the Council, xvii. (5), 462. House Journal, p. 62. *Ante*, p. 596, chap. 8.

CHAPTER 53.

VOTE DIRECTING THAT AN ACC<sup>t</sup> BE MADE OUT OF THE CHARGES AT LOUISBOURG SINCE THE REDUCTION THEREOF.

Legislative Records of the Council, xvii. (5), 485.

*Voted* that the Committee of War be directed forthwith to lay before this Court a particular Accompt of the whole sum advanced by this Province for His Majestys service at Louisbourgh, since the Reduction thereof. [*Passed June 25.*]

Mass. Archives, xx., 380-388; lx xii., 760-787. House Journal, p. 61. *Ante*, p. 465, chap. 1.

CHAPTER 54.

VOTE DIRECTING THE ENLISTMENT OF JOS. CONANT & OTHERS.

A PETITION of Joseph Conant and sundry others Inhabitants of the Town of Falmouth, shewing that they are so much exposed to the enemy that they are not able without hazard of their lives to improve their lands for the support of their families; and therefore praying that they may be taken into the pay of the Province, or be otherwise relieved by this Court.

Legislative Records of the Council, xvii. (5), 486.

Read and

*Voted* that His Excellency be desired to put the within named Joseph Conant, Solomon Haskel, Samuel Conant, Zerubbabel Hunniwell, Benjamin Haskel, William Knight Jun<sup>r</sup> and Daniel Godfrey into the service of the Province, and that they be allowed Pay therefor as other Soldiers. [*Passed June 25.*]

House Journal, pp. 31, 53.

CHAPTER 55.

VOTE DIRECTING THE ENLISTMENT OF SAMUEL COBB & OTHERS.

A PETITION of Samuel Cobb & others Inhabitants of the Town of Falmouth, shewing that they are so much exposed to the Indian enemy that they are not able, without hazard of their lives, to improve their lands for the support of their families; and therefore praying that they may be taken into the pay of the Province, or otherwise relieved by this Court.

Legislative Records of the Council, xvii. (5), 486.

House Journal, pp. 31, 52, 53.

Read and

*Voted* that His Excellency be desired to put the above named Samuel Cobb, Chipman Cobb, Thomas Pinnel, Clement Pinnel, Peter Cobb and James Cobb into the service of the Province and that they be allowed pay therefor as other Soldiers. [*Passed June 25.*]

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## CHAPTER 56.

VOTE DIRECTING THE COMMISSARY GENERAL TO PROVIDE BEDSACKS.

Legislative  
Records of the  
Council,  
xvii. (5), 488.

House Jour-  
nal, p. 61 *bis.*  
*Ante*, p. 577,  
chap. 306.

A MEMORIAL of Cpt. Benjamin Larrabee, Commander of Fort George at Brunswick; shewing that whereas there has been an augmentation of ten men lately made to the Garrison there, there has been no bedding provided for them; therefore praying that bedding may be ordered for them.

Read and

*Ordered* that the Commissary General be directed to provide five Bed Sacks for the ten men herein mentioned. [*Passed June 25.*]

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## CHAPTER 57.

ORDER ALLOWING £284. 2. 6 TO CPT. ARTHUR SAVAGE.

Legislative  
Records of the  
Council,  
xvii. (5), 488.

House Jour-  
nal, pp. 54, 61.  
*Ante*, p. 505,  
chap. 107.

A MEMORIAL of Cpt. Arthur Savage late Commander of Fort Frederick at Pemaquid; shewing that by Order of the Governor he has made the necessary repairs there, the Account of the charge whereof exceeds the Grants hitherto made for defraying it; the sum of Two Hundred eighty four Pounds two shillings and six pence; praying that a Grant may be made for the payment of the said sum out of the public Treasury.

Read and

*Ordered* that the sum of Two Hundred eighty four pounds two shillings and six pence, including One Hundred pounds part of Three hundred pounds formerly granted and received, be allowed the Petitioner out of the Publick Treasury in full consideration for the Work done as within mentioned. [*Passed June 25.*]

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## CHAPTER 58.

VOTE ABOUT BLANKETS &<sup>c</sup> TAKEN UP BY THE SOLDIERS AT CAPE BRETON.

Legislative  
Records of the  
Council,  
xvii. (5), 489.

House Jour-  
nal, pp. 54, 60.

A MEMORIAL of Lieut Colonel Williams in behalf of the Soldiers belonging to this Province, that continued in Garrison at Louisbourg during the Winter Season; shewing that they were obliged to take up Rugs or Blankets of the Commissaries for their covering in that severe season; praying that they may be allowed the same at the Province Charge, or else that they may have liberty to return them back to the Commissaries.

Read and

*Voted* that such Soldiers as remained at Louisbough in the Winter past and that took up Blankets or Rugs of the Commissaries there & have returned them to the said Commissaries or to the Commissary General in Boston, or shall within convenient time do so, or if it shall appear to the satisfaction of the said Commissary General, (to whom a discretionary power is hereby given for that purpose) that the said Blankets are lost, worn out, or expended for the interment of the dead, and not imbezzled; in every such case no deduction shall be made from the Soldiers Wages therefor. [*Passed June 25.*]

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## CHAPTER 59.

### VOTE ESTABLISHING THE WAGES OF THE OFFICERS OF THE TRANSPORTS IN THE EXPEDITION TO CANADA.

*Voted* that the wages of the Officers of the Transports for the proposed Expedition to Canada be at the following Rates, viz<sup>t</sup> The Master, Four Pounds seven shillings and six pence per month; Mate, Three Pounds ten shillings per month; Boatswain, Three Pounds per month; Carpenter, Three Pounds per month. [*Passed June 26.*]

Legislative  
Records of the  
Council,  
xvii. (5), 490.

House Journal, p. 64.  
*Ante*, p. 609,  
chap. 45.

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## CHAPTER 60.

### ORDER ALLOWING £7. 10 TO ROGER HUNNIWELL.

A PETITION of Roger Hunniwell a Soldier in the late Expedition, shewing that he has ' wounded by the Enemy in the left Arm, which obliged him to have his Arm cut off, whereby he is disabled from labouring for his support; & therefore praying for some proper allowance from this Court.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner Seven Pounds ten shillings for his present relief. [*Passed June 26.*]

Legislative  
Records of the  
Council,  
xvii. (5), 492.

House Journal, pp. 59, 64.  
*Ante*, p. 465,  
chap. 1; p. 524,  
chap. 153.

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## CHAPTER 61.

### VOTE FOR PROVIDING WHALE BOATS.

*Voted* that the Committee of War be directed to prepare ten good and sufficient Whale Boats to go a head of the Fleet in the River S<sup>t</sup> Lawrence. [*Passed June 28.*]

Legislative  
Records of the  
Council,  
xvii. (5), 493.

House Journal, p. 68.  
*Ante*, p. 596,  
chap. 8.

<sup>1</sup> *Sic.*

## CHAPTER 62.

## VOTE DIRECTING THE PAYMENT OF SURGEONS.

Legislative  
Records of the  
Council,  
xvii. (5), 493.  
House Jour-  
nal, p. 67.  
*Ante*, p. 465,  
chap. 1.

*Voted* that the Committee of War be directed to pay the several Surgeons that were in the late Expedition against Cape Breton; Provided there be not more in pay at one time than the number allowed in the Establishments, altho some particular regiments may have more than the number allowed them. [*Passed June 28.*]

## CHAPTER 63.

## VOTE DIRECTING THE COMMISSARIES TO DELIVER UP STORES &amp;c.

Legislative  
Records of the  
Council,  
xvii. (5), 493.  
House Jour-  
nal, p. 68.  
*Ante*, p. 465,  
chap. 1; p. 596,  
chap. 8.

*Voted* that the Committee of War for the late Expedition be directed to employ some suitable persons in the service of the Government with full power to receive as soon as possible from the Commissaries at Louisbrough the Several parcels of Stores, Cloathing & Provisions belonging to the Province and that they render a particular accompt thereof to the Committee of War for the Expedition against Canada as soon as may be. [*Passed June 28.*]

## CHAPTER 64.

## ORDER ALLOWING WAGES IN FULL TO CALEB LAMB.

Legislative  
Records of the  
Council,  
xvii. (5), 494.  
House Jour-  
nal, p. 68.

A PETITION of Caleb Lamb,<sup>1</sup> a Soldier in the late Expedition against Cape Breton in the Company under Cpt. Colton, who with other Commission Officers returned to New England, and thereupon the Governor appointed a new Lieutenant, who with the Clerk soon after died, and the Petitioner was thereupon obliged to take care of the affairs of the Company, and took an Accompt of the Province Arms & other Stores disposed of to the Soldiers which he has delivered in to the Commissary General; praying for some proper Allowance for his service and trouble therein.

Read and

*Ordered* that the Petitioner be allowed for his whole wages Four Pounds per month from Feb<sup>y</sup> 8<sup>th</sup> last, to his discharge from the service, in consideration of his great care and trouble herein mentioned, and that he be allowed to make up the Muster Roll accordingly. [*Passed June 28.*]

## CHAPTER 65.

## ORDER ALLOWING £12. 10 TO ROBT BUCKLER.

Legislative  
Records of the  
Council,  
xvii. (5), 495.

A PETITION of Robert Buckler, a Soldier in the late Expedition against Cape Breton; praying for some allowance from this Court

<sup>1</sup> The House Journal, p. 68, reads, "*Caleb Lyman.*"

in consideration of a wound he received of the enemy which has disabled him from labour.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner Twelve Pounds ten shillings for his present relief. [*Passed June 28.*]

House Journal, pp. 65, 67. *Ante*, p. 465, chap. 1.

## CHAPTER 66.

### ORDER ACCEPTING THE REPORT ON THE PET<sup>N</sup> OF SAM<sup>L</sup> HILL & OTHERS IN REGARD TO COMPLAINTS AGAINST CPT. TYNG.

A PETITION of Samuel Hill and others, mariners, lately belonging to the Ship Massachusetts Frigate complaining against Cpt. Edward Tyng Commander of the said ship, for withholding from them their allowance of Beer and Rum &c and for stopping their wages for carrying on a Suit in Great Britain for a share of Prizes &c praying for relief from this Court.

Legislative Records of the Council, xvii. (5), 465, 496.

House Journal, pp. 42, 45, 64.

The Committee to whom was refer'd the complaint of Samuel Hill and others, late mariners on board the Ship Massachusetts Frigate under the Command of Cpt. Edward Tyng, have heard the parties upon the Articles of Complaint, and maturely considered the same, and find upon the whole that the Ships Crew were without their allowance of Beer for some time during the course of the last year; the Committee also find that the Ships Company were put to short Allowance of Provision for some few days, at a time when it was thought necessary so to do, and which the Captain directed his Steward to make up to them when there was a full supply afterwards; but it does not appear that the said Allowance was ever made. The Committee are therefore of Opinion that Cpt. Tyng be directed to pay to each mariner who served under him in the said ship the last year One Shilling and Six pence, Bills of the last Emission, as an equivalent for their want of Beer and their short Allowance of Provisions; the Committee apprehending it to be of great importance to His Majestys service for the Government to make those employed under them easy and chearful in their duty, by giving them a full allowance of all necessaries, & to discountenance all Officers that shall designedly withhold the same, or, where any necessary occasion shall require it, to oblige such Officers, however small the deficiency may be, to make it good. The Committee have further considered that part of the complaint relating to the Captains withholding a months pay, for prosecuting a Demand in England for a share of prizes taken by some of the Fleet near Cape Bretoir; and altho they apprehend that every man that expects to reap any benefit by such a process, should contribute his reasonable proportion for carrying it on, yet they are of Opinion the Captain cannot detain it, without consent of the parties, and that he be therefore directed to pay the same to such as have not consented or do not consent, for their own advantage, to lodge it in his hands.

By Order of the Committee

FRA: FOXCROFT.

Read and

*Ordered* that this Report be Accepted. [*Passed June 28.*]<sup>1</sup>

<sup>1</sup> Adjourned to July 15. See Legislative Records of the Council, xvii. (5), 503.

## CHAPTER 67.

## VOTE REQUESTING THE GOVERNOR TO APPOINT A DAY OF THANKSGIVING.

Legislative  
Records of the  
Council,  
xvii. (5), 507.

House Journal,  
p. 75.  
Love's Fast  
and Thanksgiv-  
ing Days  
of New Eng-  
land, pp. 304,  
495.

IT HAVING pleased Almighty God to crown His Majestys arms under His Royal Highness the Duke of Cumberland with remarkable success, by granting a compleat Victory over the Rebels in Scotland, and thereby giving us a happy prospect of the entire suppression of that unnatural Rebellion:

*Voted* that His Excellency the Governor be desired to appoint a day of publick and solemn Thanksgiving for recognizing the Divine Favour therein manifested to our Nation & the whole Protestant Interest.<sup>1</sup> [*Passed \* July 15.*]

## CHAPTER 68.

ORDER ACCEPTING THE ACCOMPT OF THE MIDDLESEX CO: TREAS<sup>R</sup>.

Legislative  
Records of the  
Council,  
xvii. (5), 508.

House Journal,  
pp. 11, 64.

AN ACCOMPT of Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex for the year 1745 having been laid before the Court of General Sessions of the Peace for the said County, and by them allowed:

Read and

*Ordered* that this Accompt be allowed & that the Ballance being Two Pounds one shilling and eight pence three farthings the Treasurer be accountable to said County for. [*Passed July 15.*]

## CHAPTER 69.

ORDER ACCEPTING THE ACC<sup>T</sup> OF THE YORK CO. TREAS<sup>R</sup>.

Legislative  
Records of the  
Council,  
xvii. (5), 509.

House Journal,  
pp. 11, 65.

AN ACCOMPT presented by Daniel Moulton, Treasurer of the County of York for the year 1745 having been by him laid before the Court of General Sessions of the Peace for the said County, and by them allowed:

Read and

*Ordered* that this Accompt be Allowed, and that the Ballance being Sixteen Pounds twelve shillings and eleven pence the said County be accountable to the said Treasurer for. [*Passed July 16.*]

## CHAPTER 70.

ORDER ACCEPTING THE ACCOMPT OF THE WORCESTER CO. TREAS<sup>R</sup>.

Legislative  
Records of the  
Council,  
xvii. (5), 510.

AN ACCOMPT presented by Daniel Hayward Treasurer of the County of Worcester for the year 1745: having been laid before

<sup>1</sup> The Thanksgiving day was appointed for Thursday, August 14, 1746, and was public.



the Court of General Sessions of the Peace for said County and by them allowed

House Journal, pp. 11, 26, 62, 64.

Read and

*Ordered* that the within Account be allowed, and that the Balance, being Two Pounds nineteen shillings and eleven pence, the said Treasurer is accountable to said County for. [*Passed July 16.*]

## CHAPTER 71.

### ORDER ACCEPTING THE ACCOMPT OF THE BARNSTABLE CO. TREAS<sup>R</sup>.

AN ACCOMPT presented by Ebenezer Lewis, Treasurer of the County of Barnstable for the year 1745, having been laid before the Court of General Sessions of the Peace for the said County and by them allowed.

Legislative Records of the Council, xvii. (5), 510.

Read and

*Ordered* that this Account be allowed, and that the Ballance, being Nineteen Pounds three shillings and eleven pence the said Treasurer be accountable to said County for. [*Passed July 16.*]

House Journal, pp. 11, 62, 64.

## CHAPTER 72.

### ORDER GRANTING A LICENCE TO JA<sup>S</sup> BERRY TO KEEP AN INN.

A PETITION of James Berry of Menotomy in the Town of Cambridge, Innholder, shewing that the Petitioner by reason of his ignorance of the Law referring to the Payment of the Excise, lapsed the time for taking out his licence; and therefore Praying that the Court of General Sessions of the Peace for the County of Middlesex at their Term in August next, may be impowered to grant him a licence.

Legislative Records of the Council, xvii. (5), 510.

House Journal, p. 76.  
Province Laws, iii., 18, chap. 6.

Read & in answer:

*Ordered* that the Justices of the General Sessions of the Peace for the County of Middlesex be allowed and impowered, at their Session in August next, to grant the Petitioner a Licence (if they see cause) the time for granting Licences being elapsed notwithstanding. [*Passed July 16.*]

## CHAPTER 73.

### ORDER REFERRING THE PETITION OF CHA<sup>S</sup> PIERCE ESQ<sup>R</sup> AND OTHERS OF NEWBURY TO BE RELIEVED FROM THE SUPPORT OF A MINISTER.

A PETITION of Charles Pierce Esq. & a considerable number of others belonging to the first Precinct in Newbury, complaining of great wrong done them, particularly in the manner of settling a Minister in said Precinct and expressing their dissatisfaction in the Minister so settled, which caused them to embody and settle a learned orthodox Minister among themselves; praying that they may be discharged from the support of the other Minister.

Legislative Records of the Council, xvii. (5), 469, 514.

House Journal, pp. 45, 77.

At the motion and desire of the Parties:  
*Ordered* that the consideration of this Petition be refer'd to the second Tuesday of the next Sitting of this Court, and that the First Parish then give in their answer. [*Passed July 16.*]

CHAPTER 74.

VOTE ESTABLISHING THE COMPENSATION FOR BILLETING SOLDIERS.

Legislative  
 Records of the  
 Council,  
 xvii. (5), 514.  
 House Jour-  
 nal, p. 77.  
*Ante*, p. 594,  
 chap. 3.

*Voted* that each Soldier enlisted for the Expedition against Canada be entitled to his Billeting from the time of his Enlistment to the sixth of August next at five shillings per week, except such time as they shall be travelling; that they shall be allowed eighteen pence per day billeting for so long time as they shall be travelling to the place of Embarkation, accounting twenty miles for one days travel; and that no Captain shall receive the Billeting money due to the Soldiers under his command without a written order from them that the same be paid to him; Provided that no Soldier shall be entitled to his subsistence as above, whilst he is paid and subsisted by the Province upon the Frontiers. [*Passed July 16.*]

CHAPTER 75.

VOTE ALLOWING DIVERS PAYMENTS OF CHARGES OUT OF THE FINES OF THE SWANZEY RIOTERS.

Legislative  
 Records of the  
 Council,  
 xvii. (5), 515.  
 House Jour-  
 nal, pp. 68, 69.  
*Ante*, p. 413,  
 chap. 143.

*Voted* that One Hundred and Seventy two Pounds fifteen shillings and six pence be granted and paid out of the Fines set and levied on the late Rioters in the County of Bristol to the several Persons respectively, according to the under written Schedule. (Provided it shall not be a Precedent nor pleaded in any future cases, the circumstances of this affair being peculiar and extraordinary.) viz<sup>t</sup>

	£	s	d
Samuel Danforth Esq <sup>r</sup> seven days at 15/ per day . . . . .	5.	5.	0
Coll. Estes Hatch, five days at 12/ 6 . . . . .	3.	2.	6
Lieut. Coll. Rowland Cotton, seven days at 10/ . . . . .	3.	10	
Lieut. Coll. John Hill, four days at 10/ . . . . .	2		
Mr Henry Price, seven days at 6/ . . . . .	2.	2	
Forty Seven Men, at 4/ three days each. . . . .	28.	4	
Captain of Roxbury Troop, three days at 7/ . . . . .	1.	1	
Lieutenant of D <sup>o</sup> three days at 6/ . . . . .		18	
Four Corporals, three days each at 5/ . . . . .	3		
Seventy four Horses, at 25/ per Horse . . . . .	92.	10	
Coll. Church's Time and Expences. . . . .	15.	12	
Mr Caleb Luther . . . . .	2.	15	
Sixteen men more, at 4/ per diem, four days each . . . . .	12.	16	

[*Passed July 16.*]

## CHAPTER 76.

### VOTE FOR PURCHASING PROVISIONS FOR Y<sup>E</sup> PROPOSED EXPEDITION AGAINST CANADA.

*Voted* that it be an instruction to the Committee of War, that they purchase and lay in such a quantity of Provisions for the Forces that shall embark for the proposed Expedition, as shall be sufficient to support them till the first of June next. [*Passed July 17.*]

Legislative Records of the Council, xvii. (5), 518.  
House Journal, p. 78.  
*Ante*, p. 598, chap. 8.

## CHAPTER 77.

### VOTE ALLOWING ADDITIONAL PAY TO ENSIGNS & GUNNERS IN THE LATE EXPEDITION AGAINST LOUISBURGH.

*Voted* that the Committee of War be directed to allow the several Ensigns in the service in the late Expedition against Louisburgh, who remained in the Garrison during the Winter Season, the sum of One Pound per month in addition to the established Wages.

Legislative Records of the Council, xvii. (5), 518.  
House Journal, p. 78 *bis.*  
*Ante*, p. 465, chap. 1.

Also

*Voted* that the Gunners in the Train of Artillery, who remained at Louisburgh in the Winter season, be allowed Ten shillings per month in addition to their Wages from the thirtieth of September last. [*Passed July 17.*]

## CHAPTER 78.

### ORDER REFERRING THE PETITION OF THE INHABITANTS OF WEST BRADFORD ABOUT MOVING A MEETING HOUSE.

A PETITION of Daniel Jaques & Benjamin Gage for themselves and divers others, Inhabitants of the first Parish in Bradford, shewing that the General Court pass'd an Order for removing the Meeting House there, which the said Parish at first Voted to have effected and ordered a sum of money to be applied for that use, but have since Voted to desist therefrom; and praying that this Court would give effectual Orders for having their Vote above mentioned put in execution.

Legislative Records of the Council, xvii. (5), 53, 519.

Legislative Records of the Council, xvii. (5), 423, 514. House Journal, pp. 12, 77, 80. *Ante*, p. 567, chap. 275.

Read, with the Report of the Committee, and

*Ordered* that the further consideration of this Petition be refer'd to the second Wednesday of the next Fall Session; it appearing to this Court that there is a prospect of the parties accommodating the matters in difference between themselves. [*Passed July 17.*]

## CHAPTER 79.

ORDER OF NOTICE ON THE PET<sup>n</sup> OF JEREM<sup>h</sup> BALLARD & OTHERS OF CONCORD.

Legislative  
Records of the  
Council,  
xvii. (5), 519.

House Jour-  
nal, p. 81.  
*Ante*, p. 479,  
chap. 40.

A PETITION of Jeremiah Ballard & divers others of Concord, setting forth their great dissatisfaction at the late conduct of M<sup>r</sup> Daniel Bliss their Pastor, and praying that they may be discharged from paying any thing towards his support, and be favored as others have been in their condition.

Read and

*Ordered* that the Petitioners serve the Rev<sup>d</sup> Daniel Bliss and the first Parish in Concord with a copy of this petition, that they shew cause, if any they have on the second Tuesday of the next Fall Session of this Court, why the prayer of the Petition should not be granted, and that no further Assessment be laid on the Petitioners in the mean time. [*Passed July 18.*<sup>1</sup>]

## CHAPTER 80.

VOTE SUBSTITUTING OLIVER PARTRIDGE ESQ<sup>r</sup> FOR THOMAS HUTCHINSON ESQ<sup>r</sup> ON THE COMMISSIONERS APPOINTED FOR ALBANY, AND ESTABLISHING A QUORUM AT MEETINGS.

Legislative  
Records of the  
Council,  
xvii. (5), 521.

Legislative  
Records of the  
Council,  
xvii. (5), 507,  
509, 519, 520.  
House Jour-  
nal, pp. 81, 82.  
*Ante*, p. 550,  
chap. 230.

OLIVER PATRIDGE ESQ<sup>r</sup> was by the Vote of the whole Court appointed a Commissioner for the Congress with the Six Nations &<sup>c</sup> at Albany in the room of Thomas Hutchinson Esq<sup>r</sup> who excused himself from that service.

*Voted* that in case any one of the Gentlemen appointed Commissioners to repair to Albany shall be rendered incapable of appearing, any two of the others who shall be present shall be a Quorum. [*Passed July 18.*]

## CHAPTER 81.

## VOTE GRANTING A LICENCE TO AUG: MORE TO KEEP AN INN.

Legislative  
Records of the  
Council,  
xvii. (5), 521.

House Jour-  
nal, p. 81.

A PETITION of Augustus More of Sudbury, shewing that he has obtained the recommendation of the Select men of said Town to be an Inn holder there; therefore praying that the Court of General Sessions of the Peace for the County of Middlesex may be impowered to grant him a licence.

Read, and inasmuch as the Petitioner is recommended by the Select men of the town of Sudbury to be of sober conversation, and as he has by being in the publick service been prevented from getting a comfortable subsistence:

Therefore

*Voted* that the Justices of the General Sessions of the Peace for the County of Middlesex be allowed and impowered to grant to the Petition<sup>r</sup> a licence the time for granting Licences being elapsed notwithstanding. [*Passed July 18.*]

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is July 17.

## CHAPTER 82.

ORDER ALLOWING £6 FOR NURSING & BOARD OF JAS M'FADEN AND A FURTHER ALLOWANCE OF £4.

A PETITION of James M'Faden a Soldier in the late Expedition against Cape Breton, praying that this Court would allow the charge of nursing and board during his sickness which was contracted in the said service, and also make an allowance to him for his loss of time.

Read and

*Ordered* that the Committee of War be directed to pay the sum of Six Pounds to the persons to whom it is due for nursing and board as therein mentioned; also that they allow the Petitioner Four pounds in consideration of his loss of time. [*Passed July 18.*]

Legislative  
Records of the  
Council,  
xvii. (5), 522.

House Jour-  
nal, pp. 78, 81.  
*Ante*, p. 465,  
chap. I.

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## CHAPTER 83.

VOTE ALLOWING SEVEN HUNDRED OUNCES OF SILVER OR GOLD TO THE COMMISSIONERS AT ALBANY.

*Voted* that the Treasurer be directed to deliver to the Commissioners appointed to repair to Albany, Seven hundred ounces of Silver, or Gold in proportion, that they may lay out the same, or such part of it as shall be necessary, for providing such Presents for the Nations of Indians as they shall judge proper. [*Passed July 19.*]

Legislative  
Records of the  
Council,  
xvii. (5), 522.

Legislative  
Records of the  
Council,  
xvii. (5), 507,  
509, 519, 520.  
House Jour-  
nal, p. 83.

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## CHAPTER 84.

VOTE ESTABLISHING THE WAGES OF THE OFFICERS OF THE TRANSPORTS.

*Voted* that the wages of the Masters of the double decked Transports be advanced to Five Pounds per month; that the wages of the Masters of the single decked Transports be four pounds twelve shillings and six pence per month; the Mates of the said Vessels, four pounds per month each; that the wages of the Carpenters and Boat-swains on board the double decked Transports be at three pounds ten shillings per month each. [*Passed July 22.*]

Legislative  
Records of the  
Council,  
xvii. (5), 524.

House Jour-  
nal, p. 86.  
*Ante*, p. 613,  
chap. 59.

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## CHAPTER 85.

ORDER ALLOWING £50 TO THE SECRETARY FOR A CLERK.

*Voted* that the sum of Fifty Pounds be allowed out of the public Treasury to Josiah Willard Esq<sup>r</sup> Secretary, to enable him to provide an other clerk for his assistance the present year, in his business, which is greatly increased by means of the War; said sum to be paid at the expiration of the year. [*Passed July 22.*]

Legislative  
Records of the  
Council,  
xvii. (5), 524.

House Jour-  
nal, pp. 85, 86.

## CHAPTER 86.

VOTE PROVIDING TIN FLASKS FOR Y<sup>E</sup> SOLDIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 526.

House Jour-  
nal, p. 87.  
*Ante*, p. 596,  
chap. 8.

*Voted* that the Committee of War be directed to provide a Tin Flask for each soldier who shall proceed in the proposed Expedition against Canada, for his conveniency in carrying water, in marches &c. [*Passed July 23.*]

## CHAPTER 87.

ORDER OF NOTICE ON THE PETITION OF ROWL<sup>D</sup> COTTON ESQ<sup>R</sup> & OTHERS OF WOBURN IN REGARD TO PROCEEDINGS AT A TOWN MEETING.

Legislative  
Records of the  
Council,  
xvii. (5), 527.

House Jour-  
nal, pp. 88, 89.

A PETITION of Rowland Cotton Esq<sup>r</sup>, John Fowle, and others, Inhabitants of the Town of Woburn, complaining of the illegal proceedings of a Meeting of the Inhabitants in granting out of the Town Treasury, presents to such persons as had been sent out in the service as Soldiers, with other matters, for which they had no warrant by Law; praying for relief from this Court.

Read and

*Ordered* that the Petitioners serve the Select men of the Town of Woburn with a Copy of this Petition, that they shew cause, if any they have, on the second Wednesday of the next Sitting of this Court, why the prayer thereof should not be granted, & that no payments be made out of the Town Treasury of Woburn, in consequence of the above mentioned Votes of the second of June and fifteenth of July, in the mean time. [*Passed July 23.*]

## CHAPTER 88.

## ORDER ERECTING DIVERS FAMILIES AND ESTATES IN WOBURN INTO A SEPARATE PRECINCT.

Legislative  
Records of the  
Council,  
xvii. (5), 523,  
527.

House Jour-  
nal, pp. 82, 89.  
*Ante*, p. 512,  
chap. 125.

A PETITION of Jonathan Pool Esq<sup>r</sup> and others of Woburn, shewing that since the order of this Court on their complaint against their Pastor M<sup>r</sup> Edward Jackson, for referring the said complaint to further consideration, and recommending it to the parties to call an Ecclesiastical Council, the said M<sup>r</sup> Edward Jackson hath utterly refused to join in the calling such Council, and has gone on in his arbitrary unwarrantable proceedings; & therefore praying that this Court would now grant the prayer of the said Petition.

Read, with the answer of the first parish in Woburn, and

*Ordered* that the prayer of the Petition be so far granted as that the Petitioners with their Families and Estates together with such persons and their estates belonging to said parish as shall hereafter, within twelve months next coming signify their desire of joining with them by writing under their hands, delivered into the Secretaries Office, be and hereby are made and sett off a distinct and separate Precinct and impowered to hold and exercise the same Privileges as all other Precincts within this Province have and by

Law do enjoy, and also set free from any Taxes towards the maintenance of M<sup>r</sup> Edward Jackson, & building and repairing said Precincts Meeting House, since the eleventh of December last, when they exhibited this Petition; Provided they pay annually half of what has been usually allowed by said Precinct towards the support of the Rev<sup>d</sup> M<sup>r</sup> Fox their aged Pastor. [*Passed July 23.*]

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## CHAPTER 89.

### ORDER ALLOWING £12. 10 TO MOSES HOYT.

A PETITION of Moses Hoyt a Soldier in the late Expedition against Cape Breton, praying for some Allowance from this Court in consideration of his wounds there received, which have greatly disabled him.

Read and

*Ordered* that the sum of Twelve Pounds ten shillings be allowed the Petitioner for his present relief, by the Comm<sup>tee</sup> of War. [*Passed July 24.*]

Legislative  
Records of the  
Council,  
xvii. (5), 530.

House Jour-  
nal, pp. 86, 87.  
*Ante*, p. 465,  
chap. 1.

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## CHAPTER 90.

### ORDER ALLOWING £12. 10 TO ALEX<sup>s</sup> TARRANT.

A PETITION of Alexander Tarrant praying for an Allowance for his son, a Soldier in the late Expedition against Cape Breton, who was grievously wounded in the Thigh, which has put the Petitioner to great cost.

Read and

*Ordered* that this Petition be revived, & that the Committee of War be allowed to pay the Petitioner Twelve pounds ten shillings for his present relief. [*Passed July 25.*]

Legislative  
Records of the  
Council,  
xvii. (5), 531.

House Jour-  
nal, p. 135  
(March, 1745);  
p. 90. *Ante*,  
p. 465, chap. 1.

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## CHAPTER 91.

### VOTE ALLOWING THE COMMISSARY GENERAL TO DISPOSE OF SNOW SHOES.

*Voted* that the Commissary General be allowed to dispose of the Snow Shoes belonging to the Province, to the Order of His Excellency the Governor for the Service of the Expedition; provided that with the produce of them, an equal number can be replaced in their room. [*Passed July 25.*]

Legislative  
Records of the  
Council,  
xvii. (5), 531.

House Jour-  
nal, p. 93.  
*Ante*, p. 531,  
chap. 173.

## CHAPTER 92.

VOTE DIRECTING THE ENLISTMENT OF THE ADDITIONAL MEN FOR  
THE GARRISON AT RUMFORD.

Legislative  
Records of the  
Council,  
xvii. (5), 532.

House Jour-  
nal, pp. 91, 92.  
*Ante*, p. 577,  
chap. 306.

A PETITION of Cpt. Ebenezer Easman of Rumford, shewing that [the] Court have allowed for the Pay and Subsistence of Twenty Soldiers for the protection of that place, but it is found that they are insufficient considering the exposed state of said place; therefore praying that this Court would provide for an addition of men for the security of his Garrison.

Read and in answer hereto

*Voted* that His Excellency the Captain General be desired to cause that three effective men be enlisted for the defense of the Garrison herein mentioned, to be paid and subsisted till the Twenty fifth of September next. [*Passed July 25.*]

## CHAPTER 93.

## ORDER IMPOWERING JOHN SIMON, INDIAN, TO SELL LAND.

Legislative  
Records of the  
Council,  
xvii. (5), 533.

House Jour-  
nal, pp. 86, 90.

A PETITION of John Simon of Tetticut, Indian, praying for liberty to sell forty acres of Land in said Place to discharge the debts he has contracted by a long Sickness and lameness occasioned by his Wounds.

In the House of Represent<sup>ves</sup>; Read and

*Ordered* that the prayer of the Petition be granted, and the Petitioner is allowed, with the Advice & Consent of Cpt. Josiah Edson Jun<sup>r</sup> with such as the Hon<sup>ble</sup> Board shall appoint, to sell the land mentioned, for the purposes within expressed; they to be accountable.

In Council; Read and Concur'd, and John Cushing Esq<sup>r</sup> is joined in the affair. [*Passed July 25.*]

## CHAPTER 94.

VOTE TO PUT IN COMMISSION THE BRIG<sup>e</sup> BOSTON PACKET, AND TO  
PURCHASE TEN WHALE BOATS.

Legislative  
Records of the  
Council,  
xvii. (5), 533.

Legislative  
Records of the  
Council,  
xvii. (5), 450,  
466, 468. House  
Journal, pp. 90,  
91. *Ante*,  
p. 596, chap. 8;  
p. 609, chap. 45.

*Voted* that His Excellency the Captain General be desired to put into Commission the Brigantine Boston Packet, and cause that she be manned with a number of men not exceeding fifty, and mounted with eight carriage and a suitable number of Swivel Guns, & victualled till the first of June next, & improved on the present Expedition; the Establishment of Wages for the Officers and Men to be the same as on board the Massachusetts Frigate, and to continue till the first of September next; and in case of the Forces proceeding to the River of St Lawrence the present year, then the said Establishment to be prolonged to the said first of June, in case the Expedition shall not end before. (Provided the ship Massachusetts be continued as a guard to our own Coast.)

And it is further



*Voted* that His Excellency be likewise desired to cause that three of the most suitable Vessels taken up for Transports, be for the same purpose put into Commission, and fitted with eight carriage and eight swivel guns each, of such as belong to this Province, and not now used; and if there be not a sufficient number of such, then the Owners of the Transports put them aboard, and that they be apprized with the Vessels; but if a sufficient number can not be obtained this way, that then they be purchased and put aboard. As to what Powder and Ammunition may be wanted for them, it is humbly presumed His Majesty will furnish them with it. As to what further number of men may be hereafter wanted on board said Vessels (as it is impossible for this Province to furnish them with any greater number than to navigate them) it is further presumed after the Troops are landed, that they may be supplied out of the Kings ships from time to time as the service may require, if the Admiral shall think proper. It is further

*Voted and Ordered* that the Committee of War be directed to purchase ten Whale boats more for the use of the Expedition. [*Passed July 25.*]<sup>1</sup>

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## CHAPTER 95.

### VOTE ABOUT THE SUBSISTENCE & PAY OF THE SOLDIERS ON THE FRONTIERS.

*Voted* that the Pay of the Soldiers who were in the service of this Province upon the Frontiers, who have enlisted for the proposed Expedition against Canada, shall cease at the time of such Enlistment, and their Subsistence, shall be continued until the time of their leaving the service on the Frontiers; at which time their Billetting as Soldiers in the Expedition shall begin, and that the Officers be directed to make up their Rolls accordingly. [*Passed August 5.*]

Legislative  
Records of the  
Council,  
xvii. (5), 537.  
House Jour-  
nal, p. 96.

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## CHAPTER 96.

### ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF THE COUNTY OF SUFFOLK.

AN ACCOMPT presented by Samuel Adams Esq<sup>r</sup> Treasurer of the county of Suffolk for the year 1745; having been laid before the Court of General Sessions of the Peace for said County & by them allowed:

Read and

*Ordered* that the within Accompt be allowed, & the Balance due to the County, being Three Hundred and seventy one pounds ten shillings and one penny, the Treasurer is further accountable to said County for. [*Passed August 5.*]

Legislative  
Records of the  
Council,  
xvii. (5), 539.  
House Jour-  
nal, pp. 11, 93.

Adjourned to August 4. See Legislative Records of the Council, xvii. (5), 534.

## CHAPTER 97.

## VOTE RESPECTING THE SUBSISTENCE OF SOLDIERS IMPRESSED FOR THE FRONTIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 542.  
House Jour-  
nal, p. 98.

*Voted* that all Soldiers who shall enlist or be impressed in consequence of any Vote of this Court, during the present War, for the defence of the Frontiers of this Province, be allowed five shillings per week subsistence from the time of their Enlistment or Impressment, until such time as they shall be ready to march to their proper Post or Station; and that they be allowed the sum of one Shilling and six pence per Day from the time they begin their march from the Chief Officer, till they arrive at their respective Posts or Stations as aforesaid, as subsistence and travelling expences, allowing one day for every twenty miles travel; That the Chief Officer of each Regiment transmit to the Commissary General exact Lists of such soldiers and of the time of their being so impressed or enlisted, together with the time when they began their march, and that the Commissary General be empowered and directed to reimburse the said Officers or their orders, such sums of money as they shall make appear to him they have advanced for the Subsistence and travelling expences of such soldiers, conformable to the foregoing rule, or pay the same to the soldiers or their Order, where they have subsisted themselves; & that the said Commissary General be further directed to advance and pay to the Soldiers or their order, who travel by land to their respective posts and incline to subsist themselves, one shilling and six pence each per Day, twenty miles to be accounted a days travel; and also take special care that the said Subsistence, so paid from time to time be deducted out of the Provision or Subsistence included in any Muster Roll laid before him, in order for payment; but where such soldiers are to be transported to the Eastern Frontier by water, that they be supplied with the ordinary Garrison allowance of Provisions, as heretofore has been usual. [*Passed August 6.*]

## CHAPTER 98.

ORDER ON THE PET<sup>n</sup> OF DIVERS INHABITANTS OF PEMBROKE, BRIDGEWATER, ABINGDON, HALLIFAX AND HANOVER TO BE ERRECTED INTO A SEPARATE PRECINCT AND CALLING A PARISH MEETING.

Legislative  
Records of the  
Council,  
xvii. (5), 448,  
544.  
House Jour-  
nal, pp. 32, 98.

A PETITION of sundry Inhabitants of Pembroke, Bridgewater, Abingdon, Hallifax and Hanover, setting forth the difficulties they are under to attend the publick worship in the respective Towns to which they belong; and praying that they may be made a separate Township or Precinct; all the said Towns, saving Pembroke, having consented thereto.

In answer to the Petition of a number of the Inhabitants of the Towns of Pembroke, Bridgewater, Abingdon, Hallifax and Hanover:

*Ordered* that the prayer of the Petition be so far granted as that the lands therein described, bounded as follows, viz<sup>t</sup> Beginning at the South West corner of Ezekiel Turners land wherein he now dwells, and then running South in the line of the Cornets Purchase, so called, about a mile and half to a Stake and Stones, it being a Corner Bounds of Abingdon and Bridgewater; then continuing the

same course in the East Four mile line of Bridgwater, so called, about two miles and an half to a Stake and Stones standing in the Line betwixt the Farm of David Hatch and the farm of Nath<sup>l</sup> Hardin, whereon they now dwell; then running Easterly in the line betwixt said Hatches and Hardins land to a Stake & Stones standing on the Line betwixt the towus of Bridgwater and Hallifax; then running North 20 Deg. East in the Line betwixt Hallifax and Bridgwater to the North West Corner of Cpt. Croads Lot, being the 63<sup>d</sup> Lot in the Majors Purchase; then running East South East till it comes to Pembroke Line; and then running Easterly in the Line betwixt Hallifax and Pembroke, to a Stake and Stones near Hulstons Saw Mill, so called; then running North five miles and forty rods to a Stake and Stones on the Southerly side of Drink Water River, about a mile and one quarter to the South East Corner of said Turners Lot, & then running Westerly between said Turners and George Kings Lot, about two miles and a quarter to the first Corner; together also with all the land adjoining on the East side of the aforesaid Five Miles and Forty Rods Line, which belongs to any of the Inhabitants who dwell on the Lands above described: saving & excepting out of the Bounds aforesaid Josiah Foster Jun<sup>r</sup> and David Darling with their Estates, who are to remain still to Pembroke, as also all the land adjoining on the West side of said Five Mile and Forty Rod Line, that belongs to any Person or Persons living on the Easterly side of said Line in Pembroke; and all the Inhabitants living on the lands aforesaid, be erected into a Separate and Distinct Parish or Precinet, and vested with all such Powers and Privileges as Precinets by law enjoy: And that Elijah Cushing, one of the principal Inhabitants in said Place is hereby empowered to call the first Precinet or Parish Meeting. [*Passed August 6.*]

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## CHAPTER 99.

### VOTE CONTINUING THE ESTABLISHMENT FOR THE SUBSISTENCE OF SOLDIERS ENLISTED IN THE CANADA EXPEDITION.

*Toted* that the Establishment of the Soldiers enlisted for the Expedition against Canada (as pass'd the 16<sup>th</sup> of July last) which expires this Day, be further continued till the Thirtieth of this instant August, and that the Commissary General be directed to pay the same accordingly. [*Passed August 6.*]

Legislative  
Records of the  
Council,  
xvii. (5), 545.

House Jour-  
nal, p. 965.  
*Ante*, p. 618,  
chap. 74.

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## CHAPTER 100.

### VOTE DIRECTING THE PAYMENT OF WAGES TO EBEN<sup>r</sup> HILL.

A PETITION of Ebenezer Hill late a Soldier in the Eastern Frontiers in the Company of Cpt. William Burnes; shewing that when he came to receive his wages as made up in the Muster Roll of the said Cpt. Burnes, he found it had been paid to a man that called himself John Miller, by vertue of a forged Order with the Petitioners name to it, the Petitioner never having before seen nor subscribed it; praying for relief.

Legislative  
Records of the  
Council,  
xvii. (5), 532.

House Jour-  
nal, pp. 92, 100.

Read and

*Voted* that the Treasurer be directed (upon the Petitioner Hills making Oath that he never gave said Miller any such Order) to pay him the said Petitioner his wages out of the Treasury. [*Passed August 7.*<sup>1</sup>

## CHAPTER 101.

### ORDER IMPOWERING THE SELECTMEN OF SWANZEY TO CHOOSE A COLLECTOR OF TAXES.

Legislative  
Records of the  
Council,  
xvii. (5), 546.  
House Jour-  
nal, p. 100.

A PETITION of the Select Men of the Town of Swanzey, setting forth the difficulties they are under in getting collected the Taxes of the Westerly part of the said Town for the year 1743, and praying that the said Town may be enabled to chuse a Collector or Collectors to gather those Taxes, or that they may be otherwise be<sup>2</sup> relieved by this Court.

Read and

*Ordered* that the Inhabitants of the Town of Swanzey be and hereby are fully authorized and empowered to chuse at their next Town Meeting, one suitable person to collect the Taxes which were assessed on the Westerly part of said Town for the year 1743, who is hereby vested with equal Authority as by Law other Collectors are vested with; the omission of collecting said assessments by the Collector thereto appointed notwithstanding. [*Passed August 7.*

## CHAPTER 102.

### VOTE ESTABLISHING THE ALLOWANCE FOR BILLETING SOLDIERS.

Legislative  
Records of the  
Council,  
xvii. (5), 548.  
House Jour-  
nal, p. 101.

*Voted* that the Allowance to the Soldiers for billeting be at the rate of seven shillings and six pence per week from this time. [*Passed August 7.*

## CHAPTER 103.

### ORDER ALLOWING £3 TO JAMES PIERCE.

Legislative  
Records of the  
Council,  
xvii. (5), 529.  
House Jour-  
nal, pp. 50, 93,  
102. *Ante*,  
p. 569, chap.  
281.

A PETITION of James Pierce a Soldier in the late Expedition against Cape Breton, praying for some further consideration from this Court on account of his distressed circumstances, by reason of the wounds which he received at the Siege of Louisbourgh.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioner Three Pounds for his present relief. [*Passed August 8.*

<sup>1</sup> There is much confusion in regard to the date of this chapter and that of chapters 103 and 109. The dates given are according to the House Journal, which records the action of the House only, and then adds: "Sent up for Concurrence." The dates of final action, according to Legislative Records of the Council, are, for chapter 100, *July 25*, for chapter 103, *July 24*, and for chapter 109, *August 6*.

<sup>2</sup> *Sic.*

## CHAPTER 104.

RESOLVE CONSTRUING AN ACT IN REGARD TO Y<sup>E</sup> DISTRIBUTION OF PLUNDER.

WHEREAS a doubt arises on the construction of the Vote of this Court of the 25<sup>th</sup> of January last,<sup>1</sup> Whether the Plunder that might be taken in the Expedition to Cape Breton should belong to any servant or son under age, or to their Parent or Master?

*Resolved* that it was and is the true Intent and Meaning of the said Vote that such Servant or Son under age should be and he accordingly is entitled to all such Plunder; and in case of the death of such Son or Servant, that the same be paid to their Heirs. And the Agents are directed to pay the same accordingly. [*Passed August 8.*]

Legislative  
Records of the  
Council,  
xvii. (5), 550.

House Jour-  
nal, p. 102.  
*Ante*, p. 425,  
chap. 157.

## CHAPTER 105.

ORDER IMPOWERING THO<sup>S</sup> PHELIX. INDIAN, TO SELL LAND.

A PETITION of Thomas Phelix Jun<sup>r</sup> of Tetticut Indian, praying for liberty to sell fifty Acres of land in said place to pay off the debts he has contracted by reason of his own lameness, and the charge of maintaining his aged Father, who is still a charge to him.

In the House of Represent<sup>ves</sup>;

Read and

*Ordered* that the prayer of the Petition be granted, and the Petitioner is allowed, with the advice & consent of Cpt. Josiah Edson Jun<sup>r</sup> with such as the Hon<sup>ble</sup> Board shall appoint to sell the land within mentioned for the purposes in the Petition exhibited.

In Council; Read and Concur'd, & John Cushing Esq<sup>r</sup> is joined in the affair. [*Passed August 8.*]

Legislative  
Records of the  
Council,  
xvii. (5), 550.

House Jour-  
nal, pp. 86, 90.

## CHAPTER 106.

## VOTE FOR CONTINUING THE ESTABLISHMENT OF WAGES AND SUBSISTENCE OF THE FORCES ON THE FRONTIERS.

*Voted* that the Establishment of the Wages and Subsistence of the additional Forces on the Frontiers, which expired the Third currant, be further continued till the last of October next. And that His Excellency the Captain General be desired to order the Fifty Men with Dogs, (mentioned in the Vote of the Third of June last) to range the Woods in the most exposed places in the Western Frontier; & that His Excellency be likewise desired to omit (if he pleases) sending any more Troopers into the Frontiers for the present, as the charge thereof is very considerable. [*Passed August 8.*]

Legislative  
Records of the  
Council,  
xvii. (5), 551.

House Jour-  
nal, p. 102.  
*Ante*, p. 594,  
chap. 5.

<sup>1</sup> *Quære*, January 25, 1744? See *ante*, p. 425, chap. 157.

## CHAPTER 107.

VOTE ALLOWING £37. 10 TO DAVID ELLINGWOOD, £5 TO BENJAMIN ELLINGWOOD AND £5 TO JACOB WOODBURY.

Legislative  
Records of the  
Council,  
xvii. (5), 551.

House Jour-  
nal, pp. 82, 101.

A PETITION of David Ellingwood & Jacob Woodbury of Beverly, mariners, praying for some Allowance from this Court for their loss of time in keeping ashore for a long while to attend the Trial of divers persons arraigned for Piracy, they being Witnesses and obliged to appear at Court upon every adjournment; the said David praying for an Allowance also for his son Benjamin Ellingwood, who likewise attended as a Witness at the said Trial.

Read and

*Voted* that the Petitioner David be allowed out of the publick Treasury thirty seven pounds ten shillings,<sup>1</sup> also

*Voted* that Benjamin Ellingwood therein named be allowed out of the publick Treasury five Pounds; And further

*Voted* that Jacob Woodbury in the Petition named be allowed five Pounds out of the Publick Treasury, in full consideration for their extraordinary attendance therein mentioned. [*Passed August 8.*]

## CHAPTER 108.

ORDER ALLOWING THE ACCOUNT OF THE COUNTY TREASURER OF ESSEX.

Legislative  
Records of the  
Council,  
xvii. (5), 553.

House Jour-  
nal, pp. 11, 102.

AN ACCOMPT presented by Daniel Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the year 1745. having been laid before the Court of General Sessions of the Peace for said County, and by them allowed.

Read and

*Ordered* that the within Accompt be allowed; and that the Balance, being Forty nine Pounds twelve shillings and eleven pence three farthings, the said Treasurer be further accountable to the said County for. [*Passed August 9.*]

## CHAPTER 109.

ORDER ALLOWING £4. 10 TO JOS. ALLEN.

Legislative  
Records of the  
Council,  
xvii. (5), 545.

House Jour-  
nal, pp. 100, 106.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Joseph Allen, shewing that he enlisted for the late Expedition and embarked on Board the Boston Packet, and on his voyage they met with a grievous storm, which much disabled him, and by the hardships which he endured he contracted a sickness which was very expensive to him; praying for some Allowance from this Court in consideration thereof.

Read and

*Ordered*<sup>2</sup> that the Committee of War be directed to allow the Petitioner Joseph Allen Four Pounds ten shillings in full consideration for his wages, nursing and boarding, within mentioned. [*Passed August 12.*<sup>3</sup>]

<sup>1</sup> The House Journal, p. 101, reads, £27. 10, and Mass. Archives, cxxiv., 199, reads, £17. 10.

<sup>2</sup> The House Journal, p. 106, reads, "*Voted.*"

<sup>3</sup> See note to chap. 100.

## CHAPTER 110.

## VOTE ALLOWING £2. 5 TO ELISHA NEVERS.

A PETITION of Elisha Nevers, setting forth his services and sufferings as a soldier in the late Expedition against Cape Breton, & praying for some allowance from this Court in consideration thereof.

Read and

*Resolved* that the Committee of War be directed to pay to the said Elisha Nevers, two pounds five shillings in full discharge of the Services and sufferings in the Petition mentioned. [*Passed August 12.*]

Legislative  
Records of the  
Council,  
xvii. (5), 555.

House Journal, pp. 100, 106.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 111.

ORDER ALLOWING THE ACC<sup>T</sup> OF THE DUKES CO. TREASURER.

AN ACCOMPT presented by Zacheus Mahew Esq<sup>r</sup> Treasurer of Dukes County for the year 1745; having been laid before the Court of General Sessions of the Peace for said County and by them allowed.

Read and

*Ordered* that the within Accompt be allowed (except Twenty shillings Old Tenor overcharged by Matthew Norton) and that the Ballance, being Five Pounds fourteen shillings and four pence Old Tenor the Treasurer be and hereby is allowed to charge the County with. [*Passed August 12.*]

Legislative  
Records of the  
Council,  
xvii. (5), 556.

House Journal, pp. 11, 106.

## CHAPTER 112.

ORDER ALLOWING JOHN BELL & EDM<sup>D</sup> BEMISS, THEIR WAGES AS ARMOURERS, AND A FURTHER ALLOWANCE OF £7. 6. 6 TO JOHN BELL.

A PETITION of John Bell and Edmund Bemiss, shewing that they enlisted as Soldiers in the late Expedition, that the General employed them as Armourers, for which they have had no consideration; therefore praying for an allowance for that service may be made by this Court, as also for an allowance to the said John for his billeting and charge of sickness while he was in New England in the service of the Company to which he belonged.

Read and

*Ordered* that the Committee of War be directed to allow the Petitioners the wages of Armourers, as established, from April 17. 1745. to the 17<sup>th</sup> of June following; provided they have not been paid in any other capacity during that time.

Also

*Resolved* that the Committee of War be directed to pay the Petitioner John Bell seven pounds six shillings and six pence Old Tenor for his expence in his sickness after his first return from Louisburgh; Provided the said Committee have not allowed him therefor already. [*Passed August 13.*]

Legislative  
Records of the  
Council,  
xvii. (5), 559.

House Journal, p. 109.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 113.

## VOTE ESTABLISHING THE WAGES FOR SEAMEN FOR THE BRIG: BOSTON PACKET AND THE TRANSPORTS.

Legislative  
Records of the  
Council,  
xvii. (5), 560.

WHEREAS the service of the Seamen in the proposed Expedition is like to be much greater than in ordinary Voyages and cruizes: therefore

Legislative  
Records of the  
Council,  
xvii. (5), 536,  
538, 540, 552,  
555, 557, 558.  
House Jour-  
nal, p. 111.  
*Ante*, p. 624,  
chap. 94.  
*Infra*, chap.  
114.

*Voted* that the Wages of the Seamen on board the Boston Packet be at the rate of Three Pounds per month, and that the wages of Seamen on board the Transports be at the rate of Three Pounds ten shillings per month.

Also

*Voted* that the number of Mariners, Officers included, on board the largest Transports do not exceed twelve, and the mariners on board the other Transports to be in number in proportion to the difficulty of navigating them: and that His Excellency be desired to cause them to be inlisted as soon as may be accordingly: The Establishment to continue till the first of June next; provided the Transports shall proceed upon their voyage and shall not return before, and in case they return sooner, the Establishment to cease upon their arrival: and in case they shall not proceed from home before the first of October, then to cease at that time. [*Passed August 13.*]

## CHAPTER 114.

VOTE FOR THE PAYMENT OF ADVANCE WAGES FOR Y<sup>E</sup> SEAMEN &<sup>C</sup> IN Y<sup>E</sup> TRANSPORTS.

Legislative  
Records of the  
Council,  
xvii. (5), 563.

House Jour-  
nal, p. 113.  
*Ante*, p. 596,  
chap. 8.  
*Supra*, chap.  
113.

*Voted* that the Committee of War be directed upon its appearing to them that the Transports will be<sup>1</sup> proceed upon the Expedition, to advance one months wages to the Officers and Mariners on board. [*Passed August 15.*]

## CHAPTER 115.

## VOTE INCREASING THE WAGES OF MASTERS OF TRANSPORTS.

Legislative  
Records of the  
Council,  
xvii. (5), 564.

Legislative  
Records of the  
Council,  
xvii. (5), 564.  
House Jour-  
nal, p. 113.

*Voted* that Forty Shillings be added to the Wages of the Captains of the double deck'd Vessels, & one Pound seven shillings and six pence to the Captains of the single deck'd Vessels. [*Passed August 15.*]

## CHAPTER 116.

VOTE FOR AN ALLOWANCE TO D<sup>R</sup> JOHN DELHONDE.

Legislative  
Records of the  
Council,  
xvii. (5), 565.

A PETITION of D<sup>r</sup> John Delhonde late Surgeon of the Brigantine Boston Packet; shewing that he was ordered by General Pepperil out

<sup>1</sup> *Sic.* The word "be" does not appear in the House Journal.



of the said Vessel to tend the sick and wounded at Cape Breton, for which service, and his hardships endured therein he has as yet had no consideration; praying for some suitable Allowance from this Court.

House Journal, pp. 101, 110, 111. *Ante*, p. 465, chap. 1.

Read, and although the Petitioner received no warrant from His Excellency the Governor to practice as a Doctor in the Army at Cape Breton, yet by Order of General Pepperil he was improved as such, when the sickness greatly prevailed in the Army &c

Therefore

*Voted* that the Committee of War be directed to pay the Petitioner John Delhonde Doctors Wages, so long as it shall appear to them he served in that capacity in the Army. [*Passed August 15.*]

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## CHAPTER 117.

### ORDER IMPOWERING SAM<sup>l</sup> HUNT TO SELL AN HOUSE AND LAND.

A PETITION of Samuel Hunt of Weymouth, Shewing that from the affection he had for his Wife, he made over to her about a third part of his real estate; since which she has been delirious & still remains so, whereby he is put to such charge for her maintenance that he is obliged to sell his real estate, which he can't do to advantage if the part made over to his Wife be divided from it; therefore praying for liberty to sell the whole.

Legislative Records of the Council, xvii. (5), 565.

House Journal, pp. 36, 57.

Read and

*Ordered* that the Petitioner have liberty and power to sell the House and land herein mentioned: Provided he first give sufficient caution to the Judge of Probate for the County of Suffolk that Seventy five pounds, part of the produce of the said Sale, be secured for the use of his Wife Experience. [*Passed August 15.*]<sup>1</sup>

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## CHAPTER 118.

### VOTE DIRECTING THE COMMITTEE OF WAR, AND SECRETARY, TO LAY BEFORE THE COURT ACC<sup>TS</sup> RELATING TO CAPE BRETON.

*Voted* that the Committee of War be directed to lay forthwith before this Court the Account of what has been paid by said Committee for His Majestys service at Louisbourgh, since the reduction of the Fortress there; and that the Secretary be directed to lay before the Court an Account of the particular disposition of the several sums of Bills of Credit which have been issued out of the Treasury, to other persons, for His Majestys service in preserving and maintaining that Fortress, as also a particular Account of the whole charge that has arisen in supporting the French Prisoners, and procuring provisions &c for transporting them to France, agreeable to the terms of the Capitulation. [*Passed August 27.*]

Legislative Records of the Council, xvii. (5), 569.

House Journal, p. 115. *Ante*, p. 465, chap. 1.

<sup>1</sup> Adjourned to August 27. See Legislative Records of the Council, xvii. (5), 566.

## CHAPTER 119.

## VOTE TO APPLY £20,000 TO THE PAYMENT OF THE CHARGE OF THE LATE EXPEDITION.

Legislative  
Records of the  
Council,  
xvii. (5), 571.

House Jour-  
nal, p. 117.  
Province  
Laws, iii., 302,  
chap. 9.

WHEREAS the Appropriation for the late Expedition to Cape Breton is exhausted, and a larger sum remains due than was expected, and there is a Demand for immediate payment: therefore

*Voted* that the sum of Twenty Thousand Pounds, appropriated in the last Act for Supply of the Treasury, to the intended Expedition to Canada, be applied to discharge such debts as remain due on the late expedition against Cape Breton; and the Treasurer is impowered and directed to govern himself accordingly. [*Passed August 28.*]

## CHAPTER 120.

## VOTE DIRECTING THE PAYMENT OF CAPT JOHN KINSLAUGHS MUSTER ROLL.

Legislative  
Records of the  
Council,  
xvii. (5), 572.

Mass.  
Archives,  
lxxii., 761.  
House Jour-  
nal, p. 118.  
*Ante*, p. 609,  
chap. 48.

WHEREAS the Muster Roll of Cpt. John Kinslaugh has been laid before the Committee of War, and Oath hath not been made thereto, agreeable to the Order of this Court, and the said Kinslaugh being at Louisbough, and the Soldiers who are alive and the Representatives of those who are dead will be great sufferers if payment be delayed till said Roll can be sworn to:

Therefore

*Voted* that the Committee of War be directed to pay off the said Roll to those persons to whom it is respectively due, and that the Soldiers who are returned be required to make Oath as to the time of their being in the service, and that the Captains wages be detained in the hands of the Committee, until he shall lay before them a Muster Roll sworn to: And the Chair Man of the Committee is hereby impowered in this and other cases where an Oath shall be necessary in affairs that may ly before the Committee, from time to time to administer the same accordingly. [*Passed \* August 28.*]

## CHAPTER 121.

VOTE ALLOWING £10 TO JOHN NORTON ESQ<sup>r</sup>.

Legislative  
Records of the  
Council,  
xvii. (5), 574.

House Jour-  
nal, pp. 97, 118.  
*Ante*, p. 465,  
chap. 1.

A PETITION of John Norton Esq<sup>r</sup> Praying for an Allowance to be made for the hire of the Scooner Hopewell, John Hooper master, and twelve men, taken up by the Commanding Officer at Canso, to carry an express to Cape Breton, being a Fortnight on that service.

Read and

*Ordered* that the Committee of War be directed to pay John Norton Esq<sup>r</sup> the sum of Ten Pounds, in full consideration of the hire of the above named Scooner and men, as above mentioned. [*Passed August 29.*]

## CHAPTER 122.

### ORDER IMPOWERING RICHARD FOWLER TO BRING FORWARD A WRIT OF REVIEW.

A PETITION of Richard Fowler of Lunenburg, shewing that at the Inferior Court for the County of Worcester held in August 1745; he recovered Judgment of one Zacheus Goldsmith on his bond; but in casting up what was due thereon, the Clerk of the Court left out Twenty five Pounds new Tenor in his reckoning by mistake, which the Petitioner was ignorant of till after the Court was ended; and therefore praying that he may be enabled to review the said Action at the next Superior Court for the County of Worcester, it having been tried at the last Superior Court only on the said Zacheus's Appeal.

Legislative  
Records of the  
Council,  
xvii. (5), 576.  
House Jour-  
nal, pp. 103, 121.

Read, and it appearing that Zacheus Goldsmith the adverse party has been served with a copy of the Petition, but no answer given in:

*Ordered* that the prayer of the Petition be granted, and that the Petitioner be and hereby is enabled to review the Action within mentioned, at the Superior Court to be held at Worcester, within and for the County of Worcester, in September 1747. and the Justices of the said Court are impowered and directed to hear and try the same, & rectify the Judgment before given therein, as upon the Trial shall appear to be just and right; Provided the Petitioner serve the said Zacheus Goldsmith with a Copy of this Order fourteen days at least before the Sitting of said Court. [*Passed September 3.*]

## CHAPTER 123.

### VOTE FOR CONTINUING THE SUBSISTENCE OF THE SOLDIERS IN THE EXPEDITION, AND TO STOP ENLISTMENTS THEREFOR.

*Voted* that the subsistence of the Soldiers who have already actually enlisted into His Majestys service for the Expedition against Canada, which expired the Thirtieth of August last, be continued from that time to the Twentieth of this instant September.

Legislative  
Records of the  
Council,  
xvii. (5), 579.

And inasmuch as there is no prospect of an embarkation before Winter, that His Excellency the Captain General be therefore desired to direct those persons who have beating Orders, that they cease from any further enlistment for the present. [*Passed September 3.*]

House Jour-  
nal, p. 123.  
*Ante*, p. 628,  
chap. 102.

## CHAPTER 124.

### VOTE TO SUPPLY TRANSPORTS & PROVISIONS.

HIS EXCELLENCY THE GOVERNOR having by repeated Messages signified to the House, That he is of opinion the Season is too far advanced for the Forces to proceed to the River St Lawrence before Winter, and that it is his intention to cause them to march for the annoyance of His Majestys enemies the French in their Inland Forts and Settlements:

Legislative  
Records of the  
Council,  
xvii. (5), 580.

Legislative  
Records of the  
Council,  
xvii. (5), 567.

House Journal, pp. 123, 124.  
*Ante*, p. 596,  
chap. 8.

Therefore

*Voted* that the Committee be directed forthwith to prepare Transports to proceed to Hudsons River, and as the exact number of men that have enlisted is uncertain, the Committee are further directed to cause to be put on board said Transports, provisions sufficient for subsisting Two Thousand men for the term of Four Months. [*Passed September 3.*]

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## CHAPTER 125.

### ORDER FOR AN ALLOWANCE TO JOS. WOODWARD LOVET.

Legislative Records of the Council, xvii. (5), 581.

House Journal, pp. 100, 121.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Joseph Woodward Lovet, a Soldier in the late Expedition against Cape Breton, shewing that he was proceeding thither in the Brigantine Boston Packet when she was wreck'd by bad weather and lost her masts, and the Petitioner by the hardships he then endured fell into a dangerous and long sickness; Praying that he may be allowed his wages during his sickness, and be allowed for his stores then stolen from him.

Read and

*Voted* that the Committee of War be directed to allow the Petitioner, Wages for so long time as it appears to them he was allowed subsistence. [*Passed September 3.*]

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## CHAPTER 126.

### VOTE TO ENLIST MEN FOR THE PROTECTION OF RUMFORD.

Legislative Records of the Council, xvii. (5), 581.

House Journal, pp. 120, 124.  
*Ante*, p. 624,  
chap. 92.

A PETITION of Mr Timothy Walker in behalf of the Town of Rumford, setting forth their exposed condition respecting the Enemy; praying that pay and subsistence may be allowed to some Soldiers for their Protection.

Read, and in answer to this Petition:

*Voted* that the Captain General be desired to cause Twenty able bodied effective men, under such Officer as he shall please to appoint, to protect and assist the Inhabitants of Rumford, and that Pay and Subsistence be allowed them, till the fifteenth of October next. [*Passed September 3.*]

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## CHAPTER 127.

### VOTE TO ENLIST MEN FOR THE PROTECTION OF COLRAIN.

Legislative Records of the Council, xvii. (5), 582.

House Journal, pp. 120, 124.

A PETITION of Hugh Henry in behalf of the People of Colrain, setting forth the great danger they are in of being destroyed by the Indian Enemy, and praying for relief and protection from the Government.

Read, and

*Voted* that the Captain General be desired to cause that Twenty of the Inhabitants of Colrain be enlisted and paid and subsisted as Garrison Soldiers till the First of November next. [*Passed September 3.*]

## CHAPTER 128.

## VOTE FOR THE ENLISTMENT OF MEN FOR THE PROTECTION OF SUNCOOK AND CONTOCOOK.

*Voted* that the Captain General be desired to cause to be enlisted Twelve able bodied effective men for the protection of Contoocook, and eight men for the protection of Suncook; and that Pay and Subsistence be allowed them till the fifteenth of October next. [*Passed September 4.*]

Legislative  
Records of the  
Council,  
xvii. (5), 583.

House Journal,  
p. 125.

## CHAPTER 129.

## VOTE FOR PROVIDING TENTS FOR THE FORCES.

*Voted* that the Committee of War be directed to provide Tents or Covering sufficient for the Forces, of such form as shall be judged most convenient. [*Passed September 4.*]

Legislative  
Records of the  
Council,  
xvii. (5), 583.

House Journal,  
p. 125.  
*Ante*, p. 596,  
chap. 8.

## CHAPTER 130.

## ORDER ALLOWING TO COL RICHMOND £74. 5. 2 FOR BILLETING SOLDIERS.

In the House of Represent<sup>ves</sup>;

It Appearing to this House, on inquiry by their Committee, that the account of Mr Jonathan Dwight amounting to Seventy four pounds five shillings and two pence for billeting Soldiers in Col. Richmonds Regiment does not exceed the rate of Thirty shillings, old Tenor, per week:

Legislative  
Records of the  
Council,  
xvii. (5), 583.

House Journal,  
p. 124 *bis*.  
*Ante*, p. 465,  
chap. 1.

*Ordered* that the Committee of War pay to Coll. Richmond the sum of Seventy four Pounds five shillings and two pence Old Tenor to discharge said Account accordingly.

In Council; Read and Concur'd. [*Passed September 4.*]

## CHAPTER 131.

## VOTE PUTTING THE INHABITANTS OF DIVERS TOWNS WESTWARD UNDER PAY AND SUBSISTENCE.

*Voted* that the Captain General be desired to give orders that Ten able bodied effective men of the Inhabitants of Winchester in addition to those already in the service there, be raised for the protection of that place, and that they be paid and subsisted to the last of October next; And that Ten men of each of the Ashuelet Towns be raised paid and subsisted till the last of October next; And that Ten men of the Inhabitants of Number Four be paid and subsisted till the last of October next; And that Eight men of the Inhabitants of the Township Number One at Housatanuck be paid and subsisted till the last of October next; And that Six of the Inhabitants of

Legislative  
Records of the  
Council,  
xvii. (5), 586.

House Journal,  
p. 125.

the Township Number Two at Housatanuck be paid and subsisted till the last of October next; for the protection of the above named Places respectively. And where there are a greater number of Inhabitants at either of the afore said places than are put into pay by vertue of this Vote, His Excellency is further desired, in any such cases, to give orders that the men may be so changed from time to time, as that the benefit hereof may extend to every inhabitant, in order to induce the whole number to remain at the said places respectively. [*Passed September 5.*]

## CHAPTER 132.

### VOTE APPOINTING A COMMITTEE TO LAY THE ACCOUNT OF SUPPLIES AND SUBSISTENCE BEFORE SIR WM. PEPPERRELL AND ADMIRAL WARREN FOR THEIR APPROVAL.

In the House of Represent<sup>ves</sup>;

*Voted* that M<sup>r</sup> Speaker, M<sup>r</sup> Welles, M<sup>r</sup> Hubbard, Coll. Heath, and Coll. Richards, with such as the Hon<sup>ble</sup> Board shall join, be a Committee to wait on the Hon<sup>ble</sup> Admiral Warren and acquaint him, That as he with the Hon<sup>ble</sup> General Pepperil were pleased to transmit to the Committee of War a Paragh<sup>1</sup> of the Duke of Newcastles letter of the 10<sup>th</sup> of August, informing that the Lords Justices had thought proper to direct that till a regular Establishment should be made, Bills should be drawn upon the Offices at home, for the necessary services; and the said Admiral with the General were thereupon further pleased to desire the said Committee to provide what was necessary for repairing supporting & maintaining the Garrison, at the same time desiring to know whether they would be paid agreeable to the above directions, or in any other method. This Court did thereupon order their Committee to do every thing required for the service aforesaid; and they have made very large supplies accordingly. And notwithstanding the engagements of this Government to the Soldiers, that they should be discharged as soon as the Expedition was over, yet, His Majestys service requiring it, the Court have also from time to time necessarily continued their Pay and Subsistence: & upon other Proposals made by the Admiral and General to give their Bills for the aforesaid Supplies made by the said Committee, the Court apprehending it might be inconvenient and attended with considerable trouble to draw Bills for partial supplies from time to time, chose rather to tarry till the whole should be adjusted and finished. But the regular Establishment refer'd to in His Graces letter being now made, and no additional sums required to be advanced by this Court, they have directed their Committee to prepare a correct Account of the sums already paid by the Province for repairing supporting and maintaining the Garrison since the reduction thereof, and propose to lay the same before the Admiral and General, that it may be by them approved and certified, and the Province be reimbursed accordingly.

In Council; Read and Concur'd, and Jacob Wendell, Ezekiel Chever, James Bowdoin and Andrew Oliver Esq<sup>rs</sup> are joined in the affair. [*Passed September 6.*]

Legislative  
Records of the  
Council,  
xvii. (5), 591.

House Jour-  
nal, p. 129.  
*Ante*, p. 465,  
chap. 1; p. 633,  
chap. 118;  
p. 634, chap.  
119. *Infra*,  
chap. 133.

<sup>1</sup> *Sic.*

## CHAPTER 133.

### VOTE DIRECTING THE COMMISSY GEN<sup>L</sup> TO MAKE AN ACC<sup>T</sup> OF THE CHARGES SINCE THE TAKING OF LOUISBURGH.

*Voted* that the Accounts of the Charge of the Expedition against Louisbourgh, as exhibited by the Committee of War, be delivered to the Commissary General, that he may in a correct manner separate forthwith that part of the charge which has arisen since the reduction of that Fortress. [*Passed September 6.*]

Legislative  
Records of the  
Council,  
xvii. (5), 593.  
House Jour-  
nal, p. 130.  
*Supra*, chap.  
132.

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## CHAPTER 134.

### ORDER ALLOWING £7. 10 TO PAT<sup>K</sup> BURN.

A PETITION of Patrick Burn of Wenham a Soldier in the late Expedition against Cape Breton; praying for an Allowance from this Court, in consideration of the wounds he received by the splitting of his Gun, whereby he is disabled from labouring for his support.

Legislative  
Records of the  
Council,  
xvii. (5), 593.

House Jour-  
nal, pp. 100, 129,  
130. *Ante*,  
p. 465, chap. 1.

Read and

*Ordered*, that the Committee of War be directed to pay to the Select Men of the Town of Wenham, or their Order, the sum of Seven pounds ten shillings, in full consideration for his sufferings within mentioned, for the use of the Petitioner; and the Select Men of the said Town are hereby impowered to improve such sum for the benefit of the Petitioner according to their Discretion. [*Passed September 6.*]

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## CHAPTER 135.

### ORDER ALLOWING £2. 14 TO BENJ<sup>N</sup> ALLEN.

A PETITION of Benjamin Allen a Soldier in the late Expedition against Cape Breton; praying for an Allowance from this Court, in consideration of his sickness occasioned by his service, & his expences thereon.

Legislative  
Records of the  
Council,  
xvii. (5), 594.

House Jour-  
nal, pp. 125, 127.  
*Ante*, p. 465,  
chap. 1.

Read and

*Ordered*, that the Committee of War be directed to pay the Petitioner Two pounds fourteen shillings, in full consideration for his Wages and Expences in Sickness &c. [*Passed September 9.*]

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## CHAPTER 136.

### ORDER ON THE PETITION OF ZEBULON PREBBLE IN REGARD TO THE PAYMENT OF HIS SONS WAGES.

A PETITION of Zebulon Prebble, shewing that his son Zebulon served in the late expedition, & died in it, and when the Petitioner went to demand his Sons wages, he found they had been paid to a

Legislative  
Records of the  
Council,  
xvii. (5), 600.

House Journal, pp. 131, 134. *Ante*, p. 465, chap. 1.

man that called himself William Walker; and forasmuch as the Petitioner knows nothing of the said Walker, nor gave any order for his receiving the Wages and Bounty due to his Son, who was a Minor; therefore praying for an Order of this Court for the payment of the same.

Read and

*Ordered* that the Committee of War be directed to stop the wages now due to the above named William Walker, till he shall make it appear to them, that the said Order was genuine, and until it appears probable at least that the said Walker was ignorant of the minority of Zebulon Prebble when the Order was drawn, and until the above named Walker give an account of the Disposition of the £8. 15. 1 received by him by vertue of the aforesaid Order. [*Passed September 10.*]

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## CHAPTER 137.

ORDER IMPOWERING THE JUSTICES OF THE COURT OF GENERAL SESSIONS FOR THE COUNTY OF YORK, TO GRANT LICENCES TO KEEP PUBLIC HOUSES.

Legislative Records of the Council, xvii. (5), 604.

House Journal, pp. 134, 135.

A PETITION of Jeremiah Moulton Jun<sup>r</sup> Farmer of Excise for the County of York; shewing that by reason of the danger of travelling in the said County because of the War with the Indians, the most of the Tavern Keepers and Retailers have neglected to take out their Licences; And therefore praying that the Court of General Sessions of the Peace for the said County may be impowered to grant Licences at their Term in October next.

Read and

*Ordered* that the Justices of the General Sessions of the Peace for the County of York be allowed and impowered at their next Session, to grant Licences to any Persons (as they see cause) who are properly approbated for Retailers, or to keep publick Houses of Entertainment, the time for granting Licences by law being elapsed notwithstanding. [*Passed September 11.*]

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## CHAPTER 138.

ORDER ALLOWING HIS WAGES TO FRA: JOSE.

Legislative Records of the Council, xvii. (5), 605.

House Journal, pp. 100, 138. *Ante*, p. 465, chap. 1.

A PETITION of Francis Jose late of Cape Breton now of Boston, shewing that he surrendered himself with his Scooner to the English, the fourth of May last, and has ever since that (with his son) been in their service, as a Pilot, and has served faithfully and has lost his benefit of divers Prizes by the death of Captain Donahew, that he supplied the English with a great quantity of cord, wood, and other things, for which he has had no consideration; and therefore praying for an Allowance for his said Services from this Court.

Read and

*Ordered* that the Petition be so far granted, as that the Committee of War be directed to allow the Petitioner Francis Jose, wages as a Pilot, & his son wages as a common Sailor, whilst they were on board Donahew and Becket.<sup>1</sup> [*Passed September 12.*]

<sup>1</sup> The House Journal, p. 138, reads, “*Baker.*”



## CHAPTER 139.

### VOTE FOR DELIVERING THE TENTS TO THE COMMISSARIES.

*Voted* that the Tents provided for the Expedition against Crown Point be delivered by the Committee of War, to the Commissaries; and that such Commissaries take effectual care that the Officers who shall receive the same shall be accountable. [*Passed September 12.*]

Legislative  
Records of the  
Council,  
xvii. (5), 608.

Legislative  
Records of the  
Council,  
xvii. (5), 567,  
570, 573, 577.  
House Jour-  
nal, p. 138.  
*Ante*, p. 637,  
chap. 129.

## CHAPTER 140.

### VOTE IMPOWERING THE COMMITTEE OF WAR TO DISPOSE OF STORES NOT WANTED &c.

*Voted* that the Committee of War have liberty to dispose of such of the Stores as may not now be wanted for the Expedition, as they think it for the interest of the Province. [*Passed September 12.*]

Legislative  
Records of the  
Council,  
xvii. (5), 608.

House Jour-  
nal, p. 139.  
*Ante*, p. 635,  
chap. 1.

## CHAPTER 141.

### ORDER REMITTING TO THE TOWN OF SHERBURN £12. 10 FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of Isaac Coolidge in behalf of the Town of Sherburn, setting forth the poverty of the said Town and the smallness of their numbers, and praying that the fine of £12. 10 laid on them the last year for not sending a Representative to the General Court, may be remitted.

Read and

*Ordered*<sup>1</sup> that the prayer of the Petition be granted, and the Treasurer is hereby empowered and directed to allow the Petitioner for the use of the Town of Sherburn the sum of Twelve Pounds ten shillings accordingly. [*Passed September 12.*]

Legislative  
Records of the  
Council,  
xvii. (5), 609.

House Jour-  
nal, pp. 138 *bis*,  
139. Province  
Laws, iii., 226,  
chap. 1.

## CHAPTER 142.

### VOTE FOR PROVIDING AND PROVISIONING TRANSPORTS.

*Voted* that the Committee of War be directed to cause to be prepared, Transports to proceed to Hudsons River and to put on board provisions for subsisting fifteen hundred men only, for the term of four months, the former order for providing for Two Thousand notwithstanding. [*Passed September 12.*]

Legislative  
Records of the  
Council,  
xvii. (5), 609.

House Jour-  
nal, p. 138.  
*Ante*, p. 635,  
chap. 124.  
*Infra*, chap.  
143.

<sup>1</sup> The House Journal, p. 139, reads, "*Voted.*"

## CHAPTER 143.

## VOTE DIRECTING THE SHIPMENT OF STORES ON THE TRANSPORTS.

Legislative  
Records of the  
Council,  
xvii. (5), 611.  
House Jour-  
nal, p. 140.  
*Supra*, chap.  
142.

*Voted* that the Committee of War be directed to cause to be received on board the Transports ordered by this Court to take on board provision for the service of the Army, all such other Stores as are or shall be provided by order of His Excellency the Captain General and the Hon<sup>ble</sup> Admiral Warren. [*Passed September 13.*]

## CHAPTER 144.

## VOTE FOR PAYING THE MUSTER ROLL OF THE BRIG. BOSTON PACKET.

Legislative  
Records of the  
Council,  
xvii. (5), 612.  
House Jour-  
nal, p. 141.  
Province  
Laws, iii., 292,  
chap. 3. *Ante*,  
p. 632, chap.  
113.

JOSIAH WILLARD, Eliakim Hutchinson and James Bowdoin Esq<sup>rs</sup> by Order of the Board went down on a Message to the House of Representatives to inform them that the Council had Advised his Excellency to order the fitting out the Brigantine Boston Packet; but the Advice or Order thereon was by mistake construed so as to include the manning of her with Seamen, who were afterwards discharged; and to move the House to provide for the payment of the Wages of those Seamen.

*Voted* that the Muster Roll of the Brigantine Boston Packet from May 10<sup>th</sup> to June 23<sup>d</sup> & the disbursements of Cpt. Moses Bennet be allowed to be paid out of the Appropriation for Grants. [*Passed September 13.*]

## CHAPTER 145.

VOTE FOR AN ALLOWANCE FOR SUBSISTING SOLD<sup>RS</sup>.

Legislative  
Records of the  
Council,  
xvii. (5), 614.  
Legislative  
Records of the  
Council,  
xvii. (5), 587,  
590, 591, 595,  
602 *bis*, 603.  
House Jour-  
nal, p. 140.

*Voted* that during the march of the Forces and until they meet the Provisions transported by Sea, there be granted and allowed to each man One Shilling and six pence per day for his billeting or subsistence and that the Billeting of the Forces that shall not be on their march nor proceed to Nova Scotia before the Thirtieth of this instant September be continued to that time at the rate of Seven shillings and six pence per Week.<sup>1</sup> [*Passed September 13.*]

## CHAPTER 146.

## ORDER ON THE PETITION OF JOHN SPEAR IN REGARD TO A GUN.

Legislative  
Records of the  
Council,  
xvii. (5), 614.  
House Jour-  
nal, pp. 137, 140.

A PETITION of John Spear of Woburn, shewing that his son David Spear, a Soldier in the late Expedition, was seized with a Fever at Cape Breton, and brought home, where he died; that neither his Gun (which he had of the Province Stores) nor his

<sup>1</sup> A duplicate of this record appears under date of September 6, 1746. See Legislative Records of the Council, xvii. (5), 590.

cloaths were brought home; Praying that the charge of his Gun may not be deducted out of his Wages. *Ante*, p. 465, chap. 1.

Read and

*Ordered* that upon Cpt. James Nobles making Oath before the Committee of War that he knows nothing of the Arms of the within named David Spear that it be an Instruction to the Committee of War that they do not deduct the said Arms. [*Passed September 13.*<sup>1</sup>

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## CHAPTER 147.

### ORDER ALLOWING 40/ TO JAMES WILLIAMS.

A PETITION of James Williams of Boston, Marriner, Praying that he may be allowed out of The Treasury, Forty shillings of the new tenour for a Bill of that Denomination, which was eaten by Mice in his Trunk, the remainders of which he herewith exhibits. Legislative Records of the Council, xviii., 4.

Read &

*Order'd* that the Prayer of the Petition be granted, & that the Treasurer be & hereby is directed to exchange a whole Bill for the torn one exhibited with the Petition. [*Passed October 1.*

House Journal, p. 146.

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## CHAPTER 148.

VOTE SUBSTITUTING JOHN JEFFRIES ESQ<sup>R</sup> FOR JOSIAH WILLARD ESQ<sup>R</sup> ON THE COMMITTEE FOR SIGNING BILLS OF CREDIT.

Legislative Records of the Council, xviii., 5.

*Voted* that John Jeffries Esq. be one of the Committee for signing the Bills of publick Credit, in the room of Josiah Willard Esq. who declines that Service. [*Passed October 1.*

House Journal, p. 145. *Ante*, p. 609, chap. 4.

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## CHAPTER 149.

### VOTE DESIRING THE APPOINTMENT OF A PUBLIC FAST.

*Voted* that his Excellency the Governour be desired to appoint a day of Fasting & Prayer throughout this Province, to implore the Protection of Heaven on his Majesty's Northern Provinces & Colonies in America, & on this Province in particular, against the threatening & formidable Appearance of the French Enemy in these Seas and the frequent Attacks & Invasions upon our Inland Frontiers; & to seek the Divine Direction & Blessing in prosecuting the intended Expedition against the Enemy at Crown Point, & that all servile Labour & Recreation be forbidden on said Day.<sup>2</sup> [*Passed \* October 4.*

Legislative Records of the Council, xviii., 6.

House Journal, p. 150. Love's Fast and Thanksgiving Days of New England, p. 495.

<sup>1</sup> Adjourned to September 30. See Legislative Records of the Council, xvii. (5), 616.

<sup>2</sup> The fast was appointed for October 16<sup>th</sup>, 1746, and was public.

## CHAPTER 150.

## VOTE IMPOWERING THE ASSESSORS OF NATICK TO LEVY AND COLLECT A TAX.

Legislative  
Records of the  
Council,  
xviii., 7.

House Journal,  
pp. 149, 150.  
Province  
Laws, lii., 341,  
note.

*Voted* that the Parish Assessors of the Plantation of Natick, be & hereby are impowered & directed to assess, & the Parish Collectors to collect, such Sum as shall be set on the said Plantation as their Proportion of the Province & County Tax; And the Province Treasurer & the Treasurer of the County of Middlesex, are impowered & required from time to time, to issue their warrants accordingly. [*Passed October 4.*]

## CHAPTER 151.

## ORDER EMPOWERING PHIL. GOODRIDGE AS EXECUTOR, TO SELL LAND.

Legislative  
Records of the  
Council,  
xviii., 7.

House Journal,  
pp. 82, 108.

A PETITION of Priscilla Boynton, Widow of Hilkiah Boynton, late of Lunenburgh deceased, & Philip Goodridge Executor of the last Will & Testament, of Hilkiah Boynton, dec<sup>d</sup> Shewing that the personal Estate falls much short of paying the Debts & Legacys due from the Estate, & for as much as the selling some part only of the real Estate, will be a great disadvantage to the Heir, who is a Minor, Therefore Praying for Liberty to sell the whole real Estate.

Read &

*Ordered* that the Prayer of the Petition be so far granted, as that Philip Goodridge, the within named Executor be & hereby is impowered to sell the House & Land within mentioned for the most the same will fetch; he to apply so much of the produce thereof as is necessary to pay the just debts & Legacies due from the Deceased's Estate, agreeable to the Will (except Thirty pounds old tenour which ought to be paid by the five Daughters of the Deceased, but upon their neglecting to do it;) the within named Philip is further impower'd to sell, so much of the Land of the Deceased's, lying in the new Township Number Six, in the Line of Towns (so called) mentioned in said [Will]<sup>1</sup> & given to said five Daughters, as will fetch Thirty pounds old tenor, as aforesaid: The remaining part, of the Produce of the Land with the Thirty pounds aforesaid, to be for the use of the said Priscilla Boynton so long as she remains a Widow, for her Support, & to enable her to bring up her Son, Jewet Boynton, agreeable to the Directions in the Will; the said Executor, giving proper Caution to the Judge of Probate for the County of Worcester for the faithful performance of the Premises. [*Passed October 4.*]

## CHAPTER 152.

## ORDER ALLOWING £2. 17 AND SUBSISTENCE TO JOHN DUN.

Legislative  
Records of the  
Council,  
xviii., 8.

A PETITION of John Dun, Drum Major to Coll Shubal Gorham's Regiment in the late Expedition against Cape Breton, Setting forth

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 629.

his extraordinary Services & Praying to be allowed his Wages & Billeting Money while he was absent upon Furlloe.

House Journal, pp. 91, 151.  
*Ante*, p. 465,  
chap. 1.

Read &

*Ordered* that the Petitioner be allowed two pounds seventeen shillings *p* month from the ninth of October last to the first of June following, & usual Subsistence for the same time, & that the Committee of War be directed to pay him accordingly. [*Passed October 6.*]

## CHAPTER 153.

### ORDER AND VOTE ACCEPTING THE ACC<sup>t</sup> OF THE TRUSTEE'S OF THE HASSANIMISCOE INDIANS.

AN ACCOMPT presented by John Chandler & John Jones Esqs. & M<sup>r</sup> Edward Baker, Trustees for the Indians at Hassanimiscoe, of their Receipts of the Money belonging to the said Indians, & their Disbursements for them to the 7 of July; Ballance whereof in the said Trustee's hands is £9. 15. 4 old tenour.

Legislative Records of the Council, xviii., 9.

House Journal, p. 154.

Read &

*Ordered* that this Accompt be allowed & that the Trustees be accountable for the Seven pounds eight shillings & five pence due to Bethia Printer, Also

*Voted* that the within Accompt be allowed & that the Ballance thereof being Nine pounds, fifteen shillings & four pence, the Trustee's are further accountable for, exclusive of the Capital Sum of Twenty five hundred pounds old tenour. [*Passed October 10.*]

## CHAPTER 154.

### VOTE RESPECTING DIVERS VOTES OF THE TOWN OF WOBURN.

WHEREAS by the Vote of this Court of the 23 of July, the consideration of the Petition of Roland Cotton Esq. & others of woburn was refer'd, to the second Wednesday of the then next Sitting of this Court; & it was Ordered that no Payment be made out of the Town Treasury of said Woburn, in consequence of two certain Votes, of the 2<sup>d</sup> June & 15 July in the meantime: And the said Petition & Order being lost or mislaid in the Secretary's Office, To prevent any Inconvenience y<sup>t</sup> may arize to said Town,

Legislative Records of the Council, xviii., 9.

House Journal, p. 154.  
*Ante*, p. 622,  
chap. 87.

*Voted* that the said Votes of the second of June & fifteenth of July be & remain in as full force, & all Proceedings thereon be deemed as valid, as if said Order of this Court of 23<sup>d</sup> of July, had never been made & pass'd. [*Passed October 10.*]

## CHAPTER 155.

### ORDER APPOINTING A COMMITTEE TO PROVIDE NEW SAILS AND RIGGING FOR THE LIGHT HOUSE BOAT.

A MEMORIAL of Robert Ball, Keeper of the Light House, Shewing that the Sails & Rigging of the Lighthouse boat, are much worn & Winter now coming on, it will be necessary that she should have

Legislative Records of the Council, xviii., 9.

House Journal, pp. 155 *bis*, 156.

a new Sett, And therefore Praying that a new Suit of Sails & Rigging, may be provided for the said Boat accordingly.

In the House of Represent<sup>ves</sup> Read &

*Ordered* that M<sup>r</sup> Hubbard with such as the Honb Board, shall join be a Committee, to provide a new Suit of Sails & Rigging for the Boat within mentioned, & that they dispose of the old Sails & Rigging to the best Advantage of the Province.

In Council, Read & Concur'd & James Bowdoin Esq. is joined in the Affair. [*Passed October 10.*]

## CHAPTER 156.

ORDER ALLOWING £9. 5 TO DOCT. NATH WINSLOW.

Legislative Records of the Council, xviii., 10.

A PETITION of Docter Nathaniel Winslow, Praying for an Allowance in consideration of his Service as a Surgeon & his Care of divers sick & wounded Soldiers on the Eastern Frontiers.

House Journal, pp. 67, 68, 154.

Read &

*Ordered* that the Sum of Nine pounds five shillings be allowed the Petitioner in full consideration of his Expences & Services, mentioned.<sup>1</sup> [*Passed October 10.*]

## CHAPTER 157.

ORDER ALLOWING THE ACCT OF THE CO. TREASURER OF PLYMOUTH.

Legislative Records of the Council, xviii., 10.

AN ACCOMPT presented by Edward Winslow Esq. Treasurer of the County of Plymouth for the year 1745, Having been laid before the Court of General Sessions of the Peace for the said County & by them allowed.

House Journal, pp. 11, 155.

Read &

*Order'd* that the within Accompt be allowed & that the Ballance thereof, being One shilling & ten pence, the Treasurer is still accountable to said County for. [*Passed October 10.*]

## CHAPTER 158.

ORDER CONTINUING THE ESTABLISHMENT OF THE GARRISON AT RUMFORD AND SUNCOOK.

Legislative Records of the Council, xviii., 10.

A PETITION of Capt Eben<sup>r</sup> Eastman, praying in behalf of the Inhabitants of Rumford & Suncook, that the Pay & Subsistence for the Soldiers allowed for their Protection may be continued for some time longer that they may be able to get in their Harvest.

House Journal, pp. 155, 156. *Ante*, p. 636,

Read &

<sup>1</sup> In Legislative Records of the Council, xviii., 23, of date the next November 13, a record appears in the same language as that here given; but there is no such record of that date in the House Journal. The Executive Records of the Council are missing from February 27, 1746, to December 9, 1747.

*Ordered* that the Pay & Subsistence of the forty Voluntiers, within mentioned which expires the 18<sup>th</sup> Currant, be from that time continued to the Thirtieth of this Instant October. [*Passed October 10.*]

chap. 126;  
p. 637, chap.  
128.

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## CHAPTER 159.

### ORDER IMPOWERING JOB AHAUTON & JOHN SIMON, INDIANS, TO SELL LAND.

A PETITION of Job Ahauton & John Simon of Tetticut Indians, Praying to be allowed Liberty to sell twenty five Acres of Land belonging to them in partnership, lying in the said Plantation of Tetticut, for the payment of their Debts; & that John Cushing Esq. & Cpt. Josiah Edson jun<sup>r</sup> be appointed to assist them in the Sale thereof.

Legislative  
Records of the  
Council, xviii.,  
10.

House Jour-  
nal, p. 155.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioners have Liberty to sell the Land herein mentioned (with the Advice of John Cushing Esq & Cpt. Josiah Edson jun<sup>r</sup>) the Produce thereof to be applied for the payment of the Debts of the said Job & John according to their Interest in said Land. [*Passed October 10.*]

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## CHAPTER 160.

### VOTE APPOINTING A COM<sup>r</sup> TO ENQUIRE INTO FRAUDULENT ENLISTMENTS.

IN THE HOUSE OF REPRESENTATIVES, Whereas this Court is informed, that several persons, who received Beating Orders from his Excellency the Govern<sup>r</sup> many months since, very lately, (notwithstanding his Excellency had, at the Desire of both Houses, given his Orders to the contrary) enlisted divers Persons into his Majesty's Service for the Expedition to Canada, & to cover such irregular Proceedings have antedated such Enlistments, by means whereof there is great room for Fraud, as to the Wages, Bounty & Billeting of the Soldiers:

Legislative  
Records of the  
Council, xviii.,  
11.

House Jour-  
nal, p. 160.  
*Ante*, p. 635,  
chap. 123.

Therefore

*Voted* that M<sup>r</sup> Welles, M<sup>r</sup> Hubbard & Cpt. Adams, with such as the Honb. Board shall appoint be a Committee to make full Enquiry into these Proceedings & report at the next Sitting of the Court what may be proper to be done thereon; And said Committee are empowered to send for Persons, Papers & Records; & they are to cause this Vote to be published in the Publick News Papers; In Council, Read & Concur'd, And Ezekiel Cheever & Eliakim Hutchinson Esq<sup>r</sup>s are joined in the Affair. [*Passed October 11.*]

<sup>1</sup> The House Journal, p. 155, reads, "the 15th Currant."

## CHAPTER 161.

Legislative  
Records of the  
Council, xviii.,  
11.

House Jour-  
nal, p. 158.  
Province  
Laws, iii., 292,  
chap. 3.

## VOTE FOR TRANSFERRING £1,100 FROM THE APPROPRIATION FOR GRANTS.

*Voted* that the Sum of Eleven hundred pounds be transfer'd from the Appropriation of Grants & be appropriated for the discharge of such Debts as now are or may be due for Service done by Order of the Court, where there is no Establishm<sup>t</sup>. [*Passed October 11.*]

## CHAPTER 162.

ORDER DIRECTING THE PAYMENT OF HIS WAGES TO THO<sup>s</sup> PINES.

Legislative  
Records of the  
Council, xviii.,  
11.

House Jour-  
nal, pp. 151, 154.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Thomas Pines, a Sergeant in the late Expedition, in the Company under Capt Rhodes, Shewing that he has received his Pay, till the last of September when Cpt. Rhodes, made up his Muster Roll, & was continued in said Service till the 15<sup>th</sup> of May last, And for as much as it is not likely that Cpt. Rhodes will make up any other Muster Roll, & the Petitioner kept a particular Account of such Things as he received of the Commissary & the Price of them, Therefore Praying he may be paid the Wages now remaining due to him.

Read &

*Ordered* that the Committee of War be directed to pay the Wages due to the Petitioner, deducting the Nineteen pounds, eighteen shillings & three pence, which he acknowledges he received of Commissary Winslow: Provided he give Security to the said Committee to refund such part of the Sum he so shall receive, as by the Commissary's Books may appear not to be due to him. [*Passed October 11.*]

## CHAPTER 163.

## ORDER ALLOWING 50/ TO NATHAN KENNEY.

Legislative  
Records of the  
Council, xviii.,  
12.

House Jour-  
nal, pp. 156, 158.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Nathan Kenney, a Soldier in the late Expedition, Praying for a Pension or other Allowance in consideration of Wounds he received from the Enemy in the said Service, by which he has endured much pain & is disabled from Labour for himself & his Family.

Read &

*Order'd* that the Committee of War be directed to allow the Petitioner, Fifty shillings for his present Relief. [*Passed October 11.*]

## CHAPTER 164.

## ORDER ADJOURNING THE BARNSTABLE COUNTY COURTS.

Legislative  
Records of the  
Council, xviii.,  
12.

WHEREAS the Time for holding the Superiour Court of Judicature, Court of Assize, & General Goal Delivery at Bristol [within and for the County of Bristol,]<sup>1</sup> is by Law established to be on

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 637.



the fourth Wednesday of October; &, the Time for holding the Court of General Sessions of the Peace & Inferiour Court of Common Pleas, at Barnstable, within & for the County of Barnstable, is by Law Established to be on the third Tuesday of October, which this year happens to be on the Day immediately before the said fourth Wednesday; & many Persons being obliged to give their Attendance at the said Superiour Court of Judicature & Court of Assize, as also at said Court of General Sessions of the Peace & Inferiour Court of Common Pleas, which renders it impracticable to have all the before mentioned Courts to sit on the Days aforesaid.

House Journal, p. 149.  
Province  
Laws, iii., 64,  
chap. 32; 385,  
note.

Therefore

*Ordered* that the said Court of General Sessions of the Peace & Inferiour Court of Common Pleas, be adjourned to the first Tuesday of November next, & all Officers & Persons, concerned in said Courts are ordered to conform themselves to that time; And all Writs, Pleas & processes, whatsoever, are to be heard, adjudged & determined at that time, as fully to all Intents & Purposes, as if said Court sat on the third Tuesday of October. [*Passed October 11.*]

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## CHAPTER 165.

### VOTE ALLOWING £200 FOR THE REPAIRS OF CASTLE WM.

*Voted* that the sum of Two hundred pounds be allowed & granted out of the £16,000 Appropriation for the defence of the Province & paid into the Hands of the Committee appointed for effecting the Repairs at Castle William, to discharge the Workmen employed for that purpose. [*Passed October 11.*]

Legislative  
Records of the  
Council, xviii.,  
12.

House Journal, p. 158.  
Province  
Laws, iii., 292,  
chap. 3. *Ante*,  
p. 169, chap.  
230; p. 121,  
chap. 261.

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## CHAPTER 166.

### VOTE REQUIRING FROM ENLISTING OFFICERS AN ACCOUNT OF THE MONEY PAID THEM.

A LIST of the several Sums paid to the enlisting Officers, having been laid before the House;

*Voted* that the Committee appointed by this Court for paying the Bounty Money be directed forthwith to require from all such Officers an Accompt how the said Sums, have been disposed of, And that the several Sums which shall remain due from each Officer, over & above what he shall have discharged himself of, agreeable to the several Votes, of this Court, be repaid to said Committee. [*Passed October 11.*<sup>1</sup>]

Legislative  
Records of the  
Council, xviii.,  
12.

House Journal, p. 159.  
*Ante*, p. 606,  
chap. 38.

<sup>1</sup> Adjourned to November 6. See Legislative Records of the Council, xvii. (5), 639, and the House Journal, p. 160; Legislative Records of the Council, xviii., 12, has no record of an adjournment.

## CHAPTER 167.

ORDER FOR REVIVING THE BUSINESS AT THE SESSIONS OF THE COURT  
IN HAMPSHIRE COUNTY.

Legislative  
Records of the  
Council, xviii.,  
17.

House Jour-  
nal, p. 161.

A PETITION of Thomas Ingersol Esq. one of his Majesty's Justices of the Peace for the County of Hampshire, Shewing that by reason of the Justices of the s<sup>d</sup> County, being taken up with other Business at the last term of the Court of General Sessions of the Peace for the said County, the Business of the said Court was not performed particularly that they failed to grant Licenses to Retailers & Innholders, Therefore Praying that they may be impowered to do that. & their other Business which then failed, at the next Term of the s<sup>d</sup> Court.

Read &

*Ordered* that the Justices of the General Sessions of the Peace, for the County of Hampshire, be & they hereby are fully authorized & impowered to transact all Matters & Things that may come before them on the second Tuesday of November Currant, as effectually as they might have done on the Third Tuesday of August last, That time being elapsed notwithstanding. [*Passed November 7.*]

## CHAPTER 168.

## VOTE DESIRING THE APPOINTMENT OF A DAY OF THANKSGIVING.

Legislative  
Records of the  
Council, xviii.,  
18.

House Jour-  
nal, p. 165.  
Love's Fast  
and Thanks-  
giving Days of  
New England,  
p. 495.

*Voted* that his Excellency the Governour be desired to appoint as soon as may be, a Day of Publick Thanks Giving to Almighty God, to be observed throughout this Province, in consideration of the many signal Mercies in the course of the year past, & in an especial Manner the remarkable Disappointm<sup>t</sup> by the immediate Hand of Heaven, of the Designs of the French Enemy with a great & formidable Fleet and Armament to annoy, distress & ruine his Majesty's Northern Plantations & Governments in America; And that all servile Labour be forbidden on the said Day.<sup>1</sup> [*Passed\* No-  
vember 7.*]

## CHAPTER 169.

ORDER IMPOWERING THE PROVINCE TREASURER TO PAY TO THOMAS  
HUTCHINSON ESQ AN AMOUNT TO COVER BILLS OF EXCHANGE.

Legislative  
Records of the  
Council, xviii.,  
18.

Mass.  
Archives,  
cxxiv., 198.  
Legislative  
Records of the  
Council,  
xvii. (2), 385;  
*ibid.*, xvii. (3),  
610. House  
Journal,  
pp. 161, 166.

A PETITION of Thomas Hutchinson Esq. Shewing that he was employed as Agent for the Inhabitants of those Lands which were taken off, from this Province by the Line lately settled by his Majesty to be the Boundary between this Province & New Hampshire, to solicit their Petition to his Majesty that they & their Lands may be set back to this Province, that he left the Matter undetermin'd, when he returned from Great Britain & impower'd Eliakim Palmer Esq to transact that Affair, That this Court were pleased to allow a sum for defraying the Charge of that Solicitation, That he has

<sup>1</sup> The Thanksgiving day was appointed for Thursday, November 27, 1746, and was public.

received An Accompt from Mr Sharp their Soliciter, of the Expence, on the said Affair, which he has nothing in his Hands to discharge, Therefore Praying that the Court would allow a sum sufficient for paying the Charge in said Affair.

Read &

*Ordered* that the Treasurer be & hereby is directed to pay to the Petitioner such sum in Bills of Credit out of the Treasury as will enable him to discharge the Bill of Exchange drawn on him, and the Accompt amounting to the Sum of One hundred & twenty six pounds, nine shillings. [*Passed November 8.*]

Province  
Laws, xii., 706,  
chap. 92.

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## CHAPTER 170.

### ORDER ALLOWING £20 TO WILLIAM CLAPHAM.

A PETITION of William Clapham of Boston, Shewing that upon the Lieut<sup>t</sup> Governour's Proclamation against the Persons, supposed to be guilty of the Murther of two Seamen, committed in November last, he apprehended & deliver'd into Custody one William Rouse, against whom a Bill was found by the Grand Jury for the s<sup>d</sup> Murther. Praying for an Allowance for his Service & Expence therein.

Read &

*Ordered* that the sum of Twenty Pounds be allowed out of the Publick Treasury to William Clapham the Petitioner in full consideration of his Expence & Trouble within mentioned. [*Passed November 8.*]

Legislative  
Records of the  
Council, xviii.,  
19.

House Jour-  
nal, pp. 111, 158.

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## CHAPTER 171.

### ORDER ALLOWING £6. 12. 11 TO SAM<sup>l</sup> BACON.

A PETITION of Samuel Bacon, Shewing that he has paid the Sickness & Funeral Charges of Daniel King, who served as Carpenter of the Boston Packet Brigantine, who was taken sick & died in the Service of the Province, Praying to be reimbursed the said Charges.

Read &

*Ordered* that the Petitioner be allowed out of the Province Treasury the sum of Six pounds twelve shillings & eleven pence upon his producing Receipts, from Dr. Henry Burchstead, D<sup>r</sup> Thomas Barton and Roger Pasmore, that he has paid the respective sums mentioned in the Petition. [*Passed November 8.*]

Legislative  
Records of the  
Council, xviii.,  
19.

House Jour-  
nal, pp. 155, 158.

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## CHAPTER 172.

### ORDER ALLOWING A PENSION OF £4 ANNUALLY TO BENJAMIN ROCKWOOD.

A PETITION of Eleazar Metcalf Jun<sup>r</sup> of Wrentham, complaining against William Man of said Town, who for divers years past has received out of the publick Treasury of this Province, the yearly

Legislative  
Records of the  
Council,  
xvii. (5), 570;  
*ibid.*, xviii., 20.

Legislative  
Records of the  
Council,  
xvii. (5), 581.  
House Jour-  
nal, pp. 117, 122,  
149. *Ante*,  
p. 192, chap.  
148.

pension allowed by this Court to Benjamin Rockwood an old disabled Soldier, and converted it to his own use, while the Petitioner has been put to the charge of his maintenance; praying for relief from this Court.

Read with the Answer of William Man &

*Ordered* that the Treasurer be directed & impower'd to pay the Four pounds (granted by this Court to Benjamin Rockwood, annually as a Pension) as it shall become due, to the Overseers of the Poor of the Town of Wrentham & their Successors in said Office, to be improved by them for the Support & Comfort of the said Rockwood during Life. [*Passed November 11.*]

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## CHAPTER 173.

### VOTE EXTENDING THE SUBSISTENCE OF THE SOLDIERS RAISED FOR THE EXPEDITION.

Legislative  
Records of the  
Council, xviii.,  
20.

House Jour-  
nal, p. 169.  
*Ante*, p. 642,  
chap. 145.

*Toted* that the Subsistence of the Soldiers raised for the Expedition against Canada, which expired the thirtieth of September last be further continued to the thirtieth of November Currant, except of those Forces who are destin'd for the Service of Nova Scotia; And their Subsistence is to be paid until the time of their being sent to Castle William, or otherwise assigned to that Service & no longer, at which time their Subsistence at the Charge of the Crown is supposed to begin; And for those that may be on their March before said Thirtieth of November, their weekly Allowance is to cease, when their travelling Allowance of one shilling & six pence  $\wp$  day takes place. [*Passed November 11.*]

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## CHAPTER 174.

### VOTE FOR REDUCING THE FORCES ON THE FRONTIERS.

Legislative  
Records of the  
Council, xviii.,  
20.

House Jour-  
nal, p. 169.  
*Ante*, p. 637,  
chap. 131.

THE ESTABLISHM<sup>t</sup> for the Pay & Subsistence of the Forces on the Eastern & Western Frontiers being expired the thirtieth of October;

*Toted* that the same be continued till the twentieth of November Currant; and that the several Commanding Officers be directed to make up their Rolls to that time, & that they cause each Soldier in actual Service at that time to be born on the Roll over & above the said Term, according to the distance he is posted from his place of Abode, allowing twenty miles for a Days Travel.

And it is further

*Toted* that after the Expiration of said Term there be granted & allowed Pay & Subsistence, according to the former Votes, to three hundred & fifteen Men only for the service of the said Frontiers, for such Term as is hereafter limited; And that his Excellency the Captain General, be desired to cause said Men to be employed as follows, viz<sup>t</sup> Fifteen at the three Blockhouses West of Connecticut River, Eight at Colrain to be of the Inhabitants, six of the Inhabitants at Fall Town, Thirty at the two Asshuelets, twenty whereof to be of the Inhabitants, Five at Winchester of the Inhabitants, &

fifteen at Contacook: And the remaining Two hundred & six men to be for the defence of the Eastern Frontiers; Eight whereof to be of the Inhabitants of Philips Town, Seven of the Inhabitants of Gorham & nine of the Inhabitants of new Marblehead.

The Pay & Subsistence of the Soldiers posted at the Ashuelets, Winchester and Contoocook to continue to the tenth of December & no longer & the other Forces to the tenth of January & no longer. [*Passed November 12.*]

## CHAPTER 175.

### VOTE REFERRING TO THE DOGS ON THE FRONTIERS.

THERE BEING no Provision made for continuing the Pay & Subsistence of the fifty men raised to range the Woods with Dogs.

*Voted* that John Stoddard Esq. be desired to give Orders for the disposal of the said Dogs in such manner as to be no Charge to the Province in the Winter Season. [*Passed November 12.*]

Legislative Records of the Council, xviii., 21.

House Journal, p. 169. *Ante*, p. 594, chap. 5.

## CHAPTER 176.

### ORDER ALLOWING £6 TO JAMES PEIRCE.

A PETITION of James Peirce, a Soldier in the late Expedition against Cape Breton, Praying to be allowed something further in consideration of his deplorable Circumstances occasion'd by Wounds there receiv'd.

Read &

*Ordered*<sup>1</sup> that the Committee of War be directed to allow the Petitioner Six pounds for his present Relief. [*Passed November 12.*]

Legislative Records of the Council, xviii., 21.

House Journal, pp. 168, 170. *Ante*, p. 465, chap. 1; p. 628, chap. 103.

## CHAPTER 177.

### ORDER ALLOWING £3. 5 TO VINCENT SHUTTLEWORTH.

A PETITION of Vincent Shuttleworth of Wrentham Shewing that for divers years he was allowed a Pension by this Court in consideration of his Disability by Wounds he receiv'd in the publick Service, which still continues; And therefore Praying that his Pension may be revived.

Read &

*Ordered* that the Petitioner be allowed out of the Publick Treasury the sum of three pounds five shillings *p* Annum (in consideration of his Sufferings) during his natural Life, the said Sum to be p<sup>d</sup> to Eleazar Metcalf jun<sup>r</sup> of Wrentham, to be applied for the Comfort of the Petitioner & his Family. [*Passed November 12.*]

Legislative Records of the Council, xviii., 21.

House Journal, pp. 168, 170. *Ante*, p. 61, chap. 113.

<sup>1</sup> The House Journal, p. 170, reads, "*Voted.*"

## CHAPTER 178.

ORDER AB<sup>t</sup> THE TAX ON FISHING VESSELS.

Legislative  
Records of the  
Council, xviii.,  
21.

House Jour-  
nal, pp. 170, 171.  
Province  
Laws, iii., 202,  
chap. 22.

A MEMORIAL of William Foye Esq. Treasurer of this Province, Shewing that pursuant to the Directions contained in an Act, made in the Eighteenth Year of his present Majesty's Reign, entitled An Act for granting unto his Majesty a Duty of Tunnage on Shipping, has given publick Notice thereof to the Towns, where there are any fishing & Coasting Vessels, that so the Assessors may transmit to him Lists of such Vessels yearly, that so they may be taxed according to the directions of the said Act, but the Assessors of most of the Towns concerned, have neglected their Duty in that behalf, And therefore Praying for the further Directions of this Court in the Affair.

Read &

*Ordered*,<sup>1</sup> that the Treasurer be directed forthwith to send Letters to the Assessors of the several Sea Port Towns. in this Province, who have neglected to comply with the Act refer'd to in this Memorial, ordering them to send a List of said Vessels & the Tunnage & the Names of the Connestables or Collectors to whom the Lists are deliver'd to collect by the first of January next for the Duty laid on them agreeable to said Act for the years 1745 & 1746. [*Passed November 12.*]

## CHAPTER 179.

## ORDER IMPOWERING JEFFREY &amp; MARY HENRY, INDIANS, TO SELL LAND.

Legislative  
Records of the  
Council, xviii.,  
22.

House Jour-  
nal, pp. 156, 157.

A PETITION of Jefry & Mary Henry of Providence Indians, Shewing that they have Lands in Natick, which they cannot make any Improvem<sup>t</sup> of, being settled at Providence aforesaid, And therefore Praying for Liberty to sell fifty six acres & a quarter of Land belonging to the said Jeffry & fourteen Acres belonging to the said Mary his Wife, lying in Natick, for the Payment of their Debts & purchasing Other Lands at Providence.

In the House of Representit<sup>vs</sup> Read &

*Ordered* that the Prayer of the Petition be granted, & the Petitioners are hereby allowed & empower'd (with the Advice & Assistance of Major Coolidge & Major Jones,)<sup>2</sup> with such as the Honb<sup>l</sup> Board shall join) to make Sale of the Land within mentioned for the purposes exhibited.

In Council, Read & Concur'd & James Minot Esq. is joined in the Affair. [*Passed November 12.*]

<sup>1</sup> The House Journal, p. 171, reads, "Voted."

<sup>2</sup> *Sic*, as to marks of parenthesis.

## CHAPTER 180.

### VOTE TO PREVENT PAYING DOUBLE BILLING MONEY.

WHEREAS the Soldiers on the Frontiers of the Province were permitted by the Governour & many of them did enlist in the Expedition against Canada & on their so doing Certificates thereof were made out in form, yet they were not allowed to quit their Stations, till such time as they were relieved by a new Levy of Men & consequently received Subsistence in the usual manner; And whereas also the Officers engaged in the said Expedition have been allowed to receive billeting Money for their respective Companies from the Date of such Certificates, whereby there is danger that double Subsistence has been allowed some of the said Soldiers, & will be a Loss to this Province, unless seasonably prevented by this Court Therefore

*Voted* that the Sub Commissaries in the Frontiers be directed to make out & transmit to the Commissary General perfect Lists of the names of such Soldiers, as were under their respective Care, who enlisted in the said Expedition, & the time to which they were subsisted by them; And the Commissary General is alike required, to compare the said Lists & time of Subsistence, with the Lists & time from which he has paid Billeting Money to the Officers respectively. & where he finds the Province has been at the Charge of double Subsistence to any of the said Soldiers, he take notice of it & lay the same before this Court that so Justice may be done. [*Passed November 13.*]

Legislative  
Records of the  
Council, xviii.,  
23.

Legislative  
Records of the  
Council,  
xvii. (5), 511,  
516. House  
Journal, p. 172.  
*Ante*, p. 626,  
chap. 97.

## CHAPTER 181.

### VOTE FOR AN ALLOWANCE OF WAGES TO JN<sup>o</sup> SPAFFORD.

*Voted* that the Treasurer be directed to pay unto M<sup>r</sup> William Hardy what Wages are due upon the Muster Roll to Lient<sup>t</sup> John Spafford (now in Captivity at Quebeck) to be delivered by the said Hardy to the Wife of said Spafford for her Support. [*Passed November 13.*]

Legislative  
Records of the  
Council, xviii.,  
23.

House Jour-  
nal, p. 175.

## CHAPTER 182.

### VOTES RESPECTING CONTINUATION OF THE ESTABLISHMENT OF THE MASSACHUSETTS FRIGATE, ALSO OF THE BOSTON PACKET, AND ALSO THE FORCES AT CASTLE WILLIAM & FORT AT SACO.

*Voted* that the Establishm<sup>t</sup> of the Wages of the Officers & Sailors on board the Massachusetts Frigate be continued to the fourteenth Currant & from that time, the Establishm<sup>t</sup> be made for the Captain & five men only to the first of March next.

*Voted* also that the Establishm<sup>t</sup> of the Officers & Sailors on board the Boston Packet be continued till the fourteenth Currant & from that time the Establishm<sup>t</sup> to be made for the Captain & two Sailors only to the first of March next.

*Voted* also that the Establishment of the Sixty additional Forces

Legislative  
Records of the  
Council, xviii.,  
23.

Legislative  
Records of the  
Council,  
xvii. (5), 622.  
House Jour-  
nal, pp. 173, 174.  
*Ante*, p. 577,  
chap. 306;  
p. 608, chap. 44;

p. 632, chap.  
113.

at Castle William be continued till the fourteenth Currant, & no longer; And that the Establishment of the Block house at Saco River, be reduced to twelve men only including Officers.

And that his Excellency the Captain General be desired to discharge the Men accordingly. [*Passed November 13.*]

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## CHAPTER 183.

### ORDER IMPOWERING EDWARD BARRAT & JAMES VAUGHAN TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xviii.,  
24.

House Jour-  
nal, pp. 167, 172,  
173. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Edward Barrat as he is Guardian to his Children, Sarah, Mercy & Hannah Barrat, & of Samuel Vaughan as Gaurdian to his Daughter Elizabeth Vaughan, Shewing that the said Minors as Grand Daughters to Peter Leach dec<sup>d</sup> are entitled to one half of a Dwelling House, seituate in Middle Street in the Town of Boston; which is in a ruinous Condition, Therefore Praying that the Petitioners may be empower'd by this Court to sell the said Minors, part of the said House, which will be much for their Advantage.

Read &

*Ordered* that the Prayer of the Petition be granted & that the Petitioners be & hereby are, allowed & empower'd in their said Capacity, to sell the Minors, part of the House & Land within mentioned & in due Form of Law to execute a Deed thereof to such Person, as shall give most for the same Provided the Petitioners give Bond, to the Judge of Probate for the County of Suffolk, with sufficient Sureties, to account for the Proceeds, according to Law, also that in the Sale of the Premises, they observe the DIRECTION of the Province Law relating to Notifications, pass'd in the sixth year of his late Majesty King George the first, Chap. 3<sup>d</sup> & that in letting out the Consideration Money they ascertain the Value thereof. [*Passed November 13.*]

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## CHAPTER 184.

### ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF SAM<sup>l</sup> WILLIAMS JUN. FOR AN APPEAL FROM A JUDGEMENT.

Legislative  
Records of the  
Council, xviii.,  
25.

House Jour-  
nal, p. 172.

A PETITION of Samuel Williams jun of Taunton, Praying that this Court would enable him to enter an Appeal which he made from a Judgm<sup>t</sup> of the Inferiour Court of Common Pleas in the County of Barnstable, to the Superiour Court of an Action commenced against him by Sarah Rumrel of Newport, his Attorney having forgotten to enter the said Appeal, & that Execution on said Judgment may be stayed in the mean time.

Read &

*Ordered* that the Petitioner serve the aforesaid Sarah Rumrel or her Attorney James Otis Esq. with a Coppy of this Petition that she shew cause if any she hath, on the first Fryday of the next Sitting of this Court, why the Prayer thereof should not be granted, [and Execution mentioned is stayed in the mean time;]<sup>1</sup> Provided

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 663.



the Petitioner give sufficient Security to the Sheriff of the County of Barnstable to pay the sum which shall finally be recover'd with Interest to this time. [*Passed November 13.*]

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## CHAPTER 185.

### ORDER ALLOWING £9 TO EDWARD WARD.

A PETITION of Edward Ward of Hingham late a Soldier in the Expedition against Cape Breton, Shewing that one Thomas Lewis, has by vertue of a forged Order, received part of his Wages, from the Committee of War, Praying that he may notwithstanding be allowed his whole Wages.

Legislative Records of the Council, xviii., 25.

House Journal, pp. 171, 173. *Ante*, p. 465, chap. 1.

Read &

*Ordered* that the Committee of War be directed to allow the Petitioner Nine Pounds, And

[*Voted* that His Excellency the Captain General be desired to]<sup>1</sup> send for the said Thomas Lewis from the service at Annapolis Royal, that he may be bro't to Justice. [*Passed November 13.*]

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## CHAPTER 186.

### VOTE ALLOWING £6. 10 TO JONATHAN PEIRPOINT.

A PETITION of Jonathan Peirpoint, Chaplain of the Fort at Richmond, Shewing that he has been at considerable Expence for entertaining Strangers & other things & that the allowance he used to have from the Province for his Table is discontinued Praying that he may have the same Allowance for the last & this present year.

Legislative Records of the Council, xviii., 24, 26.

House Journal, pp. 174, 175. Province Laws, xii., 619, chap. 118.

Read & in answer to this Petition,

*Voted* that the Petitioner be allowed out of the publick Treasury, Six pounds ten shillings, in consideration of his Expences within mentioned. [*Passed November 14.*]

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## CHAPTER 187.

### ORDER ALLOWING £5 TO TIMOTHY BARRON.

A PETITION of Timothy Barron a Soldier in the late Expedition against Cape Breton, Praying for some further Relief from this Court in Consideration of his being disabled by his Wounds received from the Enemy.

Legislative Records of the Council, xviii., 26.

House Journal, pp. 174, 176. *Ante*, p. 465, chap. 1; p. 559, chap. 253.

Read &

*Order'd* that the Petitioner be allowed five pounds from the Committee of War to be put into the Hands of Thomas Read Esq. for the Relief of the Petitioner & Family. [*Passed November 14.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 664.

## CHAPTER 188.

## ORDER ALLOWING £4 TO JOSEPH COWELL.

Legislative  
Records of the  
Council, xviii.,  
28.

House Jour-  
nal, pp. 108, 176.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Joseph Cowell of Boston, a Soldier in the late Expedition against Cape Breton, Praying for some Allowance in consideration of his Wounds received from the Enemy, whereby he is disabled from Labour.

Read &

*Ordered* that the Petitioner be allowed Four pounds from the Committee of War, to be put into the hands of Cpt. Adams for the relief of the Petitioners Family. [*Passed November 14.*]

## CHAPTER 189.

## ORDER ALLOWING £6 TO JOB STANWOOD.

Legislative  
Records of the  
Council, xviii.,  
29.

House Jour-  
nal, pp. 118, 176.  
*Ante*, p. 547,  
chap. 220.

A PETITION of Job Stanwood, a Soldier in the late Expedition against Cape Breton, Praying for some further Allowance, in consideration of Wounds received from the Enemy, whereby he has been obliged to have his left Arm cut off.

Read &

*Ordered* that the Committee of War, be directed to allow the Petitioner Six <sup>1</sup> pounds for his present Relief. [*Passed November 14.*]

## CHAPTER 190.

## ORDER IMPOWERING JOHN HOAR, GUARDIAN, AND OTHERS TO SELL LANDS.

Legislative  
Records of the  
Council, xviii.,  
29.

House Jour-  
nal, pp. 174, 179.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of John Hoar, a Guardian of his two Children, Esther & Rebecca Hoar, Thomas Harris & Lucy his Wife, Hannah Peirce & James Thomas & Ruth his Wife, Children & Heirs of Samuel Peirce late of Watertown deceased Intestate, Praying for Liberty to sell the Intestate's Real Estate, consisting of a Dwelling House & about one hundred Acres of Land, lying partly in Watertown & partly in Waltham, which will be much for the Advantage of the Minor's interested therein.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioners in their several Capacities be empower'd to make Sale of the House & Land, mentioned in the Petition, & to execute a good & lawful Deed or Deeds for the same to such Person or Persons as will give most for the same; Bond being first given with sufficient Surties, to the Judge of Probate for the County of Middlesex, for the Security of the Minors part of the Proceeds thereof; The Petitioners in the Sale of the Premises to observe the Directions of the Province Law, relating to Notifications, Made in the sixth year of King George the first, Chap. 3<sup>d</sup> And that the Guardian or Guardians to the Minors be obliged to let the Money, arising from the Sale of said Minors part on Interest for their Benefit & Advantage, & to ascertain the Value thereof at the time of letting out the same. [*Passed November 14.*]

<sup>1</sup> The House Journal, p. 176, reads, "five."

CHAPTER 191.

VOTE REFERRING TO THE MEAT AND BREAD FOR THE FORCES.

*Voted* that the Commissary General on his purchasing Provisions, have it immediately cut up into Mess Peices, in the most just & equal manner he can; viz<sup>t</sup> Pork into two pound peices, & Beef into Four pound peices, having regard to the Quality of the Meat according to the ancient Custom; & that he have it packed accordingly; & that each Barrel contains double the Pounds of Meat, to the whole number of peices it contains, & be marked on the head; And that the Sub Commissaries receive the same accordingly, & distribute it to the Soldiers by the Piece & not by weight.

Legislative  
Records of the  
Council, xviii.,  
30.

House Jour-  
nal, p. 173.

*Voted* also, that as Bread is liable to waste & [that]<sup>1</sup> fourteen Ounces, has been found [to be]<sup>1</sup> sufficient for a Man per day, That the Sub Commissary deliver to each Soldier, fourteen Ounces of Bread, accounting the same for a Pound, And that he be discharged accordingly. [*Passed November 15.*]

CHAPTER 192.

VOTE FOR PURCHASING POWDER & STORES FOR THE EXPIDITION AG<sup>ST</sup> CROWN POINT.

*Voted* that his Excellency the Captain General be desired to order One hundred & twenty Barrels of Gun Powder, including those already sent, for the Service of the Expidition against Crown Point;

Legislative  
Records of the  
Council, xviii.,  
30.

House Jour-  
nal, p. 180.  
*Ante*, p. 642,  
chap. 143.

*Voted* also, that the Committee be directed to send (including what is already gone) for that Service, One thousand Axes, One hundred, thirteen Inch Shells, with Fuses, thirty Pick Axes. Six Sets of Carpenters Tools, & Two hundred pair of Snow Shoes. [*Passed November 15.*]

CHAPTER 193.

VOTE FOR AN ALLOWANCE TO PERSONS EMPLOYED TO SUPPRESS THE RIOT AT SWANZEY.

WHEREAS the following Persons were in the Service at Swanzey at the Suppression of the Rioters, but omitted when the Roll was made up. Therefore

Legislative  
Records of the  
Council, xviii.,  
30. Mass.  
Archives,  
lxxxviii., 158.

<i>Voted</i> that Eben <sup>r</sup> Wiswall be allowed for 3 days at 6/	£	18
Hezekiah Blanchard 3 days at 05/	.	15.
Sam <sup>l</sup> Henshaw 4 Days at 5/ P	.	1.
Jonathan Payson 3 Days at D <sup>o</sup> .	.	15
Edward Carter 5 Days at 4/ P	.	1.
Francis Shaw 4 Days at D <sup>o</sup>	.	16
Six horses at 25/ Each	.	7. 10
		£12. 14.

House Jour-  
nal, p. 180.  
*Ante*, p. 618,  
chap. 75.

The above Sum of twelve pounds fourteen Shillings to be allowed out of the Fines levied on the late Rioters. [*Passed November 15.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 672.

## CHAPTER 194.

## ORDER ESTABLISHING THE PAY OF THE GUNNER AND BOATSWAIN OF THE MASSACHUSETTS FRIGATE.

Legislative  
Records of the  
Council, xviii.,  
30.

House Jour-  
nal, p. 180.  
*Ante*, p. 655,  
chap. 182.

A MEMORIAL of Capt. Edward Tyng, Commander of the Ship Massachusetts, Shewing that whereas this Court, have provided for the Pay of himself & five Seamen only during the Winter Season, He apprehends it will be very inconvenient to have no more of his Company. retained in the publick Service, And therefore moving that the Gunner & Boatswain, & such Officers may be continued, as may be necessary for the Safety of the Ship & to prevent the Embezzlem<sup>t</sup> of the publick Stores.

Read &

*Ordered* that the Gunner & Boatswain be in usual Pay & Subsistence, during the Winter Season, over & above the five Men now in Pay. [*Passed November 15.*]

## CHAPTER 195.

## ORDER ALLOWING £40 TO FRANCIS JOSI.

Legislative  
Records of the  
Council, xviii.,  
31.

House Jour-  
nal, pp. 100, 125,  
176. *Ante*,  
p. 465, chap. 1;  
p. 640, chap.  
138.

A PETITION of Francis Jose, Praying that this Court, would reconsider his former Petition & make him a proper Allowance, for the Cattle & Fire Wood w<sup>th</sup> which he furnished the Forces at Cape Breton.

Read &

*Ordered* that the Committee of War be directed to pay the Petitioner forty pounds in full consideration of his Cattle, Wood & Services. [*Passed November 15.*]

## CHAPTER 196.

## ORDER ALLOWING £11. 5 TO PEIRCE GAYTON.

Legislative  
Records of the  
Council, xviii.,  
31.

House Jour-  
nal, pp. 136, 180.

A PETITION of Peirce Gayton. Praying for some Allowance from this Court, for his Loss of Time & Expence, in attending as a Witness at the Trial of two Persons indicted for the Murther of William Bryan & John Connar.

Read &

*Ordered*, that the Petitioner be allowed out of the publick Treasury, Eleven pounds five shillings in full consideration of his loss of Time herein mentioned. [*Passed November 15.*]<sup>1</sup>

<sup>1</sup> Adjourned to December 24. See Legislative Records of the Council, xviii., 31.

## CHAPTER 197.

### ORDER IMPOWERING ELEAZER PORTER, GUARDIAN, TO SELL LAND.

A PETITION of William Marsh, only Son & Heir of William Marsh late of Hadley, Shewing that whereas this Court were pleased to impower Cpt Job Marsh his Uncle & Guardian to sell certain Parcels of Lands belonging to him & lying in the Town of Hadley, the said Job is scince dead without effecting that matter, And therefore Praying that his new Guardian Eleazer Porter Esq. may be alike impowered to sell the said Land, & dispose of the Produce as the said Job Marsh was impowered by this Court.

Read &

*Ordered* that the Prayer of the Petition be granted & that the said Eleazer Porter Esq. have as like & as full Power to dispose of the Lands refer'd to, as was given to the said Job Marsh Deceased by the Vote of this Court in June last. [*Passed December 31.*]

Legislative  
Records of the  
Council, xviii.,  
36.

House Jour-  
nal, p. 188.  
*Ante*, p. 599,  
chap. 17.

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## CHAPTER 198.

### ORDER EMPOWERING ANN SOPER ADMINISTRATRIX TO SELL AN ESTATE.

A PETITION of Ann Soper, Widow of John Soper late of Scituate Marriner Dec<sup>d</sup> & Administ<sup>x</sup> on his Estate, Shewing that his personal Estate is insufficient to pay his Debts & that his real Estate consists of Thirty Acres of Land only & that it will be very inconvenient to sell a part of it; And therefore Praying that she may be impowered by this Court to sell the whole of the said real Estate.

Read & in Answer to the within Petition,

*Ordered* that the Petitioner be & She hereby is impowered to make Sale of the real Estate of the Deceased for the most the same will fetch, attending the Rules prescribed in the Law in giving due Publication of the time & place of Sale, & give sufficient Security to the Judge of Probate of Wills &c for the County of Plymouth, to Account for the Produce thereof, arising by such Sale, that She pay the just Debts due from the Estate & that two third parts of the remainder be deliver'd into the hands of the Guardian of her Child, to be improved for its best advantage, & that the remaining third Part, she have the Improvement of during Life, giving Security to said Judge, that on her Decease, the same be delivered to her Child, or its legal representit<sup>ve</sup>. [*Passed January 1.*]

Legislative  
Records of the  
Council, xviii.,  
37.

House Jour-  
nal, p. 188.

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## CHAPTER 199.

### VOTE ALLOWING WAGES TO THE SOLDIERS IN THE LATE ALLARM &c.

*Voted* that the Officers & Soldiers that were ordered to march on the late Allarm & were actually on their March to Boston be allowed Wages the same as those Officers & Soldiers that are in the Province

Legislative  
Records of the  
Council, xviii.,  
37.

Legislative  
Records of the  
Council, xviii.,  
617, 621, 622, 624, 626,  
629. House  
Journal, p. 102.

Pay to be accountable from the time, that they begun their March until the time of their Return, to their respective Places of abode, allowing twenty miles for a Day's Travel on their Return; And that each Person, be allowed at the rate of seven shillings & six pence per week for their Subsistence. [*Passed January 2.*]

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## CHAPTER 200.

### ORDER IMPOWERING COLL. JOSIAH WILLARD & CPT<sup>M</sup> W<sup>M</sup> SYMS TO ENTER DIVERS SOLDIERS ON MUSTER ROLLS.

Legislative  
Records of the  
Council, xviii.,  
38.

Legislative  
Records of the  
Council,  
xvii. (5), 563.  
House Jour-  
nal, pp. 190, 194.

A MEMORIAL of Josiah Willard Esq. & Cpt. William Syms, Commanders of the Soldiers at Great Meadows & Number Four, Shewing that they were obliged to continue their Companies in Service, beyond the time limited in the Establishment for bringing Off the Inhabitants & their Effects with the Province Stores there, Praying that they may be allowed to carry out the Officers & Soldiers upon the Muster Roll, the time of their Service aforesaid.

Read &

*Ordered* that Coll Josiah Willard be allowed in his Muster Roll usual Wages for twelve Men, for sixteen days after the Expiration of the Establishm<sup>t</sup> & that Capt William Symmes, be allowed to make up usual Wages for nine Men including himself, who are still upon the Service at Number Four, to this time. [*Passed January 2.*]

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## CHAPTER 201.

### VOTE ABOUT A DEED OF ELEAZER POIGNET'S LAND.

Legislative  
Records of the  
Council, xviii.,  
39.

House Jour-  
nal, p. 189.  
*Ante*, p. 535,  
chap. 183.

THE COMMITTEE appointed to sell ten<sup>1</sup> Acres of Land belonging to Eleazar Poignet, having represented to the House, that in the Deed of Conveyance, of said Land to said Poignet, there was an Error or Absurdity in describing the Bounds; & therefore the Committee desired the Directions of this Court;

*Voted* that said Committee, cause that the true Bounds be described in the Deed from the said Poignet, the Error in the Former Deed notwithstanding. [*Passed January 2.*]

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## CHAPTER 202.

### ORDER FOR FURNISHING ARMS FOR THE DEFENCE OF TRURO.

Legislative  
Records of the  
Council, xviii.,  
39.

House Jour-  
nal, pp. 199, 200.

A PETITION of the Select Men of the Town of Truro, Shewing that the said Town is much exposed to the Enemy by Sea, that they have but few Men & they much impoverished & able to do but little for their Defence. And therefore Praying that this Court would do something to secure them:

Read &

*Ordered* that the Commissary General be directed to deliver to

<sup>1</sup> In chap. 183, *ante*, p. 535, the order is for selling "eleven Acres."

the Petitioners or their Order. One Four Pound Cannon with twenty Shot, suitable for the same, twenty Small Arms & one Barrel of Powder for their Defence during the French Warr, they to give Security for the safe Return at the end of the War, of the said Small Arms, Cannon, & what Powder shall not be necessarily used during the War. [*Passed January 2.*]

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## CHAPTER 203.

### ORDER ALLOWING £6 TO NOAH EATON.

A PETITION of Noah Eaton, a Soldier in the publick Service, on the Western Frontiers, Praying for some Allowance from this Court in consideration of Wounds, he received from the Indian Enemy in the Fight at the Place, called Number Four & his Loss of time occasioned thereby.

Read &

*Ordered* that the Sum of Six pounds be allowed & paid out of the Publick Treasury, to the Petitioner for Smart Money & Loss of time within mentioned. [*Passed January 2.*]

Legislative  
Records of the  
Council, xviii.,  
40.

House Jour-  
nal, pp. 189, 192.

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## CHAPTER 204.

### ORDER ALLOWING THE EXPENSES OF ROBT THORNDIKE FOR CARE OF JOHN DAVIS.

A PETITION of Robert Thorndike of Falmouth, Praying that he may be allowed for Lodging & Boarding one John Davis, a sick Soldier, belonging to the Forces employed against Cape Breton, for the space of twelve Weeks.

Read &

*Ordered*, that the Committee of War be directed to pay the Petitioner, ten shillings p week in full for Boarding, Watching, Lodging & Nursing the within named John Davis twelve Weeks. [*Passed January 5.*]

Legislative  
Records of the  
Council, xviii.,  
41.

House Jour-  
nal, pp. 190, 193.  
*Ante*, p. 465,  
chap. 1.

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## CHAPTER 205.

### ORDER ALLOWING £5 TO JOHN DAVIS.

A PETITION of John Davis, Praying for some Allowance in consideration of Wounds he received in the War against the Indians under Cpt Henry Alexander & his Loss of time occasioned thereby.

Read &

*Ordered* that the Petitioner, be allowed & paid out of the publick Treasury, Five pounds for Smart Money & Loss of time. [*Passed January 5.*]

Legislative  
Records of the  
Council, xviii.,  
41.

House Jour-  
nal, pp. 189, 192.

## CHAPTER 206.

## ORDER IMPOWERING MARTHA GROSS TO SELL LAND.

Legislative  
Records of the  
Council, xviii.,  
42.

House Jour-  
nal, pp. 188, 194.

A PETITION of Martha Gross of Leicester, Shewing that her Husband Daniel Gross. enlisted into one of the Regiments for Garrisoning Louisbourgh, leaving the Petitioner with one young Child & pregnant of another, since born. with no visible means for her Support, And therefore Praying that She may be impowered to sell a peice of Land lying in Leicester, aforesaid, consisting of about thirty eight Acres, set off to her as her part of her Father's Estate, for the maintenance of herself & her two Children.

Read &

*Ordered* that the Petitioner have liberty and Power to make Sale of the Land herein mentioned with the Advice & Assistance of Capt. Daniel Denny & M<sup>r</sup> Joshua Nichols, They to be accountable for the due Application of the Proceeds of said Sale. [*Passed January 5.*]

## CHAPTER 207.

## ORDER ALLOWING THE DISTRICT OF DOUGLAS A PROVINCE LAW BOOK.

Legislative  
Records of the  
Council, xviii.,  
42.

House Jour-  
nal, p. 195.

A PETITION of the Select Men of the District of Douglas, Praying that this Court would order that the said District may be furnished, with a Province Law Book, for their Information & Direction.

Read &

*Ordered* that the Prayer of the Petition be granted & the Printer is hereby directed to deliver the Select Men a Sett of [the]<sup>1</sup> Province Law Books accordingly. [*Passed January 5.*]

## CHAPTER 208.

## ORDER ALLOWING £5 TO GEORGE WALKER.

Legislative  
Records of the  
Council, xviii.,  
42.

House Jour-  
nal, pp. 190, 194.  
*Ante*, p. 465,  
chap. 1.

A PETITION of George Walker, shewing that he enlisted, as a Soldier for the Expedition against Cape Breton, but was soon afterwards taken sick & prevented from proceeding there, & therefore was allowed no Wages, & continued sick for a long time to his great Expense & Loss of Time, Praying for some suitable Allowance from this Court in consideration thereof.

Read &

*Ordered* that the Committee of War be directed to pay the Petitioner Five pounds in full consideration for his Sufferings within mention'd. [*Passed January 5.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 698.



## CHAPTER 209.

## ORDER DIRECTING PAYMENT TO JOHN CUSHING ESQ. FOR GUNS FURNISHED TO SOLDIERS.

A PETITION of Coll. John Cushing, Shewing that divers Soldiers were sent to him, out of the County of Bristol, to be transported into the Eastern Parts, among whom three Indians & one Englishman were destitute of Guns, which he purchased for them, & paid for the Indians Guns forty shillings each & for the other thirty, Praying to be reimbursed.

Read &

*Ordered* that the Prayer of the Petition be granted & that there be deducted forty shillings out of each of the Indians Wages herein named or so much thereof as shall be found due, & paid [to]<sup>1</sup> the Petitioner in consideration of the Guns mentioned; Also

*Voted* that thirty shillings be deducted out of the Wages of Sampson Witherly & paid [to]<sup>1</sup> the Petitioner, in case the said Witherly, shall not return the Gun, agreeable to the Provision made in the Law. [*Passed January 6.*]

Legislative  
Records of the  
Council, xviii.,  
43.

House Journal, pp. 193, 196.  
Province  
Laws, iii., 146,  
chap. 2.

## CHAPTER 210.

## VOTE FOR SENDING TO CONNECTICUT GOVERNMENT AN ACCOUNT OF PROVISIONS &amp;c PROVIDED FOR THE SERVICE OF THEIR SOLDIERS.

*Voted* that the Commissary General be directed to prepare an attested Account of the [several]<sup>2</sup> species of Provisions & the Quantity of each Species & also of all other Stores, which have been sent to Albany for the Service of the Forces; And the Secretary be directed to forward the same to the Governm<sup>t</sup> of Connecticut together with the Vote of this Court for delivering for the service of that Government such Provisions as can be spared from the Forces subsisted by this Governm<sup>t</sup>. [*Passed January 7.*]

Legislative  
Records of the  
Council, xviii.,  
43.

House Journal, pp. 198, 199.  
*Infra*, chap.  
211.

## CHAPTER 211.

## VOTE FOR SPARING PROVISIONS TO THE CONNECTICUT FORCES.

WHEREAS the Extremity of the Season renders it very difficult if not impracticable to transport any Quantity of Provisions from Connecticut to Albany; Therefore

*Voted* that whatever Provisions remain over & above what shall be necessary for three months Subsistence of Fifteen hundred men or so many of the Forces subsisted by this Government as shall proceed on the Expedition against Crown Point be delivered by Moses Emerson the Commissary to the Order of the Governm<sup>t</sup> of Connecticut for the use of their Forces, they paying such proportion of the Charge as that Government must have been at in the ordinary Transportation of the same from Connecticut to Albany, & returning the like Quantity in Specie within six months, to be deliver'd at Bos-

Legislative  
Records of the  
Council, xviii.,  
44.

House Journal, p. 198.  
*Supra*, chap.  
210.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 699.

<sup>2</sup> Inserted from Legislative Records of the Council, xvii. (5), 700.

ton to the Commissary General or any Committee that shall be appointed by this Court for that purpose; And further the said M<sup>r</sup> Emerson is hereby impower'd & directed to receive from the Stores of the Connecticut Forces, such Fresh Provisions in exchange for Salt, as shall be judged by the principal Officers of each Governm<sup>t</sup> to be of common service to both. [*Passed January 7.*]

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## CHAPTER 212.

### ORDER IMPOWERING ISAAC SELDEN TO BRING FORWARD AN APPEAL FROM A JUDGMENT.

Legislative  
Records of the  
Council, xviii.,  
38, 44.

House Jour-  
nal, p. 189.

A PETITION of Isaac Selden of Hadley, in the County of Hampshire, Shewing that some time in May last, he was prosecuted by one Ebenezer Marsh, before Ebenezer Pomroy Esq. one of his Majesty's Justices of the Peace for the said County for Stealing, and Judgment was passed against him; from which he appealed to the then next Court of General Sessions of the Peace, which was discontinued by reason of the Disturbance from the Indian Enemy, & tho' he appeared at the next Term & pleaded the General Order pass'd by the Legislature, for continuing over all Matters depending, to that Term, that he might have the Benefit of his Appeal; which the Court denied him, And therefore Praying that he may be allowed to prosecute it at the next Term.

Read &

*Ordered* that the Justices of the Court of General Sessions of the Peace for the County of Hampshire, be impowered to hear & determine the Appeal within mentioned at the Sessions to be holden, for said County on the second Tuesday of February next; And that they have all that Power & Authority with respect to said Appeal which they would have had, in case the same had been brought forward at the Session next immediately after the Judgment passed by the Justice, Provided that the said Selden notify the said Marsh of this Order, seven days at least before the said second Tuesday of February. [*Passed January 7.*]

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## CHAPTER 213.

### ORDER DIRECTING THE PAYMENT OF THE ASSESSORS OF NATICK.

Legislative  
Records of the  
Council, xviii.,  
44.

House Jour-  
nal, p. 198.

Province  
Laws, iii., 168,  
chap. 9; 234,  
chap. 1.  
*Ante*, p. 644,  
chap. 151.

A PETITION of Jonathan Holbrook, Thomas Russel & Joseph Twitchel, Shewing that they were Ordered by this Court to assess the Inhabitants of Natick in the years 1744 & 1745, but have received no Satisfaction for the Service, Praying that they may be paid the Sum of Fifty five shillings out of the publick Treasury for the same.

Read &

*Ordered* that upon its appearing to the Treasurer that the Inhabitants of Natick refuse to pay the Assessors for their Service as within mentioned, he pay the sum of two pounds fifteen shillings to the Petitioners out of the publick Treasury, And that the sum so paid be set as a fine upon the s<sup>d</sup> Inhabitants in the next Province Tax. [*Passed January 7.*]

CHAPTER 214.

ORDER ALLOWING £40 TO JOHN PHILIPS.

A PETITION of John Philips Chaplain of the Garrison at Castle William, Shewing that for the two last years he has been put to an extraordinary Expense for the Entertainment of Strangers who have resorted there in great numbers, Praying for an Allowance therefor out of the publick Treasury.

Legislative Records of the Council, xviii., 45.

House Journal, pp. 193, 200.

Read &

*Ordered* that there be allowed & paid out of the publick Treasury to the Memorialist, the sum of Forty pounds in consideration of the Expences herein mentioned. [*Passed January 7.*]

CHAPTER 215.

ORDER GRANTING A LICENCE TO JOS. NEWHALL TO KEEP A TAVERN.

A PETITION of Joseph Newhall of Ipswich, Shewing that he is now in possession of a House in said Town, which has been improved for many years as an Inn or Tavern, called the Ship Tavern, Praying that he may be allowed to keep an Inn or Tavern there.

Legislative Records of the Council, xviii., 46.

House Journal, p. 203. Province Laws, iii., 18, chap. 6.

Read & in Answer thereto

*Ordered* that the Justices of the General Sessions of the Peace, for the County of Essex, be allowed, (if they see cause) at their Adjournment in February next to grant the Petitioner a Licence (he first obtaining the Approbation of the Select Men of Ipswich) the time for granting Licences being elapsed notwithstanding. [*Passed January 8.*]

CHAPTER 216.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF JUDAH MONIS & JOHN WINTHROP IN REGARD TO A TAX.

A PETITION of Judah Monis Instructor of the Hebrew Tongue & John Winthrop Hollisian Professor of Mathamaticks in Harvard Colledge in Cambridge Complaining of the Select Men of said Town for assessing a Tax upon them, notwithstanding the Charter of said College, exempts them from publick, Taxes, Praying for Redress from this Court.

Legislative Records of the Council, xviii., 46.

House Journal, pp. 195, 202.

Read &

*Ordered* that the Petitioners, serve the Select Men of the Town of Cambridge, with a Copy of this Petition, that they shew Cause, on the first Fryday of the next Sitting of this Court, why the Prayer thereof should not be granted. And all Proceedings with respect to the rates Mention'd are stayed in the mean time. [*Passed January 8.*]

## CHAPTER 217.

## VOTE ALLOWING LIEUTENANTS WAGES TO EDWARD CLARKE.

Legislative  
Records of the  
Council, xviii.,  
47.

House Jour-  
nal, p. 179  
(January,  
1745); p. 202.  
*Ante*, p. 465,  
chap. 1; p. 543,  
chap. 208.

WHEREAS on the 31 of January passed,<sup>1</sup> the following Vote passed both Houses, viz, “Voted that Edward Clark, be allowed Lieutenants Wages, from the Date of his Commission, viz<sup>t</sup> May 29. 1745 to 30 September following.” Which Vote is mislaid.

*Voted* that the said Edward Clarke, be allowed Lieutenants Pay from May 19<sup>2</sup> 1745 to the 30<sup>th</sup> of September following, from the Committee of War accordingly. [*Passed January 8.*]

## CHAPTER 218.

ORDER ALLOWING £15 TO THO<sup>s</sup> & SAM<sup>l</sup> TARBAL.

Legislative  
Records of the  
Council, xviii.,  
47.

House Jour-  
nal, pp. 192, 203.  
Province  
Laws, xii., 560,  
chap. 203.

A PETITION of Thomas Tarball & Samuel Tarball of Groton, Shewing that Whereas this Court were pleased to grant the Petitioners, a Sum of Money for bearing the Charge of their two Brothers, who had formerly been taken Captive by the Indian Enemy, coming from Canada to New England in order to retain them here, the sum allowed fell fifteen pounds short of the said Charge. Praying this Court to make a Grant of said Sum.

Read &

*Ordered* that the Prayer of the Petition be granted & that there [be]<sup>3</sup> allowed & paid out of the publick Treasury to the Petitioners or their Order fifteen Pounds accordingly. [*Passed January 8.*]

## CHAPTER 219.

## VOTE REFERRING TO THE MAKING UP THE MUSTER ROLLS OF THE MEN THAT MARCH'D TO BOSTON &amp;c.

Legislative  
Records of the  
Council, xviii.,  
47.

House Jour-  
nal, pp. 192, 202.  
*Ante*, p. 661,  
chap. 199;  
p. 662, chap.  
200.

IT APPEARING to this Court that it will be very troublesome & expensive for the Commanding Officers of each Company of Militia, that were ordered to march to Boston, on the late Alarm, that they be obliged to make up their respective Muster Rolls in the usual manner Therefore

*Voted* that the several Commanding Officers aforesaid, be impowered to make up & present for Payment a Muster Roll of their respective Companies marching as aforesaid, therein expressing the time & place of their Dismission; & that each Company be allowed to travel from the said Place of dismission to the Place where they first Rendezvouzed, accounting twenty miles as one days Travel, & in making up said Rolls to have special Regard to the Directions in the Vote of this Court of the second Currant and that s<sup>d</sup> Officers may be sworn to s<sup>d</sup> Rolls, before any Justices of the Peace, in

<sup>1</sup> Legislative Records of the Council, xvii. (5), 706, and the House Journal, p. 202, read, “last.”

<sup>2</sup> Legislative Records of the Council, xvii. (5), 707, and the House Journal, p. 202, read, May 29<sup>th</sup>.

<sup>3</sup> Inserted from Legislative Records of the Council, xvii. (5), 707.

the County were<sup>1</sup> they respectively dwell. And that said Officers, shall have liberty to draw the whole Sums, due on said Rolls for Wages & Billiting of the Province Treasurer. when they have been presented to the Honb Board for Allowance, said Sums to be paid by the several Officers to the respective Persons born on their Rolls. [*Passed January 9.*]

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## CHAPTER 220.

### ORDER ON THE PETITION OF JOB BROOKS REFERRING TO A MINISTERIAL TAX.

A PETITION of Job Brooks Jun<sup>r</sup> of Concord, Shewing that he was one of those who were freed from paying any thing to the support of M<sup>r</sup> Bliss the Minister there; but by reason of the Committee of the General Courts omitting the addition of Junior to his name, he is still taxed there; And as the Court has erected a new Precinct out of the Towns of Concord, Lexington and Weston, within certain limits, excepting some Persons particularly mentioned, & the Petitioners name not being among those excepted, he is challenged by this Precinct, tho' he was intentionally sett off to the Society that was set off from M<sup>r</sup> Bliss; praying for relief from this Court.

Read & it appearing that the Parishes above mentioned have been served with Copies of this Petition, but no Answer given in.

*Ordered* that the Prayer of the Petition be Granted, & that the Petitioner be & hereby is exempted from paying Ministerial Charges to any other Society saving that within refer'd to & whereof he is a Member. [*Passed January 9.*]

Legislative  
Records of the  
Council,  
xvii. (5), 531;  
*ibid.*, xviii., 48.

House Journal, pp. 91, 92,  
202, 203. *Ante*,  
p. 582, chap.  
317.

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## CHAPTER 221.

### ORDER ALLOWING PAY AS SURGEON TO WILLIAM THOMAS.

A PETITION of William Thomas, Shewing that he was appointed Under-Surgeon of Brigadier Waldo's Regiment in the late Expedition, against Cape Breton, but Coll. Goraham's Regiment being without a Chief Surgeon, he was afterwards appointed Chief Surgeon of that Regiment & Praying that his Pay may be made up to him as a Chief Surgeon.

Legislative  
Records of the  
Council, xviii.,  
41.

House Journal, pp. 195, 207.  
*Ante*, p. 465,  
chap. 1.

Read &

*Ordered* that the Committee of War be directed to pay the Petitioner such Sum<sup>2</sup> (as with what he has already received) shall be equal to the Pay of a Chief Surgeon in the late Expedition, Provided it appears to them, that there was no Chief Surgeon, paid for Coll. Goram's Regiment in s<sup>d</sup> Expedition. [*Passed January 12.*<sup>3</sup>]

<sup>1</sup> Written "where," in Legislative Records of the Council, xvii. (5), 708.

<sup>2</sup> In Legislative Records of the Council, xvii. (5), 695, the parenthesis follows the word "as."

<sup>3</sup> This date is according to the House Journal; according to Legislative Records of the Council, xvii. (5), xviii., and the State Library copy, *ibid.*, xviii., the date is January 5.

## CHAPTER 222.

## ORDER ALLOWING £10 TO DAVID BANE.

Legislative  
Records of the  
Council, xviii.,  
49.

House Jour-  
nal, pp. 200, 204.  
*Ante*, p. 465,  
chap. 1.

A PETITION of David Bane of York, Shewing that he engaged in the Expedition against Cape Breton, in Company with one of the Penobscot Indians & remain'd in the Service & performed his Duty from the first of May to the beginning of Sept<sup>r</sup> 1745. but for as much as he is not enter'd on any Muster Roll, Praying that this Court would give Order that Wages may be paid him for his said Service.

Read &

*Ordered* that the Committee of War be directed to pay the Petitioner Ten pounds in full consideration of his Services within mentioned. [*Passed January 12.*]

## CHAPTER 223.

ORDER AND VOTE ALLOWING THE BRISTOL CO. TREASURERS ACC<sup>t</sup>.

Legislative  
Records of the  
Council, xviii.,  
49.

House Jour-  
nal, pp. 11, 183,  
205.

AN ACCOMPT presented by Joseph Russel Esq. Treasurer of the County of Bristol for the year 1746; Having been laid before the Court of General Sessions of the Peace for said County, & by them allowed,

Read &

*Ordered* that the within Accompt be allowed & that the within named Treasurer be accountable to the said County for the Sum of Four pounds twelve shillings & six pence farthing, being the Balance of the within Accompt, Also

*Voted* that James Williams Esq<sup>r</sup> the present Treasurer be accountable to said County for the sum of Ninety four pounds, thirteen shillings & six pence farthing the outstanding Debts due to the said County from the several Towns, as enumerated by a Schedule in the within Accompt. [*Passed January 12.*]

## CHAPTER 224.

ORDER IMPOWERING EDWARD BARRAT & SAM<sup>l</sup> VAUGHN, GUARDIANS, TO SELL AN ESTATE AND TO EXECUTE A DEED THEREFOR.

Legislative  
Records of the  
Council, xviii.,  
50.

House Jour-  
nal, p. 188.  
*Ante*, p. 656,  
chap. 183.

A PETITION of Edward Barrat of Boston, Guardian to his three Children Sarah, Hannah & Mercy Barrat, Minors, & Samuel Vaughan, Guardian to his Daughter Elizabeth a Minor, Shewing that whereas this Court were pleased upon their former Petition to grant them liberty to sell their said Children's Interest in a House & Land belonging to their late Grand father Peter Leach Dec<sup>d</sup> The Petitioners thro' their Ignorance, neglected to take out Letters of Guardianship over their said Children; whereby the Order on their former Petition is become insufficient, And therefore Praying that they may be empower'd in their Capacities of Guardians, to dispose of the Premises to their Children's best Advantage.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioners be & hereby are allowed & empower'd in their said Capacity, to sell the Minors part of the House & Land within mentioned, & in due Form of Law to execute a Deed thereof to such Persons as shall give most for the same: Provided the Petitioners give Bond to the Judge of Probate for the County of Suffolk, with sufficient Sureties to account for the Proceeds according to Law; and that in letting out the Consideration Money they ascertain the Value thereof. [*Passed January 13.*]

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## CHAPTER 225.

ORDER ON THE PETITION OF NEHEMIAH CUSHING TO HAVE A JUDGMENT AGAINST HIM ANNULLED AND A NEW TRIAL GRANTED.

A PETITION of Nehemiah Cushing of Pembroke in the County of Plymouth, Shewing that at an Inferior Court of Common Pleas for said County, held in December, Robert Brown Esq. sued him for £62. 10. 5 old tenour, as the Ballance of Accompts depending between them, that they submitted the Matter to Referrees, who reported that the Petitioner was indebted to the said Robert £30. 8. 11 old Tenor. That the Petitioner is not in fact indebted one farthing to the said Robert, that Judgment being given by a plain Mistake the Referrees made on the Petitioner; Therefore Praying that the Judgment of Court on the said Action & the Execution thereon, may be made null & void & that the Petitioner may be allowed another Trial.

Read, And it appearing that Robert Brown Esq. the Adverse Party has been served with a Copy of this Petition but no Answer given in,

*Ordered* that the Report of the Referrees & the Judgment of the Court thereon, be & hereby are superseded & made null & void, And the within named Referrees are hereby empower'd to hear & determine upon the said Action de Novo, And the Justices of the said Court are hereby empowered to make up Judgment accordingly. [*Passed January 14.*]

Legislative  
Records of the  
Council, xviii.,  
38, 51.

House Jour-  
nal, pp. 184, 208.

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## CHAPTER 226.

VOTE TRANSFERRING £2,000 FROM THE APPROPRIATION FOR DEBTS TO THE FUND FOR THE DEFENCE OF THE PROVINCE.

*Voted* that the Sum of Two thousands pounds part of the Sum of three thousand Pounds appropriated for Debts where there is no Establishm<sup>t</sup> in the last Supply Bill, be transfer'd to the Appropriation of twelve thousand Pounds for putting the Province into a [better]<sup>1</sup> Posture of Defence &c. [*Passed January 14.*]

Legislative  
Records of the  
Council, xviii.,  
52.

House Jour-  
nal, p. 204.  
Province  
Laws, lii., 314,  
chap. 16.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 718.

## CHAPTER 227.

## VOTE REMITTING £500 TO THE AGENTS IN ENGLAND.

Legislative  
Records of the  
Council, xviii.,  
53.

House Jour-  
nal, p. 210.  
*Post*, p. 678,  
chap. 252.  
*Infra*, chap.  
228.

*Voted* that the Treasurer be directed to remit the Sum of Five hundred pounds Sterl<sup>s</sup> to the Agents in England, in order to defray the Charge which has or may arise in soliciting the publick Affairs, in which they are jointly employed, they to be accountable for the same. [*Passed January 15.*]

## CHAPTER 228.

VOTE FOR REMITTING £500 TO M<sup>R</sup> AGENT BOLLAN.

Legislative  
Records of the  
Council, xviii.,  
53.

House Jour-  
nal, p. 210.  
*Supra*, chap.  
227.

*Voted* that the Treasurer be directed to remit the sum of Five hundred pounds Sterl<sup>s</sup> to M<sup>r</sup> Agent Bollan towards his Support in England in the Service of the Province. [*Passed January 15.*]

## CHAPTER 229.

ORDER AND VOTE ALLOWING £4 AND THE HERBAGE OF LAND TO M<sup>RS</sup> ANN WINTHROP.

Legislative  
Records of the  
Council, xviii.,  
54.

Mass.  
Archives,  
cxciv., 262.  
House Jour-  
nal, pp. 203, 212.

A PETITION of M<sup>rs</sup> Ann Winthrop, Praying for some proper Allowance from this Court for the damage done to her Grass at Governour's Island by the Soldiers & workmen trampling on it, as also for a Magazine built upon her Land without the Bounds of the Land, taken up for Fortifications.

Read &

*Ordered* that the Petitioner be allowed & paid out of the publick Treasury, Four pounds in full consideration of the dammage to the Grass hitherto sustained & Loss of Fruit; Also

*Voted* that the Petitioner be allowed the Herbage of all the Land included in the Bounds she was paid for & now lying without the Pallisadoes, so long as the Magazine built at a distance from the Block[-house] <sup>1</sup> shall be improved (were <sup>2</sup> it now stands) by this Court. [*Passed\* January 16.*]

## CHAPTER 230.

ORDER ALLOWING £5 TO EBEN<sup>R</sup> WOOD.

Legislative  
Records of the  
Council, xviii.,  
54.

House Jour-  
nal, pp. 210, 211.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Ebenezer Wood of Draeut, a Soldier in the late Expedition against Cape Breton, Praying for some Allowance from this Court in consideration of the Wounds, he received from the Enemy in the said Service.

Read &

*Ordered* Read & *Ordered* <sup>2</sup> that the Committee of War be directed to pay unto the Petitioner Five Pounds in consideration of the Wounds and Sufferings within mentioned. [*Passed January 16.*]

<sup>1</sup> Inserted from the House Journal, p. 212.

<sup>2</sup> *Sic.*



## CHAPTER 231.

ORDER ALLOWING £3. 10 EACH TO SAMUEL PEIRCE &amp; STEPHEN BUXTON.

A PETITION of Samuel Peirce & Stephen Buxton, Soldiers in the Eastern Frontiers, Praying for an Allowance out of the publick Treasury, in consideration of the Wounds they severally received in the said Service.

Legislative  
Records of the  
Council, xviii.,  
54.

House Jour-  
nal, p. 210 *bis*.

Read &amp;

*Ordered* that there be allowed & paid out of the publick Treasury, to the Petitioners, Three pounds, ten shillings each in consideration of the Wounds & Sufferings herein mentioned. [*Passed January 16.*]

## CHAPTER 232.

ORDER ERECTING DIVERS INHABITANTS OF HARWICH INTO A SEPARATE PRECINCT.

A PETITION of Joseph Ellis & a great number of others, Inhabitants of the South part of Harwich, shewing the great inconveniences they are under for attending the publick worship of God, by reason of their distance from the Meeting House, and praying to be made a separate Precinct.

Legislative  
Records of the  
Council,  
xvii. (5), 574;  
*ibid.*, xviii., 55.

House Jour-  
nal, pp. 92, 201.

Read, & it appearing that the Select Men of the Town, have been served with a Copy of this Petition, but no answer given in

*Ordered* that the Petitioners with their Families together with such other Persons within the Bounds described in the Petition, as shall hereafter within twelve Months next coming signify their Desire of Joining with them, by writing under their hands delivered into the Secretary's Office, & also all the Estate of said Petitioners, & the other Persons joining, lying within said Bounds, be & hereby are made & sett of a distinct & separte Precinct & empowered to hold & exercise the same Priviledges as all other Precincts within this Province have & by Law do enjoy. [*Passed January 16.*]

## CHAPTER 233.

ORDER GRANTING TO JOHN WALCOTT, A STAY OF PROCEEDINGS WITH A NEW TRIAL OF AN ACTION.

A PETITION of John Wolcot Esq. & Capt John Dodge as Attorney to the said Walcot, Praying that they may be allowed a Review at the Superiour Court for the County of Essex, of an Action brought against the said Walcot, by Nathan Bowen on a Note of hand of the said Walcot's for the sum of £44. 16. 11 payable to Peter Hull & that Execution on the said Walcot's Bond, may be stayed till the Issue of the said Trial by Review

Legislative  
Records of the  
Council, xviii.,  
44, 55.

House Jour-  
nal, pp. 199, 215.

Read & it appearing that Nathan Bowen the Adverse Party, has been served with a Copy of this Petition, And no Auswer given in;

*Ordered* that the Prayer of the Petition be granted & that the

Petitioner be admitted to a Trial of the Action therein mentioned by bringing his Writ of Review. to the next Superiour Court of Judicature, to be holden in Ipswich for the County of Essex in June next; And the Justices of the said Court are hereby im-power'd & directed to hear & determine the said Action accordingly, the Non Suit suffer'd by the Petitioner notwithstanding; And all Proceedings on the Petitioner's Bond for reviewing the said Action are hereby stayed in the mean time. [*Passed January 17.*]

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## CHAPTER 234.

### ORDER ALLOWING £650 TO THE JUDGES.

Legislative  
Records of the  
Council, xviii.,  
55.

House Jour-  
nal, p. 212.

*Ordered* that the Sum of Six hundred & fifty Pounds, be granted & allowed to be paid out of the Publick Treasury to the Honb<sup>e</sup> his Majesty's Justices of the Superiour Court of Judicature, Court of Assize & General Goal Delivery, for their Services one year ending the first of January Currant. [*Passed January 17.*]

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## CHAPTER 235.

### ORDER ALLOWING £240 TO THE PRESIDENT OF HARVARD COLLEGE.

Legislative  
Records of the  
Council, xviii.,  
55.

House Jour-  
nal, p. 212.

*Ordered* that the Sum of Two hundred & forty pounds, be granted & allowed to be paid out of the Publick Treasury to the Reverend Edward Holioko, President of Harward colledge, over & above the Rents of the Massachusetts Hall, [for one year]<sup>1</sup> ending the tenth of September next to be paid Quarterly. [*Passed January 17.*]

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## CHAPTER 236.

### ORDER ALLOWING £160 TO THE PROVINCE TREASURER.

Legislative  
Records of the  
Council, xviii.,  
56.

House Jour-  
nal, p. 212.

*Ordered* that the Sum of One hundred & Sixty pounds, be granted & allowed to be paid out of the Publick Treasury to William Foye Esq. Treasurer & Receiver General of his Majesty's Revenues of this Province for his Service one year, ending the second day of January Currant. [*Passed January 17.*]

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## CHAPTER 237.

### ORDER ALLOWING £40 TO THE SECRETARY.

Legislative  
Records of the  
Council, xviii.,  
56.

House Jour-  
nal, p. 212.  
*Infra*, chap.  
238.

*Order'd* that the Sum of Forty Pounds be granted & allowed to be paid out of the Publick Treasury to Josiah Willard Esq Secretary of this Province in full for his Service for one year ending the third day of January. [*Passed January 17.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 724.

## CHAPTER 238.

## ORDER ALLOWING £75 ADDITIONAL TO THE SECRETARY.

*Ordered* that the Sum of Seventy five Pounds be granted & allowed to be paid out of the publick Treasury to Josiah Willard Esq. Secretary &c in consideration of his extraordinary Services to the third [day]<sup>1</sup> of December last. [*Passed January 17.*]

Legislative  
Records of the  
Council, xviii.,  
56.

House Jour-  
nal, p. 212.  
*Supra*, chap.  
237.

## CHAPTER 239.

## ORDER ALLOWING 1/6 PER DIEM TO THE SPEAKER.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury One shilling & six pence to Thomas Hutchinson Esq Speaker of the House, for every day of his attendance on the General Court from the opening of the Session on the 28<sup>th</sup> day of May 1746, to the end of the year in consideration of his constant Application in discharging the publick Affairs of this Province. [*Passed January 17.*]

Legislative  
Records of the  
Council, xviii.,  
56.

House Jour-  
nal, p. 212.  
*Infra*, chap.  
240.

## CHAPTER 240.

## VOTE ALLOWING £50 TO THOMAS HUTCHINSON ESQ.

*Voted* that the sum of Fifty pounds be granted & allowed out of the publick Treasury to Thomas Hutchinson Esq. in consideration of his extraordinary care & trouble, in preparing the Accompts of the Charge of the Expedition to Cape Breton. [*Passed January 17.*]

Legislative  
Records of the  
Council, xviii.,  
56.

House Jour-  
nal, p. 214.  
*Supra*, chap.  
239.

## CHAPTER 241.

## VOTE ALLOWING £300 TO JOHN WHEELWRIGHT ESQ.

*Voted* that the Sum of three hundred Pounds be granted & allowed out of the publick Treasury to John Wheelwright Esq in consideration of his trouble & Care in transacting the Business of the intended Expedition against Canada & the other extraordinary Affairs of the Province. [*Passed January 17.*]

Legislative  
Records of the  
Council, xviii.,  
56.

House Jour-  
nal, p. 213.  
*Infra*, chap.  
242.

## CHAPTER 242.

## ORDER ALLOWING £200 TO THE COMMISSARY GENERAL.

*Ordered* that the sum of Two hundred Pounds be granted & allowed out of the publick Treasury to John Wheelwright Esq. Commissary General for his Service in that Office the year past. [*Passed January 17.*]

Legislative  
Records of the  
Council, xviii.,  
56.

House Jour-  
nal, p. 213.  
*Supra*, chap.  
241.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 725.

## CHAPTER 243.

## ORDER ALLOWING £50 ADDITIONAL TO THE TREASURER.

Legislative  
Records of the  
Council, xviii.,  
56.

House Jour-  
nal, p. 212.  
*Ante*, p. 674,  
chap. 236.

*Ordered* that the sum of Fifty Pounds be granted & allowed to be paid out of the publick Treasury, to William Foye Esq. in consideration of his extraordinary Services, occasioned by the War in the last half Year. [*Passed January 17.*]

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## CHAPTER 244.

## ORDER ALLOWING £25 TO DOCTOR WIGGLESWORTH.

Legislative  
Records of the  
Council, xviii.,  
56.

House Jour-  
nal, p. 213.

*Ordered* that the Sum of Twenty five Pounds be granted & allowed to be paid out of the publick Treasury to the Rev<sup>d</sup> Doct<sup>r</sup> Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge as a Gratuity in consideration of his faithful discharge of that great & important Trust reposed in him & for his further Encouragem<sup>t</sup> therein. [*Passed January 17.*]

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## CHAPTER 245.

## ORDER ALLOWING £15 TO THE CHAPLAINS OF THE COURT.

Legislative  
Records of the  
Council, xviii.,  
57.

House Jour-  
nal, p. 213.

*Ordered* that the Sum of Fifteen Pounds be granted & allowed to be paid out of the publick Treasury viz<sup>t</sup> One half to the Rev<sup>d</sup> Chaplain of the Honb Board & the other half to the Rev<sup>d</sup> Ellis Gray, Chaplain of the House, for their respective Services this present year. [*Passed January 17.*]

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## CHAPTER 246.

## ORDER ALLOWING £55. 10 FOR THE CHARGES OF THE SPECIAL COURT AT NANTUCKET.

Legislative  
Records of the  
Council, xviii.,  
57.

House Jour-  
nal, p. 213.  
Province  
Laws, iii., 300,  
chap. 7.

*Ordered* that the sum of Thirty seven Pounds ten shillings, be allowed & granted out of the publick Treasury to the Gentlemen appointed to hold a Court of Aszize in Nantucket in August last, in consideration of their Service in that Affair, And that the Sum of Seven pounds ten shillings be paid to the Clerk of said Court for his Service, & the like Sum of Seven pounds ten shillings be paid to the King's Attorney at the said Court, Also that the Sum of Three pounds be allowed & paid to John Cushing Esq to discharge the Hire of the Boat which transported the said Gentlemen to Nantucket. [*Passed January 17.*]

CHAPTER 247.

VOTE ALLOWING £50 TO THE CLERK OF THE HOUSE.

*Voted* that the Sum of Fifty Pounds be granted & allowed to be paid out of the publick Treasury to Roland Cotton Esq. Clerk of the House for his Service in that Trust for this present year. [*Passed January 17.*]

Legislative  
Records of the  
Council, xviii.,  
57.

House Jour-  
nal, p. 213.  
*Infra*, chap.  
248.

CHAPTER 248.

ORDER ALLOWING £10 ADDIT<sup>l</sup> TO THE CLERK OF THE HOUSE.

*Ordered* that the sum of Ten pounds be granted & allowed to be paid out of the publick Treasury to Roland Cotton Esq. in consideration for his extraordinary Services this present year. [*Passed January 17.*]

Legislative  
Records of the  
Council, xviii.,  
57.

House Jour-  
nal, p. 213.  
*Supra*, chap.  
247.

CHAPTER 249.

VOTE ALLOWING £60 TO THE DOORKEEPER.

*Voted* that the Sum of Sixty Pounds, be granted & allowed to be paid out of the publick Treasury to Mr Richard Hubbard Door Keeper to his Excellency the Governour & this Court in full for his Service for one year ending the nineteenth of February 1747. The said Money to be paid Quarterly as it shall become due. [*Passed January 17.*]

Legislative  
Records of the  
Council, xviii.,  
57.

House Jour-  
nal, p. 213.

CHAPTER 250.

ORDER IMPOWERING JOHN WALLEY AS GUARDIAN TO SELL HOUSES AND LANDS.

A PETITION of John Walley of Boston, Guardian for his Sisters Elizabeth & Mary Walley Minors, with Thomas, Kathrine, Sarah & Bethiah Wally, Children and Heirs of John Walley of Boston Esq. Dec<sup>d</sup> Shewing that the Mansion House of the Deceased's lying in Boston, is greatly decayed, & that it will be much more for the benefit of the Petitioners (& particularly of the said Minors) that it should be sold & converted into Money; and therefore Praying that the said Guardian may be empower'd to sell the Minors Part of the said House & Land, with a small peice of Land opposite to the said House.

Legislative  
Records of the  
Council, xviii.,  
58.

House Jour-  
nal, pp. 203, 217.  
Province  
Laws, 11., 151,  
chap. 10.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner join in his Capacity of Guardian & be & hereby is empowered to make Sale of such part of the Houses & Lands within mentioned as belong to the Minors within named, & to execute in due form of Law a Deed or Deeds for Conveyance thereof to such Person or Persons, as shall give most for the same; Provided the said Petitioner observe the Directions of the Province Law passed

in the sixth year of his late Majesty King George the first, respecting the Sale of real Estates, & give Bond with sufficient Sureties to the Judge of Probate for the County of Suffolk to dispose of the Produce of the said Sale belonging to the within named Minors according to Law. [*Passed January 20.*]

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## CHAPTER 251.

### ORDER ALLOWING £5 TO SAMUEL TOTNESS.

Legislative  
Records of the  
Council, xviii.,  
60.

House Jour-  
nal, pp. 135, 219.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Samuel Totness a Soldier in the late Expedition against Cape Breton, Shewing that he has been for a long time sick of the Distemper which he took at Louisbourgh, which still continues upon him, Praying for Relief from this Court. Read &

*Ordered* that the Committee of War be directed to allow the Petitioner Five Pounds in full consideration of his Sickness & Sufferings within mentioned. [*Passed January 21.*]

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## CHAPTER 252.

### VOTE ALLOWING £250 TO M<sup>R</sup> AGENT KILBY.

Legislative  
Records of the  
Council, xviii.,  
60.

House Jour-  
nal, p. 213.  
*Ante*, p. 540,  
chap. 195.

*Voted* that the sum of Two hundred & fifty Pounds be granted & allowed out of the publick Treasury to Christopher Kilby Esq. Agent for this Province at the Court of Great Britain in consideration of his Service in that Station since the last Grant. [*Passed January 22.*]

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## CHAPTER 253.

### ORDER REFERRING THE PETITION OF THE PROPRIETORS OF NUMBER TWO IN REGARD TO BOUNDARY LINES, AND APPOINTING A COMMITTEE THEREON.

Legislative  
Records of the  
Council, xviii.,  
61.

House Jour-  
nal, p. 220.  
*Ante*, p. 404,  
chap. 109.

A PETITION of Jabez Ward, Agent for the Proprietors of the Town ship called Number Two in the County of Hampshire, Shewing that whereas they were ordered to shew cause if any they have why the Boundary Line lately run by John Hewston, should not be confirmed, they now sett forth that the said Line would take off from them at least one thousand Acres of the Land granted them by this Court, & will cut asunder their House Lotts with other Injuries & Inconveniencies particularly mentioned, And therefore Praying that the said Line be sett aside.

In the House of Representit<sup>vs</sup> Read &

*Ordered* that Coll<sup>l</sup> Lincoln & M<sup>r</sup> Foster with such as the Honb Board shall join be a Committee to take under consideration the within Petition & all the Papers in the Case, & to repair to the Townships herein mentioned, survey the Lines in controversy, & report as soon as may be, what they shall judge proper for the Court to act thereon: In Council, Read & Concur'd, & John Cushing Esq. is joined in the Affair. [*Passed January 22.*]

## CHAPTER 254.

### ORDER ALLOWING £50 TO JEREM<sup>A</sup> MOULTON ESQ.

A PETITION of Jeremiah Moulton Esq. Shewing that his Excellency has from time to time since April last, sent his Orders to him for the Disposition & Direction of the Forces in the Eastern Parts, the Execution whereof has occasioned much Labour & Expence more especially in travelling to the more distant parts of that Frontier, And therefore Praying for a proper Allowance from this Court for his Services above mentioned.

Read &

*Ordered* that the sum of Fifty Pounds be granted & allowed to be paid out of the publick Treasury to the Memorialist in consideration of his Services herein mentioned. [*Passed January 23.*]

Legislative  
Records of the  
Council, xviii.,  
61.  
House Jour-  
nal, pp. 220, 221.

## CHAPTER 255.

### VOTE TRANSFERRING £7,000 FROM THE CAPE BRETON APPROPRIATION TO THE FUND FOR THE DEFENCE OF THE PROVINCE.

*Ordered* that the sum of Seven thousand Pounds part of the Appropriation for the Expedition against Cape Breton, be transfer'd to the Appropriation for the Defence of the Province; The said Sum to be replac'd in the next Supply Bill. [*Passed January 23.*]

Legislative  
Records of the  
Council, xviii.,  
61.  
House Jour-  
nal, p. 221.  
Province  
Laws, iii., 293,  
chap. 3.

## CHAPTER 256.

### ORDER DIRECTING THE PAYMENT OF THE WAGES OF PHINEAS FURBUSH TO HIS WIFE.

*Ordered* that the Treasurer be directed to pay to the Wife of Phineas Furbush or her Order, what was due to the s<sup>d</sup> Furbush, as Wages when [he]<sup>1</sup> was taken Captive at Fort Massachusetts. [*Passed January 23.*]

Legislative  
Records of the  
Council, xviii.,  
61.  
House Jour-  
nal, p. 220.

## CHAPTER 257.

### ORDER ALLOWING £5 TO RICH<sup>D</sup> HUBBARD.

A PETITION of Richard Hubbard Door Keeper to the General Court, Praying in consideration of the extream Dearness of all Necessaries of Life, some further Consideration for his Service in the said Office.

Read &

*Ordered* that the sum of Five pounds be granted & allowed to be paid out of the publick Treasury to the Petitioner in consideration of his Services for the year past. [*Passed January 24.*]

Legislative  
Records of the  
Council, xviii.,  
62.  
House Jour-  
nal, pp. 220, 221.  
*Ante*, p. 677,  
chap. 249.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 737.

## CHAPTER 258.

## ORDER IMPOWERING A SETTLEMENT OF ACCOUNT WITH DOROTHY CUTTER ADMINISTRATRIX.

Legislative  
Records of the  
Council, xviii.,  
62.

House Jour-  
nal, pp. 174, 211,  
222. *Ante*,  
p. 465, chap. 1.

A PETITION of Dorothy Cutter Widow of Cpt. Ammi Ruhamah Cutter Dec<sup>d</sup> & Administ<sup>x</sup> on his Estate, Shewing that he was ordered by General Pepperil to build a Fort at Canso & to command the Garrison there, And in that Service he laid out the Sum of £326. 7. 4 Agreeable to the Accompt herewith exhibited, Praying that She may be reimburs'd that sum.

Read & In as much as the two hundred & twenty one Gallons, & [a]<sup>1</sup> quarter of Rum in the Accompt annexed to the Petition, were taken out of the Province Stores & used in the Service; Therefore.

*Voted* that the Commissary General be directed to discharge Capt Cutter or the Commissary who delivered the same to the said Cutter of Two hundred & twenty one Gallons & one quarter of Rum; And that the Committee of War be directed to allow & pay the other Articles of the Accompt annexed, or so much of each Article as shall appear to them to be equitably charged. [*Passed January 27.*]

## CHAPTER 259.

## ORDER IMPOWERING THE PROVINCE TREASURER TO PAY TO JOSEPH PERKINS THE WAGES DUE ON CAPT JOHN LANES MUSTER ROLL.

Legislative  
Records of the  
Council, xviii.,  
64.

House Jour-  
nal, pp. 224, 225.

A PETITION of Joseph Perkins, Clerk of a Company lately in his Majesty's Service in the Eastern Parts under the Command of Cpt. John Lane, Shewing that he has made up the Muster Roll of the said Company's Service, & is ready to present it for Payment; And for as much as the Captain is hindred from coming to Boston by reason of Sickness, Therefore Praying that the Petitioner may be allowed to receive his own Wages & the Wages of such Soldiers, as have given him Orders on the Treasurer for the Payment thereof, upon his certifying that the said Men were in the Service the time carried out in the Muster Roll.

Read & Inas much as the within named Captain is necessarily absent,

*Ordered* that the Prayer of the Petition be granted; & that a Certificate from the within named Clerk, shall be a sufficient Warrant to the Treasurer to pay him the Orders herein mentioned. [*Passed January 28.*]

## CHAPTER 260.

## ORDER GRANTING A LICENCE TO STINSON ALLEN TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xviii.,  
64.

A PETITION of Stinson<sup>2</sup> Allen, Shewing that he is lately removed into the House kept lately by John Osborne, as an Inn or Tavern,

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 739.

<sup>2</sup> The House Journal, p. 225, reads, "*Simon.*"



scituate in the Town of Rowley, in the most commodious Place for a Publick House, And therefore Praying that he may be allowed a Licence.

House Journal, pp. 225, 226.  
Province Laws, iii., 18, chap. 6.

Read & In answer

*Ordered* that the Justices of the General Sessions of the Peace for the County of Essex, are hereby allowed & empower'd if they see cause, at their next Sessions, to grant the Petitioner a Licence to keep a Tavern, he first obtaining the Approbation of the Select Men of the said Town for y<sup>t</sup> Business; The time for granting Licences being elapsed notwithstanding. [*Passed January 28.*]

## CHAPTER 261.

### ORDER ALLOWING £15 TO COLL. W<sup>M</sup> BRATTLE.

ON HIS EXCELLENCY'S MESSAGE relating to Coll. Brattle, [recommending payment to him for exercising the auxiliary forces at Castle William, raised for the expedition against Canada]

Legislative Records of the Council, xviii., 65.

Read &

*Ordered* that the sum of Fifteen pounds be allowed & granted [out]<sup>1</sup> of the publick Treasury to the within named Coll. William Brattle, in consideration of his Services herein mentioned. [*Passed January 28.*]

Legislative Records of the Council, xviii., 53. House Journal, pp. 214, 224.

## CHAPTER 262.

### VOTE IMPOWERING THE PROVINCE TREASURER TO PAY THE WAGES OF CAP<sup>T</sup> JOHN LANES COMPANY.

IN AS MUCH as John Lane Commander of a Company in the Service of the Province on the Eastern Frontiers, is incapacitated by Sickness; Therefore

Legislative Records of the Council, xviii., 65.

*Voted* that a Certificate from the Clerk of said Company be sufficient to empower the Treasurer to pay the Wages due to the Soldiers in said Company who are born upon the Muster Roll. [*Passed January 29.*]

House Journal, p. 227. *Ante*, p. 680, chap. 259.

## CHAPTER 263.

### ORDER IMPOWERING THE PROVINCE TREASURER TO PAY TO THO<sup>S</sup> KNOLTON HIS SONS WAGES.

Legislative Records of the Council, xviii., 65.

*Ordered* that the Treasurer be directed to pay to Joseph Knolton, the Wages that are due to his Son Thomas Knolton, who was killed in the Service of the Province at Fort Massachusetts, the said Joseph to be accountable therefor to any Administrator, that may be appointed on the Dec<sup>d</sup>s Estate. [*Passed January 29.*]

Legislative Records of the Council, xvii. (5), 578. House Journal, pp. 222, 226.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 744.

## CHAPTER 264.

ORDER ALLOWING £100 TO LIEUT<sup>T</sup> JOHN LARRABEE.

Legislative  
Records of the  
Council, xviii.,  
66.

House Jour-  
nal, pp. 196, 221,  
227.

*Ordered* that the sum of One hundred pounds be granted & allowed [to be paid]<sup>1</sup> out of the Publick Treasury to John Larrabee, Lieutenant of his Majesty's Castle William in consideration of his extraordinary Expence, he has been at in his Office, during the War. [*Passed January 30.*]

## CHAPTER 265.

ORDER IMPOWERING ISAAC COLTON JUN<sup>R</sup> ADMINISTRATOR TO SELL LAND.

Legislative  
Records of the  
Council, xviii.,  
66.

House Jour-  
nal, pp. 196, 200,  
228. Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Isaac Colton jun<sup>r</sup> of Springfield, Administ<sup>r</sup> of the Estate of Samuel Colton of said Place dec<sup>d</sup>, Shewing that he recovered Judgment in the Law for the said Estate, of one Ebenezer Jones, a Tract of Land in the County of Hampshire, called Wales. That it will be more advantegeous to the Heirs to have the same sold than not, but one of them being under Age, it cannot be done without Leave from this Court, And therefore Praying that he may be empowered to sell the said Tract of Land. Read &

*Ordered* that the Prayer of the Petition be granted, & the Petitioner in his Capacity as Administ<sup>r</sup> is hereby allowed & empowered to make Sale of the Minor's Part of the said Land therein mentioned & to execute in due Form of Law a Deed or Deeds for the Conveyance thereof to such Person or Persons as shall give most for the same, The Petitioners observing the Direction of the Province Law, passed the sixth Year of his late Majesty King George the first, respecting the Sale of real Estates, and giving Bond with sufficient Sureties to the Judge of Probate for the County of Hampshire, to dispose of the Produce of the Minor's Part of the said Sale, according to Law. [*Passed January 30.*]

## CHAPTER 266.

## ORDER ALLOWING £6 TO JOHN MARCH.

Legislative  
Records of the  
Council, xviii.,  
66.

House Jour-  
nal, pp. 197, 221,  
222. *Ante*,  
p. 465, chap. 1.

A PETITION of John March of Salisbury a Soldier in the late Expedition against Cape Breton, Praying for some Allowance in consideration of his Lameness contracted by the Sickness he took at the said Place.

Read &

*Ordered* that the Committee of War be directed to allow the Petitioner Six pounds in full consideration of his Sufferings within mentioned. [*Passed January 30.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 745.

## CHAPTER 267.

ORDER ALLOWING £8. 15 TO EBEN. CHAPIN.

A PETITION of Ebenezer Chapin of Somers, Praying for an Allowance for a Horse, belonging to him, which was taken up for the publick Service against the Indians & lost in the Woods, divers Months agoe.

[Read and]

*Ordered* that the Sum of Eight Pounds fifteen shillings be allowed & paid out of the publick Treasury to the Petitioner in consideration of the Loss of the Horse within mentioned. [*Passed January 30.*]

Legislative  
Records of the  
Council, xviii.,  
66.

House Jour-  
nal, p. 227.

## CHAPTER 268.

VOTE ALLOWING £50 TO JOHN STODDARD ESQ.

*Voted* that the sum of Fifty Pounds be granted & allowed out of the publick Treasury to John Stoddard Esq. in consideration of his publick Services in the Year past. [*Passed January 30.*]

Legislative  
Records of the  
Council, xviii.,  
67.

House Jour-  
nal, pp. 220, 228.

## CHAPTER 269.

ORDER ALLOWING £10 TO JOHN FEARN.

A PETITION of John Fearn of Lyn, a Soldier in the late Expedition against Cape Breton, Praying for some Allowance from this Court, in consideration of his Sickness & Lameness occasioned by that Service.

Read &

*Ordered* that the Committee of War be directed to pay to Cpt Collin the sum of Ten pounds for the use of the Petitioner in consideration of his Sickness & Sufferings therein mentioned. [*Passed January 30.*]

Legislative  
Records of the  
Council, xviii.,  
67.

House Jour-  
nal, pp. 227, 228.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 270.

VOTE FOR CONTINUING THE PAY &c OF THE FORCES:

*Voted* that the Wages & Subsistence of the several Persons in the Service of the Province, as established at the Session in May last. which expired on the twentieth of November, be further continued At the same Rates from the said twentieth of November to the twentieth of May next. [*Passed January 31.*]

Legislative  
Records of the  
Council, xviii.,  
68.

House Jour-  
nal, p. 230.  
*Ante*, p. 652,  
chap. 174.

## CHAPTER 271.

Legislative  
Records of the  
Council, xviii.,  
69.

VOTE EMPOWERING THE PROVINCE TREASURER TO TRANSFER FROM  
THE APPROPRIATION FOR GRANTS, £2,000 FOR THE EXPEDITION AG<sup>ST</sup>  
CANADA.

House Jour-  
nal, p. 234.  
Province  
Laws, iii., 292,  
chap. 3. *Ante*,  
p. 596, chap. 8;  
p. 641, chap.  
140.

*Voted* that the Treasurer be directed to transfer the sum of Two thousand pounds from the Appropriation for Grants to the Appropriation for the Expedition against Canada: And that the Committee of War be directed upon receiving the sum for Stores sold by them (which had been purchased for said Expedition) immediately to replace the said Sum in the Treasury. [*Passed February 3.*]

## CHAPTER 272.

ORDER ALLOWING £32. 10, A FURTHER SUM OF £19. 15, AND ALSO £10,  
TO CAP<sup>T</sup> ROBERT BALL.

Legislative  
Records of the  
Council, xviii.,  
70.

A PETITION of Robert Ball, Keeper of the Light House, Setting forth the Smallness of his Salary, considering the Dearness of all Necessaries of Life; And Praying for an Addition to his Salary, & the Allowance of the Sum of Seventy nine Pounds old tenor, which he has expended in Fire Wood, for keeping the Oyl in the Lamps from congealing

Mass.  
Archives,  
cxxiv., 199.  
Legislative  
Records of the  
Council, xviii.,  
70. House  
Journal,  
pp. 203, 235.  
*Ante*, p. 545,  
chap. 212.

Read &

*Ordered* that the Sum of Thirty two pounds ten shillings, be allowed & paid out of the publick Treasury to the Petitioner for his Allowance for one year, & the sum of Nineteen Pounds, fifteen shillings, for Fire Wood expended upon the Lamps, & the further Sum of Ten pounds upon consideration of the extream Prices of Provisions, occasioned by the great Drought & Frost in the year past, & the Petitioners decay of Business as a Pilot the Year past. [*Passed February 4.*]

## CHAPTER 273.

RESOLVE AND ORDER ANNEXING DIVERS INHABITANTS AND ESTATES  
TO CERTAIN TOWNS AND DIRECTING THE REMOVAL OF THE REGIS-  
TRY OF DEEDS FROM BRISTOL TO TAUNTON.

Legislative  
Records of the  
Council, xviii.,  
71.

House Jour-  
nal, pp. 229, 230.

*Resolved & Ordered* that from & after the last day of this Instant January & until the further Order of this Court, the Inhabitants & Lands of the Town of Barrington, in the westerly part thereof within this Province, be annexed, rated & vote to & in the Town of Rehoboth, & the Inhabitants & Lands in the Easterly part of said Barrington as aforesaid, shall be annexed, rated & vote as aforesaid to & in the Town of Swanzey; & the Inhabitants & Lands of a triangular peice of Land belonging to Tiverton, & in the north westerly part of said Town of Tiverton, abutting on Mount Hope Bay & on Freetown, be annexed, rated & vote to and in the the<sup>1</sup> said Town of Freetown; an other part of Tivertown, lying in this Province, between Dartmouth southerly & Freetown northerly, & Easterly of

<sup>1</sup> Sic.

a Strait Line from Freetown South East Corner, to Dartmouth north west Corner, shall with its Inhabitants, be annexed, rated & vote as aforesaid to & in said Town of Freetown; The Remainder of Tiverton & the whole of Little Compton in this Province, shall in the same manner be annexed to Dartmouth; All the Inhabitants on the Lands annexed as above, to do Duty & receive Priviledge, in the same manner with the other Inhabitants of the said Towns respectively, & all the said Inhabitants & Lands annexed as above shall so remain until the further Order of this Court: And it is further

*Ordered*, that the Assessors of each Town in said County respectively, to whom any Inhabitants or Lands are annexed as above, as also such Towns from which any Lands with Inhabitants, have been taken, & were<sup>1</sup> there are no Assessors, the Select Men, do forthwith make a Valuation of the Poles & Estates, both real & personal, which have been taken from or added to them, (Observing as near as may be, the general Rule of taking the last Valuation of this Province) & transmit the same to the Clerk of the Court of General Sessions of the Peace for said County on or before the first day of March next, that the s<sup>d</sup> Court of Sessions, may be enabled, equally to apportion any County Tax, as there may be occasion.

And whereas it has been represented, that the Register of Deeds for said County, who resides at Bristol, declines removing thence to Taunton the Shire Town, & to keep his Office there as by Law is required; It is therefore recommended to the Justices in said County in case the said Register after Notice given him for that purpose, shall delay by the space of one week next following such Notice to remove to the said Town of Taunton to reside & keep his Office there, that they remove him from his said Trust for such his Failure or Delay; & that as soon as may be (after the aforementioned Valuation shall be taken) The Freeholders of the several Towns in said County be Assembled (in manner as the Law directs, in case of such Removal) for the Choice of some other meet Person for that Office; And that in the mean time the Clerk of the Inferiour Court of Common Pleas, receive Deeds & other Instruments & proceed thereon, as by Law is directed in case of a Vacancy made by such Removal. [*Passed February 5.*]

## CHAPTER 274.

### VOTE AB<sup>e</sup> FRENCH PRISONERS & SCALPS.

HIS MAJESTY'S SUBJECTS the Inhabitants of the Inland Frontiers of this Province, having both in former & later Wars, been grievously distress'd by Parties of French & Indians from Canada, surprizing & murdering Men, Women & Children, & taking off their Scalps as a Trophy & Evidence of Barbarity; And it having been repeatedly represented to the Governour of Canada, That if this unchristian & unmanly way of making War, was encouraged or suffered to continue, it should be fully revenged & retaliated on the Inhabitants of the French Governments; And the said Governour, notwithstanding said Representation, & Warning, persisting to employ & send out the Vassals & Dependants of the King his Master, French & Indians; who since the Commencement of

Legislative  
Records of the  
Council, xviii.,  
71.

Legislative  
Records of the  
Council, xviii.,  
69 bis. House  
Journal,  
pp. 235, 236.

<sup>1</sup> Sic.

the Present War, have captivated, destroyed, scalped, mangled & barbarously used great numbers of the good People of this & his Majesty's other Governments Therefore for the future Safety & Protection of this Province; & more effectually to deter the French & the Indians under their Direction & Influence from carrying on the War in a way & manner abhor'd by Christians & civiliz'd Nations, & justifiable from the Principles of Self Preservation only;

*Resolved* that the following Bounty be granted & allowed to be paid out of the publick Treasury to such Indians as shall go out by order & direction of this Government to Canada or the Borders of Canada in Quest of the Enemy; viz<sup>t</sup> For each Male, of the Enemy above the Age of twelve Years who shall be killed & whose Scalp shall be brought as Evidence of his Death into this or any of the Neighbouring Governments, as the Indian shall be directed, the sum of Thirty five Pounds; And for each Male under twelve years & for every Female killed, & whose Scalp shall be brought as aforesaid, Ten pounds: But that the said Parties may not be induc'd to kill or destroy the Enemy, after Quarter given for the Sake of the afores<sup>d</sup> Bounty on their Scalps;

*Resolved* that for every Male Prisoner above the Age of twelve Years that shall be taken & brought in as aforesaid, a Bounty be given of Forty Pounds; And for each under the Age of twelve Years & for every Female taken Prisoner & brought in, a Bounty of Twenty five Pounds: And in Order to furnish such Indians as may depart from this Province for Canada, with such Things as shall be judged necessary, There is further Granted a sum not exceeding Five Pounds for each Indian.

And as it may be judged on many Accounts, convenient, that one or more of the English Inhabitants of this Province, should accompany such Parties of Indians in such Case, the same sum shall be allowed for furnishing such Inhabitant or Inhabitants; & they shall be entitled to a share in the Bounty in common with Indians And it is further

*Voted & Ordered* that the Conduct of this Affair; both as to engaging & directing the Indians in the Undertaking & paying the Bounties, be committed to John Stoddard Esq. who is hereby impow'ed to act for & in behalf of this Govern<sup>t</sup> This Vote to remain in force for the Space of twelve Months & no longer. [*Passed February 5.*]

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## CHAPTER 275.

### ORDER DIRECTING THE PAYMENT FOR PROVISIONS SUPPLIED BY CPT CORNELIUS SOLE.

Legislative  
Records of the  
Council, xviii.,  
73.

House Jour-  
nal, pp. 227, 238.

A PETITION of Cpt Cornelius Sole, an Officer in the late Expedition Ag<sup>st</sup> Cape Breton, Shewing that for want of Supplys from the Govern<sup>t</sup> he was oblig'd to furnish a considerable Quantity of Provisions for his Company at his own Charge Praying that he may be reimburs'd out of the publick Treasury.

Read &

*Ordered*<sup>1</sup> that the Commissary General be directed to pay the Petitioner, what shall appear justly due. [*Passed February 5.*]

<sup>1</sup> The House Journal reads, "*Voted.*"

## CHAPTER 276.

ORDER ALLOWING £5 TO THO<sup>s</sup> HARRIS.

A PETITION of Thomas Harris of Ipswich, Shewing that he had three Sons in the late Expedition against Cape Breton, one of which died of the Sickness he bro't home from thence, & another has been long sick & put him to great Charge, Praying for an Allowance for the same.

Read &

*Ordered* that the Committee of War be directed to allow the Petitioner Five pounds in consideration of the Expences within mentioned. [*Passed February 5.*]

Legislative  
Records of the  
Council, xviii.,  
73.

House Jour-  
nal, pp. 204, 237.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 277.

## VOTE IMPOWERING THE COMMITTEE OF WAR TO PAY TO ELISHA STRONG SEVEN DAYS WAGES &amp;c.

A PETITION of Elisha Strong, a Lieut<sup>t</sup> in the late Expedition, ag<sup>st</sup> Cape Breton, Shewing that his Wages were carried out in the Muster Roll no longer than till the first day of December 1745, tho' he was not able to get home till February following Praying to be allowed the full Wages due to him.

Read & in as much as it appears that the Petitioner was made up in the Muster Roll of Cpt Hubbard, seven days short, & that he had no Allowance for Travel Home, Therefore,

*Voted* that the Committee of War be directed to pay the Petitioner or Order seven days Wages & Usual Allowance for his Travel Home. [*Passed February 5.*]

Legislative  
Records of the  
Council, xviii.,  
73.

House Jour-  
nal, pp. 219, 237.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 278.

## ORDER REFERRING THE REPORT ON THE PETITION OF THE PRESIDENT &amp; FELLOWS OF HARVARD COLLEGE ABOUT A FERRY.

A PETITION of the President & Fellows of Harward Colledge in Cambridge, Shewing how much the Revenue of the said Colledge (upon which the Support of their Officers does depend) is diminish'd by the low Rates of the Ferriage over Charles River; which Ferry is the Estate of the said Colledge, And therefore Praying that the said Ferriage may be set at the Rates they were at when first established by the General Court.

Jacob Wendell Esq. from the Committee appointed to consider the Petition of the President & Fellows of Harward Colledge, gave in their Report.

Read &

*Ordered* that the Consideration of this Report<sup>1</sup> be refer'd to the next Sitting of the Court, & that the Committee in the mean time, consider of some proper Method for regulating the said Ferry, & make report at the said Sitting. [*Passed February 5.*<sup>2</sup>]

<sup>1</sup> No report has been found in the State Archives or among the Harvard University records, there being a gap in the latter at this time.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council, xvii. (5), xviii., and the State Library copy, *ibid.*, xviii., the date is February 13.

Legislative  
Records of the  
Council, xviii.,  
59, 79.

House Jour-  
nal, pp. 218, 237.  
Province  
Laws, i., 651,  
chap. 1; iii.,  
504, note.  
*Ante*, p. 317,  
chap. 200.

## CHAPTER 279.

## VOTE CONTINUING THE SUBSISTENCE OF TROOPS RAISED FOR THE CANADA EXPEDITION.

Legislative  
Records of the  
Council, xviii.,  
76.

House Jour-  
nal, p. 241.  
*Ante*, p. 652,  
chap. 173.

*Voted* that the Subsistence of the Troops, raised for the Expedition against Canada, which Subsistence expired the 30<sup>th</sup> of November, be continued from that time, till the 28<sup>th</sup> Instant, at the rate of five shillings  $\text{p}$  week each Man, except for such as shall be on their March towards Crown Point, before that time; And during the March of the Troops within the Settled Towns of this Province; And whilst they are actually travelling in order to proceed towards Crown Point One shilling & six pence per day accounting twenty miles a days Travel, shall be allowed instead of Five shillings  $\text{p}$  week; And upon leaving the Settled Towns of this Province the Commissaries are directed, to deliver them sufficient Provisions to serve till they shall meet the Provisions transported by Sea, during which time their Allowance shall be one pound of Bread, one pound of Pork, half a pint of Pease & one Jill of Rum, each Man per Day. [*Passed February 7.*]

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## CHAPTER 280.

VOTE ALLOWING WAGES TO CPT. WILL<sup>A</sup> BURNS AND COMPANY.

Legislative  
Records of the  
Council, xviii.,  
79.

House Jour-  
nal, pp. 249, 251.

A PETITION of Capt William Burnus, Shewing that on the 4<sup>th</sup> of December last he received Orders to dismiss his Company, but by reason of bad Weather & his Care of the publick Stores, they were detained till the twenty ninth of January, Praying that their Wages may be allowed till that time.

Read &

*Voted* that the Prayer of the Petition be so far granted, that the Petitioner be allowed Pay to the twenty ninth day of January last & that his Muster Roll be made up for the others born thereon, until the fourth day of December last, with the Addition of Travelling Allowance to such of his Men as were not turned over to other Companies. [*Passed February 13.*]

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## CHAPTER 281.

## VOTE REFERRING TO CPT JOHN LANE'S MUSTER ROLL.

Legislative  
Records of the  
Council, xviii.,  
80.

House Jour-  
nal, p. 249.  
Province  
Laws, iii., 313,  
chap. 15. *Ante*,  
p. 681, chap.  
262.

WHEREAS Capt. John Lane, Commander of a Company in the Service of the Province is not in Town.

*Voted* that a Certificate from Jeremiah Powell Esq. Commissary to 5<sup>d</sup> Company, shall be a sufficient Warrant to pay the sums due to any of the Men, born upon the said Lane's Muster Roll. [*Passed February 13.*]



## CHAPTER 282.

ORDER ALLOWING £15 TO DOCT EDW<sup>d</sup> WIGGLESWORTH.

A PETITION of Docter Edward Wigglesworth Professor of Divinity at Harward College in Cambrige, Setting forth his great Difficulties in supporting himself & Family by reason of the low Value of the Bills of Credit & the Dearness of all Necessaries of Life, And therefore Praying that this Court would make some Addition to the Allowance they have usually made him.

Legislative  
Records of the  
Council, xviii.,  
83.

House Jour-  
nal, p. 250.  
*Ante*, p. 676,  
chap. 244.

Read &

*Ordered*<sup>1</sup> that the sum of Fifteen Pounds be allowed out of the publick Treasury to the Petitioner in consideration of his Circumstances within mentioned. [*Passed February 14.*<sup>2</sup>

## CHAPTER 283.

## ORDER ACCEPTING THE REPORT ON THE AFFAIR OF THE NANTUCKET INDIANS AND APPOINTING A COMMITTEE THEREON.

A COMPLAINT of the Indians of Nantucket against the English Inhabitants for great Injuries done them by hindering them from planting upon their own Land & feeding their Creatures there.

Legislative  
Records of the  
Council, xviii.,  
89, 92. Mass.  
Archives,  
xxxI., 533.

Ebenezer Burril Esq. from the Committee of both Houses on the Affair of the Nantucket Indians gave in the following Report, viz<sup>t</sup>

Pursuant to the foregoing Order the Committee have attended the service aforementioned, & are of opinion that some suitable Person or Persons be appointed to repair to Nantucket & inquire into the Matters of Grievance & report a true state thereof to this Court at the next May Session: Which is humbly submitted

Mass.  
Archives,  
xxxI., 532–535.  
House Jour-  
nal, pp. 259, 260,  
263. *Ante*,  
p. 94, chap. 195.

EBEN BURRIL *pro* Order of the Com<sup>te</sup>

In Council Read &

*Ordered* that this Report be accepted & that Joseph Wilder Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House shall join be a Committee for the Purpose within mentioned, & that the Committee be & hereby are impowered to send for such Persons & Papers as they shall judge necessary in order to gain Light in the Affair

In the House of Rep<sup>tes</sup> Read and Concurr<sup>d</sup> and Col<sup>o</sup> Richards is Joynd in the Affair. [*Passed March 7.*<sup>3</sup>

## CHAPTER 284.

## ORDER OF NOTICE ON THE PETITION OF JOHN SWALLOW AND OTHERS OF GROTON TO BE SET OFF TO THE TOWN OF DUNSTABLE.

A PETITION of John Swallow, Timothy Read, Samuel Cummings, Joseph Spaulding jun<sup>r</sup> Benjamin Robbins, Joseph Fletcher & John

Legislative  
Records of the  
Council, xviii.,  
92.

<sup>1</sup> The House Journal reads, "*Voted.*"

<sup>2</sup> Adjourned to March 5. See the House Journal, p. 255, and Legislative Records of the Council, xvii. (5), 788. Legislative Records of the Council, xviii., has no record of this adjournment.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is March 10.

House Journal, p. 264.

Spaulding, Inhabitants of the Northerly Part of the first Precinct in Groton, Setting forth their difficulties of attending Publick Worship by reason of their distance from the Meeting House And therefore Praying they may be sett off to the Town of Dunstable, Agreeable to the Vote of the said first Precinct.

Read &

*Ordered* that the Petitioners serve the Towns of Groton & Dunstable with Copies of this Petition, that they shew cause if any they have on the first Fryday of the next Sitting of this Court, why the Prayer thereof sh<sup>d</sup> not be granted. [*Passed March 11.*]

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## CHAPTER 285.

ORDER DECLARING THE PROCEEDINGS OF A TOWN MEETING AT DUNSTABLE NULL AND VOID AND CALLING ANOTHER MEETING.

Legislative Records of the Council, xviii., 94.

House Journal, pp. 264, 266.

A PETITION of the Major Part of the Select Men for the year past of the Town of Dunstable, & other Inhabitants, Complaining of the irregular Management of a Meeting of the said Town for the Choice of Town Officers the second Instant, by admitting the Inhabitants of Nothingham to vote with them, Praying that the s<sup>d</sup> Meeting may be set aside & the Proceedings therein declared null & void.

In the House of Representet<sup>ves</sup> Read & Altho' it appears to this House that the Province & County Tax has been laid & assessed upon the Inhabitants of Dunstable & Nothingham jointly for three years past, & that the Inhabitants of Nothingham since that have assembled & voted with the Inhabitants of Dunstable, yet it not appearing that the said Inhabitants have by any Act of this Court been qualified to Vote in Town Meeting at Dunstable. Therefore

*Voted* that the Prayer of this Petition be granted, & that the late Town Meeting of the second Currant, herein mentioned & all Proceedings therein be & hereby are declared null & void, and that said Town of Dunstable be impowered to call another Meeting for the Choice of Town Officers & for transacting the other Town Affairs In Council, Read & Concur'd. [*Passed March 12.*]

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## CHAPTER 286.

ORDER ALLOWING THE PAYM<sup>t</sup> OF JOHN NORTON'S WAGES.

Legislative Records of the Council, xviii., 94.

House Journal, p. 267.

*Ordered* that the Treasurer be directed to pay the Wages due to M<sup>r</sup> John Norton (now in Captivity) to his Wife or her Order. [*Passed March 12.*]

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## CHAPTER 287.

ORDER IMPOWERING HANNAH JOHNSON, ADMINISTR<sup>x</sup> TO SELL LAND.

Legislative Records of the Council, xviii., 95.

A PETITION of Ephraim Brown in behalf of Hannah Johnson of Harward, Shewing that She as Administr<sup>x</sup> to her late Husband Dole Johnson Dec<sup>d</sup> has been sued divers times by the Creditors on

his Estate & whereas she has not sufficient Personal Estate in her hands to pay the said Estate, Therefore Praying to be impower'd to make Sale of the Deceasd's House & Land in Harvard to pay the said Debts.

Read &

*Ordered* that the above named Hannah Johnson be & hereby is impowered to make Sale of the Land mentioned & to execute a good & sufficient Deed of the same, She first attending the Directions of the Act made in the Sixth Year of King George the first, relating to the Sale of Real Estates & giving Bond with sufficient Sureties to the Judge of Probates for the County of Worcester to account for the Overplus, if any there be, according to Law. [*Passed March 13.*]

House Journal, pp. 265, 267.  
Province Laws, ii., 151, chap. 10.

## CHAPTER 288.

ORDER ALLOWING £10. 13 EACH TO SAMUEL PEIRCE & STEPHEN BUXTON.

A PETITION of Samuel Peirce<sup>1</sup> & Stephen Buxton, Shewing that they served as Soldiers in the Eastern Frontiers under Cpt Henry Alexander, that the said Captain has not continued them upon the Roll longer than the 21<sup>st</sup> of July, tho' they remained divers Months upon the Frontiers badly wounded by the Enemy, Praying they may be allowed their Wages until the last day of November last.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioners be allowed out of the Province Treasury the sum of Ten pounds thirteen shillings to each of them or their Order. [*Passed March 14.*]

Legislative Records of the Council, xviii., 96.

House Journal, pp. 259, 268.

## CHAPTER 289.

ORDER IMPOWERING LYDIA COIT AS GUARDIAN, TO SELL LAND.

A PETITION of Lydia Coit of Boston, Guardian to her two Daughters Elizabeth Coit & Lydia Coit, Shewing that they are interested in a parcel of Land in the Town of Gloucester to the Value of about Five hundred Pounds old tenor, which in its present Circumstances is of little or no Profit to them, And therefore Praying that She may be impowered to make Sale of the said Land for the better Profit of the said Minors

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner in her Capacity as Guardian be & she hereby is authoriz'd & impowered to sell the Lands in Gloucester for the most they will fetch, & to execute a good & sufficient Deed or Deeds of the same, The said Guardian, attending y<sup>e</sup> Direction in the Law of the Sixth year of the Reign of King George the first, relating to the Sale of real Estates & giving Bond with sufficient Sureties to the Judge of Probate for the County of Essex, that the Interest of the Purchase Consideration of said Lands shall be improv'd for the Support & Education of her said Wards during their Minority, & that the Principal shall be paid to them at their Arrival to Age, or at the time of their Marriage, which shall first happen. [*Passed March 14.*]

Legislative Records of the Council, xviii., 97.

House Journal, p. 267.  
Province Laws, ii., 151, chap. 10.

<sup>1</sup> The House Journal, p. 259, reads, "*Pears*;" and on p. 268, reads, "*Pierce*."

## CHAPTER 290.

## ORDER ALLOWING £12. 10 TO SAMUEL WOOD.

Legislative  
Records of the  
Council, xviii.,  
98.

House Jour-  
nal, pp. 258, 270.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Samuel Wood, a Soldier in the late Expedition, against Cape Breton, Shewing that by means of a violent Fever, he had after the taking of the said Place, he has lost the Use of his Right Arm, & is without any means of Support, Praying for an Allowance from this Court.

Read &

*Ordered* that the Committee of War be directed to pay the Petitioner twelve Pounds ten shillings in consideration of his Services & Sufferings within mentioned. [*Passed March 17.*]

## CHAPTER 291.

## ORDER ESTABLISHING A GARRISON AT FORT DUMMER.

Legislative  
Records of the  
Council, xviii.,  
98.

Legislative  
Records of the  
Council, xviii.,  
97. House  
Journal, p. 274.  
*Ante*, p. 471,  
chap. 18.

*Ordered*<sup>1</sup> that in case the Forces order'd by his Excellency to Fort Dummer be called off before the first day of May next; Then & in such Case an Establishm<sup>t</sup> be & hereby is made for a Garrison to be plac'd there until the first day of June next after, for the same Number of Men and with the same Pay & Subsistence as was granted & allowed by the last Establishm<sup>t</sup>, provided the said Fort shall not be Garrisoned by the Governm<sup>t</sup> of New Hampshire before that time. [*Passed March 18.*]

## CHAPTER 292.

## VOTE REQUESTING THE GOVERNOR TO APPOINT A FAST.

Legislative  
Records of the  
Council, xviii.,  
99.

House Jour-  
nal, p. 274.  
Love's Fast  
and Thanks-  
giving Days  
of New Eng-  
land, p. 495.

ON CONSIDERATION of our absolute Dependance on the Almighty in all our Affairs;

*Voted* that his Excellency the Governour be desired with the Advice of the Council to appoint a Day of Fasting & Prayer<sup>2</sup> as soon as may be for imploring the Divine Favour towards us in the important Designs and Operations of the War & for the Blessing of Heaven upon us in the other Interests and Occasions of the several Seasons of the ensuing Year. [*Passed March 18.*]

## CHAPTER 293.

## VOTE DIRECTING THE COMMISSARY GENERAL TO DELIVER A GUN TO EBENEZER ROBINS.

Legislative  
Records of the  
Council, xviii.,  
99.

House Jour-  
nal, pp. 274, 275.

A PETITION of John Harwood in behalf of Ebenezer Robbins of Douglas, Shewing that William Robbins Son of the said Ebenezer, was, while a Soldier on the Frontiers kill'd by the Enemy & his Gun taken by them, Praying for an Allowance for the said Gun.

<sup>1</sup> The House Journal, p. 274, reads, "*Voted.*"

<sup>2</sup> The Fast was appointed for April 9, 1747, and was public.

Read &

*Voted* that the Commissary General be directed to deliver to the said Ebenezer Robbins a good Firelock out of the Province Arms in lieu of the Gun within mentioned taken by the Enemy. [*Passed March 18.*]

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## CHAPTER 294.

VOTE IMPOWERING RICHARD HUBBARD TO RESIGN AS INFORMER OF DEER AND TOWN SCAVINGER.

A PETITION of Richard Hubbard Door Keeper to the General Court, Shewing that he is chosen by the Town of Boston to the Offices of a Scavenger & Informer against Deer &c, Which Offices he is not able to perform without neglecting his Duty to the Court, And therefore Praying that he may be exempted from the Offices above mentioned.

Legislative  
Records of the  
Council, xviii.,  
99.

House Jour-  
nal, p. 274.

Read &

*Voted* that the Prayer of the Petition be granted, & that the Petitioner be discharged & excused from serving in the Offices within mentioned & that the Town of Boston be enabled & im-  
power'd to chuse another Person or Persons to serve in the said Offices. [*Passed March 18.*]

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## CHAPTER 295.

VOTE REMITTING TO THE TOWN OF SHREWSBURY £10, ONE HALF THE FINE FOR NOT SENDING A REPRESENTATIVE.

A PETITION of John Keys Esq. Representit<sup>ve</sup> of the Town of Shrewsbury, Praying that the Fine laid on the said Town for not sending a Representit<sup>ve</sup> the last year may be remitted in considera-  
tion of the Smallness of the said Town & the great Charges they have been at in the said Year.

Legislative  
Records of the  
Council, xviii.,  
99.

House Jour-  
nal, pp. 266, 273.  
Province  
Laws, iii., 228,  
chap. 1.

Read & in answer thereto,

*Voted* that the Prayer of the Petition be so far granted that there be paid out of the Province Treasury the sum of Ten Pounds [to the Town of Shrewsbury].<sup>1</sup> [*Passed March 18.*]

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## CHAPTER 296.

VOTE DIRECTING THE ASSESSORS OF THE TOWN OF SWANZEY TO MAKE THEIR COUNTY RATE AS USUAL.

A PETITION of the Assessors of the Town of Swanzeay, Shewing that they are under great Difficulties in assessing the Province Tax by reason of the taking of a great part of the said Town & setting of it to the Colony of Rhode Island by the Line lately established, Praying for the Direction of this Court therein.

Legislative  
Records of the  
Council, xviii.,  
99.

House Jour-  
nal, p. 275.

Read &

*Voted* that the Assessors of the Town of Swanzeay be directed to

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 813.

proceed in their making their Country Rate the present Year as usually they have done & when they have made the same to lay it before this Court, together with their last years Country Rate. [*Passed March 18.*]

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## CHAPTER 297.

VOTE IMPOWERING JOHN CHANDLER ESQ & JABEZ LYON AS TRUSTEES TO PAY MONEY DUE TO THE HEIRS OF SAM. PEGAN, INDIAN.

Legislative  
Records of the  
Council, xviii.,  
100.

House Jour-  
nal, p. 275.  
*Ante*, p. 523,  
chap. 151.

A PETITION of John Chandler Esq. & Jabez Lyon Trustees for the Children of Samuel Pegan late of Dudley Indian dec<sup>d</sup> Shewing that they have receiv'd between One & two hundred Pounds in Bills of the old tenour of the Estate of the said Pegan which the said Children are desirous to lay out in paying their Debts & the Remainder in forwarding the Settlement & Improvement of their Lands, which the Petitioners apprehend will be for their Benefit, Praying for the Order & Leave of this Court for disposing of the said Indians Money accordingly.

Read &

*Voted* that the Prayer of the Petition be granted & that the said Trustees be allowed & impowered to deliver the Money in their Hands to the Persons to whom it belongs, at such times & in such manner as they shall think best, rendering an Accompt of their Proceedings herein to this Court. [*Passed March 18.*]

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## CHAPTER 298.

ORDER IMPOWERING THE PROVINCE TREASURER TO PAY TO SAMUEL WHITE AND JOSEPH RAWSON THE WAGES DUE THEIR SONS.

Legislative  
Records of the  
Council, xviii.,  
100.

House Jour-  
nal, p. 276.

*Ordered* that the Province Treasurer be directed to pay to Samuel White the Wages that are due to his Son Samuel White, who died in the Province Service; And also to John Rawson the Wages due to his Son Joseph Rawson, who was killed while in the service of the Governm<sup>t</sup> The s<sup>d</sup> Samuel White & John Rawson to be accountable to any Administrators that may be appointed on their said Sons Estates. [*Passed March 19.*]

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## CHAPTER 299.

ORDER IMPOWERING JOSEPH BALLARD, GUARDIAN, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xviii.,  
100.

House Jour-  
nal, pp. 265, 268.

A PETITION of Joseph Ballard, Guardian of Martha Burril a Minor Shewing that she is entitled to one third part of one fifth part of a Dwelling House in the Northerly part of Boston, which she holds as one of the Coheirs of Jonathan Gatchel dec<sup>d</sup> And for as much as the said House is in a very ruinous Condition & there is now an oppertunity of disposing of it to advantage Therefore Praying that he may be allowed to sell the said Interest.

Read &

*Ordered* that the within named Joseph Ballard in his Capacity as Guardian be & hereby is impowered to sell the within named Minors Part of the House & Land for the most the same will fetch, & to execute a good Deed for the same, he first giving sufficient Security to the Judge of Probates for the County of Suffolk that the Purchase Money be improved to the best advantage of the Minor according to Law; And that the Petitioner take effectual Care that the Value of the Money be secured for the benefit of the Minor by the Form of the Obligations to be entered into by those to whom the same shall be let. [*Passed March 19.*]

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## CHAPTER 300.

### ORDER IMPOWERING CAPT SAMUEL CHAMBERLAIN TO RECEIVE A GUN AND THE WAGES OF HIS SON.

A PETITION of Samuel Chamberlain, Shewing that his Son Thomas Chamberlain being a Soldier in the Eastern Frontiers was killed by the Indian Enemy & with his Life lost a Firelock, which he carried into the Service, Praying that he may be allowed for said Gun & Wages due to him.

Legislative  
Records of the  
Council, xviii.,  
101.

House Jour-  
nal, p. 276.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Commissary General be & he hereby is directed to deliver the Petitioner a good Firelock out of the Province Arms, in lieu of the Gun within mention'd; & that he be allowed the Wages due to his Son, he to be accountable to any Administrator that may be appointed on his said Son's Estate. [*Passed March 19.*]

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## CHAPTER 301.

### ORDER OF NOTICE ON PETITION OF SAMUEL DRESSER & OTHERS OF IPSWICH & ROWLEY TO BE SET OFF TO THE FIRST PARISH IN ROWLEY.

A PETITION of Samuel Dresser & others Inhabitants of the First Parish in the Town of Ipswich (Shewing that they are situated at a great distance from the Meeting House there) & of Nathaniel Jewet & others of Rowley (who have Lands within the Bounds of the said Parish) Praying that they & their Lands may be sett off to the first Parish in Rowley; Viz<sup>t</sup> all the Land lying on the North side of Egypt River, between that River & Rowley, & the Line of the new Parish made out of Ipswich & Rowley, or that a Committee may be sent to view their situation &c

Legislative  
Records of the  
Council, xviii.,  
101. Mass.  
Archives, xli.,  
537.

Mass.  
Archives, xli.,  
535, 536. House  
Journal, p. 276.  
*Ante*, p. 600,  
chap. 19.

Read and

*Voted* that the pet<sup>rs</sup> Serve the first Parish in the Town of Ipswich with a Copy of this pet<sup>n</sup> that they Shew Cause (if Any they have) on the first Tuesday of the Next may Session why the prayer thereof Should not be granted. [*Passed March 19.*]

## CHAPTER 302.

## ORDER ALLOWING £1. 16. 6 TO JOHN CONVERSE.

Legislative  
Records of the  
Council, xviii.,  
102.

House Jour-  
nal, pp. 267, 278.

A PETITION of John Converse of Leicester, Shewing that his Son having been seized with a Fever while a Soldier in the service, has put the Petitioner to considerable Charge by his said Sickness, Praying that he may be reimbursed out of the publick Treasury.

Read &

*Ordered* that the Petitioner be allowed out of the publick Treasury, One Pounds sixteen shillings & six pence in full consideration for the Charge above mentioned. [*Passed March 20.*]

## CHAPTER 303.

## VOTE IMPOWERING THE COMMISSARY TO DISTRIBUTE PROVISIONS AND BEDDING TO THE FORCES, AND FORBIDING THE GRANTING OF FURLOWS.

Legislative  
Records of the  
Council, xviii.,  
102.

Legislative  
Records of the  
Council, xviii.,  
76. House  
Journal, p. 277.  
*Ante*, p. 659,  
chap. 191.

*Voted* that the seven Gills of Rum allowed to each Man of the Marching Forces be delivered to them without any Deduction of Wastage; That the Sub Commissaries be directed duly to observe the Instructions given to the Commissary General by this Court on the 14<sup>th</sup> of November last, for cutting up Beaf & the Method of delivering Meat & Bread to the Forces; That when the stated Allowance of Provision is not provided & sent by the Commissary [General]<sup>1</sup> in Specie (as in some Parts it cannot be done) that the said Commissary be directed [in such cases,]<sup>1</sup> to take effectual Care that the Provision purchased & delivered to the Soldiers by his Substitutes be equal in quantity & goodness to such stated Allowance as has or may be ordered by the Court to such Standing or Marching Forces respectively. That there be allowed a Bed Sack between two Men in the Garrisons posted in the Block Houses on the West Side of Connecticut River & in any other Block Houses that may be built by Order of this Court this present year, & a Blanket to each Man & that the Commissary General be directed to deliver the same to the respective Officers, taking Receipts from the said Officers that so they may be accountable from time to time, Also

*Voted* that his Excellency the Captain General be desired to give Orders to all such Officers, that they Grant no Furlows to their Men but in Cases where it appears that the Private Affairs of such Men would otherwise suffer much damage & that they take no Reward for such Furlows or oblige the Soldier to hire his Duty done in the mean time, nor to have no more than three Men out of fifty on Furlow at a time & so in proportion for a greater or less number, except where an Officer has but ten Men under his Command, that he may allow one of them at a time to be on Furlow, if their private Affairs require it as aforesaid. [*Passed March 20.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 818.



## CHAPTER 304.

### VOTE FOR SELLING OF STORES AT ALBANY.

*Voted* that it be an Instruction to the Committee of War that such of the Stores now lying at Albany, which they apprehend to be for the Advantage of the Province to be sold there, be disposed of as soon as may be; And that they direct the Commissary at Albany accordingly. [*Passed March 21.*]

Legislative  
Records of the  
Council, xviii.,  
103.  
House Jour-  
nal, p. 280.  
*Ante*, p. 465,  
chap. 1.

## CHAPTER 305.

### ORDER AND VOTE ALLOWING £2. 10 AND £3 FOR A GUN TO CP<sup>T</sup> JOHN HARWOOD.

A PETITION of Capt John Harwood, Shewing that he impressed John Edmunds & John Alderidge into the Service on the Frontiers, & impressed Firelocks for them, that the said Edmunds is now in the service & the said Alderidge taken by the Enemy with his Arms; And therefore Praying he may be allowed for the Arms aforementioned.

Legislative  
Records of the  
Council, xviii.,  
103.  
House Jour-  
nal, pp. 270, 279.

Read &

*Ordered* that the Petitioner be allowed to receive of the Province Treasurer the sum of Two pounds [ten shillings]<sup>1</sup> out of the Wages due to the within named John Edmunds upon Cpt. Stevens's Muster Roll

*Voted* also that the Petitioner be allowed Three Pounds out of the Publick Treasury in Consideration of the Gun, impressed for the within named John Aldridge. [*Passed March 21.*]

## CHAPTER 306.

### ORDER ALLOWING TO JOSEPH WAKEFEILD AND HIS SON EACH FIFTY FOUR DAYS SUBSISTENCE.

A PETITION of Joseph Wakefeild, an Officer in the Expedition against Cape Breton, Shewing that he & his Son, were left in the Garrison at Louisbourgh by Cpt. Dan<sup>l</sup> Hill without Provisions & for fifty four days they found themselves with Provisions; Praying that the Charge thereof may be reimbursed them by Order of this Court.

Legislative  
Records of the  
Council, xviii.,  
103.  
House Jour-  
nal, pp. 272, 279.

Read &

*Ordered* that the Commissary General be directed to advance to the Petitioner & his Son the usual Allowance for fifty four days each. [*Passed March 21.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 820; the House Journal, p. 279, also reads, £2. 10.

## CHAPTER 307.

## ORDER ALLOWING £3 TO JOSEPH JOHNSON.

Legislative  
Records of the  
Council, xviii.,  
104.

House Jour-  
nal, pp. 195, 277.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Joseph Johnson, An Officer in the late Expedition against Cape Breton, Praying to be allowed twelve pounds old tenour for Money which he advanced for enlisting a Soldier into that Service, & for what he was paid short of his own advanced Wages.

Read &

*Ordered* (in answer to this Petition) that the Committee of War be directed to pay the Petitioner Three pounds in consideration of the sums advanced or not received by the Petitioner. [*Passed March 21.*]

## CHAPTER 308.

## ORDER ALLOWING 13/ 11 TO HENRY DEATH &amp; OTHERS.

Legislative  
Records of the  
Council, xviii.,  
104.

House Jour-  
nal, pp. 271, 279.  
*Ante*, p. 644,  
chap. 150.

A PETITION of Henry Death, Jabez Stratton, Caleb Lealand & Joseph Craeburn, Shewing that agreeable to the Order of this Court they collected the Province Tax assessed on the English Inhabitants of Natick for the year 1744, for which Service they have had no Satisfaction from the Inhabitants; And therefore Praying that this Court would allow them the sum of Five pounds for the said Service in Bills of the old tenour.

Read &

*Ordered*, that upon its appearing to the Treasurer that the Inhabitants of Natick refuse to pay the Collectors for their Service, that he pay the sum of Thirteen shillings & eleven pence to the Petitioners, & that the sum so paid be imposed as a Fine upon the Inhabitants in the next Province Tax. [*Passed March 21.*]

## CHAPTER 309.

ORDER ALLOWING TO DAN<sup>l</sup>. TWITCHEL HIS DOCTORS BILL, A GUN, AND THE AMOUNT JUSTLY DUE HIM.

Legislative  
Records of the  
Council, xviii.,  
104.

House Jour-  
nal, pp. 188, 272,  
277, 281.

A PETITION of Daniel Twitchel of Uxbridge a Soldier on the Eastern Frontiers, lately under the Command of Cpt. William Burnes, Shewing that he split his Gun by firing it of for Trial, by order of his said Captain & thereby grievously wounded his own Hand & thereupon went home to have it cured; therefore Praying that he may be allowed for the Loss of his Gun & for his Subsistence during the time of his being under Cure, (which Cpt. Burnes has refused to allow him) with the Charge of the Surgeon.

Read &

*Ordered* that the Prayer of the Petition be so far granted, as that the Petitioner be allowed the Doctors Bill being Nine Pounds, seventeen shillings & six pence old tenour, out of the publick Treasury, and that the Commissary General be directed to deliver the Petitioner or his Order one Good Firelock out of the Province Stores; And that the said Cpt. William Burnes be directed to deliver the Petitioner his full Billeting as tho' he had been on Duty; And in

case of the said Burnes's Refusal, the Commissary General is hereby directed to pay the Petitioner or his Order the sum justly due to him & deduct the said sum, out of the said Burnis Billiting Account. [*Passed March 24.*]

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## CHAPTER 310.

### ORDER IMPOWERING JAMES ALLEN TO PRESENT HIS ACCOUNT AGAINST THE ESTATE OF JOHN SNOWDEN.

A PETITION of James Allen of Boston Tylour, Shewing that he is a considerable Creditor of the Estate of John Snowden of Boston Dec<sup>d</sup> Which has been represented Insolvent, but the Petitioner thro' Mistake omitted giving in his Claim to the Commissioners till the time was elapsed & their Report made, but no Distribution of the Estate made to the Creditors, And therefore Praying that he may be now admitted to give in his Claim, & to receive his proper Dividend, with the rest of the Creditors.

Legislative  
Records of the  
Council, xviii.,  
105.

House Jour-  
nal, pp. 280, 282.

Read &

*Ordered* that the Commissioners within mentioned be enabled to receive the Account of the said Allen, that he may be entitled to his Proportion of said Estate, The time for receiving the Accounts being elapsed notwithstanding. [*Passed March 24.*]

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## CHAPTER 311.

### ORDER ALLOWING £10 TO ANDREW ELLINGWOOD.

A PETITION of Andrew Ellinwood, Praying for some further Allowance for his staying at home for so many months out of Business, & his great Expence to attend as a Witness the Trial of Pirates the last year.

Legislative  
Records of the  
Council, xviii.,  
106.

House Jour-  
nal, pp. 273, 279,  
282. *Ante*,  
p. 630, chap.  
107.

Read &

*Ordered* that the sum of Ten Pounds be allowed out of the publick Treasury to the Petitioner, in consideration of his Loss of time & Expence within mentioned. [*Passed March 25.*]

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## CHAPTER 312.

### ORDER ALLOWING £5 TO TIMOTHY WHEELER.

A PETITION of Timothy Wheeler, Praying for an Allowance from this Court in consideration of a Wound, he casually received, while in the publick Service as a Soldier, which has disabled him from Labour for his support.

Legislative  
Records of the  
Council, xviii.,  
106.

House Jour-  
nal, pp. 275, 282.

Read &

*Ordered* that the sum of Five Pounds be allowed out of the Province Treasury to the Petitioner in consideration of his Sickness, Nursing & Doctors Bill within mentioned. [*Passed March 25.*]

<sup>1</sup> No record of any previous allowance has been found.

## CHAPTER 313.

ORDER ALLOWING £4 TO CPT. DAN<sup>L</sup> HILL.

Legislative  
Records of the  
Council, xviii.,  
107.

House Jour-  
nal, pp. 83, 285.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Daniel Hill, An Officer in the late Expedition against Cape Breton, Shewing that he carried with him a Box of Medicines, which he had occasion to expend upon himself in his Sickness & on divers Soldiers that were Sick there, Praying for an Allowance from this Court.

Read &

*Ordered* that the sum of Four pounds be allowed the Petitioner by the Committee of War, in consideration of medicines expended by him in the Sickness at Cape Breton. [*Passed March 27.*]

## CHAPTER 314.

## ORDER IMPOWERING THE PROVINCE TREASURER TO PAY TO ESTHER ESTABROOK THE WAGES DUE HER HUSBAND.

Legislative  
Records of the  
Council, xviii.,  
108.

House Jour-  
nal, p. 286.

*Ordered* that the Treasurer be directed to pay to Esther Eastabrooke or Order. the Wages that shall appear to be due to her Husband Moses Eastabrooke, (who was killed by the Enemy in the Service of the Province,) She to be accountable to any Administ<sup>r</sup> that may be appointed on her Husband's Estate. [*Passed March 28.*]

## CHAPTER 315.

VOTE AND ORDER RESPECTING THE LAST ADJUSTM<sup>T</sup> OF THE VALUE OF MONEY &c.

Legislative  
Records of the  
Council, xviii.,  
108.

Legislative  
Records of the  
Council, xviii.,  
68, 79, 92, 96.  
House Jour-  
nal, pp. 287, 288.  
Province  
Laws, iii., 212,  
chap. 29. *Ante*,  
p. 416, chap.  
136.

WHEREAS at the Determination of the Value of the Bills of Credit of this Province on the 18<sup>th</sup> february last. the whole Number of those Members of his Majesty's Council appointed by the Act of the Eighteenth Year of his present Majesty, as a Committee for that purpose were not present, nor Notified of the time of Meeting, Which according to the true Intent & Design of the said Act they ought to have been; To prevent all Doubts & Inconveniences that may otherwise arise

*Voted* that the said Determination be & hereby is declared void & of no Effect. And as the Success of the Solicitations of the Province Agents for a Reimbursm<sup>t</sup> of the Charges of the late Expedition may very much effect the Value of the Bills & the Effect of such Solicitation is daily expected; Therefore

*Ordered* that the Justices of the several Courts of Judicature within this Province be & they hereby are directed in making up Judgments at any time before the Eighteenth day of August next, to allow to the Creditor for the Depre'ciation of the Bills in the like manner & no otherwise than they have been wont to allow in Conformity to the Settlement of said Bills last preceeding the before mentioned of the Eighteenth of February. [*Passed March 31.*]

## CHAPTER 316.

## ORDER ALLOWING JACOB MARCH THE WAGES OF A SURGEON.

A PETITION of Jacob March, Shewing that he engaged in the service against Cape Breton as Surgeon's Mate to the Regiment under the Command of Cpt Samuel Willard, that the Chief Surgeon was dismiss'd the eleventh of July 1745. that from that time he had the whole Care of said Regiment, till he was removed to Brigadier Waldo's Regiment, to which he administred as chief Surgeon till some time in March last, but has had no other Pay than as Surgeon's Mate, Praying he may be allowed according to his Service.

Legislative  
Records of the  
Council, xviii.,  
109.  
House Jour-  
nal, pp. 285, 288.  
*Ante*, p. 465,  
chap. 1.

Read &

*Ordered* that the Committee of War be directed to allow the Petitioner upon Proof of the Facts above mentioned, such Sum, as with that already paid him, shall make his Wages equal to that of a chief Surgeon from July 11. 1745 to his Dismission. [*Passed April 1.*]

## CHAPTER 317.

## ORDER ALLOWING £5 TO RICHARD CARR.

A PETITION of Richard Carr of Newbury, a Soldier in the late Expedition, Praying for an Allowance from this Court in consideration of his being wounded by the Enemy & disabled thereby from Labour.

Legislative  
Records of the  
Council, xviii.,  
110.

House Jour-  
nal, pp. 285, 288.  
*Ante*, p. 465,  
chap. 1.

Read &

*Ordered* that the Committee of War be directed to allow the Petitioner Five Pounds in full consideration of his Sufferings within mentioned. [*Passed April 1.*]

## CHAPTER 318.

ORDER ALLOWING £15 TO JON<sup>A</sup> STANHOPE.

A PETITION of Jonathan Stanhope of Sudbury, Praying for an Allowance from this Court, in consideration of Wounds he received while in the publick Service from the Indian Enemy, whereby his Arm was broke, & he disabled from doing any thing for his Support; & to pay his Charges thereupon.

Legislative  
Records of the  
Council, xviii.,  
110.

House Jour-  
nal, pp. 264, 287.

Read &

*Ordered* that there be allowed to the Petitioner out of the publick Treasury Fifteen pounds in consideration of his Sufferings & Charges above mentioned. [*Passed April 2.*]

## CHAPTER 319.

## ORDER ALLOWING £7. 10 TO ROGER HUNNAWELL.

Legislative  
Records of the  
Council, xviii.,  
111.

House Jour-  
nal, pp. 289, 291.  
*Ante*, p. 465,  
chap. 1.

A PETITION of Roger Hunnawell, Praying for an Allowance from this Court for Wounds he receiv'd from the Enemy at Cape Breton, by which he is much disabled.

Read &

*Ordered* that the Committee of War be directed to allow the Petitioner, Seven pounds ten shillings, in consideration of his Sufferings therein mentioned; & that his Excellency the Captain General be desired to place the Petitioner in one of the Garrisons, to be in the Pay of the Province. [*Passed April 2.*]

## CHAPTER 320.

Legislative  
Records of the  
Council, xviii.,  
112.

Legislative  
Records of the  
Council, xviii.,  
111. House  
Journal, p. 293.

ORDER RESPECTING A GUARD FOR NICHEWAG NARRAGANSET N<sup>o</sup> 2 AND PAQUOIG.

*Ordered* that Pay & Subsistence be allowed to Thirty Voluntiers as Scouts upon the Western Frontiers, Ten to be employed for the Protection of Nechawoag, Ten for the Protection of Narraganset Number Two, Ten for the Protection of Paquoig, Such Pay & Subsistence to be continued for one Month & no longer. [*Passed April 3.*]

## CHAPTER 321.

ORDERS AND VOTES ALLOWING PAY AND SUBSISTENCE FOR GARRISONS AT DIVERS POINTS ON THE EASTERN AND WESTERN FRONTIERS AND APPOINTING COM<sup>1</sup>REES FOR BUILDING NEW BLOCKHOUSES.

Legislative  
Records of the  
Council, xviii.,  
112.

House Jour-  
nal, pp. 289, 290.

In the House of Representatives,

*Ordered* that there be Pay & Subsistence allowed for a Garrison of Twenty Men to be posted at Northfeild & twenty Men at each of the several Block Houses to be built four Miles distant from one another & to extend in a Line from Northfeild to Townshend; said Men to be constantly employed from one Block House to another; & that there be allowed two swivel Guns to each Block House; And that there be Pay & Subsistence allowed for a Garrison of twenty Men in the Block House at Fall Town, Twenty Men at a new Block-House to be built between Fall Town & Colrain, Twenty at Colrain, Twenty at the Block House commonly called Fort Shirley, Twenty at that called Fort Pelham, Twenty at a new Block House to be built West of said Fort Pelham, & Thirty at a Block-House to be built near the Place were<sup>1</sup> Fort Massachusetts stood, & that two Swivel Guns be allowed to each Block House, except the two Block Houses west of Pelham, which are to be allowed one swivel Gun & one four Pounder each; And Scouts constantly maintained from one Block House to another, & also West from Fort Massachusetts; and that a number not exceeding ten of the Inhabitants of Colrain & ten of those at Green River above Deerfeild be kept in the Pay of the Province: And it is further

<sup>1</sup> Sic.

*Ordered* that Pay & Subsistence be allowed to Thirty Men at the Block House on Georges River near the Fort there; & also Pay & Subsistence to Three hundred & seventy Men for the Defence of the Eastern Frontiers from Berwick to Damarascotty; And that his Excellency be desired to cause One hundred & fifty of said Three hundred & seventy to be employed for the defence of the Frontier from Berwick to Pesumpscot River & Two hundred & twenty from said Pesumpscot River to Damarascotty; And that of said Three hundred & seventy men there be One hundred & fifty of such of the Inhabitants as are so exposed to the Enemy as to be unable to support themselves by their Labour. The Pay and Subsistence of the aforesaid Forces both on the Western & Eastern Frontiers to continue to the first of July & no longer: And it is to be understood that the said Forces are inclusive of those already on the said Frontiers, & that they are to be raised by an Elistm<sup>t</sup>

Also

*Voted* that M<sup>r</sup> Brewer, Capt. Hall & Capt. Wilder with such [as]<sup>1</sup> the Honb<sup>l</sup> Board shall join be a Committee (taking the Direction of his Excellency) to agree for the Labour & Materials for the Block Houses Eastward of Connecticut River: It is further

*Voted* that Capt. Partridge & Coll. Porter with such as the Honb<sup>l</sup> Board shall join be a Committee (taking the Direction of his Excellency) to agree for the Labour & Materials for the Block Houses Westward of Connecticut River, The aforesaid Committees to govern themselves with respect to the Expences of such Block Houses by such Grants as shall be made for that purpose.

In Council, Read & Concur'd; And James Minot Esq. is joined to the Committee for the Eastern Frontiers & John Stoddard Esq<sup>r</sup> [to the committee]<sup>2</sup> for the Western Frontiers. [*Passed April 3.*

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## CHAPTER 322.

### ORDER EMPOWERING THE TRUSTEES OF THE HASSINIMISCO INDIANS TO PAY INTEREST MONEY.

A PETITION of John Chandler Esq<sup>r</sup> & others Trustees for the Indians of Hassinimisco, Shewing that Christian Misco of said Place who enjoyed a seventh part of the Benefit of the Capital Stock belonging to said Indians is since dead & left no Relation, That Deborah Misco Widow to her Son Joshua Misco claims her Right, And that the rest of the Indians of the said Plantation as a Community claim the same, Praying for the Direction of this Court thereon.

Read &

*Ordered* that the Trustees be directed for the future to pay to the within named Deborah Misco the seventh Part of the Interest Money, heretofore allowed to Christian Misco Dec<sup>d</sup>. [*Passed April 3.*

<sup>1</sup> Inserted from State Library copy, Legislative Records of the Council, xiii., 105.

<sup>2</sup> Inserted from Legislative Records of the Council, xvii. (5), 839.

Legislative  
Records of the  
Council, xviii.,  
113.

House Jour-  
nal, p. 293.

## CHAPTER 323.

## ORDER ALLOWING £3. 10 TO PATRICK RAY.

Legislative  
Records of the  
Council, xviii.,  
113.

House Jour-  
nal, pp. 291, 294.

A PETITION of Patrick Ray, a Soldier in his Majesty's Service, Praying for an Allowance from this Court for Wounds he received in the service ag<sup>st</sup> the Enemy & for his Gun he lost in the Action.

Read &

*Ordered* that the sum of Three Pounds ten shillings be allowed the Petitioner out of the Province Treasury in consideration of the Loss of his Firelock herein mentioned. [*Passed April 3.*]

## CHAPTER 324.

## ORDER ALLOWING £3 TO ESTHER EASTABROOK.

Legislative  
Records of the  
Council, xviii.,  
114.

House Jour-  
nal, p. 294.

A PETITION of Samuel Chamberlain in behalf of Esther Eastabrook Praying for an Allowance from this Court for a Firelock<sup>1</sup> with her Husband when he was killed by the Indian Enemy in the publick Service.

Read &

*Ordered* that the Treasurer be directed to pay the Petitioner or her Order the sum of Three pounds in consideration of the Loss of his Gun in the Petition mentioned. [*Passed April 3.*]

## CHAPTER 325.

## VOTE APPOINTING A COMMITTEE ON JEDIDIAH JORDAN'S PETITION FOR REDRESS FOR ABUSE OF PROCESS.

Legislative  
Records of the  
Council, xviii.,  
103, 114.

Legislative  
Records of the  
Council, xviii.,  
113, 114. House  
Journal,  
pp. 285, 293, 294.

A PETITION of Jedediah Jordan of Easton, Complaining against Robert Clark for divers Abuses offered to him under Pretence of executing a Warrant for searching for Deserters, & particularly for his extorting a great sum of Money from him to save himself from going to Prison, Praying for Redress of his Grievances from this Court.

In the House of Representit<sup>vs</sup>

*Voted* that M<sup>r</sup> Speaker M<sup>r</sup> Welles, M<sup>r</sup> Williams M<sup>r</sup> Hubbard, Coll. Heath, Major Cushing, with such as the hon<sup>bl</sup> Board shall join be a Committee to take under Consideration the Subject Matter of the Hearing had this Afternoon, & make Report thereon, And that in the mean time Thomas Moorey George Moorey jun<sup>r</sup> Robert Clark & Eben<sup>r</sup> Hodges be Committed to the Goal of the County of Suffolk: In Council, Read & Concur'd & Jacob Wendell, Samuel Watts, John Chandler, Ezekiel Cheever & Andrew Oliver Esq<sup>rs</sup> are joined in the Affair. [*Passed April 3.*]

<sup>1</sup> *Sic.*



CHAPTER 326.

VOTE ALLOWING ONE THOUSAND POUNDS FOR BUILDING A LINE OF BLOCK HOUSES BETWEEN THE MERRIMACK AND CONNECTICUT RIVERS AND FIVE HUNDRED POUNDS FOR BLOCK HOUSES WEST OF CONNECTICUT RIVER.

*Voted* that the sum of One thousand Pounds be paid into the Hands of the Committee appointed the first Currant for building a Line of Block Houses between Merrimack & Connecticut Rivers & the sum of Five hundred Pounds into the Hands of the Committee appointed the first Currant to build the Block Houses West of Connecticut River, The said sums to be employed for said Purposes, they to be accountable to this Court therefor.<sup>1</sup> [*Passed April 4.*]

Legislative Records of the Council, xviii., 114.

House Journal, p. 295. *Ante*, p. 702, chap. 321.

CHAPTER 327.

ORDER DEFINING THE BOUNDARIES OF LAND PURCHASED BY BENJ<sup>A</sup> TAFT AND OTHERS.

THE COMMITTEE to whom was referred the Petition of Benjamin Faft<sup>2</sup> for himself & others have attended that Service according to the Directions of this Court by notifying the Towns concerned &c, have also heard the Parties concerned; & upon the whole beg leave to observe that in the year 1742. this Court received a Plan from Cpt William Chandler of Land called New Sherburne, in which was contained [above]<sup>3</sup> five or six thousand Acres of unappropriated Land belonging to this Province, That in the year 1743, this Court impowered a Committee to make Sale of said Land to the Inhabitants there, & said Committee did make Sale accordingly; And in as much as that Committee had no Regard to any other Lands than those contained in the Plan aforesaid, would humbly propose that the Original Grantees & said Faft<sup>2</sup> & others that purchased of them be restrained in the Purchase aforesaid to Lands within said Plat, Which was the true Intent & Meaning of the Sale aforesaid:

Legislative Records of the Council, xviii., 115.

House Journal, p. 295. *Ante*, p. 599, chap. 18.

Which is humbly submitted

per SAMUEL WATTS p Order.

Read & Accepted &

*Ordered* that the Purchase of the Province Land at New Sherburne made by Benjamin Faft<sup>2</sup> & others as mention'd in said Fafts<sup>2</sup> Petition to this Court, shall be understood & deemed to extend to & include no other Land than what is contained & described in the Plan of New Sherburne taken by Capt. William Chandler & presented to this Court in the year 1742. [*Passed April 4.*]

<sup>1</sup> The House Journal, p. 295, reads, "£1000 for a line of Block Houses west of Connecticut River" and does not mention the appropriation of £500. So the vote was sent up to the Council. No record of amendment appears.

<sup>2</sup> Legislative Records of the Council, xvii. (5), 843, and the House Journal, p. 295, both read, "Taft."

<sup>3</sup> Inserted from Legislative Records of the Council, xvii. (5), 844.

## CHAPTER 328.

ORDER IMPOWERING THE COMMISSARY GENERAL TO DELIVER A GUN EACH TO WILLIAM WHITING AND FIVE OTHERS.

Legislative  
Records of the  
Council, xviii.,  
116.House Jour-  
nal, pp. 264, 295.

A PETITION of William Whiting, Eliphalet Fales, John Colburn, Jabez Gay, Stephen Gerald & Josiah Gay, Shewing that they had severally their Firelocks impressed for the Soldiers in the late Expedition against Cape Breton; for w<sup>ch</sup> they have not yet been paid, And therefore Praying for an Allowance out of the publick Treasury for the same.

Read &amp;

*Ordered* that the Commissary General be directed [to deliver]<sup>1</sup> to each one of the within named Petitioners, a Firelock out of the Province Stores. [*Passed April 4.*]

## CHAPTER 329.

ORDER ALLOWING £9. 10 TO JOSIAH BALLARD AND £8. 15 TO DANIEL PRIEST.

Legislative  
Records of the  
Council, xviii.,  
116.House Jour-  
nal, pp. 291, 294.

A PETITION of Josiah Ballard & Daniel Priest, Praying for an Allowance for their Horses which they lost in the Service as Troopers upon the Frontiers at the Ashuelets, one of the said Horses being lost in an old Well by the caving away of the Ground & the other supposed to have perished in the Wilderness.

Read &amp;

*Ordered* that the within named Josiah Ballard be allowed Nine pounds ten shillings out of the Province Treasury in consideration of the Loss of his Horse within mentioned; & that the within named Daniel Priest be allowed Eight pounds fifteen shillings in consideration of the Loss of his Horse withinmentioned. [*Passed April 4.*]

## CHAPTER 330.

ORDER ALLOWING £4 TO JAMES PEIRCE.

Legislative  
Records of the  
Council, xviii.,  
116.House Jour-  
nal, pp. 279, 282,  
296. *Ante,*  
p. 465, chap. 1.

A PETITION of James Peirce a Seaman in the late Expedition against Cape Breton, Praying for an Allowance in consideration of a great Lameness he contracted by a Fever he had in the said Service, or give him a Licence to retail strong Drink in the County of York.

Read &amp;

*Ordered* that the sum of Four pounds be allowed the Petitioner by the Committee of War, to be put into the hands of M<sup>r</sup> Peirce for the best Use of the Petitioner. [*Passed April 4.*]

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 845.

## CHAPTER 331.

ORDER ALLOWING £3. 19. 6 TO WILLIAM M<sup>C</sup>CLECLAN JUN.

A PETITION of William MacCleClan jun<sup>r</sup> Praying that this Court would allow the Charges of Medecines Nursing & Diet in a late Sickness which he contracted while he was a Soldier in the publick Service Westward.

Read &amp;

*Ordered* that the Petitioner be allowed the sum of Three pounds nineteen shillings & six pence, in full consideration of the Charge & Sufferings within mentioned. [*Passed April 4.*]

Legislative  
Records of the  
Council, xviii.,  
116.House Jour-  
nal, pp. 291, 296.

## CHAPTER 332.

VOTE ALLOWING £25 FOR THE SUPPORT OF THE PIGWACKET INDIANS.

*Voted* that the further sum of Twenty five pounds be allowed & paid out of the publick Treasury to James Otis Esq<sup>r</sup> M<sup>r</sup> Thomas Foster & Samuel Tupper Esq<sup>r</sup> or their Order for their making the Provision necessary for the Subsistence of the Pigwacket Indians; the said Gentlemen to be accountable to this Court for said Sum. [*Passed April 7.*]

Legislative  
Records of the  
Council, xviii.,  
118.House Jour-  
nal, p. 298.  
*Ante*, p. 597,  
chap. 11.

## CHAPTER 333.

VOTE FOR JOINING THE TWO COMMITTEES ON JED<sup>A</sup> JORDANS PETITION.

*Voted* that the Committee appointed the third Currant to consider the Subject Matter of the publick Hearing had that day before the whole Court be joined with the Committee appointed the 28<sup>th</sup> Ult. to consider the Petition of Jedediah Jordon, & others of the like Nature, with full Power to send for Persons & Evidences. [*Passed April 7.*]

Legislative  
Records of the  
Council, xviii.,  
118.House Jour-  
nal, p. 298.  
*Ante*, p. 704,  
chap. 325.

## CHAPTER 334.

ORDER ALLOWING PAY &amp; SUBSISTENCE TO TWO HUNDRED ADDITIONAL TROOPS FOR THE FRONTIERS.

*Ordered* that Pay & Subsistence be granted to One hundred Men to be employed for the Defence of the Western Frontier & One hundred for the Defence of the Eastern Frontier, in addition to the Forces from <sup>1</sup> whom Pay & Subsistence was granted by the Vote of this House of the first Instant, Such Pay & Subsistence to continue for the same Term with that of the Forces provided for by said Vote. [*Passed April 8.*]<sup>2</sup>

Legislative  
Records of the  
Council, xviii.,  
117.House Jour-  
nal, pp. 298, 299,  
300. *Ante*,  
p. 702, chap.  
321.<sup>1</sup> Legislative Records of the Council, xvii. (5), 847, reads, "for."<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is April 7.

## CHAPTER 335.

Legislative  
Records of the  
Council, xviii.,  
120.

## VOTE FOR BUILDING OF BLOCKHOUSES EAST OF THE CONNECTICUT RIVER.

House Journal, pp. 300, 303, 304. *Ante*, p. 702, chap. 321.

*Voted* that the Committee appointed the third Currant to agree for the Labour & Materials of the Block Houses East of Connecticut River be directed to proceed forthwith, agreeable to s<sup>d</sup> Vote. [*Passed April 17.*]

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## CHAPTER 336.

## VOTE FOR EMPLOYING MEN FOR BUILDING OF BLOCKHOUSES EAST OF THE CONNECTICUT RIVER.

Legislative  
Records of the  
Council, xviii.,  
121.

House Journal, p. 304. *Ante*, p. 702, chap. 321.

*Voted* that the Committee for building the Block Houses East of Connecticut River be allowed to employ a number of Men not exceeding Thirty to go out in order to undertake the Building said Block Houses, & that the said Men be paid for their Time spent in going out before the[y] agree to undertake & likewise in their Return, in case they shall not agree, in the same proportion as Soldiers in the Service of the Province are allowed. [*Passed April 18.*]

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## CHAPTER 337.

ORDER DIRECTING THE COM<sup>TE</sup> FOR PAYING THE BOUNTY TO CANADA SOLDIERS, TO MAKE UP THEIR ACCOMPTS.

Legislative  
Records of the  
Council, xviii.,  
121.

House Journal, p. 305. *Ante*, p. 606, chap. 38.

*Ordered* that the Committee for paying out the Bounty Money for enlisting Men for the Expedition, be directed forthwith in an effectual Manner to require from the several Persons to whom the same has been paid an Accompt thereof, & Repayment of all such sums as they shall not discharge themselves of; & that the several Muster Masters lay before the said Committee the Accompt of the Men by them view'd & mustered. [*Passed April 18.*]

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## CHAPTER 338.

## ORDER ALLOWING £7. 10 TO ELEANOUR DRISDELL.

Legislative  
Records of the  
Council, xviii.,  
122.

House Journal, pp. 264, 305. *Ante*, p. 465, chap. 1.

A PETITION of Eleanour Drisdell, Praying to be allowed the Charge of Boarding & Nursing one Samuel Totness, a Sick Soldier in the Service of his Majesty in the late Expedition ag<sup>st</sup> Cape Breton.

Read &

*Order'd* that the Committee of War be directed to pay unto the Petitioner the sum of Seven pounds ten shillings in full discharge of her Accompt for Boarding & Nursing of Samuel Totness a Sick Soldier. [*Passed April 18.*]

CHAPTER 339.

ORDER IMPOWERING THE COMMISSARY GENERAL TO DELIVER A GUN TO BENJAMIN TAINTER.

A PETITION of Benjamin<sup>1</sup> Tainter, Praying for an Allowance from this Court for a Firelock which his Son Benjamin Tainter lost at Fort Massachusetts, when it was taken by the Enemy & he made Prisoner.

Legislative  
Records of the  
Council, xviii.,  
122.

House Jour-  
nal, p. 305.

Read &

*Ordered* that the Commissary General be directed to deliver a good Gun out of the publick Stores to the Petitioner. [*Passed April 18.*]

CHAPTER 340.

ORDER ALLOWING £6 TO ALEX<sup>R</sup> TERRANT.

A PETITION of Alexander Tarant, a Soldier in the late Expedition ag<sup>st</sup> Cape-Breton, Praying for some further Allowance for Wounds he receiv'd in the s<sup>d</sup> Service whereby he is still much disabled.

Legislative  
Records of the  
Council, xviii.,  
124.

House Jour-  
nal, p. 305.  
*Ante*, p. 465,  
chap. 1.

Read &

*Ordered* that the Committee of War be directed to pay to the Petitioner the sum of Six pounds in full for his Sufferings. [*Passed April 21.*]

CHAPTER 341.

ORDER IMPOWERING THE COMMISSARY GENERAL TO DELIVER A GUN TO JOSEPH KNOLTON.

A PETITION of Joseph Knolton,<sup>2</sup> Praying for an Allowance from this Court. for a Firelock, which his Son Thomas Knolton lost at Massachusetts Fort. when it was taken & his Son made a Prisoner.

Legislative  
Records of the  
Council, xviii.,  
124.

House Jour-  
nal, p. 305.

Read &

*Ordered* that the Commissary General be directed to deliver a Good Gun out of the publick Stores to the Petitioner. [*Passed April 21.*]

CHAPTER 342.

ORDER WITH STAY OF ALL PROCESSES REFERRING THE PETITION OF THE FIRST CHURCH IN MIDDLEBORO' IN REGARD TO THE MINISTRY.

A PETITION of the First Church in Middleborough, complaining of the irregular proceeding of a number of the Inhabitants of the said Precinct joined with a very few of the Church in calling and settling a Minister, contrary to Law, and taxing the Petitioners for his support; and praying for redress of their Grievances by this Court.

Legislative  
Records of the  
Council,  
xvii. (5), 452;  
*ibid.*, xviii.,  
124.

Legislative  
Records of the

<sup>1</sup> The House Journal, p. 305, reads, "*Simon.*"

<sup>2</sup> The House Journal, p. 305, reads, "*Knowles.*"

Council,  
xvii. (5), 494.  
House Journal,  
pp. 33, 34,  
66, 67, 87, 308.

*Order'd* that the further Consideration of this Petition be refer'd to the first Tuesday of the Session in May; & that it be recommended to the Parties in the mean time to accommodate the Matters in Difference subsisting among themselves, And all Process in the Affair is stayed in the mean time. [*Passed April 21.*]

## CHAPTER 343.

### ORDER ALLOWING £11. 6. 8 TO BENJ<sup>A</sup> HATCH.

Legislative  
Records of the  
Council, xviii.,  
124.

House Journal,  
p. 209.  
*Infra*, chap.  
344.

*Ordered* that the sum of Eleven pounds six Shillings & eight pence be granted & allowed to be paid out of the publick Treasury to Benjamin Hatch, in full for Board & Nursing of Simon Abraham, an Indian Soldier. [*Passed April 21.*]

## CHAPTER 344.

### ORDER ALLOWING £7. 10 TO DOCTER JOHN SPRAGUE.

Legislative  
Records of the  
Council, xviii.,  
124.

*Supra*, chap.  
343.

*Ordered* that the sum of Seven pounds ten shillings be granted & allowed to be paid out of the publick Treasury to John Sprague in full for his Care as a Physician of Simon Abraham an Indian Soldier.<sup>1</sup> [*Passed April 21.*]

## CHAPTER 345.

### ORDER ALLOWING £30. 10 ADDITIONAL TO MOSES RICE.

Legislative  
Records of the  
Council, xviii.,  
124.

House Journal,  
pp. 272, 298,  
308.

A PETITION of Moses Rice, Shewing that in the year 1745. he agreed for building the Blockhouse called Fort Pelham at a certain sum & built it accordingly, but has lost much by his Bargain, as appears by the Judgment of divers skillful Persons who have viewed the said Work & reported their Opinion thereon, And therefore Praying for a Reimburstm<sup>t</sup>.

Read &

*Ordered* that the sum of Thirty Pounds, ten shillings be paid out of the publick Treasury to the Petitioner in full.<sup>2</sup> [*Passed April 21.*]

## CHAPTER 346.

### VOTE IMPOWERING THE COMMISSARY GENERAL TO SUPPLY WHALEBOATS FOR FALM<sup>O</sup> & N<sup>O</sup> YARMOUTH.

Legislative  
Records of the  
Council, xviii.,  
125.

House Journal,  
p. 309.

*Voted* that the Commissary General be directed to deliver two Whaleboats for the Service of Falmouth & two for the Service of North Yarmouth, to some proper Person or Persons. the said Boats to be returned when this Court shall give Orders therefor. [*Passed April 22.*]

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> The House Journal, p. 308, reads, £37. 10.

CHAPTER 347.

VOTE IMPOWERING THE COMMISSARY GENERAL TO FURNISH WHALEBOATS FOR THE SOLDIERS AT GEORGE TOWN.

A PETITION of James M<sup>c</sup>Cob, Commander of a Company in his Majesty's Service on Kennebeck River, Shewing that he cannot perform his March <sup>1</sup> ag<sup>st</sup> the Enemy in those Parts without Whaleboats, And therefore Praying that two Whaleboats may be allowed him for that purpose

Legislative Records of the Council, xviii., 125.

House Journal, p. 310.

Read &

*Noted* that the Commissary General be directed to deliver to some proper Persons, two of the Whaleboats at George's Fort, for the Service of the Soldiers posted at George Town, the said Boats to be returned, when this Court shall Order. [*Passed April 22.*]

CHAPTER 348.

ORDER IMPOWERING CPT JOSIAH WILLARD TO CONTINUE HIS MUSTER ROLL.

A PETITION of Capt. Josiah Willard, Shewing that he has had the Command of a Company of Soldiers employed by this Government on the other side of the Line, which by his Excellency's Order he discharged the 27 of March, Praying that he may be allowed to make up his Muster Roll till that time.

Legislative Records of the Council, xviii., 125.

Legislative Records of the Council, xviii., 96. House Journal, p. 309. *Ante*, p. 652, chap. 174.

Read &

*Ordered* that the Prayer of the Petition be so far granted, as that the Petitioner be allowed to continue upon his Roll the Pay of that part of the Forces under his Command for which an establishm<sup>t</sup> was made the 12<sup>th</sup> of November to expire the 10<sup>th</sup> of December but no other or greater number, such Continuance to be till the twenty seventh of March last & no longer. [*Passed April 22.*]

CHAPTER 349.

ORDER GRANTING A LICENCE TO JER<sup>a</sup> ANDREWS TO KEEP AN INN.

A PETITION of Jeremiah Andrews of Ipswich, Shewing that he is about to remove into a House in the Parish of Chebaeco, which has been used as a Tavern & convenient for it, lately occupied by William Goodhue, Praying that the Court of General Sessions of the Peace for the County of Essex, may be empower'd to give him a Licence, as an Innholder there.

Legislative Records of the Council, xviii., 125.

House Journal, p. 308. Province Laws, iii., 18, chap. 6.

Read &

*Ordered* that the Justices of the General Sessions of the Peace for the County of Essex at their next Sitting be & they hereby are empower'd to grant the Petitioner a Licence (if they see cause) the time being elapsed notwithstanding. [*Passed April 22.*]

<sup>1</sup> Legislative Records of the Council, xvii. (5), 862, reads, "marches."

## CHAPTER 350.

## ORDER ALLOWING A GUN, 16/ 3 AND THE WAGES DUE HIS SON TO JOHN RAWSON.

Legislative  
Records of the  
Council, xviii.,  
125.

House Jour-  
nal, p. 308.

A PETITION of John Rawson of Uxbridge, Shewing that his Son John Rawson was killed by the Indians, being a Soldier in the Pay of the Province, his Gun taken at that time, & the Petitioner put to the Charge of three pounds, five shillings for his Funeral, Praying that he may be allowed the charge of his Gun & Funeral & the Wages due to him.

Read &

*Ordered* that the Commissary General be directed to deliver the Petitioner a good Firelock & that he be allowed to receive the Wages due to his Son, Provided he be accountable to any Administrator that may be appointed; & that there be granted & allowed to be paid out of the publick Treasury the sum of Sixteen shillings & three pence for his Son's Funeral Charges. [*Passed April 22.*]

## CHAPTER 351.

## ORDER ALLOWING £12. 10 TO THOMAS RAND.

Legislative  
Records of the  
Council, xviii.,  
126.

House Jour-  
nal, p. 309.

A PETITION of Thomas Rand of Glocester, Shewing that his House was burnt down upon the third Instant, & amongst other Losses he sustained by the s<sup>d</sup> Fire, he had fifty pounds in Bills of this Province of the old tenour consumed to Ashes, Praying that this Court would allow him the like Sum out of the publick Treasury

Read, And the Petitioner having made Oath to the Loss before a Committee of the House.

*Ordered* that the said Thomas Rand be allowed the sum of Twelve pounds ten shillings in consideration of the Loss abovementioned. [*Passed April 22.*]

## CHAPTER 352.

## VOTE ALLOWING A PREMIUM FOR INDIAN PRISONERS &amp; SCALPS.

Legislative  
Records of the  
Council, xviii.,  
127.

House Jour-  
nal, p. 312.  
Province  
Laws, iii., 342,  
note. *Ante*,  
p. 685, chap.  
274.

WHEREAS the Encouragem<sup>t</sup> already given for scouting the Woods after the Indian Enemy has been found ineffectual.

Therefore

*Voted* that there be & hereby is granted to be paid out of the Province Treasury the sum of Two hundred & fifty pounds for each Indian killed & the Scalp produced to the Governour & Council as Evidence, & for every Indian Captive taken Westward of Nova Scotia, within Six Months from this time by any scouting Party of the Inhabitants of this Province that shall go with Permission or Warrant for that purpose as Voluntiers on that Service, the Money to be equally divided among the Persons concerned, without respect to Office, That they be allowed One pound of Powder, Three pound of Bullets & six Flints to each Man at their first setting out & also to be subsisted whilst Scouting; Such Parties to keep a correct Journal of their Marches & Proceedings:



*Voted* also that the sum of One hundred pounds be allowed to any Soldier or Party of Soldiers in the Pay of this Province, who shall within that time Captivate or kill any Indian, producing the Scalp as aforesaid; or to any other Person or Persons who shall do the same in his own Defence, or in the Defence of any of his Majesty's Subjects in this Province: And all former Grants of this Nature heretofore passed by this Court, excepting that on the twenty eighth day of January last, are hereby superceded & set aside. [*Passed April 23.*]

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## CHAPTER 353.

### VOTE FOR SUBSISTING THE WESTERN FORCES.

*Voted* that the Commissary General be directed to make Provision for the Subsistence of the Forces destined to the Western Frontier, by purchasing at the Towns nearest said Frontier, or by sending them from Boston as he shall find for the Advantage of the Province. [*Passed April 23.*]

Legislative  
Records of the  
Council, xviii.,  
127.

House Jour-  
nal, p. 310.

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## CHAPTER 354.

### ORDER ALLOWING 15/ TO PETER SOUTHWARD.

A PETITION of Peter Southward, Praying that he may be allowed the Docters Accompt of medicines & Attendance on him at his Sickness, at a time when he was a Soldier in the service of the Province.

Read &

*Ordered* that the Petitioner be allowed Fifteen shillings out of the publick Treasury, in consideration of the Charge withinmentioned. [*Passed April 23.*]

Legislative  
Records of the  
Council, xviii.,  
127.

House Jour-  
nal, p. 314.

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## CHAPTER 355.

### ORDER OF NOTICE ON THE PETITION OF ROBERT FLETCHER ESQ<sup>r</sup> AND OTHERS OF NOTINGHAM TO BE ANNEXED TO DUNSTABLE.

A PETITION of Robert Fletcher & others Inhabitants of that part of Nottingham that lies within this Province, Shewing the great Difficulties they are under by reason of the said Town's being divided & cast into two Provinces, And therefore Praying that all that part of Nottingham, which is within the Line, be added to the Town of Dunstable

Read &

*Ordered* that the Petitioners serve the Town Dunstable & the Inhabitants of Nottingham (Non Petitioners) with a Copy of this Petition, that they shew cause, if any they have on the first Fryday of the next May Session, why the Prayer thereof should not be granted. [*Passed April 23.*]

Legislative  
Records of the  
Council, xviii.,  
128.

Saml A.  
Green's North-  
ern Boundary  
of Mass. in  
its Relations to  
N. H. (edition  
of 1891), p. 20.  
House Jour-  
nal, p. 310.

## CHAPTER 356.

## VOTE FOR PURSUING THE ENEMY OUT OF THE PROVINCE.

Legislative  
Records of the  
Council, xviii.,  
128.

House Jour-  
nal, p. 314.  
Province  
Laws, 1., 267,  
chap. 1.

*Voted* that for six Months next ensuing upon the News or Apprehension of an Attack or Invasion by Land, his Excellency the Captain General be desired to give Orders, to the Officers of the Establish'd Forces for the Defence of the Frontiers, & such others who may issue forth upon that occasion, agreeable to the Directions in Law in case of an Invasion, to repel & pursue the Enemy altho' out of the Limits of the Province. [*Passed April 24.*]

## CHAPTER 357.

## VOTE REQUESTING THE GOVERNOR TO WRITE TO THE GOVERNOR OF CONNECTICUT TO SEND FIVE HUNDRED MEN, AND MAKING DISPOSITION FOR THE POSTING THEREOF.

Legislative  
Records of the  
Council, xviii.,  
129.

House Jour-  
nal, p. 315.

*Voted* that his Excellency be desir'd to write to the Government of Connecticut pressing them immediately to send five hundred Men to the County of Hampshire to be posted or employed by [the]<sup>1</sup> Direction of Coll. Stoddard That in case the Canada Expedition should revive & proceed Fifty men should be placed in the Fort at Number Four, And that there be sufficient quantities of Provisions to subsist Fifty Men for two Months, sent to Number Four immediately, as also one four pound Cannon & two swivel Guns, & a Surplusage of Provision for supplying any Volunteers that may go out for Prisoners or Scalps. That ten Men more be added to those posted at Narragansett Number two, Seven at Paquoit, Ten at Nichawag, Five Inhabitants at Road Town, & five of Inhabitants at New Salem & five of the Inhabitants of New Rutland to be in the Pay of the Province That Leominster be added to Lunenburg, Townshend & Groton New Precinct for the Eastern Rendezvous of the two Companies appointed for scouting across the Frontiers. [*Passed April 24.*]

## CHAPTER 358.

## ORDER OF NOTICE ON THE PETITION OF JOSHUA FREMAN FOR AN APPEAL FROM A JUDGMENT.

Legislative  
Records of the  
Council, xviii.,  
129.

House Jour-  
nal, p. 313.

A PETITION of Joshua Freeman of Falmouth in the County of York, Shewing that by the Neglect of his Attorney, whom he had ordered to claim an Appeal from the Sentence of the Judge of Probates for the County of Barnstable for allowing an Instrument presented as the Last Will of his late Father Edmund Freeman Esq. dec<sup>d</sup> he has elapsed the time for prosecuting the said Appeal; And therefore Praying that he may be allowed to claim the s<sup>d</sup> Appeal & prosecute to effect.

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 871.

Read &

*Ordered* that the Petitioner serve the Executors & Legatees of the last Will & Testament above refer'd to with a Copy of this Petition, that they shew cause, if any they have, on the first Tuesday of the next May Session, why the Prayer thereof should not be granted. [*Passed April 24.*]

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## CHAPTER 359.

### VOTE IN REGARD TO RHODE ISLAND BILLS OF CREDIT.

WHEREAS in divers Counties within this Province, the Court of the General Sessions of the Peace have failed of appointing Persons to inform against & prosecute such as shall offend in violation of the late Law of this Province entitled An Act to prevent the great Injury & Injustice arising to the Inhabitants, of this Province by the frequent & very large Emissions of Bills of Credit in the Governm<sup>t</sup> of Rhode Island; And whereas the Term by said Act limited for appointing them is now elapsed

Legislative  
Records of the  
Council, xviii.,  
128, 130.

Province  
Laws, iii., 307,  
chap. 13.

*Ordered* that the several Courts aforesaid be & they hereby are empower'd & directed at their next Session in their respective Counties to appoint to that Trust, the Number of suitable Persons to each Town, w<sup>ch</sup> the Law requires, who are to be sworn for the faithful Discharge of the Same.<sup>1</sup> [*Passed April 24.*]

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## CHAPTER 360.

VOTE FOR TRANSFERRING £348. 4. FROM THE APPROPRIATION FOR GRANTS, TO THE APPROPRIATION FOR PAY OF MEMBERS OF THE HOUSE.

Legislative  
Records of the  
Council, xviii.,  
130.

House Jour-  
nal, p. 314.  
Province  
Laws, iii., 292,  
chap. 3.

*Voted* that the sum of Three hundred forty eight pounds four shillings be transfer'd from the Appropriation for Grants to the Appropriation for the Pay of the Members of the Honb<sup>l</sup> House. [*Passed April 24.*]

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## CHAPTER 361.

### ORDER WITH STAY OF EXECUTION REFERRING THE PETITION OF WILLIAM LOVEJOY & OTHERS OF SUNCOOK.

A PETITION of William Lovejoy, & others Inhabitants of a Place called Suncook, Setting forth their Difficulties by reason of their being taken within the Boundaries of New Hampshire upon running of the Northern Line & the Governm<sup>t</sup> of New Hampshire Casting off all Care of them, Shewing also that their late Minister has recover'd Judgment against them at the Quarters Sessions held at Charlestown in this Province for Nine years Arrearage of Salary, And in as much as the Petitioners had no opportunity to defend themselves against this Action having no Knowledge of it till Judgment was pass'd, Therefore Praying for Relief from this Court, as

Legislative  
Records of the  
Council, xviii.,  
130.

House Jour-  
nal, p. 312.  
Province  
Laws, iii., 384,  
note.

<sup>1</sup> Not found in the House Journal.

to this Judgm<sup>t</sup> & Execution, & the Claims of New Hampshire Men to their Lands      Read &

*Ordered* that the Consideration of this Petition<sup>1</sup> be refer'd till the next May Session; And Execution within mentioned is stayed in the mean time. [*Passed April 24.*]

## CHAPTER 362.

### ORDER REFERRING THE PETITION OF THE TOWN OF WRENTHAM.

Legislative  
Records of the  
Council, xviii.,  
97, 131.

House Jour-  
nal, pp. 269, 311.

A PETITION of John Goldsbury & others a Committee for the Town of Wrentham, Shewing that one Ebenezer Fisher of said Town, under the Pretext of an Administration on the Estate of M<sup>r</sup> Thomas Deane Dec<sup>d</sup> a Proprietor of said Town, has entered upon Sixteen Common Rights, which the said Dean first took up at the Settlement of the Town, & some time after went to London having neither Wife nor Children, since which nothing has been heard of the said Dean nor any Claiming under him, And therefore Praying that the said Land, may be put under the Care of the said Town of Wrentham, the Profits to be for the Use of the Heirs if ever they appear, or else to be applied for the supporting a Grammar School.

*Ordered* that the further Consideration of this Petition be refer'd to the next May Session. [*Passed April 25.*]

## CHAPTER 363.

### VOTE APPOINTING A COM<sup>TE</sup> FOR FURNISH<sup>G</sup> COLL. STODDARD W<sup>H</sup> FUNDS TO PAY FOR PRISONERS AND SCALPS.

Legislative  
Records of the  
Council, xviii.,  
131.

House Jour-  
nal, pp. 226, 315.  
*Ante*, p. 685,  
chap. 274.

In the House of representiv<sup>s</sup>  
*Voted* that M<sup>r</sup> Speaker, & M<sup>r</sup> Hubbard with such as the honb: Board shall join be a Committee impower'd & directed to furnish Coll. Stoddard from time to time with all necessaries for putting in Execution the Vote of this Court the 28<sup>th</sup> Jannary last granting a Bounty to such Indian or Indians as shall go out by Order of this Govern<sup>t</sup> & bring in as Prisoners any of the Enemy, or shall go out as aforesaid & bring in the Scalps of the Enemy as an Evidence of their Death:      In Council, Read & Concur'd, And Jacob Wendell Esq<sup>r</sup> is joined in the Affair. [*Passed April 25.*]

## CHAPTER 364.

### VOTE FOR REFERRING MATTERS &c.

Legislative  
Records of the  
Council, xviii.,  
131.

House Jour-  
nal, p. 319.

*Voted* that all Matters which had Day at this Session & are not passed upon, have the same Day at the next May Session. [*Passed April 25.*]

<sup>1</sup> At the hearing, June 5, 1747, House Journal, pp. 19, 24, this petition was dismissed.

CHAPTER 365.

VOTE FOR TRANSFERRING £2,000 FROM THE APPROPRIATION FOR GRANTS, TO THE APPROPRIATION FOR BILLITTING MONEY.

Legislative Records of the Council, xviii., 131.

*Voted* that the Treasurer be directed to transferr Two Thousand Pounds from the Appropriation for Grants to the Appropriation for paying the Billetting Money, [due]<sup>1</sup> before the twenty eighth of Frebruary<sup>2</sup> last. The said Sum to be repaid by the Committee of War out of the Money they receive for the Stores sold for the Expedition against Canada. [*Passed April 25.*]

House Journal, p. 319. Province Laws, iii., 292, chap. 3. *Ante*, p. 641, chap. 140.

CHAPTER 366.

VOTE ESTABLISHING THE WAGES FOR THE MASSACHUSETTS FRIGATE.

Legislative Records of the Council, xviii., 131.

*Voted* that the same Establishm<sup>t</sup> be made for the Officers & Sailors on board the Massachusetts Frigate that was made the last year, to continue to the first of July next; And if a sufficient number of Seamen do not appear to enlist, the Captain General be desired to cause an Impress for that Service, by Warrant to be issued by Advice of his Majesty's Council. [*Passed April 25.*]

Legislative Records of the Council, xviii., 118, 119, 131. House Journal, pp. 250, 300, 316. *Ante*, p. 608, chap. 44.

CHAPTER 367.

VOTE APPOINTING A COMMITTEE FOR ASSISTING IN THE PROSECUTIONS AGAINST ROBT CLARK & OTHERS.

IN THE HOUSE OF REPRESENTIT<sup>vs</sup> Whereas several Persons who have been greatly oppressed by the illegal Proceedings by Robert Clarke & others, are poor & unable to prosecute them in the common Law;

Legislative Records of the Council, xviii., 132.

Therefore

House Journal, p. 319.

*Voted* that M<sup>r</sup> Hubbard, M<sup>r</sup> Russel with such as the Honb. Board shall appoint, be a Committee to assist according to their Discretion such poor & oppressed Persons in bringing forward & prosecuting such Suits; The said Committee to be accountable for their Proceedings,

In Council, Read & Concur'd, And Andrew Oliver Esq. is joined in the Affair. [*Passed April 25.*]

CHAPTER 368.

RESOLVES IN REGARD TO ROBERT CLARK AND OTHERS.

IN THE HOUSE OF REPRESENTATIVES, Upon the Hearing had before the two Houses on the third Instant,

Legislative Records of the Council, xviii., 132.

*Resolved* that it has been the Practice of Robert Clark & Thomas

<sup>1</sup> Inserted from the House Journal, p. 319.

<sup>2</sup> *Sic.*

Legislative  
Records of the  
Council, xviii.,  
114. House  
Journal,  
pp. 316-319.  
*Ante*, p. 704,  
chap. 325.  
*Supra*, chap.  
367.

Moory without any just Grounds of Suspicion to bring Informations against divers Inhabitants of this Province for harbouring Deserters from his Majesty's Service.

*Resolved* that Thomas Moorey, Ebenezer Hodges & George Moorey jun<sup>r</sup> have without any Warrant for that purpose in the dead of the Night forcibly broke into the House of one of the Inhabitants with drawn Swords & other Weapons, greatly terrified, beat, wounded & other wise abused divers of his Majesty's good Subjects;

*Resolved* that the said Thomas Moorey, Robert Clark, Ebenezer Hodges, & George Moorey after having thus evilly intreated his Majesty's good Subjects, have in an arbitrary manner caused them to be imprisoned made Compositions with them for large Sums of Money, which they extorted from them & con[v]erted<sup>1</sup> to their own use; & have terrified & compell'd others to an Enlistment into his Majesty's Service & to an Acknowledgment of Offences, of which they do not appear to have been guilty:

*Resolved* that notwithstanding the Relief given by Law to such injured Persons; yet as many of them are poor & ignorant of the aforesaid Relief, All such Practices ought to be discountenanced by this Court as they are a great Greivance & tend to bring Distress upon the Inhabitants of the Province: And therefore

*Resolved* that his Excellency the Governour be desired to cause the said Robert Clark, Thomas Moorey, George Moorey & Ebenezer Hodges to be displaced or removed from all publick Trust, or otherwise disabled from pursuing under Colour of Authority such Practices for the future, And also

*Resolved* that as these Practices are a great Grievance, the Attorney General be directed to prosecute the said Robert Clarke, Thomas Moorey, George Moorey jun<sup>r</sup> & Ebenezer Hodges for their criminal Behaviour therein; And

*Resolved* that the said Robert Clark, Thomas Moorey, George Moorey jun<sup>r</sup> & Eben<sup>r</sup> Hodges upon paying the Charge of their being sent for, being twenty four pounds eleven shillings be released from Goal, in as much as the Persons agrieved have their Remedy at Common Law; The said Clarke & others giving Bail, to answer the Actions [that are]<sup>2</sup> already commenced against them by the Parties: And

*Resolved* that it further appears [that]<sup>2</sup> upon the Complaint of Capt. William Farrish a Warrant issued from the Honb. M<sup>r</sup> Stoddard dated the 10<sup>th</sup> [of]<sup>2</sup> January 1746. against John Whitney & John Randell for harbouring Samuel Whitney a Deserter, That Robert Clarke after executing said Warrant, but without bringing said Whitney or Randall before any Justice in order to their Trial or Conviction, terrified & compelled them to a Composition & extorted from said Whitney Fifty pounds old tenor & Fifty Pounds more from said Randall: That the said Whitney & Randall by the Advice of their Friends afterwards brought their Actions ag<sup>st</sup> said Robert Robert<sup>3</sup> Clarke for his illegal Proceedings; Upon which he was committed to his Majesty's Goal in Boston. That after the first Warrant had been returned (the Endorsement upon which is erased) on the 28 February last, two Warrants in the hand Writing of the Honb. Eliakim Hutchinson Esq. issued from s<sup>d</sup> M<sup>r</sup> Stoddard, upon the Complaint of Capt. Farish, one against the s<sup>d</sup> Whitney & the other against the said Randall for the same Offences who were there-

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 878.

<sup>2</sup> Inserted from Legislative Records of the Council, xvii. (5), 879.

<sup>3</sup> *Sic*.

upon apprehended & brought to Boston, & with Mr Hutchinson's Knowledge, as appears by Brigadier Waldo's Evidence, & by his direction as appears by the Evidence of the Officer & Complainants, were committed to his Majesty's Goal in Boston. That without any Trial or Conviction, that while they were in Goal, the said Whitney & Randall were terrified & compell'd to give a full discharge to said Robert Clark in the Actions aforesaid & to acknowledge in said Discharge the Receipt of one hundred Pounds old tenour, which was never paid, & were further obliged to pay near Fifty pounds old tenour, said to be for Charges & Damages & Imprisonment of said Clark, & that the said Mr Hutchinson gave Direction for writing the Discharge aforesaid;

*Resolved* that Amos Brown without any Trial or Conviction was imprisoned by Robert Clark & kept confined till he was compell'd to pay One hundred & ten Pounds Old Tenor to said [Robert]<sup>1</sup> Clark & to sign a Bond with Three others for One thousand Pounds Lawful Money to convey Samuel Whitney a Deserter to Boston & in consequence thereof agreed to pay one third part of the Charge, the whole of which was afterwards said to be One hundred & twenty five Pounds a considerable part of which third part he was compell'd to pay by the Terror of a Letter from the Honb. Eliakim Hutchinson Esq. wrote at the Desire of one or more of the Parties bound with Brown, threatening [him]<sup>1</sup> if he did not pay his Share of the Charges, he the said Mr Hutchinson would put the said Bond in suit against him the said Brown alone:

*Resolved* that it appears that David Whitney was imprisoned by Robert Clark without any Trial & compell'd to pay One hundred & seven pounds thirteen shillings Old Tenor & also to sign y<sup>e</sup> Bond of One thousand pounds lawful Money with Amos Brown & others, notwithstanding the said Whitney had been acquitted as to harbouring Samuel Whitney a Deserter by Justice Whitman:

*Resolved* that Thomas Blackman jun<sup>r</sup> by very illegal & indirect means procured Eleazer Hayward to enlist into the Governour's regiment at Cape Breton in the Company under the Command of Capt. Hatch, altho' he did not pay any Bounty Money, Yet after he had enlisted him, he offer'd said Hayward to deliver up his Enlistm<sup>t</sup> for Twenty five pounds old tenor, & that he would tell Cpt. Hatch it was lost; when he found this would not do, then Hayward applied himself to Major Shepherd to manage the Affair for him; & afterwards [17 January]<sup>2</sup> said Shepherd told said Hayward, That if he would execute a Bond to him for Twenty one pounds five shillings Lawful Money, payable in twelve Months time, he would deliver him his Enlistment, both which were done; And said Shepherd told Hayward, that he himself had paid Capt. Hatch Twenty pounds part of the aforesaid Sum in order to his getting up the Enlistment, Capt. Hatch having told him, as he says, that with that Money he could hire a Man in his Room. & had been at the Expence of Twenty five shillings more on the same Account.

*Resolved* that it appears that John Crosby enlisted Charles Beswick eighteen Months since, to recruit the Forces at Louisbough ordered by this Government. And at the time of his Enlistment paid him twelve pounds old tenour, but not attending his Duty, & that Affair being over he went about his Business till the 14<sup>th</sup> of January last, when the aforesaid John Crosby with one Joseph

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 880.

<sup>2</sup> Inserted from Legislative Records of the Council, xvii. (5), 881.

Feild falsely representing that the said Charles belonged to the Governor's regiment, obtained a Warrant from his Excellency to apprehend him as a Deserter, by vertue of which Warrant he was taken but made his Escape; & sometime after said Crosby meeting him in Boston, the said Crosby apprehended him without any Authority, committed him to the Common Goal, where he remained till the said Crosby came & told him, y<sup>t</sup> if he would enlist into his Excellency's Regiment, that Cpt. Farish would pay the Twelve pounds & his Charge of Imprisonment, whereupon he was induced to enlist into the Regiment aforesaid for seven years & is since carried to Louisbourgh from his Family of Five poor Children.

*Resolved* that it appears that Jedediah Jordan under pretence of his harbouring a deserter, was arrested, confin'd & threatened by Robert Clark & George Moorey jun<sup>r</sup>, till he the said Jordan was compell'd without any Conviction to pay Forty eight Pounds Old Tenor to said Clark & Twenty pounds to Thomas Moorey, who was the Complainant & took out the Warrant tho' it appears there was no foundation for the Process against said Jordan:

*Resolved* that the Behaviour & Conduct of the Hon. Eliakim Hutchinson Esq. one of his Majesty's Council, in this Affair tended to oppress his Majesty's good Subjects & deprive them of their Liberties; However it appears to the Satisfaction of the Court that he had no share in the Sums of Money extorted from the People:

*Resolved* that the several Persons imprisoned without Authority as aforesaid were confin'd in close Prison by the Goal Keeper as if a Mittimus had been sent to him from lawful Authority, And therefore the Conduct of the Goal Keeper in this Affair is contrary to Law, not to be justified & a great Grievance:

*Resolved* that in as much as it appears to this Court that Charles Beswick was in a most arbitrary & illegal manner constrained to enlist into his Majesty's Service at Louisbourgh by John Crosby & Joseph Feild; That his Excellency the Governour be desired to discharge the said Charles [from his Regiment]<sup>1</sup> & order his Return to his distress'd Family:

*Resolved* that Robert Clark be reliev'd from Goal upon his paying Amos Brown's Cost; viz<sup>t</sup> Six pounds six shillings & four pence half penny & to David Whitney Six pounds, also John Whitney & John Randall's Cost [of]<sup>1</sup> Three pounds each, They having their Remedy in common Law for their Damages; & that the Kings Attorney be directed to prosecute the said Robert Clark for his several Misdemeanours in these Affairs; the said Robert to give Bail as aforesaid for the several Actions commenced against him & others:

*Resolved* that Thomas Blackman jun<sup>r</sup> be dismiss'd from Goal upon his paying Eleazer Hayward his Cost; Viz, Six pounds ten shillings & six pence, It appearing to the Court [that]<sup>1</sup> he has satisfied Eleazer Hayward for the Damages he has sustained in this Affair:

*Resolved* that John Crosby & Joseph Feild be dismiss'd from Goal they paying Charles Beswick's Bill of Cost, being Five pounds six shillings & six pence, in as much as the said Beswick has his Remedy against him at the common Law; And that the King's Attorney be directed to prosecute them for their Misdemeanours in this Affair.

In Council, Read & Concur'd, Saving what may relate to the Honb. Eliakim Hutchinson Esq. a Member of this Board, who desires to be heard before the Board on the Evidences he has pro-

<sup>1</sup> Inserted from Legislative Records of the Council, xvii. (5), 883.



duced in his own Justification. which the Board judge agreable to the Usages in such Cases; &

In as much as this Court is about to be dissolved & some of the Witnesses at a distance,

*Ordered* that a Hearing be had on the second Wednesday of the Sitting of the General Court in May next.

In the House of Represent<sup>ves</sup>; Read and Concur'd. [*Passed April 25.*]



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