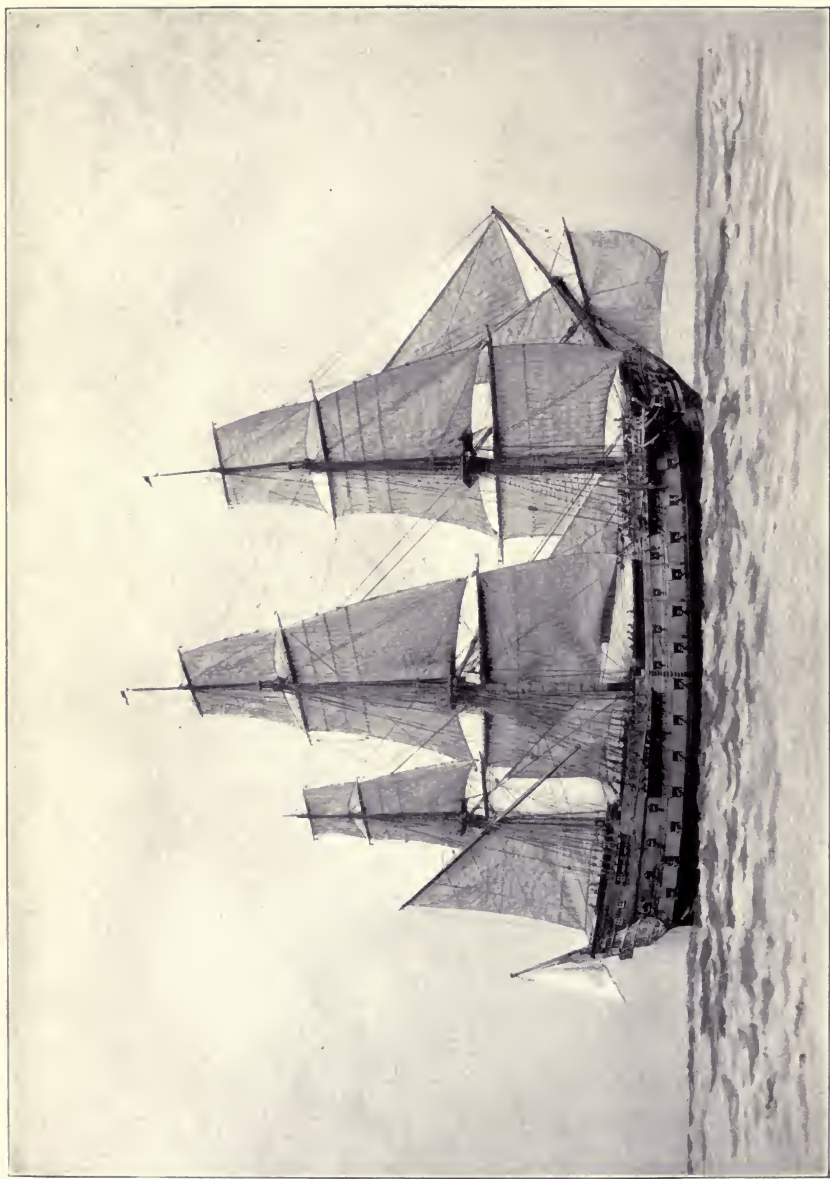


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A FRENCH BATTLESHIP IN THE AMERICAN REVOLUTION

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THE
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CONTENTS

THE FRENCH AT BOSTON DURING THE REVOLUTION	9
<i>Fitz-Henry Smith, Jr.</i>	
A LIST OF THE INHABITANTS IN BOSTON, 1695	79
<i>Reprinted from Manuscript.</i>	
THE NEWDIGATE FINE	97
<i>W. T. R. Marvin.</i>	
SALEM STREET SUNDAY SCHOOL, LIST OF OFFICERS, INSTRUCTORS AND SCHOLARS, DECEMBER 14, 1817	119
<i>Reprinted from Manuscript.</i>	
LAWS AND COURTS OF THE MASSACHUSETTS BAY COLONY	129
<i>Frank E. Bradbury.</i>	
INDEX:—I. NAMES	163
II. PLACES AND SUBJECTS	169

ILLUSTRATIONS

A FRENCH BATTLESHIP IN THE AMERICAN REVOLU- TION	Faces title
<i>From a model.</i>	
PLAN OF THE FORTIFICATIONS AT HULL, BY JOSEPH PALMER, FEBRUARY 27, 1777	26
<i>From the Original in the Massachusetts State Archives.</i>	
LEWIS ANSART DE MARESQUELLE	34
<i>From a Portrait in the Town Library, Dracut, Mass.</i>	
THE NEWDIGATE FINE	99
<i>From the Original in the Society's Collections.</i>	
OFFICIAL SEAL OF THE KING'S BENCH, WESTMIN- STER	102
<i>Affixed to the Newdigate Fine.</i>	
CHRIST CHURCH AND SALEM STREET SUNDAY SCHOOL, 1817	117
<i>From a Wood Engraving by Nathaniel Dearborn, about 1825.</i>	
HEADING OF THE LIST OF THE SALEM STREET SUNDAY SCHOOL, 1817	121
<i>From the Original.</i>	

THE FRENCH AT BOSTON DURING
THE REVOLUTION

BY

FITZ-HENRY SMITH, JR.

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BOSTON, MASS.



THE FRENCH AT BOSTON DURING THE REVOLUTION

With Particular Reference to the French Fleets and the Fortifications
in the Harbor

A PAPER READ BEFORE THE BOSTONIAN SOCIETY, COUNCIL CHAMBER,
OLD STATE HOUSE, FEBRUARY 18, 1913, BY

FITZ-HENRY SMITH, Jr.

WITH ADDITIONS BY THE AUTHOR



OR a number of years before any settlement was effected, adventurous men from the seaports of Western Europe made voyages to the coast of New England to fish and trade with the Indians. Among the first to embark in this enterprise were the French. Capt. John Smith in the account of his first voyage to New England, undertaken in 1614, mentions two French ships which "40 leagues to the westward of Monhegan" had made "a great voyage by trade." And when he reached Massachusetts Bay, Smith made no attempt to explore

it, notwithstanding that the region seemed to him the "Paradise" of all New England, because, as he says, the French had secured all the trade, "having remained there near five weeks." So he passed on to the southward.

A few years later a French ship was wrecked on Cape Cod, and those of her company that the natives did not kill outright were made prisoners. About the same time another French vessel anchored off Peddock's Island in Boston Harbor.* The fate of the crew of this vessel was even more tragic. The story is told by Phineas Pratt, in what is sometimes termed his "Narrative," as related to him by the Indian Pecksuot, and one cannot do better than to repeat Pratt's quaint version of the account given by the wily savage.†

Said Pecksuot : —

Another ship came into the bay with much goods to truck. Then I said to the sachem I will tell you how you shall have all for nothing. Bring all our canoes and all our beaver and a great many men but no bow nor arrow, clubs nor hatchets, but knives under the skins that [are] about our loins. Throw up much beaver upon their deck; sell it very cheap and when I give the word, thrust your knives in the Frenchmen's

* The authority for this statement is Thomas Morton's *New English Canaan* (Prince Soc. 1883), p. 130. And Morton says that the island was "called Peddocks Island in memory of Leonard Peddock that landed there."

† *A Declaration of the Affairs of the English People that First Inhabited New England*. Mass. Hist. Soc. Coll. (4th Ser.), IV: p. 479.

bellies. Thus we killed them all. But Monsieur Finch, master of their ship, being wounded, leaped into the hold. We bid him come up, but he would not. Then we cut their cable and the ship went ashore and lay upon her side and slept there. Finch came up and we killed him. Then our sachem divided their goods and fired their ship and it made a very great fire.

Such was the reception accorded the French visitor to Boston by the aborigines.* A short time thereafter a strange plague carried off almost the entire native population living on the islands in the harbor and in the neighboring country; and of the French we hear nothing more until after the founding of Boston. Meanwhile they were endeavoring to maintain the settlements they had established farther east.

In January of 1632 word was received at Boston "that the French had bought the Scottish plantation near Cape Sable." Whereupon the governor "called the assistants to Boston and the ministers and captains and some other chief men to advise what was fit to be done for our safety in regard they were like to prove ill neighbors (being Papists)."† It was agreed that a fort should be begun at Natascott (or Nantasket), as Hull was then called; and on the 21st of the month

* S. A. Drake in *The Making of New England* (p. 113) refers to the incident as "A Legend of Peddock's Island."

† *The History of New England from 1630 to 1649*, by John Winthrop (Savage's Ed. 1825), I: pp. 98, 99.

the Governor with four of the assistants, three ministers and other worthies of Boston, in all a company of about twenty-six, started down the harbor in three boats. They arrived at Hull towards evening, and, a storm coming up, were forced to spend the night there in a broken-down shanty with no covering over them other than the straw in which they lay. This experience seems to have put an end to what little enthusiasm they had for the project—for it was not anticipated that the fortification would prevent a vessel from entering the harbor—and in the morning, “upon a view of the place it was agreed that to build a fort there would be of too great charge and of little use.”

From this time on, and so long as the French remained in power, the attitude of the English colonists of Massachusetts to their northern neighbors, when not that of actual hostility—as during the cruel wars in which the two peoples became engaged—was, to say the least, one of suspicion. And that curious episode in the history of Massachusetts, when its rulers were induced to take sides with La Tour in his row with d’Aulnay, is probably not an exception. With the British masters of Canada, France ceased to menace the colonies. Frenchmen were then looked at in a different light, and upon the outbreak of the Revolution the whole American people turned to them for aid.

The French king was quite willing to assist the rebels of his enemy, but hesitated to do so openly until the

battle of Saratoga made it evident that there was a real opportunity to deal England a blow. Then he entered the contest as an ally of the colonies, and on April 13th, 1778, a splendid fleet of twelve ships of the line and five frigates (one of which was subsequently sent back with dispatches) set sail from Toulon for the Capes of the Delaware. The fleet was commanded by the Count d'Estaing and carried as passengers Gérard de Rayneval, the first ambassador of France to the United States, and Silas Deane, one of the American agents in Europe.

D'Estaing did not reach his destination until July 8th, and meanwhile a solitary French frigate, the *Nymphe*, on a "mission de surveillance" to the banks of Newfoundland, dropped anchor in Boston Harbor, where she remained a fortnight — from May 5th to May 19th.

This vessel, wrote her commander, the Chevalier de Sainneville, was "the first warship of the King of France that they had seen in Boston," and she was the cause of a great commotion. The authorities invited the Chevalier and his officers to a grand dinner, at which they remained seated for four hours and drank nine healths. When he went about, the Frenchman was followed by the townspeople "of all ranks and ages," eager to know of the intentions of France and pressing him with questions, which he said he answered as precisely as he could "but without saying anything." The flag of France flying in their midst, he declared, was looked upon by the inhabitants with the greatest satis-

faction, "the most interesting spectacle" the discreet captain "had ever enjoyed."*

In the so-called "Recollections of Samuel Breck,"† it is said:—

Before the Revolution the colonists had little or no communication with France, so that Frenchmen were known to them only through the prejudiced medium of England. Every vulgar story told by John Bull about Frenchmen living on salad and frogs was implicitly believed by Brother Jonathan, even by men of education and the first standing in society. When, therefore, the first French squadron arrived at Boston the whole town, most of whom had never seen a Frenchman, ran to the wharves to catch a peep at the gaunt, half-starved, *soup-maigre* crews. How much were my good townsmen astonished when they beheld plump, portly officers and strong, vigorous sailors!

The "Recollections" further state that while the townsmen became convinced that they had been deceived, they "knew" that the French "were no better than frog eaters, because they had been discovered hunting them in the noted Frog-pond at the bottom of the Common." Then follows an account of a dinner

* Quoted by Lacour-Gayet, "*La Marine Militaire de la France sous le règne de Louis XVI.*" (Paris, 1905), p. 147.

Price agrees that the frigate was "the first French Kings Ship ever in this port." (*Items From an Interleaved Boston Almanac for 1778, Being a Diary of Ezekiel Price.* N. E. Hist. Gen. Reg. XIX, p. 332.) And he says that the dinner to the commander and his officers was held "at Marstons," May 9th. (*Ibid.*, p. 333.)

† H. E. Scudder Ed. (Philadelphia, 1877), p. 24.

given to d'Estaing and his officers by Mr. Nathaniel Tracy of Cambridge, at which in the soup plate of every Frenchman was placed a full-grown frog, — a story which surely lost nothing in the telling.

Breck was but seven years old at this time, and while his assertion doubtless contains much truth, it does not wholly account for the interest of the people on the arrival of the *Nymphé*, or of d'Estaing and his fleet.*

Much has been said about the extraordinary length of d'Estaing's voyage — almost three months — at least a third of which was required to get the fleet out of the Mediterranean. The commander complained of the great difference in the sailing qualities of his ships, referring especially to the slowness of the *Vaillant* and *Guerrier*.† The author of a modern French work‡ has explained that the fleet was short of seamen, so that inexperienced soldiers had to be employed to handle the ships. On the other hand it has been stated that d'Estaing wasted time in useless drills.§ But whatever the cause, the

* The *Boston Gazette* of May 11, 1778, says that the frigate brought "very important dispatches for Congress, which were immediately sent off by express to that august body."

† Chevalier, *Histoire de la Marine Française Pendant la Guerre de L'Indépendance Américaine* (Paris, 1877), p. 108. The *Guerrier* must not be confused with the ship of similar name defeated by the Constitution in the War of 1812. The *Guerrier* of d'Estaing's fleet was a seventy-four, whereas the Constitution's opponent, though originally a French vessel, was a frigate of forty-nine guns.

‡ De Noailles, *Marins et Soldats Français en Amérique Pendant la Guerre de L'Indépendance des États-Unis*, (Paris, 1903), p. 33.

§ Cf. Mahan, *Influence of Sea Power*, p. 359.

fleet took so long to cross the Atlantic that news of its coming reached America in season for the British to prepare to receive it. And this Howe did with commendable energy, abandoning Philadelphia and stationing his weaker force at New York in such a way that the task presented to the French was anything but easy. For learning that the enemy had moved, d'Estaing detached a frigate (*La Chimère*) to take Gérard to Philadelphia and proceeded with his fleet to Sandy Hook.

Then followed a series of unfortunate incidents familiar to all. The attack on New York was given up, because, it is said, the pilots hesitated at taking the larger French vessels into the harbor, and the fleet was dispatched to Narragansett Bay to assist General Sullivan in his operations against Rhode Island. Howe followed, and d'Estaing put to sea to meet him. The fleets manoeuvred for an advantage without a general engagement until on the night of the 11th of August there arose a violent gale which dispersed both. A number of the French ships were badly damaged,* and d'Estaing, despite the intervention of both Greene and Lafayette, declined to operate further, and assembling his ships as best he could, on August 23rd headed for

* D'Estaing's flagship, the *Languedoc*, was completely dismasted and lost her rudder, the *Marseillais* lost rudder and foremast, and the *Protecteur* was otherwise crippled. "So fierce was the storm," says Fiske, "that it was remembered in local tradition as lately as 1850 as 'the Great Storm.'" (*The American Revolution*, II: p. 93.)

Boston to refit. Only temporary repairs were made at Newport, and the French admiral said, on leaving, that if he found at Boston the material he so urgently needed, he would be ready to start anew to fight "for the glory of the French name and the interests of America." Nevertheless Sullivan felt that he had been left in the lurch, and he did not hesitate to say so, and much bitterness was engendered.

The American general was happily able to withdraw in safety from the difficult position in which he found himself, and the tendency of historians has been to sustain d'Estaing, as he seems to have been sustained by those in authority at the time. A council of his officers advised the course he took, and undoubtedly he was acting under explicit orders given him for just such an emergency.* Dr. Hale has shown that the destruction by the British of some twenty of their vessels when the French fleet appeared against Newport, taken into con-

* See Fiske, p. 94, and cf. Lacour-Gayet, p. 169. Sullivan wrote the Executive Council of Massachusetts to urge upon d'Estaing to return with at least a part of his fleet. The Count replied that he was ready to march at the head of his land forces and place them entirely under the American's directions. But he pointed out that it would scarcely be judicious for him to send back a part of his fleet, as Howe might beat it with superior numbers, and it was impossible to consider returning with the whole French fleet until the necessary repairs had been completed. The Council apparently agreed with this reasoning. (Mass. Archives, Doc. C. C., pp. 26, 29 and 32.) And in this connection I wish to express to Mr. Tracy and his assistants in the Archives my appreciation of their kind help and interest in my search for the material of this paper.

sideration with the other effects of d'Estaing's arrival on the American coast, made his exploits by no means inconsiderable.* But a view so dispassionate could not well be expected of the American people of 1778, and their disappointment over the abrupt termination of the Rhode Island campaign, from which so much had been anticipated, must be borne in mind when we come to consider events which afterwards took place in Boston.†

It is now time for us to take note of the vessels that put into Boston harbor and of some of the commanding officers in the fleet.

The vessels were the Languedoc of 90 guns; the Tonnant of 80; the seventy-fours, César, Hector, Zélé, Marseillais, Protecteur, and Guerrier; the Vaillant, Provence and Fantasque, sixty-fours; the Sagittaire, 50 guns, and the frigates Aimable, Alcène and Engageante of 26 or 30 guns each. The Languedoc was d'Estaing's flagship, except that when she was dismasted in the storm he went aboard the Hector, and on the arrival of the fleet in Boston he transferred his flag to the Zélé when he thought he was about to be attacked.‡

* Rev. E. E. Hale, *The Naval History of the American Revolution*, in *Narrative and Critical History of America*, VI: pp. 580, 581.

† See the interesting *Extract du Journal d'un Officier de la Marine de l'Escadre de M. le Comte d'Estaing* (1782), p. 38, upon the effect of Sullivan's charges.

‡ The three flagships, together with the César and Marseillais, all under other commanders, afterwards took part in the campaigns of de Grasse. And the Zélé was in a large measure responsible for Lord Rodney's defeat of the Frenchman in 1782, for, being injured by col-

The rise of the commander-in-chief of this powerful force had been very rapid.* He was only thirty-three when made a lieutenant-general and rear admiral, and thus given high rank in the navy as well as in the army, notwithstanding that he had been bred a soldier and had seen no naval service other than to participate in several commerce-destroying undertakings. In 1777 the title of third vice-admiral was created for him, and the next year he received the important command of the expedition to America. At this time he was forty-nine years old and had been in the navy but fifteen years, so a French writer has said that "perhaps the least known at Toulon among the general officers of the fleet was the commander-in-chief himself." †

As might be expected, in the light of his inexperience d'Estaing did not have the confidence of his officers, among whom were some of the ablest in the French navy; ‡ and though "brave as his sword" and the idol

lisions with two of her companions so that she had to be taken in tow, de Grasse was forced to accept battle at a disadvantage. The *César* and *Hector* suffered terribly in this fight and were among the five ships captured by the British, but they proved of little worth to the conquerors, the former being accidentally burned the night of the battle and the latter lost on the way to England. The frigate *Aimable* was captured after the battle.

* Charles Henri Theodat d'Estaing Du Saillans, called the Count d'Estaing, was born at Auvergne 1729, and died at Paris April 28, 1794.

† Lacour-Gayet, p. 139.

‡ Chevalier, p. 154: Writing anonymously, one of these officers said, "We will finish the portrait of this commander by saying that he is not really profound upon anything, but superficial upon everything." Quoted by Lacour-Gayet, p. 229: "Suffren wished that d'Estaing's seamanship had equalled his courage." (*Ibid.*, p. 230.)

of his men, he did not succeed as a naval commander. But he did have at least one qualification for the work assigned him, namely, an intense hatred of the English, which he manifested throughout his life, and he told the judges who condemned him to the guillotine in the French Revolution to send his head to the English, as they would pay well for it.

First among the other officers may be mentioned d'Estaing's chief of staff, the able Chevalier de Borda, "major-general" of the fleet, but better known to the world as a scientist and geometrician.* Pléville Le Peley, of the Languedoc, "lieutenant de port" in the fleet, after an active service, retired in 1788, and was minister of marine under the Directory.† And Count Barras de Saint-Laurent (usually referred to as Barras), captain of the *Zélé*, who later succeeded to the command of the squadron of Ternay, will ever be gratefully remembered by Americans for his timely arrival before Yorktown with the siege train of the French army.

In command of the *Guerrier* the French admiral had with him an officer who, like himself, had first served

* Jean Charles de Borda was born at Dax May 4, 1733, and died at Paris February 20, 1799.

† Le Peley had a remarkable history. Early in his career he lost his right leg, which was replaced with a wooden one, and twice thereafter this wooden one was shot away. As will be noted later, he was one of the victims of a riot in Boston. For his life see Balch, *The French in America*, II: p. 200.

in the army, but who, unlike the commander-in-chief, obtained distinction upon the sea, — Bougainville, the celebrated circumnavigator of the world.*

The captain of the *Fantasque* was Suffren, perhaps the greatest naval officer that the French nation has produced, whose fierce encounters with Sir Edward Hughes have won for him the admiration of our Captain Mahan.† And on the *Sagittaire* was d'Albert de Rions, in Suffren's estimation the foremost officer in the French navy.‡ D'Estaing's opinion of de Rions was no less laudatory. Indeed, of all the officers of the fleet who were with him at Boston, he recommended but two — de Rions and Suffren. For them he solicited the title

* Louis Antoine, Count de Bougainville, was born at Paris, November 11, 1729. Brought up to be a lawyer, and a mathematician of no mean ability, he entered the army in 1754, went to America as an aid to Montcalm, and served with distinction at Quebec and in 1761 in Germany. Upon the conclusion of peace in 1763 he left the army for the navy, and three years later, having failed in an attempt to found a settlement on the Falkland Islands, sailed around the world. (Dec. 15, 1766, to March 16, 1769.) He commanded under both d'Estaing and de Grasse, and afterwards seems to have received in turn the titles of field-marshal and vice-admiral. On the outbreak of the revolution in France he retired from public service to devote himself to scientific pursuits, but was a senator under the Empire. He died at Paris August 31, 1811.

† Pierre André de Suffren de Saint-Tropez, called the Bailli de Suffren, was born at Saint-Cannat, July 13, 1728, and died at Paris Dec. 8, 1788. (See *Influence of Sea Power*, Ch. 12.)

‡ Francois Hector d'Albert, Count de Rions, was born at Avignon in 1728, and died October 3, 1802. Chevalier says that after the death of Suffren, de Rions was regarded as the officer most capable of commanding a large fleet.

of brevet "chef d'escadre," meaning "commodore" or "flag officer."*

All of d'Estaing's vessels did not reach Boston at one time, for the *César* being separated from the fleet by the storm, made no attempt to rejoin it, but proceeded alone to Boston, where she arrived on the afternoon of August 22nd. She had a terrible fight with an English fifty-gun ship, the *Isis*, in the course of which her captain, the Chevalier de Raimondis, lost his right arm. General Heath went to see him as soon as the *César* arrived, and expressed regret at the Frenchman's misfortune, to which the latter replied "that he was ready to lose his other arm in the cause of the Americans." "Remember this," writes Heath, "ye Americans in future times." †

The other vessels arrived in Boston on the morning of the 28th, and d'Estaing at once disposed of the fleet so as to be able to meet an attack. The *Languedoc*, *Marseillais* and *Protecteur*, which were most in need of

* Suffren was made fourth vice-admiral of the French navy, April 4, 1784, a special office created for him, which ceased at his death. D'Estaing was made admiral, Bougainville and Barras vice-admirals, and de Rions rear-admiral, in 1792. And there were other officers in the fleet that afterwards attained high rank. For a roster of the fleet see de Noailles, Appendix II, p. 365, and Lacour-Gayet, Appendix V, p. 629.

† *Memoirs of Major-Genl. Heath*, N. Y. 1904, p. 204. De Raimondis was granted two pensions, but the captain asked in addition for the order of Saint Louis, "le cordon rouge," on the ground that he was the first officer to lose an arm during the campaign. He left for France with Lafayette on the Alliance, January 6, 1779.

repairs,* were anchored in the inner harbor; † and the exigency was considered so great that the French were permitted to work upon the Sabbath "with as little disturbance . . . as possible, during the time of divine Service." ‡

The remaining ships-of-the-line were stationed in Nantasket Road, and to make their positions more secure the fortifications at Hull were appropriated and manned, and George's, Lovell's and Gallup's Islands, together with Long Island or Peddock's Island, were occupied and put in a state of defence. § To accomplish this the

* In addition to the damage done by the storm, the Languedoc had been attacked by the *Renown*, of fifty guns, and the *Marseillais* by another fifty-gun ship, which Lacour-Gayet (p. 168) says was the *Preston*.

† Cf. Chevalier, p. 118. Lacour-Gayet says (p. 171) "Quincy Bay," but adds in a note that d'Estaing wrote "King's Road." September 8, 1778, the French were given leave to land sick sailors on Governor's Island, "which lies next the *Marseillais*, the Ship the nearest to the Town." (Mass. Archives, Doc. CLXIX, p. 151.)

‡ Council Records XXII, p. 435. Lacour-Gayet speaks of the trouble which the French experienced in refitting their vessels in America because of the lack of arsenals. And d'Estaing wrote that they had to send to Portsmouth for the masts needed by the *Languedoc*, and could not find any suitable for a vessel larger than a sixty-four. So they took the masts out of the *Protecteur*, 74, and gave them to the 90-gun flagship. The *Protecteur* was fitted out with the masts of the *Vaillant*, 64, and the new masts placed in the *Vaillant*. Report of d'Estaing to the Secretary of Marine in H. Doniol, *Histoire de la Participation de la France à l'Établissement des États-Unis*, 111 (1888), p. 459. Heath notes that the work on the flagship was completed October 5, and that she then "fell down to Nantasket Road and joined the squadron." *Memoirs*, p. 208.

§ D'Estaing wrote "Pettik." (Doniol 111, p. 458.) Lacour-Gayet includes all but Long and Peddock's Island, and the documents in the State Archives mention only George's and Long Island.

three frigates were taken into Hull Bay and almost completely dismantled;* and Chevalier says that by Sept. 1st they had thirty 18 and 24-pounders mounted at Hull and on George's Island, two batteries and six mortars, one battery containing eleven 24's, and the other eight 18's and 24's. Whether this statement is entirely accurate may be doubted, and it is probable that the rush on the defences did not begin until the presence of an English fleet was reported on August 31st.†

The "fortifications" at Hull consisted of a fort on Telegraph Hill and two batteries on Cushing Hill, and it is a question as to just what the French did there. It is assumed in some French accounts that the works were built by d'Estaing, and the impression has existed in this country that their design at least was attributable to his engineers. But this is an error. The fortification of Nantasket Head was undertaken shortly after the British evacuated Boston, and as early as July, 1776, a committee of the General Court reported the work

* In 1848 an immense anchor, said to have weighed "about 8,000 pounds," and presumably belonging to one of d'Estaing's ships, was grappled off Peddock's Island. *Notes on the South Shore by the "Shade of Alden,"* (Boston, 1848), p. 21.

† Sept. 1st the Board of War was directed to supply d'Estaing with "ten Gundoloos or flatt-bottomed boats . . . for transporting of Cannon," and Heath informed the Council, Sept. 2, that the Count was "fortifying some of the Islands with the utmost dispatch & has got a considerable number of cannon on shore mounted in the works which he has thrown up." Sept. 5, application was made to the Council for two beds for 13-inch mortars which d'Estaing "proposed" to place on George's Island.

“about half finished.” In November, 1776, and again in January, 1777, other committees reported it “well constructed and nearly finished,” and each referred specifically to the fort and the two batteries. The report of the last-mentioned committee is signed by Joseph Palmer, and describes the defences at Hull as including a “pentagonal” fort and two batteries, one west of the fort with eight embrasures, and the other to the north with five, the fort itself having sixteen embrasures. And in the State Archives there is a plan with Palmer’s name, dated February 27, 1777, showing the fort, which it is interesting to note is called “Fort Independence,” and a “draft” of the batteries.

In an undated committee report, indexed in the Archives as June, 1777, it is said, “That the works now at Hull, tho’ pretty well constructed are far from being compleat, or Sufficient if made so, at that place.” But another undated report shows that when the committee’s investigation was made, probably in August of 1777, they had found at Hull a fortification “called the Eight Gun Battery,” containing four 42-pounders and two 9-pounders, and “nearer the Waters Edge the three Gun Battery so called,” with three 42-pounders, together with a large fort mounting nine 9’s and two 18’s.

This clearly indicates that the fortifications at Hull had progressed well toward completion long before the arrival of d’Estaing; and considering the fact that their earthwork mounds, as they remained until very recently,

were, in design, precisely as drawn on Palmer's plan — except that the northern battery had openings for but three guns — there is little foundation for the tradition about their French origin.*

So far as Hull was concerned, d'Estaing's efforts were devoted largely to supplying a deficiency in men and arms. The committee of the General Court which reported in November, 1776, had doubted whether the place could be made tenable, and had suggested in consequence that few guns be risked there, and the troops in the harbor forts had been dismissed in April, 1778, on the arrival of the transports for the Convention prisoners. Not until the end of July does the Council seem to have again considered these defences. Then they directed General Heath "to retain one commissioned officer, one Serjeant, one Corporal & one Gunner to be stationed at the Castle and at Hull for the Purpose of hailing vessels, examining Passes, making Signals, etc." Very likely this small guard was all that d'Estaing found upon his arrival. The other defences of Nantasket Road were unquestionably begun by the French admiral, though he was not the first to realize

* The three-gun battery which was near the edge of Cushing Hill, facing Boston Light, gradually disappeared as the bluff washed away. But it was not until the modern fortifications were begun after the Spanish War that any considerable destruction of the fort and eight-gun battery took place. And the late Lewis P. Loring of Hull informed the writer a few years since that "seventy-five years ago one could drive in front of the three-gun battery with a horse and wagon." Now all that can be seen are the tips of the crescent.



PLAN OF THE FORTIFICATIONS AT HULL, BY JOSEPH PALMER, FEBRUARY 27, 1777.

(From the Original in the State Archives)

the importance of some of the positions,* and he had to land the cannon for them because, he says, "we could not obtain any from the Americans."

A well-known member of this Society, Mr. John W. Farwell, owns a chart of Boston Harbor, which he picked up in Paris and which may have belonged to a member of d'Estaing's force. It is a French reproduction of the familiar Des Barres chart, somewhat smaller than the original, and written with a pencil upon it, in French, is the note, "Defense of Boston by the French fleet under d'Estaing 1778 August or [?] April." The chart shows, in pencil, a fort on Telegraph Hill and one on George's Island. Stretching in line from Windmill Point, Hull, to Rainsford Island, are represented four three-masted square-rigged vessels, and in the same line, north of Long Island, five more such vessels. Anchored off Long Wharf, Boston, in two lines heading south, is shown an American flotilla as follows: the Independence, Tyrannicide, and Speedwell, in line near the wharf, and the Warren, Raleigh, Deane, Sampson, Hancock, and Massachusetts, farther away.

The chart thus accounts for the nine battleships which d'Estaing left in the outer harbor, but it differs with all records of the episode in placing more than half of these ships in what was then "King Road."†

* Cf. Committee Report, Jan. 31, 1777, printed at the end of this paper.

† Now called President Roads. The plural *Roads* is also commonly used today in respect of the anchorage at Nantasket, but I have kept to the old singular form in this paper.

D'Estaing reported that the nine serviceable liners were "left at Nantasket," and that they were arranged broadside in a semi-circle, so that a hail of shot could be discharged at a central point. He explained that he chose Nantasket in preference to — as he wrote it — "King's Road" for the reason that, although the latter was larger and safer, an enemy occupying Nantasket Road could blockade it. He recalled that the English had moored at Nantasket without risk after Boston had passed out of their possession, and it seemed to him "indispensable" that they should not be permitted to do so again.

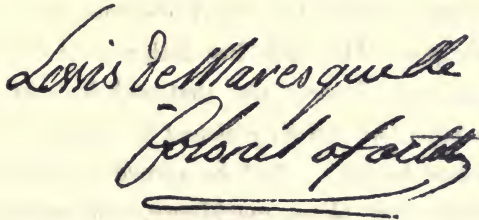
It is to be observed, however, that Mr. Farwell's chart shows two courses into the harbor, — one from the sea south of George's Island, and the other from Broad Sound into King Road. The disposition of the battle-ships as marked on the chart may have been made at some time during the Count's stay at Boston, and in either situation we can probably agree with d'Estaing that in the offing his ships presented "a most imposing order." *

Nantasket Road has seen many fleets since the coming of the white man. It was the starting point of many of the expeditions against Canada, such as Sir William Phips's ill-fated undertaking in 1690, the expedition of

* September 2, Ezekiel Price wrote in his Diary: "This day went with the Selectmen and a number of other gentlemen to Hospital [now Rainsford] Island, had a view of the French fleet then in the harbour, as well as those stationed in Nantasket Harbour; they made a very formidable appearance, and were so disposed as to protect us from any approach of the British Navy."

1711, and the Louisburg expedition of 1745; and a part of Lord Amherst's huge force seems to have stopped there in September, 1758. With the War of Independence, however, began a great era in the history of sailing men-of-war. From 1759 to 1770 under Choiseul there was a tremendous revival of the French navy. Frenchmen were the master builders of the ships of the period, and we like to imagine the picture which an artist might make of the scene which d'Estaing has described.*

The Council helped on the new fortifications by furnishing tools, materials and other necessaries, and in response to d'Estaing's request for someone to oversee and direct the work, sent him on August 31st a fellow-countryman, then in the service of Massachusetts, "Lewis de Maresquelle, Colonel of Artillery and Inspector General of the Foundries of the State."



Lewis de Maresquelle
Colonel of Artillery

This officer was one of the many foreigners who sought employment with the colonists during the struggle with the mother country. His full name was Marie Louis Amand Ansart de Maresquelle, but he ordinarily

* "The hull of the Constitution was modeled after the best French practice." (Hollis, *The Frigate Constitution*, p. 38.)

signed himself in this country Lewis de Maresquelle, using the English spelling of Louis.* He arrived in 1776, being then thirty-four years old, and on December 6th of that year proposed to the General Court of Massachusetts to establish furnaces and provide the State with all the iron cannon that it might need.

In the "Proposal" Maresquelle described himself as "an old Captain of Infantry" who had "been brought up in the Forges of France (his Father & the Marquis of Montalembert, his relation, having furnished, for many years, all the Iron Cannon in the Service of the French King)." He then went on to say that at one time all cannon were cast with a cylinder, but that this process always left little holes or cavities, frequently the cause of bursting, and that in 1750 his father "cast many solid Cannon, and found them superior to those cast with a Cylinder," with the result that at the time of the proposal none but solid cannon were cast in French forges. He said his father had invented a machine to do the boring, and that with it a twenty-four pounder could "be bored, polished & the spruce cut off in twenty-four hours." And he agreed that if the State would supply the place, machinery, and materials, he would construct the furnaces, and when the mills were

* Due apparently to the fact that Maresquelle was employed by the State of Massachusetts; his name does not appear in the recent publication of the French Government entitled *Les Combattants Français de la Guerre Américaine* (Paris, 1903). Nor have we found him mentioned in Stone's *Our French Allies* (Providence, 1884), nor in Balch or the other works on the French in America during the war.

ready for boring would "furnish one Cannon ready for Service every twenty-four Hours out of the common Iron Ore within this State." He also agreed to disclose to such persons as the State might select all his knowledge upon the subject, which included a "peculiar method of softening the Iron by a mixture of Ores & Minerals," and he stipulated that if he did not fulfill his promises he would not only waive all claims against the State but would forfeit the sum of a thousand pounds.

In return, Maresquelle asked from the State three hundred dollars in cash to reimburse him for the expenses of his trip to America and one thousand dollars a year until the end of the war, "and after that time the Sum of Six hundred Sixty-Six and two-thirds Dollars yearly during his life." He also stated that he "expected" the "*honor* of a Colonel's Commission to give him Rank," but without pay or command as such.*

The Court accepted the proposition, and besides granting Maresquelle a colonel's commission made him Inspector of Foundries. Indeed, it is probable that they were only too glad to avail themselves of the opportunity. For Drake says that "in the beginning of the Revolution cannon was the most essential thing wanted," and he quotes a letter dated at Boston, Sept. 1, 1776, telling that the demand for guns to fit out privateers was so great that they were taking up the

* The text of this interesting contract may be found in the Court Records, XXXVI, p. 298.

“old things” that had been stuck in the ground at street corners and restoring them to service.*

That the Frenchman made good his part of the contract is evident from the fact that the State paid him the salaries agreed to, to the fraction of a cent, until his death in 1804.† During the war, to be sure, the payments were not always made promptly, but thereafter with ever-increasing regularity and exactness. His pay was figured at the rate of £300 a year — which was agreed to be the equivalent of the \$1,000 voted him — until the 5th of May, 1783, when “the peace establishment,” so called, went into effect. Then his salary was fixed at £200 a year, and paid sometimes quarterly and sometimes semi-annually until April 5, 1795, from which date he received regular quarterly payments of \$166.66.07, with the milles left off at intervals.

Further the State showed no disposition to drive a hard bargain. In June, 1779, when Maresquelle informed the Court that, owing to the high price of provisions and the depreciation of the currency, his agreed

* *Historic Mansions and Highways Around Boston* (Boston, 1900), pp. 33, 34.

† The last warrant authorized by the Council in this matter was on Aug. 28, 1804, “for Eighty seven Dollars three cents and two milles in favor of the legal representative of Lewis Ansart Esqr., late Inspector of the Founderies, now deceased, in full of the balance of his salary due at the time of his death.”

In April, 1780, a committee of the General Court reported that Maresquelle had fulfilled his contract “in part and he has ever discovered a Readiness to perform the Whole had the State Enabled him to do it.”

salary was not adequate for his support, they voted him an additional allowance of £3 a day. Ten months later, as the value of the currency further declined, they gave him £9 more in order to make his pay commensurate with "the original contract." Both orders were re-dated back several months, and the additions were paid him until October of 1780, when it seems to have been thought that the "new emission" would restore the balance between the currency and his pay. The next month the Court made up all discrepancies by a lump sum payment; but the people did not take kindly to the new bills, and although hard money became more plentiful Maresquellé appears to have experienced continued financial embarrassment, and in January, 1781, he asked for a nine months' leave of absence "to visit his friends & family in France" (from whom he had not heard for some time), and to secure the necessaries suitable to his rank which his pay had not enabled him to purchase in this country. At the same time he offered to undertake any commission which the State might have for him in France. The request was promptly granted, with the sole condition that he first settle his accounts. This he did after some bother in ascertaining the proper board to account to, and he was given his pay to the date of the accounting and upon his return for the period of his absence; further evidence, if any be needed, of the good faith of the State and the high regard of the authorities for the man.

Notwithstanding that Maresquelle had stated he expected no command, he could not resist the longing for active service, and when the Rhode Island campaign was organizing he sought an opportunity to go to the front. July 31st, 1778, the Board of War sent him to Sullivan with a letter in which they described the Frenchman as one "Glowing with Ardor to signalize himself in the intended Expedition," who "comes to offer himself with Chearfulness to any service for which you may think him qualified." And they stated that "from the long personal knowledge and acquaintance we have had with him we can recommend him as a brave and worthy man, and flatter ourselves he will so acquit himself as to deserve that Approbation from his General for which he is so eagerly panting"—certainly a splendid tribute. He served as an aide to Sullivan, and a month later was dispatched to d'Estaing, as has been noted.

December 9th, 1781, Maresquelle married at Boston Catharine Wimble, and after the war moved with her to Dracut, Mass., where there were born to them, so far as the records show, eight children,—three sons and five daughters. Probably there were others born before this. In 1793 he petitioned the Legislature for authority to drop the de Maresquelle from his name, inasmuch as he was about to take out naturalization papers and wanted to be naturalized as Lewis Ansart, "his Christian & Family name." This was granted, and the Frenchman lived out his life at Dracut, a prominent and re-



LEWIS ANSART DE MARESQUELLE
(From a Portrait in the Town Library, Dracut, Mass.)



spected member of the community,* and was buried there in the "Old Woodbine Cemetery," where his grave is marked with a stone bearing the inscription :

ERECTED
In memory of
COL. LEWIS ANSART
Who departed this life
May 22 AD 1804
Æt 62

Col. Ansart was a native of France : he arrived in this country in 1776, and by the Authorities of Massachusetts was immediately appointed a Colonel of Artillery & Inspector General of the Foundries, in which capacity he served until the close of the War of the Revolution.

That the French manned the new defences is certain. Fiske states that d'Estaing had with him 4,000 troops, but de Noailles and Lacour-Gayet mention only a thousand, of the regiments of Hainaut and of Foix ; and in his reply to Sullivan, the French admiral intimated that his available land force did not amount to more than 800 men.†

* His widow, who was not quite twenty at the time of their marriage, died Jan. 27, 1849, at the age of 86 yrs. 10 mos. ; one son, Felix, rose to the rank of lieutenant of artillery in the regular army in the War of 1812.

Mrs. Sara Swan Griffin has collected considerable data about Maresquelle in a paper read before the Lowell Historical Society May 11, 1904. See *Contributions Lowell Hist. Soc.* I, No. 1, p. 54 Cf. also the pamphlet *In Memoriam Citizen Soldiers of Dracut, Mass.*, published by the Old Middlesex Chap. S. A. R. 1904. She says that Maresquelle was a large man, standing six feet and weighing 200 pounds, and that he occupied the "Old Ministree" house (so called) at Dracut, and entertained there Lafayette, with whom he was well acquainted.

† *The American Revolution*, II, p. 88 ; *Marins et Soldats Français en Amérique*, p. 372 ; *La Marine Militaire sous Louis XVI*, p. 143 ; Mass. Archives, Doc. C. C., p. 32.

Referring to d'Estaing's report, we find that the "detachments of Hainaut and of Foix became the garrison of the peninsular of Hull," under the command of Bougainville, and that the Count de Broves (of the César, chef d'escadre) had charge of Gallup's, and the Marquis de Chabert (captain of the Vaillant) of Peddock's. The arrangement in respect of George's is not so clear, but it seems that the mortars there were in charge of Captain Duchatelet of the "regiment de Foix," and that marines were given to de Rions and placed in the other batteries on the same island. And d'Estaing wrote that Lovell's had "only the appearance of defence, a camp *étendu* without soldiers to occupy it."* Heath also says that Bougainville had charge at Hull, and he tells of witnessing there the manoeuvres of a "squadron" of marines who had been trained by Major M'Donald, "a Scotchman whose father was in the rebellion in England, and with his son fled to France."

It is manifest, therefore, that the largest force was landed at Hull. Indeed, the French so completely overran the little town that the American general wrote that the inhabitants were "really to be Pittied," adding, "and such ever will be the case of those whose Lot it is to have Troops Quartered among them."† The townspeople registered their protest in a vigorous petition to

* Doniol, III, p. 458, but cf. Lacour-Gayet, p. 171.

† Heath, Letter to Council, Sept. 8, 1778. (Mass. Archives, Doc. C. C., p. 69.)

the Council. The petition was presented in behalf of the town by Captain Daniel Souther, "an old sea commander" then residing at Hull, whom the Council had previously recommended to d'Estaing because of his knowledge of "the Ground in Nantasket Road." Souther's petition was dated Sept. 5th, and represented: "That the Troops of his most Christian Majesty burn and destroy the Fences of the Inhabitants of the Town of Hull. That they take from them their Wood, their Hay from the Cocks, open their Barns and waste their Grain. That they take up their Spread Flax and convert it to beds. That they take their Cooking Utensils from their Houses, take from [them] their Fruit and their Poultry. That they destroy their Potatoe Yards and their Cornfields." And he prayed for "such relief as Justice and Humanity require."* The Council transmitted the petition to d'Estaing, and the Count took steps to make payment for the harm done. Nevertheless in November we find the town voting to petition the General Court "to make good the Dammiges the Town received by the french troops."

D'Estaing was very anxious to have a redoubt on Point Allerton, which in fact had been proposed by more than one committee of the Legislature. He thought that fifty men would be sufficient to construct and garrison the place, but stated that he had already supplied

* Mass. Archives, Doc. CLXIX, p. 144.

so many posts he was unable to furnish any more men. This was on September 8th, and four days later the Council gave instructions for Colonel Burbeck to be detached with the force mentioned and to undertake the work.

Washington became interested in the defence of Boston to such an extent that on September 29th he directed Brigadier-General du Portail to proceed to the town and "form a plan from a view of the whole local situation of the place which shall appear to give it the most effectual security that circumstances will permit," keeping in mind a co-operation with the French squadron.* The Chief Engineer of the American Army arrived in Boston October 6th, and made an examination of and report on its defenses, which report Heath sent to the Council, with a letter, on the 21st of the month, but what has become of it does not appear.

It early was made evident that the fortification of the headlands at the entrance of the harbor had not been undertaken with undue haste. August 30th the Selectmen of Plymouth sent word to the Council "that a fleet of twenty sail of ships, some of them very large," had been "discovered in the Bay." This resulted in a meeting of the Council at five o'clock the next morning. Steps were taken to convey the news to d'Estaing; the militia were ordered to assemble with three days' rations,

* Mass. Archives, Doc. CC. p. 124.

and a spy boat sent out, in command of one Peter Guyer, to verify the report.

The report was so generally known as to be printed in the *Boston Gazette* of August 31st; and Heath says that on that day he, together with "the President of the Council, Gen. Hancock and others, went down the harbour to confer with the Count D'Estaing." One is, therefore, surprised at the Count's charge that "General Heath and the Americans, following their usual custom, denied the existence of the British force, and they advised me in writing that there was not a vessel of the enemy in the bay, when the whole fleet had been there for four days."* Perhaps the communication to which he refers had been written before the arrival of the express from Plymouth. In any event d'Estaing came up to town September 1st, and was about to sit down to dinner with Heath when signal guns were heard and the alarm was given by a Mr. John Cutler, who seems to have been on watch from the steeple of the Old South Church, that the fleet was off the harbor.†

The Count immediately left for his ships, and the militia were ordered in; but whether the French seemed to be too strongly posted, or the wind was unfavorable, the enemy did not attempt to enter the harbor, and the

* D'Estaing's Report, Doniol III, p. 458.

† Heath, *Memoirs*, p. 205. The *Gazette* of September 7 says that the appearance of the fleet "was announced by signals and the discharge of cannon on the heights of Hull, which were answered at the other posts."

next day had disappeared.* Nor did the British again menace Boston until the end of October, and just as d'Estaing was preparing to leave. Then word was received that Admiral Byron, who had succeeded Howe, was planning an attack upon the town. This time, however, the elements elected to maltreat the English. A tempest sent their vessels into port, many of them in no shape for combat, and d'Estaing slipped away to the West Indies.

In this storm was lost a now famous vessel, the sixty-four-gun ship Somerset, that "British man-of-war" so picturesquely described by the poet Longfellow in "Paul Revere's Ride:"

A phantom ship, with each mast and spar
Across the moon like a prison bar.

She was wrecked on Cape Cod November 3, 1778, and all of her crew that survived were captured by the local militia.†

* As described in the newspapers of the time: "The militia turned out with their usual ardor. The regiment of this town [Boston] immediately paraded, making a very respectable and martial appearance; gentlemen of the first character and fortune being under arms." (See the *Gazette* and *Independent Ledger* of September 7.)

In the assignments made by the Council on August 31, Colonel David Cushing's regiment was ordered to Hull, but the next day the various commanders were directed not to proceed to their posts at once but to hold themselves "in readiness to march on the shortest notice." And the immediate disappearance of the enemy seems to have rendered unnecessary any fulfillment of the assignments.

† The prisoners gave the State no little trouble, and it was not known exactly what to do with them. The services of some were ac-

The authorities in Boston extended to the French every consideration. D'Estaing or some of his officers, as we are told, sat almost every day at General Hancock's table, much to the discomfiture of Madam Hancock. And there is the story that on one occasion they came down upon her in such force that, in order to meet the situation, she was compelled to send out and milk all the cows on the Common, — an incident which, be it related to the credit of the owners, is said to have amused rather than have angered them. The Count reciprocated by holding a banquet on one of his ships.* But there were other people in Boston to be reckoned with, and on the night of September 8th, 1778, a riot occurred which ended seriously and threatened still more disastrous consequences.

It seems that the French had set up a bakery for the fleet in the town, and as a result of a refusal to deliver bread, the Frenchmen in charge got into a row with some outsiders and a fight ensued. And two officers of the squadron, Pléville Le Peley and Lieutenant the Cheva-

cepted on the Alliance, which took Lafayette to France in January, 1779. The frigate was short-handed, the Marquis eager to be on his way, and the course seemed a partial solution of the difficulty. As might have been expected, a mutiny was planned before the ship reached her destination, but being seasonably warned, the passengers and officers united were able to quell the mutineers.

* For an account of this dinner see Magazine of American History, XIX, pp. 507, 508, and Sears, *John Hancock*, p. 260 (note). Mrs. Adams tells of dining with d'Estaing on the Languedoc, and is particular to note the abstemiousness of the French officers. *Familiar Letters of John and Abigail Adams* (Boston, 1876), p. 342.

lier de Saint-Sauveur, who attempted to intercede, were wounded, the latter mortally. Bad enough in itself, the affair was magnified by the rank of the officers concerned, for Saint-Sauveur, who was attached to the *Tonnant*, was not only an adjutant of the fleet but the first chamberlain of the King's brother and brother-in-law of the Count de Breugnon, one of d'Estaing's two flag officers.* It was felt that the very existence of the alliance with the French might be at stake, and the authorities were greatly troubled. Guards were ordered to patrol the streets to prevent further disturbance, and the Council promised a reward of three hundred dollars to anyone who should give information against the rioters. But nothing came of it, and it has never been determined just who was responsible for the affray. The morning after, Heath notified the Council that the disturbance was "between a number of French officers and a number of Sailors or Inhabitants." Later in the same day, when he must have had more detailed information, he wrote d'Estaing that the participants were "a number of Frenchmen belonging to your squadron and a number of American sailors." And he made a similar report to General Washington.

The situation was one calling for calm judgment, and whatever d'Estaing's qualifications as a naval commander may have been, he exhibited on this occasion a restraint

* De Breugnon had his flag on the *Tonnant*, the other "chef d'escadre" being de Broves of the *César*.

and good sense which will ever make Boston and the whole country his debtors. In his letter to the French admiral, Heath had stated that "some of the hands belonging to the Marlborough privateer are suspected of being concerned in the riot." The crew of the privateer was said to contain British deserters, and d'Estaing was quick to make use of the intimation that the riot was excited by British sympathizers. In his reply to Heath (written on the 10th of September) he declared that "our common enemies hesitate at nothing," and Heath was able to write Washington that the Count had assured him that he was "fully satisfied the Inhabitants had no hand in the affray," much to the relief of the American commander-in-chief, who sagely advised that "all possible means should now be taken to cultivate harmony between the people and seamen, who will not be so easily reconciled as their officers, not having so much sense to direct them."

The newspapers of the time contain surprisingly little about the incident, but the following communication in the *Independent Ledger* of September 14 shows how thoroughly the conduct of the French was appreciated:—

The riot which occasioned the issuing a proclamation by the Council of this State, offering an high reward for the discovery and apprehension of those concerned therein, was begun, it's said, by seamen captur'd in British vessels and some of Burgoyne's army who had inlisted as privateers just

ready to sail. A body of these fellows demanded, we are told, bread of the French bakers who were employed for the supplying the Count D'Estaing's fleet; being refused, they fell upon the bakers with clubs, and beat them in a most outrageous manner. Two officers of the Count's being apprized of the tumult, and attempting to compose the affray were greatly wounded; one of them is a person of distinguished family and rank. . . .

We are well informed that his Excellency the Count D'Estaing, upon hearing of the violence that had been committed . . . though much grieved considered the matter in the calmest and most prudent light, and was thoroughly satisfied that it was highly disagreeable to the inhabitants and that every proper method would be taken for finding out and punishing the offenders. Such prudence and moderation mark this great man and must disappoint the hopes of our enemies, who would be glad that every such incident might prove the means of creating dissensions of a more extensive and important nature.

A correspondent observes, that there is a striking contrast between the behavior of the British military of this town, and that of the French. The former, though coming from what we formerly regarded as our *mother country*, and with a professed design to support law, and protect us, yet in a wanton and butcherly manner fired upon the inhabitants of Boston, without any just provocation, before they received any assault that might afford even a pretence to so bloody a procedure; the latter now become by the oppression and cruelties of Britain our allies and protectors when assaulted themselves by unknown ruffians, have left their protection and

satisfaction entirely in the hands of the civil magistrate. Nay, we have it from good authority, that the General, the Count D'Estaing, has desired that should any inhabitant appear to have been concerned in this affray, he might not be punished, and the centuries at the French baking house were prohibited from using any violence in defending even so necessary an article as bread for their fleet.

Saint-Sauveur died at Boston on the 15th of September. The next day the General Court of Massachusetts, expressing its detestation of "the Perpetrators and Abettors of this horrid Deed," voted as a mark of respect to the memory of the deceased to attend his body to the place of interment and to "provide a monumental Stone to be placed in the burial Ground where his Remains shall be deposited, with such inscription as his Excellency the Count D'Estaing shall order." Col. Thomas Dawes was made a committee to see to the erection of the stone.

D'Estaing was much affected, but seems to have thought it wiser to have the funeral less public, and the unhappy victim of the brawl was buried at night — it is said in the crypt of King's Chapel, — "dite chapelle du roy," as the secretary of the fleet has it in his account of the burial, quoting which, de Noailles* says that the ceremony exactly conformed with the last wishes of the deceased.

* *Marins et Soldats Français de Amérique*, pp. 47, 48.

Eight sailors of the Tonnant bore the coffin on their shoulders. I preceded them with the sexton and grave-digger; the recollet, M.M. de Borda, de Puységur and Piervères followed; the servant of the deceased and perhaps two or three Frenchmen closed the procession; we started in this order at ten o'clock, and arriving at the church called King's Chapel, found the basement of the church illuminated with many candles, without ostentation. The vault was opened and the Reverend Father deposited the remains without ceremony; the door of the vault having been closed and padlocked, we returned to sign a certificate of interment which I had already drawn up. In fine, what we had been charged to do could not have been done with more precision and exactness.*

“Could one read anything more cold and lugubrious?” says the French writer. “What a sad end for a young officer!”

The funeral having taken place, the leaders of the allied parties then apparently endeavored so far as possible to forget the incident and to remove all traces of ill feeling which it may have left. On September 22nd d'Estaing and his officers appeared publicly in Boston in full dress. They were saluted in the harbor and were met upon their landing by a committee of both houses

* The recollet was a Franciscan monk and de Puységur an ensign attached to the Languedoc. The “vault” referred to in the account has been thought to be the “strangers' tomb,” so called, underneath the porch of King's Chapel. But the Church seems to have no record of the interment, and Foote's *Annals of King's Chapel* (Boston, 1882 and 1896), makes no mention of Saint-Sauveur or of his burial.

of the Legislature and conducted to the Council Chamber. After the reception there they breakfasted with Hancock, and before returning took punch with Heath at headquarters. Perhaps this was the occasion when Madam Hancock made her famous attack on the cows on the Common.

Three days later the French were given a grand public dinner in Faneuil Hall, which was attended by "upwards of 500 guests," and at which no less than twenty-three toasts were drunk "under the discharge of cannon." A list of these toasts, taken from Lacour-Gayet, is given below* :—

1. America.
2. The King of France.
3. Congress.
4. The French Fleet.
5. Genl. Washington and the American Army.
6. The Independence of America.
7. The Alliance between France and America; may it never be broken.
8. The French Minister to Congress.
9. Franklin, the American Minister at the Court of France.
10. Liberty and the Friendship of France.
11. Commerce, Art, and Agriculture.
12. M. d'Orvilliers and all his Army.
13. The Count d'Estaing and all the Officers of the French Fleet in Boston Harbor.
14. (By d'Estaing.) The President of the Council and all Americans here present.

* *La Marine Militaire sous Louis XVI*, p. 173 note.

15. Monseigneur, the Duke de Chartres.
16. The Queen of France.
17. M. Du Chaffault.
18. The Marquis de La Fayette.
19. American Ships and Sailors.
20. All the Women and Young Girls who have lost their Husbands and Sweethearts in the Good Cause.
21. The Duke de Choiseul.
22. M. de Sartine.
23. M. de Maurepas.*

D'Estaing prepared an inscription for the monument to Saint-Sauveur,† and thus, through the wisdom exercised by both sides, was closed, for the time being at least, a most unfortunate event. Here is the inscription:—

This monument has been erected in consequence of a resolution of the State of Massachusetts Bay the 16th Sept. 1778 in memory of Chevalier de St. Sauveur, First Chamberlain of His Royal Highness, Monseigneur Count d'Artois, brother of His Majesty, the King of France.

This officer, an Adjutant of the French fleet and a Lieutenant of the Tonnant, after having had the glory of risking

* The dinner was authorized by a vote of the General Court passed on September 22, and the next day the Council directed the Board of War to supply the dinner committee with such articles as it might apply for. The Board seems to have furnished little more than the wines and liquors and the nails for the tables; and Hancock's biographers have asserted that although Boston got the credit, the dinner was paid for by John Hancock. (Cf. A. B. Brown in *John Hancock, His Book* (Boston, 1898), p. 229, and Lorenzo Sears, *John Hancock The Picturesque Patriot* (Boston, 1912), p. 260.)

† As contained in the so-called Log Book of the Languedoc, it is dated Sept. 28, 1778.

his life for the United States, became in the performance of his duty the victim of a tumult caused by the evil minded. Dying with the same devotion to America, the ties of duty and sympathy which bind his compatriots to the City of Boston have thus been drawn tighter. May all efforts to separate France and America end thus. Such will be the prayer in the centuries to come of all Frenchmen and Americans whose eyes shall fall upon this mausoleum of a young man taken from his friends who may be consoled at his loss by seeing such funeral flowers spread upon his tomb.

This inscription proposed in Council by the Count d'Estaing, commanding the first squadron sent by the King of France to his allies, has been engraved on this stone by order of Colonel Thomas Dawes, designated for this purpose by the Government.

The Admiral caused copies of the inscription to be distributed in the fleet, that his men might know what had been done ; but Washington's advice that peace be restored between the people and the sailors did not prove to be easily carried out. Riots are said to have occurred on the 26th and 27th of September, and on October 5th there was a street fight between the French and "some American seamen," followed by secret hints that "a much greater disturbance" would take place on the next night ; whereupon the Council ordered Heath to call out the troops, and intrusted to the Sheriff of Suffolk County the not very enviable duty of attending the troops to see "that no unlawful measure be taken in Quelling the Riot."

On the evening of October 12th the American brig Hazard came into the harbor and dropped anchor immediately alongside the schooner Dolphin, commanded by M. Bouguier, an officer of the French squadron. Although hailed and requested to move, the Americans paid no attention except to reply in terms characterized chiefly by force. The matter was then called to the attention of the authorities by the French consul, who feared the outcome, and the Council promptly told Capt. Williams to move the Hazard at once, and "to order his men not to treat the men on board the Dolphin with any opprobrious language in time to come."*

While clashes with visiting seamen have taken place even in our day, the incidents we have mentioned reveal the low regard of the American sailor of 1778 for his French brother, and doubtless the "frog-eater" epithet played its part in the proceedings. The energetic measures of the authorities, however, prevented further serious outbreaks, and it was not long before the French left for less vigorous climes.

The Saint-Sauveur incident was rediscovered, as it were, a few years ago, through an inquiry made by one of the founders of the French Society of the Sons of the American Revolution, asking where in Boston the

* Mass. Archives, Doc. CLXIX, p. 217. The Hazard was a Massachusetts brig of 16 or 18 guns, commanded by John Foster Williams. Built in 1777 she had a short but brilliant career, and was burned in the Penobscot Aug. 1779 to avoid falling into the hands of the British.

memorial to the Chevalier was located. As a result Bostonians had a rude awakening. While the story of the riot was not unfamiliar to local antiquarians, much did not seem to be known about the final action of the Court, taken out of respect to the memory of the victim, and less could be told about the place of his interment.

Upon an investigation 125 years after the resolve was passed, it was found that it had never been carried out. Just why, is a mystery. The writer saw nothing in the State Archives to indicate that Col. Dawes ever recalled the matter to the attention of the Court, although he seems to have conferred with d'Estaing about the inscription. Apparently the trying labors of the authorities during the remaining years of the war and at the birth of the new nation, served but too well to cause them entirely to forget an affair which they had every reason to hope had been ended for all time. And it was not long before the Americans of 1778 found themselves at war with their late allies.

Through the efforts of Capt. A. A. Folsom of Brookline, to whom the embarrassing inquiry above-mentioned was addressed, the matter was brought to the attention of the Legislature, and a committee was appointed which made an investigation and a report,* in which may be found many of the documents relating to Saint-Sauveur

* Senate, No. 336, April, 1905.

and his death, referred to in this paper. And on June 26, 1906, a Resolve* was signed by the Governor, authorizing the committee "to cause to be erected on behalf of the Commonwealth a monument, with a suitable inscription, in the cemetery of King's Chapel in Boston, subject to the grant of a site therein by the City of Boston," and at an expense "not exceeding fifteen hundred dollars."

Now almost seven years have passed, none of the money has been withdrawn from the Treasury, Capt. Folsom has died, and the monument pledged by the State has yet to be raised. It has been shown in the case of Lewis de Maresquelle that Massachusetts can keep a contract with the living in spirit and letter. May we not inquire whether a promise made in memory of the dead is less sacred?

D'Estaing left Boston in November, 1778, a part of his fleet getting away on the 3rd and the balance on the 4th, and no considerable French force again appeared in the harbor until nearly the end of the Revolution.† In

* Chap. 104 of the Resolves of the year 1906.

† The storm of November '2 gave d'Estaing the opportunity to escape the British for which he was waiting; but the departure of the French fleet was not uneventful. The ill-fated *Zélé* grounded hard, and the *Protecteur* and *Languedoc* behaved so badly with their new masts that it was feared they would be wrecked. D'Estaing wrote that the flagship was never in greater danger. She would not steer, and "an irresistible current pushed her ashore." Only by immediately anchoring was the vessel saved. One familiar with the tides at Hull can easily believe the admiral's story.

the interval, however, the town saw not a few French notables, and Breck says that the war brought so many French ships to Boston, "sometimes to refit and sometimes to escape the enemy," that a permanent local agent to collect supplies became necessary, and that his father was honored with the position. Indeed, Boston seems to have been regarded by the French as the best place for the equipment of their vessels.

In August, 1779, the town was visited by the new French minister, the Chevalier de La Luzerne, who addressed the Council and was introduced to the members, and afterwards tendered the invariable "public dinner." Not quite a year later (April 28, 1780), Lafayette returned from France on the French frigate *Hermione*, Capt. La Touche, bringing news of the coming of Rochambeau and his army. There was a popular outburst over the young Frenchman, and he was received on his landing by an escort of Continental officers, and by them accompanied to his lodgings, when he had paid his respects to the Legislature. But the Marquis was a man of action, and he left almost immediately for the American army, not to return until Yorktown had fallen. After his departure the gentlemen of Boston gave a ball to the French and American officers in the town.

Balch* mentions the arrival at Boston during the year 1781 of several vessels bringing funds from France,

* *The French in America*, I: pp. 140, 141 and 148.

— the frigates *Astrée* (Capt. La Pérouse), January 25th, and *Concorde* (Capt. Tanouarn), May 6th, and the two-decker *Sagittaire* in June;* and the *Boston Gazette* of September 10 makes note of the entry, four days previously, of the *Engageante* frigate “with a Quantity of Cash.” Her commander was one of the four Kergariou brothers who served in the French navy during the war.

The *Sagittaire* escorted a convoy of 633 recruits and four companies of artillery, and there returned on the *Concorde* the Viscount Rochambeau (son of the French commander-in-chief) and Barras de Saint-Laurent, the newly commissioned commander of the squadron at Newport. With them came also the Baron du Bourg, who wrote a description of Boston; but the arrival of these notables seems to have made little stir in the town.

It must not be supposed that during this period the British forgot the place; the fact is quite the opposite. The ships of His Britannic Majesty frequently cruised in the bay and along the coast, picking up valuable prizes, to the great detriment of the town's merchants. The French were sometimes asked to go out against them, and in May, 1780, *La Touche* coasted as far east as the Penobscot. Later in the same month he sailed from Boston to the southward and fought a drawn battle

* The latter was de Rions' old command which had been detached from the main fleet in April, 1780, to re-enforce the squadron at Rhode Island, and was now commanded by Montluc de La Bourdonnaye.

with a British frigate, during which he was wounded in the arm.*

September 1st, 1781, an English sixty-gun ship, out of Halifax, held up, at the very entrance of Boston Harbor, a French thirty-two, the frigate *Magicienne*, conveying a mast-ship from the *Piscataqua*. The Frenchman was forced to fight, and, though he saved his convoy, had to strike after an engagement of less than an hour, during which he had thirty-two killed and fifty-four wounded, while the British reported but one killed and one wounded,—the usual discrepancy when a frigate battled with a ship-of-the-line.† All the time there were several French vessels lying in the harbor, but they seem to have been unprepared for action, and the Englishman not only took his prize but got away with it.

Notwithstanding that the battle took place so far within the harbor that it created no little excitement,

* In July, 1781, *La Touche* in the *Hermione*, and *La Pérouse* in the *Astrée*, fought a splendid battle with five smaller English vessels, and captured two of them. Later in the war the former captain, while in command of the frigate *L'Aigle*, was taken, with his vessel, under circumstances not very creditable to him. But he lived to attain the rank of vice-admiral in the French navy. After the war *La Pérouse* was sent out by the French Government on a voyage of discovery. His two vessels made extensive explorations for three years, when they suddenly disappeared, and their fate has never been determined.

† *Clowes' History of the Royal Navy*, IV (1899), p. 74. The captain of the English vessel was Andrew Snape Douglas, and of the French vessel, *de La Bouchetière*. The ship fired a broadside of 534 pounds to the frigate's 174, and carried 170 more men.

and was plainly visible to the people who gathered to watch it from the tops of houses and the heights in the town, the stories of the affair are both meagre and conflicting.* In the local accounts the name of the British vessel is incorrectly given, which, perhaps, is not surprising. De Noailles says that the ship was the Chatham, and in this he is borne out by the latest English authority. He also says that the *Marquis* de Kergariou pursued the British, attacked the Chatham, and made a clean sweep of the waters around Boston, for which service the merchants of the town gave him a "splendid dinner," at which a number of healths were drunk "to the noise of salvos of cannon according to the custom of the country." Whether Kergariou did all this alone may be questioned, for his command (the *Engageante*) did not arrive in Boston until September 6th. The *Gazette* of September 3rd says that the French vessels which went after the English ship were the *Astrée* and the *Sagittaire*. Kergariou may have joined and cruised with them, and we know that on October 4th the merchants of Boston gave an entertainment in Faneuil Hall

* Breck says (*Recollections*, pp. 44, 45) that both ships were close to the lighthouse, that he ran to the top of Beacon Hill to witness the fight, and that it was not until four in the afternoon, and when captor and captured were out of sight, that the other French vessels started in pursuit, — the battle having taken place early in the morning. But he had forgotten the year when the fight took place and is uncertain about the vessels. That his *Recollections* are not always correct is evidenced by the fact that he confuses Bougainville with Raimondis as the officer who lost an arm on the *César* in August, 1778.

to "the Commodore" and officers of the French marine in the harbor and to M. L'Etombe, the then recently appointed Consul-General of France for the four eastern-most States of America. The party, numbering about one hundred and fifty, met at the Coffee House and Bunch of Grapes Tavern and went in procession to the Hall, where they dined at three tables. The *Gazette* of the 8th of October has a list of seventeen toasts which were given after the dinner, "at the interval of 5 minutes and accompanied with a discharge of Cannon." One might wonder what would be the effect of so many healths at such short intervals, but the account states that "notwithstanding the largeness of the Company, the most perfect Order and Decorum was preserved thro' the whole."

The toasts were as follows :—

1. Congress and the United States of America.
2. His Most Christian Majesty, the King of France,
3. His Most Catholic Majesty, the King of Spain.
4. Their High Mightinesses, the States General.
5. His Excellency, the Governor, and Commonwealth of Mass.
6. His Excellency, Gen'l Washington, and the Army.
7. The American Ambassadors at Foreign Courts.
8. His Excellency, the Chevalier de La Luzerne, Minister of France.
9. His Excellency, Count de Rochambeau, and the French Army.
10. His Excellency, Count de Grasse, and the French Navy.
11. His Excellency, Count de Barras.

12. May the Brave Remains of the American Navy Rise Superior to their Numerous Enemies.
13. The Honorable Consul General for the Eastern Department.
14. The Commodore and Officers of the King's Ships in this Harbor.
15. May the Union between France and America be as Lasting as Time.
16. The Immortal Memory of Those Who Have Bravely Fallen in Defending the Rights of America.
17. May America be as Successful in her Commerce as she is Happy in her Allies.*

The news that Cornwallis was taken had reached Boston when Lafayette returned in December, 1781. The reception of the Marquis was a veritable ovation, and well it might be, for the aid of France, for which he was so largely responsible, had proven its worth.† And upon the birth of the Dauphin, a few months later, the American people had an opportunity to express their gratitude to the French king. The event had been celebrated by the American army on the 31st of May. Hancock waited until he received "Official Annunciation" of the birth, and then (June 3, 1782), informed the General Court, concluding that he would concur in any measure which the members might think proper

* The evening before, Hancock had invited the Consul, the Commodore and his officers and some "Gentlemen and Ladies of Distinction" to a supper, before which "the Company within and the Spectators without" were entertained with fireworks "exhibited on the Green before His Excellency's House."

† Lafayette sailed from Boston December 23, again on the Alliance.

“for expressing in some public manner our Common Joy upon this Auspicious Occasion.” The Court sent back word that while they shared in the Governor’s “lively joy,” they would like his views as to how it could best be expressed “in a public manner.” To this Hancock replied that he felt himself “under peculiar Difficulties,” inasmuch as he and his Council might “either fall short of or exceed” the Court’s expectations, and he accordingly left it to the Court to select the mode of celebration “most agreeable to the Occasion.” After considering the merits of a public dinner, the Court finally decided that “a decent Collation” at the public expense would be more suitable, to be held in the Senate Chamber, attended by the Governor and Council, both branches of the Assembly and “such Gentlemen of Rank” as his Excellency might invite, and accompanied with “such Firings as are usual in Similar Occasions.”

The celebration took place Wednesday, June 12, 1782, and the newspaper account says:—

The morning was introduced by ringing the bells of the several churches, and discharging the cannon from the castle and ships in the harbour. At noon a collation was provided in the Senate chamber, when the doors were open, and the Rulers of the Commonwealth, together with a crowd of citizens convened to unite their tokens of joy. A number of toasts were given adapted to the purpose, and the whole assembly notified their happiness on the bright occasion.

At evening the house of his Excellency and other gentlemen of character were most elegantly illuminated, and a number of rockets, wheels, beehives, and other fire works displayed in the common; while the French, Continental and State ships (some of which were beautifully hung with lanthorns) fired in the channel. Indeed every order of men, in its own way, shouted benediction to the Dauphin, which is a compliment not only upon the patriotism, but the good sense of the people, who did well to consider what importance (in an hereditary kingdom) is the Dauphin; who not only from his infancy may be educated for the throne; but (life preserved) may save immense bloodshed, which so often happens where the right of a crown is disputed. This alone is a reason why even republicans, as far as they are friends of mankind, may rejoice when an heir to a great empire is born.*

Upon the surrender of de Grasse to Lord Rodney the command of the French fleet in the West Indies fell to Commodore, the Marquis de Vaudreuil, who had been the flag officer of the rear division of the French in the battle. Vaudreuil rallied his ships at Cape Francis (now Cape Haitien) and on the 4th of July with thirteen ships of the line, three frigates, a cutter and two American brigs, sailed for North America to refit. Arriving at the mouth of the Chesapeake, he detached a frigate on the 26th of July with a message to Rochambeau, informing the Count that the fleet was on its way to Boston and,

* *Boston Gazette*, June 17, 1782, and a similar account may be found in the *Independent Ledger* of the same date.

receiving the Count's reply, headed north once more, and reached Boston on the 9th of August, 1782.

Of the fleet which now assembled in the harbor at least four carried eighty or more guns, the other liners being seventy-fours.* Some came to anchor at Nantasket, some in King's Road, and two came up near the town.† One of the latter was the flagship *Triomphant*, and Breck says that she was placed directly opposite Long Wharf and hove down by means of two brigs stationed on her starboard side. He says he played around her in a sail boat when she was in that position, and that from the shore her exposed copper bottom looked like "a green island." The other vessel which moored in the inner harbor seems to have been the *Couronne*.

As was the case with *d'Estaing*, *Vaudreuil* had not been long in the harbor when it was feared that his fleet might be attacked by the British, and the fortifications at the harbor's entrance once more assumed importance. This time, however, the State furnished the men to do the work. *Vaudreuil* had informed *Rochambeau* that

* The fleet was made up, according to *de Noailles* (p. 289, note) as follows: *The Triomphant* 80, *Couronne* 84 (at p. 406 he says 80), *Auguste* 80, *Duc de Bourgogne* 80, *Neptune* 80 (at p. 406 he says 74), and the *Northumberland*, *Magnifique*, *Souverain*, *Brave*, *Pluton*, *Hercule*, *Bourgogne*, and *Citoyen* 74; the frigates *Néréide* and *Amazone* 36, the *Iris* 32, a 14 gun cutter and two 16 gun brigs.

† *Deacon Tudor's Diary* (Boston, 1896) p. 94. He mentions however only ten "large" ships. But the newspapers give a list of thirteen ships of the line, corresponding with the French accounts.

he was short of artillery and grenadiers and, anticipating the wants of the French Commodore, Washington wrote Hancock to be prepared to furnish him with such militia as he might call for. When on September 7th Vaudreuil urged the Governor to assist him in defending "the passages to Boston" Hancock at once complied. In his request Vaudreuil stated that he had established batteries on Nantasket peninsular and on the bordering islands, but that his engineers and artillery officers thought it necessary to throw up other works to protect his flanks, and he asked for intrenching tools and materials, and for 250 men.*

These men were stationed at Hull, and as no provision was made for their keep they were supplied out of the French commissary. October 21st Vaudreuil wrote Sam Adams, acknowledging the help the Commonwealth had rendered him and advising the Senate that as it did not seem likely any movement would be made by the enemy, he had concluded to suspend work on the forts. Whereupon the militia were withdrawn and arrangements made to reimburse the French. Probably little more was done at this time than to repair and strengthen the existing defences. †

* Mass. Archives, Doc. CCIV, p. 261. The State accounts mention 230 militia, but Vaudreuil always referred to the force as "workmen."

† Cf. de Noailles, p. 324. "Put in repair through the orders of the Marquis de Vaudreuil," said a French officer, speaking of the works on the islands. (Letter to L'Étombe, the French Consul, Dec. 28, 1782; Mass. Archives, CLXXII, p. 266.) "Put in repair and augmented by

The vessels of Vaudreuil's fleet were new to Boston, and in the list of principal officers there is but one name which recalls the four years previous, that of d'Albert de Rions, who with new laurels now returned in command of the seventy-four *Pluton*, a ship which he had nobly handled under the unfortunate Count de Grasse.* But all of Vaudreuil's ships-of-the-line had participated in the Battle of the Saints, for the most part under the captains who brought them to Boston. De Grasse particularly recommended the Marquis for his work in the battle, and Charitte, of the *Bourgogne*, and MacCarthy Martaigne,† of the *Magnifique*, won praise for their actions. The *Couronne* was gallantly fought by her commander, the Count Mithon de Genouilly; and the new captain of the *Auguste*,‡ the Count Vaudreuil,

Marquis Vaudreuil," wrote L'Étombe to the Court in March, 1783, referring to the works on Gallup's Island and Nantasket peninsular. (Mass. Archives, CCXXXIX, p. 136.) These letters called attention to the thefts from the fortifications which took place after the departure of the fleet. Indeed, the French seemed to have felt a peculiar interest in the works "erected by the Count d'Estaing."

* Captain Mahan points out that although the *Pluton* was the extreme rear ship of the French line in the Count's last battle, she nevertheless had reached a position near the commander-in-chief before he struck. (*Influence of Sea Power*, p. 502.)

† This man's name is written so many ways in the accounts that it is hard to say what is the correct spelling. I have adopted the form used by Lacour-Gayet, the most recent authority.

‡ The commander of the *Auguste* in the battle was Bougainville, whom de Grasse seriously, but unwisely, blamed for the defeat of the French. The other new commanders with Vaudreuil were Puget-Bras on the *Hercule*, and de Médine on the *Northumberland*. In the battle the latter had commanded the *Réfléchi*, and the Count Vaudreuil the *Septre*. Neither of the vessels last mentioned came to Boston.

brother of the commander-in-chief, had been in the thick of it on another vessel, when de Grasse went down to defeat.

Vaudreuil stayed a long time at Boston awaiting the arrival of Rochambeau's victorious army, and during his sojourn he was joined at intervals by other vessels until, at his departure in December, the fleet under his command, as given by de Noailles, numbered thirteen liners and nine frigates. Among the new-comers was Suffren's old sixty-four, the *Fantasque*, which had been disarmed at Brest in November, 1779, and turned into a transport, and was now used as a hospital ship. She was in such a state of dilapidation as to be unable to leave with the rest of the fleet, and was left at Providence, R. I. Whether she ever got as far as Boston is questionable.*

Almost as soon as Vaudreuil arrived, the authorities greeted him and his officers at a public dinner, held Wednesday, August 21, 1782, the Council stipulating "that Mr. Marston be contracted with to provide for the Entertainment." † When the French army reached

* The following interesting advertisement appeared in September (1782) issues of some of the Boston newspapers :

"The Ship of the Line *FANTASQUE* belonging to his Most Christian Majesty at this Time unnecessary for his Service is to be Let with her Appurtenances, Rigging and Tackling, as she now lies in the River of Providence. The Consul General of France, residing in Boston, will receive any reasonable Proposition on that head."

† The dinner was held at Faneuil Hall and attended by "more than 250 persons," and the whole celebration seems to have been a pretty noisy affair. Coming up the harbor the guests were saluted from the

Boston, four months later, the vote in respect of the dinner to the staff and field officers, which the Council unanimously agreed "was not only expedient but necessary," was even more explicit, viz. : that it be held "at Colonel Marston's at the Bunch of Grapes in State Street." *

The merchants presented Vaudreuil with an address to which he graciously replied. There were dinners on the Triumphant, and Duc de Bourgogne and Vaudreuil won the praise of the community by sending ashore three engines and two hundred men when a fire occurred at a "Brew-House" in the north part of the town. Only one incident occurred to mar the joy of the celebrations, and that took place at an early date and was happily mended. On entering or moving about in the harbor the seventy-four *Magnifique*, in charge of a Boston pilot, was run upon the western end of Lovell's Island, at a place since sometimes called Man of War Bar, where she remained fast and became a total loss, though her crew and stores were saved. †

At the time there was building at Portsmouth, N. H., the seventy-four gun ship *America*, authorized in No-

Castle and from Fort Hill. Received by Governor and Council in the Senate Chamber they "proceeded to the Hall through a croud of spectators" where they were again saluted. And after the dinner there were the usual toasts with more "discharge of cannon." *Independent Chronicle*, Aug. 26th, 1782.

* Wednesday, December 11th, 1782.

† Tudor enters the event in his *Diary* under date of August 14. The same vessel had very nearly sunk off Savannah in 1779, being saved only by the most prodigious efforts.

vember, 1776, the first seventy-four constructed for the United States Navy, and on September 3d, 1782, Congress presented her to Louis XVI to replace the *Magnifique*. The principal sufferer in the transaction was John Paul Jones, to whom Congress had voted the command of the vessel June 26, 1781, and who had superintended her construction off and on from that time. Just before the gift to the French King, Jones had celebrated on the ship the birth of the Dauphin and the Declaration of Independence, supplying the guns and powder for the former occasion at his own expense. He was somewhat put out that nothing was said of him when the presentation was made,* and on November 29th he requested leave of Congress to join the French squadron. The request was readily granted, and Jones was commended for his zeal and recommended to the Marquis de Vaudreuil. He came to Boston, was received by Vaudreuil with distinction, and left on the *Triomphant*.

The *America* was launched November 5, 1782, and turned over by Jones to McCarthy Martaigue, who had commanded the lost liner. A few of the French ships — including the *Pluton* and the *Auguste* — appear to have been at Portsmouth on the occasion, and to have remained there for some little time; but it was several months before the new vessel was ready for sea and she did not leave with the fleet. The reader will

* See his letter to Robert Morris [October 10, 1783], in *John Paul Jones Commemoration* (Washington, 1907) at pp. 162, 163.

doubtless be surprised to learn from Lacour-Gayet that although built with great care, the first American seventy-four at the end of but four years' service was in such condition "because of the poor quality of her wood" that the French Minister of Marine decided to demolish the ship and to replace her with another seventy-four of the same name.* Some say, however, that she was captured by the British off Toulon, June 1, 1794.†

The pilot of the *Magnifique* afterwards became the sexton of the New North Church, and the story is a familiar one that he more than once found this couplet chalked on the meeting-house door :

Don't you run this ship ashore
As you did the seventy-four.

The French troops reached Boston early in December, 1782, and the town witnessed a real military pageant, sufficiently described by Drake in his "Old Landmarks and Historic Personages of Boston." The troops in-

* *La Marine Militaire sous Louis XVI*, p. 417, note; Cf. Breck, *Recollections*, p. 46. "She was built of common oak, had been long on the stocks, and I think I heard it said that she never went to sea after her arrival at Brest."

† See Walter H. Fentress, *Centennial History, Portsmouth Navy Yard* (1875), pp. 27-29; Emmons, *Statistical History, U. S. Navy*, p. 4. But Preble says this is a mistake, and that the ship captured in Lord Howe's engagement was a new ship launched a short time previous. Capt. George Henry Preble in *N. E. Hist. and Gen'l Reg.* XXII, 393, at pp. 397, 398. Although an unusually large vessel, Preble says that on account of her peculiar lines the *America*, with lower decks closed, presented the appearance "of a delicate frigate." And he quotes a description of her as given by John Paul Jones. *Ibid.*, p. 399.

cluded the bulk of the force that Rochambeau had led to victory in the struggle for the independence of the English colonies, and they were the flower of the French army. The commander-in-chief had parted with his men at Providence, leaving it to Baron de Vioménil to accept the plaudits of the enthusiastic Bostonians. Reviews, receptions, dinners and balls were the order of the day, and the Baron was given an address of welcome. For the French soldiers, however, the fighting was not over. France had need of them elsewhere, and they were embarked on the ships as soon as possible.*

Under date of December 24th, Heath wrote in his Memoirs, "His most Christian Majesty's fleet under the command of the Marquis de Vaudreuil came to sail in King and Nantasket Roads, and went out to sea having the army under the command of General Vioménil on board." † And so ended a most interesting chapter in the History of Boston.

* For the disposition of the troops on the various ships see de Noailles, pp. 407-409. The troops which were to have gone on the *Fantasque* were afterwards taken by the *America*.

† Stone says (*Our French Allies*, p. 530) that the *Auguste* and *Pluton* with the frigates *Amazone* and *Clairvoyant* sailed from Portsmouth, N. H.

NOTES

A

THE FLEET UNDER THE COMMAND OF THE MARQUIS
DE VAUDREUIL AT THE TIME OF HIS
DEPARTURE FROM BOSTON.

(De Noailles, Marins et Soldats Français en Amérique, p. 406).

Ships :

Le Triomphant	80 guns	de Montcabrier
L'Auguste	80 "	Comte de Vaudreuil
Le Brave	74 "	Comte d'Amblimont
Le Souverain	74 "	Commandeur de Glandevès
La Couronne	80 "	Comte de Mithon de Genouilly
Le Pluton	74 "	d'Albert de Rions
Le Duc-de-Burgogne	80 "	de Coriolis d'Espinouse
Le Neptune	74 "	Renaud d'Aleins
Le Citoyen	74 "	Chevalier d'Ethy
La Bourgogne	74 "	Chevalier de Charitte
Le Northumberland	74 "	Chevalier de Médine
L'Hercule	74 "	Chevalier du Puget-Bras
Le Fantasque		de Vaudoré

Frigates :

La Néréide	40	"	Froger de l'Éguille
L'Amazone	36	"	de Gaston
L'Isle-de-France			Elyot
Le Clairvoyant			d'Aché
La Reine-de-France			
L'Allégeance			
Le Shirley			
Le Warwick			
La Prudence			

B

REPORT OF THE COMMITTEE ON THE FORTIFICATIONS IN
BOSTON HARBOR, 1777.

(Massachusetts Archives — Documents, Vol. 137, p. 142).

State of Massachusetts-Bay

In the House of Representatives, Jan^y 31st 1777.

The Com^{tee} of Fortificati^{on}, appointed by a Resolve of the General Court of the 15th Inst, to make report, to this Court, of the present State of the Fortifications & other works of Defence in & near the Harbour of Boston, & what they judge further necessary to be immediately done in order to put said Harbour into a better state of Defence — And also to Report what number of Men & Guns they apprehend necessary to defend the Same; & Report a General Plan of Defence in Case of an Attac; RE-PORT

Hull

That at Hull, is a Pentagonal Fort, well constructed, & nearly finished; within the Fort is a very good Well; a good Ditch on the outside, friezed on the Berme, but the Glacis not finished; in the Fort is wanted a Blind, a Magazine, a Guard-House & two

Barracks ; on the outside is wanted a Bridge, Covered-Way & Place of Arms ; & the Fort has 16 Embrasures. There are also two Batteries well constructed, open to the Fort, but well defended against the Channel ; one of these has 5 Embrasures, but wants another to be added, to rake Stony-Beach ; the other has 8 Embrasures. At Hull, is a good Hospital, distant on the outside of the Fort, with a Guard-House, & Barracks sufficient for 6 or 700 Men besides barracking in old Houses &c. — Besides these works, there ought to be a Redoubt on the Western Hill, containing room enough for about 100 Men, & 5 or 6 Field-Pieces in it—and there also ought to be a Battery, on Point-Alderton, of 3 or 4 heavy Canon, open to point-alder-ton Hill, upon which there ought to be a Block-House with Barrack-room enough for 150 Men, and 8 Field-Pieces in its top, with a good Breast-Work. And perhaps there ought to be at Hull another Battery, or one of these enlarged, which may preclude the necessity of heavy Cannon in the Fort.

Quere :
Whether
Strawberry-
Hill Should be
fortified? and
the Great
Brewster?

That on Pettick's-Island, upon the great Hill, there ought to be a Redoubt with 6 or 8 pieces in it & Barracking enough for 150 Men : And this Should command a Battery, on the East-Head, of 4 or 5 Pieces of heavy Cannon.

Pettick's Isl'd

That on Hoff's Neck, on the Main, there ought to be a Redoubt with Barrackage enough for 100 Men ; the Breast-work to have four or 5 Embrasures for 12 Pounds to keep open the Communication between the Main & Pettick's-Island.

Hoff's-Neck

That the Channel on the back of George's-Island ought to have Some Hulks sunk therein, so as to prevent any large Ships passing that way ; this will necessarily oblige such Ships, in passing in or out, to come $\frac{1}{4}$ of a Mile nearer to the Batteries at Hull, & to continue much longer under their Guns ; and this will also bring them near to the proposed Battery on the East head of Pettick's Isl'd.

Channel on
the Back of
George's
Island

- Long-Island** That at Long-Island there is a Fort laid out, but far from being finished; designed for 30 Guns; to have 2 Ravelins, & one Battery, for outworks— Besides these, there ought to be a Redoubt on the great Hill, with Barracks for 150 Men, & 8 or 12 Guns in a good Breastwork. There are 3 Barracks erected, & 2 or 3 more will be wanted, with a Guard-House & Magazine.
- Moon-Island** That on Moon-Island there ought to be a Redoubt with Barracks for 100 Men, with 5 or 6 Ps of 12 Pounders, to keep open the communication between this & Long Island: To this ought to be added, a Small Redoubt upon Squantum (on the Main) with 4 or 5 Six Pounders to keep up the communication between the Main & Moon-Island.
- Point Shirley** That a small work at Point-Shirley is already erected, at which place are old buildings enough for 100, or 150 men: 5 or 6 Ps of Cannon, with 2 or 3 Field Ps; will be Sufficient for this Post.
- Castle-Island** That at Castle-Island, much is done towards putting it into a good State of Defence, & much more is still necessary; when the Plan is finished, there will be about [42] Embrasures; & 16 are already opened; there are 4 Barracks finished, & 4 more will be needed.
- Governor's Island** That at Governor's-Island, there is a Block-House with a Breastwork; & Barrackage for about 100 Men; & 1 Embrasure in the Breastwork; and the work is all finished.
- Dorchester-Point** That at Dorchester-Point is a well finished Fort, of the Star-kind, with 13 Embrasures; a Guard-House within, & Barracks enough near at hand, on the outside. At Dorchester-Heights are two Small Forts, with 11 Embrasures in one of 'em, and 9 in the other; These want one or two Ravelins. And at a Hill between [the] Heights & Point, there ought to be a Redoubt &c. There are Barracks enough for all.
- Dorchester Heights and Hill**

A Small Battery is already at Fox-Hill; and another Battery ought to be between that & the Fort at the Point.

That at Noddles-Island, is a Quadrangular Fort, well finished, & Barracks enough for about 400 Men on the outside: This fort has 19 Embrasures. This wants one or two Ravelins to make it more defensible.

That at Boston is a Quadrangular Fort, well finished; but the Comtee are of opinion, that if the Stockading was taken up, & the Berme Friezed, it would be much better. In this Fort are 19 embrasures.

And that at Charlestown point is an irregular Fort, with 9 Embrasures. At Bunkers Hill is an irregular work with 7 Embrasures. And Barrackage enough for about 300 Men.

Names of Places	32, 36 and 42 Pounds	24 and 28 Pounds	18 Pounds	9 and 12 Pounds	6 Pounds	2, 3 and 4 Pounds	Numbers of men in time of Action	Number of men at other times, in war
	Hull	6	20	9	21	6	24	1500	750
Petticks Ifld	..	..	5	..	8	..	150	75
Hoff's Neck	..	..	4	..	..	..	100	10
Georges Ifld	..	..	..	..	..	..	..	..
Long Ifld	..	30	..	8	..	..	750	300
Moon Ifld	..	..	..	6	..	..	150	10
Squantum	..	..	..	..	6	..	100	10
Deer Ifld	..	..	..	..	..	..	..	..
Cattle Ifld	14	28	..	..	..	..	1000	400
Govrs Ifld	..	..	1	..	..	8	100	10
Dorch ^r Point	3	..	10	..	..	..	150	10
Dorr Heights & Hill	..	..	..	..	28	6	300	30
Dorchester Batt	..	6	..	..	..	..	100	10
Noddles Ifld	..	6	14	..	8	6	500	50
Boston	..	20	..	..	..	8	500	50
Charlestown	..	..	..	16	..	..	200	30
	23	110	43	51	56	52	5600	1745

To this must also be added, what is absolutely necessary, a Sufficient number of Boats, especially at Hull, for carrying the Troops &c, on or off, as occasion may require.

The Com^{tee} further report, as their opinion, That there ought to be some experienced Person appointed to the Special command of these Fortifications, whose duty Should be pointed out as plain as possible, & should be particularly directed to visit frequently all these works & report to the Board of War (or Such others as he may be directed to report to) all Such matters under his inspection, as he may Judge will promote the Service: This Officer ought to be such as the Militia, when called in, will cheerfully Serve under; and being Supposed to have made himself well acquainted with all the Works, & obtained a competent knowledge of the weakneses thereof, as well as the best mode of defence for every part, he ought not to be superceded without a manifest reason, especially in time of action; to which Should be added an arrangement of Command. Supposing an Attac from the Sea, *Hull* must be particularly attended to, with the works near it; further up the Harbor, few men would be suddenly wanted; for as *Hull* lies most exposed, there and near it, must always be a good Garrison to prevent a Surprize; but upon an alarm, all the other Forts further up the harbor, will be filled with Men before an enemy can force his Passage; and no Officer of the Enemy, who knows his duty, will ever venture to force his passage into this Harbor, until he has made himself Master of Nantasket (supposing it (the harbor) to be fortified as aforesaid) for there would not be any chance for his Safety. An Attac on the Land-side, could not take place without a general Alarm, which would soon fill the Forts &c with as many Men as there would be occasion for: In this case, Dorchester-Heights, Charlestown & Boston, would demand the Commanders more particular attention. As the mode & place of Attac will admit of a great variety of Plans,

fo the defence muſt alſo vary: & this Shews the difficulty of Reporting any thing further than a General Plan. In doing this, the Com^{tee} found themſelves under a kind of neceſſity to take notice of the *Command*, which they would not have done (not being explicitly in their Commiſſion) had not difficulties upon that head, been very apparent; & it being almoſt impoſſible to contemplate a General plan of Defence, without conſidering, at the ſame time, the *mode of Command*: This the Com^{tee} plead in excuſe.

The Com^{tee} having had long Service, & ſome of it very fatiguing, aſk leave to reſign; & they humbly propoſe that a Com^{tee} be appointed to ſettle their accounts, pay off the outſtanding debts (when aſcertained by the preſent Com^{tee}) & direct what is further to be done reſpecting the fortifications of the Harbor of Boſton.

J. PALMER, P^r ord^r.

In Council Feb^r 4, 1777

Read & Sent down

Jⁿ^o. AVERY, Dpy Secy



A LIST
OF
INHABITANTS IN BOSTON,

1695

FOREWORD

THE following list of Inhabitants of Boston in 1695 forms a contribution to the history of the municipality which is even more interesting than the list entitled "Assessors' 'Taking Books' of the Town of Boston, 1780," which was printed in the preceding volume of the Bostonian Society's Publications.

The Provincial list of 1695 antedates the Revolutionary list by almost one hundred years, and carries us into the century in which Boston was founded; yet we find in it many names which have come down to us of the present day. Among such names are Winthrop, Aspinwall, Henchman, Sheafe, Cunningham and Appleton. Among the obsolete names are Newgate, Shrimpton, Bellingham, Franklin, Copp and Faneuil.

Among names of note, we find Cyprian 'Southwork' [Southack], navigator and cartographer, Samuel Sewall, the jurist and diarist, Josiah Franklin, the tallow chandler and father of a famous son, Peter Sergeant, the wealthy merchant and builder of what was later the Province House, and Waitstill Winthrop, grandson of the founder of Boston and jurist and soldier.

The list is printed from one in the handwriting of Isaac Child, who probably copied it from the original in the office of the City Clerk of Boston. Isaac Child, born 1792, died 1885, was a well-known genealogist of his time, and treasurer of the New England Historic Genealogical Society from 1857 to 1860. He was also engaged in business pursuits, and served at one time as Town Clerk of Argyle, Maine.

The list was printed in the Boston Record Commissioners' Reports (vol 1: 1876), but the Committee on Publications of the Society feel justified in reprinting it in this volume, as the publication in which it first appeared in 1876 is out of print and therefore difficult to procure.

The book, in which Isaac Child's list is written, recently passed into the possession of the New York State Library, and we are indebted to the officials of that department for permission to print the list in this publication.





A LIST
OF
INHABITANTS IN BOSTON, 1695

- | | | |
|---|----------------------|--------------------|
| 1 | John Atwood | John Allen printer |
| | Thomas Adkins | David Avignon cook |
| | Mathew Armstrong | 7 John Arnold |
| | Samuel Avis | Wid Allen |
| 2 | David Adams | John Adams Senr |
| | Jonathan Adams | Edward Ashly |
| | Joseph Adams | Theodor Atkinson |
| | Humphrey Atherton | Robert Archer |
| | Joseph Arnold | John Adams malster |
| 3 | Jose Appleton | Joseph Alexander |
| | John Alden | 8 John Alger |
| | Nathaniel Alden | John Allen |
| | Joseph Allen | James Andrews |
| | Abraham Adams | Elisha Adlin |
| | William Arnold | Henry Allen |
| | Joseph Amy | Silence Allen |
| | John Alcock | Barachial Arnold |
| 4 | William Alden | Richard Ackerman |
| | John Alden, Junr | 9 Roger Adams |
| | Allen Aughtletree | 10 Roger Adams |
| 5 | Bozoun Allen | Samuell Asbenwall |
| | William Ardell | 1 Robert Brinsdon |
| | Jeremiah Allen | Samuell Burnell |
| 6 | Isaack Addington | Thomas Baker |
| | Wid Aviry | Edward Bud |
| | Joseph Alerton | Daniell Ballard |
| | Benjamin Alford | Josiah Baker |
| | William Adams gloavr | Phillip Bas |
| | Jeremiah Allen | William Burroughs |
| | Raphaell Abandana | Thomas Berry |

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|---|----------------------|---|-----------------------------|
| | Phillip Bowden | | Nicolas Bow |
| | Natha Blake | | Peter Bowden |
| | John Bowden | | John Bashoon |
| | John Borden | | Hugh Barton |
| 2 | John Bernard | | James Babbage |
| | Samuell Burrell | | Daniell Bristow |
| | Thomas Bernard | 5 | James Barnes |
| | William Brown | | Wid. Bellingham |
| | Robert Benjar | | Button |
| | John Butler | | Abraham Blish |
| | Nathaniel Baker | | Peter Barber |
| | John Barber | | Edmund Brown |
| | Elisha Bennet | | William Bryant |
| | John Bolt | | William Barbut |
| | Georg Burrell Junr | | Thomas Beete |
| | James Berry | | Nicolas Buttolph |
| | John Buchanan | | John Bishop |
| | Benjamin Bream | | Edward Bartles |
| | John Bayly | | Georg Badcock |
| | Oliver Berry | | Edward Brown |
| | John Barrell | | John Brown |
| | Newcome Blake | | Edward Brattle |
| | Georg Beard | | Bond |
| | Daniell Bisco | | John Booker |
| | Ambrose Berry | | James Boury |
| | John Beales | 6 | Isaak Biscon |
| 3 | Francis Burroughs | | Wid. Mary Button |
| | Wid Rebecka Blackman | | Henry Brightman |
| | Gilbert Bant | | Andrew Belcher |
| | Edward Beers | | Richard Brown |
| | John Ballantine | | Gabriell Bernoon |
| | John Baker | | John Briggs |
| | Thomas Burrington | | William Briggs |
| | Robert Blabber | | Richard Buckley |
| | Josiah Bayles | | Peter Butler |
| | John Belcher | | Joseph Belknap |
| | William Barnsdell | | David Basset |
| | Henry Bennet | | Alexander Bulman |
| | Stephen Billion | | Francis Brock |
| | James Bankes | | Thomas Brown |
| | Peter Basset | | Edward Boilston |
| | Richard Brooks | | Thomas Baker |
| | Edward Beers | 7 | Robert Butcher |
| 4 | Samuell Barret | | Nathaniell Bayfield |
| | Wid Briggs | | Nathan ^l Balston |
| | Wid Bridges | | Abraham Brown |
| | Joseph Billings | | Thomas Bossenger |
| | Richard Bernard | | Samuel Bridge |
| | John Benmore | | Stephen Butler |
| | Moses Bradford | | John Barry |
| | Jarvis Ballard | | Samuell Bill |
| | James Barton | | Thomas Brattle |
| | William Billings | | Benjamin Bagworth |

John Balston	William Cop
Jakheel Brenton	Edward Cruft
Jonathan Balston Senr	Henry Chamlet
Jonathan Balston Junr	William Chamlet
John Boreland	Samuell Clark mariner
Joseph Bridgham	Christophers
Philip Bargier	Thomas Coates
John Blore	William Clements
John Beard	David Cop
William Boatswain	William Critchfield
William Butler	John Cobbet
Samuell Boon	2 John Clark
Stephen Badger	William Cole
8 Edward Bromfield	Nicolas Cocke
Wid. Burges	John Carlile
Thomas Banister	John Colmer
Samuel Bickner	Joseph Chamberlain
Jonathan Belcher	John Child
John Bennet	David Cop Senr
John Balston carpenter	David Cop Junr
John Bull	Jeremiah Cushing
Thomas Baker	Percival Clarke
Joseph Brisco	Mungo Craford
John Bourn	John Candish
Benjamin Blackleach	Ebenezer Clough
Richard Buckley	Daniell Collins
Francis Buckit	Samuell Cop
William Burrage	John Cunnibar*
Robert Brown	3 Thomas Child†
9 Jeremiah Belcher	Wid. Checkley
James Bill	Wid. Cranmer
Jonathan Bill	Courser
Joseph Bill	Elias Callender
William Bordman	Samuel Checkly
John Bull	Ralph Carter
Thaddeus Barrow	John Combes
Briant Bredon	Richard Cheever
Thomas Boilston	John Carslen
Georg Bearstow	John Cotta Senr
Joseph Buckmaster	John Cotta Junr
1 William Coleman	Thomas Cushing
Job Chamberlain	Stephen Cross
Jonas Clark	John Curtis
Ezkeel Clesby	Ebenezer Chapin
William Clough	Jonathan Cockcraft
Robert Comby	John Conny
Samuell Clark carpenter	4 William Critchfield

* John Cunniball Boston Town Records.

† Probably ancestor of Thomas Child a distiller in Essex Street, and resided in the house afterward occupied by Col. Wallach. Susanna, dau. of Tho. Child (b. Aug., 1730; died 1811) mar'd William Sheaf whose son was an Officer in the British Service.

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|---|------------------------|----|------------------------|
| | Wid. Callender | | John Clough glazier |
| | Wid Cheever | | Georg Clark Senr |
| | Jonas Clay | | Georg Clark Junr |
| | John Coleman | | Richard Cob Senr |
| | Thomas Cooper | | Richard Cob Junr |
| | Edward Creek | | Timothy Clark |
| | Anthony Checkley | | Joseph Crowell Sen |
| | Duncan Campbell | | William Clap |
| | Mathew Cary | | Richard Critchfield |
| | John Canniball | 9 | John Center |
| | Stephen Clay | | William Colmer |
| 5 | Richard Crisp | 10 | Abraham Chamberlain |
| | Georg Cable | | Joshua Child |
| | Thomas Clark | | Samuel Clark |
| | William Cros | 1 | Jacob Davis |
| | William Crow | | Samuel Durram |
| | Samuell Clough | | William Davis |
| | John Campbell | | William Dennis |
| | Mathew Collins | | Peter Dunbar |
| | Thomas Cook | | Henery Dickerson |
| | Thomas Coram | | Leonard Drown |
| 6 | Samuell Checkly | | Lawrence Drisco |
| | Thomas Crees | 2 | Joseph Dowding |
| | James Cornish | | Wid. Dolberry |
| | John Clesby | | Charles Demerit |
| | John Cary | | Samuell Dyar |
| | Andrew Cunningham | 3 | Gyles Dyar |
| | Richard Christopher | | Robert Dove |
| | John Cook | | Henry Dawson |
| | Elisha Cook | | John Dyar |
| | Thomas Cornish | | John Dorrell |
| | Timothy Cunningham | | Joseph Dean |
| 7 | Caleb Chapin | 4 | Samuel Dower |
| | John Cutler | | Wid. Dowell |
| | John Clough | | Ambrose Daws |
| | William Clark | | Doubleda |
| | John Cook | | John Draper |
| | David Crowch | | William Deusberry |
| | Abraham Christopher | 5 | Henry Deering |
| | Gilbert Cole | | Wid Dudson |
| | Thomas Carter | | John Dosset |
| | John Clampit | | Richard Draper |
| | Edward Chamden | | Edmund Dolbear |
| | John Cole mariner | | Samuel Daniell |
| 8 | John Cole schoolmaster | 6 | Benjermin Davis |
| | Joseph Crowell Sen | | Jeremiah Dumer |
| | Wi Sarah Crowell | | James Downing |
| | Wi Hannah Crowell | | Thomas Davis cooper |
| | Wi Margaret Corwin | | Thomas Davis shoemaker |
| | Henry Cole | | Moses Deschamp |
| | Robert Calt | | John Davenport |
| | John Cornish | | Seth Dwight |
| | Joshua Cornish | 7 | Benjamin Dyar |

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|------------------------|-----------------------|
| John Dyar | 6 John Eyer Esq |
| Obadiah Dickerson | Jonathan Everet |
| Adam Dinsdall | Obidiah Emons |
| Dinsdall | 7 John Egbar |
| Edward Drinker | Thomas Eyres |
| Philip Delarock | 8 Robert Earl |
| Joseph Dayes | Edward Ellis |
| Obadiah Dew | Samuell Earl |
| Nathaniel Dew | Daniell Ellin |
| Richard Delyy | Edward Eglinton |
| Simon Daniell | Roger Earl |
| John Dingly | Robert Ellis Junr |
| John Doan | Joseph Elliot |
| 8 Edward Durant | Esset |
| W. Sarah Davis | 9 William Eustus Senr |
| W. Davis | William Eustus Junr |
| Thomas Down | 10 John Ellis |
| Sylvanus Davis | 1 Jonathan Farnum |
| Mathew Delevar | 2 John Foster Esq |
| Moses Dry or le sic | David Farnum |
| Eleazer Darby | John Farnum Senr |
| 9 Thomas Dowty gon | William Frothingham |
| 10 John Druce | John Farnum Junr |
| John Devotion | Stephen French |
| Erasmus Drue | Philip Fenoe |
| Joseph Davis | John Frizell |
| Edward Devotion | Gabriell Fishlock |
| 1 William Everden | 3 Gypson Far |
| Robert Edmonds | Jacob Fermaside |
| Joseph Eldridge | John Figge |
| Jonathan Evans | 4 James Fowl |
| John Eyer carter | Wid. Fitch |
| David Eustus | James Farris |
| John Eyeres Junr | Francis Foxcroft |
| Robert Edmonds | John Foy |
| 2 William Endicot | Henry Franklen |
| David Edwards | 5 Capt Fox |
| James English | Hopestill Foster |
| Henery Emes | 6 Thomas Field |
| Benjamin Emmes | Benjamin Fonnell |
| Eccles butcher | Thomas Fitch |
| John Earl | John Fonnell |
| John Elliset | John Fairweather |
| Emes carpenter | Benjamin Fitch |
| 3 Benjamin Emmons Junr | Duncan McFarland |
| John Endicott | Robert Franks |
| Jonathan Elasson | 7 Josiah Franklin |
| 4 William Everton | Wid. Fairweather |
| Benjamin Emons Senr | John Fosdick |
| John Eustus | Richard Flood |
| Martha Ely | Thomas Fox |
| 5 Georg Elliston | William Fisher |
| Richard Ely | 8 Joseph Flood |

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|---|-------------------------|----|---------------------|
| | Wid. Frost | | Wid. Gross |
| | Gyles Fyfield | | 5 William Gibbond |
| | Theophilus Frary | | Wid Gardner |
| | James Flood | | Wid Gross |
| | Richard Fyfield | | Robert Guttridge |
| | Joseph Fuller | | Robert Gibbs |
| | Alexander Fullerton | | Enoch Greenleaf |
| | John Ferry | | Nathaniell Green |
| 9 | John Floid Senr | | James Green |
| | Hugh Floid | | Duncan Garnock |
| | John Floid Junr | | Richard Green |
| 1 | James Glass | | John Green |
| | John Greenough | | William Gull |
| | James Goodwin | 6 | Jeremiah Gypson |
| | Robert Gammon | | James Gouge |
| | Samuell Greenwood, Senr | | Edward Gouge |
| | Obidiah Gill | | Rebeckah Griffin |
| | Samuell Greenwood Junr | 7 | John Greenleaf |
| | Joseph Grant | | Martha Grentham |
| | William Gill | | Samuel Grey |
| | James Grant | | Baldwin Gouge |
| | Abraham Gourding Junr | | Nathaniell Green |
| | Thomas Goodall | | Thomas Grehan |
| | Joseph Glidden | | Benjamin Gillam |
| | Bartholomew Green | | David Gwin |
| 2 | John Goodwin | | Thomas Gent |
| | Joseph Gallop | | Ichabod Gale |
| | Benjamin Gallop | | Anthony Gretian |
| | Thomas Gold | 8 | Isaak Goose |
| | Thomas Gilbert | | John Glover |
| | Abraham Gourding Senr | | Richard Gridley |
| | John Goff | | William Gibbonds |
| | John Green | | Thomas Gold |
| | James Grey | | Bartholomew Green |
| | Samuell Grice | | Samuell Goskell |
| | Edward Grice | | Anthony Grenhill |
| | Edward Goff | | Gyles Goddard |
| | John Gallant | 10 | Thomas Gardner |
| | Samuell Gardner | | Wid. Gates |
| 3 | Joshua Gee | | Wid. Gardner |
| | Christopher Goff | | Joseph Gardner |
| | Regnall Grinian | | Joshua Gardner |
| | Lot Gourding | 1 | Francis Hudson |
| | John Gawd | | William Hobby |
| | Robert Glover | | Nathaniell Henchman |
| | Henry Gibbs | | Richard Honowell |
| 4 | John Gwin Junr | | William Hough |
| | William Gypson | | Thomas Hunt |
| | Thomas Gwin | | Richard Holt |
| | William Griggs | | Nathaniell Hall |
| | Thomas Graford | | John Hiskott |
| | John Garret | | Stephen Honowell |
| | John Georg | | John Hodgden |

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|---|-----------------------|----|------------------------|
| | Joshua Hewes Junr | | Richard Harris |
| | Samuell Hermon | | Joseph Hill |
| | Samuell Holmer | | Ephraim Hall |
| 2 | Elisha Hutchinson | | William Hayden |
| | Wid. Henly | | Edward Hill |
| | Robert Howard | | Abraham Harrison Clerk |
| | John Hobby | | James Hill |
| | Dr William Hughs | | Thomas Hill Junr |
| | Joseph Hillar | | Benjamin Holoway |
| | Erasmus Harrison | | William Holowell |
| | Joshua Hewes Junr (1) | | Thomas Hay |
| | Nathaniell Halsey | | Isaak Hallum |
| | James Howard | | Torrence Henly |
| 3 | David Harris | | Richard Hubbard |
| | Wid. Hawkins | | William Holloway |
| | Elias Heath | | Nicholas Hopkins |
| | Thomas Hitchborn | 8 | James Harris |
| | Elizur Holioak | | Nathaniell Holmes |
| | Samuell Holland | | Joseph Holmes |
| | Thomas Hatherly Senr | | Nathaniell Hatch |
| | Thomas Hatherly Junr | | Greenhill Honowell |
| 4 | Thomas Hunt | | Joseph Holmes Junr |
| | Wid. Harris | | Henry Hill mariner |
| | Thomas Harwodd | | John Hubbard |
| | Thomas Harris | | Thomas Hall |
| | George Hallet | 9 | Joseph Hasey |
| | Arthur Hall | | William Hasey |
| | James Hawkins | 10 | Robert Harris |
| | John Hunlock | | Daniell Harris |
| | John Horton | | Timothy Harris |
| | William Hannah | | Robert Harris Junr |
| | William Harris | | Nathaniell Holland |
| | Hercules Hewet | 1 | John Jarvis |
| | Gustavus Hambleton | | John Ireland |
| 5 | Georg Horbuckle | | Nathaniel Jarvis |
| | Wid. Horridge | | Thomas Johnson |
| | Francis Holmes | 2 | Thomas Jackson |
| | William Hall | | Wid. Joles |
| | John Hill | | Matthew Jones |
| | Eliakim Hutchinson | | Joseph Jackson |
| | Joshua Howes | | Samuell Jackson |
| | Samuell Hood | | Gazheriah Johnson |
| 6 | Lawrence Hammond | | John Jenkins |
| | Wid. Hacket | | Nicholas Ingoldsby |
| | Ambrose Honowell | | John Jenkins mariner |
| | William Hill | 3 | Samuell Jewell |
| | John Henderson | | Wid. Jacobs |
| | William Haberfield | | John Jepson |
| | Benjamin Harris | | William Jepson |
| | Jacob Halwell | | Thomas Jepson |
| | Nathaniell Halsey | 4 | Samuell Jackline |
| 7 | Ebenezer Hayden | | Wid Jose |
| | Wid. Huns | | Aaron Jeffords |

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|----|-----------------------|---|---------------------|
| | Lt. Jarvis | | Peter Lawrence |
| | Benjamin Jackson | | Lancelot Lake |
| | Isaak Jones fisherman | | Peter Leach |
| 5 | Henry Ingram | | Thomas Lamb |
| | David Jeffrys | | Daniell Loving |
| | David Johnson | | Capt. Lassells |
| | David Jenners | 4 | John Love |
| 6 | Job Ingram | | John Loverin |
| | Wid Jones | | Phillip Langdon |
| | Samuell Johnson | | Isaak Loving |
| | James Jarvis | | William Lavis |
| | Samuel the Jew | 5 | Samuell Lynde |
| 7 | John Joyliff Esq | | Wid Lash |
| | Roger Jud | | Francis Legaree |
| | Nathaniell Johnson | | William Lacky |
| 8 | John Johnson | | James Lebloud |
| | Isaak Jones | | Edward Loyd |
| 9 | William Ireland | | Ebenezer Lowell |
| 10 | | 6 | Samuel Leg |
| 1 | Thomas Kellond | | John Lewis |
| | Timothy Kemble carp | | Richard Lix |
| 2 | Richard Knight | | Lampree |
| | Wid Kind | 7 | David Langdon |
| | Deborah Kean | | Joseph Lowell |
| | John Keetch | | Ebenezer Luscomb |
| | Timothy Kemble | | John Lemond |
| 3 | Andrew Knot | | Joshua Lane |
| | John Kneeland | | Robert Logden |
| | Solomon Kneeland | | Richard Lowden |
| 5 | Roger Kilcup | 8 | Thomas Linkhorn |
| | Christopher Kilby | | Samuell Landman |
| | John Kilby Senr | | John Levensworth |
| | William Keen | | Joseph Lobden |
| | John Kilby Junr | | John Lee |
| | Keemes | | John Leach |
| 6 | Ralph Kilcup | 1 | Francis Marshall |
| | Solomon Kneeland | | John Marshall |
| | John Killio | | Elias Maverick Senr |
| | Samuell King | | Robert Moor |
| 7 | Nathaniell Keetle | | Peter Marshall |
| 8 | John Kolton | 2 | Richard Middlecott |
| | Richard Keates | | Wid. Mountford |
| 9 | | | Lydia Moor |
| 10 | | | Wid. Moor |
| 1 | Robert Lash | | Wid. Matthews |
| 2 | John Langdon | | Amos Murrell |
| | John Lawson | | Edward Mortimer |
| | Robert Lad | | Edward Martin |
| | Thomas Lazenby | | Thomas Mitchill |
| | John Lowden | | John Mountford |
| 3 | Samuell Lillie | | Henry More |
| | Wid. Lillie | | Edmund Mountford |
| | Thomas Littlepage | | Christopher Mont |

Andrew Mariner
Thomas Martin
John Mills
Robert Maugridg
Edward Mills
3 James Macollie
Wid. Maning
Wid. Main
Thomas Martin
Samuell Mattock Senr
Samuell Mattock Junr
Joseph Mariner
Richard Miles Junr
4 Thomas Mercer
Stephen Minot
William Manly
Georg Mountjoy
John Mulligan
William Mountford
Richard Moril
Thaddeus Macarta
5 Henry Mountford
Wid. Matson
Eleazur Moody
Robert Maxwell
Benjamin Mountford
Thaddeus Macarta
John Maxwell
James Moans
James Montier
William Man
Thomas Melans
Medcalp
Merit
6 David Mason
Elizabeth Mors
Joseph Malam
Florence Markarta
Thomas Marshall
James Maxwell
George Monk
Arthur Mason
Simeon Messenger
Archiable Macquedick
Hannah Man her husband
Francis Mors
Alexander Miller
7 John Marsh
Wid. Man unicorn
Isaak Marion butcher
John Marion Senr
Samuell Marion
Robert Mason

Paul Miller
Miles mariner
John Mico
Samuell Marshall
John Morris
Thomas Messenger
James Marshall
Nicholas Mead
Nathaniell Miles
William Molton
8 John Mulberry
Wid. Mason
John Marion Junr
Daniell Mory
Jacob Molyon
John Mason
Jacob Mason
Henry Miles
Samson More
Joseph Marsh
Joseph Marshall
John Marsh at keris
9 Paul Maverick
10 Dorman Moreau
1 John Nash
Georg Nowell
John Nedham
Ezekiell Nedham
Nathaniell Newhall
Joseph Nash
2 John Nicols
David Norton
Thomas Nulline
Georg Newby
3 Francis Nocks
4 Timothy Nash
5 Thomas Newson
John Nelson
Capt Newhall
6 Jabesh Negus
Robert Nokes
Nathaniell Newgate
7 Samuell Norcross
Sarah Noyes
8
9
10
1
2 John Oliver
3 John Orris
4
5 Thomas Oakes
6 Widdow Oxenbridge

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|----|----------------------------|---------------------|
| 7 | Nathaniell Oliver | Thomas Phillips |
| | Daniell Oliver | John Pasco |
| | Regnall Odall | William Parsons |
| | Richard Ozum | William Pain |
| 8 | Nathaniell Oliver repeated | Robert Price |
| | Richard Oakman | Francis Parnoll |
| | Widdow Oxford | Peter Parrot |
| | William Obison | Stephen Palmer |
| 9 | | William Philps |
| 10 | | Joyliff Price |
| 1 | John Prat | 5 Richard Proctour |
| | Widdow Perkins | Widdow Powning |
| | Nathaniell Parkman | Samuell Plumer |
| | John Pullen | Daniell Powning |
| | John Parmiter | Thomas Perkins |
| | John Pittam | Thomas Peeke Junr |
| | William Parkman | Elkanah Pembrock |
| | James Pitts | Thomas Palmer |
| | John Pitts | John Pitts |
| | Gerard Pursley | Benjamin Pemberton |
| | Richard Pears | Thomas Plats |
| | Samuell Pool | William Pain |
| | Joseph Parrum | 6 Joseph Parson |
| | Elias Paddington | Widdow Phillips |
| | William Pearse | Samuell Phillips |
| 2 | Timothy Prout | Joseph Prince |
| | Joseph Prout | Henry Put |
| | Edward Peggy | Nicholas Paig |
| | John Palmer | James Pemberton |
| | John Pears | Richard Peacock |
| | Edward Proctour | John Pastree |
| | John Pim | 7 Jonathan Pollard |
| | Thomas Parker | Anna Pollard |
| | John Plaisted Senr | Jose Phillips |
| | John Plaisted Junr | Hugh Perrin |
| | Robert Pears | John Pool |
| | Ebenezer Parmiter | William Phillips |
| | Prindle | William Pain smith |
| | Edward Porter | John Potwine |
| | Thomas Prankin | Michael Perry |
| | Samuel Pain mariner | John Parker |
| 3 | Ebenezer Price | Samuell Phillips |
| | Widdow Pierson | Mr Pain from noffot |
| | Widdow Prince | Edward Pumvee |
| | Widdow Pemberton | David Pollard |
| | William Palfery | John Pecke |
| | Joseph Peires | 8 Thomas Prince |
| | Joshua Peacock | Widdow Pearce |
| | Elias Puddington | Thomas Powell |
| | John Parker | Samuell Pears |
| | Pousland | Seth Perry |
| 4 | Richard Priest | Nathaniell Purdees |
| | Humphery Parsons | John Pell |

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|------------------------|-----------------------|
| Daniell Phippany | William Ridgill |
| William Porter Junr | Andrew Rankin |
| Richard Pain mastmaker | William Randall |
| Henry Perkin | 8 James Randall |
| John Potter | William Ruck |
| Nathaniell Peather | 9 |
| 9 Thomas Prat | 10 |
| Edward Phillips | 1 Henry Sharp painter |
| 10 Solomon Phips | John Smith |
| John Parker | Thomas Hopkins |
| 1 Joseph Roberts | Josiah Stone |
| John Roberts | Robert Seers |
| Anna Richards | Richard Shoot |
| Widdow Rainsford | Arthur Smith |
| James Robes | Nicholas Salisbury |
| Georg Robinson | John Stover |
| John Robinson | Joseph Snelling |
| Joseph Robinson | John Scally |
| John Rainsford | William Shute |
| John Russell | John Sowther |
| David Robinson | James Seward |
| John Rucke Junr | Samson Shoar |
| 2 Ralph Rainsford | Michael Shoot |
| Obadiah Reed | John Snelling |
| William Roby | Anthony Stoddard |
| Samuell Russell | John Silly |
| James Raimer | Samuell Sweetman |
| Joseph Russell | 2 William Shepard |
| William Rous | Edward Sumers |
| Risee mariner | John Scate |
| Benjamin Rawlings | Jabesh Salter |
| 3 John Richards | John Simons |
| James Ranstrop | John Sunderland |
| Joseph Ryall | William Stratton |
| Ralph Rainsford | Joseph Switcher |
| Richard Richardson | Widdow Stephens |
| Charles Roberts | Benjamin Snellings |
| George Raison | Christopher Sleg |
| 4 John Rickes | John Shine |
| John Rogers | Samuell Shaddock |
| 5 John Roberts | James Statson |
| John Ryall | James Seward |
| Humphrey Richards | Richard Sherrin |
| Joseph Rogers | Joseph Skinner |
| Nathaniell Raynolds | 3 James Statson |
| Samuell Ruck | Robert Starkee |
| 6 Joseph Raimer | Pilgrim Simkins |
| John Rowstone | William Snell |
| Caleb Ray | John Somes |
| Joseph Russell | Maj Thomas Savage |
| William Randall | Thomas Standbury |
| Gamaliell Rogers | John Sellman |
| 7 John Rilee | Alexander Seers |

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|---|-------------------------|----|-----------------------|
| | Seth Smith | | Widdow Sanderson |
| | Nicholas Sparry | | Widdow Small |
| | John Simson | | Alexander Simson |
| | Thomas Steel | | Elizur Star |
| | Thomas Simkins | | Joseph Simson |
| 4 | Abraham Smith | | Eneas Salter |
| | Elizabeth Stephens | | Michael Shaller |
| | James Smith | | Mathias Smith |
| | Thomas Savage goldsmith | | Robert Sanderson |
| | Ephraim Savage | | Samson Sheaf |
| | Cyprian Southwark | | Eneas Salte gunr |
| | Gregory Sugars | | Samuel Salter |
| | Moses Shedboard | | Sherlow |
| | John Salisbury | | Robert Smith gent |
| | Thomas Storey | | Joseph Soper |
| | Jacob Smith | | Nicholas Stoughton |
| | John Spencer | 9 | John Smith |
| 5 | Henry Spry | 10 | Thomas Stedman |
| | Richard Sherrin ? | | Nathaniel Stedman |
| | Coll Samuell Shrimpton | | Ralph Shepard |
| | Peter Shabbod | 1 | Timothy Thornton |
| | Samson Stodeard | | Richard Tout, Junr |
| | Capt. Smithson | | William Towers |
| | Searson | 2 | Daniell Turell |
| | Thomas Savage mariner | | Sarah Turell |
| | Widdow Swet | | Widdow of Capt Turell |
| 6 | Simeon Stoddard | | Widdow Thomas |
| | Widdow Stoddard | | Daniell Travis |
| | Nathaniell Shannon | | Georg Thomas |
| | Francis Smith | | John Trow |
| | Joseph Scot | | Thomas Townsend smith |
| | Briant Smith | | Christopher Taylor |
| | Robert Sanders | | John Tucker mar |
| | Peter Sheridan | | Thomas Townsend |
| | John Shaddock | 3 | Samuell Turell |
| | Epaphras Shrimpton | | Joseph Townsend |
| 7 | Samuell Smith | | Richard Tally |
| | Savel Simson | | Benjamin Tout dead |
| | Stephen Sergeant | | Thomas Tyler |
| | John Smith baker | | Samuel Thorn |
| | Thomas Smith stiller | | John Tenny dead |
| | Peter Sergeant Esq | | James Treaworthy |
| | Gyles Sylvester | | Anthony Thorning |
| | Thomas Shepcot | | at Lyon Rampart |
| | Rowland Storey | 4 | John Thwing |
| | Joseph Stocker | | Isaiah Tay |
| | Bartholomew Sutton | | Jeremiah Tay |
| | William Sutton | | Bartholomew Treenedle |
| | John Smith the smith | | Daniell Thomson |
| | Windor Sandy | 5 | Matthew Turner |
| | William Slack | | Edward Thomas |
| 8 | Samuell Sewall Esq | | James Thornbury |
| | & Mrs. Hull | | Thomas Thornton |

- | | | | |
|----|-------------------------|---|----------------------|
| | John Thwing | | Widdow Warren |
| | Benjamin Thaxter | | Widdow Waters |
| 6 | Nicholas Tipseet | | Richard White |
| | James Taylor | | Obadiah Wakefield |
| | Penn Townsend | | Amos Wodlin |
| | Francis Thrasher | | John Wakefield Senr |
| | Bernard Trot | | John Wakefield Junr |
| | John Tuckerman | | Adam Winthrop |
| | Samuell Tilly | | Andrew Willet |
| | James Townsend | | Timothy Wotsworth |
| 7 | William Turner | | Edward Worrell |
| | William Tilly | | William Wheeler |
| | John Temple | | John Waters |
| | John Tuckerman Junr | | Wiar boatman |
| 8 | Edward Taylor | | Joseph Wadsworth ml |
| | Widdow Thair | | John Walley Senr |
| | Peter Townsend Senr | | Widdow Walker |
| | Peter Townsend Junr | | Samuell Walker |
| | William Tedman | | Thomas Windsor |
| | Georg Turpery | | Benjamin Web |
| 9 | Samuell Townsend | | Samuell Wentworth |
| | Elisha Tuttle | | Nathaniell Williams |
| | Edward Tuttle | | Jonathan Waldo |
| | John Tuttle | | James Williams |
| | John Tuttle | | Francis Whitman |
| 10 | John Torey | | Whitehorn |
| 1 | David Vaughan | | at Wentwouths |
| | John Viall | 4 | John Waldo |
| | Thomas Veering | | John Watkins |
| 2 | Christopher Vale | | Andrew Waker |
| 3 | John Veering | | William Wilson |
| | James Vpdick | | Thomas Walker |
| 4 | John Vicars | | Ebenezer Weeks |
| 5 | John Vscher | 5 | Benjamin Walker |
| | Peter Varhee | | Samuell Ward |
| 6 | Andrew Veatch | | Joseph Web |
| 7 | | | John Watson |
| 8 | Joseph Vicars | | Edward Winslow |
| 9 | | | James Wood |
| 10 | | | John Wiswall |
| 1 | Joseph Williams | | William Welsted |
| | Samuell Woodward | | Dr. Richard Williams |
| | Laurence White | 6 | Richard Wilkins |
| | Samuell Workman | | Widdow Ware |
| | John Welch | | Sarah Webster |
| | John Water | | Widdow Waendunch |
| | Benjamin Williams | | James Worth |
| | Andrew Wilson | | Robert Williams |
| | Samuell White mariner | | Thomas Wheeler |
| | Samuell White carpenter | | John Wilson |
| | Benjamin Worsley baker | | John Walker |
| 2 | Richard Way | 7 | Cornelias Waldo |
| | Widdow Worsley | | Martha Wharton |

John Williams	Peter Ware
James Webster	Edward Willis
David Walsby	Joseph Wheeler
John Wally Junr	John Williams
John Wenchcomb	William Web
Edward Wanson	William Wheeler
Elizabeth Whetcomb	Thomas Wallace
Michael Willis	9 Aaron Way
John Winslow & mother	Dean Winthrop
Maj John Wally	Jose Winthrop
Daniell Willard	Thomas Williams
William Welsted Junr	John Wait
Joseph Web	10 Joseph White
8 Wait Winthrop Esq	Widdow White
Thomas Walker Senr	Benjamin White
Thomas Waker Junr	John Winchester
John Wait	Josiah Winchester
Return Wait	Thomas Woodward
William Wallace	Georg Woodward



THE NEWDIGATE FINE

BY

W. T. R. MARVIN, Litt. D.

FOREWORD

THIS paper was prepared by Dr. Marvin at a time when he knew that in all probability he would be unable to read it before the Society. It was completed only a few weeks before his death.

With no previous experience in such transcription, with failing sight and strength, Dr. Marvin spent hours in patient and painstaking study, and finally arrived at a practically complete and substantially accurate translation. Being obliged to work from a photographic copy of the original which is too cumbersome to handle, and being confined to his home, he was limited in his resources, and therefore there were certain omissions and errors in his translation which he was unable to correct. Through the courtesy of Mr. Frederick L. Gay, of Brookline, a member of the Society, the paper was sent to a professional scrivener in London, who has revised and completed the transcriptions and translation.

As the article is now printed it is accordingly the work of Dr. Marvin, checked and corrected by a competent authority. The result is an accurate deciphering of one of the most interesting legal documents in the country.

D... *[Portrait of a woman with long, curly hair]* ...

S... *[Decorative border with animals and foliage]* ...

... *[Gothic text]* ...

[Decorative floral border at the top]



THE NEWDIGATE FINE

BY

W. T. R. MARVIN, LITT. D.



AMONG the collections relating to the history and antiquities of Boston in the possession of our Society, is a curious old document, framed, written on parchment, twenty-seven inches wide and twenty-one deep, to which is attached a large seal, four inches in diameter, with the Royal Arms. In the upper left corner is a portrait of King James the Second, of England, adorned with elaborate pen and scroll-work, his title, in large Old English letters, running across the top, with a very ornate border of foliage above, animals of wondrous form, etc., conventionally drawn after the fashion of the times, and a much simpler border at the sides. Similar

parchment blanks were evidently a part of the usual stock in trade of the law-stationers and scriveners of the period; they served to furnish a suitable heading or prefatory page for documents deemed of more than ordinary importance. The location of the shop of the stationer from whom this was purchased appears in a line of small script, below a threatening dragon, near the lower part of the border, and reads, "*Sold in Cliffords Inne Lane.*"

The language in which this document is written is the peculiar Latin used in the Courts of the time; as engrossed, it is full of contractions, — conventional abbreviations, in the custom of the professional scriveners (then a body of much importance), and in the style of penmanship which they affected, — many of the letters, especially the capitals, being entirely unlike those in business use. How the ordinary layman, when handed such a document by his counsel, could discover its meaning without an interpreter, is a mystery. It was doubtless the difficulty of deciphering this manuscript, when not only the mode of procedure under which it was drawn, but the language in which it was written, — the old "law-Latin, flavored with Norman French," — had passed almost entirely from use at the bar, that led to the misstatements as to what it really was when it was presented to the Bostonian Society. Perhaps we cannot do better than reprint the description as it appeared in the Society's Catalogue of its possessions.

NATHANIEL NEWDIGATE'S "FINE," or grant of land at Rumney Marsh, June 15; recorded Dec. 21, 1687, "for his Majesty, James II's territory and dominion of New England;" given by Governor Andros to replace the deed declared void after the overthrow of the first charter of the Massachusetts Bay Colony; an original deed, beginning, "Jacobus Secundus," written in black-letter on a sheet containing the portrait of the King, printed in scroll-work, and a border of animals, with the written words, "Sold at Clifford's Inn Lane;" at the bottom, the signature of the King and an impression of the Great Seal in wax; probably the only such original conveyance in America. Given by WILLIAM W. GREENOUGH.

The numerous errors in the foregoing (some of which were pointed out by Judge Mellen Chamberlain in the first volume of his "History of Chelsea")* cannot justly be attributed to Mr. Greenough, but must have originated in the attempt of some inexperienced person to preserve the traditions concerning this interesting document, when it was given to the Society. It is correctly called "Nathaniel Newdigate's Fine." The "grant of land" (so-called, but improperly, according to an old

* "This document, the text of which is in Latin, and the script old style and very ornate, seems to have been incorrectly labelled and catalogued. The seal attached is neither the private seal of Andros, . . . or the seal of New England . . . All but the first page is missing; it appears to be the judgment or fine of the Court of Common Pleas at Westminster, England, in a common recovery to bar the entail." (Vol. I., footnote p. 80).

authority), was not "given by Governor Andros to replace the deed declared void, etc.," but came from the Court of King's Bench at Westminster, and has the official signature of the King, probably not an autograph, but placed there by the proper Court officer (the official chirographer who also signs), and the special Royal seal set apart to be used for such purposes, which must have been attached in London.

The story that it was given by Andros to replace an earlier deed, probably grew out of one of the well-remembered slurs on the early Indian grants to the Colonists. When the haughty Royal Governor declared that those old deeds were worth no more than the scratch of a bear's paw, the alternative to the proprietors was resistance to Andros, or petitioning for new deeds.

"Nathaniel Newgate, owner of the great Newgate farm at Rumney Marsh . . . was among the first to perfect his title by petition* . . . June 1, 1687, an Indenture was signed between Nathaniell Newdigate *alias* Newgate of London, merchant, and John Shelton and Nicholas Brattle, also of London, according to which Newgate agreed to levy a 'ffine sur Conusans de droit come ceo &c.' during 'this p'sent Trinity Term' in the Court of Common Pleas at Westminster for his lands in Charlestown . . . unto said Shelton and Brattle,

* Chamberlain, *History of Chelsea*, I, pp. 79, 167, 168.



OFFICIAL SEAL OF THE KING'S BENCH, WESTMINSTER

Affixed to the "Newdigate Fine"

said fine to enure to the use of said 'Nathaniell Newdigate *alias* Newgate his heires and Assignes for ever and to and for none other vse intent or purpose whatsoever.' The first page of the fine levied in pursuance of this agreement hangs on the walls of the Bostonian Society's rooms in the Old State House.

"Both the indenture and the fine were recorded 'by John West, D. Secry' in the 'Secrys Office for his Maties Territory and Dominion of New England att Boston,' December 21, 1687 . . . It is known that Newgate was in Boston as early as November 15, 1687, and was desirous of selling the farm. Possibly he hoped that the court's judgment would strengthen his title to resist attack by the Andros government." *

A layman, unskilled in the law of England as practiced three centuries ago, might well suppose that this Fine with its ornate heading, its pompous array of royal titles, and its great seal attached at its foot, was the original document complete as we have it; but an examination shows that it has no signatures of the parties concerned, whereas William Brown, an English authority, whose work on Fines, published in 1725, is mentioned below, says, "The Cognizor must subscribe

* "Mass. Archives, cxxix, 54, (autograph petition endorsed '16d July 1688 — Pet of Nath^l Newgate.') A deed or fine, as it was called, — the only original known to me, — . . . Its date is 1687, June 15, and it was recorded . . . but not with Suffolk Deeds, — possibly in a separate volume now lost." (Chamberlain, Footnote, p. 79.)

his name at the right hand side." From this and the wording of the document it would appear that this manuscript is what is technically known as the Chirograph of a Fine, that is, an official copy attested by the royal seal, issued in duplicate to the parties to the conveyance it embodies, and retained by one of them. Judge Chamberlain was therefore partly correct when he said it was only the first page of a conveyance, and the rest lost.

The Judge remarks that it is "the only original known to him." We know of no other Chirograph of a Fine in this country, but have been informed that there are fragments of Fines in other Libraries, which have not been translated, so far as we are able to discover.

At the time when Fines were in use, the word had various significations, and was not confined to penalty, as one might naturally suppose. In seeking information concerning the subject, the better to discover what our mysterious document had to reveal, I have consulted several ancient legal authorities of the seventeenth and eighteenth centuries who have written on Fines. One of the most enlightening of those I found is in the Library of the Harvard Law School, — a volume which once belonged to William Read, Esq., a prominent Boston attorney in his day. It is entitled, "The Law and Practice of Fines and Recoveries, by R. Manby, late of Lincoln's Inn, Gent. London, 1738." From this authority, and one or two smaller works of later date, I

have gleaned the material given below, for which I make this general acknowledgment.

Fines were used for numerous purposes at various times, but we must confine ourselves to the particular style and use of the class to which this belongs. At the period when the Newdigate Fine was levied, a Fine was "an instrument of Record (improperly called a deed) of an amicable composition or final agreement made in a formal *fictitious suit* betwixt parties by their own consent, without real controversy, concerning Lands, Tenements, etc., by the consent or license of the King or his Justices in the Court of Common Pleas. . . . It is called a Fine (Latin *Finis*), because it makes a final agreement and end of all controversies." "It supposes a Litigation or Controversy to have been, where, in reality, there has been none, but only invented and made to secure the Title a Man has in his Estate against all Men, or to cut off Entails, etc."

Fines were said to have six parts; the first is the original writ and the precept containing the mandatory words to the Conusees to hold covenant with the Conusors. The Conusee is the fictitious demandant, or claimant; the Conusor is the fictitious defendant or "Deforciant," which position he voluntarily assumes. The Conusor levies the Fine. (Manby, p. 10). The "Conusance is an acknowledgment that the lands, etc., contained in the writ belong of right to the demandant, as land which he has of the gift of the Tenant, with a

general release and warranty to the Conusee and his heirs." The second part is that known as the "King's Silver," the fee paid when the permission to agree (*licentia concordanti*) is granted by the Court. Third, the "Concord" or agreement between the parties. Fourth, the Note of the Fine—an abstract of the original writ, taken out by the chirographer. Fifth, the "Foot of the Fine," wherein are included the parties, the thing granted, the date, year and place, and before whom the "Concord" was made. It is called the Foot of the Fine because it is the last part. The sixth part consists of the "Proclamations," not an essential part, and needs no comment here. It is called a Fine, "finalis Concordia, *quia finem litibus imponit*," — *i. e.*, because it puts an end to litigation.

Before leaving this part of the subject, it will be interesting to note how easily some of these fictitious law-suits were nullified on occasion. Cruse (in *Social Law Library*), writing much later, says, "In later times the tenant calls on some other person, a fictitious character, nominally supposed to have warranted the title, praying that he may be called in to defend it. This voucher—customarily the Cryer of the Court of Common Pleas, appears in Court and assumes defence. Demandant asks leave of Court to confer in private with the voucher, which is granted. The demandant returns and the voucher disappears or is defaulted, and the demandant recovers."

As to the Latinity of this document, it was doubtless quite in accord with the standard practice of the times, but the chirographers and scribes used so many contractions (as was the universal custom), abbreviations and quaint terminals, that only an expert was competent to explain to a layman just what meaning was intended. Of these this Fine seems to have its full share. As good an example of some of the simplest of these contractions as the writer can cite, will be found in the fourth and third words from the end of the first manuscript line of our original. The last character of each of the two closely resembles the Roman numeral 3; it indicates an e. The words, if written in full, would be *literae nostrae*, but the chirographer's quill has condensed the seven letters in each into three characters each. Numerous similar contractions, some much more difficult to explain, occur throughout the document.

It is evident that errors in grammar, as well as those growing out of indistinctness, in these contractions could not fail to occur. It was in recognition of this danger that a statute was enacted (as we learn from Cruse), in the reign of Queen Elizabeth (XXIII: c. 3; f. 2), which provided that "No Fine shall be reversed for false or incongruous Latin . . . interlining . . . or want of form in words and not in substance." With such a law on the statutes, no very high standard of accuracy — one might almost say of care — was to be expected.

These contractions constitute the chief difficulty in deciphering the document. Fortunately, in a complete copy of an original Fine, printed in Latin, in Manby, and in a Form for Levying a Fine, explaining its parts, etc., in a "Treatise on Fines by William Brown: E. & R. Nutt and R. Gossling, In the Surry, MDCCXXV," I was able to find a number of forms of expression corresponding to doubtful words in Newdigate, which proved very illuminating; indeed, without these, my labor which has occupied the greater part of my leisure for the last year, would have proved fruitless.

It has seemed best to give not only the abbreviated form transcribed as nearly as type will follow the original but also the Latin words at length, without the contractions and abbreviations, as less confusing.

With this long, but I hope not needless preliminary explanation, I submit my reading to the charitable consideration of my fellow-members.



CHIROGRAPH OF A FINE

I

THE TRANSCRIPT

TRANSCRIPTION OF THE LATIN AS ABBREVIATED IN THE ORIGINAL. THE SCRIVENER'S SIGNS OF CONTRACTION ARE NECESSARILY OMITTED. THE ENDS OF THE MANUSCRIPT LINES ARE INDICATED BY NUMBERS IN PARENTHESES.

JACOBUS SECUNDUS DEI gra Angl' Scocie ffranc' & Hibnie Rex fidei defensor &c. OMIBZ ad quos p'sentes Ire nre pven'int Saltm (1) SCIAT' qd int' Recorda ac pedes finiu' cum pclam' inde fcis scdm formam Statuti in huiusmodi casu nup' edit' & (2) pvis' coram Justic' nris d' Banco apud Westm' d' t'mio Sce Trinitatis Anno regni nri t'cio CONTINET^r sic: (3) LONDON// Hec est finalis Concordia fca in Cur' Dni Regis apud Westm' a die Sce Trinitatis in tres septiman' regnoq [interlined] Dni (4) Jacobi scdi dei gra Angl' Scocie ffranc' & Hibnie Regis fidei defens' &c. a conqu' t'cio Coram Edwardo (5) Herbert Thoma Street Edwardo Lutwich & Cristofero

Milton Justic' & alijs Dni Regis fidelibz tunc ibi' p'sentibz (6) INT' Johem Shelton & Nichm Brattle quer' ET Nathanielem Newdigate alias Newgate deforc' De (7) duobz mesuagijs vno horreo tribz stabulis duobz gardinis duobz pomar' trecentis & quinquaginta acris t're & coia pastur' p omibz av'ijs cum p'tin' in Charles (8) Towne Rumney alias Rumley marsh & hogg Island in New England in America in Civitate London VNDE plitm conventois sum' fuit (9) int' eos in eadem Cur' Scilt qd p'dcus Nathaniel recogn' p'dca ten' & coiam pastur' cum p'tin' esse ius ipius Johis vt ill' que ijdem (10) Johes & Nichus hent de dono p'dci Nathanielis Et ill' remisit & quietclam' de se & hered' suis p'dcis Johi & Nicho & hered' (11) ipius Johis imppm Et p't'ea idem Nathaniel concessit p se & hered' suis qd ipi warrant' p'dcis Johi & Nicho & hered' ipius Johis (12) p'dca ten' & coiam pastur' cum p'tin' cont' p'dcm Nathanielem & hered' suos imppm Et p hac recogn' remissione quietclam' warrant' fine & (13) concordia ijdem Johes & Nichus deder' p'dco Nathanieli ducentes libras sterlingor' IN CUIUS rei testimoni' Sigillum nrm ad (14) Bria in Banco p'dco Sigiland' deputat' p'sentibz apponi fecim^s T E. Herbert apud Westm' xv die Junij Anno r' n' supradco.

LANE . . .

JREX.

II

THE EXTENSION

LATIN VERSION WITHOUT CONTRACTIONS. THE ENDS OF THE MANUSCRIPT LINES IN THE ORIGINAL ARE INDICATED BY NUMBERS IN PARENTHESES. THE PUNCTUATION IS PARTLY SUPPLIED.

JACOBUS SECUNDUS DEI gratia Anglie Scocie ffrancie et Hibernie Rex fidei defensor &c. OMNIBUS ad quos presentes littere nostre pervenerint SALUTEM : (1) Sciat is quod inter Recorda ac pedes finium cum proclamationis inde factis secundem formam Statuti in huiusmodi casu nuper editi et (2) provisi coram Justiciarijs nostris de Banco apud Westmonasterium de Termino Sancte Trinitatis Anno regni nostri tertio CONTINETUR sic : (3) LONDON// Hec est finalis Concordia facta in Curia Domini Regis apud Westmonasterium a die Sancte Trinitatis in tres septimanas [regnoq interlined in very small letters] Domini (4) Jacobi Secundi dei gratia Anglie Scocie ffrancie et Hibernie Regis fidei defensoris &c. a conquestu tercio : Coram Edwardo Herbert Thoma Street Edwardo (5) Lutwich et Cristofero Milton Justiciarijs et alijs Domini Regis fidelibus tunc ibidem presentibus (6) INTER Johannem Shelton et Nicholaum Brattle querentes ET Nathanielem Newdigate alias New-

gate deforciantem De (7) duobus mesuagijs vno horreo tribus stabulis duobus gardinis duobus pomarijs trescentis et quinquaginta acris terre et communia pasture pro omnibus averijs cum pertinentibus in Charles (8) Towne Rumney alias Rumley marsh et hogg Island in New England in America in Civitate London: VNDE placitum convencionis summonitum fuit (9) inter eos in eadem curia, Scilicet quod predictus Nathaniel recognovit predicta tenementa et communiam pasture cum pertinentibus esse jus ipsius Johannis vt illa que (10) ijdem Johannes et Nicholaus habent de dono predicti Nathanielis Et illa remisit et quietclamavit de se et heredibus suis predictis Johanni et Nicholao et heredibus (11) ipsius Johannis imperpetuum : Et preterea idem Nathaniel concessit pro se et heredibus suis quod ipsi warantizabunt predictis Johanni et Nicholao et heredibus ipsius Johannis (12) predicta tenementa et communia pasture cum pertinentibus contra predictum Nathanielem et heredes suos imperpetuum : Et pro hac recognicione remissione quietclamacione warantizacione fine et (13) concordia ijdem Johannes et Nicholaus dederunt predicto Nathanieli ducentas libras sterlingorum : IN CUJUS rei testimonium Sigillum nostrum ad (14) Brevia in Banco predicto sigillandum deputatur presentibus apponi fecimus : Teste E. Herbert apud Westmonasterium xv die Junij Anno regni nostri supradicto.

LANE . . .

J[ACOBUS] REX.

III

THE TRANSLATION

JAMES SECOND, by the Grace of GOD King of England, Scotland, France and Ireland, Defender of the Faith, etc., TO ALL to whom [these] our present letters may come, Greeting. KNOW YE that among the records and Feet of Fines with the proclamations thereof made according to the form of the Statute in that case late enacted and provided, before our Justices *in Banc* at Westminster for the Term of Holy Trinity in the third year of our reign, it is CONTAINED as follows: LONDON// This is the Final Concord made in the court of our Lord the King at Westminster within three weeks from the day of the Holy Trinity, and of the reign [interlined] of our Lord James Second, by the Grace of God King of England, Scotland, France and Ireland, defender of the Faith, etc., the third from the conquest: Before Edward Herbert, Thomas Street, Edward Lutwyche, and Christopher Milton, Justices, and others faithful to our Lord the King then [and] there present, BETWEEN John Shelton and Nicholas Brattle, plaintiffs, AND Nathaniel Newdigate alias Newgate, deforciant, Concerning two messuages, one barn, three stables, two gardens, two orchards, three hundred

and fifty acres of land and commonage of pasture for all animals with appurtenances [interlined] in Charles Town, Rumney alias Rumley Marsh and Hogg Island in New England in America, in the City of London. WHEREOF a plea of covenant was summoned between them in the same Court, Namely that the said Nathaniel admits the aforesaid tenements and commonage of pasture with their appurtenances to be the lawful estate of John himself, as those which they the said John and Nicholas hold by gift of the aforesaid Nathaniel, and which he has remised and quitclaimed from himself and his heirs to the aforesaid John and Nicholas and to the heirs of him the said John forever. And afterwards the said Nathaniel granted for himself and his heirs that they will warrant unto the aforesaid John and Nicholas and the heirs of him the said John, the aforesaid tenements and commonage of pasture, with their appurtenances against the aforesaid Nathaniel and his heirs forever. And for this acknowledgement, remise, quitclaim, warranty, fine and concord, they the said John and Nicholas have given to the aforesaid Nathaniel two hundred pounds sterling. IN WITNESS whereof we have caused our Seal appointed for the ensealing of writs in the said Bench to be attached to these presents. Attest E. Herbert, at Westminster the XV day of June in the year of our reign abovesaid.

LANE . . .

J[AMES], KING.

NOTES.

Copies of Fines were required to be deposited at Westminster.

"In America, in the City of London," represents a legal fiction without which the premises in question could not be dealt with in an English court of law. For the purpose of transfer by Fine all colonial property was supposed to be within the bounds of the City of London, just as, by a similar legal fiction, all sailors, and all children born of British parents at sea, are supposed to be natives of the parish of Stepney. The use of the assumption here is believed to be one of the earliest instances of its employment known.

The Christopher Milton who appears as one of the Justices was brother to John Milton, the poet.

John Shelton was a citizen of London, and a saddler; he seems to have been occasionally employed by Newgate as his attorney. Of Brattle, I have found no mention. Judge Chamberlain gives an outline map of the property in his History of Chelsea, and a history of the family of Newgate, and its land-grants.

The meaning of the words "From the Conquest" is obscure since James II acceded to the throne of England peacefully.

Attached to the "fine" is the following genealogical note in the handwriting of Mr. William W. Greenough, "Nathaniel Newgate or Newdigate, who is the subject of this document, was grandson of the emigrant John Newgate, in 1632 of Boston, born in Southwark, near London Bridge, in 1580, and died in Boston in 1665. John, son of Nathaniel, was born in England, came to Boston, was member of the Artillery Company in 1645; was of London 1663. This son Nathaniel described himself 'as of the City of London at present (28th of November, 1688) sojourning in Boston.' At this time he conveyed his farm as Newgate's Farm, Rumney Marsh, to Col. Samuel Shrimpton, who also purchased Noddles Island (East Boston). His son, Samuel Shrimpton, Jr., married Elizabeth Richardson, whose only child married John Yeamans, whose family name exists in the third generation.

"After the death of her husband, Mrs. Elizabeth Shrimpton married David Stoddard of Boston, 27th of December, 1713, and had by him, three daughters, Mary who married Rev. Dr. Charles Chauncy, Sarah who married Deacon Thomas Greenough, and Mehitable who married William Hyslop.

"On the death of Shute Shrimpton Yeamans, these ladies inherited the property in Chelsea and East Boston, of which subsequently Rev. William Greenough of Newton became the principal owner of the Chelsea farm, and David I. Greenough of Jamaica Plain, of East Boston. Full details of this family history may be found in Gen. William H. Sumner's History of East Boston."



CHRIST CHURCH AND SALEM STREET SUNDAY SCHOOL

[Reproduced from a wood engraving by Nathaniel Dearborn about 1825]

SALEM STREET
SUNDAY SCHOOL



LIST OF OFFICERS, INSTRUCTORS, AND
SCHOLARS, DECEMBER 14, 1817

FOREWORD

THE following list of officers, instructors and pupils of the Salem Street Sunday School (of Christ Church) is interesting, as it gives to us, in addition to the names and ages of the young scholars, the names and residences of the heads of families, who constituted in part the parishoners of Christ Church almost one hundred years ago.

The list indicates that the Church was then in a flourishing condition, and that it supplied the religious wants of the people of a large section of the town. Later, however, as families left the North End for newer residential portions of the city, its prosperity diminished year by year, so that the Society was finally held together by a mere handful of the faithful.

But this condition is now changed, and the historic Church has come again into its own. Led by the Right Reverend William Lawrence, D. D., Bishop of Massachusetts, a number of men and women of Greater Boston, interested both in a spiritual and historical way, have contributed of their time and wealth, and to-day

the Church is restored practically to its condition when first used for public worship in the Christmas season of 1723. The older memorials in the Church still tell their story, and newer ones, even to the names on the pew doors, remind us of the founders of the Church. Among these we find William Price, "print and map seller, first organist of Christ Church, and designer of the steeple"; Dr. Thomas Graves, first Senior Warden; Anthony Blount, first Junior Warden; Major Leonard Vassall; Henry Franklyn; Christopher Kilby; William Clark, brother-in-law of Rev. Cotton Mather; and the quaintest of all, "For the gentlemen of the Bay of Honduras."

This Sunday School, gathered in 1815, was one of the first in this country. The illustration preceding this article is a reproduction of a wood-cut made by Dearborn about the year 1824, showing Christ Church and also the adjoining Salem Street Academy, in which the sessions of the Salem Street Sunday School were held when the list was made.

At present Bishop Lawrence is Rector of the Parish. He is aided by an efficient vestry, and services of the Episcopal Church are held each Sunday, and so the ancient town of Boston rejoices in one of its historic landmarks of the olden time.

Salisbury Street Sunday School

List of the Officers of the Society, and of the Scholars belonging to the School Dec. 14, 1817.

Rev. Mr. Eaton	Schoolmaster	Mr. W. M. Benson	Third Class
Mr. A. B. Williams	Ward	Richard Ballard	Fourth Class
Mr. C. C. Peck	Ward	Miss Sally Ginn	Fifth Class
Mr. C. Williams	Ward	Stephen Lock	Sixth Class

No.	Name	Age	Parents	Residence	Dec. 1817	Jan. 1818	Feb. 1818	Mar. 1818	Apr. 1818	May 1818	June 1818	July 1818	Aug. 1818	Sept. 1818	Oct. 1818	Nov. 1818	Dec. 1818	Total
1	Abner Smith	13	Abner & Sarah	Primer Street														
2	Joseph W. Taylor	14	Joseph & Mary	New Court Street														
3	Edward W. Taylor	12	Edward & Mary	Green Street														
4	John W. Taylor	13	John & Mary	Green Street														
5	Samuel W. Taylor	12	Samuel & Mary	Green Street														
6	John W. Taylor	11	John & Mary	Green Street														
7	James P. Taylor	13	James & Mary	Green Street														
8	Henry S. Taylor	12	Henry & Mary	Green Street														
9	John W. Taylor	13	John & Mary	Green Street														
10	Joseph W. Taylor	12	Joseph & Mary	Green Street														
11	Samuel W. Taylor	13	Samuel & Mary	Green Street														
12	John W. Taylor	12	John & Mary	Green Street														
13	James P. Taylor	13	James & Mary	Green Street														
14	Henry S. Taylor	12	Henry & Mary	Green Street														
15	John W. Taylor	13	John & Mary	Green Street														
16	Joseph W. Taylor	12	Joseph & Mary	Green Street														
17	Samuel W. Taylor	13	Samuel & Mary	Green Street														
18	John W. Taylor	12	John & Mary	Green Street														
19	James P. Taylor	13	James & Mary	Green Street														
20	Henry S. Taylor	12	Henry & Mary	Green Street														
21	John W. Taylor	13	John & Mary	Green Street														
22	Joseph W. Taylor	12	Joseph & Mary	Green Street														
23	Samuel W. Taylor	13	Samuel & Mary	Green Street														
24	John W. Taylor	12	John & Mary	Green Street														
25	James P. Taylor	13	James & Mary	Green Street														
26	Henry S. Taylor	12	Henry & Mary	Green Street														
27	John W. Taylor	13	John & Mary	Green Street														
28	Joseph W. Taylor	12	Joseph & Mary	Green Street														
29	Samuel W. Taylor	13	Samuel & Mary	Green Street														
30	John W. Taylor	12	John & Mary	Green Street														



SALEM STREET SUNDAY SCHOOL

List of the Officers of the Society, and of the Scholars belonging to the School, Dec. 14, 1817.

- | | |
|--|--|
| Rev. ASA EATON, <i>President.</i> | <i>Instructors</i> |
| Mr. R. P. WILLIAMS, <i>Vice-President.</i> | Mr. B. C. C. PARKER, <i>Superintendent.</i> |
| " B. C. CUTLER, <i>Treasurer.</i> | " CHARLES STIMPSON, JR., <i>First Class.</i> |
| " C. WILLIAMS, <i>Secretary.</i> | " JOS. W. INGRAHAM, <i>Second Class.</i> |
| | Mr. WILLIAM STIMPSON, <i>Third Class.</i> |
| | " BULLARD, <i>Fourth Class.</i> |
| | Miss SALLY DENNIS, <i>Fifth Class.</i> |
| | " SOPHIA LOCK, <i>Sixth Class.</i> |

No.	Scholars Names.	Age.	Parents Names.	Residence.
1	Sarah Lock	15	Ephraim Lock	Prince Street
2	Sarah W. Ingraham	14	Sarah Ingraham	Sun Court Street
3	Frederick H. Stimpson	12	Charles Stimpson	Green Street
4	Mary Lock	13	Ephraim Lock	Prince Street
5	Hannah Brown	12	Samuel Brown	Love Lane
6	Elizabeth Sampson	11	Zephaniah Sampson	Lynn Street
7	Susan P. Dennis	13	Wm. Palmer	Prince Street
8	Mary S. Ingraham	12	Sarah Ingraham	Sun Court Street
9	Seth Taylor	13	Seth Taylor	Henchmans Lane
10	William H. Farnham	12	William Farnham	Clark Street
11	James Alexander	13	Elizabeth Alexander	Snow Hill Street

12 Ja Keefe	13 Jane Keefe	Prince Street
13 [Torn] H. Stimpson	10 Charles Stimpson	Green Street
14 Palmer	9 William Palmer	Prince Street
15 Mary Ann Forsain	8 Matthias Forsain	Lynn Street
16 Edward Alexander	11 Elizabeth Alexander	Snow Hill Street
17 John Robinson	11 Josiah Robinson	Salem Street
18 Jane Hudson	13 Richard Hudson	
19 Sarah Butts	13 Elizabeth Butts	Fleet Street
20 Samuel Brown	9 Samuel Brown	Love Lane
21 Isaac Farnham	13 William Farnham	Clark Street
22 Eben Gay	12 Eben V. Gay	Richmond Street
23 Mary Ann Landstrom		
24		
25		
26		
27		
28		
29 James Dennis	13 William Palmer	Prince Street
30 Jasper Taylor	11 Seth Taylor	Henchmans Lane
31 Isaac B. Alexander	7 Elizabeth A.	Snow Hill Street
32 Hannah Baker	9 Jacob B.	Copps Hill
33 Susan Sowden	9 John S.	Leverett Place
34 Mary Ann Tucker	8 Joseph T.	Salem Street
35 Sarah Jane Tucker	6 Same	Same
36 Eliza Bassett	14 Samuel B.	Lynn Street
37 Elizabeth Vaughan	11 Samuel V.	Daggets Alley
38 Betsey Mash	8 Peter Mash	Fish Street
39 Eliza C. Avery	7 Mrs. A.	Same
40 Sarah Jennings	9 Benj. J.	Prince Street
41 S. N. Magdalen Landstrom	7 James L.	Love Lane
42 Francis Denne	11 Wm. Palmer	Prince Street
43		
44		
45		
46		
47 Henry Blake	12 Thomas B.	Chambers Street
48 Francis Malcolm	11 Daniel M.	North Street
49 George Emerage	11 Sarah E.	Prince Street
50 Robert Gould	10 Robert G.	Court Street
51 James Bowen	13 John B.	Marlborough Street
52 Benjamin Gowen	9 Anthony G.	Prince Street
53 S. F. G. Newton	8 John F. N.	Charter Street

54	William Jones	8	Nancy J.	Fish Street
55	George Harris	8	George H.	Same
59	James Brown	9		Same
60	Charles Waters	13	Ebenezer W.	Moon Street
61	William Waters	11		
62	Sarah C. Randall	5	Dorcas R.	Lynn Street
63	Rachell Newhall	7	Edward N.	Methodist Alley
64	M. A. Peterson	5	Mr. Reman	White Bread Alley
65	Abiah Baker	9	Jacob B.	Copps Hill
58	George Pittis	15	Mr. Whitcomb	Prince Street
56	Francis Gowen	7	Anthony G.	Same
57	J. W. Holland	7	Lydia H.	Same
66	Geo. R. Sampson	5	Zeph. S.	Lynn Street
67	Henry Sampson	7	Same	Same
68	Peter Mash	7	Peter M.	Fish Street
69	John Baker	5	Jacob B.	Copps Hill
70	Joseph Tucker	3	Joseph T.	Salem Street
71	William Emerage	7	Sarah E.	Prince Street
72	Charles Bradlee	6	Joseph B.	Back Street
73	Frederick Eaton	6	James B. E.	Marlborough Street
74	Sidney Eaton	10	do.	do.
75	David Curtis	6	Mr. C.	Salem Street
76				
77				
78				
79				
80	Samuel Hastings	11	Samuel H.	Prince Street
81	Joseph Page	11	Joseph P.	White Bread Alley
82	William Page	10	do.	do.
83	John Corporal	8	Charles C.	Fish Street
84	Edward Blake	7	Thomas B.	Chambers Street
85	Henry Martins	14	R. P. Williams	
86	Ebenezer Dailie	13	Silas D.	Charter Street
87	Franklin Dailie	8	do.	do.
88	Nathaniel Brown	5	Samuel B.	Love Lane
89	Charles Knight	13	Mr. Burge	do.
90	Charles Malletts		do.	do.
91	Freeman Hunt	14	T. H. Bangs	Prince Street
92	Tho's Randall	7	Dorcas R.	Lynn Street
93	Will Rogers	12	R. P. & O. Williams	
94	Francis Holmes	10	Francis H.	Moon Street
95	Gustavus Horton	9	Jotham H.	Ship Street

96 David Horton	5 do.	Ship Street
97 Francis B. Horton	11 do.	do.
98 Charles R. Curtis	5 David C.	Salem Street
99 Isaac Ridler	10 Joseph R.	Ship Street
100 Joseph Ridler	7 do.	do.
101 Thomas Landstrom	5 James L.	Love Lane
102 J. J. Arno	6 Mr. Arno	Lynn Street
103		
104		
105		
106		
107 Mary Ulmer	9 George Ulmer	Ellis Wharf
108 Mary Sowdon	7 John S.	Leverett Place
109 Eliza Low	12 Elias L.	Love Lane
110 Mary Ann Poole	10 William P.	White Bread Alley
111 Elizabeth Harris	12 George H.	Fish Street
112 Elizabeth Hemmenway	10 Saml H.	Lynn Street
113 Cordelia Hemmenway	6 do.	do.
114 Harriet Waters	10 Ebenezer W.	Moon Street
115 Mary Emerage	7 Sarah E.	Prince "
116 Sarah M. Peterson	8 Augustus P.	Daggetts Alley
117 Frances A. Kissick	7 Mrs. Weeden	Ship Street
118 Mary Jennings	8 Benj. J.	Prince Street
119 Mary N. Tyler	5 Thomas Tyler	Ship Street
120 Nancy Jones	9 Nancy J.	Fish Street
121 Mary Anderson	13 Mr. Miranda	do.
122 Mary B. White	7 Mr.	Fore Street
123		
124		
125		
126		
127		
128		
129		
130 Caroline Corporal	7 Charles C.	Methodist Alley
131 Jane Corporal	5 do.	do.
132 Lucy Ann Forsain	6 Matthias F.	Lynn Street
133 Hannah M. Rinott	7 John R.	White Bread Alley
134 Maria Curtis	8 Mr. C.	Salem Street
135 Sarah James	14 Sarah J.	Fish Street
136 Eliza A. French	8 Ephraim F.	Fleet Street
137 Nancy Norcott	7 Elizabeth N.	Procters Lane

138	Maria Dailie	7	Silas D.	Charter Street
139	Sarah Holland	5		
140	Frances Brown	12	Mary B.	Lynn Street
141	Mary E. Moore	11	Elizabeth M.	do.
142	Eliza Ridler	6	Joseph R.	Ship Street
143	Elizabeth Newman	7	Mr. N.	Charter Street
144	Catharine Peterson	9	John Beaman	Middle Street
145	Elizabeth Peterson	9	Mr. Reman	White Bread Alley
146	Caroline Miller	10	Peter M.	North Square
147	Susan Miller	7	do.	do.



LAWS AND COURTS

OF THE

MASSACHUSETTS BAY COLONY



LAWS AND COURTS
OF THE
MASSACHUSETTS BAY COLONY

A PAPER READ BEFORE THE BOSTONIAN SOCIETY, COUNCIL CHAMBER,
OLD STATE HOUSE, DECEMBER 20, 1910, BY

FRANK E. BRADBURY



IN 1606 James I, the reigning monarch of England, granted to two trading companies that part of North America which lies between latitudes 34 and 45 and reaches from the Atlantic to the Pacific Ocean. The southern portion was granted to the London Company; the northern portion to the Plymouth Company, so called. It was expected that trading companies would be established under these grants similar to the East India Companies. The grants of King James were to limited business corporations having no power for government of the

country, and entitled to no other or different rights than a grantee of land in England itself. Nothing was done under the grant to the Plymouth Company until 1620, when a new Plymouth Company was incorporated succeeding to the rights of the earlier company, and this new Company in 1627 granted to Sir Henry Roselle and five associates that portion of the earlier grant contained within a line three miles north of the Merrimac River on the north and three miles south of the Charles River on the south.

All that part of Newe England in America aforesaid which lyes and extends betweene a greate river there comonlie called Monomack alis Merriemack, and a certen other river there called Charles River, being in the bottome of a certayne Bay there comonly called Maffachusetts alis Mattachusetts alis Maffatufetts Bay; and also all and singuler those lands and hereditaments whatsoever lyeing within the space of three English myles on the south parte of faide Charles River or any or every part thereof; and also all and singuler the lands and hereditaments whatsoever lyeing and being within the space of three English myles to the southwarde of the southermost parte of the faide Bay called Maffachusetts alias Mattachusetts alis Maffatufetts Bay; and also all those landes and hereditaments whatsoever which lie and be within the space of three English myles to the northwarde of the faide River called Monomack alis Merrymack or to the northwards of any and every part thereof.

This grant necessarily conveyed only the rights that the grant of King James in 1606 had conveyed, namely, a fee in the soil with no rights of government over the granted territory. It was necessary therefore to have a royal charter conferring rights of government, and this charter was granted March 4, 1628, or March 15, as time is now computed. It was from Charles I to Sir Henry Roselle and twenty-five associates. It created a "body co-operate and politique in fact and name" to be known as "Governor and Company of Massachusetts Bay in Newe England." It gave to the grantees a complete and independent system of government.

The officers of the Colony were to consist of a governor, a deputy governor and eighteen assistants, to be chosen by the freemen of the Colony, and these together with the freemen themselves were to constitute the general court. The charter provided that there should be four terms of the general court in a year, and that there should be a monthly court to be held by the governor or deputy governor and at least seven assistants. The only express powers conferred upon the general court were to establish all manner of wholesome orders, laws, statutes and ordinances, "as well for settling the forms and ceremonies of government and magistracey, and for naming and settling all sorts of offices, needful for the government and plantation. As also for imposition of lawful fines, imprisonments or other lawful correction according to the course of other cor-

porations in this our realm." These powers were expressed to be for the following purposes that the "inhabitants should be so religiously, peaceably, and civilly governed as their good life and orderly conversation may win and incite the natives of the country to the knowledge and obedience of the only true God, the Saviour of mankind, and the Christian Faith, which, in our royal intention and the adventurers free profession is the principal end of this plantation."

John Endicott, one of the grantees, came to Salem with a small colony in 1628. The charter, however, remained in England, and it was intended at that time to continue the government of the colony from England.—Meanwhile persecution of the non-conformist continued and became more bitter. Charles the First had dissolved Parliament in 1628 and had declared that he would never call another. Abuses under his rule had become more and more intolerable. Men of affairs and consequence in the kingdom formed the plan of removing to America, but it seemed to them wiser that the colony should be ruled by those who resided in it rather than by those who lived 3,000 miles away, and they insisted that when they came to this country the charter should be brought over with them, and the government conducted on this side of the water in the future.

Large sums of money had already been expended in financing the colony and larger sums still were needed. No dividends were in sight, and the proposal that men

of large interest should affiliate themselves with the colony was an attractive one to the promoters. It was therefore voted in August, 1629, to transfer the government from London to Massachusetts Bay. A general court was held in England in October of that year; John Winthrop was chosen Governor, John Humphrey Deputy Governor, and early in 1630 Governor Winthrop with 1500 men sailed from South Hampton and arrived at Salem in July of that year. Most of these colonists settled in Charlestown and Boston, and the history of Massachusetts Bay Colony properly begins at this time, and the history of Massachusetts Bay courts begins at the same time.

Speaking broadly the Judicial history of the Colonial period is to be found in the records of the general court and the court of assistants. Other courts existed:—the county courts, strangers' or merchants' courts, magistrates' courts, and at the very last of the period, chancery courts. It was the general court, however, that for several years exercised executive, legislative and judicial powers for the colony, although in the latter years as an appellate tribunal. The Court of Assistants, consisting of the Governor, the Deputy Governor, and from nine to twelve assistants, did by far the larger part of the work in all the years that the colony existed. The first court of assistants of the colony held in America was held on board the Governor's ship in Charlestown Harbor, or as it was then called Charlton, on the

23rd day of August, 1630. The Governor, John Winthrop, the Deputy Governor, Thomas Dudley (for John Humphrey had not come with the colonists and a new Deputy Governor had been elected), and seven assistants were in attendance at this court. These assistants included Sir Richard Saltonstall, Knight, who was himself of great prominence in the development of the colony, and whose descendants have been so closely identified with the great business interests of this community, Mr. Simon Bradstreet, and Mr. Increase Nowell, who at different times were secretaries of the courts of assistants for many years. At this session the first business considered was how the ministers should be maintained. There is a quiet touch of humor in the record which has come down to us from this session, when it says, referring to this subject, "Mr. Wilson and Mr. Phillips only propounded." Now Mr. Wilson and Mr. Phillips were two of the ministers in the country at that time, and it perhaps indicates the prominent part which the clergy were to play in the judicial history of this colony, that they themselves propounded as the first business at this first court the subject of their own maintenance. It was determined that houses should be built for them at public charge with all convenient speed. Mr. Phillips was granted three hogshead of meal, and one hogshead of malt, and four bushel of Indian corn, one bushel of oat meal, half an hundred of salt fish, and for apparel and other provisions twenty

pounds. Mr. Wilson, not being accompanied by his wife, received a smaller allowance, and was granted twenty pounds a year until his wife should come over. Mr. Gager, the third minister, was to receive a cow and twenty pounds a year. At this same session "it was ordered that carpenters, joiners, brick layers, sawers, and thatchers, shall not take above two shillings a day nor any man give more under pain of ten shillings to taker and giver." The earlier records of the court of assistants are full of prohibitions and orders respecting the prices which should be paid for labor, and the prices for which the necessities of life should be sold. At the next session it was ordered that master carpenters should not take above sixteen pence a day for their work, if they have meat and drink, and laborers not above twelve pence a day, and not above six pence if they have meat and drink, under penalty of six shillings. Three years later it was enacted that carpenters, sawyers, etc., should not receive more than two shillings a day, finding themselves diet, and not above fourteen pence a day, if they have their diet found them. The best of laborers were not to receive more than eighteen pence "if they have diet themselves, or above eight pence if they have their diet found them." It was by virtue of these provisions that William Shephard and Laurence Copeland in 1642 were fined two pounds each for covenanting for work, the one for the other, at fifteen pounds per annum.

Notwithstanding that there was need of erecting shelter for the colonists and their families, and every man's services were needed in this work, within a month of their first session it became necessary for the court of assistants to try one William Palmer for murder. A grand jury was called in September to inquire into the cause of the death of Austin Bratcher. This jury reported, "we find that the strokes given by Walter Palmer were occasionally the means of the death of Austin Bratcher, and so be manslaughter." Palmer was tried in November of that year and acquitted.

In the early years the general court seems not to have taken an active part in the affairs of the colony. During the first five years it met only five times, and during those years it consisted of the entire body of freemen, who were supposed to come together ordinarily in May for the enactment of laws, and for considering offenses. The subjects considered by the general courts during those years seem to have been to a large degree commonplace. Regulations of the keeping of swine and provisions respecting the ringing of swine occupied the attention of the general court to a considerable extent. No enactments concerning the more important branches of commercial law were passed. Such provisions as there were for the registration of deeds and probating wills, and such enactments as were passed requiring writings to be given in cases of contracts, for purchase and sale of commodities were taken bodily from the

English law. On the whole the proceedings of the court for that period, considered from a legal standpoint, are decidedly disappointing, and the reasons are not difficult to ascertain. Practically none of the colonists had any knowledge of English law, and so far as they could with safety to themselves and to the colony, they were inclined to look askance at anything which savored of English practice. Winthrop had been educated as a lawyer in England and probably Bradstreet, but because of the limited powers which were given the Governor, his influence over the policy of the general court, and in fact over the policy of the court of assistants was not large. But more than all else it should be remembered that the colonists were not so much interested in the great problems of the laws of trade or the laws of contract or in the lesser problems of titles to real estate, and probating of wills, as in the establishment of a religious commonwealth, in which the laws of Moses were to be supreme, and to which laws for precedents they turned in preference to the decisions of Westminster Hall, or to the elementary writers upon the common law which were then cited in the English courts. In a code of laws which was drawn up and adopted in 1640, capital offenses to the number of twelve appear, every one founded upon an authority taken from the Old Testament. The first of these was, "If any man after legal conviction shall have or worship any other God but the Lord God, he shall be

put to death," and they cited as authority for this law Deut. 13 : 6, 10 ; Deut. 17 : 2, 6 ; Exodus 22 : 20. The second law was, "If any man or woman be a witch (that is hath or consulteth with the evil spirit), they shall be put to death," and as an authority for this enactment they cited Exodus 22 : 81 ; Lev. 20 : 27 ; Deut. 18 : 10. The third law was, "If any man shall blaspheme the name of God, the Father, Son or Holy Ghost with direct, express, presumptuous or high handed blaspheme or shall curse God in like manner, he shall be put to death." And as authority for this they cited Lev. 24 : 15, 16. Nearly all of the other offenses punishable by death were offenses which we regard to-day as deserving the severest form of punishment.

It was from the clergy and not from lawyers that advice as to the interpretations of laws was sought, as is shown by the following : —

ANSWERS OF THE REVEREND ELDERS TO CERTAIN
QUESTIONS PROPOUNDED TO THEM.

Whether a judge be bound to pronounce such sentence as a particular law prescribes, in case it be accordingly above or beneath the merit of the offence ?

Certain penalties may and ought to be prescribed to be capital crimes, although they may admit favorable degrees of guilt, as in the case of murder, upon premeditated malice, and upon sudden provocation, there is prescribed the same death in both, though murder, upon premeditated malice, be a far

greater guilt than upon sudden provocation. Num. 35 : 16, 17, 18.

Also in crimes of less guilt, as in theft, though some theft be of greater guilt than other, (as for some man to steal a shippe, who hath less need, is of greater guilt, than for another who hath more need) the Lord prescribed the same measure of restitution. (22 Exod. 1).

2. In case the variable circumstances of an offence do so much vary the degrees of guilt as that the offence is raised to an higher nature, there the penalty must be varied to an answerable proportion ; the striking of a neighbor may be punished with some pecuniary fine, when the striking of another may be punished with death ; so any sin committed with an high hand, as the gathering of sticks on the Sabbath day, may be punished with death, while a lesser punishment might serve for gathering sticks in sore need.

At no time does there seem to have been any feeling on the part of the colonists that the commonwealths under the Mosaic law had been unsuccessful. In a pamphlet issued in 1694 entitled "Old Planters, the authors of Old Men's Tears," it is related of the beginning of the Colony :—

"Infinite Wisdom and Prudence contrived and directed this mysterious work of Providence, Divine courage and Resolution managed it, Superhuman Sedulity and Diligence attended it, and angelical swiftness and dispatch finished it. Its wheels stirred not but according to the

Holy Spirits motion within them, yea there was the In-
volution of a wheel within a wheel; God's ways were a
Great Depth, and high above the eagle or vulturous eye;
and such its immensity as man's cockle-sheel is infinitely
unable to empty this ocean."

Another writer, nearer the time of the departure,
puts it,

"Religion stands on tiptoe in our Land,
Ready to pass to the American strand;
We had our Moses and Aarons, our Zorabels and
Joshuas, our Ezrahs and Nehemiahs."

As has already been said, the general court from 1630
to 1634 was comprised of the entire body of freemen,
but by an enactment in May 1631, it was provided that
no man should be admitted as a freeman to the colony
unless he be a member of some church within the limits
of the colony.

As the colony grew and the settlements extended
farther and farther west, it was soon recognized that
the scheme of having all the freemen meet together
for the sessions of the general court was wholly im-
practicable. When the settlements reached west as far
as Springfield, it was obviously impossible as well as
dangerous for the freemen of the settlements more
remote to attend in a body any sessions in Boston or in
Cambridge, and in 1634 delegates were elected by the

freemen of the different settlements to attend the general session of the court, and the system of government by representation became established in Massachusetts, the second system as it is believed in the world, Virginia having adopted a similar system in 1620. The delegates from the different colonies, the deputy governor, and the assistants, comprised the general court from that time on during the existence of the colony, sitting together as one body until 1644 when the deputies were removed and became a separate body, electing a presiding officer who was known as the speaker, a name which has continued down to the present day to designate the presiding officer of the popular branch of our general court. The general court as thus comprised continued to exercise the legislative powers until the end of the colonial period and to a large extent the judicial powers, although after about 1642 its exercise of the judicial powers seems to have been limited to appealed cases.

There are a great many instances in the records of the general court which go to show that the deputies and the assistants frequently were at variance and that jealousy and misunderstanding existed between them. The first disagreement of note was that respecting the removal of the Rev. Mr. Hooker to Hartford in 1635. The assistants were of one opinion and the deputies were of another. The excitement arising over this difference was considerable. Much ill feeling existed. A

day of fasting and humiliation was appointed. Rev. Mr. Cotton was directed by the general court to preach, and he preached with his usual vigor a sermon from Haggai 2 : 4. And it is recorded that thereafter the deputies agreed to concur with the assistants.

In 1642 another dispute arose, wherein part of the deputies and part of the assistants were lined up on the one side and the remaining deputies and the remaining assistants upon the other. The subject matter of this dispute was a pig. The plaintiff was Richard Sherman and the defendant was Captain Keayne. Two magistrates or assistants and fifteen deputies voted for the plaintiff and seven magistrates or assistants and eight deputies voted for the defendant, and the question was then squarely presented whether a majority of both branches was necessary to the passing of legislation or to the determination of litigation which had been brought before the court, and after much difficulty and much controversy it was decided in 1644 that a majority of both the deputies and the assistants was necessary for the enactment of legislation or for the decision of controversies coming before them. From that time down to the surrender of the charter to the King of England, the deputies continued to meet as a separate body to propose and enact legislation ; and the governor, deputy governor and the assistants continued to meet and to propose and enact legislation concurrently with the deputies. The deputies never exercised judicial power

as a separate body, but with the governor and the assistants continued to exercise an appellate jurisdiction as long as the colony existed.

I doubt if anywhere in history is there to be found a court more jealous of its own authority or more sensitive to criticism against it or against its members, than were the governor and the assistants of Massachusetts Bay Colony. The slightest reflection upon the power of the court or upon the wisdom of its decisions was instantly punished in a most summary manner, and any observation which we should now regard as the mildest criticism was looked upon as most reprehensible contempt of court.

In 1632 Thomas Knower was set in the bilbowes for threatening the court that if he should be punished he would have it tried in England, whether he was lawfully punished or not, which amounted to nothing more than an expression of intention on his part to appeal if the Massachusetts Bay court should decide against him. In the same year it was ordered that Thomas Dexter should be set in the bilbowes, disfranchised and fined forty pounds for speaking reproachful and seditious words against the government as established, and finding fault to divers with the acts of the court, saying "this capricious government will bring all to naught," adding that the best of them was but an attorney. Ensign Jennison in 1634 was fined twenty pounds for saying, "I pray God deliver me from this court," and

adding that he had waited from court to court and could not have his case tried. The same year John Lee was whipped and fined forty pounds for saying that the governor was but a lawyer's clerk, and what understanding had he more than himself. Robert Shorthose in 1638 was set in the bilbowes for saying if the magistrate had anything to say to him, he (the magistrate) might come to him. In 1639 Richard Sylvester for speaking against the law about hogs and against a particular magistrate was fined ten pounds. Steven Greensmith was fined forty pounds by the general court for saying that all the magistrates except Mr. Cotton, Mr. Wheelwright, and he thought Mr. Hooker, did teach a covenant of words, and enjoined to make satisfaction to every congregation in the colony. Nor was the punishment of the court confined to the members of the colony outside of its own body. Mr. William Aspinwall, a deputy in 1637, having remonstrated against a decision, and being taken to task for it, justified his remonstrance and was sent home from the court. Mr. John Coggeshall, another deputy, for affirming against the opinion of the others, that an accused man was innocent, amounting to nothing more than a dissenting opinion, was sent home from the court. John Greene of Providence having written that the general court was usurping the power of Christ over the churches and mens' conscience, it was ordered that said John Greene "shall not come within this jurisdiction under penalty."

Fines were frequently imposed upon the magistrates for being late at the calling of the court or being absent from a session of the court. It is, however, in the enactments of the general court rather than in the punishment for contempts or for the punishment of offense that the most extraordinary features are to be found. No detail seems to have been too small to engage their attention, and no subject too difficult to be approached by them. From the form of religious observance to the style of women's hats, and from the enactment of laws relative to capital offences to the width of the female sleeve, they passed laws with the utmost confidence. It is, I believe, in their enactments respecting religious observance, and particularly respecting the treatment of people who did not agree with them in their religious beliefs that the most inhuman and barbarous legislation is to be found.

This from the records in the general court in 1644, "Forasmuch as experience hath plentifully and often proved that since the first arising of the Ana Baptists about one hundred years since, they have been the incendiaries of commonwealths, and the infectors of persons in matters of religion, and the troublers of churches in all places, where they have been, and that they who have held the baptism of infants unlawfull have usually held other errors and heresies together therewith, though they have as other heretics concealed the same, till they spied a fit advantage and opportunity to convert them

by way of question or scruple, and whereas divers of this kind have since our coming into New England appeared amongst ourselves, some whereof have as others before them, decried the ordinance of magistracy and the unlawfulness of making war, and others the lawfulness of magistrates which opinions if they should be connived at by us, are liable to be increased against us and so must necessarily bring guilt upon us, infecting and trouble to the churches and hazard to the whole commonwealth. It is ordered and decreed that if any person or persons within this jurisdiction shall either openly contempt or oppose the baptism of infants and go about secretly to seduce others from the approbation, or use thereof, or shall purposely depart the congregation at the administration of the ordinances, and shall appear to ye Court wilfully and obstinately to continue therein after due time and means of conviction, every such person or persons shall be sentenced to banishment."

This from the records of the general court in 1638, "Whereas it is found by experience that persons who have been justly cast out of some of the churches do profanely condem the same sacred and dreadful ordinance by presenting themselves over boldly in other assemblies, and speaking lightly of their censures to the great offense and grief of God's people, and encouragement of evil minded persons to condem said ordinance. It is therefore ordered that whosoever shall stand ex-

communicated for the space of six months without laboring what in him or her lieth to be restored, such person shall be presented to the court of assistants and there proceeded with by fine, imprisonment, banishment or further for the good behaviour as their contempt and obstinacy upon full hearing shall deserve."

In 1646 it was enacted, "if any child or children, above sixteen years old, and of sufficient understanding, shall curse or smite their natural father or mother, he or she shall be put to death, unless it can be sufficiently testified that the parents have been very unchristianly negligent in their education of such children, or so provoked them by unchristianlike and cruel correction, that they have been forced thereunto to preserve themselves from death or maiming.

"If a man have a stubborn or rebellious son, of sufficient years and understanding, viz. sixteen, which will not obey the voice of his father or the voice of his mother, and that when they have chastened him will not harken unto them, then shall his father and mother, being his natural parents, lay hold on him, and bring him to the magistrates assembled in court, and testify unto them, by sufficient evidence, that this their son is stubborn and rebellious, and will not obey their voice, but lives in sundry notorious crimes, such a son shall be put to death."

As authority for this legislation they relied on Ex. xxi. 15 & 17; Leviticus xx. 9; Deut. xxii. 20, 21.

In 1646 the following was enacted, entitled :—

ECCLESIASTICAL LAW.

“ Forasmuch as the open contempt of God’s work, and messenger thereof, is the deviolating sin of civil state and churches.

“ It is ordered, that if any christian (so called) within this jurisdiction, shall contemptuously behave himself, towards the work preached, or the messengers thereof, called to dispense the same in any congregation when he doth faithfully execute his service and office therein, according to the will and work of God, either by interrupting him in his preaching, or by charging him falsely with any error, which he hath not taught in the open face of the church, or like a Son of Korah, cast upon his true doctrine or himself any reproach to the dishonor of the Lord Jesus, who hath sent him, and to the disparagement of his Holy Ordinance and making God’s ways contemptable and ridiculous ; that every such person or persons (Whatsoever censure the church may pass) shall for the first scandal be convented and reprov’d openly by the magistrate at some lecture, and bound to their good behavior.

“ And if a second time they break forth into like contemptuous carriages, they shall either pay five pounds to the public Treasury, or stand two hours openly upon a

block, four foot high, on a lecture day, with a paper fixed on his breast, written in capital letters:—

AN OPEN AND OBSTINATE CONTEMNER OF
GOD'S HOLY ORDINANCES,

That others may hear and be ashamed of breaking out into like wickedness.”

There is a mass of legislation of the most barbarous kind, respecting the Quakers. Beginning as early as 1656 and extending over a period of about ten years. October 14th, 1656, the following was passed:—

“WHEREAS there is a cursed sect of heretickes lately risen up in the world, which are commonly called Quakers, who taking upon themselves to be imediately sent of God, and inaffibly assisted by the support of God to speak and write blasphemous opinions, despising government, and the order of God in the churches and the commonwealth, speaking evil of dignities, reproaching and revileing magistrates and ministers, seeking to turn the people from the faith, and gain proselites to their pnitious ways,—this court taking into serious consideriation the premises and to prevent the like mischiefs as by their means is wrought in our native land, doth hereby order and by the authority of this court be it ordered and enacted, that what master or commissioner of any ship, barke, pinnace, catch, or of any other vessel that shall henceforth bring into any

harbor, creek, or cove, within this jurisdiction any known Quaker or Quakers or any other blasphemous heretics as aforesaid, shall pay or cause to be paid the fine of one hundred pounds to the Treasurer of the country, excepting it appear that he wanted true knowledge or information of their being such ; and in that case he hath liberty to clear himself by his oath, when sufficient proof to the contrary is wanted, and for default of payment of good security for it, shall be committed to prison, and there to remain till the said sum be satisfied to the Treasurer, as aforesaid. And the commissioner of any such ship or vessel that shall bring them, being legally convicted, shall give in sufficient security to the Governor, or any one or more of the magistrates who have power to determine the same, to carry them back to the place from whence he brought them, and on his refusal so to do, the Governor or one or more of the magistrates are hereby empowered to issue out his or their warrants to commit such master or commissioner to prison, there to continue till he shall give in sufficient security to the content of the Governor or any of the magistrates, as aforesaid ; and it is hereby ordered and enacted that what Quakers soever shall arrive in this country from foreign parts, or come into this jurisdiction from any parts adjacent, shall be forthwith committed to the house of corrections, and at their entrance to be severely whipped, and by the master thereof to be kept constantly at work, and none suffered to converse or speak

with them during the time of their imprisonment, which shall be no longer than necessity requireth."

On May 22d, 1661, it was enacted that "This court, being desirous to try all means with as much lenity as may concede with our safety, to prevent the intrusions of the Quakers, who, besides their absurd and blasphemous doctrine, do, like rouges and vagabonds, come in upon us, and have not been restrained by the laws already provided, have ordered, that every such vagabond Quaker found within any part of this jurisdiction shall be apprehended by any person or persons, or by the constable of the town wherein he or she is taken and by the constable, or in his absence, by any other person or persons, conveyed before the next magistrate of that shire wherein they are taken, or commissioners invested with magistratical power, and being by the said magistrate or magistrates, commissioner or commissioners, adjudged to be a wandering Quaker, viz., one that hath not any dwelling or orderly allowance as any inhabitant of this jurisdiction, and not giving civil respect by the usual gestures thereof, or by any other way or means manifesting himself to be a Quaker, shall, by warrant under the hand of the said magistrate or magistrates, commissioner or commissioners, if directed to the constable of the town wherein he or she is taken or in absence of the constable to any other meete person, be stripped naked from the middle upwards and tied to a carts tail and whipped through the town, and

from thence immediately conveyed to the constable of the next town towards the borders of our jurisdiction, as their warrant shall direct, and so from constable to constable till they be conveyed through the outward most towns of our jurisdiction."

In that same year, Judah Brown and Peter Peirson, having been indicted for Quakers, and standing mute, refusing to give any answer, being bound over to the court to answer their contempt, and standing mute also, "The court judgeth it meet to order that they shall, by the constable of Boston, be forthwith taken out of the prison, and stripped from the girdle upwards by the executioner, and tied to the cart's tail and whipped through the town with twenty stripes, and then carried to Roxbury and delivered to the constable there, who is also to tie them, of cause them in like manner to be tied to a cart's tail and again whip them through the town with ten stripes, and then carried to Dedham and delivered to the constable there, who is again, in like manner to cause them to be tied to the cart's tail and whipped with ten stripes through the town, and from thence they are immediately to depart this jurisdiction at their peril."

The members of the general court did not confine their activity however to consideration of religious or criminal questions, nor to the enactments respecting the subject of trades in the colonies, but plunged boldly and confidently into legislation respecting wearing apparel both of men and of women.

This was enacted in 1634, — “The court taking into consideration the great, superfluous and unnecessary expense occasioned by reason of some new and immodest fashions, and as also the ordinary wearing of silver, gold and silk, laces, girdles, hat bands, etc., hath ordered that no person, either man or woman, shall hereafter make or buy any apparel either woolen, silk or linen with any lace on it, silver, gold, silk or thread under penalty of forfeiture of such clothes.

“Also that no person either man or woman shall make or buy any slashed clothes, other than one slash in each sleeve and another in the back. Also all cut works, embroidered on or needle work, caps, bands, and rayles (a rayle was some sort of a neck piece), are forbidden hereafter to be made or worn under the aforesaid penalty. Also all gold and silver girdles, hat bands, belts, ruffs, beaver hats, are prohibited to be bought and worn hereafter under the aforesaid penalty. Moreover it is agreed if any men shall judge the wearing of any of the particular new fashions or long hair or anything of the like nature to be uncomely, or prejudicial to the common good, and the party offending reform not the same upon notice given him, then the next assistant beeing informed thereof, shall have power to bind the party so offending to answer at the next court if the case so require. Provided and it is the meaning of the court that men and women shall have liberty to wear out such apparel as they have except the immodest

great sleeves, slashed apparel, immoderate great rayles, long wigs, etc.," this order to take place in a fortnight after the publication thereof.

In 1636 it was enacted that a penalty of five shillings per yard for every yard of lace made or sold to be worn upon any garment in the colony, should be imposed. "Provided, however, that binding or small edging lace may be used upon garments or linen."

In 1636 there is another long provision respecting the "making, selling, wearing of lace and other superfluities tending to little use or benefit but the nourishing of pride and exhausting of men's estates. Providing that hereafter no person whatsoever shall make any garment for women or any of their sex with sleeves with more than half an elle in the widest place thereof, and so proportionately for bigger or smaller persons," and closing with the admonition to the churches to see to it that the members of their congregation were more moderate in wearing apparel.

As late as 1675 authority was given to the courts to punish any men appearing amongst them with long hair like a woman's or perewigs.

It was enacted in 1647 that no man should seek "either directly or indirectly to draw away the affection of any maid in this jurisdiction before he hath obtained the consent of her parents or of the governor, in case she has no parents. Under penalty of five pounds for the first offence, and ten pounds for the second, and

imprisonment during the pleasure of the Courts of Assistance."

And what was sauce for the goose was sauce for the gander; for it is related that one Joyce Bradwick was ordered to give twenty pounds to Alex Beck for promising him marriage without her parents consent and then refusing to perform the same.

The following are a few of the most extraordinary and extreme punishments to be found in the records of the courts of assistance.

Maria, negro, was sentenced to be burned to death in 1681 for setting fire to a dwelling house in the night time, and long after the expiration of the colonial period in 1741 it was reported that one Philes a negro was burned in Charlestown for poisoning his master.

It has been suggested that there are some grounds to doubt the reliability of the first account, because there were two negroes convicted of arson at the same time, and the report indicates that the other negro was sentenced to be hanged by the neck and to have his body burned with the other one, so that it is possible to suppose that if the record was correct both negroes were first hanged and then burned.

The sovereign remedy for all lesser offences was whipping. It was applied on all occasions;—speaking against the magistrates, "shooting at fowls on the Sabbath Day," selling powder to the Indians, running away from one's master, speaking reproachfully of the gov-

ernor, using profanity, theiving, drunkenness, idleness, working in one's garden on the Sabbath Day, hanging out clothes on the Sabbath Day, giving quick-silver to one's husband.

Josias Plastow in 1631 was accused of stealing four baskets of corn from the Indians. He was tried and convicted, and sentenced to return to them eight baskets, pay a fine of five pounds, and "hereafter to be called by the name of Josias and not 'Mr.' as formerly" he used to be, and William Bucklin and Thomas Andrew were ordered to be whipped for being accessories to the same offence.

The wife of Thomas Oliver was punished for slandering the elders of the churches, by wearing a cleft stick on her tongue for half an hour.

William Hawes and his son were fined fifty shillings for saying that all persons were fools who sing in congregational singing, and were further ordered to make a public confession.

Roger Scott was whipped for sleeping in church and striking at the person that waked him up.

It is extremely doubtful if there was a distinct class of attorneys during the entire period of the colony. Some of the magistrates had been educated in the law before leaving England, — Winthrop, Bellingham, Humphrey, probably Pelham, and Bradstreet. The records of that time do not show how they voted on the fanatical legislation nor on the punishments inflicted. We

cannot determine whether they protested or assented. One Thomas Lechford was here for several years and was without doubt the most deeply learned in the law of any of the early colonies. It is recorded of him that in 1639 "for going to the jewry and pleading with them out of court is debarred from pleading any man's cause hereafter unless his own, and admonished not to presume to meddle beyond what he shall be called to by the court." Still later, in 1640, he was again in trouble. He acknowledged that he had overshot himself, and was sorry for it, and promised to attend to his calling, not to meddle with controversies. Soon after this he returned to England and wrote an account of the colony which is good though prejudiced. Lechford is responsible for the story the scene of which was placed in Weymouth, and which has been told in rhyme by the author of *Hudibras*. The story is that a member of the settlement at Weymouth had stolen from the Indians; and that the Indian chiefs demanded that the guilty person should be punished by death. Now it happened that the person who had stolen the corn was a cobbler, and the only cobbler in the settlement, and a useful and necessary member of that town. As Lechford tells the story the elders and the magistrates of the town deliberated long over the situation. They realized the danger which might result to their settlement if the wrath of the Indians was not appeased. They realized the loss it would be to the settlement to part with their only

cobbler, and the difficulty was met by following out the suggestion of one of the elders which was that there was in their community a weaver who was so infirm with years and with illness as to be useless to the community and who was not the only weaver in the town ; and he was hung instead of the cobbler who had stolen the corn.

It is to be hoped that we have been fair in our consideration and treatment of our ancestors of 280 years ago, and to one who has revered and does reverence the piety, faith and courage of these men, it comes as distinct shock to be forced to confess even to himself that they were bigoted, intolerant, and fanatical. When one remembers, however, that he sees in them the beginning of a new civilization and that they were subject to the mistakes, errors and fanaticisms which have been inseparably connected with that period in the development of the human race ; when one recognizes the progress which has been made by a nation begun by them ; when one has the belief and the conviction that still greater progress is to follow, that wiser laws are to be passed, that more humane treatment is to be accorded to criminals, and that there will be not only complete and entire tolerance, but sympathy for other religious opinions and beliefs, then we can admit the short comings and the errors on the part of our forefathers without in any way losing our respect and admiration for the traits in which they did excel. It is not for us to criti-

cise the conduct of the early settlers in Massachusetts Bay colony. In their place and in their time we should have done as they did. One cannot, however, refrain from feeling a regret that in their earnestness and in their religious zeal and fervor they should have been directed by the harsher commandments of the Old Testament, and that they should have overlooked, as they apparently did, the messages of love, sympathy, tolerance and brotherhood which are to be found in the New Testament.



INDEX

I. INDEX OF NAMES

II. INDEX OF PLACES AND SUBJECTS



I. INDEX OF NAMES

For additional names see "List of Inhabitants of Boston, 1695," pp. 81-94.

- Adams, Mrs. Abigail 41
Sam 62
Alexander, Edward 122
Elizabeth 121, 122
Isaac B. 122
James 121
Amherst, Lord 29
Anderson, Mary 124
Andrew, Thomas 156
Andros, Gov. 101, 102
Ansart, Felix 35
Lewis, 32, 34, 35
Appleton, — 79
Arno, J. J. 124
Mr. 124
Aspinwall, — 79
William 144
Avery, Eliza C. 122
Jno. 75
Mrs. 122
Baker, Abiah 123
Hannah 122
Jacob 122, 123
John 123
Balch, — 20, 53
Bangs, T. H. 123
Barras, de Saint Laurent, Count
20, 22, 54
Bassett, Eliza 122
Samuel 122
Beaman, John 125
Beck, Alex. 155
Bellingham, — 79, 156
Blake, Edward 123
Henry 122
Thomas 122, 123
Blount, Anthony 120
Bougainville, Louis Antoine,
Count de 21, 22, 36, 56, 63
Bouguier, — 50
Bourgogne, Duc de 61, 65
Bowen, James 122
John 122
Bradbury, Frank E. 129
Bradlee, Charles 123
Joseph 123
Bradstreet, Simon 134, 136, 156
Bradwick, Joyce 155
Bratcher, Austin 136
Brattle, Nicholas 102, 110-115
Breck, — 53, 56, 61, 67
Samuel, 14, 15
Broves, Count de 36
Brown, Frances 125
Hannah 121
James 123
Judah 152

- Brown, Mary 125
 Nathaniel 123
 Samuel 121-123
 William 108
 Bucklin, William 156
 Bullard, — 121
 Burbeck, Col. 38
 Burge, Mr. 123
 Burgoyne, — 43
 Butts, Elizabeth 122
 Sarah 122
 Byron, Admiral 40

 Chabert, Marquis de 36
 Chamberlain, Mellen 101, 103, 104,
 115
 Charitte, Chevalier de 63, 69
 Charles I, King of England, 131,
 132
 Chauncy, Charles 116
 Mary (Stoddord) 116
 Chevalier, — 15, 19, 21, 23, 24
 Child, Isaac 80
 Choiseul, — 29
 Clark, William 120
 Coggeshall, John 144
 Copeland, Laurence 135
 Copp, — 79
 Cornwallis, Gen. 58
 Corporal, Caroline 124
 Charles 123, 124
 John 123
 Cotton, Mr. 142, 144
 Cruse, — 106, 107
 Cunningham, — 79
 Curtis, Charles R. 124
 David 123, 124
 Maria 124
 Mr. 123, 124
 Cushing, David 40
 Cutler, B. C. 121
 John 39

 d'Aché, — 70
 Dailie, Ebenezer, 123
 Franklin 123
 Maria 125
 Silas 123, 125
 d'Aliens, Renaud 69
 d'Amblimont, Comte de 69
 d'Artois, Count 48
 d'Aulnay, — 12
 Dawes, Thomas 45, 49, 51
 Deane, Silas 13
 Dearborn, — 120
 de Borda, Chevalier 20, 46
 de Breugnon, Count 42
 de Broves, — 42
 de Gaston, — 70
 de Genouilly, Comte de Mithon
 63, 69
 de Glandevès, Commandeur 69
 de Grasse, — 18, 19, 21, 60, 63,
 64
 de l'Éguille, Froger 70
 de La Bouchetière, Capt. 55
 de Medine, —, Chevalier 63, 69
 de Montcabrier, — 69
 Denne, Francis 122
 Dennis, James 122
 Sally 121
 Susan P. 121
 De Noailles, d'Albert 15, 22, 35,
 45, 56, 61-64, 68
 de Puységur, — 46
 de Raimondis, Chevalier 22
 de Rions, Count 21, 22, 36, 54, 69
 d'Espinouse, de Coriolis 69
 d'Estaing, Count 13, 15-29, 34-46,
 48, 49, 51, 52, 61, 63
 d'Ethy, Chevalier 69
 Dexter, Thomas 143
 Doniol, A. 23, 36
 Douglas, Andrew Snape 55
 Drake, S. A. 11, 31, 67

- du Bourg, Baron 54
 Duchatelet, Capt. 36
 Dudley, John 134
 du Portail, Brig.-Gen. 38
- Eaton, Asa 121
 Frederick 123
 James B. 123
 Sidney 123
 Elizabeth, Queen of England 107
 Elyot, — 70
 Emerage, George 122
 Mary 124
 Sarah 122-124
 William 123
 Emmons, — 67
 Endicott, John 132
- Faneuil, — 79
 Farnham, Isaac 122
 William 121, 122
 William H. 121
 Farwell, John W. 27, 28
 Fentress, Walter H. 67
 Finch, M. 11
 Fiske, John 16, 17
 Folsom, A. A. 51, 52
 Forsain, Lucy Ann 124
 Mary Ann 122
 Matthias 122, 124
 Franklin, — 79
 Josiah 79
 Franklyn, Henry 120
 French, Eliza A. 124
 Ephraim 124
- Gager, Mr. 135
 Gay, Eben 122
 Eben V. 122
 Frederick L. 97
 Girard, — 16
 Gossling, R. 108
 Gould, Robert 122
- Gowen, Anthony 122, 123
 Benjamin 122
 Francis 123
 Graves, Thomas 120
 Greene, — 16
 John 144
 Greenough, David I. 116
 Sarah (Stoddard) 116
 Thomas 116
 William 116
 William W. 101, 116
 Greensmith, Steven 144
 Griffin, Sara Swan 35
 Guyer, Peter 39
- Hale, Dr. E. E. 17, 18
 Hancock, John 39, 41, 47, 48, 58,
 59, 62
 Madam 41, 47
 Harris, Elizabeth 124
 George 123, 124
 Hastings, Samuel 123
 Hawes, William 156
 Heath, Gen. 22-24, 26, 36, 38-40,
 42, 43, 48, 49, 68
 Hemenway, Cordelia 124
 Elizabeth 124
 Samuel 124
 Henschman, — 79
 Herbert, Edward 109-114
 Holland, J. W. 123
 Lydia H. 123
 Sarah 125
 Holmes, Francis 123
 Hooker, Mr. 141, 144
 Horton, David 124
 Francis B. 124
 Gustavus 123
 Jotham 123, 124
 Howe, Gen. 16, 17, 40, 67
 Hudson, Jane 122
 Richard 122

- Hughes, Sir Edward 21
 Humphrey, John 133, 134, 156
 Hunt, Freeman 123
 Hyslop, Mehitable (Stoddard) 116
 William 116

 Ingraham, Jos. W. 121
 Mary S. 121
 Sarah 121
 Sarah W. 121

 James I, King of England 129, 131
 James II, King of England 99,
 101, 109, 111, 113
 James, Sarah 124
 Jennings, Benj. 122, 124
 Mary 124
 Sarah 122
 Jennison, Ensign 143
 Jones, John Paul 66, 67
 Nancy 123, 124
 William 123

 Keayne, Capt. 142
 Keefe, Ja. 122
 Jane 122
 Kergariou Brothers 54
 Kergariou, Marquis de 56
 Kilby, Christopher 120
 Knight, Charles 123
 Kissick, Frances A. 124
 Knower, Thomas 143

 Landstrom, James 122, 124
 Mary Ann 122
 S. N. Magdalen 122
 Thomas 124
 La Bourdonnaye, Montilac de 54
 Lacour-Gayet 14, 17, 19, 22, 23,
 35, 36, 47, 63, 67
 Lafayette, Marquis de 16, 22, 35,
 41, 55-58
 La Luzerne, Chevalier de 53

 La Pérouse, Capt. 54, 55
 La Touche, Capt. 53-55
 La Tour, — 12
 Lawrence, William 119, 120
 Lechford, Thomas 157
 Lee, John 144
 L'Etombe, 57, 62, 63
 Le Peley, Pléville 20, 41
 Lock, Ephraim 121
 Mary 121
 Sarah 121
 Sophia 121
 Loring, Lewis P. 26
 Louis XVI, King of France, 13,
 48, 58, 66
 Low, Elias 124
 Eliza 124
 Lutwyche, Edward 109, 111, 113

 Mahan, Capt. 15, 21, 63
 Malcolm, Daniel 122
 Francis 122
 Malletts, Charles 123
 Manby, R. 104, 108
 Maresquellé, Catharine (Wimble)
 34
 Lewis de 29-35, 52
 Maria, — (negro) 155
 Marston, Col. 64, 65
 Martaigne, MacCarthy 63, 66
 Martins, Henry 123
 Marvin, William T. R. 97, 99
 Mash, Betsey 122
 Peter 122, 123
 Mather, Cotton 120
 M'Donald, Major 36
 Miller, Caroline 125
 Peter, 125
 Susan 125
 Milton, Christopher 110, 111, 113,
 115
 Miranda, Mr. 124

- Montalembert, Marquis of 30
 Montcalm, Gen. 21
 Moore, Elizabeth 125
 Mary E. 125
 Morris, Robert 66
 Morton, Thomas 10
- Newdigate, alias Newgate:
 Newdigate, Nathaniel 101-103,
 110-114, 116
 Newgate, — 79
 Newgate, John 116
 Newhall, Edward 123
 Rachell 123
 Newman, Elizabeth 125
 Mr. 125
 Newton, John F. 122
 S. F. G. 122
 Norcott, Elizabeth, 124
 Nancy 124
 Nowell, Increase 134
 Nutt, E. & R. 108
- Oliver, Mrs. Thomas 156
- Page, Joseph 123
 William 123
 Palmer, — 122
 J. 75
 Joseph 25
 Walter 136
 William 121, 123, 136
 Parker, B. C. C. 121
 Pecksuot (Indian) 10
 Peddock, Leonard 10
 Pelham, — 156
 Peterson, Augustus 124
 Catharine 125
 Elizabeth 125
 M. A. 123
 Sarah M. 124
 Philes, — (negro) 155
 Phillips, Mr. 134
- Phips, William 28
 Piervères, — 46
 Pierson, Peter 152
 Pittis, George 123
 Plastow, Josias 156
 Poole, Mary Ann 124
 William 124
 Pratt, Phineas 10
 Preble, George Henry 67
 Price, — 14
 Ezekiel 28
 William 120
 Puget-Bras de Vaudoré, Chevalier 63, 69
- Raimondis, — 56
 Randall, Dorcas 123
 Sarah C. 123
 Tho's 123
 Rayneville, Gérard de 13
 Read, William 104
 Reman, Mr. 123, 125
 Richardson, Elizabeth 116
 Ridler, Eliza 125
 Isaac 124
 Joseph 124, 125
 Rinott, Hannah M. 124
 John 124
 Robinson, John 122
 Josiah 122
 Rochambeau, Viscount 53, 54, 60,
 61, 64, 68
 Rodney, Lord 18, 60
 Rogers, Will 123
 Rosselle, Henry 130, 131
- Sainneville, Chevalier de 13
 Saint Sauveur, Chevalier de 42,
 45, 46, 48, 50, 51
 Saltonstall, Richard 134
 Sampson, Elizabeth 121
 George R. 123

- Sampson, Henry 123
 Zephaniah 121, 123
 Scudder, H. E. 14
 Scott, Roger 156
 Sears, Lorenzo 48
 Sergeant, Peter 79
 Sewall, Samuel 79
 Sheafe, — 79
 Shelton, John 102, 110-115
 Shepherd, William 135
 Sherman, Richard 142
 Shorthouse, Robert 144
 Shrimpton, — 79
 Samuel 116
 Elizabeth (Richardson) 116
 Smith, Fitz-Henry 9
 John 9
 Southack, Cyprian 79
 Souther, Daniel 37
 Sowden, John 122
 Susan 122
 Sowdon, John 124
 Mary 124
 Stimpson, Charles 121, 122
 Frederick H. 121
 [Torn] H. 122
 William 121
 Stoddard, David 116
 Elizabeth (Richardson) [Shrimpton] 116
 Mary 116
 Mehitable 116
 Sarah 116
 Stone, — 68
 Street, Thomas 109, 111, 113
 Suffren, Pierre André de 19, 21, 22, 64
 Sullivan, Gen. 16, 18, 34, 35
 Sumner, William H. 116
 Sylvester, Richard 144
 Taylor, Jasper, 122
 Seth 121, 122
 Ternay, — 20
 Tracy, Nathaniel 15, 17
 Tucker, Joseph 122, 123
 Mary Ann 122
 Sarah Jane 122
 Tyler, Mary N. 124
 Thomas 124
 Ulmer, George 124
 Mary 124
 Vassall, Leonard 120
 Vaudreuil, Marquis de 60-66, 68, 69
 Vaughan, Elizabeth 122
 Samuel 122
 Vioménil, Baron de 68
 Washington, George 38, 42, 43, 49, 62
 Waters, Charles 123
 Ebenezer 123, 124
 Harriet 124
 William 123
 Weeden, Mrs. 124
 West, John 103
 Wheelwright, — 144
 Whitcomb, Mr. 123
 White, Mary B. 124
 Williams, C. 121
 John Foster 50
 R. P. 121, 123
 R. P. & O. 123
 Wilson, Mr. 134, 135
 Wible, Catharine 34
 Winthrop, — 79
 John 11, 133, 134, 137, 156
 Waitstill 79
 Yeamans, John 116
 Shute Shrimpton 116



II. INDEX OF PLACES AND SUBJECTS

- American Ships :
 Constitution 15, 29
 Deane 27
 Dolphin 50
 Hancock 27
 Hazard 50
 Independence 27
 Massachusetts 27
 Northumberland 61, 63, 69
 Raleigh 27
 Sampson 27
 Speedwell 27
 Tyrannicide 27
 Warren 27
Argyle, Me. 80
Arrival of French Ships at Boston 13
Auvergne, France 19
Avignon, France 21
- Boston, Mass. 9, 11-14, 17, 18, 20-22, 24, 27, 28, 31, 34, 38, 40, 41, 43, 45, 46, 48, 49, 51-56, 58, 60-68, 73, 79, 80, 99, 103, 104, 116, 119, 120, 133, 140
 Beacon Hill 56
 Bunch*of Grapes Tavern 57, 65
 Bunker Hill 73
- Boston, Mass. : — Christ Church 119, 120
 Coffee House 57
 Common 14, 41, 47
 Faneuil Hall 47, 56, 57, 64, 65
 Fort Hill 65
 Frog-pond 14
 King's Chapel 45, 46, 52
 Long Wharf 27, 61
 Marston's Restaurant 14
 New North Church 67
 Old South Church 39
 Old State House 9, 103, 129
 Province House 79
 Salem Street Academy 120
Boston Harbor 10, 13, 18, 27, 55, 70
 Boston Light 26
 Broad Sound 28
 Castle Island 72
 Gallup's Island 23, 36, 63
 George's Island 23, 24, 27, 28, 37, 71
 Governor's Island 23, 72
 Hoff's Neck 71
 King's Road 23, 27, 28, 61, 68
 Long Island 23, 27, 72

- Boston Harbor :— Lovell's Island
 23, 36, 65
 Man of War Bar 65
 Moon Island 72
 Nantasket Road 23, 26, 28, 37,
 68
 Noddle's Island 73, 116
 Peddock's Island 10, 23, 24, 36,
 71
 President Roads 27
 Rainsford Island 27, 28
 The Castle 26, 65
 Bostonian Society 9, 100, 103, 129
 Brest 64, 67
 British Vessels :
 Chatham 56
 Isis 22
 Preston 23
 Renown 23
 Somerset 40
 Brookline, Mass. 51, 97

 Cambridge, Mass. 15, 140
 Cannon for use in War of Revo-
 lution, making of 30-32
 Cape Cod, Mass. 10, 40
 Cape Francis 60
 Cape Haitien 60
 Cape Sable 11
 Capes of Delaware 13
 Charles River 130
 Charlestown, Mass. 73, 74, 102,
 110, 112, 114, 133, 155
 Charlestown Harbor 133
 Charlton, Mass. 133
 Chelsea, Mass. 116
 Chesapeake Bay 60
 Court of Assistants 131-138, 141-
 143, 147, 155

 Dax, France 20
 Dedham, Mass. 152

 Dinner and toasts at Faneuil Hall
 to Marquis de Kergariou 56-
 58
 Dorchester Heights 72, 74
 Dorchester Point 72
 Dracut, Mass. 34, 35

 Early Pew-holders of Christ
 Church 120
 East Boston 116
 East India Companies 129
 Ecclesiastical Law, basis of Court
 decisions 147

 Falkland Islands 21
 Fines, parts of 105
 Fines, use of 104, 105
 Foix, Detachments of 35, 36
 Fortifications in Boston Harbor
 70-73
 Fox Hill 73
 French Fleet 18, 61
 Aimable 18, 19
 Alcmène 18
 L'Allégeance 70
 Alliance 22, 41
 Amazone 61, 68, 70
 Astrée 54, 56
 Auguste 63, 68, 69
 Bourgogne 61, 63
 Brave 61, 69
 César 18, 19, 22, 36, 42, 56
 Citoyen 61, 69
 Clairvoyant 68, 70
 Concorde 54
 Couronne 61, 63, 69
 Engageante 18, 54, 56
 Fantasque 18, 21, 64, 68, 69
 Guerrier 18, 20
 Guerriere 15
 Hector 18, 19
 Hercule 61, 63, 69

- French Fleet :— Hermione 53, 55
 L'Aigle 55
 La Chimère 16
 Languedoc 16, 18, 20, 22, 23, 41,
 46, 48, 52
 La Reine de France 70
 Le Duc-de-Bourgogne 69
 Le Neptune 61, 69
 L'Isle-de-France 70
 Magicienne 55, 61, 63, 65-67
 Marseillais 16, 18, 22, 23
 Néréide 61, 70
 Nymphé 13, 15
 Pluton 61, 63, 66, 68, 69
 Protecteur 16, 18, 22, 23, 52
 Provence 18
 Prudence 70
 Réféléchi 63
 Sagittaire 18, 21, 54, 56
 Septre 63
 Shirley 70
 Souverain 61, 69
 Tonnant 18, 42, 46, 48
 Triomphant 61, 65, 66, 69
 Vaillant 15, 18, 23, 38
 Zélé 18, 20, 52
- French traders in Massachusetts
 10
- General Court 131-133, 136, 137,
 140-146, 152
- Hainaut, Detachments of 35, 36
 Halifax, N. S. 55
 Hartford, Conn. 141
 Harvard Law School Library 104
 Hogg Island, Mass. 110, 112, 114
 Hull, Mass. 11, 12, 23-26, 36, 37,
 39, 40, 52, 62, 70, 74
 Bay 24
 Cushing Hill 24, 26
 Point Allerton 37, 71
- Hull, Mass. :— Telegraph Hill 24,
 27
 Windmill Point 27
- Jamaica Plain, Mass. 116
- Laws concerning wages 135
 Laws concerning wearing apparel
 153
 Laws of Moses have precedence
 over those of Westminster
 Hall 137
 Legislation against Quakers 149-
 152
 London, England 97, 102, 104,
 110, 112, 114-116, 133
 Bridge 116
 Company 129
 Lincoln's Inn 105
 Southwark 116
 Stepney Parish 115
 Westminster Hall 101, 102, 109,
 110, 113, 115, 137
 Louisburg Expedition 29
 Lowell Historical Society 35
- Marlborough Privateer 43
 Massachusetts Bay 9
 Colony 133, 143
 Governor and Company of 131
 Merrimac River 130
 Milking Cows on the Common 41
 Monhegan, Me. 9
- Nantasket, Mass. 11, 27, 28, 61-
 63, 74
 Quartering of French Troops
 near 37
 Nantasket Head 24
 Narragansett Bay 16
 Natascott [Nantasket] 11

- New England Historic Genealogical Society 80
 New York, N. Y. 16
 New York State Library 80
 Newdigate Fine, a "Chirograph" 104
 Errors in cataloguing 101, 102
 Latin of 100, 107
 Latin Version without contractions 111
 Transcription of Latin as abbreviated in the original 109
 Translation 113
 Newport, R. I. 17, 54
- Paris, France 19-21, 27
 Penobscot River, Me. 50, 54
 Piscataqua River 55
 Philadelphia, Pa. 16
 Plymouth, Mass. 38, 39
 Plymouth Company, Land Grants to 129-131
 Royal Charter to 131
 Point Shirley 72
 Portsmouth, N. H. 22, 65, 66, 68_a
 Providence, R. I. 64, 68
- Quebec 21
 Quincy Bay, Mass. 23
- Reception to Lafayette 58-60
 Riot between French and American Sailors 41-45
 Roxbury, Mass. 152
- Rumney Marsh, Mass. 101, 102, 110, 112, 114, 116
- Saint Cannat, France 21
 Salem, Mass. 132
 Sandy Hook, N. J. 16
 Saratoga, N. Y. 13
 Savannah, Ga. 65
 Separation of Deputies from Assistants to Propose and Enact Legislation, Simultaneously 142
 Social Law Library 106
 South Hampton, England 133
 Springfield, Mass. 140
 Squantum, Mass. 72
 System of Government by Representation begun in Massachusetts 141
- The "Battle of the Saints" 63
 The French Fleet and its Commanders 69, 70
 Toasts drunk at the Banquet to French Officers at Faneuil Hall 47, 48
 Toulon, France, 13, 61
- Warwick 70
 West Indies 60
 Weymouth, Mass. 157
 Whipping the Remedy for Minor Offences 155
- Yorktown, Va. 20, 53





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