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THE

HISTORY

OF

NEW-HAMPSHIRE.

COMPREHENDING THE EVENTS OF ONE COMPLETE CENTURY FROM THE DISCOVERY OF THE RIVER PASCATAQUA.

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SCIENCES IN MASSACHUSETTS.

*Tempus edax rerum, tuque invidiosa vetustas
Omnia destruitis : utriusque dentibus ævi
Paulatim lenta consumitis omnia morte.
Hæc perstant.*

OVID.

VOLUME I.

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I DO certify, that on this 18th day of June, 1784, a Book, entitled, "The History of New-Hampshire, Vol. I. by Jeremy Belknap," printed at Philadelphia, by Robert Aitken, was entered according to Act of Assembly in the Prothonotary's office of Philadelphia county, by Ebenezer Hazard, Esquire, in behalf of the author.

J. B. SMITH, Prothon.

PREFACE.



WHEN a new publication appears, some prefatory account of the reasons which led to it, and the manner in which it has been conducted, is generally expected.

The compiler of this history was early impelled by his natural curiosity to enquire into the original settlement, progress, and improvement of the country which gave him birth. When he took up his residence in New-Hampshire his enquiries were more particularly directed to that part of it. Having met with some valuable manuscripts which were but little known, he began to extract and methodize the principal things in them ; and this employment was (to speak in the style of a celebrated modern author) his "hobby horse."

The work, crude as it was, being communicated to some gentlemen, to whose judgment he paid much deference, he was persuaded and encouraged to go on with his collection, until the thing became generally known, and a publication could not decently be refused.

He owns himself particularly obliged to the public officers both in this and the neighbouring state of Massachusetts, under the former as well as the present constitutions, for their obliging attention in favouring him with the use of the public records.

or extracts from them. He is under equal obligation to a number of private gentlemen, who have either admitted him to their own collections of original papers or procured such for him. In the course of his enquiry he has frequently had reason to lament the loss of many valuable materials by fire and other accidents: But what has pained him more severely is the inattention of some persons in whose hands original papers have been deposited, and who have suffered them to be wasted and destroyed as things of no value. The very great utility of a public repository for such papers under proper regulations, has appeared to him in the strongest light, and he is persuaded that it is an object worthy the attention of an enlightened legislature.

The late accurate and indefatigable Mr. PRINCE of Boston, (under whose ministry the author was educated and whose memory he shall always revere) began such a collection in his youth and continued it for above fifty years. By his will he left it to the care of the Old South Church, of which he was pastor, and it was deposited with a library of ancient books in an apartment of their meeting-house. To this collection, the public are obliged for some material hints in the present work, the author having had frequent access to that library before the commencement of the late war. But the use which the British troops in 1775 made of that elegant building having proved fatal to this noble collection of manuscripts; the friends of science and of America must deplore the irretrievable loss. Had we suffered it by the hands of SARACENS, the grief had been less poignant!

Historians have mentioned the affairs of New-Hampshire only in a loose and general manner. Neale and Douglas, though frequently erroneous, have given some hints, which by the help of original records and other manuscripts, have in this work been carefully and largely pursued. Hutchinson has said many things which the others have omitted; his knowledge of the antiquities of the country was extensive and accurate, and the public are much obliged by the publication of his history; but he knew more than he thought proper to relate. The few publications concerning New-Hampshire are fugitive pieces dictated by party or interest. No regular historical deduction has ever

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appeared. The late Mr. FITCH of Portsmouth made a beginning of this sort about the year 1728 : From his papers some things have been collected which have not been met with elsewhere. The authorities from which information is derived are carefully noted in the margin. Where no written testimonies could be obtained, recourse has been had to the most authentic tradition, selected and compared with a scrupulous attention, and with proper allowance for the imperfection of human memory. After all, the critical reader will doubtless find some chasms which in such a work it would be improper to fill by the help of imagination and conjecture.

The author makes no merit of his regard to truth. To have disguised or misrepresented facts would have been abusing the reader. No person can take more pleasure in detecting mistakes than the author in correcting them if he should have opportunity. In tracing the progress of controversy it is impossible not to take a side, though we are ever so remote from any personal interest in it : Censure or applause will naturally follow the opinion we adopt. If the reader should happen to entertain different feelings from the writer, he has an equal right to indulge them ; but not at the expence of candor.

The Masonian controversy lay so directly in the way that it could not be avoided. The rancour shewn on both sides in the early stages of it has now subsided. The present settlement is so materially connected with the general peace and welfare of the people, that no wise man or friend to the country can at this day wish to overthrow it.

MR. HUBBARD, DR. MATHER and MR. PENHALLOW have published narratives of the several Indian wars : These have been compared with the public records, with ancient manuscripts, with CHARLEVOIX's history of New-France, and with the verbal traditions of the immediate sufferers or their descendants. The particular incidents of these wars may be tedious to strangers, but will be read with avidity by the posterity of those whose misfortunes and bravery were so conspicuous. As the character of a people must be collected from such a

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minute series, it would have been improper to have been less particular.

The writer has had it in view not barely to relate facts, but to delineate the characters, the passions, the interests and tempers of the persons who are the subjects of his narration, and to describe the most striking features of the times in which they lived. How far he has succeeded, or wherein he is defective, must be left to the judgment of *every candid reader*, to which this work is most respectfully submitted.

Dover, June 1, 1784.

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THE
HISTORY
OF
NEW-HAMPSHIRE.

CHAP. I.

Discovery of the country.—Establishment of the Council of Plymouth.—Their grants to Mason and others.—Beginning of the settlements at Portsmouth and Dover.—Wheelwright's Indian purchase.—Neal's adventures.—Discouragements.—Dissolution of the Council.—Mason's death.—Causes of the failure of his enterprize.

IT is happy for America that its discovery and settlement by the Europeans happened at a time when they were emerging from a long period of ignorance and darkness. The discovery of the magnetic needle, the invention of printing, the revival of literature and the reformation of religion, had caused a vast alteration in their views, and taught them the true use of their rational and active powers. To this concurrence of favourable causes we are indebted for the precision with which we are able to fix the beginning of this great American empire: An advantage of which the historians of other countries almost universally are destitute; their first æras being either disguised by fiction and romance, or involved in impenetrable obscurity.

Mankind do not easily relinquish ancient and established prejudices, or adopt new systems of conduct, without some powerful at-

1496.
Prince's
Annals.

tractive. The prospect of immense wealth, from the mines of Mexico and Peru, fired the Spaniards to a rapid conquest of those regions and the destruction of their numerous inhabitants ; but the northern continent, presenting no such glittering charms, was neglected by the European princes for more than a century after its discovery. No effectual care was taken to secure to themselves the possession of so extensive a territory, or the advantage of a friendly traffic with its natives, or of the fishery on its coasts ; till private adventurers at a vast expence, with infinite hazard and persevering zeal, established settlements for themselves, and thereby enlarged the dominions of their sovereigns.

1614.

Smith's
Voyage.

Of the voyagers who visited the northern coast of America, for the sake of its furs and fish, one of the most remarkable was Captain John Smith ; who ranged the shore from Penobscot to Cape Cod, and in this route discovered the river Pascataqua ; which he found to be a safe harbour with a rocky shore. He returned to England in one of his ships, and there published a description of the country, with a map of the sea-coast, which he presented to Prince Charles, who gave it the name of NEW-ENGLAND. The other ship he left behind under the care of Thomas Hunt, who decoyed about twenty of the natives on board and sold them for slaves at Malaga. This perfidious action excited a violent jealousy in the natives, and bitterly enraged them against succeeding adventurers. Two of those savages having found their way back as far as Newfoundland, then under the government of Captain John Mason, were restored to their

native country by his friendly interposition, 1614, and reported the strong disapprobation, which the English in general entertained of the mischievous plot by which they had been carried off. By this means, together with the prudent endeavours of Captain Thomas Dermer, and afterward of the Plymouth settlers, tranquility was re-established between the Indians and the adventurers, which was tolerably preserved for many years. However fond we may have been of accusing the Indians of treachery and infidelity, it must be confessed that the example was first set them by the Europeans. Had we always treated them with that justice and humanity which our religion inculcates, and our true interest at all times required, we might have lived in as much harmony with them, as with any other people on the globe.

Hubbard's
printed
Narrative
of the troubles
with the
Indians, p.
2.

The importance of the country now began to appear greater than before, and some measures were taken to promote its settlement. A patent had been granted by King James in 1606, limiting the dominion of Virginia, from the thirty-fourth, to the forty-fourth degree of northern latitude ; which extent of territory had been divided into two parts, called North and South Virginia. The latter was assigned to certain noblemen, knights and gentlemen of London, the former to others in Bristol, Exeter and Plymouth.^{FN} Those who were interested in the northern colony, finding that the patent did not secure them from the intrusions of others, petitioned for an enlargement and confirmation of their privileges. After some time, the king, by his sole authority, consti-

Gorges' Narrative.

Nov. 3.

1620. tuted a council, consisting of forty noblemen, knights and gentlemen*, by the name of "The council established at Plymouth, in the county of Devon, for the planting, ruling and governing of New-England, in America." They were a corporation with perpetual succession, by election of the majority; and their territories extended from the fortieth to the forty-eighth degree of northern latitude. This patent, or charter, is the foundation of all the grants that were made of the country of New-England. But either from the jarring interests of the members, or their indistinct knowledge of the country, or their inattention to business, or some other cause which does not fully appear, their affairs were transacted in a confused manner from the beginning; and the grants which they made were so inaccurately described, and interfered so much with each other, as to occasion difficulties and controversies, some of which are not yet ended.

Two of the most active members of this council were Sir Ferdinando Gorges and Captain John Mason. Gorges had been an

* The Duke of Lenox,
Marquis of Buckingham,
-----Hamilton,
Earl of Pembroke,
-----Arundel,
-----Bath,
-----Southampton,
-----Salisbury,
-----Warwick,
Viscount Haddington,
Lord Zouche,
-----Sheffield,
-----Gorges,
Sir Edward Seymour,
-----Robert Mansel,
-----Edward Zouche,
-----Dudley Digges,
-----Thomas Roe,
-----Ferdinando Gorges,
-----Francis Popham,

-----John Brooks,
-----Thomas Gates,
-----Richard Hawkins,
-----Richard Edgewood,
-----Allen Apsley,
-----Warwick Heale,
-----Richard Catchmay,
-----John Bourgehiere,
-----Nathaniel Rich,
-----Edward Giles,
-----Giles Mompesson,
-----Thomas Wroth, Knights.
Matthew Sutcliffe,
Robert Heath,
Henry Bourgehiere,
John Drake,
Rawley Gilbert,
George Chudley,
Thomas Hammard,
John Argall, Esquiret.

officer in the navy of Queen Elizabeth, inti- 1620.
 mately connected with Sir Walter Raleigh, Hume.
 of whose adventurous spirit he had a large
 share. After the peace which King James
 made in 1604, he was appointed governor of
 the fort and island of Plymouth in Devon-
 shire. While he resided there, Captain Wey-
 mouth, who had been employed by Lord
 Arundel in search of a northwest passage, but
 had fallen short of his course and put in at
 Pemaquid, brought from thence into the har-
 bour of Plymouth, five natives of America,
 three of whom were eagerly seized by Gor-
 ges, and retained in his service for three years.
 Finding them of a tractable and communi-
 cative disposition, and having won their af-
 fections by gentle treatment, he learned from
 them many particulars concerning their
 country, its rivers, harbours, islands, fisheries
 and other products ; and the numbers, force,
 disposition and government of the natives ;
 and from this information he conceived san-
 guine hopes of indulging his genius, and mak-
 ing his fortune, by a thorough discovery of
 the country. For this purpose he, in con-
 junction with others, ventured several ships,
 whereof some met with peculiar misfortunes ;
 and others brought home accounts, which,
 though discouraging to some of his associates,
 made him determine upon farther attempts,
 wherein his resolution and perseverance were
 more conspicuous than any solid gain. These
 transactions were previous to the establish-
 ment of the council ; in soliciting which,
 Gorges was so extremely active, that he was
 appointed their president, and had a principal
 share in all their transactions. Mason was a

Gorges'
 Narrative.

1620. merchant of London, but became a sea-officer, and, after the peace, governor of Newfoundland, where he acquired a knowledge of America, which led him, on his return to England, into a close attachment to those who were engaged in its discovery; and upon some vacancy in the council, he was elected a member and became their secretary; being also governor of Portsmouth in Hampshire.
1621. He procured a grant from the council, of all
 March 9. the land from the river of Naumkeag, [now Salem] round Cape Anne, to the river Merrimack; and up each of those rivers to the farthest head thereof; then to cross over from the head of the one to the head of the other; with all the islands lying within three miles of the coast. This district was called **MARIANA**. The next year another grant was made, to Gorges and Mason jointly, of all the lands between the rivers Merrimack and Sagadahock, extending back to the great lakes and river of Canada, and this was called **LACONIA**.
1622. The next year another grant was
 Aug. 10. made, to Gorges and Mason jointly, of all the lands between the rivers Merrimack and Sagadahock, extending back to the great lakes and river of Canada, and this was called **LACONIA**.

- Under the authority of this grant, Gorges and Mason, in conjunction with several merchants of London, Bristol, Exeter, Plymouth, Shrewsbury and Dorchester, who styled themselves "The company of Laconia," attempted the establishment of a colony and fishery at the river Pascataqua; and in the spring of the following year sent over David Thompson, a Scotlman, Edward and William Hilton, fishmongers of London, with a number of other people, in two divisions, furnished with all necessaries to carry on their design. One of these companies landed on the southern shore of the river, at its mouth, and call.
- 1623.

ed the place Little-Harbour : Here they 1623.
 erected salt-works, and built an house which
 was afterward called Mafon-Hall ; but the
 Hiltons fet up their stages eight miles fur-
 ther up the river toward the northwest, on a
 neck of land which the Indians called Win-
 nichahannat, but they named Northam, and
 afterward Dover. Thompson not being pleas-
 ed with his situation, removed the next spring
 to an island in the bay of Maffachufetts ; this
 the General Court afterward confirmed to
 him and ftill bears his name.

Hubbard's
MS.

1624.

Prince's
Annals.

These fettlements went on but flowly for
 feveral years, but the natives being peaceable
 and feveral other fmall beginnings being made
 along the coaft as far as Plymouth, a neigh-
 bourly intercourfe was kept up among them,
 each following their refpective employments
 of fifhing, trading and planting, till the dif-
 orderly behaviour of one Morton, at Mount
 Wollafton in the Bay of Maffachufetts, caufed
 an alarm among the fcattered fettlements
 as far as Pafcataqua. This man had, in de-
 fiance of the king's proclamation, made a
 practice of felling arms and ammunition to
 the Indians, whom he employed in hunting
 and fowling for him ; fo that the Englifh,
 feeing the Indians armed in the woods, be-
 gan to be in terror. They alfo apprehended
 danger of another kind ; for Morton's plan-
 tation was a receptacle for difcontented fer-
 vants, whofe defection weakened the fettle-
 ments, and who, being there without law,
 were more formidable than the favages them-
 felves. The principal perfons of Pafcataqua
 therefore readily united with their neigh-
 bours, in making application to the colony

1628.

Prince's
Annals.

1628. of Plymouth, which was of more force than all the rest, to put a stop to this growing mischief; which they happily effected by seizing Morton and sending him prisoner to England.

1629. Some of the scattered planters in the Bay of Massachusetts, being desirous of making a settlement in the neighbourhood of Pascataqua, and following the example of those at Plymouth, who had purchased their lands of the Indians, which they conscientiously thought necessary to give them a just title, procured a general meeting of Indians, at Squamscot falls, where they obtained a deed from Passaconaway Sagamore of Penacook, Runnaawitt of Pantucket, Wahangnonawit of Squamscot, and Rowls of Newichwannock : wherein they express their ‘desire to have ‘the English come and settle among them as ‘among their countrymen in Massachusetts, ‘whereby they hope to be strengthened ‘against their enemies the Tarrateens ; and ‘accordingly *with the universal consent of their subjects*, for what they deemed a valuable consideration in coats, shirts and kettles, sell to ‘John Wheelwright of the Massachusetts Bay, ‘late of England, minister of the gospel, Augustine Story [or Storer] Thomas Wight, ‘William Wentworth, and Thomas Leavit, “all that part of the main Land bounded by “the river Pascataqua and the river Merrimack, to begin at Newichwannock falls in “Pascataqua river aforesaid, and down said “river to the sea ; and along the sea-shore to “Merrimack river ; and up said river to the “falls at Pantucket ; and from thence upon a “northwest line, twenty English miles into

May 17.

“the woods ; and from thence upon a strait 1629.
 “line northeaft, till it meet with the main
 “rivers that run down to Pantucket falls,
 “and Newichwannock falls aforefaid* ; the
 “faid rivers to be the bounds from the thwart
 “or head line to the aforefaid falls, and from
 “thence the main channel of each river to
 “the fea to be the fide bounds ; together with
 “all the iflands within the faid bounds ; as
 “alfo the ifles of floals fo called.” The con-
 ditions of this grant were, ‘ that Whelewright
 ‘ fhould within ten years, begin a plantation
 ‘ at Squamfcot falls ; that other inhabitants
 ‘ fhould have the fame privileges with him ;
 ‘ that no plantation fhould exceed ten miles
 ‘ fquare ; that no lands fhould be granted
 ‘ but in townfhips ; and that thefe fhould be
 ‘ fubject to the government of the Maffa-
 ‘ chufetts colony, until they fhould have
 ‘ a fettled government among them-
 ‘ felves ; that for each townfhip there fhould
 ‘ be paid an annual acknowledgment of “one
 “coat of trucking cloth,” to Paffaconaway the
 ‘ chief Sagamore or his fucceffors, and two
 ‘ bufhels of Indian corn to Whelewright and
 ‘ his heirs. The Indians referved to them-
 ‘ felves free liberty of fifhing, fowling, hunt-
 ‘ ing and planting within thefe limits.’ The
 principal perfons of Pafcataqua and the prov-
 ince of Maine were witneffes to the fubfcrib-
 ing of this instrument, and giving poffeffion
 of the lands.

By this deed the Englifh inhabitants with-
 in thefe limits obtained a right to the foil

* The NW line here described will end within the townfhip of Amherft ; and the NE line from thence will cross the river Merrinack about Amuskeag falls, and paffing through Chefter, Nottingham, Barrington and Rochefter, will ftrike Newichwannock river about ten miles above the Salmon falls.

MS Copy
 in Super.
 Court filed.

1629. from the original proprietors, more valuable in a moral view, than the grants of any European prince could convey. If we smile at the arrogance of a Roman Pontiff in assuming to divide the whole new world between the Spaniards and Portuguese, with what consistency can we admit the right of a king of England, to parcel out America to his subjects, when he had neither purchased nor conquered it, nor could pretend any other title, than that some of his subjects were the first Europeans who discovered it, while it was in possession of its native lords? The only validity which such grants could have in the eye of reason was, that the grantees had from their prince a permission to negotiate with the possessors for the purchase of the soil, and thereupon a power of jurisdiction subordinate to his crown.

Nov. 7.

The same year Captain Mason procured a new patent, under the common seal of the council of Plymouth, for the land “from the “middle of Pascataqua river and up the same “to the farthest head thereof, and from thence “northwestward until sixty miles from the “mouth of the harbour were finished ; also “through Merrimack river, to the farthest “head thereof, and so forward up into the “land westward, until sixty miles were finished ; and from thence to cross over land to “the end of the sixty miles accounted from “Pascataqua river ; together with all islands “within five leagues of the coast.” This tract of land was called NEW-HAMPSHIRE : It comprehended the whole of Whelewright’s purchase ; and unless Mason’s intention was to frustrate his title, it is difficult to assign a

MIS in files
of Superior
Court.

reason for the procurement of this patent, as 1629. the same land, with much more, had been granted to Gorges and Mason jointly, seven years before. If there was an agreement between them to divide the province of Laco-
nia, and take out new patents from the council, in preference to the making a deed of partition ; it is not easy to conceive why the western boundary should be contracted to sixty miles from the sea, when the lakes and river of Canada were supposed to be but ninety or an hundred miles from Pascataqua. If this grant was intended as an equivalent for the patent of Mariana, which the council had the preceding year included in their deed to the Massachusetts company ; it is impossible to account for the extension of New-Hampshire to the river Merrimack, when the grant of Massachusetts reached to "three miles
"north of that river and of every part of it*." 1630. March 12.

Gorges' History of America, p. 48.

The west country adventurers were not less attentive to their interest ; for in the following spring they obtained a patent from the council whereby "all that part of the
"river Pascataqua called or known by the
"name of Hilton's Point, with the south side

* Mr. Hubbard in his MS history says "it hath been affirmed by Mr. Josselyn, who first came over into New-England on Capt. Mason's account, that there was an agreement made between Mr. Mathew Cradock (the first Governor of the Massachusetts company) and Captain John Mason, that the bounds of the Massachusetts should reach to *three miles northward of the Merrimack*, and the remainder of the land betwixt that line and Pascataqua river, should be left for Captain Mason's patent." July 7.

The commissioners sent by Charles II in 1664, report that "Mr. Mason had a patent for some land about Cape Anne before the Massachusetts had their first patent ; whereupon Captain Mason and Mr. Cradock agreed that the Massachusetts should have that land, which was granted to Capt. Mason about Cape Anne, and Capt. Mason should have *that land which was beyond Merrimack and granted to the Massachusetts*. This agreement was sent to Mr. Henry Jocelyn to get recorded at Boston, but before he could have leisure to go there he heard that Capt. Mason was dead and therefore went not. Of this he made affidavit, before the commissioners." Hutch. Collection Papers, p. 423.

1630. "of the said river up to the falls of Squamscot, and three miles into the main land for breadth," was granted to Edward Hilton. This patent, sealed with the common seal of the council, and subscribed by the Earl of Warwick, sets forth, that Hilton and his associates had at *their own* proper cost and charges transported servants, built houses and planted corn at Hilton's Point, now Dover, and intended the further increase and advancement of the plantation. William Blackstone, William Jefferies and Thomas Lewis
- MS Copy in Proprietary Office,
1631. or either of them, were impowered to give possession of the premises ; which was done by Lewis and the livery and seizin endorsed. Within these limits are contained the towns of Dover, Durham, and Stretham, with part of Newington and Greenland. It was commonly called Squamscot patent, but sometimes Bloody-point patent, from a quarrel between the agents of the two companies about a point of land in the river which was convenient for both ; and there being no government then established, the controversy would have ended in blood, if the contending parties had not been persuaded to refer the decision of it to their employers.
- Hubbard's MS.
- The London adventurers also thought it prudent to have some security for the interest which they had advanced, and accordingly obtained a grant from the council, of
- Novem. 3.
- Hutch. vol. 1. p. 316. "that part of the patent of Laconia, on which
"the buildings and salt-works were erected,
"situate on both sides the harbour and river
"of Pascataqua to the extent of five miles
"westward by the sea-coast, then to cross
"over towards the other plantation in the

"hands of Edward Hilton." The grantees 1631, named in this patent* were, Sir Ferdinando Gorges, Captain John Mason, John Cotton, Henry Gardner, George Griffith, Edwin Gay, Thomas Warnerton, Thomas Eyre and Eliezer Eyre, who, it is said, had already expended three thousand pounds in the undertaking. They were to pay forty-eight pounds per annum by way of acknowledgment to the president and council, if demanded. Captain Comocke, a relation of the Earl of Warwick, with Henry Jocelyn, who were then intending a voyage here were appointed to put the grantees in possession. Within this patent are comprehended the towns of Portsmouth, Newcastle and Rye, with part of Newington and Greenland.

Hubbard's
MS.

The whole interest being thus divided into two parts, Captain Thomas Wiggen was appointed agent for the upper, and Captain Walter Neal for the lower plantation ; with him were associated Ambrose Gibbons, George Vaughan, Thomas Warnerton, Humphrey Chadbourne and one Godfrie as superintendants of the several businesses of trade, fishery, salt-making, building and husbandry. Neal resided at Little-Harbour with Godfrie who had the care of the fishery. Chadbourne built a house at Strawberry-bank, which was called *the great house*, in which Warnerton resided. Gibbons had the care of a saw-mill, and lived in a palisaded house at Newichwannock, where he carried on trade with the

MS letters.

* Mr. Hubbard says, that this patent was in the hands of some gentlemen at Portsmouth when he wrote. I have seen no copy of it but what is preserved in his MS history. There is among the ancient files in the Recorder's office, an invoice of goods sent over in 1631, subscribed by all the above names, except the last, in whose stead is subscribed William Giles.

1631. Indians. He afterward removed to Sander's-point, where the adventurers gave him a settlement for his faithful services. He was succeeded at Newichwannock by Chadbourne, whose posterity are persons of principle figure and interest there at this day. The proprietors were also careful to provide for the defence of their plantations, and sent over several cannon which they directed their agents to mount in the most convenient place for a fort. They accordingly placed them on the northeast point of the Great-Island at the mouth of the harbour, and laid out the ground "about a bow-shot from the water-side to a high rock, on which it was intended in time to build the principal fort."

MS in the
Recorder's
files.

Gorges'
History of
America,
p. 47.

A great part of Captain Neal's errand was to penetrate the interior part of the province of Laconia, concerning which the adventurers had formed very sanguine expectations. It was described as containing divers lakes, and extending back to a great lake and river in the country of the Iroquois. This river was said to be fair and large, containing many fruitful islands; the air pure and salubrious; the country pleasant, having some high hills; full of goodly forests, fair vallies and fertile plains; abounding in corn, vines, chestnuts, walnuts, and many other sorts of fruit; the rivers well stored with fish, and environed with goodly meadows full of timber-trees. In the great lake were said to be four islands, full of pleasant woods and meadows, having great store of stags, fallow-deer, elks, roebucks, beavers and other game, and these islands were supposed to be commodiously situated for habitation and traffic, in the

midst of a fine lake, abounding with the most delicate fish. No one who is acquainted with the interior part of the country in its wilderness state, can forbear smiling at this romantic description, penned in the true style of adventurers : yet such an impression had the charms of Laconia made on the minds of our first settlers, that Neal set out on foot, in company with Jocelyn and Darby Field, to discover these beautiful lakes, and settle a trade with the Indians by pinnaces, imagining the distance to be short of an hundred miles. In the course of their travels, they visited the white mountains, which they described in the same romantic style, to be a ridge, extending an hundred leagues, on which snow lieth all the year, and inaccessible but by the gullies which the dissolved snow hath made : on one of these mountains they reported to have found a plain of a day's journey over, whereon nothing grows but moss ; and at the further end of this plain, a rude heap of massy stones, piled up on one another a mile high ; on which one might ascend from stone to stone, like a pair of winding stairs, to the top, where was another level of about an acre, with a pond of clear water. This summit was said to be far above the clouds, and from hence they beheld a vapor like a vast pillar, drawn up by the sunbeams, out of a great lake into the air, where it was formed into a cloud. The country beyond these mountains northward, was said to be "daunting terrible," full of rocky hills, as thick as mole-hills in a meadow, and clothed with infinite thick woods. They had great expectation of finding precious stones

1631.

1632.
Jocelyn's
rarities of
New-Eng-
land.

1632. on these mountains ; and something resembling chrystal being picked up, was sufficient to give them the name of the CRYSTAL-HILLS. From hence they continued their route in search of the lake ; till finding their provision almost spent, and the forests of Laconia yielding no supply, they were obliged to return when they supposed themselves so far advanced, that "the discovery wanted "but one day's journey of being finished*."

Hubbard's
MS Hist.

Gorges'
History of
America,
p. 48.

November.

This expedition, being ended, was succeeded by one of another kind. The coast was alarmed by the report of a pirate, one Dixy Bull ; who with fifteen others, being employed in the Indian trade at the eastward, had taken several boats and rifled the fort at Pemaquid. Neal, in conjunction with the others, equipped four pinnaces and shallops, manned with forty men, being all the force that both plantations could spare who, being joined by twenty more in a bark from Boston, proceeded to Pemaquid ; but contrary winds and bad weather obliged them to return without meeting the pirates, who made their way farther to the eastward, and at length got to England ; where Bull met with his deserts. The company on their return landed, at Richmond's island, an Indian who had been concerned in the murder of an Englishman.

Prince's
Annals,
vol. 2. p.
23. 83

1633.

The next year Neal and Wiggen joined in surveying their respective patents, and laying out the towns of Portsmouth and North-

*Mr. Hubbard, and after him Governor Hutchinson, place this discovery of the White Hills in 1642. But as Neal had positive orders to discover the lakes, and tarried but three years in the country, employing great part of his time in searching the woods, it is probable that Mr. Hubbard mistook one figure in his date.

am, and another which was called Hampton, 1633. though no settlement had been made there. They also agreed with Whelewright that the plantation which he had undertaken to make at Squamscot falls, should be called Exeter ; and determined the bounds between his land and theirs. This survey was made by order of the company of Laconia, who gave names to the four towns, and the transaction was duly reported to them : soon after which Neal returned to England.

MS in Recorder's Office.

From a number of letters that passed between the adventurers and Gibbons their factor, and which are yet preserved, it appears that their views were chiefly turned toward the discovery of the lakes and of mines ; the cultivation of grapes, and the advantages of trade and fishery ; and that little regard was had to agriculture, the surest foundation of all other improvements in such a country as this. They often complain of their expenses, as indeed they might with reason ; for they had not only to pay wages to their colonists, but to supply them with provisions, clothing, utensils, medicines, articles of trade, implements for building, husbandry and fishing, and to stock their plantations with cattle, swine, and goats. Bread was either brought from England in meal, or from Virginia in grain, and then sent to the wind-mill at Boston, there being none erected here. Very little improvement was made on the lands ; the lakes were not explored ; the vines were planted but came to nothing ; no mines were found but those of iron, and these were not wrought ; three or four houses only were built within the first seven years ; the peltry

Prince's Annals, vol. 2. p. 30. 70.

1633. trade with the Indians was of some value, and the fishery served for the support of the inhabitants ; but yielded no great profit to the adventurers, who received but inadequate returns in lumber and furs. They saw their interest sinking apace, and grew dispirited ; and the major part of them either relinquished the design, or sold their shares to Mason and Gorges, who were more sanguine than the rest, and became (either by purchase or tacit consent of the others) the principal, if not sole proprietors. These gentlemen renewed their exertions with greater vigour, sent over a fresh supply of servants, and materials for carrying on the settlement, and appointed Francis Williams their governor. He
1634. was a gentleman of good sense and discretion ; and so very acceptable to the people, that when they combined in a body politic they continued him at their head.

Hubbard's
M^s Hist.

1635.

Gorges'
Narrative,
p. 22 & 44.

The charter by which the council of Plymouth was established, had been from the beginning disrelished by the Virginia company ; who spared no pains to get it revoked. Their applications to the king proved fruitless ; but when the parliament began to enquire into the grievances of the nation, this patent was complained of as a monopoly. Sir Ferdinando Gorges, being summoned, appeared before them, and both in person and by his council defended it in a masterly manner, but in vain ; for when the national grievances were presented to the throne, the patent of New-England was the first. The council also had got into disrepute with the high-church party, for having encouraged the settlement of the Plymouth and Massa-

chusetts colonists, who fled from their persecutions. These prejudices against them, operating as discouragements to their undertaking, induced the council to resign their charter to the king; having previously taken care to secure some portion of the expiring interest to such of themselves as were disposed to accept it. The scheme they had in view was to divide their territory into twelve provinces, under as many proprietary governors, subject to one general governor; and they went so far as to nominate Gorges, then threescore years of age, for the person, and build a ship of war, which was to bring him over and remain in the service of the country. But the ship fell and broke in the launching; and their project not being sufficiently attended to by those in power, they were obliged to be content with such grants as they could make of those districts, into which they had divided the country. That which was now made to Mason comprehended both his former patents, extending from Naumkeag to Pascataqua, and sixty miles northwestward within the land, together with the south half of the Isles of Shoals, and ten thousand acres at Sagadahock; saving to those already settled within these limits, the property of their lawful grants on paying "some small acknowledgment" to the proprietor. This grant was dated the twenty-second of April*. In June following, the council surrendered their charter to the king; and in September

1635.

Hubbard's
MS Hist.Files of the
Sup. Court.Hubbard's
MS Hist.

* Whether Captain Mason had his title confirmed by the king after the surrender of the charter is a point that has been questioned. I shall here collect what evidence I have met with on both sides.

In a pamphlet published in 1728, containing a detail of the grants and transactions of Captain Mason, it is said "King Charles I. by charter dated

1635. Gorges sold to Mafon a tract of land on the northeast side of the river Pascataqua, extending three miles in breadth, and following the course of the river from its mouth to its farthest head, including the saw-mill which had been built at the falls of Newichwanock.

Printed
State of
Allen's Title.

But death which puts an end to the fairest prospects, cut off all the hopes which Mafon had entertained of aggrandizing his fortune, by the settlement of New-Hampshire. By his last will, which he signed a few days before his death, he disposed of his American estate in the following manner, viz. 'To
' the corporation of Lynn Regis in Norfolk,
' the place of his nativity, he gave two thousand acres of land in New-Hampshire, subject to the yearly rent of one penny per acre to his heirs, and two fifths of all mines

Nov. 26.

Doug.
Summary,
I. 418.
Hist. Mass.
I. 317.

" Aug. 19, 1635, gives, grants and confirms unto Capt. John Mason, then
" called treasurer and paymaster of his army, his heirs and assigns, all the
" aforesaid tract of land, granted to him by the council of Plymouth, by the
" name of the province of New-Hampshire ; *with power of government*, and as
" ample jurisdiction and prerogatives as used by the bishop of Durham ; creating him and his aforesaid *absolute lords and proprietors* of the province of
" New-Hampshire, with power of conferring honours, &c. On this authority (I suppose) Douglass has asserted the same thing. On which Hutchinson remarks " This is not probable. His heirs were certainly unacquainted
" with it, or they would have made mention of it before the king in council
" in 1631." The report of the Lords Chief Justices in 1677, wherein the
" several grants are recited, makes no mention of this : But on the contrary it
" is said, " As to Mr. Mason's *right of government* within the soil he claimed,
" their lordships, and indeed his own council, agreed *he had none* ; the great
" council of Plymouth, under whom he claimed, having no power to transfer
" government to any." The Lords of Trade in a report to the king in 1753,
" say, " It is alledged that this last grant to Mason was ratified and confirmed
" by the crown, by charter dated Aug. 19, 1635, with full power of civil jurisdiction and government, but *no such charter as this appears upon record.*"

None of Mason's heirs ever attempted to assume government by virtue of such a charter, as the heirs of Gorges did in the province of Maine. Robert Mason was appointed councillor by mandamus, and Samuel Allen, who purchased the title, was governor by commission from the crown.

There is an original letter in the Recorder's files, written by George Vaughan to Ambrose Gibbons, both factors for the company of Iaconia, April 10, 1636, long before any controversy arose on this point, which may give more light to it than any thing that has yet been published. I shall give it a place in the Appendix.

' royal ; on condition that five families should 1635.
 ' within five years be settled thereupon. To
 ' his brother in law John Wallaston, three
 ' thousand acres, subject to the yearly rent of
 ' one shilling. To his grandchild Anne Tuf-
 ' ton, ten thousand acres at Sagadahock. To
 ' Robert Tufton, his grandson, he gave his
 ' manor of Mason-hall, on condition that he
 ' should take the surname of Mason. He also
 ' gave to his brother Wallaston in trust, one
 ' thousand acres for the maintenance of " an
 " honest, godly and religious preacher of
 " God's word ;" and one thousand more for
 ' the support of a grammar-school ; each of
 ' these estates to be conveyed to feoffees in
 ' trust, and their successors, paying annually
 ' one penny per acre to his heirs. The resi-
 ' due of his estate in New-Hampshire he gave
 ' to his grandson John Tufton, he taking the
 ' surname of Mason, and to his lawful issue ;
 ' or in want thereof to Robert Tufton and his
 ' lawful issue ; or in want thereof to Doctor
 ' Robert Mason, chancellor of the diocese of
 ' Winchester, and his lawful issue ; or, in
 ' want of such issue, to his own other right heirs
 ' forever ; provided that it should not go out
 ' of the name of Mason. The residuary lega-
 ' tee was required to pay five hundred pounds
 ' out of this estate to his sister Mary and all
 ' the grandchildren were to relinquish their
 ' right to one thousand pounds due from this
 ' estate to their father Joseph Tufton.' The
 estate in America was valued in the invento-
 ry at ten thousand pounds sterling.

The Massachusetts planters viewed Mason
 as their enemy, because he with Gorges had
 privately encouraged some persons whom

MS in Sup.
 Court files.

1635. they had censured and sent home, to petition against them as disaffected to the government; and had endeavoured to get their charter set aside, to make way for the scheme of a general governor*.

But though Mason and Gorges had not the same religious views with the Massachusetts planters, yet their memory deserves respect. They were both heartily engaged in the settlement of the country; they sunk their estates in the undertaking, and reaped no profit to themselves; yet their enterprising spirit excited emulation in others, who had the advantage of improving their plans and avoiding their mistakes. Gorges accounted for the ill success of his adventures in the following manner. 1. He began when there was no hope of any thing for the present but loss; as he had first to seek a place; which, being found, was a wilderness; and so gloomy was the prospect, that he could scarce procure any to go, much less to reside in it; and those whom he at length sent, could not subsist but on the provisions with which he supplied them. 2. He sought not barely his own profit, but the thorough discovery of the country; wherein he went so far (with the help of his associates) as to open the way for others

Gorges' Narrative.
p. 49

* Mr. Hubbard relates the following anecdote, without mentioning the name of the person. "One of the gentlemen who was known to be one of the greatest adversaries to the affairs of the Massachusetts, fell sick and died. In his sickness he sent for the minister, and bewailed his enmity against them: and promised if he recovered, he would be as good a friend to New-England, as he had been an enemy; but his fatal hour being come, his purposes of that nature were cut off. The passage foregoing was certified by letters from Lord Say and others to the governor of New-England about the year 1635."

Governor Winthrop has the following remark in his Journal. "1636. The last winter Captain Mason died. He was the chief mover, in all attempts against us; and was to have sent the general governor; and for this end was providing ships. But the Lord in mercy taking him away, all the business fell on sleep."

to make their gain. 3. He never went in person to oversee the people whom he employed. 4. There was no settled government to punish offenders, or mispenders of their masters' goods. Two other things contributed to the disappointment in as great, if not a greater degree than what he has assigned. The one was that instead of applying themselves chiefly to husbandry, the original source of wealth and independence in such a country as this ; he and his associates, being merchants, were rather intent on trade and fishery as their primary objects. These cannot be profitable in a new country, until the foundation is laid in the cultivation of the lands. If the lumber trade and fishery cannot now be carried on to advantage, without the constant aid of husbandry in their neighbourhood, how could a colony of traders and fishermen make profitable returns to their employers, when the husbandry necessary for their support was at the distance of Virginia or England ? The other mistake which these adventurers fell into was the idea of lordship, and the granting of lands not as freeholds, but by leases subject to quit-rents. To settle a colony of tenants in a climate so far northward, where the charges of subsistence and improvement were much greater than the value of the lands, after the improvements were made ; especially in the neighbourhood of so respectable and growing a colony as that of Massachusetts, was indeed a chimerical project ; and had not the wiser people among them sought an union with the Massachusetts, in all probability the settlements must have been deserted. 1635.

C H A P. II.

*Troubles at Dover.—Settlements of Exeter and Hampton.—
Ruin of Mason's interest.—Story of Underhill.—Combina-
tions at Portsmouth and Dover.—Union of New-Hampshire
with Massachusetts.*

WHILE the lower plantation on the river Pascataqua lay under discouragement by the death of its principal patron, the upper settlement, though carried on with more success, had peculiar difficulties to struggle with. Two thirds of this patent belonged to some merchants of Bristol, the other third to some of Shrewsbury; and there was an agreement that the division should be made by indifferent men. Captain Wiggen who was sent over to superintend their affairs, after about one year's residence in the country made a voyage to England, to procure more ample means for carrying on the plantation. In the mean time those of Bristol had sold their interest to the lords Say and Broke, George Willys and William Whiting, who continued Wiggen in the agency, and procured a considerable number of families in the West of England, some of whom were of good estates, and "of some account for religion," to come over and increase the colony. It appears from ancient records that Wiggen had a power of granting lands to the settlers; but, as trade was their principal object, they took up small lots, intending to build a compact town on Dover Neck, which lies between two branches of the river, and is a fine, dry, and healthy situation; so high as to command all the neighbouring shores, and afford a very

1633.

Hubbard's
MS Hist.
Dover Rec-
ords.

extensive and delightful prospect. On the 1633.
 most inviting part of this eminence they
 built a meeting-house, which was afterward
 furrounded with an entrenchment and flank-
 arts, the remains of which are still visible.
 Wiggen also brought over William Leverich,
 a worthy and able puritan minister ; but his
 allowance from the adventurers proving too
 small for his support in a new country, where
 all the necessaries of life were scarce and
 dear, he was obliged to remove to the south-
 ward ; and settled at Sandwich in the colony
 of Plymouth. This proved an unhappy event
 to the people, who, being left destitute of reg-
 ular instruction, were exposed to the intru-
 sions of artful impostors.

The first of these was one Burdet. He had 1634.
 been a minister at Yarmouth in England ;
 but either really or pretendedly taking of-
 fence at the extravagancies of the bishops Hubbard's
MS Hist.
 and spiritual courts, came over to New-Eng-
 land, and joined with the church in Salem,
 who employed him for a year or two as a
 preacher, being a good scholar and plausible
 in his behaviour. But, disgusted with the
 strictness of their discipline, he removed to
 Dover ; and continued for sometime in good es-
 teem with the people as a preacher ; until by 1636.
 artful insinuations he raised such a jealousy
 in their minds against Wiggen their gover-
 nor, that they deprived him of his office, and
 elected Burdet in his place.

During his residence here, he carried on a
 correspondence with Archbishop Laud to the
 disadvantage of the Massachusetts colony,
 representing them as hypocritical and disaf- 1637.
 fected, and that under pretence of greater pu-

1637. rity and discipline in matters of religion, they were aiming at independent sovereignty; it being accounted perjury and treason by their general court, to speak of appeals to the king. The prelate thanked him for his
1638. zeal in the king's service, and assured him that care should be taken to redress those disorders when leisure from their other concerns would permit. This letter of the archbishop was intercepted, and shewn to the governor of Massachusetts. Burdet's villainy was considered as the more atrocious, because he had been admitted a freeman of their corporation, and had taken the oath of fidelity. A copy of his own letter was afterward found in his closet.

About this time, the Antinomian controversy at Boston having occasioned the banishment of the principal persons of that sect, several of them retired to this settlement, being without the jurisdiction of Massachusetts. When this was known, Governor Winthrop wrote to Wiggen, Burdet and others of this plantation, 'that as there had hitherto been a 'good correspondence between them it would 'be much resented if they should receive the 'exiles; and intimating the intention of the 'general court to survey the utmost limits of 'their patent, and make use of them.' To this Burdet returned a scornful answer, refusing to give the governor his title. The governor thought of citing him to court to answer for his contempt; but was dissuaded from it by Dudley, the deputy-governor, who judged it imprudent to exasperate him, lest he should avenge himself by farther accusing them to their enemies in England. The

governor contented himself with sending to 1638, Hilton an account of Burdet's behaviour, inclosing a copy of his letter, and cautioning the people not to put themselves too far under his power. His true character did not long remain secret ; for being detected in some lewd actions he made a precipitate removal to Agamenticus [now York] in the province of Maine, where he also assumed to rule, and continued a course of injustice and adultery till the arrival of Thomas Gorges, their governor, [in 1640] who laid a fine on him, and seized his cattle for the payment of it*. He appealed to the king, but his appeal not being admitted, he departed for England full of enmity against these plantations. When he arrived, he found all in confusion ; and falling in with the royalists was taken and imprisoned by the parliamentary party, which is the last account we have of him.

One of the exiles on account of the Antinomian controversy, was John Whelewright, brother to the famous Anne Hutchinson. He had been a preacher at Braintree, which was then part of Boston, and was a gentleman of learning, piety and zeal. Having engaged to make a settlement within ten years, on the lands he had purchased of the Indians at Squamscot falls, he with a number of his adherents began a plantation there, which according to the agreement made with Mason's agents they called Exeter. Having obtained a dismission from the church in

* The records of the court mention him as "a man of ill name and fame, infamous for incontinency." Lib. A. Sept. 8th. 1640.

1638. Boston*, they formed themselves into a church; and judging themselves without the jurisdiction of Massachusetts, they combined into a separate body politic, and chose rulers and assistants, who were sworn to the due discharge of their office, and the people were as solemnly sworn to obey them. Their rulers were Isaac Groffe, Nicholas Needham, and Thomas Wilfon; each of whom continued in office the space of a year, having two assistants. The laws were made in a popular assembly and formally consented to by the rulers. Treason, and rebellion against the king, (who is styled "the Lord's anointed") or the country, were made capital crimes; and sedition was punishable by a fine of ten pounds, or otherwise, at the discretion of the court. This combination subsisted three years.

Exeter
Records.

About the same time a plantation was formed at Winnicomet, which was called Hampton. The principal inducement to the making this settlement was the very extensive salt-marsh, which was extremely valuable, as the uplands were not cultivated so as to produce a sufficiency of hay for the support of cattle. With a view to secure these meadows, the general court of Massachusetts had [in 1636] empowered Mr. Dummer of Newbury, with John Spencer, to build an house there at the expence of the colony, which was to be refunded by those who

Massa. Re-
cords.

* The names of those who were thus dismissed were,
 John Wholewright, Christopher Marshall,
 Richard Merriys, George Baytes,
 Richard Bulgar, Thomas Wardell,
 Philemon Purcutt, William Wardell.
 Isaac Groffe, (Boston Church Records.)

should settle there. Accordingly an house 1638.
was built, and commonly called the Bound-
house ; though it was intended as a mark of
possession rather than of limits. The archi-
tect was Nicholas Easton, who soon after re-
moved to Rhode-Island, and built the first
English house in Newport.

Callender's
Century
Sermon;
p. 93.

This entrance being made, a petition was
presented to the court by a number of per-
sons, chiefly from Norfolk in England, pray-
ing for liberty to settle there, which was
granted them. They began the settlement
by laying out a township in one hundred and
forty-seven shares ; and having formed a
church, chose Stephen Batchelor for their
minister, with whom Timothy Dalton was
soon after associated. The number of the
first inhabitants was fifty-six*.

MS of Mr.
Gookin.

Massa. Re-
cords. Sept.
8, 1639.

The authority of Massachusetts having es-
tablished this settlement, they, from the be-
ginning, considered it as belonging to their
colony. Though the agent of Mafon's estate
made some objection to their proceeding, yet
no legal method being taken to controvert
this extension of their claim, the way was pre-
pared for one still greater, which many cir-
cumstances concurred to establish.

MS Depo-
sition in
Sup. Court
files.

After the death of Captain Mafon, his wid-
ow and executrix sent over Francis Norton
as her "general attorney ;" to whom she
committed the whole management of the es-

Anne Ma-
son's Let-
ters, and
MS Depo-
sitions in
Sup. Court
files.

* Some of their names are mentioned in the Court Records, viz.

Stephen Batchelor,
Christopher Hussey,
Mary Hussey, widow,
Thomas Cromwell,
Samuel Skullard,
John Osgood,
Samuel Greenfield,
John Molton,

Thomas Molton,
William Estow,
William Palmer,
William Sergeant,
Richard Swayne,
William Sanders,
Robert Tucke,
John Cross.

1638. *tate.* But the expence so far exceeded the income, and the servants grew so impatient for their arrears, that she was obliged to relinquish the care of the plantation, and tell the servants that they must shift for themselves. Upon which they shared the goods and cattle. Norton drove above an hundred oxen to Boston, and there sold them for twenty-five pounds sterling per head, which it is said was the current price of the best cattle in New-England at that time. These were of a large breed, imported from Denmark, from whence Mason had also procured a number of men skilled in sawing planks and making potashes. Having shared the stock and other materials, some of the people quitted the plantation; others of them tarried, keeping possession of the buildings and improvements, which they claimed as their own; the houses at Newichwannock were burned; and thus Mason's estate was ruined. These events happened between 1638 and 1644.

Hubbard's
MS Hist.

Among the Antinomians who were banished from Boston, and took refuge in these plantations, was Captain John Underhill, in whose story will appear some very strong characteristics of the spirit of these times. He had been a soldier in the Netherlands, and was brought over to New-England by Governor Winthrop, to train the people in military discipline. He served the country in the Pequod war, and was in such reputation in the town of Boston, that they had chosen him one of their deputies. Deeply tinctured with Antinomian principles, and possessed of an high degree of enthusiasm, he made a capital figure in the controversy; be-

Prince's
Annals,
MS.

ing one of the subscribers to a petition in 1638. which the court was censured, with an indecent severity, for their proceedings against Whelewright. For this offence he was disfranchised. He then made a voyage to England; and upon his return petitioned the court for three hundred acres of land which had been promised him for his former services, intending to remove after Whelewright. In his petition he acknowledged his offence in condemning the court, and declared "that the Lord had brought him to a sense of his sin in that respect, so that he had been in great trouble on account thereof." On this occasion the court thought proper to question him concerning an offensive expression, which he had uttered on board the ship in which he came from England, "that the government at Boston were as zealous as the scribes and Pharisees, and as Paul before his conversion." He denied the charge, and it was proved to his face by a woman who was passenger with him, and whom he had endeavoured to seduce to his opinions. He was also questioned for what he had said to her concerning the manner of his receiving assurance, which was "that having long lain under a spirit of bondage, he could get no assurance; till at length as he was taking a pipe of tobacco, the spirit set home upon him an absolute promise of free grace, with such assurance and joy that he had never since doubted of his good estate, neither should he, whatever sins he might fall in to." This he would neither own nor deny; but objected to the sufficiency of a single testimony. The court committed him

Nov. 15th,
1637,

1638. for abusing them with a pretended retraction, and the next day passed the sentence of banishment upon him. Being allowed the liberty of attending public worship, his enthusiastic zeal broke out in a speech in which he endeavoured to prove "that as the Lord was pleased to convert Saul while he was persecuting, so he might manifest himself to him while making a moderate use of the good creature tobacco; professing withal that he knew not wherein he had deserved the censure of the court." The elders reproved him for this inconsiderate speech; and Mr. Cotton told him, "that though God often laid a man under a spirit of bondage while walking in sin, as was the case with Paul, yet he never sent a spirit of comfort but in an ordinance, as he did to Paul by the ministry of Ananias; and therefore exhorted him to examine carefully the revelation and joy to which he pretended." The same week he was privately dealt with on suspicion of adultery, which he disregarded; and therefore on the next sabbath was questioned for it before the church; but the evidence not being sufficient to convict him, the church could only admonish him.

These proceedings, civil and ecclesiastical, being finished, he removed out of their jurisdiction; and after a while came to Dover, where he procured the place of governor in the room of Burdet. Governor Winthrop hearing of this, wrote to Hilton and others of this plantation, informing them of his character. Underhill intercepted the letter, and returned a bitter answer to Mr. Cotton; and wrote another letter full of reproaches

against the governor to a gentleman of his family, while he addressed the governor himself in a fawning, obsequious strain, begging an obliteration of former miscarriages, and a bearing with human infirmities. These letters were all sent back to Hilton ; but too late to prevent his advancement. 1639.

Being settled in his government, he procured a church to be gathered at Dover who chose Hanserd Knollys for their minister. He had come over from England the year before ; but being an Anabaptist of the Antinomian cast, was not well received in Massachusetts, and came here while Burdet was in office, who forbade his preaching ; but Underhill, agreeing better with him, prevailed to have him chosen their minister. To ingratiate himself with his new patron, Knollys wrote in his favour to the church in Boston ; styling him " The right worshipful their honoured governor." Notwithstanding which they cited him again to appear before them ; the court granting him safe conduct. At the same time complaint was made to the chief inhabitants on the river, of the breach of friendship in advancing Underhill after his rejection ; and a copy of Knollys's letter was returned, wherein he had written that " Underhill was an instrument of God for their " ruin," and it was enquired whether that letter was written by the desire or consent of the people. The principal persons of Portsmouth and Dover disclaimed his miscarriages, and expressed their readiness to call him to account when a proper information should be presented ; but begged that no force might be sent against him. By his instiga-

1639. tion Knollys had also written to his friends in England, a calumnious letter against the Massachusetts planters, representing them as more arbitrary than the high-commission court, and that there was no real religion in the country. A copy of this letter being sent from England to Governor Winthrop, Knollys was so ashamed at the discovery, that obtaining a licence, he went to Boston; and at the public lecture before the governor, magistrates, ministers and the congregation, made confession of his fault, and wrote a retraction to his friends in England, which he left with the governor to be sent to them.

Underhill was so affected with his friend's humiliation, and the disaffection of the people of Pascataqua to him, that he resolved to retrieve his character in the same way. Having obtained safe conduct, he went to Boston, and in the same public manner acknowledged his adultery, his disrespect to the government and the justice of their proceedings against him: But his confession was mixed with so many excuses and extenuations that it gave no satisfaction; and the evidence of his scandalous deportment being now undeniable, the church passed the sentence of excommunication, to which he seemed to submit, and appeared much dejected while he remained there.

Upon his return, to please some disaffected persons at the mouth of the river, he sent thirteen armed men to Exeter to rescue out of the officer's hand one Fish, who had been taken into custody for speaking against the king. The people of Dover forbade his coming into their court till they had consid-

ered his crimes and he promised to resign his place if they should disapprove of his conduct ; but hearing that they were determined to remove him, he rushed into court in a passion, took his seat, ordered one of the magistrates to prison, for saying that he would not sit with an adulterer, and refused to receive his dismissal, when they voted it. But they proceeded to chuse another governor, Roberts, and sent back the prisoner to Exeter. 1639.

A new scene of difficulty now arose. Thomas Larkham, a native of Lyme in Dorsetshire and formerly a minister at Northam near Barnstable, who had come over to New-England, and not favouring the doctrine, nor willing to submit to the discipline of the churches in Massachusetts, came to Dover ; and being a preacher of good talents, eclipsed Knollys, and raised a party who determined to remove him. He therefore gave way to popular prejudice, and suffered Larkham to take his place ; who soon discovered his licentious principles by receiving into the church persons of immoral characters, and assuming, like Burdet, the civil as well as ecclesiastical authority. The better sort of the people were displeased and restored Knollys to his office who excommunicated Larkham. This bred a riot in which Larkham laid hands on Knollys, taking away his hat on pretence that he had not paid for it ; but he was civil enough afterward to return it. Some of the magistrates joined with Larkham, and forming a court, summoned Underhill, who was of Knollys's party to appear before them, and answer to a new 1640.

1640. crime which they had to alledge against him. Underhill collected his adherents ; Knollys was armed with a pistol, and another had a bible mounted on an halbert for an ensign. In this ridiculous parade they marched against Larkham and his party, who prudently declined a combat, and sent down the river to Williams the governor, at Portsmouth, for assistance. He came up in a boat with an armed party, beset Knollys's house where Underhill was, guarded it night and day till a court was summoned, and then, Williams sitting as judge, Underhill and his company were found guilty of a riot, and after being fined, were banished the plantation. The new crime which Larkham's party alledged against Underhill was that he had been secretly endeavouring to persuade the inhabitants to offer themselves to the government of Massachusetts, whose favor he was desirous to purchase, by these means, as he knew that their view was to extend their jurisdiction as far as they imagined their limits reached, whenever they should find a favourable opportunity. The same policy led him with his party to send a petition to Boston, praying for the interposition of the government in their case : In consequence of which the governor and assistants commissioned Simon Bradstreet, Esq. with the famous Hugh Peters, then minister of Salem, and Timothy Dalton of Hampton, to enquire into the matter, and effect a reconciliation, or certify the state of things to them. These gentlemen travelled on foot to Dover, and finding both sides in fault, brought the matter to this issue, that the one party revoked the excommuni-

cation, and the other the fines and banishment. 1640.

In the heat of these disputes, a discovery was made of Knollys's failure in point of chastity. He acknowledged his crime before the church; but they dismissed him and he returned to England, where he suffered by the severity of the long parliament in 1644; and being forbidden to preach in the churches, opened a separate meeting in Great St. Helen's, from which he was soon dislodged, and his followers dispersed. He also suffered in the cause of non-conformity in the reign of King Charles the second, and at length (as it is said) died "a good man in a good old "age." (September 19, 1691, *Æt.* ninety-three.)

Neal's Hist.
Puritans.
4to vol. II.
p. 113.

Neal's Hist.
N. England.
vol. 1. page
216.

Mather's
Magnal.
lib. 3. p. 77.

Underhill having finished his career in these parts obtained leave to return to Boston, and finding honesty to be the best policy, did in a large assembly, at the public lecture, and during the sitting of the court, make a full confession of his adultery and hypocrisy, his pride and contempt of authority, justifying the church and court in all that they had done against him, declaring that his pretended assurance had failed him, and that the terror of his mind had at some times been so great, that he had drawn his sword to put an end to his life. The church being now satisfied, restored him to their communion. The court, after waiting six months for evidence of his good behaviour, took off his sentence of banishment, and released him from the punishment of his adultery: The law which made it capital having been enacted after the crime was committed, could not

Prince's
Annals

1640. touch his life. Some offers being made him
 Hubbard's by the Dutch at Hudson's river, whose lan-
 MS Hist. guage was familiar to him, the church of
 Boston hired a vessel to transport him and
 his family thither, furnishing them with all
 necessaries for the voyage. The Dutch gover-
 norgave him the command of a company of an
 hundred and twenty men, and he was very ser-
 viceable in the wars which that colony had
 with the Indians, having, it is said, killed one
 hundred and fifty on Long-Island, and three
 hundred on the Main. He continued in
 their service till his death.

We find in this relation a striking instance
 of that species of false religion, which, hav-
 ing its seat in the imagination, instead of
 making the heart better and reforming the
 life, inflames the passions, stupifies reason,
 and produces the wildest effects in the behav-
 iour. The excesses of enthusiasm have often
 been observed to lead to sensual gratifica-
 tions ; the same natural fervour being suffi-
 cient to produce both. It cannot be strange
 that they who decry morality, should indulge
 such gross and scandalous enormities as are
 sufficient to invalidate all those evidences of
 their religious character on which they lay
 so much stress. But it is not so surprizing
 that men should be thus misled, as that such
 frantic zealots should ever be reduced to an
 acknowledgment of their offences ; which in
 this instance may be ascribed to the strict
 discipline then practised in the churches of
 New-England.

The people of Dover and Portsmouth dur-
 ing all this time had no power of govern-
 ment delegated from the crown : but find-

ing the necessity of some more determinate form than they had yet enjoyed, combined themselves each into a body politic after the example of their neighbours at Exeter. The inhabitants of Dover, by a written instrument, signed by 41 persons agreed to submit to the laws of England, and such others as should be enacted by a majority of their number, until the royal pleasure should be known. The date of the combination at Portsmouth is uncertain, their first book of records having been destroyed [in 1652,] after copying out what they then thought proper to preserve. Williams, who had been sent over by the adventurers, was by annual suffrage continued governor of the place, and with him were associated Ambrose Gibbons and Thomas Warnerton* in quality of assistants. During this combination, a grant of fifty acres of land for a glebe was made by the governor and inhabitants† to Thomas Walford and Henry Sherburne, church-wardens, and their successors forever, as feoffees in trust; by virtue of which grant the same land is still held, and being let on long leases, a considerable part of the town of Portsmouth is built

1640.
Octo. 28Hubbard's
MS Hist.

Ports Reg.

May 25.

Ports. Rec.

* Warnerton had been a soldier. Upon the division of Mason's stock and goods he carried his share to Penobscot, or some part of Nova-Scotia, where he was killed in a fray with the French inhabitants. 1644. (Hubbard)

† This grant is subscribed by

Francis Williams, Governor,	Henry Taler,
Ambrose Gibbons, Assistant,	John Jones,
William Jones,	William Berry,
Renald Fernald,	John Pickerin,
John Crowther,	John Billing,
Anthony Bracket,	John Wotten,
Michael Chatterton,	Nicholas Row,
John Wall,	Matthew Coe,
Robert Puddington,	William Palmer.
Henry Sherburne,	(Portsm. Rec.)
John Landen.	

1640. upon it. At this time they had a parsonage house and chapel, and had chosen Richard Gibson for their parson, the patronage being vested in the parishoners. Gibson was sent from England as minister to a fishing plantation belonging to one Trelawney. He was "wholly addicted to the hierarchy and discipline of England, and exercised his ministerial function" according to the ritual. He was summoned before the court at Boston for "scandalizing the government there, "and denying their title;" but upon his submission, they discharged him without fine or punishment, being a stranger and about to depart the country. After his departure the people of Portsmouth had James Parker* for their minister, who was a scholar and had been a deputy in the Massachusetts court. After him they had one Browne; and † Samuel Dudley a son of Deputy Governor Dudley; but these were only temporary preachers, and they did not obtain the regular settlement of a minister for many years.

Four distinct governments (including one at Kittery on the north side of the river) were now formed on the several branches of

Gov. Winthrop's
Journal,
MS.

Ports. Rec.

MS Journ.

* Governor Winthrop gives this account of him and his ministry. (1642. "10 mo :) " Those of the lower part of Pascataqua invited Mr. James Parker of Weymouth, a godly man, to be their minister. He by advising with "divers of the magistrates and elders accepted the call and went and taught "among them. this winter, and it pleased God to give great success to his "labours so as above forty of them, whereof the most had been very profane and some of them professed enemies to the way of our churches, "wrote to the magistrates and elders, acknowledging the sinful course they "had lived in, and bewailing the same, and blessing God for calling them out "of it and earnestly desiring that Mr. Parker might be settled amongst "them. Most of them fell back again in time, embracing this present "world." He afterward removed to Barbadoes and there settled. (vid Hutchinson's collection of papers, p. 155 & 222.) Hutchinson supposes him to have been minister of Newbury, mistaking him for Thomas Parker.

† Dudley settled at Exeter in 1650, and died there in 1683, aged 77 "He was a person of good capacity and learning." (Fitch's MS.)

Pascataqua. These combinations being only 1640.
 voluntary agreements, liable to be broken
 or subdivided on the first popular discontent,
 there could be no safety in the continuance
 of them. The distractions in England at
 this time had cut off all hope of the royal
 attention, and the people of the several set-
 tlements were too much divided in their
 opinions to form any general plan of govern-
 ment which could afford a prospect of per-
 manent utility. The more considerate per-
 sons among them, therefore thought it best
 to treat with Massachusetts about taking
 them under their protection. That govern-
 ment was glad of an opportunity to realize
 the construction which they had put upon
 the clause of their charter wherein their nor-
 thern limits are defined. For a line drawn
 from east to west at the distance of "three
 miles to the northward of Merrimack riv-
 er and of any and every part thereof," will
 take in the whole province of New-Hamp-
 shire, and the greater part of the province
 of Maine, so that both Mason's and Gorges's
 patents must have been vacated. They had
 already intimated their intention to run this
 east and west line, and presuming on the jus-
 tice of their claim, they readily entered into
 a negociation with the principal settlers of
 Pascataqua respecting their incorporation
 with them. The affair was more than a year
 in agitation, and was at length concluded by
 an instrument subscribed in the presence of
 the general court by George Willys, Robert
 Saltonstall, William Whiting, Edward Holi-
 ock, and Thomas Makepeace, in behalf of
 themselves and the other partners of the two

Massa. Rec.

1641.

April 12.

1641. patents; by which instrument they resigned the jurisdiction of the whole to Massachusetts, on condition that the inhabitants should enjoy the same liberties with their own people, and have a court of justice erected among them. The property of the whole patent of Portsmouth, and of one third part of that of Dover, and of all the improved lands therein, was reserved to the lords and gentlemen proprietors, and their heirs forever.

October 8.

The court on their part consented that the inhabitants of these towns should enjoy the same privileges with the rest of the colony, and have the same administration of justice as in the courts of Salem and Ipswich; that they should be exempted from all public charges, except what should arise among themselves, or for their own peculiar benefit; that they should enjoy their former liberties of fishing, planting and felling timber; that they should send two deputies to the general court; and that the same persons who were authorized by their combinations to govern them, should continue in office till the commissioners named in this order should arrive at Pascataqua. These commissioners were invested with the power of the quarter courts of Salem and Ipswich, and at their arrival they constituted Francis Williams, Thomas Warnerton & Ambrose Gibbons of Portsmouth, Edward Hilton, Thomas Wiggen and William Waldron of Dover, magistrates, who were confirmed by the general court.

1642.

Sept. 8.

By a subsequent order a very extraordinary concession was made to these towns, which shews the fondness that government had of

retaining them under their jurisdiction. A 1642.
test had been established by law, but it was
dispensed with in their favor ; their freemen
were allowed to vote in town affairs, and
their deputies to sit in the general court
though they were not church-members.

The people of Dover being left destitute
of a minister by the sudden departure of
Larkham, who took this method to avoid the
shame which would have attended the dis-
covery of a crime similar to that for which
Knollys had been dismissed, wrote to the
Massachusetts for help. The court took care
to send them Daniel Maud who had been a
minister in England. He was an honest man,
and of a quiet and peaceable disposition,
qualities much wanting in all his predeces-
sors. Larkham returned to England, where
he continued to exercise his ministry till e-
jected by the act of uniformity in 1662,
from Tavistock in Devon. He is said to
have been " well known there for a man
" of great piety and sincerity," and died in
1669, *Æ.* 68.

Hubbard's
MS.

Math. Mag.

Calamy's
account of
ejected min-
isters, p.
246.

The inhabitants of Exeter had hitherto
continued their combination ; but finding
themselves comprehended within the claim
of Massachusetts, and being weary of their
inefficacious mode of government they peti-
tioned the court, and were readily admitted
under their jurisdiction. William Wenborne,
Robert Smith, and Thomas Wardhall were
appointed their magistrates ; and they were
annexed to the county of Essex. Upon this,
Whelewright who was still under sentence
of banishment, with those of his church who
were resolved to adhere to him, removed in-

Sept

M:

1642. to the province of Maine, and settled at Wells, where his posterity yet remain. He was soon after restored, upon a slight acknowledgment, to the freedom of the colony, and removed to Hampton ; of which church he was minister for many years ; until he went to England where he was in favor with Cromwell : But, after the restoration, he returned and settled at Salisbury, where he died in 1680.

Hubbard's
MS.

1644. After his departure from Exeter, an attempt was made by the remaining inhabitants to form themselves into a church, and call the aged Stephen Batchelor to the ministry, who had been disinherited from Hampton for his irregular conduct. But the general court here interposed and sent them a solemn prohibition, importing "that their divisions were such that they could not comfortably, and with approbation, proceed in so weighty and sacred affairs," and therefore directing them "to defer gathering a church, or any other such proceeding, till they or the court at Ipswich, upon further satisfaction of their reconciliation and fitness, should give allowance therefor."

Massa. Rec.

May 29.

Such a stretch of power, which would now be looked upon as an infringement of christian liberty, was agreeable to the principles of the first fathers of New-England, who thought that civil government was established for the defence and security of the church against error both doctrinal and moral. In this sentiment they were not singular, it being universally adopted by the reformers, in that and the preceding age, as one of the

fundamental principles of their separation 1644.
from the Romish church, and necessary to
curtail the claims of her Pontiff, who assumed
a supremacy over "the kings of the
"earth."

C H A P. III.

Observations on the principles and conduct of the first planters of New-England.—Causes of their removal.—Their fortitude.—Religious sentiments.—Care of their posterity.—Justice.—Laws.—Theocratic prejudices.—Intolerance and persecutions.

AN union having been formed between the settlements on Pascataqua and the colony of Massachusetts, their history for the succeeding forty years is in a great measure the same. It is not my intention to write the transactions of the whole colony during that period ; but, as many of the people in New-Hampshire had the same principles, views and interests with the other people of New-England, I shall make some observations thereon, and intersperse such historical facts as may illustrate the subject.

In the preceding century the holy scriptures, which had long lain hid in the rubbish of monastic libraries, were brought to public view by the happy invention of printing ; and as darkness vanishes before the rising sun, so the light of divine truth began to dissipate those errors and superstitions in which Europe had long been involved. At the same time a remarkable concurrence of circumstances gave peculiar advantage to the bold attempt of Luther, to rouse Germany from her inglorious subjection to the Roman Pontiff, and effectuate a reformation, which soon spread into the neighbouring countries. But so intimately were the political interests of kingdoms and states blended with religious

prejudices, that the work, though happily begun, was greatly blemished and impeded.

Henry the VIIIth of England took advantage of this amazing revolution in the minds of men, to throw off the papal yoke, and assert his native claim to independence. But so dazzling was the idea of power, and the example of the first christian princes, who had exercised a superintendency in spirituals, as well as temporals, that he transferred to himself that spiritual power which had been usurped and exercised by the bishops of Rome, and sat up himself as supreme head on earth of the church of England ; commanding both clergy and laity in his dominions to swear allegiance to him in this newly assumed character.

This claim was kept up by his son and successor Edward the Sixth, in whose reign the reformation gained much ground ; and a service-book was published by royal authority as the standard of worship and discipline for his subjects. This excellent prince was taken out of the world in his youth ; and his sister Mary, who then came to the throne, restored the supremacy to the pope, and raised such fiery persecution against the reformers, that many of them fled into Germany and the Netherlands ; where they departed from that uniformity which had been established in England, and became divided in their sentiments and practice respecting ecclesiastical affairs : the native effect of that just liberty of conscience which they enjoyed abroad, pursuing their own enquiries according to their respective measures of light ; uninfluenced by secular power, or the hope

of acquiring dignities in a national establishment.

The accession of Elizabeth inspired them with new hopes ; and they returned home, resolving to attempt the reformation of the church of England, agreeably to the respective opinions which they had embraced in their exile. But they soon found that the queen, who had been educated in the same manner with her brother Edward, was fond of the establishment made in his reign, and was strongly prejudiced in favor of pomp and ceremony in religious worship. She asserted her supremacy in the most absolute terms, and erected an high-commission court with jurisdiction in ecclesiastical affairs. Uniformity being rigorously enjoined and no abatement or allowance made for tender consciences (though it was conceded that the ceremonies were indifferent) a separation from the establishment took place. Those who were desirous of a farther reformation from the Romish superstitions, and of a more pure and perfect form of religion were denominated *Puritans* ; whose principles, as distinguished from those of the other reformers who were in favor with the queen, are thus represented.

Neal's Hist.
Puritans,
vol. 1. p.
95, 98, 4to.

“ The queen and court-reformers held, 1. That every prince had the sole authority to correct all abuses of doctrine and worship within his own territories. 2. That the church of Rome was a true church though corrupt in some points of doctrine and government ; that all her ministrations were valid, and that the pope was a true Bishop of Rome though not of the universal church.

3. That the scriptures were a perfect rule of faith, but not a standard of discipline ; and that it was left to the discretion of the christian magistrate, to accommodate the government of the church to the policy of the state.

4. That the practice of the primitive church for the first four or five centuries was a proper standard of church government and discipline ; and in some respects better than that of the Apostles, which was only accommodated to the infant state of the church, while it was under persecution ; whereas the other was suited to the grandeur of a national establishment. 5. That things indifferent in their own nature as rites, ceremonies, and habits, might be settled, determined and made necessary by the command of the civil magistrate, and that in such cases it was the duty of the subject to observe them."

" On the other hand, the Puritans, 1. Disowned all foreign jurisdiction over the church, but could not admit of that extensive power which the crown claimed by the supremacy. However, they took the oath, with the queen's explication, as only restoring her majesty to the ancient and natural rights of sovereign princes over their subjects. 2. They held the pope to be anti-christ, the church of Rome a false church, and all her ministrations superstitious and idolatrous. 3. That the scriptures were a standard of discipline as well as doctrine, and if there was need of a discretionary power, it was vested not in the magistrate but in the officers of the church. 4. That the form of government ordained by the Apostles was aristocratical, and designed as a pat-

tern to the church in after ages, not to be departed from in its main principles. 5. That those things which Christ hath left indifferent ought not to be made necessary ; and that such rites and ceremonies as had been abused to idolatry and superstition, and had a manifest tendency to lead men back thereto, were no longer indifferent but unlawful."

"Both parties agreed too well in asserting the necessity of uniformity in public worship, and of using the sword of the magistrate for the support and defence of their respective principles ; which they made an ill use of in their turns, whenever they could grasp it in their hands. The standard of uniformity according to the bishops, was the queen's supremacy and the laws of the land ; according to the Puritans, the decrees of national and provincial synods, allowed and enforced by the civil magistrate. Neither party were for admitting that liberty of conscience and freedom of profession which is every man's right, so far as is consistent with the peace of civil government. Upon this fatal rock of *uniformity*, was the peace of the church of England split."

It is melancholy to observe what mischiefs were caused by the want of a just distinction between civil and ecclesiastical power, and by that absurd zeal for uniformity, which kept the nation in a long ferment, and at length burst out into a blaze, the fury of which was never thoroughly quelled till the happy genius of the revolution gave birth to a free and equitable *toleration*, whereby every man was restored to the natural right of judging and acting for himself in matters of religion.

All the celebrated wisdom of Elizabeth's government could not devise an expedient so successful. Though her reign was long and prosperous, yet it was much stained with oppression and cruelty toward many of her best subjects ; who, wearied with ineffectual applications, waited the accession of James, from whom they expected more favour, because he had been educated in the presbyterian church of Scotland, and professed an high veneration for that establishment. But they soon found that he had changed his religious principles with his climate, and that nothing was to be expected from a prince of so base a character, but insult and contempt.

In the beginning of his reign a great number of the Puritants removed into Holland, where they formed churches upon their own principles. But not relishing the manners of the Dutch, after twelve years they projected a removal to America, and laid the foundation of the colony of Plymouth. The spirit of uniformity still prevailing in England, and being carried to the greatest extent in the reign of Charles the First by that furious bigot Archbishop Laud ; many of the less scrupulous, but conscientious members of the church of England, who had hitherto remained in her communion, seeing no prospect of rest or liberty in their native country, followed their brethren to America, and established the colony of Massachusetts, from which proceeded that of Connecticut.

By such men, influenced by such motives, were the principal settlements in New-England effected. The fortitude and perseverance which they exhibited therein will al-

ways render their memory dear to their posterity. To prepare for their enterprize, they had to sell their estates, some of which were large and valuable, and turn them into materials for a new plantation, with the nature of which they had no acquaintance, and of which they could derive no knowledge from the experience of others. After traversing a wide ocean they found themselves in a country full of woods, to subdue which required immense labour and patience ; at a vast distance from any civilized people ; in the neighbourhood of none but ignorant and barbarous savages ; and in a climate, where a winter much more severe than they had been accustomed to, reigns for a third part of the year. Their stock of provisions falling short, they had the dreadful apprehension of perishing by famine, one half of their number dying before the first year was completed ; the ocean on one side separated them from their friends, and the wilderness on the other, presented nothing but scenes of horror, which it was impossible for them to conceive of before they endured them.

But under all these difficulties, they maintained a steady and pious resolution ; depending on the providence of the supreme ruler, and never repenting the business on which which they had come into this wilderness. As purity in divine administrations was the professed object of their undertaking, so they immediately set themselves to form churches, on what they judged the gospel plan. To be out of the reach of prelatie tyranny, and at full liberty to pursue their own enquiries, and worship God according to their

consciences, (which had been denied them in their own country) was esteemed the greatest of blessings, and sweetened every bitter cup which they were obliged to drink. They always professed that their principal design was to erect churches on the primitive model, and that the consideration of temporal interest and conveniency had but the second place in their views.*

In the doctrinal points of religion they were of the same mind with their brethren of the church of England, as expressed in their articles. The Massachusetts planters left behind them, when they sailed, a respectful declaration importing that they did not consider the church of England as anti-christian, but only withdrew from the imposition of unscriptural terms of communion. Some of the Plymouth planters had embraced the narrow principles of the Brownists, the first who separated from the church of England; but by the improvements which they made in religious knowledge under the instruction of the renowned John Robinson, their pastor in Holland, they were in a great measure cured of that sour leaven. The congregational system of church government was the result of the studies of that truly pious, learned, humble and benevolent divine, who seems to have had more of the genuine spirit of the reformation, and of freedom

Hutchin.
Hist. vol.
1. p. 487.

* "It concerneth New-England always to remember, that they are originally a plantation religious, not a plantation of trade. The profession of the purity of doctrine, worship and discipline is written upon her forehead. Let merchants, and such as are increasing cent per cent remember this, that worldly gain was not the end and design of the people of New-England but religion. And if any man among us make religion as twelve, and the world as thirteen, such an one hath not the spirit of a true New-England man."

Higginson's Election Sermon, 1663.

Neal's Hist.
N. Eng.
vol. 1. p. 84.

from bigotry, than any others in his day. His farewell charge to those of his flock who were embarking in Holland for America deserves to be had in perpetual remembrance. “ Brethren (said he) we are now quickly to
 “ part from one another, and whether I may
 “ ever live to see your face on earth any
 “ more, the God of heaven only knows ; but
 “ whether the Lord hath appointed that or
 “ no, I charge you before God and his blessed angels that you follow me no further
 “ than you have seen me follow the Lord Jesus Christ. If God reveal any thing to you
 “ by any other instrument of his, be as ready
 “ to receive it, as ever you were to receive
 “ any truth by my ministry ; for I am verily persuaded, I am very confident, the Lord
 “ has more truth yet to break forth out of
 “ his holy word. For my part, I cannot sufficiently bewail the condition of the reformed churches, who are come to a period in religion, and will go at present no farther than the instruments of their reformation. The Lutherans cannot be drawn
 “ to go beyond what Luther saw ; whatever part of his will our Good God has revealed to Calvin, they will rather die than embrace it. And the Calvinists you see stick fast where they were left by that great
 “ man of God, who yet saw not all things. This is a misery much to be lamented ;
 “ for though they were burning and shining lights in their times, yet they penetrated
 “ not into the whole counsel of God ; but
 “ were they now living, would be as willing
 “ to embrace farther light, as that which
 “ they at first received. I beseech you to re-

“ member it as an article of your church
“ covenant, *That you be ready to receive what-*
“ *ever truth shall be made known to you from*
“ *the written word of God.* Remember that,
“ and every other article of your sacred cov-
“ enant. But I must herewithal exhort you
“ to take heed what you receive as truth.
“ Examine, consider and compare it with
“ other scriptures of truth, before you re-
“ ceive it ; for it is not possible the christian
“ world should come so lately out of such
“ thick antichristian darkness, and that per-
“ fection of knowledge should break forth
“ at once.” It is much to be regretted that
this excellent man did not live to reach New-
England and to diffuse more generally such
truly catholic and apostolic principles.

Many of the first planters of New-Eng-
land were persons of good education, and
some of them eminent for their abilities and
learning. Such men could not but see the
necessity of securing to their posterity the
advantages which they had so dearly purch-
ased. One of their first concerns was to
have their children considered, from their
earliest years, as subjects of ecclesiastical dis-
cipline. This became a matter of controver-
sy, and was largely discussed in sermons and
pamphlets, and at length determined by the
authority of a synod. A regular course of
academical learning was a point of equal im-
portance, and admitted of no dispute. They
saw that the reputation and happiness of the
whole country depended greatly upon it.
They therefore took early care for the estab-
lishment of schools, and within ten years

from their first settlement, founded a College at Cambridge*, which from small beginnings, by the munificence of its patrons, has made a distinguished figure in the republic of letters. Many eminent men have there been formed for the service of the church and state ; and without this advantage the country could not have arrived, in so short a time, at its present respectable state ; nor have been furnished with men capable of filling the various stations of usefulness, and of defending our civil and religious liberties.

Though the first planters derived from the royal grants and charters a political right as subjects of the crown of England, to this territory ; yet they did not think themselves justly entitled to the property of it till they had fairly purchased it of its native lords, and made them full satisfaction†. Nor did they content themselves with merely living peaceably among them, but exerted themselves vigorously in endeavouring their conversion to christianity, which was one of the obligations of their patent, and one of the professed designs of their settlement in this country. This painful work was remarkably succeeded, and the names of ELIOT and

* "When New-England was poor, and we were but few in number, there was a spirit to encourage learning, and the college was full of students."

Result of a Synod in 1679.

† The Abbe Raynal in his elegant History of the East and West Indies speaks of the purchase made of the Indians by William Penn in 1681, as "an example of moderation and justice in America, which was never thought of before, by the Europeans." It can be no derogation from the honor due to the wise founder of Pennsylvania that the example of this moderation and justice was first set by the planters of New-England, whose deeds of conveyance from the Indians were earlier than his by half a century.

In some parts of the country the lands purchased of the Indians are subject to quit-rent, which is annually paid to their posterity. They have lands reserved to their use, which are not allowed to be purchased of them without the consent of the legislature.

MAYHEW will always be remembered as unwearied instruments in promoting it. Great care was taken by the government to prevent fraud and injustice toward the Indians in trade, or violence to their persons. The nearest of the natives were so sensible of the justice of their English neighbours, that they lived in a state of peace with them, with but little interruption, for above fifty years.

Slavery was thought so inconsistent with the natural rights of mankind, and detrimental to society, that an express law was made, prohibiting the buying or selling of slaves, except those taken in lawful war, or reduced to servitude for their crimes by a judicial sentence; and these were to have the same privileges as were allowed by the laws of Moses. There was a remarkable instance of justice in the execution of this law in 1645, when a Negro who had been fraudulently brought from the coast of Africa, and sold in the country, was by the special interposition of the general court taken from his master in order to be sent home to his native land*. How long after this the importation of blacks continued to be disallowed is uncertain; but if the same resolute justice had always been observed, it would have been much for the credit and interest of the country; and our own struggles for

* "14. 3d mo. 1645. The court thought proper to write to Mr. Williams of Pascataqua, (understanding that the Negroes which Captain Smyth brought were fraudently and injuriously taken and brought from Guinea, by Capt. Smyth's confession and the rest of the company) that he forthwith send the Negro which he had of Captain Smyth hither, that he may be sent home, which this court doth resolve to send back without delay. And if you have any thing to alledge, why you should not return him to be disposed of by the court, it will be expected you should forthwith make it appear either by yourself or your agent."

liberty would not have carried so flagrant an appearance of inconsistency.

Severe laws conformable to the principles of the laws of Moses were enacted against all kinds of immorality. Blasphemy, idolatry, adultery, unnatural lusts, rape, murder, man-stealing, false witness, rebellion against parents, and conspiracy against the commonwealth were made capital crimes; and because some doubted whether the magistrate could punish breaches of the four first commands of the decalogue, this right was asserted in the highest tone, and the denial of it ranked among the most pestilent heresies, and punished with banishment. By the severity and impartiality with which those laws were executed, intemperance and profaneness were so effectually discountenanced that Hugh Peters, who had resided in the country twenty years, declared before the parliament that he had not seen a drunken man, nor heard a profane oath during that period. The report of this extraordinary strictness, while it invited many of the best men in England to come over, kept them clear of those wretches who fly from one country to another to escape the punishment of their crimes.

The professed design of the plantation being the advancement of religion, and men of the strictest morals being appointed to the chief places of government, their zeal for purity of every kind carried them into some refinements in their laws which are not generally supposed to come within the sphere of magistracy, and in larger communities could scarcely be attended to in a judicial way.

The drinking of healths, and the use of tobacco were forbidden, the former being considered as an heathenish and idolatrous practice, grounded on the ancient libations ; the other as a species of intoxication and waste of time. Laws were instituted to regulate the intercourse between the sexes, and the advances toward matrimony : They had a ceremony of betrothing, which preceded that of marriage. Pride and levity of behavior came under the cognizance of the magistrate. Not only the richness but the mode of dress, and cut of the hair were subject to state-regulations. Women were forbidden to expose their arms or bosoms to view ; it was ordered that their sleeves should reach down to their wrist, and their gowns be closed round the neck. Men were obliged to cut short their hair, that they might not resemble women. No person not worth two hundred pounds was allowed to wear gold or silver lace, or silk hoods and scarfs. Offences against these laws were presentable by the grand jury ; and those who dressed above their rank were to be assessed accordingly. Sumptuary laws might be of use in the beginning of a new plantation ; but these pious rulers had more in view than the political good. They were not only concerned for the external appearance of sobriety and good order, but thought themselves obliged, so far as they were able, to promote real religion and enforce the observance of the divine precepts.

As they were fond of imagining a near resemblance between the circumstances of their settlement in this country and the redemp-

Increase
Mather's
life, p. 57.

Mather's
Magnalia,
lib. 3. p.
29.

tion of Israel from Egypt or Babylon ; it is not strange that they should also look upon their "commonwealth as an institution of " God for the preservation of their church- " es, and the civil rulers as both members " and fathers of them." The famous John Cotton, the first minister in Boston was the chief promoter of this sentiment. When he arrived in 1633, he found the people divided in their opinions. Some had been admitted to the privileges of freemen at the first general court, who were not in communion with the churches ; after this an order was passed, that none but members of the churches should be admitted freemen ; whereby all other persons were excluded from every office or privilege civil or military. This great man by his eloquence confirmed those who had embraced this opinion, and earnestly pleaded "that the " government might be considered as a theo- " cracy wherein the Lord was judge, lawgiv- " er and king ; that the laws which he gave " Israel might be adopted, so far as they " were of moral and perpetual equity ; that " the people might be considered as God's " people in covenant with him ; that none " but persons of approved piety and eminent " gifts should be chosen rulers ; that the " ministers should be consulted in all mat- " ters of religion ; and that the magistrate " should have a superintending and coercive " power over the churches." At the desire of the court, he compiled a system of laws founded chiefly on the laws of Moses, which was considered by the legislative body as the general standard ; though they never for-

Hatch.
Collec.
papers, p.
361.

mally adopted it, and in some instances varied from it.

These principles were fundamentally the same with those on which were grounded all the persecutions which they had endured in England, and naturally led to the same extremes of conduct which they had so bitterly complained of in those civil and ecclesiastical rulers, from whose tyranny they had fled into this wilderness. They had already proceeded a step farther than the hierarchy had ever attempted. No test-law had as yet taken place in England; but they had at one blow cut off all but those of their own communion, from the privileges of civil offices, however otherwise qualified. They thought that as they had suffered so much in laying the foundation of a new state, which was supposed to be "a model of the glorious kingdom of Christ on earth*," they had an exclusive right to all the honours and privileges of it; and having the power in their hands, they effectually established their pretensions, and made all dissenters and disturbers feel the weight of their indignation.

In consequence of the union thus formed between the church and state on the plan of the Jewish theocracy, the ministers were called to sit in council, and give their advice in matters of religion and cases of conscience

* "I look upon this as a little model of the glorious kingdom of Christ on earth. Christ reigns among us in the commonwealth as well as in the Church, and hath his glorious interest involved in the good of both societies respectively. He that shall be treacherous and false to the civil government, is guilty of high treason against the Lord Jesus Christ, and will be proceeded against as a rebel and traitor to the King of kings, when he shall hold his great assizes at the end of the world."

which came before the court, and without them they never proceeded to any act of an ecclesiastical nature. As none were allowed to vote in the election of rulers but freemen, and freemen must be church members ; and as none could be admitted into the church but by the elders, who first examined, and then propounded them to the brethren for their vote, the clergy acquired hereby a vast ascendancy over both rulers and people, and had in effect the keys of the state as well as the church in their hands. The magistrates, on the other hand, regulated the gathering of churches, interposed in the settlement and dismission of ministers, arbitrated in ecclesiastical controversies and controlled synodical assemblies. This coercive power in the magistrate was deemed absolutely necessary to preserve "the order of the gospel."

Chap. 17.
Sec. 3.

The principle on which this power is grounded is expressed in the Cambridge Platform in terms as soft as possible. "The power and authority of magistrates is not for the restraining of churches, or any other good works, but for the helping in and furthering thereof, and therefore the consent and countenance of magistrates *when it may be had*, is not to be slighted or lightly esteemed ; but, on the contrary, it is a part of the honor due to christian magistrates to desire and crave their consent and approbation therein : which being obtained, the churches may then proceed in their way with *much more* encouragement and comfort." This article (like divers others in that work) is curiously and artfully drawn up, so that there is an appearance of liberty

and tendernefs but none in reality : For although the magistrate was not to refrain any good works, yet *he* was to be the judge of the good or evil of the works to be restrained ; and what fecurity could churches have that they fhould not be restrained in the performance of what *they* judged to be good works ? They might indeed think themfelves fafe, while their rulers were fo zealous for the purity of the churches of which themfelves were members, and while their minifters were confulted in all ecclefiastical affairs ; but if the civil powers had acted without fuch confultation, or if the minifters had been induced to yield to the opinion of the magiftrates, when contrary to the intereft of the churches, what then would have become of religious liberty ?

The idea of liberty in matters of religion was in that day strangely underftood, and myfterioufly expreffed. The venerable Higginfon of Salem in his fermon on the day of the election 1663, fpeaks thus ; “ The gofpel of Chrift hath a right paramount all rights in the world ; it hath a divine and fupreme right to be received in every nation, and the knee of magiftracy is to bow at the name of Jefus. This right carries liberty along with it, for all fuch as profefs the gofpel, to walk according to the faith and order of the gofpel. That which is contrary to the gofpel hath no right, and therefore fhould have no liberty.” Here the queftion arifes, who is to be the judge of what is agreeable or contrary to the gofpel ? If the magiftrate, then there is only a liberty to believe and praftice what the

magistrate thinks right. A similar sentiment occurs in the sermon of the learned President Oakes on the same occasion in 1673 ; “ The
 “ outcry of some is for liberty of conscience.
 “ This is the great Diana of the libertines of
 “ this age. But remember that as long as you
 “ have liberty to walk in the faith and order
 “ of the gospel, and may lead quiet and
 “ peaceable lives in all godliness and honest-
 “ ty, you have as much liberty of conscience
 “ as Paul desired under any government.”
 Here the question recurs, Would Paul have submitted to walk according to the opinion which the magistrate might entertain of the faith and order of the gospel ? But this was all the freedom allowed by the spirit of these times. Liberty of conscience and toleration were offensive terms, and they who used them were supposed to be the enemies of religion and government. “ I look upon tol-
 “ eration (says the same author) as the first
 “ born of all abominations ; if it should be
 “ born and brought forth among us, you
 “ may call it Gad, and give the same reason
 “ that Leah did for the name of her son, *Be-
 “ hold a troop cometh*, a troop of all manner of
 “ abominations.” In another of these elec-
 tion sermons, (which may generally be ac-
 counted the echo of the public voice, or the
 political pulse by which the popular opinion
 may be felt) it is shrewdly intimated that
 toleration had its origin from the devil, and
 the speech of the demoniac who cried out,
 “ what have we to do with thee, let us alone,
 “ thou Jesus of Nazareth,” is styled “ Satan’s
 “ plea for toleration.” The following admo-

ation to posterity, written by the Deputy-Governor Dudley, is another specimen.

“ Let men of God in courts and churches watch

“ O’er such as do a toleration hatch ;

“ Lest that ill egg bring forth a cockatrice,

“ To poison all with heresy and vice.

“ If men be left and otherwise combine

“ My epitaph’s *I die no libertine.*”

Morton’s
Memorial.
p. 179.

The champion of these sentiments was Cotton, who though eminently meek, placid and charitable, yet was strongly tinctured with the prevailing opinion, That the magistrate had a coercive power against heretics. The banishment of Roger Williams, minister of Salem, occasioned a vehement controversy on this point. Williams having written in favour of liberty of conscience, and styled the opposite principle “the bloody tenet ;” was answered by Cotton, who published a Treatise in 1647 with this strange title, “The bloody tenet washed, and made white in the blood of the Lamb.” In this work he labours to prove the lawfulness of the magistrate’s using the civil sword to extirpate heretics, from the commands given to the Jews to put to death blasphemers and idolaters. To the objection, that persecution serves to make men hypocrites, he says, “better tolerate hypocrites and tares than briars and thorns. In such cases the civil sword doth not so much attend the conversion of seducers, as the preventing the seduction of honest minds by their means.” He allows indeed that “the magistrate ought not to draw the sword against seducers till he have used all good means for their con-

“ viction : But if after their continuance in ob-
“ stinate rebellion against the light, he shall
“ still walk toward them in soft and gentle
“ commiseration, his softness and gentleness
“ is excessive large to foxes and wolves ; but
“ his bowels are miserably straitned and
“ hardened against the poor sheep and lambs
“ of Christ. Nor is it frustrating the end of
“ Christ’s coming, which was to save souls,
“ but a direct advancing it, to destroy, if
“ need be, the bodies of those wolves, who
“ seek to destroy the souls of those for whom
“ Christ died.” In pursuing his argument
he refines so far as to deny that any man is
to be persecuted on account of conscience
“ till being convinced in his conscience of
“ his wickedness, he do stand out therein,
“ not only against the truth, but against the
“ light of his own conscience, that so it
“ may appear he is not persecuted for cause
“ of conscience, but punished for sinning
“ against his own conscience.” To which
he adds, “ sometimes it may be an aggrava-
“ tion of sin both in judgment and practice
“ that a man committeth it in conscience.”
“ After having said that it was toleration
“ which made the world antichristian,” he
concludes his book with this singular ejacu-
lation, “ the Lord keep us from being be-
“ witched with the whore’s cup, lest while
“ we seem to reject her with open face of
“ profession, we bring her in by a back door
“ of toleration ; and so come to drink deep-
“ ly of the cup of the Lord’s wrath, and be
“ filled with her plagues.”

But the strangest language that ever was
used on this or perhaps on any other subject,

is to be found in a book printed in 1645 by the humourous Ward of Ipswich entitled, "the Simple Cobler of Agawam." "My heart (says he) hath naturally detested four things ; the standing of the Apocrypha in the bible : foreigners dwelling in my country, to croud out native subjects into the corners of the earth : alchymized coins : toleration of divers religions or of one religion in segregant shapes. He that willingly assents to the last, if he examines his heart by day-light, his conscience will tell him, he is either an atheist, or an heretic, or an hypocrite, or at best a captive to some lust. Polypiety is the greatest impiety in the world. To authorize an untruth by toleration of the state, is to build a sconce against the walls of heaven, to batter God out of his chair. Persecution of true religion and toleration of false are the Jannes and Jambres to the kingdom of Christ, whereof the last is by far the worst. He that is willing to tolerate any unsound opinion, that his own may be tolerated though never so sound, will for a need, hang God's bible at the devil's girdle. It is said that men ought to have liberty of conscience and that it is persecution to debar them of it : I can rather stand amazed than reply to this ; it is an astonishment that the brains of men should be parboiled in such impious ignorance."

From these specimens, (of which the reader will think he has had enough) it is easy to see how deeply the principle of intolerance was rooted in the minds of our forefathers. Had it stood only in their books as a

subject of speculation, it might have been excused, considering the prejudices of the times ; but it was drawn out into fatal practice, and caused severe persecutions which cannot be justified consistently with christianity or true policy. Whatever may be said in favour of their proceedings against the Antinomians, whose principles had such an effect on the minds of the people as materially affected the foundations of government, in the infancy of the plantation ; yet the Anabaptists and Quakers were so inconsiderable for numbers, and the colony was then so well established that no danger could have been rationally apprehended to the commonwealth from them. Rhode-Island was settled by some of the Antinomian exiles on a plan of entire religious liberty : men of every denomination being equally protected and countenanced, and enjoying the honours and offices of government. The Anabaptists, fined and banished, flocked to that new settlement, and many of the Quakers also took refuge there ; so that Rhode-Island was in those days looked upon as the drain or sink of New-England ; and it has been said that “ if any man had lost his religion, he might find it there, among such a general muster of opinionists.” Notwithstanding this in-
 vective, it is much to the honour of that government that there never was an instance of persecution for conscience sake countenanced by them. Rhode-Island and Pennsylvania afford a strong proof that toleration conduces greatly to the settlement and increase of an infant plantation.

The Quakers at first were banished ; but this proving insufficient, a succession of sanguinary laws were enacted against them, of which imprisonment, whipping, cutting off the ears, boring the tongue with an hot iron, and banishment on pain of death, were the terrible fancies. In consequence of these laws four persons were put to death at Boston, bearing their punishment with patience and fortitude ; solemnly protesting that their return from banishment was by divine direction, to warn the magistrates of their errors, and intreat them to repeal their cruel laws ; denouncing the judgments of God upon them ; and foretelling that if they should put them to death others would rise up in their room to fill their hands with work*. After

Sewel's
History of
the Quakers.

* The following passages extracted from William Leddra's letter to his friends, written the day before his execution, March 15, 1660 shew an elegance of sentiment and expression, not common in their writings.

" Most dear and inwardly beloved,

" The sweet influence of the morning star, like a flood, distilling into my innocent habitation hath so filled me with the joy of the Lord in the beauty of holiness, that my spirit is as if it did not inhabit a tabernacle of clay, but is wholly swallowed up in the bosom of eternity from whence it had its being."

" Alas, alas ! what can the wrath and spirit of man that lusteth to envy, aggravated by the heat and strength of the king of the locusts which came out of the pit, do unto one that is hid in the secret places of the Almighty ? or to them that are gathered under the healing wings of the Prince of Peace ? O my beloved, I have waited as the dove at the windows of the ark, and have stood still in that watch, which the master did at his coming reward with the fulness of his love ; wherein my heart did rejoice that I might speak a few words to you, sealed with the spirit of promise. As the flowing of the ocean doth fill every creek and branch thereof, and then retires again toward its own being and fulness and leaves a savour behind it ; so doth the life and virtue of God flow into every one of your hearts, whom he hath made partakers of his divine nature ; and when it withdraws but a little, it leaves a sweet savour behind it, that many can say they are made clean through the word that he has spoken to them. Therefore, my dear hearts, let the enjoyment of the life alone be your hope, your joy and your consolation. Stand in the watch within, in the fear of the Lord which is the entrance of wisdom. Confess him before men, yea before his greatest enemies. Fear not what they can do to you : Greater is he that is in you than he that is in the world, for he will clothe you with humility and in the power of his meekness you shall reign over all the rage of your enemies."

Sewel's Hist Quakers, page 274.

the execution of the fourth person, an order from King Charles the second, procured by their friends in England, put a stop to capital executions.

Impartiality will not suffer a veil to be drawn over these disgraceful transactions. The utmost that has been pleaded in favor of them, cannot excuse them in the eye of reason and justice. The Quakers, it is said, were heretics ; their principles appeared to be subversive of the gospel, and derogatory from the honor of the Redeemer. Argument and scripture were in this case the proper weapons to combat them with ; and if these had failed of success, they must have been left to the judgment of an omniscient and merciful God. They were complained of as disturbers of the peace, revilers of magistracy, “ malignant and assiduous promoters of doctrines directly tending to subvert both “ church and state ;” and our fathers thought it hard, when they had fled from opposition and persecution in one shape to be again troubled with it in another. But it would have been more to their honor to have suffered their magistracy and church order to be insulted, than to have stained their hands with the blood of men who deserved pity rather than punishment. The Quakers indeed had no right to disturb them ; and some of their conduct was to an high degree indecent and provoking ; but they were under the influence of a spirit which is not easily quelled by opposition. Had not the government appeared to be jealous of their principles, and prohibited the reading of their books before any of them appeared in person, there

could not have been so plausible a pretext for their reviling government. It was said that the laws by which they were condemned were grounded on the laws in England against Jesuits. But the case was by no means parallel, (as the Quakers pleaded) their principles and practices not being equally detrimental to society. It was moreover urged in excuse of the severities exercised against the Quakers that the magistrates thought themselves "bound in conscience to keep the passage with the point of the sword: this (it was said) could do no harm to him that would be warned by it: their rushing on it was their own act, and they brought the blood on their own heads. Had they promised to depart the jurisdiction and not return without leave, the country would have been glad to have rid themselves of the trouble of executing the laws upon them; it was their presumptuous returning after banishment that caused them to be put to death." This was the plea which the court used in their address to the king; and in another vindication published by their order, the unhappy sufferers are styled "felones de se," or self-murderers. But this will not justify the putting them to death, unless the original crimes for which they were banished had deserved it. The preamble to the act by which they were condemned charges them with "altering the received laudable custom of giving respect to equals and reverence to superiors; that their actions tend to undermine the civil government and destroy the order of the churches, by denying all established forms of worship, by withdrawing from or-

Sewel's
History
Quakers.

Mass. Rec.

Sewel, b. 6.
p. 272.

p. 100.

derly church fellowship allowed and approved by all orthodox professors of the truth, and instead thereof, and in opposition thereto, frequently meeting themselves, insinuating themselves into the minds of the simple, whereby divers of our inhabitants have been infected." Did these offences deserve death? had any government a right to terrify with capital laws persons guilty of no other crimes than these, especially when they professed that they were obliged to go the greatest lengths in maintaining those tenets which they judged sacred, and following the dictates of that spirit which they thought divine? Was not the mere "holding the point of the sword" to them, really inviting them to "rush on it" and seal their testimony with their blood? and was not this the most likely way to strengthen and increase their party? Such punishment for offences which proceeded from a misguided zeal, increased and inflamed by opposition, will never reflect any honour on the policy or moderation of the government; and can be accounted for only by the strong predilection for coercive power in religion, retained by most or all of the reformed churches; a prejudice which time and experience were necessary to remove*.

* From the following authorities, it will appear that the government of New-England, however severe and unjustifiable in their proceedings against the Quakers, went no farther than the most eminent reformers; particularly the Bohemians, the Lutherans, the celebrated Calvin and the martyr Cranmer.

In the war which the Emperor Sigismund excited against the Bohemian reformers, who had the famous Zisca for their general; "The acts of barbarity which were committed on both sides were shocking and terrible beyond expression. For notwithstanding the irreconcilable opposition between the religious sentiments of the contending parties, they both agreed in this one horrible point, that it was innocent and lawful to persecute and extirpate with fire and sword, the enemies of the true religion, and such their

The mistakes on which their conduct was grounded cannot be detected in a more masterly manner, than by transcribing the sentiments of Doctor Increase Mather, who lived in those times, and was a strong advocate for the coercive power of the magistrate in matters of religion ; but afterward changed his opinion on this point. “ He became sensible that the example of the Israelitish reformers inflicting penalties on false worshippers would not legitimate the like proceedings among christian gentiles : For the holy land of old was, by a deed of gift from the glorious God, miraculously and indisputably granted to the Israelitish nation, and the condition on which they had it was

reciprocally appeared to be in each others eyes.” Mosheim’s Eccl. Hist. vol. 3. p. 261.

“ It were indeed ardently to be wished, that the *Lutherans* had treated with more mildness and clarity those who differed from them in religious opinions. But they had unhappily imbibed a spirit of persecution in their early education. This was too much the spirit of the times, and it was even a leading maxim with our ancestors (this author was a Lutheran) that it was both lawful and expedient to use severity and force against those whom they looked upon as heretics. *This maxim was derived from ROME* ; and even those who separated from that church did not find it easy to throw off all of a sudden that despotic and uncharitable spirit, that had so long been the main spring of its government and the general characteristic of its members. Nay in their narrow view of things, their very piety seemed to suppress the generous movements of fraternal love and forbearance, and the more they felt themselves animated with a zeal for the divine glory, the more difficult did they find it to renounce that ancient and favourite maxim, that whoever is found to be an enemy to God, ought also to be declared an enemy to his country.” Mosheim, vol. 4. page 437.

“ Michael Servetus, a Spanish physician, published seven books in which he attacked the sentiments adopted by far the greatest part of the christian church, in relation to the divine nature and a trinity of persons in the Godhead. Few innovators have set out with a better prospect of success : But all his views were totally disappointed by the vigilance and severity of Calvin, who when Servetus was passing through Switzerland, caused him to be apprehended at Geneva in the year 1553, and had an accusation of blasphemy brought against him before the council. Servetus adhering resolutely to the opinions he had embraced, was declared an obstinate heretic and condemned to the flames.” Mosheim, vol. 4. page 171.

Dr. Macclaine in his note on this passage, says, “ It was a remaining portion of the spirit of *potery* in the breast of Calvin that kindled his unchristian zeal against the wretched Servetus, whose death will be an indelible reproach upon the character of that great and eminent reformer.”

“ their observance of the Mosaic institutions.
 “ To violate them was high treason against
 “ the king of the theocracy, an iniquity to
 “ be punished by the judge. At the same
 “ time sojourners in the land were not com-
 “ pelled to the keeping those rites and laws
 “ which Moses had given to the people.
 “ Nay the Israelites themselves fell, many of
 “ them, into the worst of heresies, yet while
 “ they kept the laws and rites of Moses, the
 “ magistrate would not meddle with them.
 “ The heresy of the Sadducees in particular
 “ struck at the foundation of all religion ;
 “ yet we do not find that our Saviour ever

In the reign of Edward the sixth of England, anno, 1549, “ A woman
 “ called Joan Bocher, or Joan of Kent, was accused of heretical pravity. Her
 “ doctrine was, “ that Christ was not truly incarnate of the virgin, whose
 “ flesh being the outward man was sinfully begotten and born in sin ; and
 “ consequently he could take none of it ; but the word by the consent of the in-
 “ ward man of the virgin was made flesh.” A scholastic nicety, not capa-
 ble of doing much mischief ! but there was a necessity for delivering the wo-
 man to the flames for maintaining it. The young king though in such ten-
 der years, had more sense than all his counsellors and preceptors ; and he
 long refused to sign the warrant for her execution. CRANMER, with his su-
 perior learning, was employed to persuade him to compliance, and he said,
 that the prince, being God’s deputy, ought to repress impieties against God,
 in like manner as the king’s deputies were bound to punish offenders against
 the king’s person. He also argued from the practice of the Jewish church in
 stoning blasphemers. Edward overcome by importunity more than reason
 at last submitted, and told Cranmer with tears in his eyes, that if any wrong
 was done, the guilt should lie entirely on his head. The primate was struck
 with surprize ; but after making a new effort to reclaim the woman and find-
 ing her obstinate, he at last committed her to the flames. Nor did he ever
 renounce his burning principles so long as he continued in power.” Hume’s
 Hist. Eng. 4to vol. 3. p. 320. Neal’s Hist. Purit. 4to. vol. 1. p. 41.

It ought also to be remembered, that at the same time that the Quakers
 suffered in New-England, penal laws against them were made and rigorously
 executed in England ; and though none of them suffered capital executions,
 yet they were thrown into prison and treated with other marks of cruelty,
 which in some instances proved the means of their death. And though the
 lenity of King Charles the 11d in putting a stop to capital executions here
 has been much celebrated, yet in his letter to the Massachusetts government
 the next year, wherein he requires liberty for the church of England among
 them, he adds, “Wee cannot be understood hereby to direct, or wish that any
 “ indulgence should be granted to Quakers, whose principles being incon-
 “ sistent with any kind of government. Wee have found it necessary with
 “ the advice of our parliament here to make a sharp law against them, and
 “ are well content you doe, the like there.” Records of Deeds, Province
 “ Maine, lib. 1. fol. 129.

“blamed the Pharisees for not persecuting
 “them. The christian religion brings us
 “not into a temporal Canaan, it knows no
 “weapons but what are purely spiritual. He
 “saw that until persecution be utterly ban-
 “ished out of the world, and Cain’s club
 “taken out of Abel’s hand, ’tis impossible to
 “rescue the world from endless confusions.
 “He that has the power of the sword will
 “always be in the right and always assume
 “the power of persecuting. In his latter
 “times therefore he looked upon it as one
 “of the most hopeful among the signs of the
 “times, that people began to be ashamed of
 “a practice which had been a mother of
 “abominations, and he came entirely into
 “that golden maxim, *Errantis poena doceri.*”

Divers others of the principal actors and
 abettors of this tragedy lived to see the folly
 and incompetency of such sanguinary laws,
 to which the sufferings of their brethren,
 the nonconformists in England, did not a lit-
 tle contribute. Under the arbitrary govern-
 ment of King James the second, when he,
 for a shew of liberty and as a leading step to
 the introduction of popery, issued a procla-
 mation of indulgence to tender consciences,
 the principal men of the country sent him
 an address of thanks, for granting them what
 they had formerly denied to others. It is
 but justice to add, that all those disgraceful
 laws were renounced and repealed, and the
 people of New-England are now as candidly
 disposed toward the Quakers as any other
 denominations of christians. To keep alive
 a spirit of resentment and reproach to the
 country, on account of these ancient trans-

actions which are now universally condemned, would discover a temper not very consistent with that meekness and forgiveness which ought to be cultivated by all who profess to be influenced by the gospel.

But though our ancestors are justly censurable for those instances of misconduct, yet they are not to be condemned as unworthy the christian name, since some of the first disciples of our Lord, in a zealous imitation of the prophet Elias, would have called for fire from Heaven to consume a village of the Samaritans who refused to receive him. Their zeal was of the same kind; and the answer which the benevolent author of our religion gave to his disciples on that occasion, might with equal propriety be addressed to them, and to all persecuting christians, “Ye know not what spirit ye are of, “for the Son of man is not come to destroy “men’s lives but to save them.”

C H A P. IV.

Mode of Government under Massachusetts.—Mason's efforts to recover the property of his ancestor.—Transactions of the King's Commissioners.—Opposition to them.—Political principles.—Internal transactions.—Mason discouraged.

DURING the union of these plantations with Massachusetts, they were governed by the general laws of the colony, and the terms of the union were strictly observed. Exeter and Hampton were at first annexed to the jurisdiction of the courts at Ipswich, till the establishment of a new county which was called Norfolk, and comprehended Salisbury, Haverhill, Hampton, Exeter, Portsmouth and Dover. These towns were then of such extent as to contain all the lands between the rivers Merrimack and Pascataqua. The shire town was Salisbury; but Dover and Portsmouth had always a distinct jurisdiction, though they were considered as part of this new county; a court being held in one or the other, sometimes once and sometimes twice in the year, consisting of one or more of the magistrates or assistants, and one or more commissioners chosen by the General Court out of the principal gentlemen of each town. This was called the court of Associates; and their power extended to causes of twenty pounds value. From them there was an appeal to the board of Assistants, which being found inconvenient, it was in 1670 ordered to be made to the county court of Norfolk. Causes under twenty shillings in value were settled in each town by an Inferior Court consisting of

1643.

Mass. Gen.
Court Recs

1647. three persons. After some time they had liberty to choose their Associates, which was done by the votes of both towns, opened at a joint meeting of their selectmen, though sometimes they requested the court to appoint them as before. That mutual confidence between rulers and people, which springs from the genius of a republican government is observable in all their transactions.*

Dover and
Ports. Rec.

This extension of the colony's jurisdiction over New-Hampshire, could not fail of being noticed by the heirs of Mason: But the distractions caused by the civil wars in England were invincible bars to any legal enquiry. The first heir named in Mason's will dying in infancy, the estate descended after the death of the executrix to Robert Tufton, who was not of age till 1650. In two years after this, Joseph Mason came over as agent to the executrix, to look after the interest of her deceased husband. He found the lands at Newichwannock occupied by Richard Leader,

* In 1652, the number of people in Dover was increased so that they were allowed by law to send two deputies to the General Court. Hampton continued sending but one till 1669, and Portsmouth till 1672. The names of the representatives which I have been able to recover, are as follows:

For Dover.

John Baker,
Valentine Hill,
Richard Waldron, who was
chosen without interrup-
tion for 25 years, and was
sometime speaker of the House.
Richard Cook.
Peter Coffin.

For Portsmouth.

Bryan Pendleton,
Henry Sherburne,
Richard Cutts,
Nathaniel Fryer,
Elias Stileman,
John Cutts,
Richard Martyn,

Richard Cook, of Boston

For Hampton.

Jeffrey Mingay,
Henry Dow,
William Fuller,
Robert Page,
Roger Shaw,
Roger Page,
Samuel Dalton.
Joshua Gilman.
Anthony Stanyon.
Christopher Hussey,
William Gerrish,
Joseph Hussey.

I do not find that Exeter sent any deputies to court during this union.
General Court Rec.

against whom he brought actions in the county court of Norfolk ; but a dispute arising whether the lands in question were within the jurisdiction of Massachusetts, and the court of Norfolk judging the action not to be within their cognizance, recourse was had to the general court ; who on this occasion ordered an accurate survey of the northern bounds of their patent to be made ; a thing which they had long meditated. A committee of the general court attended by Jonathan Ince, and John Shearman surveyors, and several Indian guides, went up the river Merrimack to find the most northerly part thereof, which the Indians told them was at Aque-
dochtan, the outlet of the lake Winnipiseogee. The latitude of this place was observed to be 43 degrees 40 minutes and 12 seconds, to which three miles being added, made the line of the patent, according to their construction, fall within the lake, in the latitude of 43 degrees 43 minutes and 12 seconds. Two experienced ship-masters, Jonas Clarke and Samuel Andrews, were then dispatched to the eastern coast, who found the same degrees, minutes, and seconds, on the northern point of an island in Casco Bay, called the Upper Clapboard Island. An east and west line, drawn through these points from the Atlantic to the South sea, was therefore supposed to be the northern boundary of the Massachusetts patent, within which the whole claim of Mason, and the greater part of that of Gorges were comprehended. When this grand point was determined, the court were of opinion, that “ some lands at Newichwan-
“nock, with the river, were by agreement of

1652.

Massa. Rep.

1653.

1653. "Sir Ferdinando Gorges and others, appointed to Captain Mafon, and that he also "had right by purchase of the Indians, as also by possession and improvement ;" and they ordered "a quantity of land proportionable to his disbursements, with the privilege of the river, to be laid out to his heirs." The agent made no attempt to recover any other part of the estate ; but having tarried long enough in the country to observe the temper of the government, and the management used in the determination of his suit, he returned ; and the estate was given up for lost unless the government of England should interpose.

During the commonwealth, and the protectorate of Cromwell, there could be no hope of relief, as the family had always been attached to the royal cause, and the colony stood high in the favor of the parliament and of Cromwell. But the restoration of King Charles the second encouraged Tufton, who now took the surname of Mafon, to look up to the throne for favor and assistance. For though the plan of colonization adopted by his grandfather was in itself chimerical, and proved fruitless, yet he had expended a large estate in the prosecution of it, which must have been wholly lost to his heirs, unless they could recover the possession of his American territories. Full of this idea, Mafon petitioned the king ; setting forth "the encroachment of the Massachusetts colony upon his lands, their making grants and giving titles to the inhabitants, and thereby dispossessing him and keeping him out of his right." The king referred the petition

to his attorney-general Sir Geoffry Palmer, 1660.
 who reported that "Robert Mafon, grandson Nov. 8.
 "and heir to Captain John Mafon, had a MS in Sup.
 "good and legal title to the province of New- Court files.
 "Hampshire." Nothing farther was done
 at this time, nor was the matter mentioned
 in the letter which the king soon after sent
 to the colony, though some offensive things 1662.
 in their conduct were therein reprehended, Hutch.
 and divers alterations enjoined. But the di- Collect. of
 rections contained in this letter not being papers, p.
 strictly attended to, and complaints being 377.
 made to the king of disputes which had arisen
 in divers parts of New-England concern-
 ing the limits of jurisdiction, and addresses
 having been presented by several persons,
 praying for the royal interposition; a com-
 mission was issued under the great seal to
 Colonel Richard Nichols, Sir Robert Carre,
 knight, George Carteret and Samuel Maver-
 ick, esquires, empowering them "to visit the
 "several colonies of New-England; to ex-
 "amine and determine all complaints and
 "appeals in matters civil, military and crimi-
 "nal; to provide for the peace and security
 "of the country, according to their good and
 "sound discretion, and to such instructions
 "as they should receive from the king, and
 "to certify him of their proceedings."

This commission was highly displeased by
 the colony, as inconsistent with the rights and
 privileges which they enjoyed by their char-
 ter, and which the king had sacredly prom-
 ised to confirm. It is therefore no wonder
 that the commissioners were treated with
 much coolness at their arrival; but they se-
 verely repaid it in their report to the king.

Hutch. Hist.
 Mas. vol. 1.
 p. 535.

1664.
 April 25.

Hutch.
 Coll. pap.
 417.

1665.

June.

In their progress through the country they came to Pascataqua, and enquired into the bounds of Mason's patent. They heard the allegation of Whelewright, who when banished by the colony, was permitted to reside immediately beyond what was called the bound-house, which was three large miles to the northward of the river Merrimack. They took the affidavit of Henry Jocelyn concerning the agreement between Governor Cradock and Captain Mason, that the river should be the boundary of their respective patents. They made no determination of this controversy in their report to the king; but having called together the inhabitants of Portsmouth, Sir Robert Carre, in the name of the rest, told them that "they would release them "from the government of Massachusetts, "whose jurisdiction should come no farther "than the bound-house." They then proceeded to appoint justices of the peace and other officers, with power to act according to the laws of England, and such laws of their own as were not repugnant thereto, until the king's pleasure should be farther known.

Mass. Rec.
Oct. 10.

Mitchin.
Collection
pap. 488.

There had always been a party here who were disaffected to the government of Massachusetts. One of the most active among them was Abraham Corbett, of Portsmouth, who, since the arrival of the commissioners at Boston, and probably by authority derived from them, had taken upon him to issue warrants in the king's name on several occasions, which was construed a high misdemeanor, as he had never been commissioned by the authority of the colony. Being called to account by the general court, he was ad-

Massa. Rec.

monished, fined five pounds, and committed 1665.
till the sentence was performed. Irritated by
this severity, he was the fitter instrument for
the purpose of the commissioners, who em-
ployed him to frame a petition to the king in
the name of the four towns, complaining of
the usurpation of Massachusetts over them,
and praying to be released from their tyrann-
ny. Corbett, in a secret manner, procured
several persons both in Portsmouth and Do-
ver to subscribe this petition, but the most
of those to whom he offered it refused.

The sensible part of the inhabitants now
saw with much concern that they were in
danger of being reduced to the same unhap-
py state which they had been in before their
union with the colony. Awed by the super-
cilious behaviour of the commissioners, they
knew not at first how to act ; for to oppose
the king's authority was construed treason,
and it was said that Sir Robert Carre had
threatened a poor old man with death for no
other crime than forbidding his grandchild
to open a door to them. But when the ru-
mour was spread that a petition was drawn,
and that Corbett was procuring subscribers,
the people, no longer able to bear the abuse,
earnestly applied to the general court, pray-
ing " that in some orderly way they might
" have an opportunity to clear themselves of
" so great and unjust aspersions, as were by
" this petition, drawn in their name, cast
" upon the government under which they
" were settled ; and also to manifest their
" sense of such perfidious actions, lest by their
" silence it should be concluded they were
" of the same mind with those who framed

1665. “the petition.” In consequence of this petition the court commissioned Thomas Danforth, Eleazar Lusher, and Major General Leverett to enquire into the matter, and settle the peace in these places according to their best discretion.

October 9.

These gentlemen came to Portsmouth, and having assembled the inhabitants, and published their commission, they told them that they were informed of a petition subscribed in behalf of that and the neighbouring towns, complaining of the government ; and desired them if they had any just grievances to let them be known, and report should be immediately made to the general court. The next day they assembled the people of Dover and made the same challenge. Both towns respectively protested against the petition, and professed full satisfaction with the government, which they signified in addresses to the court. Dudley, the minister of Exeter, certified under his hand to the committee, that the people of that town had no concern directly nor indirectly with the obnoxious petition. They received also full satisfaction with regard to Hampton ; a certificate of which might have been obtained, if they had thought it necessary.

They then proceeded to summon Corbett before them for seditious behaviour ; but he eluded the search that was made for him, and they were obliged to leave a warrant with an officer to cite him to the court at Boston. The commissioners had now gone over into the province of Maine, from whence Sir Robert Carre in their name sent a severe reprimand to this committee, forbidding

them to proceed against such persons as had subscribed the petition, and inclosing a copy of a letter which the said commissioners had written to the governor and council on the same subject. 1665.

The committee returned and reported their proceedings to the court, and about the same time the commissioners came from their eastern tour to Boston ; where the court desired a conference with them, but received such an answer from Sir Robert Carre as determined them not to repeat their request. A warrant was then issued by the secretary, in the name of the whole court, to apprehend Corbett and bring him before the governor and magistrates, "to answer for his tumultuous and seditious practices against the government." The next spring he was seized and brought before them ; and after a full hearing was adjudged guilty of sedition, and exciting others to discontent with the government and laws, and of keeping a disorderly house of entertainment, for which crimes he was sentenced to give a bond of one hundred pounds with security for his peaceable behaviour and obedience to the laws ; he was prohibited retailing liquors ; disabled from bearing any office in the town or commonwealth, during the pleasure of the court ; and obliged to pay a fine of twenty pounds and five pounds for the costs of his prosecution. 1666.
May 23.

This severity in vindication of their charter-rights they thought fit to temper with something that had the appearance of submission to the royal commands. The king's pleasure had been signified to the commis- Hutch. Col.
pap. 419.

1666. sioners, that the harbours should be fortified. This instruction came to hand while they were at Pascataqua, and they immediately issued warrants to the four towns, requiring them to meet at a time and place appointed to receive his majesty's orders. One of these warrants was sent by express to Boston, from whence two officers were dispatched by the governor and council to forbid the towns on their peril to meet, or obey the commands of the commissioners. But by their own authority they ordered a committee to look out the most convenient place for a fortification, upon whose report "the neck of land on the
 Massa. Rec. " eastward of the Great Island, where a small
 " fort had been already built, was sequestered for the purpose, taking in the Great
 " Rock, and from thence all the easterly part
 " of the said island." The court of associates being impowered to hear and determine the claims of those who pretended any title to this land ; a claim was entered by George Walton, but rejected ; and the appropriation confirmed. The customs and imposts on goods imported into the harbour were applied to the maintenance of the fort, and the trained bands of Great-Island and Kittery-Point were discharged from all other duty to attend the service of it, under Richard Cutts, esq. who was appointed captain.

The people of Massachusetts have, both in former and latter times, been charged with disloyalty to the king in their conduct toward these commissioners, and their disregard of authority derived from the same source with their charter. To account for

their conduct on this occasion, we must consider the ideas they had of their political connexion with the parent state. They had been forced from thence by persecution : they came at their own charges into a wilderness, claimed indeed by the crown of England ; but really in possession of its native lords ; from whom they had purchased the soil and sovereignty, which gave them a title, considered in a moral view, superior to the grant of any European prince. For convenience only, they had solicited and accepted a patent from the crown, which in their opinion constituted the only bond of union between them and their prince, by which the nature and extent of their allegiance to him was to be determined. This patent they regarded as a solemn compact, wherein the king had granted them undisturbed possession of the soil, and power of government within certain limits ; on condition that they should settle the country, christianize the natives, yield a fifth of all gold and silver mines to the crown, and make no laws repugnant to those of England. They had, on their part, sacredly performed these conditions ; and therefore concluded that the grant of title, property and dominion which the crown had made to them was irrevocable. And although they acknowledged themselves subjects of the reigning prince, and owned a dependence on the royal authority ; yet they understood it to be only through the medium of their charter.

The appointment of commissioners who were to act within the same limits, independently of this authority, and to receive ap-

1666. peals from it ; whose rule of conduct was no established law, but their own "good and sound discretion," was regarded as a dangerous stretch of royal power, militating with and superseding their charter. If the royal authority was destined to flow through the patent, it could not regularly be turned into another channel : if they were to be governed by laws made and executed by officers of their own choosing, they could not at the same time be governed by the "discretion" of men in whose appointment they had no voice, and over whom they had no control. Two ruling powers in the same state was a solecism which they could not digest. The patent was neither forfeited nor revoked ; but the king had solemnly promised to confirm it, and it subsisted in full force. The commission therefore was deemed an usurpation and infringement of those chartered rights, which had been solemnly pledged on the one part, dearly purchased and justly paid for on the other. They regarded "a royal donation under the great seal (to use their own words) as the greatest security that could be had in human affairs ;" and they had confidence in the justice of the supreme ruler, that if they held what they in their consciences thought to be their rights, and performed the engagements by which they had acquired them, they should enjoy the protection of his providence,*

Hatch.
Hist. Mass.
Vol. 1. p.
543.

* "Keep to your patent. Your patent was a royal grant indeed ; and it is instrumentally your defence and security. Recede from that, one way or the other, and you will expose yourselves to the wrath of God and the rage of man. Fix upon the patent, and stand for the liberties and immunities conferred upon you therein ; and you have GOD and the king with you, both a good cause and a good interest : and may with good conscience set your foot against any foot of pride and violence that shall come against you."

though they should be obliged to abandon 1666.
the country, which they had planted with so
much labour and expence, and seek a new
settlement in some other part of the globe.

These were the principles which they had
imbibed, which they openly avowed and on
which they acted. Policy might have dictat-
ed to them the same flexibility of conduct,
and softness of expression, by which the oth-
er colonies on this occasion gained the royal
favour. But they had so long held the sole
and uninterrupted sovereignty, in which they
had been indulged by the late popular gov-
ernment in England; and were so fully con-
vinced it was their right; that they chose
rather to risque the loss of all, than to make
any concessions; thereby exposing themselves
farther to the malice of their enemies and the
vengeance of power.

The commissioners, having finished their
business, were recalled by the order of the
king, who was much displeased with the ill
treatment they had received from the Massa-
chusetts government, which was the more
heinous, as the colonies of Plymouth, Rhode-
Island and Connecticut had treated the com-
mission with acknowledged respect. By a
letter to the colony he commanded them to
send over four or five agents, promising "to
hear in person, all the allegations, sugges-
tions, and pretences to right or favour,
that could be made on behalf of the colo-
ny," intimating that he was far from de-
siring to invade their charter; and com-
manding that all things should remain as the
commissioners had settled them until his far-
ther order; and that those persons who had

April 10.
Hutch. p.
547.

1666. been imprisoned for petitioning or applying to them should be released. The court, however, continued to exercise jurisdiction, appoint officers, and execute the laws in these towns as they had done for twenty-five years, to the general satisfaction of the people who were united with them in principles and affection.

This affection was demonstrated by their
1669. ready concurrence with the proposal for a general collection, for the purpose of erecting a new brick building* at Harvard college, the old wooden one being small and decayed. The town of Portsmouth, which was now become the richest, made a subscription of sixty pounds per annum for seven years; and after five years passed a town vote to carry this engagement into effect. Dover gave thirty-two, and Exeter ten pounds for the same laudable purpose.

Harvard
Col. Rec.

1671. The people of Portsmouth, having for some time employed Joshua Moody as a preacher among them, and erected a new meeting-house, proceeded to settle him in regular order. A church consisting of nine brethren† was first gathered; then the general court having been duly informed of it, and having signified their approbation, according to the established practice, Moody was ordained in the presence of Governor Leverett and several of the Magistrates.

Ports. Chh.
Records.

1674. The whole attention of the government in England being at this time taken up with

* This building was erected in 1672, and consumed by fire in 1764.

† " Joshua Moody,

John Cutts,

Richard Cutts,

Richard Martyn,

Elias Stileman.

Samuel Haynes,

James Pennington.

John Fletcher,

John Tecker.

things that more immediately concerned 1674. themselves, nothing of moment relating to Mason's interest was transacted. He became discouraged, and joined with the heirs of Gorges in proposing an alienation of their respective rights in the provinces of New-Hampshire and Maine to the Crown, to make a government for the Duke of Monmouth. The duke himself was greatly pleased with the scheme, as he had been told that an annual revenue of five thousand pounds or more might be collected from these provinces. But by the more faithful representations of some persons who were well acquainted with the country, he was induced to lay aside the project. Many complaints were made against the government of Massachusetts ; and it was thought to be highly expedient that more severe measures should be used with them ; but the Dutch wars, and other foreign transactions, prevented any determination concerning them, till the country was involved in all the horrors of a general war with the natives.

Hutch.
Collection
of Papers,
451. 472.

CHAP. V.

Remarks on the temper and manners of the Indians.—The first general war with them called Philip's war.

AT the time of the first discovery of the river Pascataqua by Captain Smith, it was found that the native inhabitants of these parts differed not in language, manners, nor government, from their eastern or western neighbours. Though they were divided into several tribes, each of which had a distinct sachem, yet they all owned subjection to a sovereign prince, called Basheba, whose residence was somewhere about Pemaquid. It was soon after found that the Tarratcens, who lived farther eastward, had invaded his country, surprized and slain him, and all the people in his neighbourhood, and carried off his women, leaving no traces of his authority. Upon which the subordinate sachems, having no head to unite them, and each one striving for the pre-eminence, made war among themselves; whereby many of their people, and much of their provision were destroyed. When Sir Richard Hawkins visited the coast in 1615, this war was at it height; and to this succeeded a pestilence, which carried them off in such numbers that the living were not able to bury the dead; but their bones remained at the places of their habitations for several years. During this pestilence, Richard Vines and several others, whom Sir Ferdinando Gorges had hired, at a great expence, to tarry in the country through the winter, lived among them and lodged in their

Smith's
Voyage.

Gorges's
Narrat. p.
17. 54.

Prince's
Annals.

cabbins, without receiving the least injury in their health, “not so much as feeling their heads to ache the whole time.” By such singular means did divine providence prepare the way for the peaceable entrance of the Europeans into this land.

Gorges,
page 12.

When the first settlements were made, the remains of two tribes had their habitations on the several branches of the river Pascataqua; one of their sachems lived at the falls of Squamscot, and the other at those of Newichwannock; their head quarters being generally seated in places convenient for fishing. Both these, together with several inland tribes, who resided at Pantucket and Winnipiseogee, acknowledged subjection to Passaconaway the great sagamore of Pannukog, or (as it is commonly pronounced) Penacook. He excelled the other sachems in sagacity, duplicity and moderation; but his principal qualification was his skill in some of the secret operations of nature, which gave him the reputation of a forcerer, and extended his fame and influence among all the neighbouring tribes. They believed that it was in his power to make water burn, and trees dance, &c to metamorphose himself into flame; that in winter he could raise a green leaf from the ashes of a dry one, and a living serpent from the skin of one that was dead.

Hutch,
Hist. Mass.
Vol. 1. p.
474.

An English gentleman who had been much conversant among the Indians was invited, in 1660, to a great dance and feast; on which occasion the elderly men, in songs or speeches recite their histories, and deliver their sentiments, and advice, to the younger. At this solemnity Passaconaway, being grown

old, made his farewell speech to his children and people ; in which, as a dying man, he warned them to take heed how they quarrelled with their English neighbours ; for though they might do them some damage, yet it would prove the means of their own destruction. He told them that he had been a bitter enemy to the English, and by the arts of forcery had tried his utmost to hinder their settlement and increase ; but could by no means succeed. This caution perhaps often repeated, had such an effect, that upon the breaking out of the Indian war fifteen years afterward, Wonolanfet, his son and successor, withdrew himself and his people into some remote place, that they might not be drawn into the quarrel.

Hubbard's
printed
Narrative.
page 9. 31.

While the British nations had been distracted with internal convulsions, and had endured the horrors of a civil war, produced by the same causes which forced the planters of New England to quit the land of their nativity ; this wilderness had been to them a quiet habitation. They had struggled with many hardships ; but providence had smiled upon their undertaking, their settlements were extended and their churches multiplied. There had been no remarkable quarrel with the savages, except the short war with the Pequods, who dwelt in the south-east part of Connecticut : They being totally subdued in 1637, the dread and terror of the English kept the other nations quiet for near forty years. During which time the New-England colonies being confederated for their mutual defence, and for maintaining the public peace, took great

pains to propagate the gospel among the natives, and bring them to a civilized way of living, which, with respect to some, proved effectual; others refused to receive the missionaries, and remained obstinately prejudiced against the English. Yet the object of their hatred was at the same time the object of their fear; which led them to forbear acts of hostility, and to preserve an outward shew of friendship, to their mutual interest.

Our historians have generally represented the Indians in a most odious light, especially when recounting the effects of their ferocity. Dogs, caitiffs, miscreants and hell-hounds, are the politest names which have been given them by some writers, who seem to be in a passion at the mentioning their cruelties, and at other times speak of them with contempt. Whatever indulgence may be allowed to those who wrote in times when the mind was vexed with their recent depredations and inhumanities, it ill becomes us to cherish an inveterate hatred of the unhappy natives. Religion teaches us a better temper, and providence has now put an end to the controversy, by their almost total extirpation. We should therefore proceed with calmness in recollecting their past injuries, and forming our judgment of their character.

Hubbard's
Narrative
and
Mather's
Magnalia

It must be acknowledged that human depravity appeared in these unhappy creatures in a most shocking view. The principles of education and the refinements of civilized life either lay a check upon our vicious propensities, or disguise our crimes; but among them human wickedness was seen in its naked deformity. Yet, bad as they were, it will

be difficult to find them guilty of any crime which cannot be paralleled among civilized nations.

They are always described as remarkably *cruel* ; and it cannot be denied that this disposition indulged to the greatest excess, strongly marks their character. We are struck with horror, when we hear of their binding the victim to the stake, biting off his nails, tearing out his hair by the roots, pulling out his tongue, boring out his eyes, sticking his skin full of lighted pitch-wood, half roasting him at the fire, and then making him run for their diversion, till he faints and dies under the blows which they give him on every part of his body. But is it not as dreadful to read of an unhappy wretch, sewed up in a sack full of serpents and thrown into the sea, or broiled in a red hot iron chair ; or mangled by lions and tygers after having spent his strength to combat them for the diversion of the spectators in an amphitheatre ? and yet these were punishments among the Romans in the politest ages of the empire. What greater cruelty is there in the American tortures, than in confining a man in a trough, and daubing him with honey that he may be stung to death by wasps and other venomous insects ; or fleaing him alive and stretching out his skin before his eyes, which modes of punishment were not inconsistent with the softness and elegance of the ancient court of Persia ? or, to come down to modern times ; what greater misery can there be in the Indian executions, than in racking a prisoner on a wheel, and breaking his bones one by one with an

iron bar ; or placing his legs in a boot and driving in wedges one after another ; which tortures are still, or have till lately been used in some European kingdoms ? I forbear to name the torments of the inquisition, because they seem to be beyond the stretch of *human* invention. If civilized nations, and those who profess the most merciful religion that ever blessed the world, have practised these cruelties, what could be expected of men who were strangers to every degree of refinement either civil or mental ?

The Indians have been represented as *revengeful*. When any person was killed, the nearest relative thought himself bound to be the avenger of blood, and never left seeking, till he found an opportunity to execute his purpose. Whether in a state, where government is confessedly so feeble as among them, such a conduct is not justifiable, and even countenanced by the Jewish law may deserve our consideration.

Numbers
ch. 35. v.
19.

Deuteronomy
ch. 19.
v. 12.

The *treachery* with which these people are justly charged, is exactly the same disposition which operates in the breach of solemn treaties made between nations which call themselves christian. Can it be more criminal in an Indian, than in an European, not to think himself bound by promises and oaths extorted from him when under duress ?

Their *jealousy and hatred* of their English neighbours may easily be accounted for, if we allow them to have the same feelings with ourselves. How natural is it for us to form a disagreeable idea of a whole nation, from the bad conduct of some individuals with whom we are acquainted ? and though others

of them may be of a different character, yet will not that prudence which is esteemed a virtue, lead us to suspect the fairest appearances, as used to cover the most fraudulent designs, especially if pains are taken by the most politic among us, to foment such jealousies to subserve their own ambitious purposes ?

Though the greater part of the English settlers came hither with religious views, and fairly purchased their lands of the Indians, yet it cannot be denied that some, especially in the eastern parts of New-England, had lucrative views only ; and from the beginning used fraudulent methods in trade with them. Such things were indeed disallowed by the government, and would always have been punished if the Indians had made complaint : but they knew only the law of retaliation, and when an injury was received, it was never forgotten till revenged. Encroachments made on their lands, and fraud committed in trade, afforded sufficient grounds for a quarrel, though at ever so great a length of time ; and kept alive a perpetual jealousy of the like treatment again*.

1675. Such was the temper of the Indians of New-England when the first general war began. It was thought by the English in that day, that Philip, sachem of the Wompanoags, a crafty and aspiring man, partly by intrigue, and partly by example, excited them to such

* Mons. du Pratz gives nearly the same account of the Indians on the Mississippi. " There needs nothing but prudence and good sense to persuade these people to what is reasonable, and to preserve their friendship without interruption. We may safely affirm, that the differences we have had with them have been more owing to the French than to them. When they are treated insolently, or oppressively, they have no less sensibility of injuries than others."

History of Louisiana, lib. 4. cap. 3.

a general combination. He was the son of 1675.
 Massassoiet, the nearest sachem to the colony
 of Plymouth, with whom he had concluded
 a peace, which he maintained more through
 fear than good will, as long as he lived. His
 son and immediate successor Alexander, pre-
 served the same external shew of friendship ;
 but died with choler on being detected in a
 plot against them. Philip, it is said, dissembled
 his hostile purposes ; he was ready, on every
 suspicion of his infidelity, to renew his sub-
 mission, and testify it even by the delivery
 of his arms, till he had secretly infused a
 cruel jealousy into many of the neighbour-
 ing Indians ; which excited them to attempt
 the recovering their country by extirpating
 the new possessors. The plot, it is said, was
 discovered before it was ripe for execution ;
 and as he could no longer promise himself
 security under the mask of friendship, he was
 constrained to shew himself in his true char-
 acter, and accordingly began hostilities upon
 the plantation of Swanzy, in the colony of
 Plymouth, in the month of June 1675.

Notwithstanding this general opinion, it
 may admit of some doubt, whether a single
 sachem, whose authority was limited, could
 have such an extensive influence over tribes
 so remote and unconnected with him as the
 eastern Indians ; much more improbable is
 it, that those in Virginia should have joined
 in the confederacy, as it hath been intimated.

The Indians never travelled to any greater
 distance than their hunting required ; and
 so ignorant were they of the geography of
 their country, that they imagined New-Eng-
 land to be an island, and could tell the name

Hubbard's,
 Narrative,
 page 12.

Neal's
 Hist. N.E.
 Vol. 1. p. 24

1675. of an inlet or streight by which they supposed it was separated from the main land. But what renders it more improbable that Philip was so active an instrument in exciting this war, is the constant tradition among the posterity of those people who lived near him, and were familiarly conversant with him, and with those of his Indians who survived the war: which is, that he was forced on by the fury of his young men, solely against his own judgment and that of his chief counsellors; and that as he foresaw that the English would, in time, establish themselves and extirpate the Indians, so he thought that the making war upon them would only hasten the destruction of his own people. It was always a very common, and sometimes a just excuse with the Indians, when charged with breach of faith, that the old men were not able to restrain the younger from signalizing their valour, and gratifying their revenge, though they disapproved their rashness. This want of restraint was owing to the weakness of their government; their sachems having but the shadow of magistratical authority.

Callender's
Century
Sermon, p.
73.

The inhabitants of Bristol shew a particular spot where Philip received the news of the first Englishmen that were killed, with so much sorrow as to cause him to weep; a few days before which he had released one who had been taken by his Indians, and privately sent him home. Whatever credit may be given to this account, so different from the current opinion, it must be owned, that in such a season of general confusion as the first war occasioned, fear and jealousy might

create many suspicions, which would soon 1675.
 be formed into reports of a general confederacy, through Philip's contrivance ; and it is to be noted that the principal histories of this war, [Increase Mather's and Hubbard's] were printed in 1676 and 1677, when the strangest reports were easily credited, and the people were ready to believe every thing that was bad of so formidable a neighbour as Philip. But as the fact cannot now be precisely ascertained, I shall detain the reader no longer from the real causes of the war in these eastern parts.

There dwelled near the river Saco a sachem named Squando, a noted enthusiast, a leader in the devotions of their religion, and one that pretended to a familiar intercourse with the invisible world. These qualifications rendered him a person of the highest dignity, importance and influence among all the eastern Indians. His squaw passing along the river in a canoe, with her infant child, was met by some rude sailors, who having heard that the Indian children could swim as naturally as the young of the brutal kind, in a thoughtless and unguarded humour overset the canoe. The child sunk, and the mother instantly diving fetched it up alive, but the child dying soon after, its death was imputed to the treatment it had received from the seamen ; and Squando was so provoked that he conceived a bitter antipathy to the English, and employed his great art and influence to excite the Indians against them. Some other injuries were alleged as the ground of the quarrel ; and, considering the interested views and irregu-

Hubbard,
p. 29. 61.

Magnalia,
Lib. 7, p.
55.

1675. gular lives of many of the eastern settlers, their distance from the seat of government, and the want of due subordination among them, it is not improbable that a great part of the blame of the eastern war belonged to them.

The first alarm of the war in Plymouth colony spread great consternation among the distant Indians, and held them a while in suspense what part to act ; for there had been a long external friendship subsisting between them and the English, and they were afraid of provoking so powerful neighbours. But the seeds of jealousy and hatred had been so effectually sown, that the crafty and revengeful, and those who were ambitious of doing some exploits, soon found means to urge them on to an open rupture ; so that within twenty days after Philip had begun the war at the southward, the flame broke out in the most northeasterly part of the country, at the distance of two hundred miles.

Hubbard,
page 13.

The English inhabitants about the river Kennebeck, hearing of the insurrection in Plymouth colony, determined to make trial of the fidelity of their Indian neighbours, by requesting them to deliver their arms. They made a shew of compliance ; but in doing it, committed an act of violence on a Frenchman, who lived in an English family ; which being judged an offence, both by the English and the elder Indians, the offender was seized ; but upon a promise, with security, for his future good behaviour, his life was spared, and some of them consented to re-

main as hostages ; who soon made their 1675:
escape, and joined with their fellows in robbing the house of Purchas, an ancient planter at Pechypscot.

The quarrel being thus begun, and their natural hatred of the English, and jealousy of their designs, having risen to a great height under the malignant influence of Squando and other leading men ; and being encouraged by the example of the western Indians, who were daily making depredations on the colonies of Plymouth, and Massachusetts ; they took every opportunity to rob and murder the people in the scattered settlements of the province of Maine ; and having dispersed themselves into many small parties, that they might be the more extensively mischievous, in the month of September they approached the plantations at Pascataqua, and made their first onset at Oyster river then a part of the town of Dover, but now Durham. Here they burned two houses belonging to two persons named Chesley, killed two men in a canoe, and carried away two captives ; both of whom soon after made their escape. About the same time a party of four laid in ambush near the road between Exeter and Hampton, where they killed one, and took another, who made his escape. Within a few days an assault was made on the house of one Tozer at Newichwannock, wherein were fifteen women and children, all of whom, except two, were saved by the intrepidity of a girl of eighteen. She first seeing the Indians as they advanced to the house, shut the door and stood against it, till the others escaped to the next house, which was

Hubbard,
page 19.

1675. better secured. The Indians chopped the door to pieces with their hatchets, and then entering, they knocked her down, and leaving her for dead, went in pursuit of the others, of whom two children, who could not get over the fence, fell into their hands. The adventurous heroine recovered, and was perfectly healed of her wound.

The two following days they made several appearances on both sides of the river, using much insolence, and burning two houses and three barns, with a large quantity of grain. Some shot were exchanged without effect, and a pursuit was made after them into the woods by eight men, but night obliged them to return without success. Five or six houses were burned at Oyster river, and two more men killed. These daily insults could not be borne without indignation and reprisal. About twenty young men, chiefly of Dover, obtained leave of Major Waldron, then commander of the militia, to try their skill and courage with the Indians in their own way. Having scattered themselves in the woods, a small party of them discovered five Indians in a field near a deserted house, some of whom were gathering corn, and others kindling a fire to roast it. The men were at such a distance from their fellows that they could make no signal to them without danger of a discovery; two of them, therefore, crept along silently, near to the house, from whence they suddenly rushed upon those two Indians, who were busy at the fire, and knocked them down with the butts of their guns; the other three took the alarm and escaped.

1675.

All the plantations at Pascataqua, with the whole eastern country, were now filled with fear and confusion : Business was suspended, and every man was obliged to provide for his own and his family's safety. The only way was to desert their habitations, and retire together within the larger and more convenient houses, which they fortified with a timber wall and flankarts, placing a centry-box on the roof. Thus the labour of the field was exchanged for the duty of the garri-son, and they who had long lived in peace and security were upon their guard night and day, subject to continual alarms, and the most fearful apprehensions.

The seventh of October was observed as a day of fasting and prayer ; and on the sixteenth the enemy made an assault upon the inhabitants at Salmon-falls, in Berwick. Lieutenant Roger Plaisted, being a man of true courage and of a public spirit, immediately sent out a party of seven from his garri-son to make discovery. They fell into an ambush ; three were killed, and the rest retreated. The Lieutenant then dispatched an express to Major Waldron and Lieutenant Coffin at Cochecho, begging most importunately for help, which they were in no capacity to afford, consistently with their own safety. The next day Plaisted ventured out with twenty men, and a cart to fetch the dead bodies of their friends, and unhappily fell into another ambush. The cattle affrighted ran back, and Plaisted being deserted by his men, and disdaining either to yield or fly, was killed on the spot, with his eldest son and one more ; his other son died of his

1675. wound in a few weeks. Had the heroism of this worthy family been imitated by the rest of the party, and a reinforcement arrived in season, the enemy might have received such a severe check as would have prevented them from appearing in small parties. The gallant behaviour of Plaisted, though fatal to himself and his sons, had this good effect, that the enemy retreated to the woods; and the next day Captain Frost came up with a party from Sturgeon creek, and peaceably buried the dead: But before the month had expired a mill was burned there, and an assault made on Frost's garrison, who though he had only three boys with him, kept up a constant fire, and called aloud as if he were commanding a body of men, to march here and fire there: the stratagem succeeded, and the house was saved. The enemy then proceeded down the river, killing and plundering as they found people off their guard, till they came opposite to Portsmouth; from whence some cannon being fired they dispersed, and were pursued by the help of a light snow which fell in the night, and were overtaken by the side of a swamp, into which they threw themselves, leaving their packs and plunder to the pursuers. They soon after did more mischief at Dover, Lamprey river and Exeter; and with these small, but irritating assaults and skirmishes, the autumn was spent until the end of November; when the number of people killed and taken from Kennebeck to Pascataqua amounted to upwards of fifty.

Hubbard,
p. 24.

The Massachusetts government being fully employed in defending the southern and

western parts, could not seasonably send succours to the eastward. Major General Denison, who commanded the militia of the colony, had ordered the majors who commanded the regiments on this side of the country, to draw out a sufficient number of men to reduce the enemy, by attacking them at their retreat to their head-quarters at Ossapoy and Pigwacket. But the winter setting in early and fiercely, and the men being unprovided with rackets to travel on the snow, which by the tenth of December was four feet deep in the woods, it was impossible to execute the design. This peculiar severity of the season however proved favourable. The Indians were pinched with famine, and having lost by their own confession about ninety of their number, partly by the war, and partly for want of food, they were reduced to the necessity of suing for peace. With this view they came to Major Waldron, expressing great sorrow for what had been done, and promising to be quiet and submissive. By his mediation a peace was concluded with the whole body of eastern Indians, which continued till the next August; and might have continued longer, if the inhabitants of the eastern parts had not been too intent on private gain, and of a disposition too ungovernable to be a barrier against an enemy so irritable and vindictive. The restoration of the captives made the peace more pleasant: A return from the dead could not be more welcome than a deliverance from Indian captivity.

1675.

The war at the southward, though renewed in the spring, drew toward a close. Philip's

1676.

1676. affairs were desperate ; many of his allies and dependents forsook him ; and in the month of August he was slain by a party under Captain Church. Those western Indians who had been engaged in the war, now fearing a total extirpation, endeavoured to conceal themselves among their brethren of Penacook who had not joined in the war, and with those of Ossapy and Pigwacket who had made peace. But they could not so disguise themselves or their behaviour as to escape the discernment of those who had been conversant with Indians. Several of them were taken at different times and delivered up to public execution. Three of them, Simon, Andrew and Peter, who had been concerned in killing Thomas Kimbal of Bradford, and captivating his family, did, within six weeks voluntarily restore the woman and five children. It being doubted whether this act of submission was a sufficient atonement for the murder, they were committed to Dover prison till their case could be considered. Fearing that this confinement was a prelude to farther punishment, they broke out of prison, and going to the eastward, joined with the Indians of Kennebeck and Amoriscogin in those depredations which they renewed on the inhabitants of those parts, in August, and were afterward active in distressing the people of Pascataqua.

This renewal of hostilities occasioned the sending of two companies to the eastward under Captain Joseph Syll, and Captain William Hawthorne. In the course of their march they came to Cochecho, on the sixth of September, where four hundred mixed

Indians were met at the house of Major Waldron, with whom they had made the peace, and whom they considered as their friend and father. The two captains would have fallen upon them at once, having it in their orders to seize all Indians, who had been concerned in the war. The major dissuaded them from that purpose, and contrived the following stratagem. He proposed to the Indians, to have a training the next day, and a sham fight after the English mode ; and summoning his own men, with those under Capt. Frost of Kittery, they, in conjunction with the two companies, formed one party, and the Indians another. Having diverted them a while in this manner, and caused the Indians to fire the first volley ; by a peculiar dexterity, the whole body of them (except two or three) were surrounded, before they could form a suspicion of what was intended. They were immediately seized and disarmed, without the loss of a man on either side. A separation was then made. Wonalanset, with the Penacook Indians, and others who had joined in making peace the winter before, were peaceably dismissed ; but the strange Indians, (as they were called) who had fled from the southward and taken refuge among them, were made prisoners, to the number of two hundred ; and being sent to Boston, seven or eight of them, who were known to have killed any Englishmen, were condemned and hanged ; the rest were sold into slavery in foreign parts.

This action was highly applauded by the general voice of the colony ; as it gave them opportunity to deal with their enemies

1676. in a judicial way, as rebels, and, as they imagined, to extirpate those troublesome neighbours. The remaining Indians, however, looked upon the conduct of Major Waldron as a breach of faith ; inasmuch as they had taken those fugitive Indians under their protection, and had made peace with him, which had been strictly observed with regard to him and his neighbours, though it had been broken elsewhere. The Indians had no idea of the same government being extended very far, and thought they might make peace in one place, and war in another, without any imputation of infidelity ; but a breach of hospitality and friendship, as they deemed this to be, merited, according to their principles, a severe revenge, and was never to be forgotten or forgiven. The major's situation on this occasion was indeed extremely critical ; and he could not have acted either way without blame. It is said that his own judgment was against any forcible measure, as he knew that many of those Indians were true friends to the colony ; and that in case of failure he should expose the country to their resentment ; but had he not assisted the forces in the execution of their commission, (which was to seize all Indians who had been concerned with Philip in the war) he must have fallen under censure, and been deemed necessary, by his neglect, to the mischiefs which might afterward have been perpetrated by them. In this dilemma he finally determined to comply with the orders and expectations of government ; imagining that he should be able to satisfy those of the Indians whom he in-

tended to dismiss, and that the others would be removed out of the way of doing any further mischief ; but he had no suspicion that he was laying a snare for his own life. It was unhappy for him, that he was obliged in deference to the laws of his country, and the orders of government, to give offence to a people who, having no public judicatories and penal laws among themselves, were unable to distinguish between a legal punishment and private malice*.

Two days after this surprisal, the forces proceeded on their route to the eastward, being joined with some of Waldron's and Frost's men ; and taking with them Blind Will, a sagamore of the Indians who lived about Cochecho, and eight of his people for pilots. The eastern settlements were all either destroyed or deserted, and no enemy was to be seen ; so that the expedition proved fruitless, and the companies returned to Pascataqua.

It was then thought adviseable, that they should march up toward the Ossapy ponds ; where the Indians had a strong fort of timber fourteen feet high, with flankarts ; which they had a few years before hired some English carpenters to build for them, as a defence against the Mohawks, of whom they were always afraid. It was thought that if the Indians could be surprized on their first return to their head-quarters, at the begin-

* The above account of the seizure of the Indians is given from the most authentic and credible tradition that could be obtained within the last sixteen years, from the posterity of those persons who were concerned in the affair. It is but just mentioned by Hubbard and Mather, and not in connexion with its consequences. Neal, for want of better information, has given a wrong turn to the relation, and so has Wynne who copies from him. Hutchinson has not mentioned it at all.

1676. ning of winter, some considerable advantage might be gained against them ; or if they had not arrived there, that the provisions, which they had laid in for their winter subsistence, might be destroyed. Accordingly, the companies being well provided for a march at that season, set off on the first of November ; and after travelling four days through a rugged, mountainous wilderness, and crossing several rivers, they arrived at the spot ; but found the fort and adjacent places entirely deserted, and saw not an Indian in all the way. Thinking it needless for the whole body to go further, the weather being severe, and the snow deep, a select party was detached eighteen or twenty miles above ; who discovered nothing but frozen ponds, and snowy mountains ; and supposing the Indians had taken up their winter quarters nearer the sea, they returned to Newichwannock, within nine days from their first departure.

They had been prompted to undertake this expedition by the false accounts brought by Mogg, an Indian of Penobscot, who had come in to Pascataqua, with a proposal of peace ; and had reported that an hundred Indians were assembled at Ossapy. This Indian brought with him two men of Portsmouth, Fryer and Kendal, who had been taken on board a vessel at the eastward ; he was deputed by the Penobscot tribe to consent to articles of pacification ; and being sent to Boston, a treaty was drawn and subscribed by the governor and magistrates on the one part, and by Mogg on the other ; in which it was stipulated, that if the Indians of the other tribes did not agree to this transaction,

and cease hostilities, they should be deemed 1676.
and treated as enemies by both parties. This
treaty was signed on the sixth of November ;
Mogg pledging his life for the fulfilment of
it. Accordingly, vessels being sent to Pe-
nobscoot, the peace was ratified by Madoka-
wando the sachem, and two captives were re-
stored. But Mogg, being incautiously per-
mitted to go to a neighbouring tribe, on pre-
tence of persuading them to deliver their
captives, though he promised to return in
three days, was seen no more. It was at first
thought that he had been sacrificed by his
countrymen, as he pretended to fear when he
left the vessels ; but a captive who escaped
in January gave a different account of him ; 1677.
that he boasted of having deceived the Eng-
lish, and laughed at their kind entertainment
of him. There was also a design talked of
among them to break the peace in the spring,
and join with the other Indians at the east-
ward in ruining the fishery. About the same
time it was discovered that some of the Narr-
haganset Indians were scattered in the east-
ern parts ; three of them having been decoy-
ed by some of the Cochecho Indians into their
wigwams, and scalped, were known by the
cut of their hair. This raised a fear in the
minds of the people, that more of them
might have found their way to the eastward,
and would prosecute their revenge against
them.

From these circumstances it was suspected,
that the truce would be but of short continu-
ance. The treachery of Mogg, who was sure-
ty for the performance of the treaty, was
deemed a full justification of the renewal of

1677. hostilities ; and the state of things was, by some gentlemen of Pascataqua, represented to be so dangerous, that the government determined upon a winter expedition. Two hundred men, including sixty Natick Indians, were enlisted and equipped, and sailed from Boston the first week in February, under the command of Major Waldron ; a day of prayer having been previously appointed for the success of the enterprize.

At Casco the major had a fruitless conference, and a slight skirmish with a few Indians, of whom some were killed and wounded. At Kennebeck he built a fort, and left a garrison of forty men, under the command of Captain Sylvanus Davis. At Pemaquid he had a conference with a company of Indians, who promised to deliver their captives on the payment of a ransom : Part of it being paid, three captives were delivered, and it was agreed that the conference should be renewed in the afternoon, and all arms be laid aside. Some suspicion of their infidelity had arisen, and when the major went ashore in the afternoon with five men, and the remainder of the ransom, he discovered the point of a lance hid under a board, which he drew out and advanced with it toward them ; charging them with treachery in concealing their arms so near. They attempted to take it from him by force ; but he threatened them with instant death, and waved his cap for a signal to the vessels. While the rest were coming on shore, the major with his five men secured the goods : Some of the Indians snatching up a bundle of guns which they had hid, ran away : Captain Frost, who was

one of the five, seized an Indian, who was well known to be a rogue, and with Lieutenant Nutter, carried him on board. The major searching about found three guns, with which he armed his remaining three men ; and the rest being come on shore by this time, they pursued the Indians, killed several of them before they could recover their canoes, and after they had pushed off, sunk one with five men, who were drowned ; and took four prisoners, with about a thousand pounds of dried beef, and some other plunder. The whole number of the Indians was twenty-five. 1677.

Whether the casual discovery of their arms, which they had agreed to lay aside, was sufficient to justify this severity, may be doubted ; since, if their intentions had really been hostile, they had a fine opportunity of ambushing or seizing the major and his five attendants, who came ashore unarmed ; and it is not likely that they would have waited for the rest to come ashore before they opened the plot. Possibly, this sudden suspicion might be groundless, and might inflame the prejudice against the major, which had been already excited by the seizure of their friends at Cochecho some time before.

On the return of the forces, they found some wheat, guns, anchors and boards at Kennebeck, which they took with them. They killed two Indians on Arrowick Island, who, with one of the prisoners taken at Pemaquid, and shot on board, made the number of Indians killed in this expedition thirteen. They returned to Boston on the eleventh of March, without the loss of a man,

1677. bringing with them the bones of Captain Lake, which they found entire in the place where he was killed*.

There being no prospect of peace at the eastward, it became necessary to maintain great circumspection and resolution, and to make use of every possible advantage against the enemy. A long and inveterate animosity had subsisted between the Mohawks and the eastern Indians, the original of which is not mentioned, and perhaps was not known by any of our historians ; nor can the oldest men among the Mohawks at this day give any account of it. These Indians were in a state of friendship with their English neighbours ; and being a fierce and formidable race of men, their name carried terror where ever it was known. It was now thought, that if they could be induced to prosecute their ancient quarrel with the eastern Indians, the latter might be awed into peace, or incapacitated for any farther mischief. The propriety of this measure became a subject of debate ; some questioning the lawfulness of making use of their help, "as they were heathen ;" but it was urged in reply, that Abraham had entered into a confederacy with the Amorites, among whom he dwelled, and made use of their assistance in recovering his kinsman Lot from the hands of their common enemy. With this argument the objectors were satisfied ; and two messengers, Major Pynchon of Springfield,

Genesis.
chap. 14.

* Here ends Hubbard's printed Narrative. The account of the remainder of this war is taken from his MS history, from sundry original letters, and copies of letters, and from a MS journal found in Prince's collection, and supposed to have been written by Captain Lawrence Hammond of Charles-town.

and Richards of Hartford were dispatched 1677. to the country of the Mohawks ; who treated them with great civility, expressed the most bitter hatred against the eastern enemy, and promised to pursue the quarrel to the utmost of their power. Hubbard's
MS History.

Accordingly some parties of them came down the country about the middle of March, and the first alarm was given at Amuskeeg falls ; where the son of Wonolanfet being hunting, discovered fifteen Indians on the other side, who called to him in a language which he did not understand ; upon which he fled, while they fired near thirty guns at him without effect. Presently after this they were discovered in the woods near Cochecho. Major Waldron sent out eight of his Indians whereof Blind Will was one, for farther information. They were all surprized together by a company of the Mohawks ; two or three escaped, the others were either killed or taken : Will was dragged away by his hair ; and being wounded, perished in the woods, on a neck of land, formed by the confluence of Cochecho and Ising-glass rivers, which still bears the name of Blind Will's Neck. This fellow was judged to be a secret enemy to the English, though he pretended much friendship and respect ; so that it was impossible to have punished him, without provoking the other neighbouring Indians, with whom he lived in amity, and of whose fidelity there was no suspicion. It was at first thought a fortunate circumstance that he was killed in this manner ; but the consequence proved it to be otherwise ; for two of those who were taken with him escaping, reported MS Journal, March 30.

Hubbard's
MS History.

1677. that the Mohawks threatened destruction to all the Indians in these parts without distinction : So that those who lived in subjection to the English grew jealous of their sincerity, and imagined, not without very plausible ground, that the Mohawks had been persuaded or hired to engage in the war, on purpose to destroy them ; since they never actually exercised their fury upon those Indians who were in hostility with the English, but only upon those who were in friendship with them ; and this only in such a degree as to irritate, rather than to weaken or distress them. It cannot therefore be thought strange that the friendly Indians were alienated from their English neighbours, and disposed to listen to the seducing stratagems of the French ; who in a few years after made use of them in conjunction with others, solely to scourge these unhappy people. The English, in reality, had no such design ; but the event proved, that the scheme of engaging the Mohawks in our quarrel, however lawful in itself, and countenanced by the example of Abraham, was a pernicious source of innumerable calamities.

The terror which it was thought this incursion of the Mohawks would strike into the eastern Indians was too small to prevent their renewing hostilities very early in the spring. Some of the garrison who had been left at Kennebeck were surprised by an ambush, as they were attempting to bury the dead bodies of their friends, who had been killed the summer before, and had lain under the snow all winter. The remainder of that garrison were then taken off and conveyed to Pascata-

MS Journal.

Hubbard's MS.

qua ; whither a company of fifty men and ten Natick Indians marched, under Captain Swaine, to succour the inhabitants, who were alarmed by scattered parties of the enemy, killing and taking people, and burning houses in Wells, Kittery, and within the bounds of Portsmouth*. A young woman who was taken from Rawling's house, made her escape and came into Cochecho, informing where the enemy lay : Three parties were dispatched to ambush three places, by one of which they must pass : The enemy appearing at one of these places, were seasonably discovered ; but by the too great eagerness of the party to fire on them, they avoided the ambush and escaped.

April 22.

Soon after this the garrisons at Wells and Black Point were beset, and at the latter place the enemy lost their leader Mogg, who had proved so treacherous a negotiator. Upon his death they fled in their canoes, some to the eastward and others toward York, where they also did some mischief. On a sabbath morning, a party of twenty, under the guidance of Simon, surprized six of our Indians, who lay drunk in the woods, at a small distance from Portsmouth ; they kept all day hovering about the town, and if they had taken advantage of the people's absence from home, in attending the public worship, they might easily have plundered and burned the outmost houses ; but they were providentially restrained. At night they crossed the riv-

May 16.

May 27.

MS Letter
of Mr.
Moody.

* The following extract from the before mentioned Journal, shews something of the spirit of the times.

" April 16. The house of John Keniston was burnt and he killed at Greenland. The Indians are Simon, Andrew and Peter, those three we had in prison, and should have killed. The good Lord pardon us."

1677. er at the Long Reach, killed some sheep at Kittery, and then went toward Wells ; but, being afraid of the Mohawks, let their prisoners go. Four men were soon after killed at North Hill, one of whom was Edward Colcott, whose death was much regretted.

June 18.

More mischief being expected, and the eastern settlements needing assistance, the government ordered two hundred Indians of Natick, with forty English soldiers, under Captain Benjamin Swett of Hampton, and Lieutenant Richardson, to march to the falls of Taconick on Kennebeck river ; where it was said the Indians had six forts, well furnished with ammunition. The vessels came

July.

to an anchor off Black Point ; where the captain being informed that some Indians had been seen, went on shore with a party ; and being joined by some of the inhabitants, so as to make about ninety in all, marched to seek the enemy ; who shewed themselves on a plain in three parties. Swett divided his men accordingly, and went to meet them. The enemy retreated till they had drawn our people two miles from the fort, and then turning suddenly and violently upon them, threw them into confusion, they being mostly young and unexperienced soldiers. Sweet, with a few of the more resolute, fought bravely on the retreat, till he came near the fort, when he was killed ; sixty more were left dead or wounded, and the rest got into the fort. The victorious savages then surprized about twenty fishing vessels, which put into the eastern harbours by night ; the crews, not being apprehensive of danger on the water, fell an easy prey

MS Letter
of Mr.
Gookin of
Hampton.

to them. Thus the summer was spent with 1677.
 terror and perplexity on our part ; while the
 enemy rioted without control, till they had
 fatiated their vengeance, and greatly reduced
 the eastern settlements.

Hubbard's
MS Hist.

At length, in the month of August, Major ~~Andros~~ ^{Andros}, governor of New-York, sent a sloop with some forces to take possession of the land which had been granted to the Duke of York, and build a fort at Pemaquid, to defend the country against the encroachment of foreigners. Upon their arrival the Indians appeared friendly ; and in evidence of their pacific disposition, restored fifteen prisoners with the fishing vessels. They continued quiet all the succeeding autumn and winter, and lived in harmony with the new garrison.

In the Spring, Major Shapleigh of Kittery, 1678.
 Captain Champernoon and Mr. Fryer of Portsmouth, were appointed commissioners to settle a formal treaty of peace with Squando and the other chiefs, which was done at Casco, whither they brought the remainder of the captives. It was stipulated in the treaty, that the inhabitants should return to their deserted settlements, on condition of paying one peck of corn annually for each family, by way of acknowledgment to the Indians for the possession of their lands, and one bushel for Major Pendleton, who was a great proprietor. Thus an end was put to a tedious and distressing war, which had subsisted three years. The terms of peace were disgraceful, but not unjust, considering the former irregular conduct of many of the eastern settlers, and the native propriety of

MS. Journal,
April
12.

1678. the Indians in the soil : Certainly they were now masters of it ; and it was entirely at their option, whether the English should return to their habitations or not. It was therefore thought better to live peaceably, though in a sort of subjection, than to leave such commodious settlements and forego the advantages of trade and fishery, which were very considerable, and by which the inhabitants of that part of the country had chiefly subsisted.

Hubbard's
printed
Narrative,
page 82.

It was a matter of great enquiry and speculation how the Indians were supplied with arms and ammunition to carry on this war. The Dutch at New-York were too near the Mohawks for the eastern Indians to adventure thither. The French in Canada were too feeble, and too much in fear of the English, to do any thing which might disturb the tranquility ; and there was peace between the two nations. It was therefore supposed that the Indians had long premeditated the war, and laid in a stock beforehand. There had formerly been severe penalties exacted by the government, on the selling of arms and ammunition to the Indians ; but ever since 1657, licences had been granted to particular persons to supply them occasionally for the purpose of hunting, on paying an acknowledgment to the public treasury. This indulgence, having been much abused by some of the eastern traders, who, far from the seat of government, were impatient of the restraint of law, was supposed to be the source of the mischief. But it was afterward discovered that the Baron de St. Castine, a reduced French officer, who had married a

Randolph's
Narrative
in Hutchinson's
col. papers, page
492.

daughter of Madokawando, and kept a trading house at Penobscot, where he considered himself as independent, being out of the limits of any established government, was the person from whom they had their supplies ; which needed not to be very great as they always husbanded their ammunition with much care, and never expended it but when they were certain of doing execution. 1678.

ibid., p. 562:

The whole burden and expence of this war, on the part of the colonies, were borne by themselves. It was indeed thought strange by their friends in England, and resented by those in power, that they made no application to the king for assistance. It was intimated to them by Lord Anglesey ' that ' his majesty was ready to assist them with ' ships, troops, ammunition or money, if they ' would but ask it ; ' and their silence was construed to their disadvantage, as if they were proud, and obstinate, and desired to be considered as an independent state. They had indeed no inclination to ask favours from thence ; being well aware of the consequence of laying themselves under obligations to those who had been seeking to undermine their establishment ; and remembering how they had been neglected in the late Dutch wars, when they stood in much greater need of assistance : The king had then sent ammunition to New-York, but had sent word to New-England, ' that they must shift ' for themselves and make the best defence ' they could.' It was therefore highly injurious to blame them for not making application for help. But if they had not been so ill treated, they could not be charged with

*Hutchin.
Hist. vol.
1. p. 809.*

*Hutchin.
col. pap.
p. 506*

1678. disrespect, since they really did not need foreign assistance. Ships of war and regular troops must have been altogether useless ; and no one that knew the nature of an Indian war could be serious in proposing to send them. Ammunition and money were necessary, but as they had long enjoyed a free trade, and had coined the bullion which they imported, there was no scarcity of money, nor of any stores which money could purchase. The method of fighting with Indians could be learned only from themselves : After a little experience, few men in scattered parties were of more service than the largest and best equipped armies which Europe could have afforded. It ought ever to be remembered for the honor of New-England, that as their first settlement, so their preservation, increase, and defence, even in their weakest infancy were not owing to any foreign assistance, but under God, to their own magnanimity and perseverance.

Our gravest historians have recorded many omens, predictions, and other alarming circumstances, during this and the Pequod war, which in a more philosophical and less credulous age would not be worthy of notice. When men's minds were rendered gloomy by the horrors of a surrounding wilderness, and the continual apprehension of danger from its savage inhabitants ; when they were ignorant of the causes of many of the common appearances in nature, and were disposed to resolve every unusual appearance into prodigy and miracle, it is not to be wondered that they should imagine they heard the noise of drums and guns in the air, and

1678. saw flaming swords and spears in the heavens, and should even interpret eclipses as ominous. Some old Indians had intimated their apprehensions concerning the increase of the English, and the diminution of their own people, which any rational observer in a course of forty or fifty years might easily have foretold, without the least pretence to a spirit of prophecy; yet these sayings were recollected, and recorded, as so many predictions by force of a supernatural impulse on their minds, and many persons of the greatest distinction were disposed to credit them as such. These things would not have been mentioned, but to give a just idea of the age: If mankind are now better enlightened, superstition is the less excusable in its remaining votaries.

CHAP. VI.

Mason's renewed efforts.—Randolph's mission and transactions.—Attempts for the trial of Mason's title.—New-Hampshire separated from Massachusetts, and made a royal province.—Abstract of the commission.—Remarks on it.

1675.

WHILE the country was labouring under the perplexity and distress arising from the war, measures were taking in England to increase their difficulties and divide their attention. The scheme of selling the provinces of New-Hampshire and Maine to the crown being laid aside, Mason again petitioned the king for the restoration of his property; and the king referred the matter to his Attorney General Sir William Jones, and his Solicitor General Sir Francis Winnington, who reported that “John Mason, esq. grandfather
“to the petitioner, by virtue of several grants
“from the council of New-England under
“their common seal was instated in fee in
“fundry great tracts of land in New-Eng-
“land, by the name of New-Hampshire;
“and that the petitioner being heir at law to
“the said John had a good and legal title to
“said lands.” Whereupon a letter was dispatched to the Massachusetts colony, requiring them to send over agents within six months, fully empowered to answer the complaints, which Mason and the heirs of Gorges had made, of their usurping jurisdiction over the territories claimed by them; and to receive the royal determination in that matter. Copies of the complaints were inclosed; and Edward Randolph, a kinsman of Mason, a

May 17.

MS Copy
in Superior
Court files.

1676.

March 10.

man of great address and penetration, resolute and indefatigable in business, was charged with the letters, and directed by the Lords of Trade to make enquiry into the state of the country. When he arrived, he waited on Governor Leverett, who read the king's letter with the petitions of Mason and Gorges in council, Randolph being present, who could obtain no other answer than that "they would consider it."

June 10.

Hutchin.
col. pap. 8.
509.

He then came into New-Hampshire, and as he passed along, freely declared the business on which he was come, and publickly read a letter which Mason had sent to the inhabitants. Some of them he found ready to complain of the government, and desirous of a change ; but the body of the people were highly enraged against him ; and the inhabitants of Dover in public town-meeting ' protested against the claim of Mason ; declared that they had bona fide purchased their lands of the Indians ; recognized their subjection to the government of Massachusetts, under whom they had lived long and happily, and by whom they were now assisted in defending their estates and families against the savage enemy.' They appointed Major Waldron " to petition the king in their behalf, that he would interpose his royal authority and afford them his wonted favor ; that they might not be disturbed by Mason, or any other person, but continue peaceably in possession of their rights under the government of Massachusetts." A similar petition was sent by the inhabitants of Portsmouth, who appointed John Cutts and Richard Martyn, esqrs. Cap-

July

Dover Rec-
ords.Portsmouth
Records,
Sept. 7

1676. tains Daniel and Stileman to draught and forward it.

Hutchin.
col. pap.
page 510.

When Randolph returned to Boston, he had a severe reproof from the governor, for publishing his errand, and endeavouring to raise discontent among the people. To which he made no other answer than that 'if he had done amiss, they might complain to the king.'

After about six weeks stay, he went back to England and reported to the king, that "he had found the whole country complaining of the usurpation of the magistrates of Boston; earnestly hoping and expecting that his majesty would not permit them any longer to be oppressed; but would give them relief according to the promises of the commissioners in 1665." With the same bitterness of temper, and in the same strain of misrepresentation, he inveighed against the government in a long report to the Lords of Trade; which farther inflamed the prejudice that had long been conceived against the colony, and prepared the way for the separation which was meditated.

After his departure, a special council being summoned, at which the elders of the churches were present, the question was proposed to them, "whether the best way of making answer to the complaints of Gorges and Mason about the extent of their patent, be by sending agents, or by writing only?" To which they answered, "That it was most expedient to send agents, to answer by way of information, provided they were instructed with much care and caution to negotiate the affair with safety to the country, and loyalty

“to his majesty, in the preservation of their 1676.
 “patent liberties.” Accordingly William
 Stoughton, afterward lieutenant-governor, Hutchin.
 Hist. vol.
 1. p. 311.
 and Peter Bulkley then speaker of the house
 of deputies, were appointed agents and fail-
 ed for England.

At their arrival an hearing was ordered 1677.
 before the lords chief justices of the King's
 bench and common pleas ; when the agents
 in the name of the colony disclaimed all title Narrative
 of Allen's
 Title, p. 5.
 to the lands claimed by the petitioner, and
 to the jurisdiction beyond three miles north-
 ward of the river Merrimack, to follow the
 course of the river, so far as it extended.
 The judges reported to the king ‘that they
 ‘could give no opinion as to the right of
 ‘soil, in the privinces of New-Hampshire
 ‘and Maine, not having the proper parties
 ‘before them ; it appearing that not the
 ‘Massachusetts colony, but the ter-tenants
 ‘had the right of soil, and whole benefit
 ‘thereof, and yet were not summoned to de-
 ‘fend their titles. As to Mason's right of
 ‘government within the soil he claimed, their
 ‘lordships, and indeed his own counsel, a-
 ‘greed he had none ; the great council of
 ‘Plymouth, under whom he claimed, having
 ‘no power to transfer government to any. It
 ‘was determined that the four towns of Portf- Hutchin
 vol. 1. p.
 817.
 ‘mouth, Dover, Exeter and Hampton were
 ‘out of the bounds of Massachusetts.’ This
 report was accepted and confirmed by the
 king in council.

After this, at the request of the agents, Sir 1679.
 William Jones the attorney general drew up
 a complete state of the case to be transmitted Sept. 1679
 to the colony ; by which it seems that he

1679. had altered his opinion since the report which he gave to the king in 1675, concerning the validity of Mason's title. It was also admitted that the title could be tried only on the place, there being no court in England that had cognizance of it.

Hutch. vol.
1. p. 317.

July 24.

Hutchins
col. pap.
522.

It became necessary then to the establishment of Mason's title, that a new jurisdiction should be erected, in which the king might direct the mode of trial and appeal at his pleasure: This being resolved upon, the colony of Massachusetts was informed, by a letter from the secretary of state, of the king's intention to separate New-Hampshire from their government, and required to revoke all commissions which they had granted there, and which were hereby declared to be null and void. To prevent any extravagant demand, the king obliged the claimant to declare, under his hand and seal, that he would require no rents of the inhabitants for the time passed, before the twenty-fourth of June 1679, nor molest any in their possessions for the time to come; but would make out titles to them and their heirs forever, provided they would pay him sixpence in the pound, according to the yearly value of all houses which they had built and lands which they had improved.

Commissi-
on.

Things being thus prepared, a commission passed the great seal on the eighteenth of September for the government of New-Hampshire; which 'inhibits and restrains
' the jurisdiction exercised by the colony of
' Massachusetts over the towns of Portsmouth,
' Dover, Exeter and Hampton, and all other
' lands extending from three miles to the

1678.
northward of the river Merrimack and of any and every part thereof, to the province of Maine; constitutes a president and council to govern the province; appoints John Cutts, esq. president, to continue one year and till another be appointed by the same authority; Richard Martyn, William Vaughan, and Thomas Daniel of Portsmouth, John Gilman of Exeter, Christopher Hufsey of Hampton and Richard Waldron of Dover, esquires, to be of the council, who were authorized to choose three other qualified persons out of the several parts of the province to be added to them. The said president and every succeeding one to appoint a deputy to preside in his absence; the president or his deputy with any five to be a quorum. They were to meet at Portsmouth in twenty days after the arrival of the commission and publish it. They were constituted a court of record for the administration of justice, according to the laws of England, so far as circumstances would permit; reserving a right of appeal to the king in council for actions of fifty pounds value. They were empowered to appoint military officers, and take all needful measures for defence against enemies. Liberty of conscience was allowed to all protestants, those of the church of England to be particularly encouraged. For the support of government they were to continue the present taxes, till an assembly could be called; to which end they were within three months to issue writs under the province seal, for calling an assembly, to whom the president should recommend the passing

1679. ‘such laws as should establish their allegiance, good order and defence, and the raising taxes in such manner and proportion as they should see fit. All laws to be approved by the president and council, and then to remain in force till the king’s pleasure should be known, for which purpose they should be sent to England by the first ships. In case of the president’s death, his deputy to succeed, and on the death of a counsellor, the remainder to elect another, and send over his name, with the names of two other meet persons, that the king might appoint one of the three. The king engaged for himself and successors to continue the privilege of an assembly, in the same manner and form, unless by inconvenience arising therefrom he or his heirs should see cause to alter the same. If any of the inhabitants should refuse to agree with Mason or his agents, on the terms before mentioned, the president and council were directed to reconcile the difference, or send the case stated in writing with their own opinions, to the king, that he with his privy council might determine it according to equity.’

The form of government described in this commission considered abstractedly from the immediate intentions, characters, and connexions of the persons concerned, appears to be of as simple a kind as the nature of a subordinate government and the liberty of the subject can admit. The people, who are the natural and original source of power, had a representation in a body chosen by themselves ; and the king was represented by a president and council of his own appoint-

ment ; each had the right of instructing their representative, and the king had the superior prerogative of disannulling the acts of the whole at his pleasure. The principal blemish in the commission was the right claimed by the king of discontinuing the representation of the people, whenever he should find it inconvenient, after he had solemnly engaged to continue this privilege. The clause, indeed, is artfully worded, and might be construed to imply more or less at pleasure. Herein Charles was consistent with himself, parliaments being his aversion. However, there was in this plan as much of the spirit of the British constitution as there could be any foundation for in such a colony ; for here was no third branch to form a balance between the king or his representative, and the people. The institution of an house of peers in Britain was the result of the feudal system : the barons being lords of the soil and enjoying a sovereignty within their own territories and over their own vassals ; the constitution was formed by the union of these distinct estates under one common sovereign. But there was nothing similar to this in New-England. The settlements began here by an equal division of property among independent freemen. Lordship and vassalage were held in abhorrence. The yeomanry were the proprietors of the soil and the natural defenders of their own rights and property ; and they knew no superior but the king. A council, whether appointed by him or chosen by the people could not form a distinct body, because they could not be independent. Had such a simple form

1679.

1679. of colony government been more generally adopted, and perseveringly adhered to, and administered only by the most delicate hands, it might have served better than any other, to perpetuate the dependence of the colonies on the British crown.

C H A P. VII.

The administration of the first council.—Opposition to the acts of trade.—Mason's arrival.—Opposition to him.—His departure.—State of trade and navigation.

THE commission was brought to 1680.
 Portsmouth on the first of January by Edward Randolph, than whom there could not be a more unwelcome messenger. It was received with great reluctance by the gentlemen therein named; who, though they were of the first character, interest and influence, and had sustained the principal offices civil and military under the colony government*; yet easily saw that their appointment was not from any respect to them or favour to the people; but merely to obtain a more easy introduction to a new form of government, for a particular purpose, which they knew would be a source of perplexity and distress. They would gladly have declined acting in

Council
 Rec.

Fitch's MS.

* The president John Cutts was a principal merchant, of great probity and esteem in Portsmouth; but now aged and infirm.

Richard Martyn, was of good character, and great influence. He had been very active in procuring the settlement of a minister in the town of Portsmouth.

William Vaughan, was a wealthy merchant, generous and public spirited, and of undaunted resolution. He was of Welch extraction, but was bred in London under Sir Josiah Child, who had a great regard for him, and whose interest he made use of for the good of the province.

Thomas Daniel, was a person of such note and importance, that when he died in a time of general sickness and mortality, Mr. Moody preached his funeral sermon from 2 Sam. ii. 30. "There lacked of David's servants, nineteen men and Asabel." (Fitch's MS.)

John Gilman, was a principal man in Exeter, as was Christopher Hussey, in Hampton.

Richard Waldron, was a native of Somersetshire, and one of the first settlers in Dover. He was much respected and eminently useful, having sustained divers important offices civil and military, and approved his courage and fidelity in the most hazardous enterprises.

1680. their new capacity ; but considering the temper of the government in England, the unavoidable necessity of submitting to the change, and the danger (upon their refusal) of others being appointed who would be inimical to the country, they agreed to qualify themselves, determining to do what good, and keep off what harm they were able. They therefore published the commission, and took the oaths on the twenty second day of January, which was beyond the utmost time limited in the commission. Agreeably to the royal direction they chose three other gentlemen into the council ; Elias Stileman of Great Island, who had been a clerk in the county courts, whom they now appointed secretary, Samuel Dalton of Hampton and Job Clements of Dover. The president nominated Waldron to be his deputy or vice president, Martyn was appointed treasurer, and John Roberts, marshal.

Council
Records.

This change of government gratified the discontented few, but was greatly disrelished by the people in general ; as they saw themselves deprived of the privilege of choosing their own rulers, which was still enjoyed by the other colonies of New-England, and as they expected an invasion of their property soon to follow.

When writs were issued for calling a general assembly the persons in each town who were judged qualified to vote were named in the writs* ; and the oath of allegiance was

* The number of qualified voters in each town was.

In Portsmouth	71
Dover	61
Hampton	57
Brester.	20

administered to each voter. A public fast 1680
 was observed; to ask the divine blessing on
 the approaching assembly and "the conti-
 nuance of their precious and pleasant
 things." The assembly* met at Portf-
 mouth on the sixteenth of March, and was
 opened with prayer and a sermon by Mr.
 Moody.

Febru. 26.

To express their genuine sentiments of
 the present change, and invalidate the false
 reports which had been raised against them,
 as well as to shew their gratitude and respect
 to their former protectors, they wrote to the
 general court at Boston, "acknowledging
 "the kindness of that colony in taking them
 "under their protection and ruling them
 "well; assuring them, that it was not any
 "dissatisfaction with their government, but
 "merely their submission to divine provi-
 "dence and his majesty's commands, with-
 "out any seeking of their own, which in-
 "duced them to comply with the present
 "separation, which they should have been
 "glad had never taken place; signifying their
 "desire that a mutual correspondence might
 "be continued for defence against the com-
 "mon enemy, and offering their service
 "when it should be necessary†."

Council
Records.

* The Deputies in this first Assembly were,
 For Portsmouth. Hampton.

Robert Eliot,	Anthony Stanyon,
Philip Lewis,	Thomas Marston,
John Pickering.	Edward Gove.

Dover.	Exeter.
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Peter Coffin,	Bartholemew Tippen,
Anthony Nutter,	Ralph Hall.
Richard Waldron, jun.	

† This letter fully shews the absurdity of the reason assigned by Douglas
 in his Summary, vol. II. page 28, for erecting this new government. "The
 "proprietors and inhabitants of New-Hampshire not capable of protecting
 "themselves against the Canada French and their Indians, desired of the

1680.

Their next care was to frame a code of laws, of which the first, conceived in a style becoming freemen, was "that no act, imposition, law or ordinance should be made or imposed upon them, but such as should be made by the assembly and approved by the president and council." Idolatry, blasphemy, treason, rebellion, wilful murder, manslaughter, poisoning, witchcraft, sodomy, bestiality, perjury, man-stealing, cursing and rebelling against parents, rape and arson were made capital crimes. The other penal laws were in their main principles the same that are now in force. To prevent contentions that might arise by reason of the late change of government, all townships and grants of land were confirmed, and ordered to remain as before; and controversies about the titles of land were to be determined by juries chosen by the several towns, according to former custom. The president and council with the assembly were a supreme court of Judicature, with a jury when desired by the parties; and three inferior courts were constituted at Dover, Hampton and Portsmouth. The military arrangement was, one foot company in each town, one company of artillery at the fort, and one troop of horse, all under the command of Major Waldron.

MS Laws.

During this administration, things went on as nearly as possible in the old channel, and with the same spirit, as before the separation. A jealous watch was kept over their rights and privileges, and every encroach-

"crown to take them under its immediate protection." A random assertion, unsupported by any proof and contrary to plain fact! The crown could afford them no protection against Indians. With the French the crown was in alliance, and the nation was at peace.

ment upon them was withstood to the utmost. The duties and restrictions established by the acts of trade and navigation were universally disgusting, and the more so as Randolph was appointed collector, surveyor and searcher of the customs throughout New-England. In the execution of his commission he seized a ketch belonging to Portsmouth, but bound from Maryland to Ireland, which had put into this port for a few days.

The master, Mark Hunking, brought an action against him at a special court before the president and council, and recovered damages and costs to the amount of thirteen pounds. Randolph behaved on this occasion with such insolence, that the council obliged him publicly to acknowledge his offence and ask their pardon. He appealed from their judgment to the king; but what the issue was doth not appear. Having constituted Captain Walter Barefoote his deputy at this port, an advertisement was published requiring that all vessels should be entered and cleared with him. Upon which Barefoot was brought to examination, and afterward indicted before the president and council, for

March 28.

Council
Records and
Files.

‘ having in an high and presumptuous manner set up his majesty’s office of customs without leave from the president and council; in contempt of his majesty’s authority in this place; for disturbing and obstructing his majesty’s subjects in passing from harbour to harbour, and town to town; and for his insolence in making no other answer to any question propounded to him but “my name is Walter.” He was sentenced to pay a fine of ten pounds, and stand

1680.

March 25.

1680. committed till it was paid. But though Randolph's authority was denied, yet they made an order of their own for the observation of the acts of trade, and appointed officers of their own to see them executed. They had been long under the Massachusetts government, and learned their political principles from them ; and as they had been used to think that all royal authority flowed in the channel of the charter, so they now thought that no authority derived from the crown could be regularly exercised in the province but through their commission. In this they reasoned agreeably not only to their former principles, but to their fundamental law, to which they steadily adhered, though they had no reason to think it would be allowed by the crown ; and though they knew that a rigid adherence to rights, however clear and sacred, was not the way to recommend themselves to royal favour. But they were not singular in these sentiments, nor in their opposition to the laws of trade. Randolph was equally hated, and his commission neglected at Boston ; where the notary refused to enter his protest against the proceedings of the court ; and he was obliged to post it on the exchange.

MSS in
files.

Dec. 30.

1681. In the latter end of the year Mason arrived from England with a mandamus, requiring the council to admit him to a seat at the board, which was accordingly done. He soon entered on the business he came about ; endeavouring to persuade some of the people to take leases of him, threatening others if they did not, forbidding them to cut firewood and timber, asserting his right to the

province and assuming the title of lord-pro- 1681.
 prietor. His agents, or stewards as they were
 called, had rendered themselves obnoxious
 by demanding rents of several persons and
 threatening to sell their houses for payment.
 These proceedings raised a general uneasiness;
 and petitions were sent from each town,
 as well as from divers individuals, to the
 council for protection; who taking up the
 matter judicially published an order prohibiting
 Mason or his agents at their peril to repeat
 such irregular proceedings, and declaring
 their intention to transmit the grievances
 and complaints of the people to the king.
 Upon this, Mason would no longer sit in
 council, though desired, nor appear when
 sent for; when they threatened to deal
 with him as an offender, he threatened
 to appeal to the king, and published a summons
 to the president and several members of
 the council, and others to appear before
 his majesty in three months. This was
 deemed "an usurpation over his majesty's
 authority here established," and a warrant
 was issued for apprehending him; but he
 got out of their reach and went to England.

During these transactions president Cutts
 died, and Major Waldron succeeded him, ap-
 pointing Captain Stileman for his deputy,
 who had quitted his place of secretary upon
 the appointment of Richard Chamberlayne
 to that office by royal commission. The va-
 cancy made in the council by the president's
 death was filled by Richard Waldron junior.
 On the death of Dalton, Anthony Nutter was
 chosen. Henry Dow was appointed marshal
 in the room of Roberts who resigned.

March 27.

April 5.

Dec. 30.

1680.

1682. During the remainder of the council's administration, the common business went on in the usual manner, and nothing remarkable is mentioned, excepting another prosecution of Barefoote, with his assistants, William Haskins and Thomas Thurton for seizing a vessel "under pretence of his majesty's name, without the knowledge of the authority of the province, and without shewing any breach of statute though demanded." Barefoote pleaded his deputation from Randolph ; but he was amerced twenty pounds to be respited during his good behaviour, and his two assistants five pounds each ; the complainant being left to the law for his damages. This affair was carried by appeal to the king ; but the issue is not mentioned.

March 10.

It will be proper to close the account of this administration with a view of the state of the province as to its trade, improvements and defence, from a representation thereof made by the council to the lords of trade, pursuant to their order.

"The trade of the province, (say they) is in masts, planks, boards and staves and all other lumber, which at present is of little value in other plantations, to which they are transported ; so that we see no other way for the advantage of the trade, unless his majesty please to make our river a free port.

"Importation by strangers is of little value ; ships commonly selling their cargoes in other governments, and if they come here, usually come empty to fill with lumber : but if haply they are at any time loaded with fish, it is brought from other ports, there be-

ing none made in our province, nor likely to be, until his majesty please to make the fourth part of the Isles of Shoals part of this government, they not being at present under any*.

“In reference to the improvement of lands by tillage, our soil is generally so barren, and the winters so extreme cold and long that there is not provision enough raised to supply the inhabitants, many of whom were in the late Indian war so impoverished their houses and estates being destroyed, and they and others remaining still so incapacitated for the improvement of the land, (several of the youth being killed also) that they even groan under the tax or rate, assessed for that service, which is, great part of it, unpaid to this day†.

“There is at the Great Island in Portsmouth, at the harbour’s mouth, a fort well enough situated, but for the present too weak and insufficient for the defence of the place; the guns being eleven in number are small, none exceeding a sixer (six pounder)

* When these islands were first settled is uncertain, but it must have been very early, as they are most commodiously situated for the fishery, which was a principal object with the first settlers. While New-Hampshire was united to Massachusetts, they were under the same jurisdiction, and the town there erected was called Appledore. (Mass. Rec.) They are not named in Cutt’s nor Cranfield’s commission: but under Dudley’s presidency, causes were brought from thence to Portsmouth, which is said to be in the same county. In Allen’s and all succeeding commissions, they are particularly mentioned; the south half of them being in New-Hampshire.

† Taxes were commonly paid in lumber or provisions at stated prices; and whoever paid them in money was abated one-third part. The prices in 1680, were as follows.

Merchantable white pine boards per m	30 s.
White Oak pine staves per ditto	- 3 l.
Red Oak ditto per ditto	, - 30 s.
Red Oak Hhd. ditto per ditto.	- - 25 s.
Indian Corn per bushel	- - 3 s.
Wheat per ditto.	- - 5 s.
Malt per ditto.	- - 4 s.

N. B. Silver was 6s. and 8d. per oz.

1682. nor above twenty one hundred weight, and the people too poor to make defence fuitable to the occafion that may happen for the fort.

“ These guns were bought, and the fortification erected, at the proper charge of the towns of Dover and Portfmouth, at the beginning of the firft Dutch war, about the year 1665, in obedience to his majefty’s command in his letter to the government under which this province then was.

“ There are five guns more lying at the upper part of Portfmouth, purchafed by private perfons, for their security and defence againft the Indians in the late war with them, and whereof the owners may difpofe at their pleafure. To fupply the forefaid defect and weaknefs of the guns and fort, we humbly fupplicate his majefty to fend us fuch guns as fhall be more ferviceable, with powder and fhot.”

By an account of the entries in the port annexed to the above, it appears, that from the fifteenth of June 1680, to the twelfth of April 1681, were entered, twenty-two fhips, eighteen ketches, two barks, three pinks, one fhallop and one fly-boat ; in all forty-feven.

C H A P. VIII.

The administration of Cranfield.—Violent measures.—Insurrection, trial and imprisonment of Gove.—Mason's suits.—Vaughan's imprisonment.—Prosecution of Moody and his imprisonment.—Arbitrary proceedings.—Complaints.—Tumults. Weare's agency in England.—Cranfield's removal.—Barefoote's administration.

EXPERIENCE having now convinced Mason, that the government which he had procured to be erected, was not likely to be administered in a manner favourable to his views, he made it his business, on his return to England, to solicit a change ; in consequence of which it was determined to commission Edward Cranfield, esq. lieutenant-governor and commander in chief of New-Hampshire. By a deed enrolled in the court of chancery, Mason surrendered to the king one fifth part of the quit-rents, which had or should become due : These with the fines and forfeitures which had accrued to the crown since the establishment of the province, and which should afterward arise, were appropriated to the support of the governor. But this being deemed too precarious a foundation, Mason by another deed mortgaged the whole province to Cranfield, for twenty-one years, as security for the payment of one hundred and fifty pounds per annum, for the space of seven years. On this encouragement Cranfield relinquished a profitable office at home, with the view of bettering his fortune here.

Jan. 25.

MSS in the files.

Fitch's MS.

By the commission, which bears date the ninth of May, the governor was empowered

1682. to call, adjourn, prorogue and dissolve general courts ; to have a negative voice in all acts of government ; to suspend any of the council when he should see just cause (and every counsellor so suspended was declared incapable of being elected into the general assembly ;) to appoint a deputy-governor, judges, justices, and other officers, by his sole authority ; and to execute the powers of vice-admiral. The case of Mason was recited nearly in the same words as in the former commission, and the same directions were given to the governor to reconcile differences, or send cases fairly stated to the king in council, for his decision. The counsellors named in this commission were Mason, who was styled proprietor, Waldron, Daniel, Vaughan, Martyn, Gilman, Stileman and Clements : These were of the former council, and to them were added Walter Barefoote, and Richard Chamberlayne.

Council
Records.

Cranfield arrived and published his commission on the fourth of October, and within six days Waldron and Martyn were suspended from the council, on certain articles exhibited against them by Mason. This early specimen of the exercise of power must have been intended as a public affront to them, in revenge for their former spirited conduct ; otherwise their names might have been left out of the commission when it was drawn.

The people now plainly saw the dangerous designs formed against them. The negative voice of a governor, his right of suspending counsellors, and appointing officers, by his own authority, were wholly unprecedented in New-England ; and they had the singular

1682.

mortification to see the crown not only appointing two branches of their legislature, but claiming a negative on the election of their representatives, in a particular case, which might sometimes be essentially necessary to their own security. They well knew that the sole design of these novel and extraordinary powers was to facilitate the entry of the claimant on the lands which some of them held by virtue of grants from the same authority, and which had all been fairly purchased of the Indians ; a right which they believed to be of more validity than any other. Having by their own labour and expence subdued a rough wilderness, defended their families and estates against the savage enemy, without the least assistance from the claimant, and held possession for above fifty years ; they now thought it hard and cruel, that when they had just recovered from the horrors of a bloody war, they should have their liberty abridged, and their property demanded, to satisfy a claim which was at best disputable, and in their opinion groundless. On the other hand it was deemed unjust, that grants made under the royal authority should be disregarded ; and that so great a sum as had been expended by the ancestor of the claimant, to promote the settlement of the country, should be entirely lost to him ; especially as he had foregone some just claims on the estate as a condition of inheritance. Had the inhabitants by any fraudulent means impeded the designs of the original grantee, or embezzled his interest, there might have been a just demand for damages ; but the unsuccessfulness of that adventure was to be

Mason's
Will.

1682. sought for in its own impracticability ; or the negligence, inability or inexperience of those into whose hands the management of it fell after Captain Mafon's death, and during the minority of his successor.

An assembly, being summoned, met on the fourteenth of November ; with whose concurrence a new body of laws was enacted, in some respects different from the former ; the fundamental law being omitted and an alteration made in the appointment of jurors, which was now ordered to be done by the sheriff, after the custom in England.

MS Laws. Vaughan's Journal. Council Rec. Dec. 1. MSS in the Files.

Cranfield, who made no secret of his intention to enrich himself by accepting the government, on the first day of the assembly restored Waldron and Martyn to their places in the council ; having, as he said, examined the allegations against them and found them insufficient. In return for this shew of complaisance, and taking advantage of his needy situation, the assembly having ordered an assessment of five hundred pounds, appropriated one half of it as a present to the governor ; hoping hereby to detach him from Mafon, who they knew could never comply with his engagements to him. Preferring a certainty to an uncertainty, he passed the bill, though it was not presented to him till after he had given order for adjourning the court, and after Mafon, Barefoote and Chamberlayne were withdrawn from the council.

1683. This appearance of good humour was but short-lived ; for at the next session of the assembly, the governor and council having tendered them a bill for the support of government, which they did not approve, and they

having offered him several bills which he said 1683.
were contrary to law, he dissolved them ;
having previously suspended Stileman from
the council and dismissed him from the com-
mand of the fort, for suffering a vessel under
seizure to go out of the harbour. Barefoote
was made captain of the fort in his room.

Council
Rec.

The dissolution of the Assembly, a thing
before unknown, aggravated the popular
discontent, and kindled the resentment of
some rash persons in Hampton and Exeter ;
who, headed by Edward Gove, a member of
the dissolved assembly, declared by sound of
trumpet for "liberty and reformation."
There had been a town meeting at Hamp-
ton, when a new clerk was chosen and their
records secured. Gove went from town to
town proclaiming what had been done at
Hampton, carrying his arms, declaring that
the governor was a traitor and had exceeded
his commission, and that he would not lay
down his arms, till matters were set right,
and endeavouring to excite the principal men
in the province to join in a confederacy
to overturn the government. His project
appeared to them so wild and dangerous, that
they not only disapproved it, but informed
against him and assisted in apprehending him.
Hearing of their design, he collected his com-
pany, and appeared in arms ; but on the per-
suasion of some of his friends he surren-
dered. A special court was immediately com-
missioned for his trial, of which Major Wal-
dron sat as judge, with William Vaughan
and Thomas Daniel assistants. The grand
jury presented a bill in which Edward Gove,
John Gove, his son, and William Hely, of

1683. Hampton ; Joseph, John and Robert Wadleigh, three brothers, Thomas Rawlins, Mark Baker and John Sleeper, of Exeter, were charged with high-treason. Gove, who behaved with great insolence before the court, and pretended to justify what he had done, was convicted and received sentence of death in the usual hideous form ; and his estate was seized, as forfeited to the crown.

Feb. 1.

Records of
Special
Courts.

The others were convicted of being accomplices, and respited. The king's pleasure being signified to the governor that he should pardon such as he judged objects of mercy ; they were all set at liberty but Gove, who was sent to England, and imprisoned in the tower of London about three years. On his repeated petitions to the king, and by the interest of Randolph with the Earl of Clarendon, then lord chamberlain, he obtained his pardon and returned home in 1686, with an order to the then president and council of New-England to restore his estate.

Gove's
papers.

Gove in his petitions to the king pleaded " a distemper of mind " as the cause of those actions for which he was prosecuted. He also speaks in some of his private letters of a drinking match at his house, and that he had not slept for twelve days and nights, about that time. When these things are considered, it is not hard to account for his conduct. From a letter which he wrote to the court while in prison, one would suppose him to have been disordered in his mind. His punishment was by much too severe, and his trial was hurried on too fast, it being only six days after the commission of his crime. Had he been indicted only for a riot there would

MS in files.

have been no difficulty in the proof, nor 1683.
hardship in inflicting the legal penalty.
Waldron, it is said, shed tears when pronouncing the sentence of death upon him.

On the fourteenth of February the governor, by advertisement, called upon the inhabitants to take out leases from Mason within one month, otherwise he must, pursuant to his instructions, certify the refusal to the king, that Mason might be discharged of his obligation to grant them. Upon this summons and within the time set, Major Waldron, John Wingett and Thomas Roberts, three of the principal landholders in Dover, waited on the governor to know his pleasure, who directed them to agree with Mason. They then retired into another room where Mason was, and proposed to refer the matter to the governor, that he might according to his commission, state the matter to the king for his decision. This proposal Mason rejected, saying that unless they would own his title, he would have nothing to do with them. While they were in discourse the governor came in and desired them to depart. Weare's
MS.

This piece of conduct is difficult to be accounted for, it being directly in the face of the commission. Had the method therein prescribed, and by these men proposed, been adopted, it was natural to expect that the king, who had all along favoured Mason's pretensions, would have determined the case as much to his wish as upon an appeal from a judicial court ; besides, he had now the fairest opportunity to have it decided in the shortest way, to which his antagonists must

1683. have submitted, it being their own proposal. His refusal to accede to it was a capital mistake; as it left both him and Cranfield exposed to the charge of disobedience. But it afforded a powerful plea in behalf of the people; whose confidence in the royal justice would have induced them to comply with the directions in the commission. It being now impossible to have the controversy thus decided they determined to hearken to none of his proposals. As he generally met with opposition and contradiction he was induced to utter many rash sayings in all companies. He threatened to seize the principal estates, beggar their owners, and provoke them to rebellion by bringing a frigate into the harbour and procuring soldiers to be quartered on the inhabitants. These threats were so far from intimidating the people that they served the more firmly to unite them in their determination not to submit; and each party was now warm in their opposition and resentment.

Weare's
MS.

The governor on some fresh pretence suspended Waldron, Martyn and Gilman from the council. The deaths of Daniels and Clements made two other vacancies. Vaughan held his seat the longest, but was at length thrust out for his non-compliance with some arbitrary measures. So that the governor had it in his power to model the council to his mind, which he did by appointing at various times Nathaniel Fryer, Robert Eliot, John Hinckes, James Sherlock, Francis Champernoon and Edward Randolph, esquires. The judicial courts were also filled with officers proper for the intended business.

Barefoote, the deputy governor, was judge : 1683.
 Mafon was chancellor ; Chamberlayne was clerk and prothonotary ; Randolph was attorney general, and Sherlock provost marshal and sheriff. Some who had always been dis-
 affected to the country, and others who had been awed by threats or flattered by promises took leases from Mafon ; and these served for under sheriffs, jurors, evidences, and other necessary persons.

Council
Records.

Things being thus prepared, Mafon began his law-suits by a writ against Major Waldron, (who had always distinguished himself in opposition to his claim) for holding lands and felling timber to the amount of four thousand pounds. The major appeared in court, and challenged every one of the jury as interested persons, some of them having taken leases of Mafon, and all of them living upon the lands which he claimed. The judge then caused the oath of *voire dire* to be administered to each juror, purporting “ that he was not concerned in the lands in question, and that he should neither gain nor lose by the cause.” Upon which the major said aloud to the people present, “ That his was a leading case, and that if he were cast they must all become tenants to Mafon ; and that all persons in the province being interested, none of them could legally be of the jury.” The case however went on ; but he made no defence, asserted no title, and gave no evidence on his part. Judgment was given against him and at the next court of sessions he was fined five pounds for “ mutinous and seditious words.”

MS in
files.

1683. Suits were then instituted against all the principal landholders in the province, who, following Waldron's example, never made any defence. Some, chiefly of Hampton, gave in writing their reasons for not joining issue; which were, the refusal of Mason to comply with the directions in the commission; the impropriety of a jury's determining what the king had expressly reserved to himself; and the incompetency of the jury, they being all interested persons, one of whom had said that "he would spend his estate to make Mason's right good." These reasons were irritating rather than convincing to the court. The jury never hesitated in their verdicts. From seven to twelve causes were dispatched in a day, and the costs were multiplied from five to twenty pounds. Executions were issued, of which two or three only were levied; but Mason could neither keep possession of the premises nor dispose of them by sale, so that the owners still enjoyed them. Several threatened to appeal to the king but Major Vaughan alone made the experiment.

MS in
files and
Weare's
MSS.

A suit was also commenced against Martyn who had been treasurer, for the fines and forfeitures received by him, during the former administration; and judgment was recovered for seventy one pounds with costs. Martyn petitioned Mason as chancellor, setting forth that he had received and disposed of the money according to the orders of the late president and council, and praying that the whole burden might not lie upon him. A decree was then issued for the other surviving members of the late council, and the

heirs of those who were dead, to bear their proportion. This decree was afterward reversed by the king in council. 1683.

MSS in
files.

Cranfield with his council had now assumed the whole legislative power. They prohibited vessels from Massachusetts to enter the port, because the acts of trade were not observed in that colony : They fixed the dimensions of merchantable lumber ; altered the value of silver money, which had always passed by weight at six shillings and eightpence per ounce ; and ordered that dollars should be received at six shillings each, which was then a great hardship ; as many of them were greatly deficient in weight : They also changed the bounds of townships ; established fees of office ; made regulations for the package of fish, and ordered the constables to forbear collecting any town or parish taxes till the province tax was paid, and the accounts settled with the treasurer.

Council
Rec.

The public grievances having become insupportable, the people were driven to the necessity of making a vigorous stand for their liberties. The only regular way was by complaint to the king. Having privately communicated their sentiments to each other, and raised money by subscription, they appointed Nathaniel Weare, Esq. of Hampton their agent ; and the four towns having drawn and subscribed distinct petitions of the same tenor, Weare privately withdrew to Boston from whence he sailed for England. Major Vaughan who accompanied him to Boston, and was appointed to procure depositions to send after him, was upon his return to Portsmouth, brought to an ex-

1683. amination, treated with great insolence and required to find sureties for his good behaviour ; which, having broken no law, he refused* ; and was by the governor's own warrant immediately committed to prison ; where he was kept nine months to the great damage of his health, and of his own as well as the people's interest.

MSS in
files.

1684. Amidst these multiplied oppressions, Cranfield was still disappointed of the gains he had expected to reap from his office ; and found to his great mortification, that there was no way of supplying his wants, but by application to the people, through an assembly. He had already abused them so much that he could hope nothing from their favour ; and was therefore obliged to have recourse to artifice. On a vague rumour of a foreign war, he pretended much concern for the preservation of the province from invasion ; and presuming that they would shew the same concern for themselves, he called an assembly at Great-Island where he resided, to whom he tendered a bill, which in a manner totally unparliamentary, had been drawn and passed by the council, for raising money to defray the expence of repairing the fort, and supplying it with ammunition, and for *other* necessary charges of government. The house† debated a while, and adjourned

Januar. 14.

* In this refusal he is countenanced by the example of the great Selden, and other members of parliament who were imprisoned by order of Charles I. in 1629. Macaulay's Hist. Eng. 8vo. Vol. 2. page 72.

† The Members of this assembly were,
 For Portsmouth. Hampton.
 Richard Waldron, jun. speaker, Anthony Stanyoa,
 Philip Lewis, Joseph Smith.
 John Pickering. John Smith.

for the night, and the tide serving, the members went up to the town. In the morning they returned the bill with their negative ; at which the governor was highly enraged, and telling them that they had been to consult with Moody, and other declared enemies of the king and church of England, he dissolved them ; and afterward by his influence with the court of sessions, divers of the members were made constables for the following year. Some of them took the oath, and others paid the fine which was ten pounds. Thus by a mean and execrable revenge, he taxed those whom he could not persuade to tax their constituents for his purposes.

Court Rec:
Vaughan's
Journal.

But Moody was marked as an object of peculiar vengeance. He had for some time rendered himself obnoxious by the freedom and plainness of his pulpit discourses, and his strictness in administering the discipline of the church ; one instance of which merits particular notice. Randolph having seized a vessel, she was in the night carried out of the harbour. The owner, who was a member of the church, swore that he knew nothing of it ; but upon trial there appeared strong suspicions that he had perjured himself. He found means to make up the matter with the governor and collector ; but Moody, being concerned for the purity of his church, requested of the governor copies of the evidence, that the offender might be called to account in the way of ecclesiastical discipline. Cranfield sternly refused, saying that he had

Dover.
John Gerrish,
John Woodman,
Anthony Nutter,

Exeter.
Robert Smart,
Thomas Wiggen.
(Court Records.)

1684. forgiven him, and that neither the church nor minister should meddle with him ; and even threatened Moody in case he should. Not intimidated, Moody consulted the church and preached a sermon against false swearing ; then the offender, being called to account, was censured, and at length brought to a public confession. This procedure extremely disgusted the governor who had no way then in his power to shew his resentment. But malice, ever fruitful in expedients to attain its ends, suggested a method, which to the scandal of the English nation, has been too often practised. The penal laws against nonconformists were at this time executing with great rigour in England ; and Cranfield, ambitious to ape his royal master, determined to play off the ecclesiastical artillery here, the direction of which he supposed to be deputed to him with his other powers. He had attempted to impose upon the people the observance of the thirtieth of January as a fast, and restrain them from manual labour at Christmas ; but his capital stroke was to issue an order in council “ that after the first of January, the ministers should admit all persons of suitable years and not vicious, to the Lord’s supper, and their children to baptism ; and “ that if any person should desire baptism “ or the other sacrament to be administered “ according to the liturgy of the church of “ England, it should be done in pursuance “ of the king’s command to the colony of “ Massachusetts* ; and any minister refusing

Ports. Chh.
Records.

* This command was conceived in the following terms :

“ And since the principle and foundation of that charter was and is free-

“ so to do should suffer the penalty of the statutes of uniformity.” 1684

The same week in which he dissolved the assembly, he signified to Moody in writing, by the hands of the sheriff, that himself, with Mason and Hinckes, intended to partake of the Lord's supper the next funday ; requiring him to administer it to them according to the liturgy ; and, as they justly expected, he at once denied them. The way was now opened for a persecution ; and the attorney general Joseph Rayn, by the governor's order exhibited an information at the next court of sessions, before Walter Barefoote judge, Nathaniel Fryer and Henry Greene assistants, Peter Coffin, Thomas Edgerly and Henry Robie justices, setting forth, “ that Joshua Moody clerk, being minister of the town of Portsmouth within the dominions of King Charles, was by the duty of his place and the laws of the realm, viz. the statutes of the fifth and sixth of Edward VI, the first of Elizabeth, and the thirteenth and fourteenth of Charles II, required to administer the Lord's supper in such form as was set forth in the book of common prayer, and no other. But that the said Moody in contempt of the laws had wilfully and obsti-

Feb. 5.

dom and liberty of conscience ; Wee do hereby charge and require you that freedom and liberty be duely admitted and allowed, so that they that desire to use the booke of common prayer and perform their devotion in that manner that is established here be not denyed the exercise thereof, or undergoe any prejudice or disadvantage thereby, they using their liberty peaceably without any disturbance to others ; and that all persons of good and honest lives and conversations be admitted to the sacrament of the Lord's supper according to said booke of common prayer, and their children to baptism.”

This command cannot consistently with the acknowledged principle and strict limitation, be construed any other way, than that the use of the liturgy should be permitted to such ministers and people as desired it. To compel ministers to use it, and leave all others at liberty, was a construction that we're alone could suggest.

King
Charles's
Letter in
Hutchin-
col. par
p. 378.

1684. "nately refused to administer the same to
 " the Honourable Edward Cranfield, Robert
 " Mafon, and John Hinckes, and did obsti-
 " nately use some other form." Moody in
 his defence pleaded that he was not episco-
 pally ordained as the statutes required ; nor
 did he receive his maintenance according to
 them ; and therefore was not obliged to
 the performance of what had been com-
 manded ; that the alledged statutes were not
 intended for these plantations, the known and
 avowed end of their settlement being the en-
 joyment of freedom from the imposition of
 those laws ; which freedom was allowed and
 confirmed by the king, in the liberty of con-
 science granted to all protestants, in the gov-
 ernor's commission. Four of the Justices,
 viz. Greene, Robie, Edgerly and Fryer were
 at first for acquitting him ; but the matter
 being adjourned till the next day, Cranfield
 found means before morning to gain Robie
 and Greene, who then joined with Barefoote
 and Coffin, in sentencing him to six months
 imprisonment, without bail or mainprize.
 The other two persisted in their former o-
 pinion, and were soon after removed from
 all their offices. Moody was immediately
 ordered into custody, without being permit-
 ted first to see his family ; and he remained
 under confinement, in company with Major
 Vaughan, at the house of Captain Stileman,
 with liberty of the yard, for thirteen weeks ;
 " his benefice" being declared forfeited to the
 crown. The next week after Moody's trial,
 the governor in a profane bravado sent word
 to Seaborn Cotton minister of Hampton, that
 " when he had prepared his soul, he would

MSS in
files.

Ports. Chh.
Records.

Vaughan's
Journal.

Vaughan's
Journal.

“ come and demand the sacrament of him as 1684.
 “ he had done at Portsmouth.” Upon which
 Cotton withdrew to Boston. The minister Vaughan's
Journal.
 of Dover, John Pike, was (so far as I can find)
 unmolested. Exeter had then no settled
 minister.

During Moody's imprisonment, Cranfield
 would neither suffer him to go up to the
 town to preach, nor the people to assemble
 at the island to hear, nor the neighbouring
 ministers to supply his place ; only the fam-
 ily where he was confined were permitted to
 be present with him at sabbath exercises.
 But while the governor was absent on a tour
 to New-York, Mason gave leave for opening
 the meeting-house twice, when they obtained
 a minister to officiate ; he also allowed both
 Moody and Vaughan to make a short visit Vaughan's
Journal.
 to their families. At length, by the inter-
 position of friends, Moody obtained a re-
 lease, though under a strict charge to preach
 no more within the province, on penalty of
 farther imprisonment. He then accepted
 an invitation from the first church in Bos-
 ton ; where being out of the reach of his
 persecutors, he was employed as a preacher,
 and was so highly esteemed that upon the
 death of President Rogers he was invited to Harvard
College
Records.
 take the oversight of the college, which he
 modestly declined, and continued his minis-
 trations at Boston, frequently visiting his
 destitute church at Portsmouth, at their pri-
 vate meetings, till 1692 ; when, the govern-
 ment being in other hands, and the eastern
 country under trouble by the Indians, at
 the earnest request of his people, and by the Original
MSS.
 advice of an ecclesiastical council, he return-

1684. ed to his charge at Portsmouth, and spent the rest of his days there in usefulness, love and peace*.

Upon a calm review of this prosecution, one can hardly tell which is most detestable, the vindictive temper which gave it birth ; or the profaneness and hypocrisy with which it was conducted. The pretended zeal of the prosecutors was totally inconsistent with a due regard to these laws, and the principles of that church, for which they made themselves such contemptible champions. For it had been long before this time, a received opinion in the church of England, that the validity of all the sacramental administrations depends on authority derived from the apostles, by *episcopal* ordination, in an uninterrupted succession ; and one of the statutes on which the prosecution was grounded enacts, ‘ that no person shall presume to ‘ consecrate and administer the Lord’s supper, before he be ordained a priest by episcopal ordination, on pain of forfeiting for ‘ every offence one hundred pounds.’ The ministers then in the province, being destitute of the grand pre-requisite, were incapable by the act, of doing what was so peremptorily required of them ; and had they complied with the governor’s order, must have exposed themselves to the penalty, if he had pleased to exact it from them. But the extending these penalties to the king’s American subjects, who had fled hither from the rod of prelatic tyranny, was a most unwar-

Stat. 13 &
14 Car. II.

* He died at Boston, being there on a visit, July 4, 1697, aged 65. Dr Cotton Mather preached his funeral sermon from acts vi. 15. “ They saw his face as it had been the face of an angel.” *Magnalia*, lib. 4: cap. 7

rantable stretch of power ; since the last of these acts, and the only one which had been made since the settlement of the colonies, was expressly restricted in its operation, to “ the realm of England, dominion of Wales, “ and town of Berwick upon Tweed.” 1684.

Disappointed in all his schemes for raising money by an assembly, Cranfield next ventured on the project of taxing the people without their consent. The pretext for this was a clause in the commission, empowering him, with the council, “ to continue such “ taxes as had been formerly levied, until a “ general assembly could be called.” This had been done, without offence, at the beginning both of this and the former administration, when the change of government rendered it necessary. But the council, though too much devoted to him, were not easily persuaded into the measure at this time ; till fear at length accomplished what reason could not approve : for, letters being received from the eastward, informing of the discovery of a plot among the Indians, who were instigated by Castine the Frenchman to renew the war early in the spring, the council were summoned in haste, and presently agreed to the governor’s proposal, for continuing such taxes as had been formerly laid, which he told them was necessary for the immediate defence and security of the province. This affair, however, was kept secret for the present ; and the people were first to be convinced of the governor’s paternal care and kindness in taking the necessary precautions for their safety. It was ordered that the meeting-houses in each

Feb. 14.

March 13.

1684. town should be fortified, and bye garrisons were established in convenient places : Supplies of ammunition were ordered to be provided : Circular letters were dispatched to the governors of the neighbouring colonies, informing them of the danger ; and, to crown the whole, Cranfield himself, at the request of the council, undertook a tour to New-York to solicit the governor, Dongan, for a number of the Mohawks to come down and destroy the eastern Indians ; promising to pay them for their services out of the money which was thus to be raised.

Council
Records.

Vaughan's
Journal.

May 27.

At his return from this excursion, he found himself under some embarrassment in his favourite views, from a letter of the lords of trade, which directed him to make use of an assembly, in raising money on the people. He could not, therefore, avoid calling one, though he immediately dissolved it, because several of the members were those whom he had formerly ordered to be made constables. At the same time, in his letters to the secretary of state, he represented the assembly as persons of such a mutinous and rebellious disposition, that it was not safe to let them convene ; that they had never given any thing toward the support of government ; that he was obliged to raise money without them ; and that it was impossible for him to serve his majesty's interest without a ship of war to enforce his orders ; and finally he desired leave to go to the West-Indies for the recovery of his health. When this business was dispatched, warrants were issued for collecting the taxes ; which caused fresh murmurings and discontent among the people.

But however disaffected to the governor and his creatures, they were always ready to testify their obedience to the royal orders ; an instance of which occurred at this time. The seas of America and the West-Indies being much infested with pirates, the king sent orders to all the governors and colony assemblies, directing acts to be made for the suppressing of piracy and robbery on the high seas. Cranfield, having received this order, summoned an assembly ; and though it consisted almost entirely of the same persons who were in the last ; he suffered them to pass the act, and then quietly dissolved them : This was the last assembly that ever he called.

July 22.

Council
Records,
and files.

The tax-bills were first put into the hands of the newly made constables ; who soon returned them, informing the governor that the people were so averse from the method, that it was impossible to collect the money. The provost, Thomas Thurton, was then commanded to do it, with the assistance of his deputies and the constables. The people still refusing compliance, their cattle and goods were taken by distreint and sold by auction : Those who would neither pay nor discover their goods to the officers, were apprehended and imprisoned ; and some of the constables, who refused to assist, suffered the same fate. The more considerate of the people were disposed to bear these grievances, though highly irritating, till they could know the result of their applications to the king. But in a country where the love of liberty had ever been the ruling passion, it could not be expected but that some forward

1684. spirits would break the restraints of prudence, and take a summary method to put a stop to their oppressions. Several persons had declared that they would sooner part with their lives, than suffer distreints ; and associations were formed for mutual support. At Exeter the sheriff was resisted and driven off with clubs ; the women having prepared hot spits and scalding water to assist in the opposition, as Thurton testified in his deposition on the occasion. At Hampton he was
- Dec. 29. beaten, and his sword was taken from him ; then he was seated on an horse, and conveyed out of the province to Salisbury with a rope about his neck and his feet tied under the horse's belly. Justice Robie attempted to commit some of the rioters ; but they were rescued by the way, and both the justice and the sheriff were struck in the execution of their office. The troop of horse, under Mason's command, was then ordered to turn out completely mounted and armed, to assist in suppressing the disorders ; but when the day came not one trooper appeared. Cran-
- January 22. field thus finding his efforts ineffectual, and his authority contemptible, was obliged to desist.
- January 9. MSS in files.

This agent had been a long time in England, waiting for the depositions, which were to have been transmitted to him, in support of the complaint which he was to exhibit. Cranfield and his creatures here did all that they could, to retard the business ; first by imprisoning Vaughan, and then by refusing to summon and swear witnesses when applied to by others ; who were obliged to go into the neighbouring govern-

ments, to get their depositions authenticated ; 1684.
 and after all, the proof was defective, as they
 had not access to the public records. The
 agent, however, exhibited his complaint a- July 11.
 gainst Cranfield in general terms, consisting
 of eight articles. ‘ That he had engrossed
 ‘ the power of erecting courts, and establish-
 ‘ ing fees exclusive of the assembly : That
 ‘ he had not followed the directions in his
 ‘ commission respecting Mason’s controver-
 ‘ sy ; but had caused it to be decided on the
 ‘ spot by courts of his own constitution, con-
 ‘ sisting wholly of persons devoted to his in-
 ‘ terest : That exorbitant charges had been
 ‘ exacted and some who were unable to sat-
 ‘ isfy them had been imprisoned : That oth-
 ‘ ers had been obliged to submit, for want
 ‘ of money to carry on the suits : That he
 ‘ had altered the value of silver money :
 ‘ That he had imprisoned fundry persons
 ‘ without just cause : That he with his coun-
 ‘ cil had assumed legislative authority, with-
 ‘ out an assembly ; and, that he had done
 ‘ his utmost to prevent the people from lay-
 ‘ ing their complaints before the king, and Weare’s
 ‘ procuring the necessary evidence.’ MSS.

The complaint was, in course, referred to July 23.
 the board of trade ; who transmitted copies
 of it, and of the several proofs, to Cranfield,
 and summoned him to make his defence ;
 directing him to deliver to the adverse party
 copies of all the affidavits which should be
 taken in his favour ; to let all persons have
 free access to the records ; and to give all
 needful assistance to them in collecting their Ibid.
 evidence against him.

When he had received this letter he sus-

1684. pended Mafon's fuits, till the question concerning the legality of the courts fhould be decided. He alfo ordered the fecretary to give copies to thofe who fhould apply for them. At the fame time it was complained that the people, on their part, had been equally referved, in fecreting the records of the feveral towns ; fo that Mafon upon enquiry could not find where they were depofited ; and the town clerks, when fummoned, had folemnly fworn that they knew neither where the books were concealed, nor who had taken them out of their poffeffion.

MSS in the
files.

1685. The neceffary evidence on both fides being procured, a new complaint was drawn up, confifting of twelve articles, which were,
 ' That at the firft feffion of the affembly
 ' Cranfield had challenged the power of legiflation and fettlement of the affairs to him-
 ' felf againft the words of the commiffion :
 ' That he had by purchafe or mortgage from
 ' Mafon, made himfelf owner of the province,
 ' and fo was not likely to act impartially between Mafon and the inhabitants : That he
 ' had made courts, whereof both judges and
 ' jurors had agreed with Mafon for their own
 ' lands, and fome had taken deeds of him for
 ' other men's lands, fo that they were engaged by their intereft to fet up Mafon's title :
 ' That Mafon had fued forty perfons, and
 ' caft all ; and that the governor's interpofal
 ' to ftate the cafes, as by his commiffion he
 ' was directed, had been refused though defired ; and that the defendants pleas grounded on the laws of England were rejected :
 ' That they could not reconcile the verdict
 ' with the attachment, nor the execution.

with the verdict, nor their practice under colour of the execution with either ; that the verdict found the lands sued for according to the royal commission and instructions, and that commission only gave power to state the case if Mason and the people could not agree ; but the execution took land and all : That the charge of every action was about six pounds, though nothing was done in court, but reading the commission and some blank grants without hand or seal ; and these were not read for one case in ten : That court charges were exacted in money, which many had not ; who though they tendered cattle, were committed to prison for non-payment : That ministers, contrary to his majesty's commission, which granted liberty of conscience to all protestants, had their dues withheld from them, even those that were due before Cranfield came, and were threatened with six months imprisonment for not administering the sacrament according to the liturgy : That though the general assembly agreed that Spanish money should pass by weight, the governor and council ordered pieces of eight to pass for six shillings, though under weight : That men were commonly compelled to enter into bonds of great penalty, to appear and answer to what should be objected against them, when no crime was alledged : That they had few laws but those made by the governor and council, when his commission directed the general assembly to make laws : That the courts were kept in a remote corner of the province ; and the sheriff was a

1685. ‘stranger and had no visible estate, and so
 Weare’s ‘was not responsible for failures.’
 MS.

Upon this complaint, an hearing was had before the lords of trade on Tuesday the tenth of March ; and their lordships reported to the king, on three articles only of the complaint viz. ‘That Cranfield had not ‘pursued his instructions with regard to Mason’s controversy ; but instead thereof had ‘caused courts to be held and titles to be ‘decided, with exorbitant costs ; and that ‘he had exceeded his power in regulating ‘the value of coins.’ This report was accepted, and the king’s pleasure therein signified to him. At the same time, his request for absence being granted, he, on receipt of the letters, privately embarked on board a vessel for Jamaica ; and from thence went to England, where he obtained the collectorship of Barbadoes. At his departure, Barefoote the deputy-governor took the chair ; which he held till he was superseded by Dudley’s commission, as president of New-England.

Neal’s Hist.
 and Fitch’s
 MS.

Cranfield’s ill conduct must be ascribed in a great measure to his disappointment of the gains which he expected to acquire, by the establishment of Mason’s title ; which could be his only inducement to accept of the government. This disappointment inflaming his temper, naturally vindictive and imperious, urged him to actions not only illegal, but cruel and unmanly. A ruler never degrades his character more than when he perverts public justice to gratify personal resentment ; he should punish none but the enemies of the laws, and disturbers of the peace

of the community over which he presides. 1685.
 Had there been the least colour, either of
 zeal or policy, for the severity exercised in
 the prosecution of Moody, candour would
 oblige us to make some allowance for hu-
 man frailty. His ordering the members of
 the assembly to be made constables, was a
 mode of revenge disgraceful to the character
 of the supreme magistrate. From the same
 base disposition, he is said to have employed
 spies and pimps, to find matter of accusation
 against people in their clubs, and private dis-
 course. And his deceit was equal to his
 malice ; for, being at Boston when the char-
 ter of that colony was called in question, and
 the people were solicitous to ward off the
 danger ; he advised them to make a private
 offer of two thousand guineas to the king,
 promising to represent them in a favourable
 light ; but when they, not suspecting his in-
 tention, followed his advice, and shewed him
 the letter which they had wrote to their a-
 gents for that purpose, he treacherously re-
 presented them as " disloyal rogues ;" and
 made them appear so ridiculous that their a-
 gents were ashamed to be seen at court.
 However, when he had quitted the country,
 and had time for reflection, he grew ashamed
 of his misconduct, and while he was col-
 lector at Barbadoes, made a point of treating
 the masters of vessels, and other persons who
 went thither from Pascataqua, with particu-
 lar respect.

Neal, vol.
2, p. 39.

Hutchin.
vol. 1, page
937.

Fitch's MS,

Although the decision of titles in Cran-
 field's courts had been represented, in the
 report of the lords, as extrajudicial, and a
 royal order had been thereupon issued to

1685. suspend any farther proceedings in the case of Mason, till the matter should be brought before the king in council, pursuant to the directions in the commission ; yet Barefoote suffered executions which had before been issued to be extended, and persons to be imprisoned at Mason's suit. This occasioned a fresh complaint and petition to the king, which was sent by Weare, who about this time made a second voyage to England, as agent for the province and attorney to Vaughan, to manage an appeal from several verdicts, judgments, decrees and fines which had been given against him in the courts here, one of which was on the title to his estate. An attempt being made to levy one of the executions in Dover, a number of persons forcibly resisted the officer, and obliged him to relinquish his design. Warrants were then issued against the rioters, and the sheriff with his attendants attempted to seize them, while the people were assembled for divine service. This caused an uproar in the congregation, in which a young heroine distinguished herself by knocking down one of the officers with her bible. They were all so roughly handled that they were glad to escape with their lives.

Weare's
MSS.

MSS in
files.

That nothing might be wanting to shew the enmity of the people to these measures, and their hatred and contempt for the authors of them ; there are still preserved the original depositions on oath, of Barefoote and Mason, relating to an assault made on their persons by Thomas Wiggen and Anthony Nutter, who had been members of the assembly. These two men came to Barefoote's

MSS in
files.

house where Maſon lodged, and entered into 1685.
diſcourſe with him about his proceedings ;
denying his claim, and uſing ſuch language
as provoked him to take hold of Wiggen,
with an intention to thruſt him out at the
door. But Wiggen being a ſtronger man
ſeized him by his cravat, and threw him in-
to the fire ; where his clothes and one of his
legs were burned. Barefoote, attempting to
help him, met with the ſame fate, and had
two of his ribs broken and one of his teeth
beaten out in the ſtruggle. The noiſe alarm-
ed the ſervants, who at Maſon's command
brought his ſword, which Nutter took away,
making ſport of their miſery*.

Nothing elſe occurred during Barefoote's
ſhort adminiſtration, except a treaty of friend-
ſhip, between the Indians of Penacook and
Saco, on the one part ; and the people of
New-Hampſhire and Maine on the other.
The foundation of this treaty ſeems to have
been laid in Cranfield's project of bringing
down the Mohawks on the eaſtern Indians ;
which had once before proved a pernicious
meaſure ; as they made no diſtinction be-
tween thoſe tribes which were at peace with
the Engliſh, and thoſe which were at war.

* A farther ſpecimen of the contempt in which theſe men were held, even
by the lower claſs of people, expreſſed in their own genuine language, may
be ſeen in the following affidavit :

“ Mary Rann, aged thirty years or thereabout, witneſſeth, that the 21 day
of March 84, being in company with Seabank Hog, I heard her ſay ; it was
very hard for the governor of this province to ſtrike Sam. Seavy before he
ſpoke ; the ſaid Hog ſaid alſo that it was well the ſaid Seavy's mother was
not there for the governor, for if ſhe had, there had been bloody work for
him. I heard the ſaid Hog ſay alſo, that the governor and the reſt of the
gentlemen were a crew of pitiful curs, and did they want earthly honour ? if
they did, ſhe would pull off her head clothes and come in her hair to them,
like a parcel of pitiful beggarly curs as they were ; come to undo us both body
and ſoul ; they could not be contented to take our eſtates from us, but they
have taken away the goſpel alſo, which the devil would have them for it.”

* Sworn in the court of pleas held at Great Iſland the 7 of Nov. 1684.

R. Clanbain, Prothon.”

1685. Some of the Penacook Indians who had been at Albany after Cranfield's journey to New-York, reported on their return, that the Mohawks threatened destruction to all the eastern Indians, from Narrhaganfet to Pechypscot. Hagkins, a chief of the tribe, had informed Cranfield in the spring of the danger he apprehended, and had implored assistance and protection, but had been treated with neglect. In August the Penacook and Saco Indians gathered their corn, and removed their families ; which gave an alarm to their English neighbours, as if they were preparing for war. Messengers being sent to demand the reason of their movement, were informed that it was the fear of the Mohawks, whom they daily expected to destroy them ; and being asked why they did not come in among the English for protection, they answered lest the Mohawks should hurt the English on their account. Upon this they were persuaded to enter into an agreement ; and accordingly their chiefs being assembled with the council of New-Hampshire, and a deputation from the province of Maine, a treaty was concluded, wherein it was stipulated, that all future personal injuries on either side should, upon complaint, be immediately redressed ; that information should be given of approaching danger from enemies ; that the Indians should not remove their families from the neighbourhood of the English without giving timely notice, and if they did that it should be taken for a declaration of war ; and, that while these articles were observed, the English would assist and protect them against the Mohawks and all other enemies.

Sept. 8.

The danger was but imaginary, and the 1685.
peace continued about four years.

Though Mafon was hitherto difappointed 1686.
in his views of recovering the inhabited part
of the province, he endeavored to lay a foun-
dation for realizing his claim to the waste
lands. A purchafe having been made from
the Indians, by Jonathan Tyng and nineteen
others, of a tract of land on both fides the
river Merrimack, fix miles in breadth, from
Souhegan river to Winnipifeogee lake ; Ma-
fon by deed confirmed the fame, referving
to himfelf and his heirs the yearly rent of April 15,
ten fhillings. This was called the million
acre purchafe. About the fame time he Dougias,
farmed out to Hezekiah Ufher and his heirs, vol. 1. p.
the mines, minerals, and ores within the lim- 419.
its of New-Hampfhire, for the term of one May 15.
thoufand years ; referving to himfelf one
quarter part of the royal ores, and one fev-
enteenth of the bafier forts ; and having put
his affairs here in the beft order that the
times would admit, he failed for England, to
attend the hearing of Vaughan's appeal to the
king.

Records of
Deeds.

C H A P. IX..

The administration of Dudley as President, and Andross as governor of New-England.—Mason's farther attempt.—His disappointment and death.—Revolution.—Sale to Allen.—His commission for the government.

WHEN an arbitrary government is determined to infringe the liberty of the people, it is easy to find pretences to support the most unrighteous claims. King Charles the second in the latter part of his reign was making large strides toward despotism. Charters, which obstructed his pernicious views, were by a perversion of the law decreed forfeited. The city of London, and most of the corporations in England, either suffered the execution of these sentences, or tamely surrendered their franchises to the all-grasping hand of power. It could not be expected that in this general wreck of privileges the colonies of New-England could escape. The people of Massachusetts had long been viewed with a jealous eye. Though the king had repeatedly assured them of his protection, and solemnly confirmed their charter privileges; yet their spirit and principles were so totally dissonant to the corrupt views of the court, that intriguing men found easy access to the royal ear, with complaints against them. Of these the most inveterate and indefatigable was Randolph, who made no less than eight voyages in nine years across the Atlantic, on this mischievous business. They were accused of extending their jurisdiction beyond the bounds of their patent; of invading the

Hutch.
col. pap.
page 377.

Hutch.
vol. 1. page
329.

prerogative by coining money ; of not allowing appeals to the king from their courts ; and, of obstructing the execution of the navigation and trade laws. By the king's command agents were sent over to answer to these complaints. They found the prejudice against the colony so strong, that it was in vain to withstand it ; and solicited instructions whether to submit to the king's pleasure, or to let the proceedings against them be issued in form of law. A solemn consultation being held, at which the clergy assisted, it was determined "to die by the hands of others rather than by their own." Upon notice of this, the agents quitted England ; and Randolph, as the angel of death soon followed them, bringing a writ of quo warranto from the king's bench ; but the scire facias which issued from the chancery did not arrive till the time fixed for their appearance was elapsed : This however was deemed too trivial an error to stop the proceedings ; judgment was entered against them, and the charter declared forfeited.

1683.
October.

The king died before a new form of government was settled ; but there could be no hope of favor from his successor, who inherited the arbitrary principles of his brother, and was publicly known to be a bigoted papist.

1685.
Feb. 6.

The intended alteration in the government was introduced in the same gradual manner as it had been in New-Hampshire. A commission was issued, in which Joseph Dudley, esquire, was appointed president of his majesty's territory and dominion of New-England ; William Stoughton, deputy president ;

1685. Simon Bradstreet, Robert Mafon, John Fitz Winthrop, John Pynchon, Peter Bulkley, Edward Randolph, Wait Winthrop, Richard Warton, John Usher, Nathaniel Saltonstall, Bartholomew Gedney, Jonathan Tyng, Dudley Bradstreet, John Hinckes, and Edward Tyng, counsellors. Their jurisdiction extended over Massachusetts, New-Hampshire, Maine and the Narrhaganfet or King's province. These gentlemen were mostly natives of the country, some of them had been magistrates, and one of them governor under the charter. No house of deputies was mentioned in the commission.
1686. The new form of government took place on the twenty fifth day of May ; and on the tenth of June an order of council was issued for settling the county courts, which consisted of such members of the council as resided in each county, and any others of them who might be present ; with such justices as were commissioned for the purpose. These courts had the power of trying and issuing all civil causes, and all criminal matters under life or limb ; from them an appeal was allowed to a superior court held three times in the year at Boston, for the whole territory ; and from thence appeals, in certain cases, might be had to the king in council. Juries were pricked by the marshal and one justice of each county, in a list given them by the selectmen of the towns. A probate court was held at Boston, by the president, and "in the other "provinces and remote counties" by a judge and clerk appointed by the president. The territory was divided into four counties, viz. Suffolk, Middlesex, Essex and Hampshire ;

and three provinces, viz. New-Hampshire, 1686. Maine, and King's province. By another order of the same date, town-taxes could not be assessed but by allowance of two justices; and the members of the council were exempted from paying any part thereof.

Printed orders in the files.

Things were conducted with tolerable decency, and the innovations were rendered as little grievous as possible; that the people might be induced more readily to submit to the long meditated introduction of a governor-general.

In December following, Sir Edmund Andross who had been governor of New-York, arrived at Boston with a commission, appointing him captain-general and governor in chief of the territory and dominion of New-England, in which the colony of Plymouth was now included. By this commission, the governor with his council, five of whom were a quorum, were impowered to make such laws, impose such taxes, and apply them to such purposes as they should think proper. They were also empowered to grant lands on such terms, and subject to such quit-rents, as should be appointed by the king. Invested with such powers, these men were capable of the most extravagant actions. Though Andross, like his master, began his administration with the fairest professions, yet like him, he soon violated them, and proved himself a fit instrument for accomplishing the most execrable designs. Those of his council who were backward in aiding his rapacious intentions were neglected. Seven being sufficient for a full board, he selected such only as were devoted to him, and with their concurrence did

Dec. 30.

MS Copy of the Commission.

1686. what he pleased. Randolph and Mason were at first among his confidants ; but afterward when New-York was annexed to his government, the members from that quarter were most in his favour.

1687. To particularize the many instances of tyranny and oppression which the country suffered from these men, is not within the design of this work. Let it suffice to observe, that the press was restrained ; liberty of conscience infringed ; exorbitant fees and taxes demanded, without the voice or consent of the people, who had no privilege of representation. The charter being vacated, it was pretended that all titles to land were annulled ; and as to Indian deeds, Androssé declared them no better than "the scratch of a bear's paw." Landholders were obliged to take out patents for their estates which they had possessed forty or fifty years ; for these patents extravagant fees were exacted, and those who would not submit to this imposition had writs of intrusion brought against them, and their land patented to others. To hinder the people from consulting about the redress of their grievances, town-meetings were prohibited, except one in the month of May for the choice of town officers ; and to prevent complaints being carried to England, no person was permitted to go out of the country without express leave from the governor. But notwithstanding all the vigilance of the governor, his emissaries and his guards, the resolute and indefatigable Increase Mather, minister of the second church in Boston, and president of the college, got on board a ship and sailed for England, with complaints

Hutchin.
vol. 1. p.
344.
Collect.
pap. p. 561.

Revolution
in New-
England
justified, p.
21,

I. Mather's
life, p. 107.

in the name of the people against the governor, which he delivered with his own hand to the king ; but finding no hope of redress, he waited the event of the revolution which was then expected. 1687.

When the people groaned under so many real grievances, it is no wonder that their fears and jealousies suggested some that were imaginary. They believed Andross to be a papist ; that he had hired the Indians, and supplied them with ammunition to destroy their frontier settlements ; and that he was preparing to betray the country into the hands of the French. At the same time, the large strides that King James the second was making toward the establishment of popery and despotism, raised the most terrible apprehensions ; so that the report of the landing of the Prince of Orange in England was received here with the greatest joy. Andross was so alarmed at the news, that he imprisoned the man who brought a copy of the prince's declaration, and published a proclamation commanding all persons to be in readiness to oppose "any invasion from Holland," which met with as much disregard as one he had issued before, appointing a day of thanksgiving for the birth of a Prince of Wales. 1688.

Revolution
justified, p.
29, 40.

The people had now borne these innovations and impositions for about three years : Their patience was worn out, and their native love of freedom kindled at the prospect of deliverance. The news of a complete revolution in England had not reached them ; yet so sanguine were their expectations, so eager were they to prove that they were animated by the same spirit with their brethren at home, 1689.

1689. that upon the rumour of an intended massacre in the town of Boston by the governor's guards, they were wrought up to a degree of fury. On the morning of the eighteenth of April the town was in arms, and the country flocking in to their assistance. The governor, and those who had fled with him to the fort, were seized and committed to prison. The gentlemen who had been magistrates under the charter, with Bradstreet, the late governor, at their head, assumed the name of a council of safety, and kept up a form of government, in the exigency of affairs, till orders arrived from England; when Androsse and his accomplices were sent home as prisoners of state, to be disposed of according to the king's pleasure.

The people of New-Hampshire had their share of sufferings under this rapacious administration; and Mason himself did not escape. Having attended the hearing of Vaughan's appeal to the king which was decided in Mason's favour; the judgment obtained here, being affirmed; and having now the fairest prospect of realizing his claim, he returned hither in the spring of 1687, but found his views obstructed in a manner which he little expected. The government was in the hands of a set of hungry harpies, who looked with envy on the large share of territory which Mason claimed, and were for parceling it out among themselves. The new judges delayed issuing executions on the judgments which he had formerly recovered, and the attorney-general, Graham, would not allow that he had power to grant lands by leases. This confirmed the people in

Nov. 6,
1686.

Hutchin.
Col. papers,
p. 564.

their opinion of the invalidity of his claim, 1689. and rendered them (if possible) more averse from him than ever they had been. At length, however, he obtained from Dudley the chief justice, a writ of certiorari, directed to the late judges of New-Hampshire, by which his causes were to be removed to the supreme court of the whole territory, then held at Boston; but before this could be done, death put an end to his hopes and relieved the people for a time of their fears. Being one of Sir Edmund's council, and attending him on a journey from New-York to Albany; he died at Esopus, in the fifty ninth year of his age; leaving two sons, John and Robert, the heirs of his claim and controversy.

MS in Sup.
Court files..

July 13,
1688.

Aug. or
Sept. 1688.,
Hutchin.
vol. 1, p.
365.
Collect.
papers, p.
566.

The revolution at Boston, though extremely pleasing to the people of New-Hampshire, left them in an unsettled state. They waited the arrival of orders from England; but none arriving, and the people's minds being uneasy, it was proposed by some of the principal gentlemen, that a convention of deputies from each of the towns should consider what was best to be done. The convention-parliament in England was a sufficient precedent to authorize this proceeding. Deputies were accordingly chosen* and instructed to resolve

* The members of this convention were,

For Portsmouth.
Major William Vaughan,
Richard Waldron,
Nathaniel Fryer,
Robert Eliot,
Thomas Cobbett,
Capt. John Pickering.

For Dover.
Capt. John Woolman,
Capt. John Gerrish,

John Tuttle,
John Roberts,
Thomas Edgerly,
Nicholas Follet.
For Exeter.
Robert Wadley,
William More,
Samuel Leavitt.

[Portsmouth, Dover and Exeter
Records.]

It does not appear from Hampton records whether they joined in this convention, or returned immediately to the government of Massachusetts.

1690. upon some method of government. At their first meeting they came to no conclusion ; but afterward they thought it best to return to their ancient union with Massachusetts. A petition for this purpose being presented, they were readily admitted ; till the king's pleasure should be known and members were sent to the general court which met there in this and the two following years. The gentlemen who had formerly been in commission for the peace, the militia and the civil offices, were by town votes, approved by the general court, restored to their places, and ancient laws and customs continued to be observed.

Had the inclination of the people been consulted, they would gladly have been annexed to that government. This was well known to Mather and the other agents, who when soliciting for a new charter, earnestly requested that New-Hampshire might be included in it. But it was answered that the people had expressed an aversion from it and desired to be under a distinct government. This could be founded only on the reports which had been made by the commissioners in 1665, and by Randolph in his narrative. The true reason for denying the request was ; that Mason's two heirs had sold their title to the lands in New-Hampshire to Samuel Allen of London, merchant ; for seven hundred and fifty pounds, the entail having been previously docked by a fine and recovery in the court of king's bench ; and Allen was now soliciting a recognition of his title from the crown, and a commission for the government of the province. When the inhabitants were informed of what was doing, they again as-

January.
Massa. Rec.
Portsmouth.
Dover and
Exeter Records.

March 12.

I. Mather's
life, page
136.

Hutchinson.
vol. 1, p.
412.

April 27.

MS in Sup.
Court files.

sembled by deputies in convention, and sent 1691.
 over a petition to the king, praying that they
 might be annexed to Massachusetts. The pe-
 tition was presented by Sir Henry Ashurst,
 and they were amused with some equivocal
 promises of success by the earl of Nottingham ; but Allen's importunity coinciding
 with the king's inclination, effectually frus-
 trated their attempt. The claim which Al-

Hutchinson
 vol. 2. p. 6.

len had to the lands from Naumkeag to three
 miles northward of Merrimack, was noticed 1692.
 in the Massachusetts charter ; and he obtain-
 ed a commission for the government of New-

March 1.

Hampshire, in which his son in law John
 Usher, then in London, was appointed lieu-
 tenant governor, with power to execute the
 commission in Allen's absence. The counsellors
 named in the governor's instructions
 were John Usher, lieutenant governor, John
 Hinckes, Nathaniel Fryer, Thomas Graffort,
 Peter Coffin, Henry Green, Robert Eliot,
 John Gerrish, John Walford and John Love.
 The governor was instructed to send to the
 secretary of state the names of six other persons
 suitable for counsellors. Three were a quo-
 rum, but the instructions were that nothing
 should be done unless five were present ex-
 cept in extraordinary emergencies. Major
 Vaughan, Nathaniel Weare and Richard
 Waldron were afterward added to the
 number.

MS Copy
 of Com. &c.
 Council
 minutes.

The council was composed of men who,
 in general, had the confidence of the people ;
 but Usher was very disagreeable, not only as
 he had an interest in Allen's claim to the
 lands, but as he had been one of Sir Edmund

Council
minutes.

1692. Andross's adherents, and an active instrument in the late oppressive government. He arrived with the commission and took upon him the command, on the thirteenth day of August. The people again submitted, with extreme reluctance, to the unavoidable necessity of being under a government distinct from Massachusetts.

MS Letter.

The year 1692 was remarkable for a great mortality in Portsmouth and Greenland by the small pox. The infection was brought in bags of cotton from the West-Indies, and there being but few people who were acquainted with it, the patients suffered greatly, and but few recovered.

C H A P. X.

The war with the French and Indians, commonly called King William's war.

IT was the misfortune of this country to have enemies of different kinds to contend with at the same time. While the changes above related were taking place in their government, a fresh war broke out on their frontiers, which, though ascribed to divers causes, was really kindled by the rashness of the same persons who were making havock of their liberties.

The lands from Penobscot to Nova-Scotia had been ceded to the French, by the treaty of Breda, in exchange for the island of St. Christopher. On these lands the Baron de St. Castine had for many years resided, and carried on a large trade with the Indians; with whom he was intimately connected; having several of their women, beside a daughter of the sachem Madokawando, for his wives. The lands which had been granted by the crown of England to the duke of York (now King James the second) interfered with Castine's plantation, as the duke claimed to the river St. Croix. A fort had been built by his order at Pemaquid, and a garrison stationed there to prevent any intrusion on his property. In 1686 a ship belonging to Pascataqua landed some wines at Penobscot, supposing it to be within the French territory. Palmer and West, the duke's agents at Pemaquid, went and seized the wines;

Hutchin.
coll. pag.
p. 548.

1688.

Hutchin.
coll. pap.
p. 562.

but by the influence of the French ambassador in England, an order was obtained for the restoration of them. Hereupon a new line was run which took Castine's plantation into the duke's territory. In the spring of 1688, Androssé went in the *Rose* frigate, and plundered Castine's house and fort ; leaving only the ornaments of his chapel to console him for the loss of his arms and goods. This base action provoked Castine to excite the Indians to a new war, pretences for which were not wanting on their part. They complained that the tribute of corn which had been promised by the treaty of 1678, had been withheld ; that the fishery of the river Saco had been obstructed by seines ; that their standing corn had been devoured by cattle belonging to the English ; that their lands at Pemaquid had been patented without their consent ; and that they had been fraudulently dealt with in trade. Some of these complaints were doubtless well grounded ; but none of them were ever enquired into or redressed.

They began to make reprisals at North Yarmouth by killing cattle. Justice Blackman ordered sixteen of them to be seized and kept under guard at Falmouth ; but others continued to rob and captivate the inhabitants. Androssé, who pretended to treat the Indians with mildness, commanded those whom Blackman had seized to be set at liberty. But this mildness had not the desired effect ; the Indians kept their prisoners, and murdered some of them in their barbarous frolicks. Androssé then changed his measures, and thought to frighten them, with an

army of seven hundred men, which he led 1688. into their country in the month of November. The rigor of the season proved fatal to some of his men ; but he never saw an Indian in his whole march. The enemy were quiet during the winter.

After the revolution, the gentlemen who 1689. assumed the government took some precautions to prevent the renewal of hostilities. They sent messengers and presents to several tribes of Indians, who answered them with fair promises ; but their prejudice against the English was too inveterate to be allayed by such means as these.

Hutchinson
Neal and
Mather:

Thirteen years had almost elapsed since the seizure of the four hundred Indians, at Cochecho, by Major Waldron ; during all which time an inextinguishable thirst of revenge had been cherished among them, which never till now found opportunity for gratification*. Wonolanset, one of the sachems of Penacook, who was dismissed with his people at the time of the seizure, always observed his father's dying charge not to quarrel with the English ; but Hagkins, another sachem, who had been treated with neglect by Cranfield, was more ready to listen to the seducing invitations of Castine's emissaries. Some of those Indians, who were then seized and sold into slavery abroad, had found their way home, and could not rest till they had revenge. Accordingly a confederacy being formed be-

* The inveteracy of their hatred to Major Waldron on account of that transaction, appears from what is related by Mr. Williams in the narrative of his captivity, which happened in 1704. When he was in Canada, a jesuit discoursing with him on the causes of their wars with New-England, " justified the Indians in what they did against us ; rehearsing some things done by Major Waldron above 30 years ago, and how justly God retaliated " them." Page 18.

1689. tween the tribes of Penacook and Pigwacket, and the strange Indians (as they were called) who were incorporated with them, it was determined to surprisè the major and his neighbours, among whom they had all this time been peaceably conversant.

In that part of the town of Dover which lies about the first falls in the river Cochecho, were five garrifoned houses ; three on the North side, viz. Waldron's Otis' and Heard's ; and two on the south side, viz. Peter Coffin's and his son's. These houses were furrounded with timber-walls, the gates of which, as well as the house doors, were secured with bolts and bars. The neighbouring families retired to these houses by night ; but by an unaccountable negligence, no watch was kept. The Indians who were daily passing through the town visiting and trading with the inhabitants, as usual in time of peace, viewed their situation with an attentive eye. Some hints of a mischievous design had been given out by their squaws ; but in such dark and ambiguous terms that no one could comprehend their meaning. Some of the people were uneasy ; but Waldron who, from a long course of experience, was intimately acquainted with the Indians, and on other occasions had been ready enough to suspect them, was now so thoroughly secure, that when some of the people hinted their fears to him, he merrily bad them to go and plant their pumpkins, saying that he would tell them when the Indians would break out. The very evening before the mischief was done, being told by a young man that the town was full of Indians and the people were much con-

turned ; he answered that he knew the Indians very well and there was no danger.

The plan which the Indians had preconcerted was, that two squaws should go to each of the garrisoned houses in the evening, and ask leave to lodge by the fire ; that in the night when the people were asleep they should open the doors and gates, and give the signal by a whistle ; upon which the strange Indians, who were to be within hearing, should rush in, and take their long meditated revenge. This plan being ripe for execution, on the evening of Thursday the twenty seventh of June, two squaws applied to each of the garrisons for lodging, as they frequently did in time of peace. They were admitted into all but the younger Coffin's, and the people, at their request, shewed them how to open the doors, in case they should have occasion to go out in the night. Mesandowit, one of their chiefs, went to Waldron's garrison, and was kindly entertained, as he had often been before. The squaws told the major, that a number of Indians were coming to trade with him the next day, and Mesandowit while at supper, with his usual familiarity, said, 'Brother Waldron, what would you do if the strange Indians should come ?' The major carelessly answered, that he could assemble an hundred men, by lifting up his finger. In this unsuspecting confidence the family retired to rest.

When all was quiet, the gates were opened and the signal given. The Indians entered, set a guard at the door, and rushed into the major's apartment, which was an inner room. Awakened by the noise, he jumped out of bed, and though now advanced in life to the

1689. age of eighty years, he retained so much vigour as to drive them with his sword, through two or three doors ; but as he was returning for his other arms, they came behind him, stunned him with a hatchet, drew him into his hall, and seating him in an elbow chair on a long table insultingly asked him, " Who shall judge Indians now ? " They then obliged the people in the house to get them some victuals ; and when they had done eating, they cut the major across the breast and belly with knives, each one with a stroke, saying, " I cross out my account." They then cut off his nose and ears, forcing them into his mouth ; and when spent with the loss of blood, he was falling down from the table, one of them held his own sword under him, which put an end to his misery. They also killed his son in law Abraham Lee ; but took his daughter Lee with several others, and having pillaged the house, left it on fire. Otis's garrison, which was next to the major's, met with the same fate ; he was killed, with several others, and his wife and child were captivated. Heard's was saved by the barking of a dog just as the Indians were entering : Elder Wentworth, who was awakened by the noise pushed them out, and falling on his back, set his feet against the gate and held it till he had alarmed the people ; two balls were fired through it but both missed him. Coffin's house was surprized, but as the Indians had no particular enmity to him, they spared his life, and the lives of his family, and contented themselves with pillaging the house. Finding a bag of money, they made him throw it by handfuls on the floor,

while they amused themselves in scrambling for it. They then went to the house of his son who would not admit the squaws in the evening, and summoned him to surrender, promising him quarter : He declined their offer and determined to defend his house, till they brought out his father and threatened to kill him before his eyes : Filial affection then overcame his resolution, and he surrendered. They put both families together into a deserted house, intending to reserve them for prisoners ; but while the Indians were busy in plundering, they all escaped.

Twenty three people were killed in this surprisal, and twenty nine were captivated ; five or six houses, with the mills, were burned ; and so expeditious were the Indians in the execution of their plot, that before the people could be collected from the other parts of the town to oppose them, they fled with their prisoners and booty. As they passed by Heard's garrison in their retreat, they fired upon it ; but the people being prepared and resolved to defend it, and the enemy being in haste, it was preserved. The preservation of its owner was more remarkable.

Elizabeth Heard, with her three sons and a daughter, and some others, were returning in the night from Portsmouth. They passed up the river in their boat unperceived by the Indians, who were then in possession of the houses ; but suspecting danger by the noise which they heard, after they had landed they betook themselves to Waldron's garrison, where they saw lights, which they

1689. imagined were set up for direction to those who might be seeking a refuge. They knocked and begged earnestly for admission ; but no answer being given, a young man of the company climbed up the wall, and saw, to his inexpressible surprize, an Indian standing in the door of the house, with his gun. The woman was so overcome with the fright that she was unable to fly ; but begged her children to shift for themselves ; and they with heavy hearts, left her. When she had a little recovered she crawled into some bushes, and lay there till day-light. She then perceived an Indian coming toward her with a pistol in his hand ; he looked at her and went away : returning, he looked at her again ; and she asked him what he would have ; he made no answer, but ran yelling to the house, and she saw him no more. She kept her place till the house was burned, and the Indians were gone ; and then returning home, found her own house safe. Her preservation in these dangerous circumstances was more remarkable, if (as it is supposed) it was an instance of justice and gratitude in the Indians. For at the time when the four or hundred were seized in 1676, a young Indian escaped and took refuge in her house, where she concealed him ; in return for which kindness he promised her that he would never kill her, nor any of her family in any future war, and that he would use his influence with the other Indians to the same purpose. This Indian was one of the party who surprized the place, and she was well known to the most of them.

The same day, after the mischief was done, 1689,
 a letter from Secretary Addington, written by
 order of the government, directed to Major
 Waldron, giving him notice of the intention
 of the Indians to surprize him under pre-
 tence of trade, fell into the hands of his son.
 This design was communicated to Governor Massa. Rec.
 Bradstreet by Major Henchman of Chelms-
 ford, who had learned it of the Indians. The
 letter was dispatched from Boston, the day Original
Letter.
 before, by Mr. Weare; but some delay which
 he met with at Newbury ferry prevented its
 arrival in season.

The prisoners taken at this time were
 mostly carried to Canada, and sold to the
 French; and these, so far as I can learn,
 were the first that ever were carried thither*.

* One of these prisoners was Sarah Gerrish, a remarkably fine child of
 seven years old, and grand-daughter of Major Waldron, in whose house she
 lodged that fatal night. Some circumstances attending her captivity are
 truly affecting. When she was awakened by the noise of the Indians in the
 house, she crept into another bed and hid herself under the clothes to escape
 their search. She remained in their hands till the next winter, and was sold
 from one to another for several times. An Indian girl once pushed her into
 a river; but, catching by the bushes, she escaped drowning, yet durst not
 tell how she came to be wet. Once she was so weary with travelling that she did
 not awake in the morning till the Indians were gone, and then found herself
 alone in the woods, covered with snow, and without any food; having found
 their tracks she went crying after them till they heard her and took her with
 them. At another time they kindled a great fire, and the young Indians told
 her she was to be roasted. She burst into tears, threw her arms round her
 master's neck, and begged him to save her, which he promised to do if she
 would behave well. Being arrived in Canada, she was bought by the In-
 tendant's lady, who treated her courteously, and sent her to a nunnery for
 education. But when Sir William Phips was at Quebec she was exchanged,
 and returned to her friends, with whom she lived till she was sixteen
 years old.

The wife of Richard Otis was taken at the same time, with an infant
 daughter of three months old. The French priests took this child under their
 care, baptized her by the name of Christina, and educated her in the Romish
 religion. She passed some time in a nunnery, but declined taking the veil,
 and was married to a Frenchman, by whom she had two children. But her
 desire to see New-England was so strong, that upon an exchange of prison-
 ers in 1714, being then a widow, she left both her children, who were not
 permitted to come with her, and returned home, where she abjured the
 Romish faith. M. Siguenot, her former confessor, wrote her a flattering let-
 ter, warning her of her danger, inviting her to return to the bosom of the
 catholic church, and repeating many gross calumnies which had formerly
 been vented against Luther and the other reformers. This letter being

1689. The Indians had been seduced to the French interest by popish emissaries, who had began to fascinate them with their religious and national prejudices. They had now learned to call the English hereticks, and that to extirpate them as such was meritorious in the sight of heaven. When their minds were filled with religious phrenzy, they became more bitter and implacable enemies than before ; and finding the sale of scalps and prisoners turn to good account in Canada, they had still farther incitement to continue their depredations, and prosecute their vengeance.

The necessity of vigorous measures was now so pressing, that parties were immediately dispatched, one under Captain Noyes to Penacook, where they destroyed the corn, but the Indians escaped ; another from Pascataqua, under Captain Wincal, to Winnipegeogee, whither the Indians had retired, as John Church, who had been taken at Cochecho and escaped from them, reported ; One or two Indians were killed there, and their corn cut down. But these excursions proved of small service, as the Indians had little to lose, and could find an home wherever they could find game and fish.

In the month of August Major Swaine, with seven or eight companies raised by the

shewn to Governor Burnet, he wrote her a sensible and masterly answer, refuting the arguments, and detecting the falsehoods it contained : Both these letters were printed. She was married afterward to Capt. Thomas Baker, who had been taken at Deerfield in 1704, and lived in Dover, where she was born, till the year 1773.

Mr. John Emerson, by declining to lodge at Major Waldron's on the fatal night, though strongly urged, met with an happy escape. He was afterward a minister at New Castle and Portsmouth.

Some of the circumstances relating to the destruction of Cochecho are taken from Major's *Magnalia*. The others from the tradition of the sufferers and their descendants.

Massachusetts government, marched to the eastward ; and Major Church, with another party, consisting of English and Indians, from the colony of Plymouth, soon followed them. While these forces were on their march, the Indians, who lay in the woods about Oyster river, observed how many men belonged to Hucking's garrison ; and seeing them all go out one morning to work, nimbly ran between them and the house, and killed them all (being in number eighteen) except one who had passed the brook. They then attacked the house, in which were only two boys (one of whom was lame) with some women and children. The boys kept them off for some time and wounded several of them. At length the Indians set the house on fire, and even then the boys would not surrender till they had promised them to spare their lives. They perfidiously murdered three or four of the children ; one of them was set on a sharp stake, in the view of its distressed mother, who with the other women and the boys were carried captive. One of the boys escaped the next day. Captain Garner with his company pursued the enemy, but did not come up with them.

The Massachusetts and Plymouth companies proceeded to the eastward, settled garrisons in convenient places, and had some skirmishes with the enemy at Casco and Blue Point. On their return, Major Swaine sent a party of the Indian auxiliaries under Lieutenant Flagg toward Winnipiseogee to make discoveries. These Indians held a consultation in their own language ; and having persuaded their lieutenant with two men to re-

1689. turn, nineteen of them tarried out eleven days longer ; in which time they found the enemy, staid with them two nights, and informed them of every thing which they desired to know ; upon which the enemy retired to their inaccessible deserts, and the forces returned without finding them, and in November were disbanded.

Magnalia,
lib. 7, p. 87.

Nothing was more welcome to the distressed inhabitants of the frontiers than the approach of winter, as they then expected a respite from their sufferings. The deep snows and cold weather were commonly a good security against an attack from the Indians ; but when resolutely set on mischief, and instigated by popish enthusiasm, no obstacles could prevent the execution of their purposes.

1690. The Count de Frontenac, now governor of Canada, was fond of distinguishing himself by some enterprizes against the American subjects of King William, with whom his master was at war in Europe. For this purpose he detached three parties of French and Indians from Canada in the winter, who were to take three different routes into the English territories. One of these parties marched from Montreal and destroyed Schenectada, a Dutch village on the Mohawk river, in the province of New-York. This action which happened at an unusual time of the year, in the month of February, alarmed the whole country ; and the eastern settlements were ordered to be on their guard. On the eighteenth day of March, another party which came from Trois Rivières, under the command of the Sieur Hertel, an officer of

great repute in Canada, found their way to Salmon falls, a settlement on the river which divides New-Hampshire from the province of Maine. This party consisted of fifty two men, of whom twenty five were Indians under Hoophood, a noted warrior. They began the attack at day-break, in three different places. The people were surprized ; but flew to arms and defended themselves in the garrisoned houses, with a bravery which the enemy themselves applauded. But as in all such onsets the assailants have the greatest advantage, so they here proved too strong for the defendants ; about thirty of the bravest were killed, and the rest surrendered at discretion, to the number of fifty four, of whom the greater part were women and children. After plundering, the enemy burned the houses, mills and barns, with the cattle* which were within doors, and then retreated into the woods, whither they were pursued by about one hundred and forty men, suddenly collected from the neighbouring towns, who came up with them in the afternoon at a narrow bridge on Wooster's river. Hertel expecting a pursuit, had posted his men advantageously on the opposite bank. The pursuers advanced with great intrepidity, and a warm engagement ensued, which lasted till night, when they retired with the loss of four or five killed ; the enemy by their own account lost two, one of whom was Hertel's nephew ; his son was wounded in the knee ; another Frenchman was taken prisoner, who was so

1690.

Charlevoix,
liv. 7. p. 74.

Magnalia,
lib. 7, p. 69

* Charlevoix says they burned "twenty-seven houses and two thousand head of cattle in the barns." The number of buildings, including mills, barns and other outhouses, might amount to near twenty ; but the number of cattle as he gives it, is incredible.

1690. tenderly treated that he embraced the protestant faith, and remained in the country. Hertel on his way homeward met with a third party who had marched from Quebec, and joining his company to them attacked and destroyed the fort and settlement at Casco, the next May. Thus the three expeditions planned by Count Frontenac proved successful ; but the glory of them was much tarnished by acts of cruelty, which christians should be ashamed to countenance, though perpetrated by savages*.

After the destruction of Casco the eastern settlements were all deserted, and the people

* The following instances of cruelty exercised towards the prisoners taken at Salmon falls are mentioned by Dr. Mather.

Robert Rogers, a corpulent man, being unable to carry the burden which the Indians imposed upon him, threw it in the path and went aside in the woods to conceal himself. They found him by his track, stripped, beat and pricked him with their swords ; then tied him to a tree and danced round him till they had kindled a fire. They gave him time to pray, and take leave of his fellow prisoners who were placed round the fire to see his death. They pushed the fire toward him, and when he was almost stifled, took it away to give him time to breathe, and thus prolong his misery ; they drowned his dying groans with their hideous singing and yelling ; all the while dancing round the fire, cutting off pieces of his flesh and throwing them in his face. When he was dead they left his body broiling on the coals, in which state it was found by his friends and buried.

Mehetabel Goodwin was taken with a child of five months old. When it cried they threatened to kill it, which made the mother go aside and sit for hours together in the snow to lull it to sleep : her master seeing that this hindered her from travelling, took the child, struck its head against a tree, and hung it on one of the branches ; she would have buried it but he would not let her, telling her that if she came again that way she might have the pleasure of seeing it. She was carried to Canada, and after five years returned home.

Mary Plaisted was taken out of her bed, having lain in but three weeks.— They made her travel with them through the snow, and “ to ease her of her burden,” as they said, struck the child’s head against a tree, and threw it into a river.

An anecdote of another kind may relieve the reader after these tragical accounts. Thomas Toogood was pursued by three Indians and overtaken by one of them, who having enquired his name, was preparing strings to bind him holding his gun under his arm, which Toogood seized and went backward, keeping the gun presented at him, and protesting that he would shoot him if he alarmed the others who had stopped on the opposite side of the hill. By this dexterity he escaped and got safe into Cochecho ; while his adversary had no recompense in his power but to call after him by the name of *No good*. When he returned to his companions without gun or prisoner, their derision made his misadventure the more grievous.

retired to the fort at Wells. The Indians 1690.
 then came up westward, and a party of them
 under Hoophood sometime in May made an
 assault on Fox Point, [in Newington] where
 they burned several houses, killed about
 fourteen people, and carried away six. They
 were pursued by the captains Floyd and Mag. lib. 7
 Greenleaf, who came up with them and re- p. 73
 covered some of the captives and spoil, after
 a skirmish in which Hoophood was wound-
 ed and lost his gun. This fellow was soon
 after killed by a party of Canada Indians
 who mistook him for one of the Iroquois,
 with whom they were at war. On the fourth
 day of July eight persons were killed as they
 were mowing in a field near Lamprey river,
 and a lad was carried captive. The next
 day they attacked Captain Hilton's garrison
 at Exeter, which was relieved by Lieutenant
 Bancroft with the loss of a few of his men ;
 one of them, Simon Stone, received nine Mag. lib. 7.
 wounds with shot, and two strokes of a hatch- p. 74.
 et ; when his friends came to bury him they
 perceived life in him, and by the application
 of cordials he revived, to the amazement
 of all.

Two companies under the Captains Floyd
 and Wifwal were now scouting, and on the
 sixth day of July discovered an Indian track,
 which they pursued till they came up with
 the enemy at Wheelwright's Pond, [in Lee]
 where a bloody engagement ensued for some
 hours ; in which Wifwal, his lieutenant,
 Flagg, and serjeant Walker, with twelve
 more, were killed, and several wounded. It
 was not known how many of the enemy
 fell, as they always carried off their dead.

1690. Floyd maintained the fight after Wifwal's death, till his men, fatigued and wounded, drew off; which obliged him to follow. The enemy retreated at the same time; for when Captain Convers went to look after the wounded, he found seven alive, whom he brought in by sunrise the next morning, and then returned to bury the dead. The enemy then went westward, and in the course of one week killed, between Lamprey river and Almsbury, not less than forty people.

The cruelties exercised upon the captives in this war exceeded, both in number and degree, any in former times. The most healthy and vigorous of them were sold in Canada, the weaker were sacrificed and scalped; and for every scalp they had a premium. Two instances only are remembered of their releasing any without a ransom; one was a woman taken from Fox Point, who obtained her liberty by procuring them some of the necessaries of life; the other was at York; where, after they had taken many of the people, they restored two aged women and five children, in return for a generous action of Major Church, who had spared the lives of as many women and children when they fell into his hands at Amariscogin.

Mag. 73.

MS Letter.

The people of New-England now looked on Canada as the source of their troubles, and formed a design to reduce it to subjection to the crown of England. The enterprize was bold and hazardous; and had their ability been equal to the ardour of their patriotism, it might probably have been accomplished. Straining every nerve, they equip-

ped an armament in some degree equal to the service. What was wanting in military and naval discipline was made up in resolution ; and the command was given to Sir William Phips, an honest man, and a friend to his country ; but by no means qualified for such an enterprize. Unavoidable accidents retarded the expedition, so that the fleet did not arrive before Quebec till October ; when it was more than time to return. It being impossible to continue there to any purpose ; and the troops growing sickly and discouraged, after some ineffectual parade, they abandoned the enterprize. 1690.

This disappointment was severely felt. The equipment of the fleet and army required a supply of money which could not readily be collected, and occasioned a paper currency ; which has often been drawn into precedent on like occasions, and has proved a fatal source of the most complicated and extensive mischief. The people were almost dispirited with the prospect of poverty and ruin. In this melancholy state of the country, it was an happy circumstance that the Indians voluntarily came in with a flag of truce, and desired a cessation of hostilities. Nov. 29.

A conference being held at Sagadahock, they brought in ten captives, and settled a truce till the first day of May, which they observed till the ninth of June ; when they attacked Storer's garrison at Wells, but were bravely repulsed. About the same time they killed two men at Exeter, and on the twenty ninth of September, a party of them came from the eastward in canoes to Sandy Beach, [Rye] where they killed and captivated 1691.

Mag 28

MS Letter
of Morril
to Prince.

1691. twenty one persons. Captain Sherburne of Portsmouth, a worthy officer, was this year killed at Macquoit.

Fitch's
MS.

1692. The next winter, the country being alarmed with the destruction of York, some new regulations were made for the general defence. Major Elifha Hutchinson was appointed commander in chief of the militia ; by whose prudent conduct the frontiers were well guarded, and so constant a communication was kept up, by ranging parties, from one post to another, that it became impossible for the enemy to attack in their usual way by surprise. The good effect of this regulation was presently seen. A young man being in the woods near Cochecho, was fired at by some Indians. Lieutenant Wilson immediately went out with eighteen men ; and finding the Indians, killed or wounded the whole party excepting one. This struck a terror, and kept them quiet the remainder of the winter and spring. But on the tenth day of June, an army of French and Indians made a furious attack on Storer's garrison at Wells, where Capt. Convers commanded ; who after a brave and resolute defence, was so happy as to drive them off with great loss.

Sir William Phips, being now governor of Massachusetts, continued the same method of defence ; keeping out continual scouts under brave and experienced officers. This kept the Indians so quiet that, except one poor family which they took at Oyster river, and some small mischief at Quaboag, there is no mention of any destruction made by them during the year 1693. Their animos-

1693.

ity against New-England was not quelled ; 1693. but they needed a space to recruit ; some of their principal men were in captivity, and they could not hope to redeem them without a peace. To obtain it, they came into the fort at Pemaquid ; and there entered into a solemn covenant ; wherein they acknowledged subjection to the crown of England ; engaged to abandon the French interest ; promised perpetual peace ; to forbear private revenge ; to restore all captives ; and even went so far as to deliver hostages for the due performance of their engagements. Aug. 11.
This peace, or rather truce, gave both sides a respite, which both earnestly desired. Mag. p. 35.

The people of New-Hampshire were much reduced ; their lumber trade and husbandry being greatly impeded by the war. Frequent complaints were made of the burden of the war, the scarcity of provisions, and the dispiritedness of the people. Once it is said in the council minutes that they were even ready to quit the province. The governor was obliged to impress men to guard the outposts ; they were sometimes dismissed for want of provisions, and then the garrison officers called to account and severely punished : Yet all this time the public debt did not exceed four hundred pounds. In this situation they were obliged to apply to their neighbours for assistance ; but this was granted with a sparing hand. The people of Massachusetts were much divided and at variance among themselves, both on account of the new charter which they had received from King William, and the pretended withcrafts which have made so loud a noise

1693. in the world. Party and passion had usurped the place of patriotifm ; and the defence, not only of their neighbours, but of themselves was neglected to gratify their malignant humours. Their governor too had been affronted in this province, on the following occasion.

Sir William Phips, having had a quarrel with Captain Short of the Nonfuch frigate about the extent of his power as vice admiral, arrested Short at Boston, and put him on board a merchant ship bound for England, commanded by one Tay, with a warrant to deliver him to the secretary of state. The ship put into Pascataqua, and the Nonfuch came in after her. The lieutenant, Cary, sent a letter to Hinckes, president of the council threatening to impress seamen if Short was not released. Cary was arrested and brought before the council, where he received a reprimand for his insolence. At the same time Sir William came hither by land, went on board Tay's ship, and sent the cabin-boy with a message to the president to come to him there ; which Hinckes highly resented and refused. Phips then demanded of Tay his former warrant, and issued another commanding the re-delivery of Short to him, broke open Short's chest, and seized his papers. This action was looked upon by some as an exertion of power to which he had no right, and it was proposed to cite him before the council to answer for assuming authority out of his jurisdiction. The president was warm ; but a majority of the council, considering Sir William's opinion that his vice admiral's commission ex-

March 30.

tended to this province, (though Usher had 1693.
 one, but was not present) and that no person
 belonging to the province had been injured, MS in files.
 advised the president to take no farther notice of the matter. Soon after this Sir William drew off the men whom he had stationed in this province as soldiers; and the council advised the lieutenant governor to apply to the colony of Connecticut for men and provisions; but whether this request was granted does not appear.

The towns of Dover and Exeter being more exposed than Portsmouth or Hampton suffered the greatest share in the common calamity. Nothing but the hope of better times kept alive their fortitude. When many of the eastern settlements were wholly broken up, they stood their ground, and thus gained to themselves a reputation which their posterity boast of to this day.

The engagements made by the Indians in 1694.
 the treaty of Pemaquid, might have been performed if they had been left to their own choice. But the French missionaries had been for some years very assiduous in propagating their tenets among them, one of which was 'that to break faith with hereticks was no sin.' The Sieur de Villieu, who had distinguished himself in the defence of Quebec when Phips was before it, and had contracted a strong antipathy to the New-Englanders, being now in command at Penobscot, he with M. Thury, the missionary, diverted Madokawando and the other sachems from complying with their engagements; so that pretences were found for detaining the English captives, who were more in num-

1694. ber, and of more consequence than the hostages whom the Indians had given. Influenced by the same pernicious councils, they kept a watchful eye on the frontier towns, to see what place was most secure and might be attacked to the greatest advantage. The settlement at Oyſter river, within the town of Dover, was pitched upon as the most likely place; and it is said that the design of surprising it was publickly talked of at Quebec two months before it was put in execution. Rumours of Indians lurking in the woods thereabout made some of the people apprehend danger; but no mischief being attempted, they imagined them to be hunting parties, and returned to their security. At length, the necessary preparations being made, Villieu, with a body of two hundred and fifty Indians, collected from the tribes of St. John, Penobscot and Norridgewog, attended by a French Priest, marched for the devoted place.

Magnalia
lib. 7. p. 86.

Charlevoix
lib. 15. p.
310.

Oyſter river is a stream which runs into the western branch of Pascataqua; the settlements were on both sides of it, and the houses chiefly near the water. Here were twelve garrisoned houses sufficient for the defence of the inhabitants, but apprehending no danger, some families remained at their own unfortified houses, and those who were in the garrisons were but indifferently provided for defence some being even destitute of powder. The enemy approached the place undiscovered, and halted near the falls on Tuesday evening, the seventeenth of July. Here they formed into two divisions, one of which was to go on each side of the

river and plant themselves in ambush, in small parties, near every house, so as to be ready for the attack at the rising of the sun ; the first gun to be the signal. John Dean, whose house stood by the saw-mill at the falls, intending to go from home very early, arose before the dawn of day, and was shot as he came out of his door. This firing, in part, disconcerted their plan ; several parties who had some distance to go, had not then arrived at their stations ; the people in general were immediately alarmed, some of them had time to make their escape, and others to prepare for their defence. The signal being given, the attack began in all parts where the enemy was ready. 1694.

Of the twelve garrisoned houses five were destroyed, viz. Adams's, Drew's, Edgerly's, Medar's and Beard's. They entered Adams's without resistance, where they killed fourteen persons ; one of them, being a woman with child, they ripped open. The grave is still to be seen in which they were all buried. Drew surrendered his garrison on the promise of security, but was murdered when he fell into their hands ; one of his children, a boy of nine years old, was made to run through a lane of Indians as a mark for them to throw their hatchets at, till they had dispatched him. Edgerly's was evacuated ; the people took to their boat, and one of them was mortally wounded before they got out of reach of the enemy's shot. Beard's and Medar's were also evacuated and the people escaped.

The defenceless houses were nearly all set on fire, the inhabitants being either killed or

1694. taken in them, or else in endeavouring to fly to the garrisons. Some escaped by hiding in the bushes and other secret places. Thomas Edgerly, by concealing himself in his cellar, preserved his house, though twice set on fire. The house of John Bufs, the minister, was destroyed with a valuable library. He was absent, his wife and family fled to the woods and escaped. The wife of John Dean, at whom the first gun was fired was taken with her daughter, and carried about two miles up the river, where they were left under the care of an old Indian while the others returned to their bloody work. The Indian complained of a pain in his head, and asked the woman what would be a proper remedy : she answered, Occapee, which is the Indian word for rum, of which she knew he had taken a bottle from her house. The remedy being agreeable, he took a large dose and fell asleep ; and she took that opportunity to make her escape, with her child, into the woods, and kept concealed till they were gone.

The other seven garrisons, viz. Burnham's, Bickford's, Smith's, Bunker's, Davis's, Jones and Woodman's were resolutely and successfully defended. At Burnham's the gate was left open : The Indians, ten in number, who were appointed to surprize it, were asleep under the bank of the river, at the time that the alarm was given. A man within, who had been kept awake by the tooth-ach, hearing the first gun, roused the people and secured the gate, just as the Indians who were awakened by the same noise were entering. Finding themselves disappointed,

they ran to Pitman's, defenceless house, and 1694.
forced the door at the moment that he had
burst a way through that end of the house
which was next to the garrison, to which he
with his family, taking advantage of the
shade of some trees, it being moonlight,
happily escaped. Still defeated, they attack-
ed the house of John Davis, which after
some resistance he surrendered on terms ; but
the terms were violated, and the whole fam-
ily either killed or made captives. Thomas
Bickford preserved his house in a singular
manner. It was situated near the river, and
surrounded with a palisade. Being alarmed
before the enemy had reached the house, he
sent off his family in a boat, and then shut-
ting his gate, betook himself alone to the de-
fence of his fortress. Despising alike the
promises and threats by which the Indians
would have persuaded him to surrender, he
kept up a constant fire at them, changing his
dress as often as he could, shewing himself
with a different cap, hat or coat, and some-
times without either, and giving directions
aloud as if he had a number of men with
him. Finding their attempt vain, the enemy
withdrew, and left him sole master of the
house which he had defended with such ad-
mirable address. Smith's, Bunker's, and
Davis's garrisons, being seasonably apprized
of the danger, were resolutely defended, one
Indian was supposed to be killed and another
wounded by a shot from Davis's. Jones's
garrison was beset before day ; Capt. Jones
hearing his dogs bark, and imagining wolves
might be near, went out to secure some swine
and returned unmolested. He then went up

1694. into the flankart and sat on the wall. Discerning the flash of a gun, he dropped backward ; the ball entered the place from whence he had withdrawn his legs. The enemy from behind a rock kept firing on the house for some time and then quitted it. During these transactions the French priest took possession of the meeting-house, and employed himself in writing on the pulpit with chalk ; but the house received no damage.

Those parties of the enemy who were on the south side of the river having completed their destructive work, collected in a field adjoining to Burnham's garrison, where they insultingly shewed their prisoners, and derided the people, thinking themselves out of reach of their shot. A young man from the centry-box fired at one who was making some indecent signs of defiance, and wounded him in the heel : Him they placed on a horse and carried away. Both divisions then met at the falls, where they had parted the evening before, and proceeded together to Capt. Woodman's garrison. The ground being uneven, they approached without danger, and from behind a hill kept up a long and severe fire at the hats and caps which the people within held up on sticks above the walls, without any other damage than galling the roof of the house. At length, apprehending it was time for the people in the neighbouring settlements to be collected in pursuit of them, they finally withdrew ; having killed and captivated between ninety and an hundred persons and burned about

twenty houses, of which five were garrisons*. 1694. The main body of them retreated over Winnipiseogee lake, where they divided their prisoners, separating those in particular who were most intimately connected, in which they often took a pleasure suited to their savage nature†.

About forty of the enemy under Toxus, a Norridgewog chief, resolving on farther mischief, went westward and did execution as far as Groton. A smaller party having crossed the river Pascataqua, came to a farm where Urfula Cutts, widow of the deceased president, resided, who imagining the enemy had done what mischief they intended for that time, could not be persuaded to remove into town till her haymaking should be finished. As she was in the field with her labourers, the enemy fired from an ambush and killed her, with three others. Colonel Richard Waldron and his wife with their infant son (afterward secretary) had almost shared the same fate; they were taking boat to go and dine with this lady, when they were stopped

Magnalia
lib. 7, page
86.

* Charlevoix with his usual parade boasts of their having killed two hundred and thirty people, and burned fifty or sixty houses. He speaks of only two forts, both of which were stormed.

† Among these prisoners were Thomas Drew and his wife who were newly married. He was carried to Canada, where he continued two years and was redeemed. She to Norridgewog, and was gone four years, in which she endured every thing but death. She was delivered of a child in the winter, in the open air, and in a violent snow storm. Being unable to suckle her child, or provide it any food, the Indians killed it. She lived fourteen days on a decoction of the bark of trees. Once they set her to draw a sled up a river against a piercing north-west wind, and left her. She was so overcome with the cold that she grew sleepy, laid down and was nearly dead, when they returned; they carried her senseless to a wigwam, and poured warm water down her throat, which recovered her. After her return to her husband, she had fourteen children; they lived together till he was ninety three and she eighty nine years of age; they died within two days of each other and were buried in one grave.

* * These particular circumstances of the destruction at Oyster river were at my desire collected from the information of aged people by John Smith, Esq. a descendant of one of the suffering families

1694. by the arrival of some friends at their house; while at dinner they were informed of her death. She lived about two miles above the town of Portsmouth, and had laid out her farm with much elegance. The scalps taken in this whole expedition were carried to Canada by Madokawando, and presented to Count Frontenac, from whom he received the reward of his treacherous adventure.
1695. There is no mention of any more mischief by the Indians within this province till the next year, when, in the month of July, two men were killed at Exeter. The following year, on the seventh day of May, John Church, who had been taken and escaped from them seven years before, was killed and scalped at Cochecho, near his own house.
1696. On the twenty-sixth of June an attack was made at Portsmouth plain, about two miles from the town. The enemy came from York-nubble to Sandy-beach in canoes, which they hid there among the bushes near the shore. Some suspicion was formed the day before by reason of the cattle running out of the woods at Little-harbour; but false alarms were frequent and this was not much regarded. Early in the morning the attack was made on five houses at once; fourteen persons were killed on the spot, one was scalped and left for dead, but recovered, and four were taken. The enemy having plundered the houses of what they could carry, set them on fire, and made a precipitate retreat through the great swamp. A company of militia under Captain Shackford and lieutenant Libbey pursued, and discovered them cooking their breakfast, at a place ever since

called Breakfast-hill. The Indians were on the farther side, having placed their captives between themselves and the top of the hill, that in case of an attack they might first receive the fire. The lieutenant urged to go round the hill, and come upon them below to cut off their retreat; but the captain fearing in that case that they would, according to their custom, kill the prisoners, rushed upon them from the top of the hill, by which means they retook the captives and plunder, but the Indians, rolling down the hill, escaped into the swamp and got to their canoes. Another party, under another commander, was then sent out in shallops to intercept them as they should cross over to the eastward by night. The captain ranged his boats in a line, and ordered his men to reserve their fire till he gave the watch-word. It being a calm night the Indians were heard as they advanced; but the captain, unhappily giving the word before they had come within gun-shot, they tacked about to the southward, and going round the Isles of Shoals, by the favour of their light canoes escaped. The watch-word was Crambo, which the captain ever after bore as an appendage to his title*. On the twenty sixth day of July, the people of Dover were waylaid as they were returning from the public worship, when three were killed, three wounded, and three carried to Penobscot, from whence they soon found their way home.

Magnalia
lib. 7. p. 89

* The account of this transaction I had from the late Judge Parker, who had taken pains to preserve it. It is mentioned, but not circumstantially, by Dr. Mather. *Magnalia*, lib. 7. page 89.

1697. The next year on the tenth of June, the town of Exeter was remarkably preserved from destruction. A body of the enemy had placed themselves near the town, intending to make an assault in the morning of the next day. A number of women and children contrary to the advice of their friends went into the fields, without a guard, to gather strawberries. When they were gone some persons, to frighten them, fired an alarm; which quickly spread through the town, and brought the people together in arms. The Indians supposing that they were discovered, and quickened by fear, after killing one, wounding another, and taking a child, made a hasty retreat and were seen no more there. But on the fourth day of July they waylaid and killed the worthy Major Frost at Kittery, to whom they had owed revenge ever since the seizure of the four hundred at Cochecho, in which he was concerned.

Mag. lib. 7.
page 91.
MS Journal.

The same year an invasion of the country was projected by the French. A fleet was to sail from France to Newfoundland and thence to Penobscot, where being joined by an army from Canada, an attempt was to be made on Boston, and the seacoast ravaged from thence to Pascataqua. The plan was too extensive and complicated to be executed in one summer. The fleet came no further than Newfoundland; when the advanced season, and scantiness of provisions obliged them to give over the design. The people of New-England were apprized of the danger, and made the best preparations in their power. They strengthened their fortifica-

tions on the coast, and raised a body of men 1697.
to defend the frontiers against the Indians
who were expected to co-operate with the
French. Some mischief was done by lurk-
ing parties at the eastward ; but New-Hamp-
shire was unmolested by them during the
remainder of this, and the whole of the fol-
lowing year.

After the peace of Ryfwick, Count Fron- 1698.
tenac informed the Indians that he could
not any longer support them in a war with
the English, with whom his nation was now
at peace. He therefore advised them to bu-
ry the hatchet and restore their captives.

Having suffered much by famine, and being
divided in their opinions about prosecuting
the war, after a long time they were brought
to a treaty at Casco ; where they ratified 1699.
their former engagements ; acknowledged
subjection to the crown of England ; la-
mented their former perfidy, and promised
future peace and good behaviour in such
terms as the commissioners dictated, and
with as much sincerity as could be expected.
At the same time they restored those captives
who were able to travel from the places of
their detention to Casco in that unfavourable
season of the year ; giving assurance for the
return of the others in the spring ; but many
of the younger sort, both males and females,
were detained ; who, mingling with the In-
dians, contributed to a succession of enemies
in future wars against their own country.

January 7.

Mag. lib. 7.
page 94.

Hutchin.
vol. 2. page
110.

A general view of an Indian war will
give a just idea of these distressing times, and
be a proper close to this narration.

The Indians were seldom or never seen

before they did execution. They appeared not in the open field, nor gave proofs of a truly masculine courage ; but did their exploits by surprize, chiefly in the morning, keeping themselves hid behind logs and bushes, near the paths in the woods, or the fences contiguous to the doors of houses ; and their lurking holes could be known only by the report of their guns, which was indeed but feeble, as they were sparing of ammunition, and as near as possible to their object before they fired. They rarely assaulted an house unless they knew there would be but little resistance, and it has been afterward known that they have lain in ambush for days together, watching the motions of the people at their work, without daring to discover themselves. One of their chiefs who had got a woman's riding-hood among his plunder would put it on, in an evening, and walk into the streets of Portsmouth, looking into the windows of houses and listening to the conversation of the people.

Their cruelty was chiefly exercised upon children, and such aged, infirm, or corpulent persons as could not bear the hardships of a journey through the wilderness. If they took a woman far advanced in pregnancy their knives were plunged into her bowels. An infant when it became troublesome had its brains dashed out against the next tree or stone. Sometimes to torment the wretched mother, they would whip and beat the child till almost dead, or hold it under water till its breath was just gone, and then throw it to her to comfort and quiet it. If the mother could not readily still its weeping, the

hatchet was buried in its skull. A captive wearied with his burden laid on his shoulders was often sent to rest the same way. If any one proved refractory, or was known to have been instrumental of the death of an Indian, or related to one who had been so, he was tortured with a lingering punishment, generally at the stake, while the other captives were insulted with the sight of his miseries. Sometimes a fire would be kindled and a threatening given out against one or more, though there was no intention of sacrificing them, only to make sport of their terrors. The young Indians often signalized their cruelty in treating captives inhumanly out of sight of the elder, and when inquiry was made into the matter, the insulted captive must either be silent or put the best face on it, to prevent worse treatment for the future. If a captive appeared sad and dejected he was sure to meet with insult ; but if he could sing and dance and laugh with his masters, he was caressed as a brother. They had a strong aversion to Negroes, and generally killed them when they fell into their hands.

Famine was a common attendant on these doleful captivities ; the Indians when they caught any game devoured it all at one sitting, and then girding themselves round the waist, travelled without sustenance till chance threw more in their way. The captives, unused to such canine repasts and abstinences, could not support the surfeit of the one nor the craving of the other. A change of masters, though it sometimes proved a relief from misery, yet rendered the prospect of a

return to their home more distant. If an Indian had lost a relative, a prisoner bought for a gun, a hatchet, or a few skins, must supply the place of the deceased, and be the father, brother, or son of the purchaser ; and those who could accommodate themselves to such barbarous adoption, were treated with the same kindness as the persons in whose place they were substituted. A sale among the French of Canada was the most happy event to a captive, especially if he became a servant in a family ; though sometimes even there a prison was their lot, till opportunity presented for their redemption ; while the priests employed every seducing art to pervert them to the popish religion, and induce them to abandon their country. These circumstances, joined with the more obvious hardships of travelling half naked and bare-foot through pathless deserts, over craggy mountains and deep swamps, through frost, rain and snow, exposed by day and night to the inclemency of the weather, and in summer to the venomous stings of those numberless insects with which the woods abound ; the restless anxiety of mind, the retrospect of past scenes of pleasure, the remembrance of distant friends, the bereavements experienced at the beginning or during the progress of the captivity, and the daily apprehension of death either by famine or the savage enemy ; these were the horrors of an Indian captivity.

On the other hand, it must be acknowledged that there have been instances of justice, generosity and tenderness during these wars, which would have done honor to a civi-

ilized people. A kindness shewn to an Indian was remembered as long as an injury ; and persons have had their lives spared for acts of humanity done to the ancestors of those Indians into whose hands they have fallen*. They would sometimes "carry " children on their arms and shoulders, feed " their prisoners with the best of their provision, and pinch themselves rather than " their captives should want food." When sick or wounded they would afford them proper means for their recovery, which they were very well able to do by their knowledge of simples. In thus preserving the lives and health of their prisoners, they doubtless had a view of gain. But the most remarkably favourable circumstance in an Indian captivity, was their decent behaviour to women. I have never read, nor heard, nor could find by enquiry, that any woman who fell into their hands was ever treated with the least immodesty ; but testimonies the contrary are very frequent†. Wheth-

* Several instances to this purpose have been occasionally mentioned in the course of this narrative. The following additional one is taken from Capt. Hammond's MS Journal. " April 13, 1677. The Indians Simon, Andrew and Peter burnt the house of Edward Weymouth at Sturgeon creek. " They plundered the house of one Crawley but did not kill him, because of " some kindnesses done to Simon's grandmother."

† Mary Rowlandson who was captured at Lancaster, in 1675, has this passage in her narrative, (p. 55.) " I have been in the midst of these roaring lions and savage bears, that feared neither God nor man nor the devil, by day and night, alone and in company ; sleeping all sorts together, and yet not one of them ever offered me the least abuse of unchastity in word or action."

Elizabeth Hanson who was taken from Dover in 1724, testifies in her narrative, (p. 28.) that " the Indians are very civil toward their captive women, not offering any incivility by any indecent carriage."

William Fleming, who was taken in Pennsylvania, in 1755, says the Indians told him "he need not be afraid of their abusing his wife, for they would not do it, for fear of offending their God (pointing their hands toward heaven) for the man that affronts his God will surely be killed when he goes to war." He farther says, that one of them gave his wife a shift and petticoat which he had among his plunder, and though he was alone with her, yet " he turned his back, and went to some distance while she put them on." (p. 10)

er this negative virtue is to be ascribed to a natural frigidity of constitution, let philosophers enquire : The fact is certain ; and it was a most happy circumstance for our female captives, that in the midst of all their distresses, they had no reason to fear from a savage foe, the perpetration of a crime, which has too frequently disgraced not only the personal but the national character of those who make large pretences to civilization and humanity.

Charlevoix in his account of the Indians of Canada, says (letter 7.) "There is no example that any have ever taken the least liberty with the French women, even when they were their prisoners."

C H A P. XI.

The civil affairs of the province during the administrations of Usher, Partridge, Allen, the Earl of Bellamont and Dudley, comprehending the whole controversy with Allen and his heirs.

JOHN Usher, Esquire, was a native of Boston, and by profession a stationer. He was possessed of an handsome fortune, and sustained a fair character in trade. He had been employed by the Massachusetts government, when in England, to negotiate the purchase of the province of Maine, from the heirs of Sir Ferdinando Gorges, and had thereby got a taste for speculating in landed interest. He was one of the partners in the million purchase, and had sanguine expectations of gain from that quarter. He had rendered himself unpopular among his countrymen, by accepting the office of treasurer, under Sir Edmund Andross, and joining with apparent zeal in the measures of that administration, and he continued a friendly connexion with that party, after they were displaced.

Usher's
papers

Though not illnatured, but rather of an open and generous disposition, yet he wanted those accomplishments which he might have acquired by a learned and polite education. He was but little of the statesman, and less of the courtier. Instead of an engaging affability he affected a severity in his deportment, was loud in conversation, and stern in command. Fond of presiding in government, he frequently journeyed into the pro-

Province
files.

vince, (though his residence was at Boston, where he carried on his business as usual,) and often summoned the council when he had little or nothing to lay before them. He gave orders, and found fault like one who felt himself independent, and was determined to be obeyed. He had an high idea of his authority and the dignity of his commission, and when opposed and insulted, as he sometimes was, he treated the offenders with a severity which he would not relax till he had brought them to submission. His public speeches were always incorrect, and sometimes coarse and reproachful.

He seems, however, to have taken as much care for the interest and preservation of the province as one in his circumstances could have done. He began his administration in the height of a war which greatly distressed and impoverished the country, yet his views from the beginning were lucrative*. The people perceived these views, and were aware of the danger. The transfer of the title from Mason to Allen was only a change of names: They expected a repetition of the same difficulties under a new claimant. After the opposition they had hitherto made, it could not be thought strange that men whose pulse beat high for freedom, should refuse to submit to vassalage; nor, while they were on one side defending their

* In a letter to George Dorrington and John Taylor in London, he writes thus; "Jan. 29, 1692—3. In case yourselves are concerned in the "province of New-Hampshire, with prudent management it may be worth "money, the people only paying 4d and 2d per acre. The reason why the "commonalty of the people do not agree is because 3 or 4 of the great landed "men dissuade them from it. The people have petitioned the king to be "annexed to Boston government, but it will not be for the proprietor's interest to admit of that unless the king sends a general governor "over all."

possessions against a savage enemy, could it be expected, that on the other, they should tamely suffer the intrusion of a landlord. Usher's interest was united with theirs in providing for the defence of the country, and contending with the enemy ; but when the propriety of the soil was in question, they stood on opposite sides ; and as both these controversies were carried on at the same time, the conduct of the people toward him varied according to the exigency of the case ; they sometimes voted him thanks for his services, and at other times complained of his abusing and oppressing them.

Some of them would have been content to have held their estates under Allen's title*, but the greater part, including the principal men, were resolved to oppose it to the last extremity. They had an aversion not only to the proprietary claim on their lands, but their separation from the Massachusetts government, under which they had formerly enjoyed so much freedom and peace. They had petitioned to be re-annexed to them, at the time of the revolution ; and they were always very fond of applying to them for help in their difficulties, that it might appear how unable they were to subsist alone. They knew also that the Massachusetts people were as averse as themselves to Allen's claim, which extended to a great part of their lands, and was particularly noticed in their new charter.

Soon after Usher's arrival, he made enquiry for the papers which contained the

* "I have 40 hands in Exeter who desire to take patents for lands from you, and many in other towns." Usher to Allen, October 1695,

transactions relative to Mason's suits. During the suspension of government in 1689, Captain John Pickering, a man of a rough and adventurous spirit, and a lawyer, had gone with a company of armed men to the house of Chamberlayne, the late secretary and clerk, and demanded the records and files which were in his possession. Chamberlayne refused to deliver them without some legal warrant or security; but Pickering took them by force, and conveyed them over the river to Kittery. Pickering was summoned before the governor, threatened and imprisoned, but for some time would neither deliver the books, nor discover the place of their concealment, unless by order of the assembly and to some person by them appointed to receive them. At length however he was constrained to deliver them, and they were put into the hands of the secretary, by the lieutenant-governor's order.

1693. Another favourite point with Usher was to have the boundary between New-Hampshire and Massachusetts ascertained: There were reasons which induced some of the people to fall in with this desire. The general idea was, that New-Hampshire began at the end of three miles north of the river Merrimack; which imaginary line was also the boundary of the adjoining townships on each side. The people who lived, and owned lands near these limits, pretended to belong to either province, as best suited their convenience; which caused a difficulty in the collecting taxes, and cutting timber. The town of Hampton was sensibly affected with these difficulties, and petitioned the council
1695.
October 12.

that the line might be run. The council 1695.
 appointed a committee of Hampton men to
 do it, and gave notice to the Massachusetts
 of their intention ; desiring them to join in Prov. files.
 the affair. They disliked it and declined to
 act. Upon which the lieutenant-governor
 and council of New-Hampshire caused the
 boundary line to be run from the sea-shore
 three miles northward of Merrimack, and
 parallel to the river, as far as any settlements
 had been made, or lands occupied.

Brief of the
 case of N.
 Hamp. and
 Massachu.
 stated by
 Strange &
 Hollings,
 1738, p. 3.

The only attempt made to extend the set-
 tlement of the lands during these times, was
 that in the spring of the year 1694, while
 there was a truce with the Indians. Usher
 granted a charter for the township of King-
 ston to about twenty petitioners from Hamp-
 ton. They were soon discouraged by the
 dangers and difficulties of the succeeding
 hostilities, and many of them returned home
 within two years. After the war they re-
 sumed their enterprize ; but it was not till
 the year 1725, that they were able to obtain
 the settlement of a minister. No alter-
 ations took place in the old towns, except
 the separation of Great-Island, Little-Har-
 bour, and Sandy-Beach, from Portsmouth,
 and their erection into a town by the name
 of New-Castle ; together with the annexa-
 tion of that part of Squamscot patent which Prov. files.
 now bears the name of Stretham, to Exeter,
 it having before been connected with Hamp-
 ton.

1693.

The lieutenant-governor was very forward
 in these transactions, thinking them circum-
 stances favourable to his views, and being
 willing to recommend himself to the people

1693. by seconding their wishes so far as was consistent with the interest he meant to serve. The people, however, regarded the settling and dividing of townships, and the running of lines, only as matters of general convenience, and continued to be disgusted with his administration. His repeated calls upon them for money were answered by repeated pleas of poverty, and requests for assistance from the neighbouring province. Usher used all his influence with that government to obtain a supply of men to garrison the frontiers ; and when they wanted provisions for the garrisons, and could not readily raise the money, he would advance it out of his own purse and wait till the treasury could reimburse it.

For the two or three first years of his administration the public charges were provided for as they had been before, by an excise on wines and other spirituous liquors, and an impost on merchandize. These duties being laid only from year to year, Usher vehemently urged upon the assembly a renewal

1695. of the act, and an extension of the duty to
Nov. 7 & 9. articles of export ; and that a part of the money so raised might be applied to the support of government. The answer he obtained was, that ‘considering the exposed state
‘of the province, they were obliged to apply
‘all the money they could raise to their defence ; and therefore they were not capable
‘of doing any thing for the support of government, though they were sensible his
‘honour had been at considerable expence :
‘They begged that he would join with the
‘council in representing to the king the pov-

erty and danger of the province, that such 1695.
 methods might be taken for their support
 and preservation as to the royal wisdom
 should seem meet.' Being further pressed
 upon the subject, they passed a vote to lay
 the proposed duties for one year, 'provided
 he and the council would join with them
 in petitioning the king to annex them to
 the Massachusetts.'

He had the mortification of being disappointed in his expectations of gain, not only from the people, but from his employer. Allen had promised him two hundred and fifty pounds per annum for executing his commission; and when at the end of the third year, Usher drew on him for the payment of this sum, his bill came back protested*. This was the more mortifying, as he had assiduously and faithfully attended to Allen's interest, and acquainted him from time to time with the means he had used, the difficulties he had encountered, the pleas he had urged, the time he had spent, and the expence he had incurred in defence and support of his claim. He now desired him to come over and assume the government himself, or get a successor to him appointed in the office of lieutenant-governor. He did not know that the people were before hand of him in this latter request.

On a pretence of disloyalty he had removed Hinckes, Waldron, and Vaughan from their seats in the council. The former of these was a man who could change with the

Usher's letter to Allen, July and October 1695

* It is probable that Allen was not able to comply with this demand. The purchase of the province from the Masons had been made "with other men's money." Letter of Usher to Sir Matthew Dudley, Sept. 1718.

1695. times ; the two latter were steady opposers of the proprietary claim. Their suspension irritated the people, who, by their influence, privately agreed to recommend William Partridge, Esq. as a proper person for their lieutenant-governor in Usher's stead. Partridge was a native of Portsmouth, a shipwright, of an extraordinary mechanical genius, of a politic turn of mind, and a popular man. He was treasurer of the province, and had been ill used by Usher. Being largely concerned in trade he was well known in England, having supplied the navy with masts and timber. His sudden departure for England was very surprizing to Usher, who could not imagine he had any other business than to settle his accounts. But the surprize was greatly increased when he returned with a commission appointing him lieutenant-governor and commander in chief in Allen's absence. It was obtained of the lords justices in the king's absence, by the interest of Sir Henry Ashurst, and was dated June 6, 1696.

1697.
January.

Ashurst's
letters in
file.

Immediately on his arrival, his appointment was publickly notified to the people ; though, either from the delay of making out his instructions, or for want of the form of an oath necessary to be taken, the commission was not published in the usual manner : But the party in opposition to Usher triumphed. The suspended counsellors resumed their seats, Pickering was made king's attorney, and Hinckes as president of the council, opened the assembly with a speech. This assembly ordered the records which had been

June 8.

MS Laws.

taken from Pickering to be deposited in the hands of Major Vaughan, who was appointed recorder : In consequence of which they have been kept in that office ever since. 1697.

Usher being at Boston when this alteration took place, wrote to them, declaring that no commission could supersede his till duly published ; and intimated his intention of coming hither “ if he could be safe with “ his life.” He also dispatched his secretary, Charles Story, to England, with an account of this transaction, which in one of his private letters he styles “ the Pascataqua rebellion ;” adding, that “ the militia were raised, and “ forty horse sent to seize him ;” and intimating that the confusion was so great, that “ if but three French ships were to appear, “ he believed they would surrender on the “ first summons.” The extreme imprudence of sending such a letter across the Atlantic in time of war, was still heightened by an apprehension which then prevailed, that the French were preparing an armament to invade the country, and that “ they particularly designed for Pascataqua river.”

Feb. 20

Usher's
LettersLt. Gov.
Stoughton's letter
of Feb. 24,
in file.

In answer to his complaint, the lords of trade directed him to continue in the place of lieutenant-governor till Partridge should qualify himself, or till Richard, Earl of Belmont, should arrive ; who was commissioned to the government of New-York, Massachusetts Bay and New-Hampshire ; but had not yet departed from England. Usher received the letter from the lords together with the articles of peace which had been concluded at Ryfwick, and immediately set off for New-Hampshire, (where he had not

Aug. 8.

Dec. 10

1697. been for a year) proclaimed the peace, and
 Dec. 13. published the orders he had received, and
 having proceeded thus far, "thought all
 Dec. 14. "well and quiet." But his opposers having
 held a consultation at night, Partridge's com-
 mission was the next day published in form;
 he took the oaths, and entered on the ad-
 Usher's pa. ministration of government, to the complete
 vexation and disappointment of Usher, who
 had been so elated with the confirmation of
 his commission, that as he passed through
 Council Hampton, he had forbidden the minister of
 files. that place to observe a thanksgiving day,
 which had been appointed by President
 Hinckes.

1698. An assembly being called, one of their
 January 3. first acts was to write to the lords of trade,
 'acknowledging the favour of the king in
 'appointing one of their own inhabitants
 'to the command of the province, complain-
 'ing of Usher, and alledging that there had
 'been no disturbances but what he himself
 'had made; declaring that those counsellors
 'whom he had suspended were loyal sub-
 'jects, and capable of serving the king; and
 'informing their lordships that Partridge had
 'now qualified himself, and that they were
 'waiting the arrival of the Earl of Bello-
 'mont.'

They also deputed Ichabod Plaisted to
 wait on the Earl at New-York, and compli-
 ment him on his arrival. 'If he should find
 'his lordship high, and reserved, and not easy
 'of access, he was instructed to employ some
 'gentleman who was in his confidence to
 'manage the business; but if easy and free,
 'he was to wait on him in person; to tell

' him how joyfully they received the news 1698.
 ' of his appointment, and that they daily ex-
 ' pected Governor Allen, whose commission Plaisted's
instructions
in files.
 ' would be accounted good till his lordship's
 ' should be published, and to ask his advice
 ' how they should behave in such a case.'
 The principal design of this message was to
 make their court to the earl, and get the
 start of Uther or any of his friends who
 might prepossess him with an opinion to
 their disadvantage. But if this should have
 happened, Plaisted was directed 'to observe
 ' what reception they met with. If his lord-
 ' ship was ready to come this way, he was to
 ' beg leave to attend him as far as Boston,
 ' and then ask his permission to return home ;'
 and he was furnished with a letter of credit
 to defray his expences. This message, which
 shews the contrivers to be no mean politi-
 cians, had the desired effect.

The earl continued at New-York for the
 first year after his arrival in America ; dur- Aug. 25
 ing which time Governor Allen came over,
 as it was expected, and his commission being
 still in force, he took the oaths and assumed
 the command. Upon which Uther again Sept. 15
 made his appearance in council, where he Nov. 29
 produced the letter from the lords of trade,
 claimed his place as lieutenant-governor, and
 declared that the suspended counsellors had
 no right to sit till restored by the king's or-
 der. This brought on an altercation, where-
 in Elliot affirmed that Partridge was duly
 qualified and in office, that Waldron and
 Vaughan had been suspended without cause,
 and that if they were not allowed to sit, the
 rest were determined to resign. The gover-

1698. nor declared Usher to be of the council ; upon which Elliot withdrew.

1699. At the succeeding assembly two new coun-
 January 5. fellors appeared ; Joseph Smith, and Kingfly Hall. The first day passed quietly. The governor approved Pickering as speaker of the house ; told them he had assumed the government because the Earl of Bellomont had not arrived ; recommended a continuance of the excise and powder money, and advised them to send a congratulatory message to the Earl at New-York. The next
 January 6. day the house answered, that they had continued the customs and excise till November, that they had already congratulated the earl, and received a kind answer, and were waiting his arrival ; *when* they should enter further on business. They complained that Allen's conduct had been grievous in forbidding the collecting of the last tax, whereby the public debts were not paid ; in displacing fundry fit persons, and appointing others less fit, and admitting Usher to be of the council, though superseded by Partridge's commission. These things they told him had obliged some members of the council and assembly to apply to his lordship for relief, and " unless he should manage with a " more moderate hand " they threatened him with a second application.

The same day Coffin and Weare moved a question in council, whether Usher was one of that body. He asserted his privilege, and obtained a major vote. They then entered their dissent, and desired a dismission. The governor forbid their departure. Weare answered that he would not, by sitting there.

put contempt on the king's commission, 1699.
meaning Partridge's, and withdrew. The
next day the assembly ordered the money
arising from the impost and excise to be *kept*
in the treasury, till the Earl of Bellomont's
arrival ; and the governor dissolved them.

These violences on his part were supposed
to originate from Usher's resentment, and his
overbearing influence upon Allen, who is
said to have been rather of a pacific and con-
descending disposition. The same ill temper
continued during the remainder of this short
administration. The old counsellors, ex-
cepting Fryar, refused to sit. Sampson
Sheaffe and Peter Weare made up the quo-
rum. Sheaffe was also secretary, Smith
treasurer, and William Ardell sheriff. The
constables refused to collect the taxes of the
preceeding year, and the governor was ob-
liged to revoke his orders, and commission MS in file.
the former constables to do the duty which
he had forbidden.

In the spring the earl of Bellomont set out
for his eastern governments. The council
voted an address, and sent a committee, of
which Usher was one, to present it to him at
Boston ; and preparations were made for his
reception in New-Hampshire ; where he at
length came and published his commission July 21,
to the great joy of the people, who now saw
at the head of the government a nobleman
of distinguished figure and polite manners, a
firm friend to the revolution, a favourite of
King William, and one who had no interest in
oppressing them.

During the controversy with Allen, Par-
tridge had withdrawn ; but upon this change

1699. he took his seat as lieutenant-governor, and the displaced counsellors were again called to the board. A petition was presented against the judges of the superior court, and a proclamation was issued for justices of the peace and constables only to continue in office, whereby the judges commissions determined. Richard Jose was made sheriff in the room of Ardell, and Charles Story secretary in the room of Sheaffe.

The government was now modelled in favour of the people, and they rejoiced in the change, as they apprehended the way was opened for an effectual settlement of their long continued difficulties and disputes. Both parties laid their complaints before the governor, who wisely avoided censuring either, and advised to a revival of the courts of justice, in which the main controversy might be legally decided. This was agreed to, and the necessary acts being passed by an assembly, (who also presented the earl with five hundred pounds which he obtained the king's leave to accept) after about eighteen days stay he quitted the province, leaving Partridge, now quietly seated in the chair, to appoint the judges of the respective courts. Hinckes was made chief justice of the superior court, with Peter Coffin, John Gerrish and John Plaisted for assistants; Waldron chief Justice of the inferior court, with Henry Dow, Theodore Atkinson and John Woodman for assistants.

Council
Records.

One principal object of the earl's attention was to fortify the harbour, and provide for the defence of the country in case of another war. He had recommended to the assem-

bly in his speech the building a strong fort 1699.
 on Great Island, and afterward, in his letters,
 assured them that if they would provide ma-
 terials, he would endeavour to prevail on 1700.
 the king to be at the expence of erecting it. June 6.
 Col. Romer, a Dutch Engineer, having view-
 ed the spot, produced to the assembly an esti-
 mate of the cost and transportation of ma-
 terials, amounting to above six thousand
 pounds. They were amazed at the propo-
 sal; and returned for answer to the governor,
 that in their greatest difficulties, when their
 lives and estates were in the most imminent
 hazard, they were never able to raise one
 thousand pounds in a year*; that they had
 been exceedingly impoverished by a long
 war, and were now struggling under an
 heavy debt, besides being engaged in a con-
 troversy with "a pretended proprietor;"
 that they had expended more "blood and
 money" to secure his majesty's interest and
 dominion in New-England than the intrinsic
 value of their estates, and that the fortifying
 the harbour did as much concern the Mas-
 sachusetts as themselves; but they conclud-
 ed with assuring his lordship, that if he were
 "thoroughly acquainted with their misera-

* I have here placed in one view such assessments as I have been able to find during the preceding war, with the proportion of each town, which varied according to their respective circumstances at different times.

(MS Laws.)

	1692.	1693.	1694.	1695.	Uncert.	1697.
Portsmouth,	70	210	167		129 6	140 16
Hampton,	66 13 4	200	230		172 14 6	187 241-2
Dover,	30	110	90		117 16 6	127 971-2
Exeter,	33 6 8	80	127		106 16	115 14
New Castle,			86		73 7	79 126
L.	200	600	700	400	600	650

1700. "ble, poor and mean circumstances, they
"would readily submit to whatever he
"should think them capable of doing."

MS in files. They were also required to furnish their
quota of men to join with the other colonies
in defending the frontiers of New-York in
case of an attack*. This they thought ex-
tremely hard, not only because they had
never received the least assistance from New-
York in the late wars, but because an opin-
ion prevailed among them that their ene-
mies had received supplies from the Dutch at
Albany, and that the plunder taken from
their desolated towns had been sold in that
place. There was however no opportunity
for affording this assistance, as the New-
Yorkers took care to maintain a good un-
derstanding with the French and Indians for
the benefit of trade.

Smith's
Hist. New-
York, page
108, 175,
214.

Printed
state of
Allen's ti-
tle, page 9.

But to return to Allen : He had as little
prospect of success in the newly established
courts, as the people had when Mason's suits
were carried on under Cranfield's govern-
ment. On examining the records of the su-
perior court it was found that twenty-four
leaves were missing, in which it was supposed
the judgments recovered by Mason were re-
corded. No evidence appeared of his having
obtained possession. The work was to be-
gin anew ; and Waldron, being one of the
principal landholders and most strenuous op-
posers of the claim, was singled out to stand
foremost in the controversy with Allen, as

* The quotas of men to be furnished by each government for the defence
of New-York, if attacked, were as follows, viz.

Massachusetts	850	New-York,	200	Pennsylvania	80
New-Hampshire	40	East New-Jersey	60	Maryland	160
Rhode-Island	48	West New-Jersey	60	Virginia	240
Connecticut	120				

his father had with Mason. The cause went 1700.
 through the courts, and was invariably given in favour of the defendant with costs. Allen's only refuge was in an appeal to the king, which the court, following the example of their brethren in the Massachusetts, refused to admit. He then petitioned the king; who by an order in council granted him an appeal, allowing him eight months to prepare for its prosecution. Aug. 18.

The refusal of an appeal could not fail of being highly resented in England. It was severely animadverted on by the lords of trade, who in a letter to the Earl of Belmont upon this occasion, say: "This declining to admit appeals to his Majesty in council, is a matter that you ought very carefully to watch against in all your governments. It is an humour that prevails so much in proprieties and charter colonies and the *Independency* they thirst after is now so notorious, that it has been thought fit those considerations, together with other objections against those colonies, should be laid before the parliament; and a bill has thereupon been brought into the house of lords for re-uniting the right of government in their colonies to the crown." 1701.
 April 24.
 April 28.

Before this letter was wrote the earl died at New-York, to the great regret of the people in his several governments, among whom he had made himself very popular. A copy of the letter was sent to New-York; but the bill mentioned in it was not passed into an act of parliament. For some reasons of state it was rejected by the house of lords.

The assembly of New-Hampshire, having

MS in files

March 5.

1701. now a fair opportunity, endeavoured as much as possible to provide for their own security ; and passed two acts, the one for confirming the grants of lands which had been made within their several townships ; the other for ascertaining the bounds of them. Partridge gave his consent to these acts ; but Allen had the address to get them disallowed and repealed because there was no reserve made in them of the proprietor's right.

Hutch. vol.
2. p. 181.

Sept. 13.

MS Laws.

The controversy being brought before the king, both sides prepared to attend the suit. Allen's age, and probably want of cash, prevented his going in person ; he therefore appointed Usher to act for him, having previously mortgaged one half of the province to him, for fifteen hundred pounds ; Vaughan was appointed agent for the province, and attorney to Waldron. It being a general interest, the assembly bore the expence, and notwithstanding their pleas of poverty on other occasions provided a fund, on which the agent might draw in case of the emergency.

Oct. 14.

1702.

May 29.

In the mean time King William died and Queen Anne appointed Joseph Dudley Esq. formerly president of New-England, to be governor of Massachusetts and New-Hampshire ; whose commission being published at Portsmouth, the assembly by a well timed present interested him in their favour, and afterward settled a salary on him during his administration, agreeably to the queen's instructions, who about this time forbade her governors to receive any but settled salaries.

July 18.

18.

Council &
Assembly
Records.

When Allen's appeal came before the

queen in council, it was found that his attorney had not brought proof that Mafon had ever been legally in possession; for want of this, the judgment recovered by Waldron was affirmed; but the order of council directed that the appellant 'should be at liberty to begin *de novo* by a writ of ejectment in the courts of New-Hampshire, to try his title to the lands, or to quit-rents payable for the same; and that if any doubt in law should arise, the jury should declare what titles each party did severally make out to the lands in question, and that the points in law should be referred to the court; or if any doubt should arise concerning the evidence, it should be specially stated in writing, that if either party should appeal to her majesty she might be more fully informed, in order to a final determination.'

1702.

Printed
state of Al-
len's title,
p. 9.MS Copy
of Lords
Trade Re-
port in
1753.Files of the
Sup. Court.

While this appeal was depending, a petition was presented to the queen, praying that Allen might be put in possession of the waste lands. This petition was referred to Sir Edward Northey, attorney general, who was ordered to report on three questions, viz.

1. Whether Allen had a right to the wastes.
2. What lands ought to be accounted waste.
3. By what method her majesty might put him into possession.

At the same time Usher was making interest to be re-appointed lieutenant-governor of the province. Upon this Vaughan entered a complaint to the queen, setting forth 'that Allen claimed 'as waste ground not only a large tract of 'unoccupied land, but much of that which 'had been long enjoyed by the inhabitants, 'as common pasture, within the bounds of

1702. 'their feveral townships. That Usher, by his
 'former managements and misdemeanours
 'when in office, had forced some of the prin-
 'cipal inhabitants to quit the province, and
 'had greatly haraffed and disgusted all the
 'rest, rendering himself quite unacceptable
 'to them. That he was interested in the
 'suits now depending, as on Allen's death he
 'would in right of his wife be entitled to
 'part of the estate. Wherefore it was hum-
 'bly submitted whether it would be proper to
 'appoint, as lieutenant-governor, one whose
 'interest and endeavour it would be to dis-
 'seize the people of their ancient estates, and
 'render them uneasy ; and it was prayed that
 'no letters might be wrote to put Allen in
 'possession of the wastes till the petitioner
 'should be heard by council.'

Usher's
papers.

1703. Usher's interest however prevailed. The
 January 28. attorney-general reported, that 'Allen's claim
 'to the wastes was valid ; that all lands *un-
 'inclosed and unoccupied* were to be reputed
 'waste ; that he might enter into and take
 'possession of them, and if disturbed might
 'assert his right and prosecute trespassers in
 'the courts there ; but that it would not be
 'proper for her majesty to interpose, unless
 'the question came before her by appeal
 'from those courts ; save, that it might be
 'reasonable to direct (if Allen should insist
 'on it at the trials) that matters of fact be
 'found specially by the juries, and that these
 'special matters should be made to appear
 'on an appeal.'

Sup. Court
files.

July 26. Soon after this Usher obtained a second
 commission as lieutenant-governor ; but was
 expressly restricted from intermeddling 'with

‘ the appointment of judges or juries, or oth- 1703.
 ‘ erwise, in matters relating to the disputes
 ‘ between Allen and the inhabitants.’ The
 people did not relish this re-appointment,
 nor did his subsequent conduct reconcile
 them to it. Upon his first appearance in October 27
 council Partridge took his seat as counsellor ;
 but the next day desired a dismissal on ac-
 count of a ship in the river which demanded
 his constant attention. This request was
 granted, and he soon after removed to New-
 bury, where he spent the rest of his days in
 a mercantile department, and in the business
 of his profession.*

It had always been a favourite point with
 Usher to get the books and files, which had
 been taken from Chamberlayne, lodged in the
 secretary’s office. Among these files were
 the original minutes of the suits which Ma-
 son had carried on, and the verdicts, judg-
 ments and bills of cost he had recovered.
 As they were committed to the care of the
 recorder who was appointed by the general
 court and removeable only by them, no use
 could be made of these papers but by consent
 of the assembly. When Usher produced to Nov. 4.
 the council an order from Whitehall that
 these records should be deposited with the
 secretary, Penhallow, the recorder, who was 1704.
 a member of the council, refused to deliver
 them without an act of the general assembly
 authorizing him to do so.

Usher succeeded but little better in his ap-
 plications for money. He alledged that he

* His son Richard Partridge was an agent for the province in England.
 One of his daughters was married to Governor Belcher, and was mother to
 the late lieutenant-governor of Nova-Scotia

1704. had received nothing for his former services, though they had given hundreds to Partidge; and complained that no house was provided for him to reside in, which obliged him to spend most of his time at Boston. The plea of poverty always at hand was not forgotten in answer to these demands. But at length, upon his repeated importunity and Dudley's earnest recommendation, after the assembly had refused making any provision for him, and the governor had expressly directed him to reside at New-Castle, and exercise a regular command, it being a time of war; the council were prevailed upon to allow him two rooms in any house he could procure "till the next meeting of the assembly," and to order *thirty-eight shillings* to be given him for the expence of his "journey to and from Boston."

July 7.

Feb. 10.

When Dudley acquainted the assembly with the royal determination in Allen's suits, they appeared tolerably satisfied with the equitable intention discovered therein; but begged him to represent to her majesty that 'the province was at least sixty miles long 'and twenty wide, containing twelve hundred square miles, that the inhabitants 'claimed only the property of the lands contained within the bounds of their townships, 'which was less than one third of the province, and had been possessed by them and 'their ancestors more than sixty years; that 'they had nothing to offer as a grievance if 'the other two thirds were adjudged to Allen; but should be glad to see the same 'planted and settled for the better security 'and defence of the whole; withal desiring

‘it might be considered how much time, blood 1704.
 ‘and treasure had been spent in settling and
 ‘defending this part of her majesty’s domin-
 ‘ion, and that the cost and labour bestowed
 ‘thereon far exceeded the true value of the
 ‘land so that they hoped it was not her maj-
 ‘esty’s intention to deprive them of all the
 ‘herbage, timber and fuel, without which
 ‘they could not subsist, and that the lands
 ‘comprehended within the bounds of their
 ‘townships was little enough to afford these
 ‘necessary articles; it not being usual in these
 ‘plantations to fence in more of their lands
 ‘than would serve for tillage, leaving the rest
 ‘unfenced for the feeding their cattle in
 ‘common.’

Records of
the council
and assembly.

Notwithstanding this plea, which was often
 alledged, Allen, by virtue of the queen’s per-
 mission, had entered upon and taken possession
 by turf and twig of the common land in each
 township, as well as of that which was with-
 out their bounds, and brought his writ of
 ejectment *de novo* against Waldron and when
 the trial was coming on informed Governor
 Dudley thereof, that he might come into
 court and demand a special verdict agreeably
 to the queen’s instructions. Dudley from
 Boston informed the court of the day when
 he intended to be at Portsmouth and direct-
 ed the judges to adjourn the court to that day.
 Before it came he heard of a body of Indians 1704.
 above Lancaster, which had put the country Aug. 10.
 in alarm, and ordered the court to be again
 adjourned. At length he began his journey;
 but was taken ill at Newbury, with a *sea-*
sonable fit of the gravel, and proceeded no far-
 ther. The jury in the mean time refused to

Dec. 22,
1703.

Usher’s
papers.

Printed
state of Al-
len’s title
p. 9.

1704. bring in a special verdict ; but found for the defendant with costs. Allen again appealed from the judgment.

Perplexed, however, with these repeated disappointments, and at the same time being low in purse, as well as weakened with age, he sought an accommodation with the people, with whom he was desirous to spend the remainder of his days in peace. It has been said that he made very advantageous offers to Vaughan and Waldron if they would purchase his title ; but that they utterly refused it. The people were sensible that a door was still open for litigation ; and that after Allen's death they might, perhaps, meet with as much or more difficulty from his heirs, among whom Usher would probably have a great influence : They well knew his indefatigable industry in the pursuit of gain, that he was able to harrafs them in law, and had great interest in England. They therefore thought it best to fall in with Allen's views, and enter into an accommodation with him.

1705. A general meeting of deputies being held at
 May 3. Portsmouth, the following resolutions and proposals were drawn up, viz. ' That they ' had no claim or challenge to any part of the ' province without the bounds of the four ' towns of Portsmouth, Dover, Hampton and ' Exeter, with the hamlets of New-Castle and ' Kingston, which were all comprehended ' within lines already known and laid out, ' and which should forthwith be revised ; but ' that Allen and his heirs might peaceably ' hold and enjoy the said great waste, containing *forty miles in length and twenty in breadth,*

‘or thereabouts, at the heads of the four 1705.
‘towns aforesaid, if it should so please her
‘majesty; and that the inhabitants of the
‘four towns would be so far from interrupt-
‘ing the settlement thereof, that they desired
‘the said waste to be planted and filled with
‘inhabitants, to whom they would give all
‘the encouragement and assistance in their
‘power. That in case Allen would, for him-
‘self and heirs, forever quit claim, to the
‘present inhabitants and their heirs, all that
‘tract of land comprehended within the
‘bounds of the several towns, and warrant
‘and defend the same against all persons, free
‘of mortgage, entailment and every other in-
‘cumbrance, and that this agreement should
‘be accepted and confirmed by the queen;
‘then they would lot and lay out to him and
‘his heirs five hundred acres within the town
‘of Portsmouth and New-Castle, fifteen hun-
‘dred in Dover, fifteen hundred in Hamp-
‘ton and Kingston, and fifteen hundred in
‘Exeter, out of the commonages of the said
‘towns, in such places, not exceeding three
‘divisions in each town, as should best ac-
‘commodate him and be least detrimental to
‘them; and that they would pay him or his
‘heirs two thousand pounds current money
‘of New-England at two payments, one with-
‘in a year after receiving the royal confirma-
‘tion of this agreement, and the other within
‘a year after the first payment. That all con-
‘tracts made either by Mason or Allen with
‘any of the inhabitants, or others, for lands
‘or other privileges in the possession of their
‘tenants in their own just right, beside the
‘claim of Mason and Allen, and no other,

1705. 'should be accounted valid ; but that if any
'of the purchasers, lessees or tenants should
'refuse to pay their just part of the sums agreed
'on, according to the lands they held, their
'share should be abated by Allen out of the
'two thousand pounds payable by this agree-
'ment. That upon Allen's acceptance, and
'underwriting of these articles, they would
'give personal security for the aforesaid pay-
'ment ; and that all actions and suits depend-
'ing in law concerning the premises should
'cease till the queen's pleasure should be
'known.'

MS Copy
of Report
of Lords of
Trade,
1759.

These articles were ordered to be presented to Allen for his acceptance : But so desirable an issue of the controversy was prevented by his sudden death, which happened on the next day. He left a son and four daughters, and died intestate.

Atkinson's
Letter MS.

Emerson's
funeral ser-
mon and
letter to
Mr. Prince,
MS.

Colonel Allen is represented as a gentleman of no remarkable abilities, and of a solitary rather than a social disposition ; but mild, obliging and charitable. His character, while he was a merchant in London, was fair and upright, and his domestic deportment amiable and exemplary. He was a member of the church of England by profession, but constantly attended divine worship in the congregation at New-Castle, and was a strict observer of the christian sabbath. He died on the fifth of May 1705, in the seventieth year of his age, and was buried in the fort.

After his death his only son, Thomas Allen, Esq. of London, renewed the suit, by petitioning the queen, who allowed him to bring a new writ of ejectment, and ordered

1706.

a revival of the directions given to the gov- 1706.
 ernor in 1703, with respect to the jury's find- May 16.
 ing a special verdict. Accordingly Allen,
 having previously conveyed one half of the
 lands in New-Hampshire by deed of sale to
 Sir Charles Hobby, and appointed his moth- August 20.
 er Elizabeth Allen his attorney, brought his
 writ of ejectment against Waldron in the in-
 ferior court of common pleas where he was April 15.
 cast. He then removed it by appeal to the
 superior court, where it had been tried three
 years before. As this was the last trial, and as
 all the strength of both parties was fully dis-
 played on the occasion, it will be proper to
 give as just a view of the case as can now be
 collected from the papers on file in the office
 of the superior court.

On Allen's part were produced copies of
 the charter by which King James I. consti-
 tuted the council of Plymouth ; their grants
 to Mason in 1629 and 1635 ; his last will
 and testament ; an inventory of artillery,
 arms, ammunition, provisions, merchandize
 and cattle left in the care of his agents here
 at his death ; depositions of several ancient
 persons taken in 1685, who remembered the
 houses, fields, forts, and other possessions of
 Capt. Mason at Portsmouth and Newchwannock,
 and were acquainted with his agents,
 stewards, factors and other servants, who di-
 vided the cattle and merchandize among them
 after his death ; the opinions of Sir Geoffry
 Palmer, Sir Francis Winnington and Sir Wil-
 liam Jones in favour of the validity of Ma-
 son's title ; King Charles' letter to the presi-
 dent and council of New-Hampshire in 1680 ;
 the paragraph of Cranfield's commission

1707. which respects Mafon's claim in 1682 ; the writ, verdict, judgment and execution against Major Waldron in 1683 ; the decision of the king in council against Vaughan in 1686 ; Dudley's writ of certiorari in 1688 ; the fine and recovery in Westminster-hall whereby the entail was cut off, and the consequent deed of sale to Allen in 1691 ; Sir Edward Northey's report in 1703 ; and evidence of Allen's taking possession of the wastes, and of his inclosing and occupying some land at Great Island. On this evidence, it was pleaded that the title derived from Mafon, and his possession of the province, of which the lands in question were part, was legal ; that the appellee's possession had been interrupted by the appellant and those from whom he derived his title, more especially by the judgment recovered by Robert Mafon against Major Waldron ; and a special verdict was moved for, agreeably to the royal directions. The council on this side were James Meinzies and John Valentine.

On Waldron's part was produced the deed from four Indian sachems to Whelewright and others in 1629 ; and depositions taken from several ancient persons who testified that they had lived with Major Waldron, when he began his plantation at Cochecho, about the year 1640, and assisted him in building his houses and mills, and that no person had disturbed him in the possession thereof for above forty years. To invalidate the evidence of the title produced on the opposite side, it was pleaded, That the alledged grant from the council of Plymouth to Mafon in 1629, was not signed ; that livery

1707.

and feizin were not endorsed on it as on other of their grants, and as was then the legal form ; nor was it ever enrolled according to statute : That the sale of part of the same lands in 1628 to the Massachusetts company, by an instrument signed and executed according to law, renders this subsequent grant suspicious ; and that his pretending to procure another grant of part of the same lands in 1635, was an argument that he himself could not rely on the preceding one, nor was it credible that the same council should grant the same lands twice, and to the same person : That the alledged grant in 1635 was equally defective ; and that he must relinquish one or the other, it being contrary to the reason and usage of law to rely on two several titles at once. It was urged, That Waldron's possession was grounded on a deed from the native lords of the soil, with whom his father had endeavoured to cultivate a friendly connexion ; that he had taken up his land with their consent, when the country was a wilderness ; had cultivated it, had defended it in war at a great expence, and at the hazard of his life, which he finally lost in the attempt ; that the Indian deed was legally executed in the presence of the factors and agents of the company of Laconia, of which Mason was one ; that this was done with the toleration of the council of Plymouth, and in pursuance of the great ends of their incorporation, which were to cultivate the lands, to people the country and christianize the natives, for the honour and interest of the crown and the trade of England, all which ends had been pursued and attained by the appellee and his ancestor. It was

1707. also alledged, that the writ against Major Waldron in 1683 was for "lands and tenements," of which the quantity, situation and bounds were not described, for want of which no legal judgment could be given ; that no execution had ever been levied, nor was the possessor ever disturbed or amoved by reason thereof ; and that the copies produced were not attested, no book of records being to be found. To invalidate the evidence of Mason's possession, it was observed, that he himself was never here in person ; that all the settlement made by his agents or successors was only a factory for trade with the Indians, and principally for the discovery of a country called Laconia ; and that this was done in company with several other merchant-adventurers in London, who, for the security of their goods erected a fort ; but that this could not amount to a legal possession, nor prove a title to the country, especially as upon the failure of trade, the object of their enterprize, they quitted their factory, after a few years stay in these parts.

As to the motion for a special verdict, it was said that a jury could not find one, if they had no doubt of the law or fact, for the reason of a special verdict is a doubt either in point of law or evidence ; nor was it consistent with the privileges of Englishmen that a jury should be compelled to find specially. In addition to these pleas it was further alledged, that by the statute law no action of ejectment can be maintained except the plaintiff, or those under whom he claims, have been in possession within twenty years ; and if they have been out of possession sixty years, then

not only an ejectment, but a writ of right, 1707. and all other real actions are barred in respect of a subject, and that in such cases the right of the crown is also barred : and that by the statute of 32 Hen. 8. ch. 9. It is enacted, that no person shall purchase any lands or tenements, unless the seller, or they by whom he claims, have been in possession of the same or the reversion or the remainder thereof, or have taken the rents or profits thereof by the space of one whole year next before such bargain is made ; and that the appellee and his ancestor, and no other person whatever had been in possession of the premises, nor was it ever pretended by the appellant that the Mafons, of whom the purchase was made, were in possession within one year, or at any time before the alledged purchase ; that all the mischiefs provided against by the above statute have been experienced by the people of New-Hampshire from the purchase made by the appellant's father, of the bare title of the propriety of the province. The council on this side were John Pickering and Charles Story.

A certificate from the lieutenant-governor respecting the queen's directions was delivered to the jury who returned the following verdict : Aug. 12. " In the cause depending between " Thomas Allen, Esq. appellant and Richard " Waldron, Esq. defendant, the jury findes " for the defendant a confirmation of the former judgment and costs of courts. Mark " Hunking, foreman."

The court then sent out the jury again, with this charge, " Gentlemen, you are further to " consider this case and observe her majesty's

1707. "directions to find specially and your oaths." They returned the second time with the same verdict ; upon which the court ordered judgment to be entered, and that the defendant recover costs of the appellant. The council for the appellant then moved for an appeal to her majesty in council ; which was allowed on their giving bond in two hundred pounds to prosecute it.

Council and
Assembly's
Records.

Printed
state of Al-
len's title,
p. 10.

But the loyalty of the people, and the distresses under which they laboured by reason of the war, prevailed on the queen's ministry to suspend a final decision ; and before the appeal could be heard, Allen's death, which happened in 1715, put an end to the suit, which his heirs, being minors, did not renew.

C H A P. XII.

The war with the French and Indians, called Queen Anne's war.—Conclusion of Dudley's and Usher's administration.

THE peace which followed the treaty of Ryfwick was but of short duration, for the seeds of war were ready sown both in Europe and America. Louis had proclaimed the pretender king of England, and his Governor Villebon had orders to extend his province of Acadia to the river Kennebeck, though the English court understood St. Croix to be the boundary between their territories and those of the French. The fishery was interrupted by French men of war, and by the orders of Villebon, who suffered no English vessels to fish on the banks of Nova-Scotia. A French mission was established, and a chapel erected at Norridgewog, on the upper part of Kennebeck, which served to extend the influence of the French among the Indians. The governor of Canada, assuming the character of their father and protector, instigated them to prevent the settlement of the English to the east of Kennebeck, and found some among them ready to listen to his advice. The people in those parts were apprehensive of danger and meditating a removal, and those who had entertained thoughts of settling there were restrained.

Things were in this posture when Dudley entered on his government. He had particular orders from England to rebuild the fort at Pemaquid ; but could not prevail on the Massachusetts assembly to bear the expence

1703.

June 20.

of it. However he determined on a visit to the eastern country, and having notified his intention to the Indians, took with him a number of gentlemen of both provinces*, and held a conference at Casco with delegates from the tribes of Norridgewog, Penobscot, Pigwacket, Penacook and Amariscoggin; who assured him that "as high as the sun was above the earth, so far distant was their design of making the least breach of the peace." They presented him a belt of wampum in token of their sincerity, and both parties went to two heaps of stones which had formerly been pitched and called the *Two Brothers*, where the friendship was further ratified by the addition of other stones. They also declared, that although the French emissaries among them had been endeavouring to break the union, yet it was "firm as a mountain, and should continue as long as the sun and moon." Notwithstanding these fair appearances, it was observed that when the Indians fired a salute their guns were charged with shot; and it was suspected that they had then formed a design to seize the governor and his attendants, if a party which they expected from Canada, and which arrived two or three days after, had come in proper season to their assistance. However this might be, it is certain that in the space of six weeks, a

August 10. body of French and Indians, five hundred in number, having divided themselves into several parties, attacked all the settlements from Casco to Wells, and killed and took one hun-

* Mr. Hutchinson has misplaced this transaction by a year

dred and thirty people, burning and destroying all before them*.

1703.

The next week (August 17) a party of thirty Indians under Captain Tom killed five people at Hampton village ; among whom was a widow Muffy, a noted speaker among the friends, and much lamented by them ; they also plundered two houses ; but the people being alarmed, and pursuing them, they fled.

The country was now in terror and confusion. The women and children retired to the garrisons. The men went armed to their work and posted centinels in the fields. Troops of horse were quartered at Portsmouth and in the province of Maine. A scout of three hundred and sixty men marched toward Pigwacket, and another to the Ossapy Pond, but made no discoveries. Alarms were frequent, and the whole frontier country from Deerfield on the west, to Casco on the east was kept in continual terror by small parties of the enemy.

In the fall Col. March of Casco made a visit to Pigwacket, where he killed six of the enemy and took six more ; this encouraged the government to offer a bounty of forty pounds for scalps.

As the winter came on, the frontier towns were ordered to provide a large number of snow-shoes ; and an expedition was planned in New-Hampshire, against the head-quarters of the Indians. Major Winthrop Hil-

* Mr. Hutchinson takes no notice of this remarkable devastation, which is particularly related by Mr. Penhallow in his "wars of New-England." p. 55.

1703. ton, and Captain John Gilman of Exeter, Captain Chesley and Captain Davis of Oyſter river, marched with their companies on ſnow ſhoes into the woods ; but returned without ſucceſs. This is called in the council books “an honourable ſervice :” Hilton received a gratuity of twelve, and each of the captains five pounds.

1704. With the return of ſpring there was a return of hoſtilities ; for notwithstanding the poſting a few ſouthern Indians in the garriſons at Berwick, the enemy appeared at Oyſter river, and ſhot Nathaniel Medar near his own field, and the next day killed Edward Taylor near Lamprey river, and captivated his wife and ſon. Theſe inſtances of miſchief gave colour to a falſe alarm at Cochecho, where it was ſaid they lay in wait for Col. Waldron a whole day, but miſſing him by reaſon of his abſence from home, took his ſervant maid as ſhe went to a ſpring for water ; and having examined her as to the ſtate of the garriſon, ſtunned her with an hatchet but did not ſcalp her.

April 25.

In May, Col. Church, by Governor Dudley's order, having planned an expedition to the eaſtern ſhore, failed from Boſton with a number of tranſports, furniſhed with whale-boats for going up rivers. In his way he ſtopt at Paſcataqua, where he was joined by a body of men under Maj. Hilton, who was of eminent ſervice to him in this expedition*, which laſted the whole ſummer, and in which they deſtroyed the towns of Minas and Chiegnecto,

* This is called in the council books “an expedition to Port-Royal,” and this was the oſtenſible object. But Church in his memoirs ſays that Dudley would not permit him to go there.

and did considerable damage to the French and Indians at Penobscot and Passamaquoddy, and even insulted Port Royal. While they were at Mount Desert, Church learned from nine of his prisoners that a body of * six hundred Indians were preparing for an attack on Casco, and the head of Pascataqua river ; and sent an express to Portsmouth which obliged the people to be vigilant. No such great force as this appeared ; but small parties kept hovering on the outskirts. At Oyster river they wounded William Tasker ; and at Dover they laid in ambush for the people on their return from public worship, but happily missed their aim. They afterward mortally wounded Mark Gyles at that place, and soon after killed several people in a field at Oyster river, whose names are not mentioned.

August 11.

In the former wars New-Hampshire had received much assistance from their brethren of Massachusetts ; but these now remonstrated to the governor that his other province did not bear their proportion of the charge for the common defence. The representatives of New-Hampshire urged, in reply, the different circumstances of the two provinces ; “ most of the towns in Massachusetts being out of the reach of the enemy, and no otherwise affected by the war than in the payment of their part of the expence, while this province was wholly a frontier by sea and land, and in equal danger with the county of York, in which four companies were sta-

* I suppose this is the party whom Penhallow mentions, p. 29, who quarrelled on their march about dividing the plunder which they might take, and of whom two hundred returned while the rest pursued their march, and did damage at Lancaster and Groton.

1704. tioned, and the inhabitants were abated their proportion of the public charges." They begged that twenty of the friendly Indians might be sent to scout on their borders, which request the governor complied with.

Council
Rec.

1705. In the winter, Col. Hilton with two hundred and seventy men, including the twenty Indians, were sent to Norridgewog on snow shoes. They had a favourable season for their march, the snow being four feet deep. When they arrived there, finding no enemy to contend with, they burnt the deserted wigwams, and the chapel. The officers who went on this expedition complained that they had only the pay of private foldiers.

The late repairs of fort William and Mary at New-Castle were always complained of as burdensome to the people, and a representation thereof had been made to the queen, who instructed Dudley to press the assembly of Massachusetts to contribute to the expence ; as the river belonged equally to both provinces. They urged in excuse that the fort was built at first at the sole charge of New-Hampshire to whom it properly belonged ; that the whole expence of the repairs did not amount to what several of their towns singly paid toward the support of the war for one year ; that all the trade and navigation of the river, on both sides, paid a duty toward maintaining that fortress ; and that they had been at great expence in protecting the frontiers of New-Hampshire, and the parties who were employed in getting timber and masts for her majesty's service ; while New-Hampshire had never contributed anything to the support of the garrisons, forces

and guards by sea, which were of equal benefit to them as to Massachusetts. One thing which made New-Hampshire more in favour with the queen was, that they had settled a salary on her governor, which the others never could be persuaded to do. The repairs of the fort, however, went on without their assistance, under the direction of Col. Romer ; and when they were completed, a petition was sent home for a supply of cannon, ammunition and stores. 1705.

The next summer was chiefly spent in negotiating an exchange of prisoners ; and Dudley had the address to protract the negotiation, under pretence of consulting with the other governments about a neutrality proposed by the governor of Canada, by which means the frontiers in general were kept tolerably quiet, although the enemy appeared once or twice in the town of Kittery. The line of pickets* which inclosed the town of Portsmouth was repaired, and a nightly patrolle established on the sea shore from Rendezvous Point to the bounds of Hampton, to prevent any surprize by sea ; the coast being at this time infested by the enemy's privateers.

During this truce, the inhabitants of Kingston who had left the place, were encouraged to petition for leave to return to their lands ; which the court granted on condition that they should build a fort in the center of the town, lay out a parsonage and settle a minister within three years. This last condition was rendered impracticable by the renewal of hostilities.

* This line extended from the mill-pond on the south, to the creek on the north side of the town. It crossed the main street a few rods westward of the spot where the State House now stands.

1705. The governor of Canada had encouraged New-England to remove to Canada, where being incorporated with the tribe of St. Francis, they have ever since remained. By this policy they became more firmly attached to the interest of the French, and were more easily dispatched on their bloody business to the frontiers of New-England, with which they were well acquainted. Dudley, who was generally apprized of their movements, and kept a vigilant eye upon them, apprehended a rupture in the winter; and gave orders for a circular scouting march, once a month, round the head of the towns from Kingston to Salmon falls; but the enemy did not appear till April; when a small party of them attacked the house of John Drew at Oyfter river, where they killed eight and wounded two. The garrison was near, but not a man in it: the women, however, seeing nothing but death before them, fired an alarm, and then putting on hats, and loosening their hair that they might appear like men, they fired so briskly that the enemy, apprehending the people were alarmed, fled without burning or even plundering the house which they had attacked. John Wheeler, meeting this party and mistaking them for friendly Indians, unhappily fell into their hands and was killed with his wife and two children. Four of his sons took refuge in a cave by the bank of the Little Bay, and though pursued by the Indians escaped unhurt.
1706. In July, Colonel Schuyler from Albany gave notice to Dudley that two hundred and seventy of the enemy were on their march toward Pascataqua, of which he immediately

the Indians who inhabited the borders of 1706.
informed the people, and ordered them to
close garrison, and one half of the militia to
be ready at a minute's warning. The first
appearance of this body of the enemy was at
Dunstable ; from whence they proceeded to
Amesbury and Kingston, where they killed
some cattle. Hilton with sixty four men
marched from Exeter ; but was obliged to
return without meeting the enemy. The rea-
son he gave to the council for returning so
soon was the want of provision, there being
none in readiness at the garrisons, notwith-
standing a law lately enacted, enjoining it
on every town to have stores ready and de-
posited in the hands of their captains. For
the same reason he had been obliged to dis-
continue a small scout which he had for
some time kept up. Hilton was so brave and
active an officer that the enemy had marked
him for destruction ; and for this purpose a
party of them kept lurking about his house,
where they observed ten men to go out one
morning with their scythes, and lay aside
their arms to mow ; they then crept between
the men and their guns, and suddenly rush-
ing on them, killed four, wounded one, and
took three ; two only of the whole number
escaped. They missed the major for this
time, and two of their prisoners escaped ; but
suffered much in their return, having noth-
ing to subsist on for three weeks but lily
roots and the rinds of trees. After this they
killed William Pearl and took Nathaniel Tib-
bets at Dover. It was observed during
this war that the enemy did more damage in
small bodies than in larger, and by scattering

August 10.

1706. along the frontiers kept the people in continual apprehension and alarm ; and so very few of them fell into our hands, that in computing the expence of the war it was judged that every Indian killed or taken cost the country a thousand pounds.

Penhallow,
p. 40.

1707. In the following winter Hilton made another excursion to the eastward, and a shallop was sent to Casco with stores and provisions for his party, consisting of two hundred and twenty men. The winter being mild, and the weather unsettled, prevented their marching so far as they intended : cold dry weather and deep snow being most favourable to winter expeditions. However they came on an Indian track near Black Point, and pursuing it, killed four, and took a squaw who conducted them to a party of eighteen, whom they surprized as they lay asleep on a neck of land at break of day, and of whom they killed seventeen, and took the other. This was matter of triumph considering the difficulty of finding their haunts. It was remarked that on the very morning that this affair happened, it was reported, with but little variation from the truth, at Portsmouth, though at the distance of sixty miles.

Ann. 21.

When Church went to Nova-Scotia, he very earnestly solicited leave to make an attempt on Port Royal ; but Dudley would not consent, and the reason he gave was, that he had written to the ministry in England and expected orders and naval help to reduce the place. His enemies however assigned another reason for his refusal ; which was that a clandestine trade was carried on by his connivance, and to his emolument, with the

French there. This report gained credit and 1707.
 occasioned a loud call for justice. Those who
 were directly concerned in the illegal traffick,
 were prosecuted and fined ; and the governor
 suffered much in his reputation. To wipe off
 these aspersions he now determined to make
 an attack in earnest on Port Royal, even
 though no assistance should come from Eng-
 land. It was intended that an armament
 should be sent to America, and the command-
 er was appointed ; but the state of affairs in
 Europe prevented their coming.

Hutch.
 Hist.
 Massa.
 Vol. 2.
 page 154.

Early in the spring the governor applied
 to the assemblies of both his provinces, and
 to the colonies of Rhode Island and Connec-
 ticut, requesting them to raise one thousand
 men for the expedition. Connecticut de-
 clined ; but the other three raised the whole
 number, who were disposed into two regi-
 ments, of which Colonel Wainwright com-
 manded the one, and Colonel Hilton the
 other. They embarked at Nantasket in
 twenty three transports furnished with
 whaleboats, under convoy of the Deptford
 man of war, Capt. Stuckley, and the pro-
 vince galley, Captain Southack. The chief
 command was given to Colonel March, who
 had behaved well in several scouts and ren-
 counters with the Indians, but had never
 been tried in such service as this. They ar-
 rived before Port Royal in a few days, and
 after burning some houses, killing some cat-
 tle round the fort, and making some ineffec-
 tual attempts to bombard it, a jealousy and
 disagreement among the officers, and a mis-
 apprehension of the state of the fort and gar-

May 19.

May 26.

Penhallow,
 p. 42.

1707. rison, caused the army to break up and re-
bark in a disorderly manner. Some of the
officers went to Boston for Orders, some of
the transports put in at Casco ; a sloop with
Captain Chesley's company of sixty men ar-
rived at Portsmouth : Chesley suffered his
men to disperse, but ordered them to return
at the beat of the drum : Being called to ac-
count for this conduct he alledged that "gen-
eral orders were given at Port Royal for
every man to make the best of his way
home." The governor, highly chagrined
and very angry, sent orders from Boston
that if any more vessels arrived the men
should not be permitted to come on shore
"on pain of death." After a while he ord-
ered Chesley's company to be collected and
reimbarked, offering a pardon to those who
voluntarily returned, the rest to be severely
punished. By the latter end of July they
got on board, and with the rest of the army,
returned to the place of action. At the land-
ing, an ambuscade of Indians from among
the sedge on the top of a sea-wall, greatly
annoyed the troops. Major Walton and
Captain Chesley, being then on shore with
the New-Hampshire companies, pushed their
men up the beach, flanked the enemy, and
after an obstinate struggle put them to flight.
The command was now given to Wainwright,
and the army put under the direction of
three supervisors ; but no means could in-
spire that union, firmness and skill which
were necessary. By the last of August the
whole affair was at an end, and the army re-
turned sickly, fatigued, disheartened, and

June 6
and 7.

June 18.

Council
Records.

affamed ; but with no greater loss than six- 1707.
teen killed and as many wounded.

While this unfortunate expedition was in hand, the frontiers were kept in continual alarm. Two men were taken from Oyster May 22.
river, and two more killed as they were driv- July 3.
ing a team between that place and Dover. Captain Sumerby pursued with his troop and recovered the contents of the cart. Stephen and Jacob Gilman, brothers, were ambushed between Exeter and Kingston ; their horses were killed, but both of them escaped to the garrison. Kingston, being a new plantation, was much exposed, and was this summer weakened by the desertion of eight men. The remaining inhabitants complained to government, who ordered the captains of Exeter and Hampton to take them up as deserters, and oblige them to return to the defence of their settlements, or do duty at the fort during the governor's pleasure. They were afterward bound over to the sessions for contempt of orders. The state of the country at this time was truly distressed ; a large quota of their best men were abroad, the rest harraßed by the enemy at home, obliged to continual duty in garrisons and in scouts, and subject to severe discipline for neglects. They earned their bread at the continual hazard of their lives, never daring to stir abroad unarmed ; they could till no lands but what were within call of the garrisoned houses, into which their families were crowded ; their husbandry, lumber-trade and fishery were declining, their taxes increasing, their apprehensions both from the force of the enemy and the failure of the

Penhallow
page 45.

Council
Records.

1707. Port Royal expedition were exceedingly dismal, and there was no prospect of an end to the war, in which they were now advanced to the fifth summer. Yet under all these distresses and discouragements, they resolutely kept their ground and maintained their garisons, not one of which was cut off during the whole of this war, within the limits of New-Hampshire.

Sept. 15. In September one man was killed at Exeter, and two days after Henry Elkins at Kingston. But the severest blow on the frontiers happened at Oyster river, a place which suffered more than all the rest. A party of French Mohawks painted red, attacked with an hideous yell a company who were in the woods, some hewing timber and others driving a team, under the direction of Captain Chesley who was just returned the second time from Port Royal. At the first fire they killed seven and mortally wounded another. Chesley, with the few who were left, fired on the enemy with great vigour, and for some time checked their ardor; but being overpowered, he at length fell. He was much lamented, being a brave officer. Three of the scalps taken at this time were soon after recovered at Berwick.

1708. The next year a large army from Canada was destined against the frontiers of New-England. Dudley received information of it in the usual route from Albany, and immediately ordered guards in the most exposed places of both his provinces. A troop under Captain Robert Coffin patrolled from Kingston to Cochecho, and scouts were kept out continually. Spy-boats were also kept

out at sea between Pascataqua and Winter harbours. Four hundred Massachusetts soldiers were posted in this province. The towns were ordered to provide ammunition, and all things were in as good a state of preparation as could be expected. At length the storm fell on Haverhill; but the enemy's force having been diminished by various accidents, they proceeded no farther, and every part of New-Hampshire was quiet. Hilton made another winter march to Pig-wacket with one hundred and seventy men, but made no discovery.

Aug 29.

Penhallovt
46, 48.

The next spring William Moody, Samuel Stevens, and two sons of Jeremy Gilman were taken at Pickpocket-mill in Exeter, and soon after Bartholomew Stevenson was killed at Oyster river. Colonel Hilton and Captain Davis performed their usual tour of duty in scouting, and the people this summer kept close in garrison, on a report that two hundred Indians had marched against them from Montreal. But the principal object now in view was a desire of wiping off the disgrace of a former year by an attempt, not on Port Royal, but on Canada itself. For this purpose solicitations had been made in England by Francis Nicholson, Esq. who had been lieutenant-governor of Virginia, and Captain Samuel Vetch a trader to Nova-Scotia, who was well acquainted with the French settlements there, and made a full representation of the state of things in America to the British ministry. An expedition being determined upon they came over early in the spring with the queen's command to the governors of the several provinces to raise men

1709.

May 5.

June 30.

1709. for the service. Vetch was appointed a colonel, and Nicholson, by nomination of the governor of New-York, and consent of the other governments, was made commander in chief. The people of New-Hampshire were so much exhausted, and their men had been so ill paid before, that it was with great difficulty, and not without the dissolution of one assembly and the calling of another, that they could raise money to levy one hundred men and procure two transports for conveying them. After the utmost exertions had been made by the several governments, and Nicholson with part of the troops had marched to Wood creek, and the rest with the transports had lain at Nantasket three months waiting for a fleet, news arrived that the armament promised from England was diverted to another quarter. Upon which the commander of the frigates on the Boston station refused to convoy the troops, the whole army was disbanded, and the expence the colonies had been at was fruitless. A congress of governors and delegates from the assemblies met in the fall at Rhode-Island, who recommended the sending home agents to assist Colonel Nicholson in representing the state of the country, and soliciting an expedition against Canada the next spring. The ministry at first seemed to listen to this proposal, but afterward changed their minds, and resolved only on the reduction of Port Royal. For this purpose Nicholson came over in July with five frigates and a bomb ketch; the colonies then had to raise their quotas; the New-Hampshire assembly ordered one hundred men, who were got ready
- 1710.
- August 1.

as soon as possible, and put under the command of Colonel Shadrach Walton. The whole armament sailed from Boston the eighteenth of September, and on the twenty-fourth arrived at the place. The force now being equal to its reduction, Subcreafe, the governor, waited only the compliment of a few shot and shells as a decent pretence for a surrender ; which was completed on the fifth of October, and Vetch was appointed governor of the place which in honor of the queen was called Annapolis.

Hutchinson and Penhallow,

While this expedition was in hand, and before the appointment of the commanders, New-Hampshire sustained an heavy loss in the death of Col. Winthrop Hilton. This worthy officer being concerned in the masting business, and having several large trees felled about fourteen miles from home, went out with a party to peel the bark that the wood might not be injured by worms. While engaged in this business they were ambushed by a party of Indians, who at the first fire killed Hilton with two more, and took two ; the rest being terrified, and their guns being wet, made no opposition, but escaped. The next day one hundred men marched in pursuit but discovered only the mangled bodies of the dead. The enemy in their barbarous triumph had struck their hatchets into the colonel's brains, and left a lance in his heart. He was a gentleman "of good temper, courage and conduct, respected and lamented by all that knew him," and was buried with the honours due to his rank and character.

July 22.

Penhallow
page 58.

Flushed with this success, they insolently

1710. appeared in the open road at Exeter, and took four children who were at their play. They also took John Wedgwood, and killed John Magoon near his brother's barn, a place which for three days he had visited with a melancholy apprehension arising from a dream that he should there be murdered.

The same day that Hilton was killed, a company of Indians who had pretended friendship, who the year before had been peaceably conversant with the inhabitants of Kingston, and seemed to be thirsting after the blood of the enemy, came into the town, and ambushing the road, killed Samuel Winflow and Samuel Huntoon ; they also took Philip Huntoon and Jacob Gilman, and carried them to Canada ; where, after some time, they purchased their own redemption by building a saw-mill for the governor after the English mode.

MS Letter
of Ward
Clark to
Prince.

The last that fell this summer was Jacob Garland, who was killed at Cochecho on his return from the public worship. As the winter approached, Colonel Walton with one hundred and seventy men traversed the eastern shores, which the Indians usually visited at this season for the purpose of gathering clams. On an Island where the party was encamped, several Indians decoyed by their smoke, and mistaking them for some of their own tribe, came among them and were made prisoners. One of them was a sachem of Norridgewog, active, bold and fullen ; when he found himself in the hands of enemies he would answer none of their questions, and laughed with scorn at their threatening him with death. His wife, being an eye witness

of the execution of the threatening, was so 1710.
intimidated as to make the discoveries which
the captors had in vain desired of the sa-
chem ; in consequence of which, three were
taken at the place of which she informed, and
two more at Saco river, where also five were
killed. This success, inconsiderable as it
may appear, kept up the spirits of the peo-
ple, and added to the loss of the enemy who
were daily diminishing by sickness and fa-
mine.

In the spring they renewed their ravages 1711.
on the frontiers in small parties. Thomas
Downs, John Church, and three more were
killed at Cochecho ; and on a sabbath day
several of the people there fell into an ambush
as they were returning from public worship.
John Horn was wounded, and Humphrey
Foss was taken ; but, by the determined
bravery of Lieutenant Heard, he was recov-
ered out of the hands of the enemy. Walton
with two companies marched to the ponds
about the fishing season ; but the Indians
had withdrawn, and nothing was to be seen
but their deserted wigwams.

Penhallow's
page 60.

After the reduction of Port Royal Nichol-
son went to England to solicit an expedition
against Canada. The tory ministry of Queen
Anne, to the surprize of all the whigs in
England and America, fell in with the pro-
posal ; and on the eighth of June, Nicholson
came to Boston with orders for the northern
colonies to get ready their quotas of men and
provision by the arrival of the fleet and ar-
my from Europe ; which happened within
sixteen days ; and while the several gover-
nors were holding a consultation on the sub-

1711. jeſt of their orders. A compliance with them in ſo ſhort a time was impoſſible ; yet every thing that could be done was done ; the nature of the ſervice conſpiring with the wiſhes of the people, made the governments exert themſelves to the utmoſt. New-Hampſhire raiſed one hundred men, which was more than they could well ſpare ; one half of the militia being continually employed in guarding the frontiers. They alſo voted them ſubſiſtence for one hundred and twenty ſix days, beſides providing for them on ſhore before their embarkation. Two tranſports were taken up at eight ſhillings per month per ton ; and artillery ſtores were iſſued from the fort. The colony forces formed two regiments under the command of Vetch and Walton. The army which came from England were ſeven veteran regiments of the Duke of Marlborough's army, and a battalion of marines, under the command of Brigadier-General Hill, which, joined with the New-England troops made a body of about ſix thouſand five hundred men, provided with a fine train of artillery. The fleet conſiſted of fifteen ſhips of war from eighty to thirty-fix guns, with forty tranſports and fix ſtoreships under the command of Admiral Walker. A force fully equal to the reduction of Quebec.

Penhallow
page 64.
Hutch. vol.
2. p. 190.

The fleet ſailed from Boſton on the thirtieth of July ; and a faſt was ordered by Dudley to be kept on the laſt Thursday of that, and each ſucceeding month, till the enterprize ſhould be finiſhed. This was an imitation of the conduct of the long parliament during the civil wars in the laſt century.

Coun. Rec.

ry. But the sanguine hopes of success which 1711.
 had been entertained by the nation and the colonies were all blasted in one fatal night. For, the fleet having advanced ten leagues into the river St. Lawrence, in the night of the twenty third of August, the weather being thick and dark, eight transports were wrecked on Egg-Island near the north shore, and one thousand people perished ; among whom there was but one man who belonged to New-England. The next day the fleet put back, and were eight days beating down the river against an easterly wind which would in two days have carried them to Quebec. After rendezvousing at Spanish river in the island of Cape Breton, and holding a fruitless consultation about annoying the French at Placentia, the expedition was broken up : the fleet returned to England, and the New-England troops to their homes. Loud complaints and heavy charges were made on this occasion ; the ignorance of the pilots ; the obstinacy of the admiral ; the detention of the fleet at Boston ; its late arrival there ; the want of seasonable orders ; and the secret intentions of the ministry, were all subjects of bitter altercation : but the miscarriage was never regularly enquired into, and the voyage was finally settled by the blowing up of the admiral's ship, with most of his papers, and four hundred seamen, at Spithead.

Dummer's
 defence and
 letter to a
 noble lord.

October 9.

The failure of this expedition encouraged the Indians to harraßs the frontiers as soon as the season would permit. In April one Cunningham was killed at Exeter ; Ensign Tuttle at Dover, and Jeremy Crommet at 1712.

1712. Oyster river ; on one of the upper branches of this stream the enemy burned a saw-mill with a large quantity of boards. A scouting party who went up the river Merrimack had the good fortune to surprize and kill eight Indians and recover a considerable quantity of plunder, without the loss of a man. The frontiers were well guarded ; one half of the militia did duty at the garrisons and were ready to march at a minute's warning ; a scout of forty men kept ranging on the heads of the towns, and the like care was taken by sea, spy-boats being employed in coasting from Cape Neddock to the Great Boar's-head. Notwithstanding this vigilance, small parties of the enemy were frequently seen. Stephen Gilman and Ebenezer Stevens were wounded at Kingston, the former was taken and put to death. In July an ambush was discovered at Dover, but the enemy escaped ; and while a party was gone in pursuit of them, two children of John Waldron were taken, and for want of time to scalp them, their heads were cut off. There being no man at that time in Heard's garrison, a woman named Esther Jones mounted guard and with a commanding voice called so loudly and resolutely as made the enemy think there was help at hand, and prevented farther mischief.

June 3.

In autumn the news of the peace of Utrecht arrived in America ; and on the 29th of October the suspension of arms was proclaimed at Portsmouth. The Indians being informed of this event came in with a flag of truce to Captain Moody at Casco, and desired a treaty : which the governor, with the

council of each province, held at Portsmouth, 1713. where the chiefs and deputies of the several belligerent tribes, by a formal writing under hand and seal, acknowledged their perfidy, promised fidelity, renewed their allegiance, submitted to the laws, and begged the queen's pardon for their former miscarriages. The frequent repetition of such engagements and as frequent violations of them, had by this time much abated the sense of obligation on the one part, and of confidence on the other. But it being for the interest of both parties to be at peace, the event was peculiarly welcome.

Penhallow
page 79.86.

To preserve the dependence of the Indians, and to prevent all occasions of complaint, private traffic with them was forbidden and truck houses established at the public expence ; and the next summer a ship was fitted out by both provinces, and sent to Quebec, where an exchange of prisoners was effected.

1714.

During the whole of this long war, Usher behaved as a faithful servant of the crown ; frequently coming into the province by Dudley's direction, and sometimes residing in it several months, enquiring into the state of the frontiers and garrisons, visiting them in person, consulting with the officers of militia about the proper methods of defence and protection, and offering his service on all occasions : Yet his austere and ungracious manners, and the interest he had in Allen's claim, effectually prevented him from acquiring that popularity which he seems to have deserved. He was solicitous to support the dignity of his commission ; but

1714. could never prevail with the assembly to settle a salary upon him. The council generally paid his travelling expences by a draught on the treasury, which never amounted to more than five pounds for each journey, until he came from Boston to proclaim the accession of King George ; when in a fit of loyalty and good humour they gave him ten pounds, which served as a precedent for two or three other grants. He often complained, and sometimes in harsh and reproachful terms of their neglect ; and once told them

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that his " Negro servants were much better accommodated in his house than the queen's governor was in the queen's fort."

Dudley had the good fortune to be more popular. Beside his attention to the general interest of the province and his care for its defence, he had the particular merit of favouring the views of those who were most strongly opposed to Allen's claim ; and they made him amends by promoting in the assembly addresses to the queen, defending his character, when it was attacked and praying for his continuance in office when petitions were presented for his removal. One of these addresses was in one thousand seven hundred and six, and another in one thousand seven hundred and seven, in both which they represent him as a " prudent, careful and faithful governor," and say they " are perfectly satisfied with his disposal of the people, and their arms and the public money." Addresses to the crown were very frequent during this female reign. Scarce a year passed without one or two ; they either congratulated her majesty on her vic-

tories in Europe, or petitioned for arms and military stores for their defence, or for ships and troops to go against Canada, or represented their own poverty or Dudley's merits, or thanked her majesty for her care and protection, and for interposing in the affair of Allen's suit and not suffering it to be decided against them. A good harmony subsisted between the governor and people, and between the two branches of the Legislature, during the whole of this administration.

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1715.

On the accession of King George a change was expected in the government, and the assembly did what they could to prevent it by petitioning the king for Dudley's continuance. But it being now a time of peace, and a number of valuable officers who had served with reputation in the late wars being out of employ ; interest was made for their obtaining places of profit under the crown. Colonel Elifeus Burges who had served under General Stanhope was, by his recommendation, commissioned governor of Massachusetts and New-Hampshire ; and by the same interest George Vaughan Esq. then in London, was made lieutenant governor of the latter province ; he arrived and published his commission on the thirteenth of October. Usher had some scruples about the validity of it as he had formerly had of Partridge's, and wrote on the subject to the assembly, who assured him that on inspection they had found Vaughan's commission " strong and authentic ;" and that his own, was " null and void." Upon his dismissal from office he retired to his elegant seat at Medford, where he spent the rest of his days, and died on the

Council
and Assembly
Rec.

1715. fifth of September 1726, in the seventy-eighth years of his age.

Burges wrote a letter to the assembly in July, in which he informed them of his appointment, and of his intention to sail for America in the following month. But Sir William Ashhurst, with Jeremy Dummer the Massachusetts agent, and Jonathan Belcher, then in London, apprehending that he would not be an acceptable person to the people of New-England, prevailed with him for the consideration of one thousand pounds sterling, which Dummer and Belcher generously advanced, to resign his commission; and Colonel Samuel Shute was appointed in his stead to the command of both provinces. He arrived in New-Hampshire and his commission was published the seventeenth of October 1716. Dudley being thus superseded, retired to his family-seat at Roxbury, where he died in 1720, in the seventy-third year of his age.

APPENDIX.

No. I.

Copy of a deed from four Indian sagamores to John Wheelwright and others. 1629.

WHEREAS We the sagamores of Penacook, Pentucket, Squomsquot and Nuchawanack are inclined to have the English inhabit amongst us as they are amongst our countrymen in the Massachusetts Bay; by which means we hope in time to be strengthened against our enemy the Tareteens who yearly doth us damage. Likewise being persuaded that it will be for the good of us and our posterity, &c. To that end have at a general meeting at Squomsquot on Piscattaqua river, We the aforesaid sagamores with a universal consent of our subjects, do covenant and agree with the English as followeth :

NOW know all men by these presents that we Passaconawaye sagamore of Penecook, Runnaawitt sagamore of Pentucket, Wahangnonawitt sagamore of Squomsquot, and Rowls sagamore of Nuchawanack, for a competent valuation in goods already received in coats, shirts and kettles, and also for the considerations aforesaid do according to the limits and bounds hereafter granted, give, grant, bargain, sell, release, ratify and confirm unto John Wheelwright of the Massachusetts Bay, late of England, a minister of the gospel, Augustine Story, Thomas Wite, William Wentworth* and Thomas Levett, all of the Massachusetts Bay in New-England, to them, their heirs and assigns for ever, all that part of the main land bounded by the river of Piscattaqua and the river of Meremak, that is to say, to begin at Nuchawanack falls in Piscattaqua river aforesaid, and so down said river to the sea, and so alongst the sea shore to Merramack river, and so up along said river to the falls at Pantucket aforesaid, and from said Pantucket falls upon a north-west line twenty English miles into the woods and from thence to run upon a streight line north-east and south-west till meet with the main rivers that runs down to Pantuckett falls and Nuchawanack falls, and the said rivers to be the bounds of the said lands from the thwart line

* William Wentworth was one of the first settlers at Exeter, and after the breaking up of their combination for government he removed to Dover and became a ruling elder in the church there. In 1639 he was remarkably instrumental of saving Heard's garrison, as is related in the proper place. After this he officiated for several years as a preacher at Exeter and other places, and died in a very advanced age at Dover in 1697, leaving a numerous posterity. From him the several Governors of that name are descended. He was a very useful and good man.

or head line to the aforesaid falls and the main chanell of each river from Pentuckitt and Nuchawanack falls to the maine sea to be the side bounds and the main sea between Piscattaqua river and Meramack river to be the lower bounds, and the thwart or head line that runs from river to river to be the upper bounds ; together with all islands within said bounds, as also the Isles of Shoals so called by the English, together with all profits, advantages and appurtenances whatsoever to the said tract of land belonging or in any wise appertaining, reserving to our selves liberty of making use of our old planting land, as also free liberty of hunting, fishing and fowling ; and it is likewise with these provisoes following, viz. First, the said John Wheelwright shall within ten years after the date hereof, set down with a company of English and begin a plantation at Squomsquott falls in Piscattaque river aforesaid. Secondly, That what other inhabitants shall come and live on said tract of land amongst them from time to time and at all times shall have and enjoy the same benefits as the said Wheelwright aforesaid. Thirdly, That if at any time there be a number of people amongst them that have a mind to begin a new plantation, that they be encouraged so to do, and that no plantation exceed in lands above ten English miles square or such a proportion as amounts to ten miles square. Fourthly, That the aforesaid granted lands are to be divided into townships as people increase and appear to inhabit them, and that no lands shall be granted to any particular persons but what shall be for a township, and what lands within a towship is granted to any particular persons to be by vote of the major part of the inhabitants legally and orderly settled in said township. Fifthly, For managing and regulating and to avoid contentions amongst them, they are to be under the government of the colony of the Massachusetts their neighbours and to observe their laws and orders until they have a settled government amongst themselves. Sixthly, We the aforesaid sagamores and our subjects are to have free liberty within the aforesaid granted tract of land of fishing, fowling, hunting and planting, &c. Seventhly and lastly, Every township within the aforesaid limits or tract of land that hereafter shall be settled shall pay to Passaconaway our chief sagamore that now is and to his successors forever, if lawfully demanded, one coat of trucking cloth a year, and every year, for an acknowledgment, and also shall pay to Mr. John Wheelwright aforesaid his heirs and successors forever, if lawfully demanded, two bushels of Indian corn a year for and in consideration of said Wheelwright's great pains and care, as also for the charges he hath been at to obtain this our grant for himself and those aforementioned and the inhabitants that shall hereafter settle in townships on the aforesaid granted premisses. And we the aforesaid sagamores, Passaconaway sagamore of Penecook, Runnaawitt sagamore of Pentucket, Wahangnonawitt sagamore of Squomsquott, and Rowls sagamore of Nuchawanack do by these presents ratify and confirm all the afore granted and bargained premisses and tract of land aforesaid, excepting and reserving as afore excepted and reserved and the provisoes aforesaid fulfill'd, with all the meadow and marsh ground therein, together with all the mines, minerals of what kind or nature soever, with all the woods, timber and timber trees, ponds, rivers, lakes, runs of water or water courses thereunto belonging, with all the freedom of fishing, fowling and hunting as our selves, with all other benefits, profits, privileges and appurtenances whatsoever thereunto of all and every part of the said tract of land belonging or in any ways appertaining unto him the said John Wheel-

wright, Augustine Storer, Thomas Wight, William Wentworth and Thomas Levett, and their heirs forever as aforesaid, TO HAVE AND TO HOLD the same as their own proper right and interest, without the least disturbance, molestation, or trouble of us, our heirs, execrs and adminrs. to and with the said John Wheelwright, Augustine Story, Thomas Wight, William Wentworth and Thomas Levett their heirs, execrs. adminrs. and assigns, and other the English that shall inhabit there and their heirs and assigns forever shall warrant, maintain and defend. IN WITNESS whereof we have hereunto set our hands and seals the seventeenth day of May 1629, and in the fifth year of King Charles his reign over England, &c.

PASSACONAWAY, ∞ mark, (Seal.)

RUNAAWITT, + mark, (Seal.)

WAHANGNONAWITT, + mark, (Seal.)

ROWLS. × mark, (Seal.)

Signed, Sealed, and Delivered in
presence of us

WADERGASCOM, ‡ mark.

MISTONABITE, ∞ mark.

JOHN OLDHAM.

SAM. SHARPE.

Ireland, defender of the faith, &c. Wahangnonaway sagamore of Squamsquott in Piscataqua river, did in behalf of himself and the other sagamores aforementioned then present, deliver quiet and peaceable possession of all the lands mentioned in the within written deed unto the within named John Wheelwright for the ends within mentioned, in presence of us Walter Neal governor, George Vaughan factor, and Ambrose Gibbons trader, for the company of Laconia, Richard Vines, governor, and Richard Bonighton assistant, of the plantation at Saco; Thomas Wiggin agent, and Edward Hilton steward, of the plantation of Hilton's Point, and was signed, sealed and delivered in our presence. In witness whereof we have hereunto set our hands the day and year above written.

Richd. Vines,

Richd. Bonighton,

Tho. Wiggin,

Edward Hilton,

Wa. Neale,

George Vaughan,

Ambrose Gibbons.

Recorded according to the original found on the ancient files for the county of York, this 28th day of Jan. 1713.

per JOS. HAMMOND, Reg.

A true copy from York county records of deeds, &c. lib. 8. fol. 16. &c.

Att. DAN. MOULTON, Reg.

Corrected by a copy on file in the superior court of New-Hampshire, in the case of Allen vs Waldron; which copy is attested by the above named Jos. Hammond.

No. II.

In original letter from Thomas Eyre one of the adventurers or company of Laconia to Mr. Gibbons their factor.

Mr. Gibbins,

London the last of May, 1631.

YOURS of the 8th April 1630, from Plimouth I received and thereby tooke notice of your entertaining Roger Knight; and here I present his wife 20s. pr. quarter at your desire and 3l. per quarter to yours. I hope by this they are both with you according to your desire. I wish

all your wives with you, and that so many of you as desire wives had such as they desire ; for the adventurers desire not to be troubled with quarterly payments.

Your next to me is dated the 21st of July last at Pascataquacke, I take notice of your complaints for want of the trade goods, and so much as lieth in me it shall be otherwise, especially if you send us returnes, doubt you not but that you shall be supplied from time to time unto your owne contents.

Your 3d lre to me is dated the 14th of August, by which I perceive divers of the commodities and provisions which you carried with you in the barke Warwicke, were not to your liking for which I am sorry. You know the trouble we had. I could not looke to Mr. Olden's and all besides. I hope by the Pide-Cowe you find it otherwise. I pray write me how you like the hatchetts sent you by that ship and how all goeth.

I like it well that your governor will have a stocke of bords at all times readie. I hope you will find something to relade both the Pide-Cowe and the Warwicke. I will now put on the sending of you the moddell of a saw-mill that you may have one going.

Your wife and children, Roger Knight's wife and one wife more we have alredy sent you, and more you shall have as you write for them.

Another lre I have from you of the 14th August, in which you write for another Mason. Wee have had enough to doe to goe so farre forwards as we have, as Capt. Keyes can tell you, now we begine to take hearte agayne, but the sight of returnes will be that which will indeede put life into us.

Among my New-England records I find your lre unto Capt. Mason of the 14th August last, wherein you give a good account of your times spent from the first of June untill then, as also of the manner of your trade which was to Capt. Mason's liking. *We hope you will find out some good mines, which will be welcome newes unto us.*

By Mr. Glover we recd. lres from Capt. Neale, written as we think about the end of March last, write me I pray, what winter you had, and how you had your healthes and why Capt. Neale went not in Septem. last to discover the lakes, as he wrote he would, and why you did not write by that conveyance.

By the barke Warwicke we send you a factor to take charge of the trade goods ; also a soldier for discovrie &c.

Thus I comend you, and your wife, who by this I hope is with you to the protection of the almightie.

Your loving friend,

THO. EYRE

Kept untill the 7th of June.

No. III.

An original letter from the company to Gibbins.

London 5th Decemb. 1632.

Mr. Ambrose Gibbons,

YOUR sundrie letters we have received. Wee doe take notice of your care and paines in our plantation and doe wish that others had bine that way the same that you are and will wee hope soe continew. The adventurers here have bine soe discouraged by reason of John Gibbes ill dealing in his fishing volage, as alsoe by the small returnes sent hither by

Capt. Neal, Mr. Herbert or any of their factors as that they have noe desire to proceed any farther, untill Capt. Neale come hither to confer with them, that by conference with him they may settle things in a better order. Wee have written unto Capt. Neale to dismise the household, onlie such as will or canne live of themselves may stay upon our plantation in such convenient places as Capt. Neale, Mr. Godfrie and you shall thinke fitt ; and after conference had with Capt. Neale they shall have a reasonable quantity of lauds graunted unto them by deed.

Wee praie you to take care of our house at Newichwannick and *to looke well to our vines*, also you may take some of our swine and goates, which wee pray you to preserve. Wee have committed the cheife care of our house at Pascattaway to Mr. Godfrie and written unto Mr. Warnerton to take care of our house at Strawberry-banke. Our desire is that Mr. Godfrie, Mr. Warnerton and you should joyne loveinglie together in all things for our good, and to advise us what our best course will be to doe another yeare.

You desire to settle yourself upon Sanders Point. The adventurers are willing to please you not only in this, in regard of the good report they have heard of you from tyme to tyme, but alsoe after they have conferred with Capt. Neale, they determyne some further good towards you for your further incouridgment.

Wee desire to have our fishermen increased, whereof wee have written unto Mr. Godfrie. Wee thank you for assisting John Raymond, wee pray you still to be helpful to him that so he may dispatch and come to us with such retourne as he hath, and if he hath any of his trade goods remayning unsold wee have willed him to leave them with you and we doe hereby pray you to receive them into your custody and to put them off with what conveniency you canne, and to send us the retournes by the first shipp that comes. Thus we commend you and your wife to the protection of the almighty.

Your loving friends,

<i>John Mason,</i>	<i>Tho. Warnerton,</i>
<i>Henry Gardiner,</i>	<i>Tho. Eyre, for my</i>
<i>Geo. Griffith,</i>	<i>children.</i>

No. IV.

Copy of a letter from Gibbins to the company.

AFTER my unble duty remembred unto your worships, I pray for your good health and prosperity. These are certifying your worship for the goods I have received from you. I have delivered unto Mr. John Raymon 76lb and 4 ounces of beaver, 10 otters, 6 musquashes and on martin more, that Captain Neale had 358lb and ii ounces of beaver and otter, 17 martins, on black fox skin, on other fox skin, 3 racoon skins, 14 musquashes two of them with stones. Mr. Raymon's present departing and the intermixing of all the trade goods in my care until Mr. Vaughan come I cannot give you any satisfaction for the account of trade. I did advise Mr. Raymon to returne with all speede unto you. Your letters I received the 7th of June. At laig I will write if God wil by the next. Thus taking my leave I comit your worship to Almighty God.

Your worship's at command,

AMBROSE GIBBINS,

From Newichwanicke

This 24th of June 1633.

No. V.

Copy of another from Gibbins to the company.

Newichwanicke, July 13, 1633.

RIGHT honourable, right worshipping and the rest, my humble service remembred. Your letter dated the 5th of December and Mr. Ares letter the third of April I received the seventh of June. The detaining of the former letter hath put you to a great charge in the plantation. For my care and paines I have not thought it much although I have had very little encouragement from you and here. I do not doubt of your good will unto mee. For your fishing, you complain of Mr. Gibbes: A Londoner is not for fishing, neither is there any amity betwixt the West cuntrymen and them. Bristo or Barnstable is very convenient for your fishing shipes. It is not enough to fit out shipes to fish but they must be sure (God wil) to be at their fishing place the beginning of February and not to come to the land when other men have half their viage.

Mr. Wanerton hath the charge of the house at Pascatawa and hath with him William Cooper, Rafe Gee, Roger Knight, and his wife, William Dermitt and on boy. For your house at Newichwanicke, I seeing the necessity will doe the best I can there and elsewhere for you until I hear from you againe. Advise I have sent but not knowing your intentes I cannot wel enlarge but I refer you to Mr. Herbert and Mr. Vaughan. For my settlement at Sanders-Point and the further good you intend me I humbly thank you I shall do the best I can to be grateful. I have taken into my handes all the trade goods that remains of John Raymon's and Mr. Vaughan's and will with what convenience I may put them of. You complain of your returnes; you take the coorse to have little; a plantation must be furnished with cattle and good hir'd hands, and necessaries for them and not thinke the great lookes of men and many words wil be a meanes to raise a plantation. Those that have been here this three year som of them have neither meat, money nor cloathes, a great disparagement. I shall not need to speak of this, you shall hear of it by others. For myself, my wife and child and four men we have but half a barrel of corne; beefe and porke I have not had but on peese this three months, nor beare this four months; for I have for two and twenty months had but two barrels of beare and two barrels and four booshel of malt, our number commonly hath bin ten. I nor the servantes have neither money nor clothes, I have bin as sparing as I could, but it will not doe. These four men with me is Charles Knell, Thomas Clarke, Steven Kidder, and Thomas Crockitt, three of them is to have for their wages until the first of March four pence per peece and the other for the yeare six pounds which in your behalf I have promised to satisfy in money or bever at ten shillings per pound. If there were necessarys for them for clothing there would not bee much for them to receave. You may perhaps think that fewer men would serve me but I have sometimes on C [one hundred] or more Indians and far from neyborgs: These that I have I can set to pale in ground for corne and garden. I have digged a wel within the palizado, where is good water, I have that to close with timber. More men I could have and more employ, but I rest thus until I heare from you. *The vines that were planted will com to little, they prosper not in the ground they were set, them that groo natural are veri good of divers sorts.* I have sent you a note of the beaver taken by me at Newichwanicke, and how it hath gon from me. George Vaughan hath a note of all the trade goodes in my custody of the

and story John Ramon's and George Vaughan's accomtes, but the beaver beinge disposed of before I could make the dividint I cannot see but it must be all onpackt and be divided by you. The governor departed from the plantation the fiftenth of July in the morning. So for this time I end, committing you to the protection of the Almighty and ever rest your loving servant,

AMBROSE GIBBINS.

No. VI.

Copy of a letter from Neal and Wigen relating to a division of the lands at Pascataqua, 1633.

Much honoured,

IN obedience to your commands have survaied the river from the mouth of the harbor to Squamscutt falls, liquise from the harbor's mouth by the sea side to the Massachusetts bounds, and find that the bounds of your pattents will not aford more than for two towns in the river of Pascataway and the remainder will make another good towne having much salt marsh in it. And because you would have foure townes named as you desired wee have treated with a gentleman who has purchased a trackt of land of the Indyans at Squamscutt falls, and your land running up to the said falls on one side of the river from the falls about a mile downward, said gentlemen having a mind to said land on your side to a certain crike and one mile backward from the river which we agreed on and the crike is called Weelewright's, the gentleman's name being Weelewright and he was to name said plantation (when settled) *Exeter*. And the other two towns in the river, the one *North-ham* and *Portsmouth* the other. Bounded as followeth, viz. Portsmouth runes from the harbor's mouth by the sea side to the entrance of a little river between two hed lands which we have given the names of the Little Bore's-hed, and the Grete Bore's-hed, and from the mouth of that little river to go on a strait line to the aforesaid creeke which we have named Weelewrigths creeke and from thens down the river to the harbor's mouth where it began. And North-ham is the bounds of all the land of Hilton's Point side. And the other land from the little river between the two Boores-Heds to run by the sea till it meets with the line between the Massachusetts and you, and so to run from the sea by said Massathusetts line into the woods eight miles and from thence atwart the woods to meete with Portsmouth line neere Wheleright's creeke and that tracte of land to be called *Hampton*. So that their is foure towns named as you desired but Exeter is not within the bounds of your pattents. But the grete difficulty is the agreement about the dividing line between the pattent of the twenty thousand acres belonging to the company of Laconyah and the pattent of Bluddy poynt the river running so intricate, and Bluddy poynt patent bounds from thence to Squamscutt falls to run three miles into the woods from the water side. But for your better understanding thereof wee have sent you a draft of it according to our best skill of what we know of it at present, and have drawn a dividing line between the two pattents, so that Portsmouth is part of both pattents and Hampton we apprehend will be holly in the twenty thousand acres pattent, and North-ham is the bounds of Hilton's point patent. If what wee have don be to your likinge wee shall think our time well spent and what further commands you will please to lay on us we

shall readily obeye to the utmost of our power. Wee humbly take leave and subscribe ourselves, Your devoted and most humble servants,

North-ham on Pascataway river, in } WALTER NELE,
New-England, 13 August, 1633. } THOMAS WIGGIN.

Superscribed, To John Mason Esq. governor of Portsmouth to be communicated to the pattenes of Laconiah and Hilton's point, humbly present in London.

Wee under written being of the government of the province of Maine doe affirm that the above letter written and sent by Walter Nele and Thomas Wiggin and directed to John Mason Esq. governor of Portsmouth to be communicated to the pattenes of Laconiah and Hilton's point, is a trew copia compared with the originall. And further wee doe affirme that there was foure grete gunes brought to Pascatqua which were given by a merchant of London for the defence of the river, and at the same time the Earle of Warwicke, Sr Ferdinando Gorges, Capt. John Mason and the rest of the pattenes sent an order to Capt. Walter Nele and Capt. Thomas Wiggin ther agents and governor at Pascataway to make choise of the most convenient place in the said river to make a fortification for the defence thereof. and to mount those foure gunes given to the place, which accordingly was done by Capt. Walter Nele and Capt. Thomas Wiggin and the pattenes servants, and a draft was sent of the place that they had made choice of to the said earle and company, and the draft did containe al. the necke of land in the north este side of the grete island that makes the grete harbor, and they gave it the name of Fort-poynt, and allotted it so far backe into the island about a bow-shoot to a grete high rocke whereon was intended in time to set the principall forte.

That the above is all truth wee affirme, and by the desire of Capt. Walter Nele and Capt. Thos. Wiggin wee have ordered this wrighting to ly in our files of records of their doings therein. In witness whereof wee have hereunto sett our hands and seles at Gorgeana, in the province of Maine, in New-England, 20th August 1633,

RICH. VINES, (Seal.)

HENRY JOCELYN, (Seal.)

No. VII.

An original letter from Sir F. Gorges and Capt. Mason to Messrs. Wannerton and Gibbins.

Mr. Wannerton and Mr. Gibbons,

THESE are to let you know that wee with the consent of the rest of our partners have made a division of all our land lying on the north east side of the harbor, and river of Pascataway; of the quantities of which lands and bounds agreed upon for every man's part we send you a coppie of the draft, desiring your furtherance with the advice of Capt. Norton and Mr. Godfrey to set out the lynes of division betwixt our lands and the lands of our partners next adjoining, because we have not onlie each of us shipped people present to plant upon our owne landes at our owne charge, but have given direction to invite and authoritie to receive such others as may be had *to be tenants*, to plant and live there for the more speecie peopling of the countrie. And whereas there is belonging unto me Sir Ferdinando Gorges, and unto Capt. Mason for himself and for Mr. John Cotton and his deceased brother Mr. William Cotton, both whose interests Capt. Mason hath bought, the one halfe of all matters met •

tioned in the inventorie of household stuffe and implements left in trust with you by Capt. Neale, whereunto you have subscribed your names and whereof a coppie is herewith sent, we desire you to cause an equal division as neere as possible may to be made of all the said matters mencored in the inventorie in kinde, or if some of them cannot be so divided then one on halfe to be made equal to the other in valew of all the said matters, except the cattell and suites of apparell and such other things as belong particularly to Capt. Mason, and to deliver the said one halfe of all the said matters soe to be divided, unto Mr. Henry Jocelyn for the use of our plantations, taking an inventory thereof under his hand of all you shall soe deliver him, and making certificate to us thereof. And for your see doeing this shall be your sufficient warrant and discharge. And so wee rest,

Your verie lovinge friends,

Portsmouth, Maye 5,
1624.

FERDIN. GORGE,
JOHN MASON.

No. VIII.

An original letter from Capt. Mason to Gibbins.

Mr. Gibbins,

THESE people and provisions which I have now sent with Mr. Jocelyne are to sett upp two mills upon my own division of landes lately agreed upon betwixt our adventurers; but I thinke not any of them will adventure this yeare to the plantation besides Sr Ferdinando Gorge and myself, for which I am sorrye in that so good a busines (albeit hitherto it hath bene unprofitable) should be subject to fall to the ground. Therefore I have strayned myselfe to doe this at this present, and could have wished that the rest would have joyned to have sent you some provisions for the support of the place, but that faileing I have directed to you as a token from myselfe one hogshead of mault to make you some beare. The servants with you and such others as remaine upon the companies charge are to be discharged and payed their wages out of the stocke of beaver in your hands at the rate of 12s. the pound, whereof I thinke the company will write you more at large. And wee have agreed to divide all our movables mentioned in the inventory that Capt. Neale brought home, which were left in trust with you and Mr. Wannerton. I bought Mr. Cotton's and his brother's parte of all their adventures; so that the halfe of all belonges to Sr Ferdinando Gorges and myselfe, and of that halfe three quarters will be dewe to me and one quarter to Sr Ferdinando. These things being equally divided they are to be delivered to Mr. Jocelyne, my three partes of the halfe, and the other fourth to whom Sr Ferdinando shall appointe. And you must afford my people some house roome in Newichewannocke house, and the cowes and goates which are all mine, and 14 swine with their increase, some ground to be uppon till wee have some place provided upon my new divided land, or that you receive my further order. A copie of the division of the landes is herewith sent unto you.

The stockinges and the mault and the suites of cloathes, and suggar and saysinges and wine that was delivered by Mr. Bright and Mr. Lewes I have not received any satisfaction for, wherein I must crave your helpe and such satisfaction as may be sent by this shipp.

The christall steakes you sent are of little or no valew unless they were so great to make drinking cuppes or some other warkes, as fillers for jaine

lookinge glasses or for garnishinge of rich cabinets. Good iron or lead care I should like better of if it could be found.

I have disbursed a great deale of money in your plantation and never received one penny, but *hope if there were once a discoverie of the lakes that I should in some reasonable time be reimbursed again.* I pray you helpe the mr what you can to some of the best iron stone for ballast, and in case he want other ladinge to fill the shipp upp with stockes of cypress wood and cedar. Let me hear from you of all matters necessary and wherein I maye doe you any pleasure I shall be redde, and so with my heartie commendations, I rest your verie lovinge friend,

Portsmouth, May 5th. 1634.

JOHN MASON.

(Received 10th July, 1634.)

No. IX.

Answer to the foregoing.

SIR,

YOUR worship have done well in setting forward your plantacon, and for your milles they will prove beneficial unto you by God's assistance. I would you had taken this coorse sooner, for the merchants I shall be very cautious how I deale with any of them while I live. But God's win be done. I and the world doth judge that I could no in these my dayes have spent my time for nothings. For their sending trade and support I desire it not. I have supported but now sonke under my burthen, the more I thinke on this, the more is my griefe.

I have received the hogsd. of mault that you sent me, giving you humble thanks for the same. The servants that were with me are discharged and paid their wages for the yeare past and I have delivered unto Mr. Wannerton 45lb. of beaver to pay those that were with him for the year past. For the paying of the servants there old wages or the dividing of the goods I expect a general letter, if not then to heare further from your worships. Your carpenters are with me and I will further them the best I can. Capt. Neale appoynted me two of your goats to keepe, at his departinge, I praise God they are 4. Of the goods that Mr. Bright left I onely recd. of Capt. Neale 4 bushells of mault and at severall times 8 gailons of sacke, and from Mr. Wannerton 7 bushells and 1 peck of mault, 5 lb. and halfe of sugar and 5 pr. of children stockings and 97 lb of beefe which was of an old cow that Mr. Wannerton killed, being doubtfull that she would not live over the winter. For these I will pay Mr. Jocelin for you.

I perceive you have a great mynd to the lakes, and I as great a will to assist you. If I had 2 horses and 3 men with me I would by God's helpe soon resolve you of the situation of it, but not to live there my life.

The Pide-Cow arrived the 3th June, the 12th day she cast anchor some halfe a mile from the falls, the 18th day the shippe unladen, the 19th fell downe the river, the 22d day the carpenters began about the mill, the 5th of August the iron stoane taken in the shippe. There is of 5 sorts, on sort that the myne doth cast fourth as the tree doth gum, which is sent in a rundit. On of the other sortes we take to be very rich, there is great store of it. For the other I know not; but may it please you to take notice of the waight and measure of every sort, beore it goeth into the furnace and what the stone of such weight and measure will yeeld in iron. This that 'e take to be the best stone is one mine to the southward of the

great house*, it is some 200 rodd in length 6 foote wide, the depth we know not, for want of tools for that purpose we tooke onely the surface of the mine.

I have paled in a piece of ground and planted it. If it please God to send us a drie time I hope there will be 8 or 10 quarters of corne. You have heare at the great house 9 coves, 1 bull, 4 calves of the last yeare and 9 of this yeare; they prove very well, farre better than ever was expected, they are as good as your ordinary cattel in England, and the goats prove some of them very well both for milk and breed. If you did send a shippe for the Western Islands of six score tunne or thereabouts for coves and goats it would be profitable for you. A stocke of iron worke to be put away with your boardes from the mill will be good, nayles, spikes, lockes, hinges, iron works for boats and pinaces, twine canvis, needles and cordage, pitch and tarre, grapies, ankers, and necessarys for that purpose.

Sr, I have written unto Mr. John Round to repair unto your worship; he is a silver smith by his trade but hath spent much time and means about iron, may it please you to send for him, he dwelleth in Mogul street, if you are acquainted with any finer or mettler man enquire of him and as you see cause send for him, he is well seene in all minneralls; if you deale with him he will give you a good light for your proceedings.

The 6th of August, the shippe ready to set sayle for Saco to load cloave bords and pipe staves. A good husband with his wife to tend the cattle and to make butter and cheese will be profitable, for maides they are soone gone in this country. For the rest I hope Mr. Jocelyn for your own particulars will satisfie you for I have not power to examen it. This with my humble service to your worship, I rest,

Newichawanock, Your ever loving servant,
the 6th of August, 1634.

AMBROSE GIBBINS.

No. X.

An original letter from G. Vaughan to Mr. Gibbins.

Mr. Gibbins,

Boston, Aug. 20, 1634.

WE only wait for a faire wind. I shall acquaint Mr. Mason and the rest of the owners fully of what you and I have formerly discourst, and if they give mee incouragment hope shall see you againe the next yeare. Looking over my papers found the inclosed, it being the divisyon of the townes, and the copia of what Capt. Nele and Capt. Wiggins wroat boome to the pattentes of Laconiah and Hilton's Point. It may be of som use to you hereafter, therefore sent it you, *lest Capt. Wiggins should make another bluster.* Which with my kind love to you and your spouse and little Be L., I am your assured friend,

GEORGE VAUGHAN.

No. XI.

Another from the same.

Loving friend Gibbins,

London, 10th April, 1636.

WHE put into Ireland goinge home, and there was taken sike and leffe behind, and laye so long before I got well that it was the latter end of December laste before I got to London, and *Mr. Mason was dead.* But I spoke with Sr Ferdinando Gorges and the other owners, but they gave me no incouragment for New-England. I acquainted them

* The great house stood opposite to the house of Mr. Temple Knight

fully of what you and I discoursed, but they were quite could in that matter, Mr. Mason being ded and Sr Ferdinando minding only his one divy-on. He teles me he is geting a pattente for it *from the king* from Pascataqua to Sagadahocke, and that betwene Meremacke and Piscataqua he left for Mr. Ma on, *whi if hee had lived would a tooke a pattend for that also*, and so i suppose the affairs of Laconia is ded also. I intend to goe for the Este Indyees, a frend of mine have made mee a very good proffier and I thinke to takè up with it. Which is what offers at present. Thus with my kind love to you and your wife and daughter,

I am your loving friend,

GEORGE VAUGHAN.

N. B. The ten preceding papers are in the recorder's office for Rockingham county.

XII.

Copy of a report of a Committee of Reference on the petition of Rob. Mason, Edward Godfrey, and others to the king, (in 1661.)

To the Kinges most excellent Majestie,

ACCORDING to your majesties reference upon the petition of Robert Mason, Edward Godfrey, and others, hereunto annexed, bearing date at Whitehall the seventeenth of November 1660, wee have heard the c-imes and complaints of the peticoners, and also summoned by process publicquely executed att the exchange on the 21st day of January last by just all persons interested in that business, but none appeared but Capt. Jno. Leverett who acknowledged that formerly hee was commissioned as an agent of the corporacon of Boston in New-England, but that now he had no authority to appear or act on their behalf.

Upon producing of divers letters pattents and examinacon of witnesses, wee finde, That Capt. Jno. Mason, grandfather to Robert Mason one of the peticoners, and Edward Godfrey another of the peticoners, by virtue of several letters pattents under the great seale of England granted unto them and others by your majesties late royal father, by themselves and their assignes have been in actual and quiet possession of several tracts, parcells and divisions of land in New-England, as in and by the said letters patents is particularly expressed, and that the said Capt. Jno. Mason and the said Edward Godfrey did expend and lay out considerable sums of money in settling plantacons and collonys there; That the said Edward Godfrey has lived there for five and twenty yeares, having undergone and discharged the office of governor of the province of Mayne with much reputation of integrity and justice, endeavouring the regulacon and government of those partes where he lives according to the known and settled lawes of this kingdome That notwithstanding, the said Edward Godfrey has not only been turned out of his said place of governor, but has been utterly outed and dispos-sessed of his lands and estate in that country, which the inhabitants of the Massachusetts have forcibly seized and still doe detain the same from him; That it appears as well by testimony of witnesses as by a copy of the letters patents that they were not doe any thing repugnant to the lawes of England, nor to extend their bounds and limits of the said corporacon further than three miles northward of Merrymacke river, and as a memorial and evidence thereof, the Governor of the Massachusetts did sett up an house about thirty yeares since, which is called *the brand house*, and is knowne by that name to this

day, and with this division and assignment or lott of land the inhabitants and pattentees of the said corporacon of the Massachusetts rested content for the space of sixteen years together, until about the year 1652 they did enlarge and stretch their line about threescore miles beyond their known and settled bounds aforesaid; and have thereby not only invaded and incroached upon the plantacons and inheritances of the petitioners and other your majesties subjects, but by menaces and armed forces compelled them to submit to their usurped and arbitrary government which they have declared to be independent of this your majesties crowne of England, and not subordinate thereunto.

It appears further by the witnesses that the colony of Massachusetts has for these many years past endeavoured to modell and contrive themselves into a free state or commonwealth without any relacon to the crowne of England, assuming on themselves the name and stile of a commonwealth, issuing of writs in their owne name, imposing of oathes to be true unto themselves contrary to that of allegiance, coining of money with their owne stamps and signatures, exercising an arbitrary power over the estates and persons of all such as submit not unto their government allowing them noe appeales to England. And some have been soe bold as publicquely to affirme, that if his majestie should send them a governor, that the severall townes and churches throughout the whole country under their government did resolve to oppose him, and others have said that before they of New-England would or should submit to any appeale to England they would sell that country or plantacon to the king of Spaine*.

That by reason of the premises the said Rob. Mason and Edward Godfrey have beene damified in their plantacons and estates to the value of five thousand pounds, according to the judgment and estimacon of severall witnesses, examined in that behalfe. But by what pretence of right or authority the Massachusetts have taken upon them to proceede and act in such manner doth not appeare to us.

All which we most humbly represent to your majestie in duty and obedience to your commands, not presuming to offer any opinion in a business of soe high importance, wherein the publique interest and government of your majesue appears soe much intermixt and concerned with the private interest of the peticoners.

*Robt. Mason,
Ja. Bunce,
Th. Exton,*

*G. Sweit,
Richard Foxe,
Jo. Mylics.*

Tho. Povey.

[Without date] in the recorder's office for Rockingham county.

No. XIII.

To the King's most excellent Majesty.

The humble petition of Robert Mason, proprietor of the province of New-Hampshire, in New-England,

Sheweth,

THAT your majesty's royal grandfather king James, of ever blessed memory, did by his highness letters patents under the great seale of England, bearing date at Westminster the third day of November, in the eighteenth yeare of his reigne, give grant and confirm unto several of the principal nobility and gentry of this kingdome by the name of the

* Vide Hutch. collec. pap. page 339.

councell of New-England, their successors and assignes forever, all the land in America lying between the degrees of 40 and 48 north latitude, by the name of New-England, to be held in fee, with many royal privileges and immunities, only paying to his majesty, his heirs and successors, one fift part of all the oare of gold and silver that should at any time be found upon the said lands, as by the said letters patents doth at large appear.

That John Mason, esq. your petitioner's grandfather, by virtue of several grants from the said councell of New England, under their common seal bearing date the 9th of March 1621, the 10th of August 1622, the 7th of November 1629, and the 22d of April 1635, was instated in fee in a great tract of land in New-England, by the name of New-Hampshire, lying upon the sea-coast between the rivers of Naumkeek and Pascataway, and running up into the land westward threescore miles, with all the islands lying within five leagues distance of any part thereof, and also the south halfe of the Isles of Shoals; and also the said John Mason together with Sir Ferdinando Gorges, kn't was encoffed by the aforesaid councell of New-England in other lands by the name of Laconia by their deed beareing date the 27th day of November 1629, the said lands lying and bordering upon the great lakes and rivers of the Iroquois and other nations adjoining. All which said lands to be held as fully, freely, in as large, ample and beneficial manner as if formed for the same intents and purposes whatsoever as the said councell of New-England by virtue of his majesty's said letters patents in and for ought to hold and enjoy the same, as by the said several grants appears.

Whereupon your petitioner's said grandfather did expend upwards of twenty two thousand pounds in transporting people, building houses, forts, and magazines, furnishing them with great store of armes of all sorts, with artillery great and small, for defence and protection of his servants and tenants, with all other necessary commodities and materials for establishing a settled plantion.

That in the year 1628, in the fourth yeare of the reigne of your majesty's royal father, some persons did surreptitiously and *unknown to the said councell*, get the seale of the said councell affixed to a grant of certaine lands, whereof the greatest part were solemnly past unto your petitioner's grandfather and others long before, and soon after did the same persons *by their subtil practises* get a confirmation of the said grant under the great seale of England, as a corporation by the name of THE CORPORATION OF THE MASSACHUSETTS BAY IN NEW-ENGLAND, *your majesty's royal father being unwitting thereof*, and having thus *by fraud* obteyned a grant and confirmation, they compelled the rightfull inhabitants to desert their plantations, and by many outrageous actions they became possessed of that part of the country, declaring themselves to be a free people, framing to themselves new lawes, with new methods in religion absolutely contrary to the lawes and customes of this your majesty's realme of England, punishing diverse that would not approve thereof, some by whipping, others by burning their houses, and some by banishing, and the like.

At last the complaints of the oppressed subjects reaching the eares of your royal father, his majesty caused the whole matter to be examined before his most honourable privy councell and all being fully proved, his majesty did command the councell of New-England to give an account

By what authority, or by whose procurement those people of the Massachusetts Bay were sent over, his majesty conceiving the said councill to be guilty thereof.

But the said councill of New-England made it plainley to appeare to his majesty that they were ignorant of the whole matter and that they had noe share in the evils committed and wholly disclaimed the same, and the said councill finding they had not sufficient means to give redress and rectify what was bro't to ruine, they humbly referred to his majesty to doe therein as he pleased and thereupon the said councill of New-England resolved to resign, and did actually resigne the great charter of New-England into his majesty's royal handes, seeing there was an absolute necessity for his majesty to take the management of that country to himself, it being become a business of high consequence and only to be remedied by his sovereign power, all which appears by the declaration of the councill of New-England dated the 25th of April, 1635, together with the act of surrender of the great charter of New-England dated the 7th day of June, the same year.

That immediately thereupon, his majesty in trinity terme 1635, caused a quo warranto to be brought up by Sir John Banks his majesty's then attorney general against the governor, deputy governor and every of the assistants of the said corporation of Massachusetts in New-England severally, according to their names mentioned in the said patents of incorporation, being twenty six persons, whereof two being dead, of the remainyng twenty four persons, there did fourte on at severall times appeare at the king's bench bar and there disclaimed the charter, the remaining ten persons were outlawed and thereupon judgment given for the king, that the liberties and franchises of the said corporation of Massachusetts Bay should be seized into the king's handes & the body of the governor to be taken into custody for usurping the said liberties, all which appears by the roles in the crown office, of custos brevium for the king's bench of the proceedings in the severall terms from the yeare 1635 to 1637.

That thereupon his said royall majesty on the 3d day of May 1637, did order in counceill that the attorney genl. be required to call for the said patent and present the same to the board, and his majesty by his declaration of the 23d of July 1637, in the 13th yeare of his reigne declared his royal pleasure for establishing a generall government in his territory of New-England for the prevention of the evils that otherwise might ensue for default thereof, thereby declaring Sr Ferdinando Gorges to be governor generall of the whole country and requiring all persons to give their obedience accordingly.

That the wars and troubles immediately ensueing in Scotland and presently after here in England did hinder his said majesty from settling that country or prosecuting the right which he intended his subjects, however the proceedings of his majesty caused some restraint to the further violences and oppressions of the said Massachusetts, and they conteyned themselves for a time within their pretended bounds but noe sooner was that king of blessed memory your royal father become a sacrifice but they renewed their former violences by oppressing all the other colonies and designing by encouragement from some in England to erect themselves into a commonwealth, and in order to lay a foundation for this power and dominion which they now aspired unto they thought it necessary to extend their bounds and spread into a larger territory then as yet they had usurped, and

that this work might not be done without a mask or color of right they do, in an assembly held at Boston the 19th of October 1652, seriously peruse the grant (which had been procured as aforesaid.) and therein weighing the words and trying what new sence they might beare none suteable to their increase of power, they tho't fit at length to declare themselves mistaken in what they had done in the year 1631, when they erected bound-houses and had for soe many yeares confined themselves thereunto, whereas now by the help of an imaginary line or rather by a new reason of state there is *a sence imposed by themselves upon their own wordes* and they stretch their rights to neer two hundred miles of land northward and as much southward more than they were satisfied withal before, swallowing up your majesty's petitioner as well as others whose properties were established long before the said people had any being. And that they might give execution to this righteous sentence they presently invade and *by force of arms seize upon the province of New-Hampshire*, and other lands of right belonging to your petitioner, besides what they did to others, compelling the inhabitants to swear to be true to them and to cast off their lawfull lords, and such as refused were either ruined, banished or imprisoned, and any appeals to England utterly denied unto them, then they proceed to coining of money with their owne impress, raising the coine of England, and acting in all matters in a most absolute and arbitrary way. And although your petitioner by his agent Joseph Mason did demand redress of the general court of Massachusetts setting at Boston in 1652, offering to make out the right and title of your petitioner to the province of New-Hampshire and other lands against all persons whatsoever, yet noe restitution could be obtayned without a submission to their authority, and to hold the lands from them which the petitioner then did refuse and hath alwaies refused chusing rather to wait for more happy times wherein to expect reliefe than by a legall resignation of his rights to those who had none at all divest himself of what his ancestors had purchased at soe deare a rate: Your yetitioner having as equall a right to the government in the said province as he hath to the land itself, all which appears by a report made to your majesty the 15th of February 1661, when your petitioner first exposed to your majesty the oppressions under which he had so long groaned, in the evil times, and which grieves him now much more to beare while hee has the protection of soe just and gracious a soveraigne to resort to.

Wherefore your petitioner most humbly implores your majesty to take notice, that (by a plaine discovery of what fraud in the beginning and the length of troubled times has helped to conceale) the Bostoners have noe patent of incorporation at all, that yet they have under colour of right and authority from the crown devoured your petitioner and other proprietors whose titles are by your majesty's learned counsell allowed as strong as the law can make them.

That all waies have been tried and methods used to obtayn justice from the Bostoners, but all have proved ineffectuall, that your petitioner's losses have been soe many and great, and his sufferings soe continued that he cannot any longer support the burthen of them. And when your majesty will but consider how small the respect has been wherewith those people have treated your majesty since your happy restauration, and what daily breaches are by them made upon your majesty's acts of navigation, which turnes so greatly to the detriment of this kingdome in general,

these losses and sufferings of a particular subject cannot much be questioned, soe that your petitioner humbly hopes that your majesty will think it high time to stretch forth your royall hand of justice to assist your petitioner, that hee may have the quiet possession of his province, and reparation made him for the losses susteyned, in such ways and methods as the importance of the case requires, and your majesty in your royall wisdom shall think most fitt.

And your petitioner shall ever pray.

ROB. MASON.

[*From a copy in the possession of the Masonian proprietors.*]

XIV.

A brief declaration of the right and claim of the governour and company of the Massachusetts Bay in New-England, to the lands now in their possession, but pretended to by Gorge and Mr. Mason, together with an answer to their several pleas and complaints in their petitions exhibited : Humbly presented and submitted by the said governour and company to the king's most excellent majesty, as their defence.

IN the yeare of our Lord 1628, in the third yeare of his late majesty Charles the first, of happy memory, several loyal and piously disposed gentlemen obtained of the great council of New-England, a grant of a certain tract of land lying in New-England, described and bounded as therein expressed ; which was in all respects fairly and openly procured and with so good an intent of propagating the gospel among the natives, and to advance the honour and dignity of his late majesty, of happy memory, that they were bold to supplicate his said majesty to superadd his royal confirmation thereto, which accordingly in an ample royal charter was passed and remains under the broad seal of England, March the 4th 1629, in the fourth year of his majesties reign, with further additions and enlargements well becoming so royal a majesty, and suitable for the encouragement of so hazardous and chargeable an adventure. In pursuance whereof many of the said patentees and other adventurers transported themselves and estates and settled in the most known and accommodable parts of those lands contained in the said charter, neither time, estate, nor power suffering them speedily to survey the just extent of their limits. Not many years different in time several others also of his majesty's subjects obtained other grants, and made several settlements in the more northern and easterne parts of the country, with whom for several years we had neighbourly correspondence, being as they supposed without the limits of our patent, amongst whom the present claimers and petitioners were. These grants partly by reason of the smallness of some of them, and partly by reason of darke involv'd and dubious expression of their limits, brought the inhabitants under many intanglements and dissatisfactions among themselves, which there being no settled authority to be applied to, being deserted and forsaken of all such as by virtue of said grants did claim jurisdiction over them and had made a successless essay for the settlement of government among them proved of some continuance, unto the great disquiet and disturbance of those his majesty's subjects that were peaceable and well disposed amongst them ; to remedy which inconvenience they betook themselves to the way of combinations for government, but by experience found it ineffectual. In this time ignorance of the northerly running of Merrimack river hindered our actual claim and

extention of government, yet at length being more fully settled, and having obtained further acquaintance and correspondency with the Indians, possessing the uppermost parts of that river encouraging an adventure, as also frequent solicitations from the most considerable inhabitants of those eastern parts earnestly desiring us to make proof of and ascertain our interest, we employed the most approved artists that could be obtained, who upon their solemn oaths made returns. That upon their certain observation our northern patent line did extend so far north as to take in all those towns and places which we now possess; which when the inhabitants as well as our selves were satisfied in (urged also with the necessity of government amongst them) they peaceably and voluntarily submitted to the government of the Massachusetts, (viz.) Dover, Squamscot and Portsmouth anno 1641. Kittery, York, and Wells anno 1652 and 1653, from which times unto the year 1664, when there was a small interruption by a letter of Mr. George, and afterwards in the year 1665, (when his majesties commissioners, Colonel Nichols and others came over) the inhabitants of those parts lived well satisfied and uninterrupted under the Massachusetts government. But when the said commissioners neither regarding the Massachusetts just right nor the claims of Mr. George and Mr. Mason, settled a new forme of government there, but this hardly calmed their debarbate, the people impatient of innovations, and well experienced and satisfied in their former settlement, quickly and quietly returned to order again and so continue unto this time. This is in a few words the true state of the matter; for the further illustration whereof and justification of our proceedings therein and vindication of our selves from the reproachful imputation of usurping authority over his majesties subjects in the eastern parts pretended to, with other scandals cast upon us by the petitioners, we humbly present the following pleas by way of demonstration, and argue that our extension of government to those eastern parts claimed is agreeable to our indubitable patent right; our patent according to the express terms therein contained without any ambiguity or colour of other interpretation, lies between two east and west parallel lines drawn from the most southerly part of Charles river and the most northerly part of Merrimack, with three miles advantage upon each, which upon the observation of men of approved and undoubted truth upon oath, are found distant one degree and forty nine minutes north latitude being to extend in full latitude and breadth from sea to sea (ut in terminis) and therefore cannot be bounded by many hundreds or infinite numbers of lines, as the river of Merrimack maketh bends or angles in two hundred miles passage from Winipiesioke lake to the mouth thereof, which to imagine, as it is irrational so would it involve us and any borderer into so many inextricable disputes as are by no wayes to be admitted by a prince seeking his subjects peace. Besides were such a construction allowable (which with uttermost straining is) yet all favourable interpretation is to be offered the patentees by the gracious expression of the charter. Now according to the afore mentioned observation (so confirmed) all those eastern plantations challenged by our opponents (ut supra) are comprehended within our northerly line. We deny not but the artists of their selves, and if any question thence arise we feare not to submit to tryal to the most exact and rigorous test that may be. The invincible strength of this our first plea may further appear by the consideration of the frivolous and insignificant allegations of the petitioners in opposition thereunto, viz. 1st. The

nonextention of our line or assertion of our right to those eastern parts for some years, ignorance as our case was circumstanced abarring no man of his just right, neither can it reasonably be supposed that the exact survey of so large a grant in so hedious a wilderness possessed by an enemy would be the worke of a few yeares, our own poverty not affording means, and our weakness (allowing no deep adventure into the country) permitting us not to view the favourable running of the river, which none can imagine altered its course by our delay; we may as well be deprived of far more than we possess or ever saw on our western parts to the south sea (which none will deny) because we have not surveyed it or are soon like to be able, as be taken from our northern right so obvious to the meanest artist.

2dly. The Possession-house in Hampton of so little signification and so long since disused, that Mr. Mason hath forgot the name thereof and called it Bound-house, erected to give the world to know that we claimed considerably to the northward of our then habitation upon the bay, though we did not know the uttermost extent of our right, our fathers not being so ignorant of the law of the realm to which they did appertain as to suppose the taking possession of part did debar them of the remainder but the contrary; and we challenge Mr. Mason or any on his behalf, promising our records shall be open to the most scrupulous search to prove it, either called or intended according to his abuse thereof.

3dly, That notorious falshood of the claim our right to near four hundred miles north and south more than formerly we were satisfied with, our whole breadth being but one hundred and nine mile, which is not much more then a quarter part of what he would have the world believe our new claime and (as he would insinuate) usurped territory doth contain, arising (we would charitably believe) partly from ignorance of the coasting of the country, Mr. Mason accounting by the sea-side, and we suppose coasting in the measure of every harbour and cove to make up that calculation, which lies much of it due east and not to the north, but we fear malevolently suggested (as many other things as of little credit) to introduce into his majesty his royal breast a believe that we are unreasonable in our pretensions, and so unworthy of his majesties favour, which we hope such unlawful endeavours will never be so prosperous as to obtain. What may be further added to this our first plea, may be supplied from the reasons formerly presented. We urge secondly, The invalidity of those grants pretended to by the petitioners, which are of two sorts; 1st. Such as beare date after ours, which we see no reason to feare any interruption from. Secondly, Such as are pretended to beare date before ours, against which we object that they are not authentick, wanting a sufficient number of grantors to make them so, none of them as we presume will appeare upon tryal having above six hands and seals annexed to them, the said council of New-England consisting of forty, and his majestys grant to them expressly requiring (as we are informed) seven at the least to signe to make any valid act; and indeed Mr. Mason's own often unwearied renewal of his grants in 1621, sixteen hundred twenty two, sixteen hundred twenty nine and 1635, (as he saith) tacitly confessed the same invalidity, in the former putting him to charge for the latter, till at last he fell into such a trade of obtaining grants that his last and most considerable was six yeares after the grant of our charter and a his majesty, and but three dayes before the said council's declara-

tion of their absolute resolution to resign, and but a few days before their actual surrender, as he asserts ; which of what value and consideration it is from the said council's circumstanced under a necessity of resignation of their great charter, procured rather by the clamour of such ill affected persons as the present complaint than by any true account of dissettlement or ill management here, is not difficult to judge. Hence it appears, first, how little reason Mr. Mason hath to brand us with fraud or surreptitiousness in obtaining our charter ; which hath most shew of fraud and surreptitious procurement, a sufficient number of those honb^e persons subscribing ours and fewer his pretended antedated grants, is easie to determine. In which assertion is to be observed the high reflection cast upon the members of his late majesty and ministers of state, groundlessly rendering the counsel's seal, yea the great seal of England, exposed to fraud and deceitful clandestine practices ; yea upon his present majesty, insinuating himselfe better acquainted with matters of state then he who allows and confirms our grant as authentick by his gracious letter of sixteen hundred sixty two, which intolerable boldness how unbecoming (not to say more) in a subject, it is not easie for us to say. To all which we may add Sr Ferdinando Gorges application to the authority here to interpose in his affair, which he, being one of the great council, would have been far from acknowledging, had Mr. Mason's allegations been founded upon truth.

Secondly, That articles of charge depending upon such illegal and post dated grants cannot take place against us were their disbuse as great as it is affirmed, which by eye witnesses upon the place and still living are proved comparatively very inconsiderable.

3dly. We affirme that the whole management of the affair respecting our government of those eastern parts was in an orderly and peaceable way, and not without the reiterated and earnest solicitation of most of the people there inhabiting, sufficiently appearing by their several petitions ; and we challenge Mr. Gorge and Mr. Mason by any living evidence or record to shew any signe of a forceable entrance : Some majistrates upon the clearing of our right to them and acceptance of the tender of themselves to us, being sent thither without any other force than each of them a servant to attend them. Indeed some years after Capt. Boniton for mutinous carriage was seized and brought to justice ; concerning which and many other cases many inhabitants yet living and eye witnesses can give the most impartial evidences.

4thly. We offer to consideration that the deserted and ungovern'd state of the people of these places had we not had that patent right so clearly evinced, might warrant our actions ; especially considering the obligation upon us to secure his majesty's honour and maintain the publick peace, so hazarded by the total want of government amongst them. Our first exercise of jurisdiction being in the year 1641, eight year after Cap^t. Neale, agent for Mr. Mason, had wholly deserted the improvement of land and the government of the country, which indeed he never used but one year, for in the year 1630 he first came over, and in the year 1634 he quitted the place ; and in the interim neglected the same in making a voyage fir England, the short time of his tarrance not admitting of settlement of government or improvement. We may hereto subjoin that Mr. Joseph Mason, agent for Mrs. Ann Mason, when here and all things were fresh in memory, made no demand contrary to what is affirmed, but petitioned

our justice against his debtors there and elsewhere, and that Sr Ferdinando Gorges his grant being so mean and uncertainly bounded that he knew not well how to find much less to improve to considerable advantage, by his letter bearing date————doth devolve the whole charge and care of his pretended province upon the authority here established. Lastly, That the exercise of jurisdiction in those eastern parts hath been and is his majesty's honour, the people's great benefit, and our charge without profit, which had it not been, the ruine of those parts would have unavoidably ensued in the want of all government, and their seizure by the French, who ever waited a fit opportunity for the same. They have part of them for thirty five years and others twenty yeares (some small interruption intervening producing this stronger inclination and resolution in them to be constant to his majesties authority here) lived under the government of the Massachusetts a quiet, well ordered and thriving people. And as for any complaint from ill affected persons, it is well known that the best and wisest government is not without disquiet from some such : and no wonder if silly people are soon affected with such fair glozing promises as Mr. Mason hath made and published, as it were determining the case before tryal by his late letters to the inhabitants in those parts, and that our government in those places have been no gain is so unquestionable a truth that never was any levy laid upon them for the supply of the publick treasury, tho' much hath been and is further like to be expended for their security, who otherwise will inevitably become an easie prey to the heathen now in hostility with us, and at this present time raging in those parts.

The before written is a true copy transcribed from the records of the general court of the late colony of the Massachusetts Bay, held by the governour and company of the said colony att Boston, the 6th of September, 1676.

Examd. per ISA. ADDINGTON, Secry.

No. XV.

At the Court at Whitehall, July 30, 1677.

(L. S.) Present the King's most excellent Majesty.

Lord Chancellor,	E. of Craven,
Ld Treasurer,	Ld Bp of London,
Ld Privy Seal,	Ld Maynard,
Duke of Ormond,	Ld Berkley,
Marquis of Worcester,	Mr. Vice Chamberlain,
Ld Chamberlain,	Mr. Sec.y Coventry,
Earl of Northampton,	Mr. Sec.y Williamson,
Earl of Peterborough,	Mr. Chancellor of the Exchequer,
Earl of Stratford,	Master of the ordnance,
E. of Sunderiand,	Mr. Speaker.
E. of Bath,	

WHIEREAS the right honourable the lords of the committee for trade and plantations, did in pursuance of an order of the 7th of February last make report to the board, of the matters in controversy between the corporation of the Massachusetts Bay in New-England, and Mr. Mason and Mr. Gorges touching the right of soil and government, claimed by the said parties in certain lands there, by virtue of several grants from his majesty's royal father and grandfather as followeth, in these words.

May it please your majesty,

Having received your majesty's order in council of the 7th of February last past, whereby we are directed to enter into the examination of the bounds and limits which the corporation of the Massachusetts Bay in N. E. on the one hand, and Mr. Mason and Mr. Gorges on the other, do pretend by their several grants and patents to have been assigned unto them, as also to examine the patents and charters which are insisted on by either side, in order to find out and settle how far the rights of soil and government do belong unto any of them. In consideration whereof the lords chief justices of your majesty's courts of king's bench and common pleas were appointed to give us their assistance, we did on the 5th of April last together with the said lords chief justices meet in obedience to your majesty's commands, and having heard both parties by their council learned in the law, we did recommend unto their lordships to receive a state of the claims made by both parties, and to return their opinions upon the whole matter unto us, which their lordships have accordingly performed in the words following :

In obedience to your lordships order we appointed a day for the hearing of all parties, and considering the matters referred, having received from them such papers of their cases as they were pleased to deliver ; at which time all parties appearing, the respondents did disclaim title to the lands claimed by the petitioners, and it appeared to us that the said lands are in the possession of several other persons not before us, whereupon we thought not fit to examine any claims to the said lands, it being (in our opinion) improper to judge of any title of land without hearing of the tenants or some other persons on their behalf ; and if there be any course of justice upon the place having jurisdiction, we esteem it most proper to direct the parties to have recourse thither for the decision of any question of property until it shall appear that there is just cause of complaint against the courts of justice there for injustice or grievance.

We did in the presence of said parties examine their several claims to the government, and the petitioners having waved the pretence of a grant of government from the council of Plymouth, wherein they were convinced by their own council that no such power or jurisdiction could be transferred or assigned by any colour of law ; the question was reduced to the province of Maine, whereto the petitioner Gorges made his title by a grant from king Charles the first, in the 15th year of his reign, made to Sir Ferd. Gorges and his heirs of the province of Maine and the government thereof. In answer to this the respondents alledged that long before, viz. in quarto Caroli primi, the government was granted to them, and produced copies of letters patents wherein it is recited that the council of Plymouth having granted to certain persons a territory thus described, viz. " all that part of New England in America which lies and extends between a great river that is commonly called Monomack alias Merrimack, " and a certain other river there called Charles river, being in the bottom " of a certain bay there called the Massachusetts Bay, and also all and singular the lands and hereditaments whatsoever lying and being within the " space of three English miles on the south part of the said Charles river, " or any or every part thereof ; and also all and singular the lands and hereditaments whatsoever lying and being within the space of three English miles to the southernmost part of the said bay called Massachusetts Bay ; and all those lands and hereditaments whatsoever which [the] within the space of three English miles to the northward of the said river

“river called Monemack alias Merrimack, or the northward of any or every part thereof; and all lands and hereditaments whatsoever lying within the limits aforesaid, north and south in latitude and breadth, and in length and longitude of and within all the breadth aforesaid throughout the main lands there, from the Atlantic and Western sea and ocean on the east part to the South sea on the west.” By the said letters patents the king confirmed that grant, made them a corporation, and gave them power to make laws for the governing of the lands and the people therein. To which it was replied that the patent of 4^o Caroli primi is invalid, (1) Because there was a precedent grant, 18^o Jacobi, of the same thing then in being, which patent was surrendered afterwards and before the date of the other, 15^o Car. primi. (2) The grant of the government can extend no farther than the ownership of the soil, the boundaries of which as recited in that patent wholly excludes the province of Maine, which lies northward more than three miles beyond the river Merrimack.

We having considered these matters do humbly conceive as to the first matter, that the patent of 4^o Caroli I^{mi} is good notwithstanding the grant made in the 18^o Jac: for it appeared to us by the recital in the patent 4^o Caroli I^{mi} that the council of Plymouth had granted away their all interest in the lands the year before, and it must be presumed they then deserted the government; whereupon it was lawful and necessary for the king to establish a suitable frame of government, according to his royal wisdom, which was done by that patent, 4^o Caroli I^{mi} making the adventurers a corporation upon the place. As to the second matter it seems to us to be very clear that the grant of the government 4^o Caroli I^{mi} extends no farther than the boundaries expressed in the patent, and those boundaries cannot be construed to extend further northwards along the river Merrimack than three English miles, for the north and south bounds of the lands granted so far as the river extends are to follow the course of the rivers which make the breadth of the grant, the words describing the length to comprehend all the lands from the Atlantic ocean to the South sea of and in all the breadth aforesaid, do not warrant the over reaching those bounds by imaginary lines or bounds, other exposition would (in our humble opinion) be unreasonable and against the interest of the grant. The words “of and in all the breadth aforesaid” shew that the breadth was not intended an imaginary line of breadth, laid upon the broadest part but the breadth respecting the continuance of the boundaries by the river as far as the rivers go, but when the known boundary of breadth determines it must be carried on by imaginary lines to the South sea. And if the province of Maine lies more northerly than three English miles from the river Merrimack, the patent of 4^o Caroli I^{mi} gives no right to govern there, and thereupon the patent of the same 15^o Car. I^{mi} to the petitioner Gorges will be valid. So that upon the whole matter we are humbly of opinion as to the power of government, that the respondents, the Massachusetts and their successors, by their patent of 4^o martis 4^o Caroli I^{mi} have such right of government as is granted them by the same patent within the boundaries of their lands expressed therein, according to such description and exposition as we have thereof made as aforesaid, and the petitioner Sir Ferdinando Gorges his heirs and assigns by the patent 3d April, have such right of government as is granted them by the same patent within [the territory] called the province of Maine according to the boundaries of the same expressed in the same patent.

R^a. Rainsford, Fra. North

All which being the opinion of the lords chief justices, and fully agreeing with what we have to report unto your majesty upon the whole matter referred unto us by the said order, we humbly submit the determination thereof unto your majesty.

Anglesey, Craven, J. Williamsor,
Ormond, H. London, Tho. Chickley,
Bath, G. Carteret, Edw. Seymour,

Which having been read at the board the 18th instant, it was then ordered that the said Mr. Mason and Mr. Gorges, as also that the agents of the corporation of the Massachusetts Bay should be this day heard upon the said report, if they had any objections to make thereunto. In pursuance whereof all parties attending with their council, who not alledging any thing so material as to prevail with his majesty and the board to differ in judgment from the said report; his majesty was thereupon pleased to approve of and confirm the same, and did order that all parties do acquiesce therein, and contribute what lies in them to the punctual and due performance of the said report, as there shall be occasion.

JOHN NICHOLAS.

N. B. The above paper of which the copy is attested by Edward Rawson secretary of Massachusetts, and John Penhallow clerk of the superior court of New-Hampshire, is in the files of the said superior court, and in the Masonian proprietary office.

No. XVI.

Copy of that part of President Cutts's commission in which the claim of Robert Mason is recited.

“AND whereas the inhabitants of said province of New-Hampshire have many of them been long in possession of several quantities of lands, and are said to have made considerable improvements thereupon, having no other title for the same than what has been derived from the government of the Massachusetts Bay, in virtue of their imaginary line; which title, as it hath by the opinion of our judges in England been altogether set aside, so the agents from the said colony have consequently disowned any right either in the soil or government thereof, from the three mile line aforesaid; and it appearing to us that the ancestors of Robert Mason Esq. obtained grants from our great council of Plymouth for the tract of land aforesaid, and were at very great expence upon the same until molested and finally driven out, which hath occasioned a lasting complaint for justice by the said Robert Mason ever since our restoration. However to prevent in this case any unreasonable demands which might be made by the said Robert Mason for the right he claimeth in the said soil, we have obliged the said Robert Mason under his hand and seal that he will demand nothing for the time past until the 24th of June last past, nor molest any in their possessions for the time to come, but will make out titles to them and their heirs forever, provided they will pay to him upon a fair agreement in lieu of all other rents sixpence in the pound according to the just and true yearly value of all houses built by them and of all lands, whether gardens, orchards, arable, or pasture, which have been improved by them, which he will agree shall be bounded out unto every of the parties concerned, and that the residue may remain unto himself to be disposed of for his best advantage.

"But if notwithstanding this overture from the said Robert Mason which seemeth to be fair unto us, any of the inhabitants of the said province of New-Hampshire shall refuse to agree with the agents of said Robert Mason upon the terms aforesaid, our will and pleasure is, that the president and council of New-Hampshire aforesaid for the time being shall have power and are hereby impowered to interpose and reconcile all differences if they can that shall or may arise between the said Robert Mason and the said inhabitants, but if they cannot then we do hereby command and require the said president and council to send into England such cases fairely and impartially stated, together with their own opinions upon such cases, that we, our heirs and successors, by and with the advice of our and their privy council may determine therein according to equity."

N. B. The same mutatis mutandis is inserted in Cranfield's commission.

No. XVII.

To his most excellent majesty Charles the 2d, by the grace of God of England, Scotland, France and Ireland, king, defender of the faith, &c. The humble address and petition of the president and council of his majesty's province of New-Hampshire, in New-England,

Humbly sheweth,

THAT it having pleased your most excellent majesty to separate us the inhabitants of this province from that shadow of your majesty's authority and government under which wee had long found protection, especially in the late war with the barbarous natives, who (thro' divine protection) proved a heavy scourge to us, and had certainly been the ruin of these poor weake plantacons, (being few in number and otherwaies being under great disadvantages) if our brethren and neighbours had not out of pity and compassion stretched forth their helping hand, and with their blood and treasure defended us, our lives, and estates; nevertheless upon the receipt of your majesty's pleasure delivered by Edward Randolph, esq. upon the first of January last, directing unto and commanding the erecting of a new government in and over these four townes the government of the Massatusetts yielding readie obedience to your majesty's commands with reference to our relation formerly to them although deeply sensible of the disadvantages likely to accrew to your majesty's provinces and ourselves more especially, by the multiplying of small and weake governments unfit either for offence or defence, (the union of these neighbour collonnyes, having been more than a little instrumental in our preservation.) Wee have taken the oathes prescribed us by your majesty, and administered to your subjects of these four townes the oath of allegiance, and convened a general assembly for regulating the common affaires of the people and making of such laws as may be of more peculiar use to ourselves, having speciall regard to the acts for trade and navigation set forth in the booke of rates commonly printed and sold, and if some obstruction occasioned by such as make greate pretences of your majesty's favour and authority had not hindered wee might have brought matters to a greater maturity, yet hope to perfect something by the first opportunity of shipping from hence, but feared it might be too long to defer our humble acknowledgment of your majesty's grace and favour in committing the power into such hands as it pleased your majesty to nominate, not imposing strangers upon us, and it much comforts us against

any pretended claimers to our soil or any malevolent spirits which may misrepresent us (as they have done others) unto your majesty or honorable councill, while beside the knowne laws of the realm, and the undoubted right of English men, wee have the favour of a gracious prince to fly to. We do therefore most humbly begg the continuance of your majesty's royall favour and protection, without which wee are dayly liable to disturbance if not ruine.

And as in duty bound wee shall humbly pray, &c.

March 29, 1680.

No. XVIII.

To the kings most excellent majestie.

WEE the president and councill of your province of New-Hampshire having (according to the royal pleasure) given an account of our alleigiance and observance of your commission by Mr. Jowles in March last, and therefore shall not give you the trouble of repetition. According to your majesty's command, wee have with our general assembly been considering of such laws and orders, as doe by divine favor preserve the peace and are to the satisfaction of your majesty's good subjects here, in all which wee have had a speciall regard to the statute book your majesty was pleased to honor us with, for which together with the seale of your province, wee returne most humble and hearty thanks; but such has been the hurry of our necessary occasions and such is the shortness of the somer, (the only season to prepare for a long winter,) that wee have not been capeable of sitting so long as to frame and finish ought that we judge worthie to be presented to your royal view, but shall as in duty bound give as speedy a dispatch to the affare as wee may. In the meantime your subjects are at quiet under the shadow of your gracious protection, *fearing no disturbance unless by some pretended claimers to our soil, whom we trust your majesty's clemencie and equity will guard us from injury by; and considering the purchaiss of our lands from the heathens the natural proprietors thereof, and our long quiet possossion not interrupted by any legall claime, our defence of it against the barbarous adversary by our lives and estates, wee are encouraged that wee shall be maintained in our free enjoyment of the same, without being tenants to those who can shew no such title thereunto.* Further wee doe gratefully acknowledge the marke of your princely favor in sending us your royal effigies and imperiall armes, and lament when wee thinke that they are through the loss of the ship, miscarried by the way. And seeing your majesty is graciously pleased to licence us to crave what may conduce to the better promoting of our weal and your majesty's authority, wee would humbly suggest *whether the allowance of appeales mentioned in the commission may not prove a great occasion by meanes of malignant spirits for the obstructing of justice among us.* There are also sundry other things that a little time and experience may more evidently discover a great convenience, in which upon the continuance of the same liberty from your majesty wee shall with like humilitie present. Thus craving a favourable construction of what is above suggested and praying for your majesty's long and prosperous reigne, begging also the continuance of your majesty's favor, out of which, if any of our adversarys under a pretence of loyalty or zeale for your majesty's interist should endeavour to eject us, wee hope

upon liberty granted us to speak for ourselves, wee shall abundantly demonstrate that wee doe truly and sincerely subscribe,

Your majesty's most loyall and dutiful subjects.

JOHN CUTT, President

with the consent of the councill.

Portsmouth, in the Province of

New-Hampshire, June 11, 1680.

No. XIX.

Copy of the Mandamus by which Robert Mason, Esq. was admitted to a seat in the council, Dec. 30, 1680.

Trusty and well beloved, We greet you wel.

WHEREAS we have thought it fit to take into our special care and protection our province of New-Hampshire and provide for its prosperity and good government and the settlement of the estates and possessions of our good subjects there. And that *for the avoiding any suits or contentions in matters of title*, and the determining any demands which might be made by our wel beloved subject Robert Mason, Esq. as proprietor under us of that province by vertu of a grant derived from our royal grandfather King James under the great seal of England* : Wee have so composed all matters with him that for the time past until the 24th day of June 1679, he shall not claim or demand any rent, dues, or arrears whatsoever : And for the future he, his heirs or assigns shall receive only six pence in the pound yearly of every tenant by way of quit rent, according to the true and just yearly valu of what is improved by any of the inhabitants ; as is more fully expressed in our commission under our great seal, bearing date the 18th day of September in the 31st year of our raign. And whereas the said Robert Mason hath humbly signified to us that he is preparing to transport himself, for the taking care of his affairs and interest in the said province, and for the giving a secure and legal confirmation of the estates of such persons as are now in possession but *without any right or legal title* to the same. And he being a person whom wee have esteemed useful to our service, as he is chiefly concerned in the welfare of that our province ; wee have further thought fit to constitute and appoint him to be one of our council therein, and we do hereby order and require you our president and councill, that immediately after his arrival you do admit him one of our council of our province of New-Hampshire, he first taking the oaths mentioned in our said commission. And we do further require you and him, that you do betake yourselves to such discreet and equitable ways and methods in your proceedings, agreements and settlements for the future, that there may be no occasion of complaint to our royal person and authority here. We being resolved to discountenance all such as shall wilfully or unnecessarily avoid or delay your submitting to those determinations which may be reasonably decreed according to justice and good conscience. Which you are to signify to all our good subjects within our said province that they may govern themselves accordingly. And so we bid you heartily farewell. Given at our court at New-Market the first day of October 1680, in the two and thirtieth year of our raign. By his majesty's command,

SUNDERLAND,

To our trusty and well beloved the president and council }
of our province of New-Hampshire in New-England. }

*This must mean the charter to the council of Plymouth.

No. XX.

Answer to the claim made by Mr. Mason to the houses and lands of New-Hampshire.

[In Mr. Weare's hand writing, but without date or signature.]

IT does not legally appear that Mr. Mason can lay any just claime to any of the lands in New-Hampshire, for what right he pretends is either derived from Capt. Jno. Mason, (whom he says was his grandfather) or from his majesty's commission : But presume from neither of these has he any right. Not from Capt. Jno. Mason ; for, (1) It does not legally appear that ever he had any right to the province of New-Hampshire. It is true there is a copy of a pattent or deed from the councell of Plymouth, which he brings over without attestation of publique notary or any other authority. Besides in said copy there is not the least intimation of any hand or seale to the originall, and there is two men that swears this is a true copy of the originall, which plainly demonstrates that the originall is but a blanck ; the truth whereof we are the more confirmed in, because it is not rational to imagine that Mr. Mason would come from England to prosecute a right and not bring with him what he had to make good his claime ; but having nothing but blancke coppies, he could bring no better than he had, which cannot be looked upon as authentique in any court.

(2) If it should be supposed that ever Capt. Jno. Mason had a right by pattent, yet it does not appear how Robert Tufton Mason (as the plantiffe calls himself) derives a title from him either as his heir, exeentor or administrator, or by deed of gift ; all that we can hear in court is that the plantife calls himself Capt. Mason's heir.

(3) If the plantiffe or his ancestors ever had a title to the lands he claims by pattent from the councill of Plymouth, yet they have lost it by non use, for they never attended the ends of granting patents by king James, of blessed memory, in his hyness pattent to the great councell of Plymouth, which was the peopling of the land, inlargeing the king's dominions, propagating the gospel, conversion of the heathen the native proprietors, &c. Now the plantife nor ancestors never planted this province nor expended any thing upon it to the upholding of it in peace nor war, but the present inhabitants did either by themselves or predecessors, purchase their possessions from the natives, and by their permission did sit down upon the land and manured, to the vast expence of above 50 years time in hard labor, and expending upon it their whole estate. And in the late Indian war did defend it against the enemy to the loss of many of their lives and considerable part of their estates, without any assistance from Mr. Mason who now claimes not only what poor people have purchased and laboured hard upon, but also conquered or relived from cruell attempts of the barbarous heathen, and we conceive we were under no obligation to run such adventures to make ourselves slaves to Mr. Mason.

(4) It does not appear that there was a quorum of the great councell of Plymouth to the making of Capt. Mason's deed according to the pattent granted to the great councell of Plymouth, which renders his claime unvalide, if ever any thing in that kind was done, which we question.

From what is said we humbly conceive Mr. Mason has no right from Capt. Jno. Mason.

And that his majestic's commission does neither give nor confirme any title to the lands claimed, we prove :

(1) We humbly conceive that his royal majesty who is so prudent a prince and so sollicitus for the peace of his subjects, would not have left that matter doubtfull to his subjects of this province but rather have told us that he had given all the lands to Mr. Mason, but there is nothing of gift to him in the commission and *if his majesty had* (which we cannot believe he would) we should crave the benefit of the statute in the 17th of Charles the first, which says, No king and counsell can alienate lands but by due course of law. But wee were never yet heard, and when it comes to legal tryal wee presume the law of possessions will confirm our lands to us, seeing we have had peaceable possession 50 yeares.

(2) If his majesty had given the lands in the province to Mr. Mason, what can be understood by that clause in the commission 'That in case the inhabitants shall refuse to agree with Mr. Mason, then the governor shall interpose and reconcile all differences if he can, but if he cannot then to send the case, fairely stated to England that his majesty and privy counsell might determine according to right ;' which wee humbly conceive puts a barr to any legal proceedings until his majesty's mind be further known therein. The inhabitants have offered their reasons to the governor according to commission, which he will not admit of, only did take of ope, viz. Capt. Stileman, and promised to send them to England, but we can hear of no answer and much fear his neglect.

(3) His majesty in his commission says, 'To prevent unreasonable demands that may be made by Mr. Mason for the right he claimes,' which claime may prove good or bad when it comes to tryall. We understand to claime and to have are different things.

(4) His majesty intimates in his royal commission by what title Mr. Mason does claime, viz. by a grant to his ancestors, 'who improved and possessed the province with great expence, until molested and finally driven out ;' but this province cannot be concluded to be the place he claimes until he make these circumstances appear, which we are sure he never can doe.

Now Mr. Mason not producing any original deed for any of the lands of this province, nor authentique copies, the inhabitants cannot make any compliaunce with him both because we see no right he ever had, or believing if ever any was he hath mortgagded it already in England, and so alienated what right he had.

Although upon the former grounds we have good plea against Mr. Mason's claime, yet we did not see cause to join issue, not only because judges and jurors were not qualified according to law, all of them being pickt for espousing Mr. Mason's interest by the governor's order, who has a mortgage for 21 yeares from Mr. Mason for all the lands in the province. But also because wee was willing to attend the methods prescribed by his majesty in his royal commission.

No. XXI.

The answer of Elias Stileman to the summons from the honble Edward Cranfield, esq. governor of his majesty's province of N. Hampshire in N. E. in pursuance of the method which his majesty hath been gratioously pleased to prescribe in his commission.

Portsmo. the 15th of November, 1682.

May it please your Honor,

IN obedience to your command that I should render a reason why I refuse to pay quit-rent unto Robert Mason, esq. (as he titles himself) for

my house and lands, and take deeds from him for the confirming of the same, I answer as followeth :

1stly. Because my said land I bought and paid for. The title unto which is successively derived unto me from those that have possessed it, without any claime for at least these 50 yeares, upon which I have built at my own charge without any interruption, and am in the possession thereof as my owne. As to what is said in the commission concerning Mr. Mason's proprietors, with all due submission to his majesty, I conceive it imployes rather his claime than a positive determination of his title.

2dly. I humbly conceive that being in possession of what I have bought and built upon, it rests upon the claimer to make out his title (if he have any by law), begging the favour of an English subject therein, that it may be first tryed upon the place, according to the statute law and the opinion of his majesty's judges in England, and this before I am liable to pay quit-rent and take deeds of confirmation from him.

3dly. Should Mr. Mason obtaine his demands, myself and the rest of the inhabitants would be undone forever, for then all his granted to him which hee calls commons being out of fence, which yet hath been bounded out by the several towns and possessed by them for these 50 yeares, and improved for the maintainance of their cattle both winter and summer, and for timber and fire wood, without which there is no living for us, it being impossible for us to subsist upon that which in the commission is called gardens, orchards, if he may have the disposal of the rest.

4thly. The said Mason speaks of many thousands of pounds expended upon the place, which with submission cannot be made out, and if it could, what then have the poor planters expended in so many yeares labour since their first sitting downe upon it, when they found it an howling wilderness and *vacuum domicilium*, besides a great expence of blood and estate to defend it in the late Indian warr, nor can they to this day make both ends meet by all their labour and frugality, and therefore must needs sink under the exaction of such a proprietor.

5thly. The land which Mr. Mason claims as proprietor is the land on which such vast expence hath been laid out by his grandfather Capt. John Mason, for the peopling of it and the land from whence his said grandfathers servants were violently driven out, or expeled by the inhabitants of the Massathusets, but upon this land there was no such expence laid out by his grandfather Captain John Mason for the end aforesaid, nor is this the land from whence any servants of his said grandfather were so expelled, and therefore we that are possessed of this land are not concerned in his claime, hee hath mistaken his province and may endeavour to find it some other where, for here is no such place.

6thly. If Mr. Mason had a patent here, why did he not take possession in the day thereof. If hee were in possession why did he not keep it still : None ever drove him out as he informs, had hee been once settled he might to this day have kept it as the rest of the inhabitants have done without the least mollistation, but I am humbly of opinion that if he the said Mason or any of his ayres came hither, they only came as many ships did to Newfoundland and to this countrey to make a fishing voyadge or beaver trade, and that being at an end departed and left their room to the next taker.

This is the summe of what I have at present to answer, humbly requesting of your honour the stating of the case, with your opinion thereup-

am to his majesty as the commission directs, and when his majesty shall in his wisdom and justice see meet to order an hearing of the matter in his courts of judicature upon the place before a jury of uninterested and indifferent persons which may be had out of the neighbouring province, (and possibly Mr. Mason may think not attainable in this province wherein all persons are concerned,) as he hath been pleased to doe by that part of Mr. Mason's claime, which lyes under his majesty's government of Massathusets, I hope to be able upon these and other grounds so far to make out my title as to be held unblameable before God and man, for not complying with his demands. Or if I should see cause to appeal to his majesty and honorable councell that I shall be put beyond all need of paying quit rent to the pretended proprietor.

Thus begginge your honor's favour, I subscribe,
Sir, your humble servant,

E. S.

[*The two preceding papers are in the hand of the hon- President Weare.*]

No. XXII.

Copy of an order for the administration of the sacraments according to the mode of the church of England.

At a councel held at Great Island, December 10, 1683.

By the governor and councel.

New-Hampsh.

IT is hereby required and commanded, that all and singular the respective ministers within this province for the time being, do from and after the first day of January next ensuing, admit all persons that are of suitable years and not vitious and scandalous in their lives, unto the blessed sacrament of the Lord's supper and their children unto baptism. And if any persons shall desire to receive the sacrament of the Lord's supper, or their children to be baptized according to the 'iturgy of the church of England, that it be done accordingly in pursuance of the laws of the realm of England, and his majesty's command to the Massachusetts government. And if any minister shall refuse so to do being thereto duly required he shall incur the penalty of the statutes in that case made and provided, and the inhabitants are freed from paying any duties to the said minister.

The aforesaid order was published,

R. CHAMBERLAIN, clerk conceit

[*This paper is in the council minutes, second book.*]

No. XXIII.

Copy of the information against Mr. Moody, 1683.

New-Hampshire in New-England.

To Walter Barefoot, Esq. judge of the court of pleas of the crowne, &c. now sitting at Great Island. And to Nathaniel Frier and Henry Green, Esqrs. assistants.

The information of Joseph Rayn his majesty's attorney general for the said province of New-Hampshire, against Joshua Moody of Portsmouth in the said province, clerk, in his said majesty's behalfe.

THE said Joseph Rayn informeth, that the abovesaid Joshua Moody being the present minister of the towne of Portsmouth aforesaid, within the dominions of our sovereign lord Charles the second, king of England, is by the duty of his place and the laws and statutes of the realme

of England, (viz. the statute made in the fifth and sixth of King Edward the sixth, and the stat. of the first year of the reign of the late queen Elizabeth, which is confirmed by the statute made in the thirteenth and fourteenth year of the reign of our sovereign lord king Charles the second) required and commanded to administer the sacrament of the Lord's supper in such manner and forme as is set forth in the book of common prayer and administration of the sacraments and other rites and ceremonies of the church of England, and shall use no other manner or forme then is mentioned and set forth in the said book. Nevertheless the said Joshua Moody in contempt of the said laws and statutes hath wilfully and obstinately refused to administer the sacrament of the Lord's supper according to the manner and forme set forth in the said book of common prayer, unto the honble Edward Cranfield, esq. governor of his majesty's said province of New-Hampshire, Robert Mason, esq. proprietor, and John Hinks, esq. of the said province; and doth obstinately and wilfully use some other forme then is by the said statutes ordained, contrary to the forme thereof: Therefore the said Joseph Rayn in behalf of our sovereign lord the king, doth pray, That the said Joshua Moody being thereof convicted according to law, may suffer such penalties as by the said stat. are made and provided in that case.

No. XXIV.

Copy of a second information against Moody.

New-Hampshire in New-England.

To the honble Walter Barefoot, esq. judg. of the court of pleas of the crown and other civil pleas, held at Great Island, and now sitting this 6th Feb. 1683, &c.

The information of Joseph Rayn his majesty's attorney general for the said province, in his majesty's behalf against Joshua Moody of Portsmouth, clerk.

WHEREAS the said Joshua Moody hath in open court of the quarter sessions of the peace held at Gr. Island aforesaid upon record, confessed and owned before the Justices, That he hath administered the sacraments contrary to the rites and ceremonies of the church of England, and the form prescribed and enjoined by the statute made in the first year of the late queen Elizabeth, and so stands convicted of the said offence before the justices at the said sessions; Joseph Rayn his majesty's attorney general for the said province, who prosecutes for our sovereign lord the king doth (according to the ancient law of the statute made in the forty second year of the reign of king Edward the 3d, now in force) in his majesty's behalf, exhibit his information to this hon. court against the said Joshua Moody, for that he having for many years had the *appearance* and *reputation* of a minister of God's word in the said province, being within the king's dominions, and having wilfully and obstinately refused to administer the sacraments according to the rites of the church of England, hath administered the sacraments of baptism and the Lord's supper in other manner and form than is appointed and commanded by the statute of the first of queen Elizabeth and other statutes, contrary to the form thereof and in contempt of his majesty's laws: And doth pray the court's judgment and that the said Joshua Moody may suffer the penalties by the said statute in this case made and provided.

No. XXV.

New-Hampshire in New-England.

To James Sherlock, gent. prov. marshal and sheriff of the said province, or his deputy.

IN his majesty's name you are hereby required forthwith to take and apprehend the body and person of Joshua Moody of Portsmouth in the said province, clerk, and carry him to the prison of Great Island in the said province; and the prisonkeeper, Richard Abbot, is hereby required to receive him the said Joshua Moody and keep him in safe custody in the said prison, he having bin convicted of administering the sacraments contrary to the laws and statutes of England, and refusing to administer the sacraments according to the rites and ceremonies of the church of England, and the form enjoined in the said statutes. There to remain for the space of six months next ensuing, without bail or mainprize. Fail not.

Dat. the 6th of Feb. 1683 $\frac{1}{4}$.

WALT. BAREFOOT, (Seal.)
 PETER COFFIN, (Seal.)
 HEN. GREEN, (Seal.)
 HEN. ROBY, (Seal.)

Vera copia,

Teste, Rich^d. Chamberlain, Ciro P.

[The three preceding papers are in the Recorder's office.]

No. XXVI.

Copy of an order for raising money without an assembly.

New-Hamp.

At a council held at Gr. Island, Feb. 14, 1683 $\frac{3}{4}$.

By the governor and council.

WHEREAS we have lately had intelligence by a letter from Capt. Hook to Capt. Barefoot one of the council of this his majesty's province, that he had advice from the captain of the fort at Casco of a sudden rising and onset intended by the Indians upon the English at the eastward: And whereas the assembly have been lately tendred a bill for raising a revenue for the fortifying and defending ourselves against his majesty's enemies, did absolutely refuse and reject the same without giving any reason for so doing, or preparing any other for defraying the charge of the public service. We his majesty's governor and council finding the public treasury so empty and bare that there is not so much money as to pay a single messenger; and those persons that are the support of the province have not estates to support themselves in the war (if any should happen) without due payment for their service in consideration of the premises, by virtue of his majesty's royal commission bearing date the ninth of May 1682, and also of his majesty's royal instructions to the governor bearing date the 29th of April 1682, have, for the raising a revenue for fortifying and defraying the necessary charges of the government, that there may be a magazine of ammunition and provision, and of money to pay indigent souldiers, as also for such emergencies as a war necessarily produce, thought fit to continue, and do hereby continue all such taxes and impositions as have been formerly laid upon the inhabitants (excepting only the rate of the penny in the pound raised in time of usurpation without a general assembly) commanding and requiring all and singular

the constables and collectors forthwith to perform their duty in levying and collecting the same, and paying it in to the treasurer.

No. XXVII.

Copy of a letter from the council to Governor Dungan.

Prov. of New-Hampshire, Mar. 21, 1688 $\frac{1}{4}$.

Sir,

By several advices we have received of a sudden rising intended by the Indians in these eastern parts to fall upon the English, we judge it absolutely necessary without delay to provide for the safety and preservation of his majesty's subjects inhabiting this province, and to give relief (if need be) to our neighbouring colonies. We have therefore upon consideration of the best means for the securing of these provinces concluded it very necessary to entertain a number of southern Indians for soldiers, who are best acquainted with the manner of these Indians skulking fight; and this being *a work of piety and charity* for preventing the effusion of christian blood: And knowing that your honor has an influence upon the southern Indians our honourable governor was willing to take the trouble upon himself of a journey to New-York to treat with your honor for sending of such a number of Mahiquas, or other Indians, as may be convenient to assist in this service, and to make such capitulations and agreement as to his honor shall seem reasonable. We doubt not your honor's readiness in any thing that may tend to his majesty's service and the safety of his subjects, having often heard a noble character of your honor from our governor, whom we have intreated to present our letter with our most humble service. We have committed all matters to his honor's prudence and management and what his honor shall judge fit to be done we shall see performed. So praying for your honor's health and prosperity, we subscribe ourselves, (being his majesty's council of New-Hampshire)

May it please your hon your most humble servants,

To the honble Col. Tho. Dungan,
governor of his royal highness
his colony of New-York, and
the territories thereto belong-
ing, humbly present.

ROBT. MASON,
WALTER BAREFOOT,
R. CHAMBERLAIN,
ROBT. ELLIOT,
JOHN HINKS.

[*The two preceding papers are in the council's minutes, second book.*]

No. XXVIII.

To the king's most excellent majesty.

The humble address and petition of sundry of your majesty's loyal subjects the freeholders and habitants of your majesty's province of New-Hampshire in New-England,

Most humbly sheweth,

[From the towne of Exeter.

THAT your petitioners predecessors having under the encouragement of your majesty's royal ancestors by their letters patents to the great council of Plymouth, removed themselves and some of us into this remote and howling wilderness in pursuance of the glorious ends proposed, viz. The glory of God, the enlarging his majesty's dominions, and spreading the gospel among the heathen: And in order thereunto either found the land we now possess *vacuum domicilium*, or purchased them of the heathen the native proprietors of the same, or at least by their allowance, approbation or consent, have sate downe in the peaceable possession of the

same for the space of above fifty years ; hoping that as wee had attended the ends, soe wee should have shared in the priviledges of those royal letters patents above mentioned, and thereupon did the more patiently beare and cheerefully grapple with those innumerable evils and difficulties that must necessarily accompany the settlers of new plantacons, especially in such climates as these, besides the calamities of the late Indian warr to the loss of many of our lives, and the great impoverishment of the survivors. Wee were alsoe further incouraged from your majesty's princely care in taking us by your late commission under your majesty's immediate government, and appointing some among ourselves to govern us according to those methods there prescribed, being particularly bound to discountenance vice and promote virtue and all good living, and to keep us in a due obedience to your majesty's authority and continuance of our just libertyes and propertyes, together with liberty of conscience in matters of worshipping, and all in order to our liveing in all godliness and honesty, fearing God and honouring the king, which wee profess to be our desire to doe.

But contrariwise partly by the unreasonable demands of our pretended proprietor Robert Mason, esq. and partly from sundry other reasons that are either effects or concomitants thereof wee are in a fair worse condition than any other your majesty's plantacons, and reduced to such confusions and extremities that necessitate our humble application to your majesty, upon whose clemency and justice only under God we depend for our reliefe.

Your poor distressed and oppressed petitioners doe therefore most humbly supplicate your most gracious majesty that you will vouchsafe to give leave unto one of ourselves, Mr. Nathaniel Weare, whom wee have sent for that end to spread before your sacred majesty and your most honourable privy councill our deplorable estate, the beholding of which we doubt not will move compassion towards us, and your majesty's propensity to justice will incline to the using such meanes as to your wisdom shall seem best that the oppressed may be relieved, wronged ones righted, and we your majesty's almost undone subjects now prostrate at your feet, may upon the tasting of your equity and goodness, be raised and further engaged in all humility and thankfulness as in duty bound evermore heartily to pray, &c.

Andrew Wiggin,
Thomas Wiggin senior,
Thomas Wiggin junior,
Robert Smart senior,
John Young,
John Foulsham,
Edward Smyth,
Peter Foulsham,
Theophilus Dursely,
Richard Morgen,
Samuel Leavitt,
John Cotton junior,
John Gilman senior,
Edward Gilman,
Moses Leavitt,
Jonathan Robinson,
Thomas Rawlin,

David Robinson,
Kinsley Hall,
Bily Dudley,
James Sinkler,
Christian Dolhoff,
Philip Charte,
Jeremiah Low,
Ralph Hall,
Samuel Hall,
John Sinkler,
John Wadleigh,
Samuel Foulsham,
Elezzer Elkins,
Ephraim Foulsham,
Humphrey Wilson,
Nathaniel Foulsham,
Jonathan Thing.

The like petition from the town of Hampton in the said province signed by,

Nathaniel Bachiler,
John Marston,
James Philbrick,
Jacob Browne,
Thomas Browne,
Henry Lamper,
Jonathan Wedgwood,
Henry Moulton,
Joan Moulton,
Joseph Smith,
David Wedgwood,
James Chense,
James Perkins,
Morris Hobbs senior,
Joseph Moulton,
Benjamin Moulton,
Thomas Levitt,
Thomas Derborne,
John Levitt,
Henry Derborne,
Aatus Levitt,
Christopher Hussey,
John Thorne,
John Smith,
Thomas Page,
Philip Towle,
Jonathan Sanbourne,
William Sanbourne senior,
Ruth Johnson, widow,
Richard Sanbourne,
Thomas Walker,
Isaac Godfrey,
Humphrey Perking,
David Lamprey,

Benjamin Lauyre,
William Fuller,
John Sanbourne,
Hesron Leavitt,
Samuel Shuerborne,
Francis Page,
Peter Weare,
Benjamin Browne,
Thomas Philbrick,
Timothy Blake,
Jacob Perkins,
Jonathan Philbrock,
Ebenezer Perkins,
Caleb Perkins,
Joseph Perkins,
Joseph Dow,
John Clifford senior,
Samuel Philbrook,
Joseph Shaw,
John Clifford,
Benjamin Shaw,
Samuel Cogg,
Timothy Hillyard,
Anthony Stanyan,
John Stanyan,
Joseph Sanbourne,
Isaac Perkins,
Moses Swett,
Joseph Swett,
Joseph Cass,
Duel Clemens,
Samuel Cass,
John Sanbourne senior.

The like petition from Portsmouth in said province, signed by,

George Hunt,
Peter Ball,
John Sherborne senior,
Samuel Wentworth,
Sp. Lovell,
Richard Webber,
Richard Waterhouse,
William Davell,
John Cotton,
Colomart Mashawes,
John Barsham,
John Shipivay,
John Johnson,
John Sherborne junior,
Thomas Pickering,

Thomas Wacombe,
Obadiah Mors,
Nicholas Morrell,
Samuel Keais,
John Dennett,
John Tooker,
Edward Melcher,
George Lavers,
Jacob Lavers,
John Brackett,
Matthius Haynes,
Samuel Haines,
Samuel Haines junior,
William Fifield senior,
Walter Neal,

John Light,
William Pitman,
James Jones,
William Cotton,
James Levitt,
Jethro Furber,
Edward Ball,
Thomas Cotton,
Daniel Duggen,
Francis Jones,
John Partridge,
Robert Purinton,
Nehemiah Yartridge,
Jotham Lewis,
Anthony Brackett,

Leonard Weeks,
Nathaniel Drake,
John Hunking,
Richard Jones,
Jane Jones,
John Fletcher,
Richard Martyn,
Ph. Sueret,
Richard Waldron,
Ben. Hull,
John Cutt,
William Vaughan,
George Jaffreys,
John Pickering,
John Buister.

The like petition from the towne of Dover, signed by

Job Clements,
Thomas Roberts,
Edward Alien,
William Furber senior,
Henry Santer,
Richard Rowes,
Anthony Nutter,
John Dam,
William Furber junior,
John Dam junior,
John Nutter,
Thomas Row,
Edward Row,
John Meadow,
Philip Chesley,
Joseph Stevenson,
Thomas Chesley,
Joseph Hinneder,
Stephen Jones,
Edward Small,
Nathanael —
James Hucking,
Catharine Jerlild,
Ezekiel Wentworth,
Joseph Fields,
John Bickford,
Thomas Bickford,
Thomas Edgerly,
John Hill,

Charles Adams,
Paul Wentworth,
Gerard Gynar,
Jenkins Jones,
Joseph Canne,
Richard Waldron,
John Winget,
John Gerish,
William Wentworth,
John Heard,
John Roberts,
John Hall, jun.
Robert Burnum,
Saml. Burnum,
Jeremiah Burnum,
Samuel Hill,
Ralph Wormley,
William Horn,
Peter Mason,
John Woodman senior,
John Woodman junior,
Jonathan Woodman,
John Davis senior,
John Davis junior,
Sam. Adams,
William Parkinson,
Joseph Hill,
Nathan. Hill,
John Roberts.

[From a copy in the hands of the honourable president Weare.]

No. XXIX.

The deposition of Peter Coffin, esq. one of his majesty's justices of the peace for New-Hampshire, being sworn, saith,

THAT sometime in the beginning of February, A. D. 1683, I the deponent was present at the house of Mr. John Hincks in company

with the hon. Edw. Cranfield, esq. governor of this province, where I heard the said governor send for Mr. William Vaughan, and when the said Vaughan came the governor enquired of him what affidavits those were he had that day desired to be taken. The said Vaughan answered, those that concerned his cause against Mr. Mason. The governor asked him who they were, he answered, if he might have summons he would bring them before his honour to be sworn; and then the governor brake out into a passion and told him, the said Vaughan, that he was a mutinous fellow, and asked him what he went lately to Boston for; the said Vaughan answered he went about his business. Then the governor said he went to carry a mutinous petition to be sent to England by Weare, and asked him what vesse Weare went in; Mr. Vaughan answered that he left Weare in Boston. Then the governor said, that by the next ships after Weare was got to England and had presented his petition, he should have an account of the persons names that subscribed it returned to him, and that it would be the best hawl he ever had, for it would be worth £100 a man. The governor further said, that the said Vaughan was a mutinous fellow, and required of him bonds to the good behaviour; Mr. Vaughan answered he knew none of the king's laws he had broken, but if he could be informed of his crime he was ready to give bonds. And that in the whole discourse Mr. Vaughan demeaned himself with a great deal of moderation and submission. Notwithstanding which the governor commanded a mittimus to be writ and signed the same with his own hand, whereupon the said Vaughan was forthwith committed to prison.

PETER COFFIN.

Peter Coffin, esq. the above named deponent, appearing in the town of Kittery in the province of Maine this 27th of January 1684-5, made oath to the above written, before me,

CHARLES FROST,
Just. of Peace.

No. XXX.

The warrant and mittimus whereby William Vaughan, Esq. was committed to prison.

New-Hampshire.

To James Sherlock, gent. sherif and provost marshal of the said province, or his deputy.

IN his majesty's name you are hereby required to take and apprehend the body of William Vaughan, of Portsmouth, Esq. and carry him to the prison of Great Island; And Richard Abbot the prison keeper thereof, is hereby required to receive the said Vaughan into said prison and there keep him in safe custody till he shall give good security to our sover. lord the king his heirs and successors for his the said Vaughan's good behaviour towards the same our sover. lord the king, *he having refused to find security for his said good behaviour* the sixth day of February 1683. Given under my hand and seal the said sixth day of February 1683.

EDWARD CRANFIELD, (L. S.)

[*The two preceding papers are in the recorder's office.*]

No. XXXI.

A letter from William Vaughan, Esq. containing a journal of transactions during his imprisonment, &c. to Nathaniel Weare, Esq. agent in London.

Mr. Nathaniel Wire,

SIR,

Portsmouth, 4th Feb. 1683.

THESSE serves to give covert to the inclosed which were unhappily mislaid, and so brought to Portsmouth insted of being carried by you to London though on the other hand you carried many papers for London which ought to have been at Portsmouth. There were severall papers in the bundle which were very impertinente unto your business, and the transporting of them very prejudicall to some here, your especyall care about them is expected, yet may be safely returned with you if not transmitted by you before your returne. Wee are now a doinge a-boute gettinge evidences sworne, which you shall have a further account by the firste, though retarded much by havinge no copies of them as wee expected. Since your departure much ado have been made, many executyons extended, viz. upon Mrs. Cutt, Daniele, myself, Mr. Fletcher, Moody, Hunkins, Earle, Pickeringes, Booth, &c. I went to prison but was redeemed with money, severall doores were broken open by Matthews the marshall's deputy, chestes also and trunks and carried out of the houses till redeemed with money. John Partridge and Wm. Cotton are in prison and have been sundry daies. No pay (as fish, sheep, horses, &c.) would be taken for their executyons, so there bodyes ware levied upon and there they lye. Our menister for refusinge to admeenster the sacrament to the governor is bound over to the quarter sessions to sit to morrow, the isshew wee know not but six months imprisonment thretned. Your wife and famile well. Grete bluster at Hamton about the petityon, som weekelinges ware whegled into a confession and they discovered the persones that carried the petityon, who ware by justis G. & R. bound over to the quarter sessions, but last Satterday night (on what ground know not) Mr. Greene burnt there bonds and only tould them they muste appere when cold for. Charles Hinton is lately ded. As other news arrives shall hand it to you by all occatyones and doe you the like by us.

5th Quarter sessions are come, and there Capt. Barefoote, Mr. Fryer, Coffin, Greene, Roby, Edgerly, were justices, Raines was attorney. It was brought in as a plea of the crowne. Mr. Moody pleaded his not beinge ord.ined, havinge no maintenance according to statute and therefore not obliged to that worke which the statute required. Besides these statutes beinge not made for these plases, the knowne end of there removal hither beinge that they might enjoye liberty in these forrin plantatyones which there could not have by vertew of the statutes at home, and ware allowed to have here, especyally our comityon grantinge liberty of contyense. These things ware pleded, but to no purpose, after a shorte pleding and that not withoute many interloptyones and smiles by the pragmaticke, bussey impertinente attorney, he was comited to the marshall, (viz. Longe Matthews) and held in custody that night tho' permitted to lodge at Capt. Stileman's. The justises debated a littell, feure of them entered there desente, viz. Mr. Fryer, Greene, Roby, Edgerly, but Capt. Barefoote and Coffin ware for his condemnatyon. Judgment of the case, every man's was entered by the secretary over night, but beinge deferred till nexte morninge informatyon was given to somebody who came in and thretned and hectorred after such a rate that Green and Roby also consented as you see by the inclosed, and hee was comited to prison. Petyon was by him made to the counce, and afterward to the governor, that hee might step up at night to his famely and settel matters there, and that he might not

goe into the dismall plase the common prisson. The court could not, the governor would not of firste, tho' in fine gave leave to the marshall to drop him at Capt. Stileman's, where he is confined to his chamber, tho' not without leave to goe down staires or into the bakeside, and this was done 6th instante. At night I having moved for the takinge of evedenses, which was in words owned, wente to the secretary for summones, intendinge to begin with Lift Haul and Thomas Wiggones, hee refused to give summones but first (I suppose) muste informe somebody, I was sent for by the marshall, buffed and hectorred strangely, thretned, &c. in fine, muste give bonds to the good behaviour ; I refused thereupon he made and signed my mittymos to the prisson, though by the way, I knowe not how, was also dropped at and confined to Mr. Moody's chamber, where wee have bin this two nights very chareful together.

Poore Wadlow who was left to the governor's mercy is com oute upon security for forty pounds money, and your Gove for a like some, only Wm Partridge is to doe it in worke, building and fensing, &c. The actyens goe on and are turned of hand apase, *twelve at a claps*, after the old manner. Roby though a justis is still of the jury. A new trick is on foote, severall of us that were executed upon and paid our mony the firste sute, are sued againe for illegal withholdinge possession, tho' the marshall (who was by executyon required to give possession never came to demand it;) the issue of which wee know not, matters being yet dependinge.

9th. The prisoners Vaughan and Mr. Moody were fetched out of prisson to plede there casses at the courte. Mrs. Cutt, Daniell, John Partridge and myself and Mr. Moody were sued and all caste, but the laste who had somethinge particularly to saye, and soe he caste Mr. Mason though wee thought wee all said enouge to caste him, viz. that hee had an executyon for the land sued for, and when he levied his executyon mighte have taken the land also, with many other things (enouge of wee thought) to have turned the case against him before anny indiferente judges and jurors, but thus wee are trettred.

But above all our menester lyes in prison, and a fammin of the word of God cominge upon us. No public worship, no preachinge of the word, what ignoranse, profanes and misery must needes ensue ! By the premises you see what need there is you should be vigoros and speedy as you maye aboute your busness to doe what may be to the preventinge of uler ruin.

My imprisonment is a presente stop to the geetinge what evedenses is needful, and it's like we shall not make anny further attempt here, but with what conveniente expedytyon will be done what is needful and necessary. Mr. Martin was sued at the courte in two actyones, one by Mr. Mason for fines and forfeitures collected and received by him as treasurer from seventy nine to eighty two, and another actyon by the governor for fines, &c. from April eighty two. He is caste in both actyones to the valew of about seventy pounds, although hee pleded that what hee received was disposed by order of the authority which made him treasurer, and had as good comityon from his magestie as that was in beinge, neither did it legally appeare that ether Mr. Masson or the governor have anny righte to fines and forfeitures, the kinge appointinge all publicke money to be disposed or improved for the supporte of the government ; however it is but aske and have, there demands in any case have the force of an executyon.

10th. The sabbath is come but no preelinge at the Banke, nor anny allowed to com to us ; we had noone but the fameley with us, the pore po-

ple wantinge for lake of bred. Motyones have been made that Mr. Moody may goe up and preach on the Lord's daye, tho' hee com downe to prisson at night, or that nabor ministers might be permitted to com and preach, or that the peple might com downe to the prisson and here as many as could, but nothing will doe; an unparraleled example amongst christians to have a menester putt oute and no other waye found to supply his plase by one menes or other. Mr. Frier was severely threined for refusinge to subscribe Mr. Moody's commitment, but hath obtayned fairly a disloytyon from all publike offices. Justis Edgerly also caishered, and bound over to the quarter sessiones. It is said that Justis Greene is much afflicted for what he has done, but Roby not. Peter Coffin can scarce show his hed in anny company*.

14th. Nuse came from the court at Casco that there was greate danger of the Indyans risinge, which hath occatyoned a meetinge of the counsell and some discourse, but here no more since and hope it may vanish.

15th. Good Mrs. Martin was buried, being not able to live above one saboth after the shutting up the dores of the sanctuary. Somebody hath said that the imprisoninge of the minister is noone of his worke, hee did but constitute the courte, they did it themselves, tho' also hath said hee would have don it himselfe if they had not.

17th. Another sad saboth.

18th. Came Mr. Mason, Barefoot and secretary, with Thurton, who swore against mee a false oath. of which have inclosed a copia. Thurton said he was sent for on purpose to give in his testimony against mee;— they went away, and soon after came the inclosed mittimos directed to Mr. Raines hoo is shereff and marshal in Mr. Sheerlock's roome that have bin out of favor of late, tho' now it is said in favor but not in plase againe. Mr. Estwicke is also put oute of ali offis. Noote, that when I wente to him for takeinge oathes, hee said all oathes should be taken before the governor and counsell, but now could send to justises to doe it. We had for som nightes our key taken away from the chamber dore about 8 or 9 at nighte but have sinse left off that trade. Sowell of Exeter is ded. Severall overtures were made this week to John Partridge and William Cotten by Raines to come out of prisson hee giveinge them 3 monthes time to provide mony or anny other currante paye, tho' they tendered fish, planke, &c. before they ware put in, they refused to accept.

24th. This saboth our wives, children and servants came downe and spent the day with us in our chamber, and wee yet here nothing said against it.

25th. The marshall goes and levies upon John the Greeke's sheep and cattle for the executyon, for which he had laine about three weeks in prisson, and then came and ordered him to goe about his busnesse, 15

* Mr. Moody in the church records remarks thus on his judges: "Not long after Green repented and made his acknowledgement to the pastor who frankly forgave him. Robie was excommunicated out of Hampton church for a common drunkard and died excommunicate, and was by his friends thrown into a hole near his house for fear of an arrest of his carcase. Barefoote fell into a languishing distemper whereof he died.— Coffin was taken by the Indians, (at Cochecho 1689) his house and mill burnt, himself not being slain but dismissed; The Lord give him repentance, though no signs of it have yet appeared."

sheepe, sundry lambes, and two haifers seized for six pounds od mony. This day also Mr. Jaffery having had sundry warnings the week before to cleere his house because Mr. Masson would com and take possession of it, wene never the les to the Banke upon business; mene while came Mr. Masson with the marshall and turned all his servants out of dores, set another locke on the dore, and at night when his servants came home wee they would not suffer them to com in, but there lodged Mathews and Thurton all nighte. Mr. Masson said while aboute his worke that he was sorry Wire had no more of this nuse to carry hooome with him.

The govenor havinge sente to Mr. Cotton, that when he had prepared his soule hee would com and demand the sacrament of him as hee had done at Portsmouth already. Mr. Cotton the latter end of the weeke before laste went to Boston and has bin oute two Lord's days already; all is well with yours there, soe far as I can learn, I cannot goe to see else might have given them a visite.

One worde more about my busnes. I am under imprisonment aboute Thurton's business, being seized by the marshall and comited when in prisson before for not giveinge bond for the good behaviour, tho' nothing charged upon me any more than before, which you well know. I know nothing but they intend to keep me here endlessly; it's saide I muste paye one hundred pounds for strikeinge one of the king's officers and must have my name returned into the exchequer and must lye in prisson till the mony be paid and I am discharged from the exchequer. The designe you may esely see is to ruine mee, and how vaine my ples will be you may esely guesse. Tho' I have manny things to saie, viz. that Thurton was either no officer or at leste not knowne to be so, however not sworne, nor did I strike him in the hyeway as hee sweares, nor is there anny prooffe but his own single testimony, which how far it avayles in such a case would be considered; it's also worthy of inquire whether ever that law was intended for us, here beinge no customs to be gathered, no exchequer to be applied to, and therefore how these methods can be observed is not intellegable. You may esely imagen how things will be if I am forced to complye with there humors. Pray consult, consider, and see if somethinge may not be done to putt a stop to such arbitrary proceedings, a trial on the plase by indifferente unconcerned judges and juror, if at leste there can anny such be found hoo will not be forced into what some will have done, but I shall not need to instruct you; there you have better counsell than I can give you, and of your fedelyty to inquire and remitte by the firste what is needful on this accounte I doute not.

I have given you but a taste, wee that see it know more then can possibly bee understood by those that only here; in a word *such is the haith of there heat and raidge that there is no livinge for us long in this condityon.* Butt wee hope God will bee seene in the mounte.

I should have inserted what fell oute after the dissolvinge of the rebellious assembly, there was discourse of constables, and instead of the freemen's chusinge as formerly they tooke a shorte and cheper course, and at the quarter sessions constables were chosen and to begin with Mr. Speker, he has the honner to be constable for Portsmouth, Capt. Gerrish, Lt. Mutter and John Woodman for Dover, Smith the cooper for Hampton, John Foulsham at Exeter. Whether Mr. Speker shall serve or fine is not yet determined. And now I am spekinge of the general assembly, must hinte what was formerly forgotten, vz. that they convened

on the Mondaye and the choice of the speker (there could one) in words highly approved and hee complemented alamode. Then a bill was sente them downe (of which if I can get it being now in prisson shall inclose a copia) which they talked a littel of and then brake up for the nighte and wente up to the Banke to lodge (the tide serving very well to goe and com), the reporte of which highly disgusted, and the next morning the answer to the bill vehemently urged, which was in fine a negative.— Hereupon in a grete raidge telling them they had bin up to consult with Moody an utter enemy to church and coman welth with much of like nature, hee disoolved them, which was done on the Tuesdaye, after which hee came up to the Banke and gave order for a sacrament on the next Lord's daye as you have herd and since the assembly men pricked for constables.

By the premises you will see how the governor is makeinge good his word, *he came for money and money he will gete*, and if hee get it you know hoo must loose it, and how miserable muste our condityon quickly be if there be no remedy quickly provided. Hee contrives and cutts out work and finds evill instreuments to make it up, and these som among ourselves. Thus wee are cloven by our owne limbes.

28th. Sinse Mr. Jaffery was dispossessed, Raines offered him for five shillings per annum quit-rent to Mr. Mason, he should have his house againe, provided hee would owne him proprietor, but hee refuseinge it is saide hee shall never have it againe. The talke is that his house must be court-house and prisson booth, and standinge so nere the governor it is judged sutable for booth those ends, that hee may have the shorter journey to courte and the prisoners may bee alwaies under his eye.

29th. John the Greeke haveinge laine som weekes in prisson upon executyon, his goods haveinge been levied upon (as above), was by Raines locked oute of the prisson and bidden to be gon, but he would not, keepes his quarters still with the other two. This daye his goods was sold by the marshall and bought by Thurton.

Mr. Cotton is com hom from Boston. Grete offence taken here at a sermon hee preched in Boston on Acts xii. v. tho' plesinge to the hearers.

March 2d. This day Mr. Jeffery's goods were all turned oute of dores by the sheriff, &c. his man received and disposed of them. Againste Jaffery there are two oathes taken, single oathes, but beinge for the king will passe, and orders are given for warrants to apprehend him, he ap-perees not.

March 5. It is said that they are goinge this day to Major Waldrone's to serve him as they have done Mr. Jaffery, and it is given oute that the reste will be treted in like manner; the courte was adjourned yesterdaye to the next month pably that they might levey the executyons that are in Banke before they cutt oute anny more worke. Justis Greene seems something troubled for sendinge the menester to prisson, and saithe hee will never doe such a thinge againe, but Peter Coffin saithe it is a nine dayes wonder and will soon be forgotten, but others think otherwise. If they goe on thus wee are utterly ruined, must goe away or starve if at leste wee bee not so confined that we cannot goe away nether. I question whether annie aidee can parrallell such actyones.

In my laste I sente you a letter to Sir JOSIAH CHILD my master, of which also you have another copia herewith. My designe is that you

carry the letter yourselfe, waite on him while hee reades it, and if hee will plesse to here you (as I hope hee maye) that you amplyfie matters, inform him what further intelligens you have and attende his directyon, if God move his heart to doe ought for us. This daye the governor sente us word by the marshall that wee must remove to Mr. Jafferey's house to morrow, which house is made the prisson. Wee hope the nuse of the risinge of the Indyans will faule to nothinge.

Dutto. 5th. Thus far was sent you by the waye of Barbados. It followes. The governor did saie to a Salem man that Moody might goe out of the prisson, if hee would goe out of the provinse, butt wee here no more sinse.

James Robinson under grete rauth and in much danger only for speaking something to Thurton (of his being a pilful fello, &c.) while said Thurton was active in turning out Mr. Jaffery's goods.

6th. Matthews and Thurton hunted for Mr. Jaffery, searched in Mrs. Cutt's house, went into every room above and below staires, searched under her bed where she lay sick in it but found him not. They carried it very rudely and basely in their worke. Matthews said he would catch him or have his harte blud, but hee was not there. Mr. Jafferey's goods were carried to the other side by nighte.

It is said that our imprisonment has much [*alarmed*] the hoolle countrey and made them more fond of their liberties. This nighte Matthews was beten at Mersore's (som fudlinge bout its like), but its made a mity thing on, saide to be a deepe plot, deeper than Gove's, managed by strong heds, and abundanse of that nature, and because the persons concerned ware under the influence of Vaughan and Moody they should suffer for it, for not techinge them better. Tho' we know no more of it than you, nor is their ought in it worth notis, but thus wee are treted. The governor wente up to the Banke and made grete inquiries aboute it. Capt. Pickeringe and others that ware in the fraie are bound over.

7th. They had six pounds five shillings of Obadia Mors by waye of executyon. Raites was discarded being put oute of beinge sheriffe, &c. tho' he had his comityen under the seale but the other daye. Matthews is made provost marshall (at leste) in his roomie and Thurton marshall's deputy. Good burds for such offistes. Lord have mercy upon us. They had also eighteen shillings from Sam Case, the reste is deferred, and he has put awaye his goods and intends to remove or goe to prisson, and see wee muste all.

11th. The Indyann nuse occatyoned an order to the trustees to get aminityen, they came down and pleded their time was up, it was said you shall keepe in during my pleasure. They said they had no mony of the townes in their hands, nor could anny be raised withoute a general assembly. Then laye out your own mony or else voe to you; and this they are faine to comply with.

Hee said and swore that if Masson would not acknowledge a judgment nexte court of six hundred pounds, hee would take all his bushens from him and sew in his own name. Hee swore hee would turn oute that rooge Ellet who is as bad as anny other.

Mr. Waldron beinge sente for by warrant to com before the justices to take the constables oath, appered before Mr. Masson and Capt Barefoot, but excuseinge it and giveinge good reason was dismissed upon payinge five pounds; but poor Capt. Barefoote was most ferefully ruttet at

for his labor, many oathes sworne that Waldron should either take the oath or either take up with a goale. The next daye (tho' the justices hoose busnes it is, had fairely dismissed him) he was convented againe, the oath tendered, hee thretned with a prisson immediatly, butt told them hee knew the law better than soe, then they tooke his one bond to answer it at quarter sessiones and so far of that matter as yet. Another constable is chosen, viz. Capt. Pickeringe, tho' hee have as yet waved the oath, haveinge lately served in that place, and pleding his being bound to good behaviour for that laste fraye. He taulks much of friggets to scare the pore peple.

14th. Counsell sat and could not agree aboute raisinge mony, which hily provoked somebody. They said the general assembly only could raise mony.

The governor told Mr. Jaffery's negro hee might goe from his master, hee would clere him under hande and sele, so the fello no more attends his master's consernes.

15th. This day the secretary was in a grete raidge turned out of all his offices exepte secretary to the counsell, (an emptie name little profit) and the bookes sente for oute of his hands. Hee is much concerned and dejected.

I am credible informed and you may beleve it, that the governor did in the open counsell yesterdays saye and sware dredfully, that hee would put the provinces into the gretest confusion and distractyon hee could possible and then goe away and love them soe, and then the devell take them all. Hee also then said that Mr. Masson said hee would drive them into a second rebellyon, but himselfe would doe it before; and I wonder he has not, such actings are the redy way, but God hath kepte us hetherto and I hope they will do soe still. Hee also said and swore that anny person that should have anny manner of converse with us or anny of our mind, he would counte them as utter enemies and carry toward them as such.

17th. The governor haveinge formerly prohibited the prisoners from making shingles wente himselfe this day to the prisson and prohibited John Partridge from makeinge shoes, bad the marshall throw them into the sea.

This day Raines beinge not willinge to give up a warrante that he had executed duringe the shorte time of beinge sheriffe, was sent for by the governor, and not apperinge, the governor came to his chaniber and did bete him dredfully, and bad the marshall carry the rouge to gaile.— Hee remains out of favour still. The governor also wente over to capt. Hooke's and got him to give warrants to the constables on the other side to serch all houses for Mr. Jaffery and bring him over, but they found him not, nor is he yet found, tho' proclamatyon was made at Wells cort, for his sesure tho' not yet done.

MARCH 18. This morninge came Matthews to our chamber and said the governor sente him to carry mee to the prisson, where I am where I still ly; being put in only for Thurton's actyon and kepte in tho' I offered security to respond it. I think they have let fall the other aboute the good behaviour, seeinge they can make nothinge of it, and before my cominge in John the Greeke's bed, &c. was turned out of prisson and hee forced away, whoo would not depart before.

21st. Mr. Martin came to discorse about the mony he was caste for,

which they have not yet levied upon him, but intend to laye it upon all theould counsell equally that each maye bare his share; at same time the governor tould Mr. Martin that hee would send his executyon. Said Mr. Martin, you know it is not my dew to paye the mony. No matter (said he), *I want mony and I will have it.* But *I have none*, said hee; then I will take your house. Hee added also to Mr. Martin, that hee was a church member and hee would watch him and all such, and be sure to paye them off if hee could catch them.

22d. The sorrest storm and the inieste tide that ever was knowne. Many thousands of pounds damidge in Boston and much here. The bridge to the Grete Island broken of in the middle to the grete joy of manny.

24th. The governor wente to Boston in Foxe's sloop, intending thense to New-Yorke, pretendinge to discorse Coloniali Dungham and bringe downe two hundred Mohawkes to kili the estward Indyanes. What is at the botham or will be the isshue God knowes. Hee had a could trete at Boston, staidd not a nighte in towne. Sinse his goinge we have had littel nuse worthy of your notis, but all things have bin very quiet hitherto.

I have not enlarged upon these particulars to my master CHILD, but if hee will take any notis of the thinge and be concerned about it hee will then give you opportunity of discourseing him, and you may informe what is further needful.

31st. This month passed oute and the other came in withoute anny noise, unles the grete joye that was at the Banke by Mr. Moodye's going up thither and my goinge onse or twice after with our keepers, by Mr. Masson's permityon who presides in the governor's absence; but wee soone returned to the plase from whense wee came.

April 8. Nath. Fox who married Mrs. Stileman's dafter sente Matthews to arreste Capt. Stileman for his wifes portyon (tho' it was often tendered him in such paye as the courte ordered it, but he would have it in mony). Capt. Stileman gave his own house and all that was in it for security to answer the actyon, but Matthews bringinge Thurton with him at his instegayon, who was terrebly insolente, they *arrested the wooman Mrs. Stileman and carried her to prisson with much violense and course usadge, tho' her husband had given security.* Shee was carried in the evening. Capt. Stileman wrote to Mr. Masson, he protested against it and wrote to the marshall, it would not doe. Hee wente againe and Mr. Masson wroote againe, but to no purpose, they kept her there till the next morninge; a thinge not to be paraleled in the English nation! Complainte hath been made but no remedy. Abbot beinge up at the banke with mee Thurton took the key of the prisson, and when Abbot came would not permitt him to goe in, but turned him awaye. Brave doinges! No tunge can tell the horrible imperyousness and domanereinge carriage of that wretch. The nexte morninge Mr. Masson (much a doe) got Mrs. Stileman oute and the gaillor into his plase againe.

Mr. Masson gave leve for anny minister to com and pretch at the bank, so that wee got Mr. Phillops for two Lord's dayes, viz. 13 & 20th, havinge bin nine Lord's dayes without a sermone.

April 14th. Came H. Greene to Mr. Moody's chamber and made a confession of his faulte and begged his pardon for putting him in prisson and saide hee would git him oute quarter sessiones, &c. Good words, butt
Capt. Barefoote wente to the prisson and tould John Par-

bridge that if hee would give an order to allow so much as his charges came to oute of what the provinces owed him about Gove, for the soul-dyers, &c. hee should come oute of prisson, and they would paye him the remainder, the hoole beinge about thirty pounds, but hee was not forward leste hee should in so doinge quitt them of false imprissoninge him ; but if they would doe it themselves, stop so they might. Nothinge is done in it.

15th. Matthews and Thurton were sente to Hamton to levie executyones and serve attachments and warne jewreymen for the courte in May.

They arrested seaven, among which Capten Shourborne one, warned the ould jewreymen, executed upon Wm. Sanborne, tooke foure oxen which were redeemed by mony, drove away seven cowes from Nath. Batchelor, wente to your house, met your son Peter goinge with his four oxen into the woods, commanded him to turne the oxen hooome, he would not ; they cursed, swore, drew upon him, thretned to run him through, beete him, but he did not strike againe. They came to your house, ware shutt oute, your wife ferefully scared for fere of her son who was oute with them. At length she lett them in, laid three pounds on the table which they tooke and then levied on severall young cattel but released and lefte them. Your son came hether to advise, but complaininge is bootless, such a dismal case are wee in. They tooke away two bedds from ould Perkins, but his son offered his person and they tooke it and quitted the other ; what more they did there wee as yet here not.

Capt. Gerish, John Woodman, Lifen. Nutter and Nath. Batchelor are sworne constables.

17th. I wente to Mr. Masson at Capt. Barefoote's house and had severall witnesses with mee, and desired him to take depositoryones that I might sende them home, about my case and the reste of the cases, butt hee refused. The governor had putt mee in prisson when I asked him, and now in his absents the deputy governor denies to grant them. I hope this will be matter of juste complainte, that wee should be hindered from applyinge to his majesty for relefe under our oppressiones. You will have evidense of his denial sente home, sworne before som of the Baye magistrates : wee can doe no more unless the Baye should assiste us, which they are loath to doe and wee are loath to put them upon as matters are surcomstansed with them ; but wee thinke it should be taken very hainously by all that love justis and willing to administer it, that his magesties subjects should be thus treated. Surely they are afraid or ashamed of there actyones (and they may be boath) else they would not be so shy of having them knowne.

This is what offers here, what more neidfull coz Waldron will advise from Boston.

With dew respects remaine,
Your assured friend and servant.

For MR. NATH. WIRE, in London.

A discourse with the governor aboute my imprisonment, May.

84. [*Subjoined to the foregoing letter.*]

AT a sessiones held the 6th May, 1684, I was denied counsell, and to have witnesses sworne. Mr. Waldron, Capt. Stileman and Capt. Froste were presented.

10th. The governor was with mee in prisson. Mr. Chamberlin, Mr. Hinkes and Mr. Sherloake with him.

The governor proffered mee (that whereas I was fined by the justises in Thurton's case, that I might think they had not done mee rite) that I would prosecute it (giveinge security soe to doe,) in the kings benche at Westinister, the exchequer, or before kinge and counsell, I should ; though by his comityon hee could not doe it. My anser was, unless I could have security given mee that in case I should recover, I might have my charge and damidge made me good, it would be of no benefit to me. He saide there was no reson for that, because it was for the kinge ; though it was his because Mr. Masson had resind up to the kinge all fines and forfeitures and the king had given it to him. But he said if I would deposite a valuable som hee would doe the like and would give bond, and have it tried as abovesaid. My answer was I thoughte the forty pounds was enofe and that I expected executyon would com oute at the time, and should endeavour by the time to provide enofe for it, but withal tould the governor it was at his liberty to remit it if he pleased by virtue of his comityon.

Allso for my beinge in prisson for not giveinge bond for my good behaviour, when the sessiones came I was not brought to my triall for that, but remanded to prisson again.

At ditto time the governor tould mee hee had put mee in prisson on that account, and hee would abide by it till I would give two hundred pound bound. My anser was I had rather ly in prisson then give bond to tempt such a fellow as Thurton, (or such others) that had sworne against me alreedy, and falsly, and judged it might be no scruple to him to doe the like againe. And withal told him that if his honner plesed to let me out of prisson, I would ingaidge myself by bond to live oute of the provinse, though that would be very detrementall to my concerns and by that I hoped he would have no thoughts of my misbehaveinge mysef, that would be detrementall to the kinges governente here or himself. Not that I scrupled giveinge bond for my good behaviour, though not accused for anny thinge but for layinge a temptatyon to some base minded person or persons to foresware themselves, as one had done before in another case relateinge to me.

May 12. Was informed that whereas Thurton had a comityon to be prisson keeper, (and withal had vaped and said the prisson was to good for Vaughan, and the roome that hee had fited up did intende to keepe it himself and that V. should take his quarters where hee would asigne it, and that the prisoners should not be waited on as Abbot had done, for hee would keep them loacked up, only com morninge and eveninge) loste his poaket booke wherein was his comityon and sundry papiers of consenment.

N. B. The original of this letter and journal is in the hands of the Hon. President Weare.

Nº. XXXII.

Copy of a letter from the governor and council to the lords of trade.

[Council Records.]

Province of New-Hampshire,

May 23, 1684.

May it please your lordships,

SINCE Robert Waldy is returned from England having lately had an appeal dismissed by the council board, by taking advantage of Mr. Randolph's absence, who was attorney for the parties, he hath put the people of this province into such a ferment and disorder that it is not possible to put his majestys commands in execucion or any

ways govern them. And tho' notwithstanding in obedience to your lordships commands, we have called an assembly (a copy of the proclamation for that purpose being herein inclosed) we cannot think it prudent or safe to let them sit; they being of the same ill humor or worse as when Gove went into arms, his design being hatch'd at the time the assembly sate. And it looks more like a design, they having those four constables into the assembly that the kings peace may not be preserved (the whole number of the assembly being eleven :) This Wadley being formerly an assembly man and hath three sons condemned in Gove's rebellion (and himself now chosen again) the oldest of them I have pardoned, one of them is dead and the other I keep in prison till I receive your lordship's further order. All the other offenders being pardoned. Major Waldrons son is constantly of the assembly and speaker (this being the third that hath been called) I wish his majesties clemency do not cause some great mischief to be done here. They have never given *TWO PENCE** to the support of the government and that very rate that was made in the time of president Cutt and Waldron we have according to his majesties royal commission continued; but do not think it safe to publish it, unless we had strength to countenance our proceedings. This we conceived our duty to inform your lordships, and are,

May it please your lordships,

Your most humble and most obedient servants,

The appllants claim by grant from Mr. Mason; and as for Wadley he hath been these sixteen days in the countrey. and tho' I have heard much of him, I have not yet seen him.	}	EDW. CRANFIELD, ROBT. MASON, WALT. BAREFOOT, R. CHAMBERLAIN, JOHN HINKS, JAMES SHERLOCK.
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To the right honble. the lords of the committee }
of trade and plantacon, at Whitehall.

N^o. XXXIII.

Copy of a letter from Cranfield to Sir Leoline Jenkins of the same date.

May it please your honour,

(*Council records.*)

WE humbly beg after your honor hath perused this letter to the lords of the council, you would be pleased to lay it before their lordships and desire their lordships to come to some speedy resolution; for it is no longer in my power to promote the honour and interest of his majesty here, without a small fregate to second his majesty's broad seal and other his royal commands. As to the pirates your honour may be assured that myself and the council will punish them according to their demerits, if they shall at any time happen to come within this jurisdiction; and carefully obey all other commands which shall be sent unto,

May it please your honour, your honour's most humble and most obedient servant,

EDW. CRANFIELD.

I thus humbly beseech your honour by the first opportunity, to send the king's letter to give me liberty to go off to Jamaica or Barbadoes for

* The first assembly voted two hundred pounds to the governor, but it is not certain that he accepted it though he consented to the act.

my health ; finding so great a weakness in my legs, which indisposition hath bin contracted by the severity of the cold.

To the Right Honourable Sir Leoline Jenkins one of his majesty's }
principal secretaries of state at Whitehall.

[The two preceding papers are in the council minutes 2d Book.]

No. XXXIV.

Copy of Mr. Weare's first complaint against Cranfield.

To the king's most excellent majesty and the lords of his most honourable privy council.

THE humble representation of Nathanael Weare, inhabitant and planter in your majesty's province of New-Hampshire in New-England in America, on behalf of himself and other your majesty's loyal subjects, inhabitants and planters there, whose names are subscribed to the four annexed petitions, as follows :

1. That the hon. Edward Cranfield, Esq. your majesty's governor of the said province, upon his first entrance on that government, in order to the enlargement of his power as governor there beyond the just bounds and limits your majesty was by your royal commission pleased to sett him, and to engross the whole power of erecting courts, with all necessary fees, powers and authorities thereto into his owne hands, exclusive of the general assembly there. The said Mr. Cranfield at the first general assembly there when the words of his commission ranne, "And we do hereby give and grant unto you full power and authority to erect or constitute and establish such and soe many courts of judicature and publique justice within the said province and plantacon within your government, as you *and they* shail think fit and necessary for the hearing and determining of all causes, as well criminal as civil, according to law and equity, and for awarding execucon thereupon, with all reasonable and necessary powers, authorities, fees and priviledges belonging unto them," caused his commission to be entred in the councill bookes there and delivered a copy thereof to the general assembly without the words [*and they*], affirming those words to have been put in by mistake of the clerk in engrossing the commission ; whereby the said Mr. Cranfield has enhanced the fees upon tryals there to his own advantage, as will appeare in one of the articles following.

2. Although your majesty has been graciously pleased by your said commission to interpose between the inhabitants of the said collony and Mr. Robt. Mason, *pretended* proprietor thereof, and to direct,

"That on non-agreement between those inhabitants and Mr. Mason, the said Mr. Cranfield should interpose, who if he could not end the differences between, was by the said commission directed to transmit to England such cases impartially stated, with his opinion and reasons on the same, that your majesty with advice of your privy councill might heare and determine the same." That nevertheless the said Mr. Cranfield, instead of keeping himself indifferent between the contending parties, Mr. Mason and the said inhabitants, hath by purchase or mortgage from Mr. Mason made himself owner of the province : And the better to come by what he hath soe purchased, he hath under colour of the authority of your majesty's commission made courts, wherof both judges and jurors have agreed with Mason for their own lands, and some of them have taken grants from Mason of other mens lands. That never-

theless this jury is continued from month to month and kept for this service.

That Mr. Mason has cast forty persons on suit by that jury, the court rejecting all pleas and though the verdict be given for Mr. Mason according to your majesty's royal commission (which directs as before) and the judgment entered accordingly, yet upon the execution the inhabitants are turned out of their lands and houses. as it hath fared with Wm. Vaughan and others and deprived of all subsistence.

5. That the charge of every action is raised from 20s. to 6l. which is exacted in money, and though goods tendered (as usual) the persons are imprisoned for want of money in kind, and Mr. Cranfield himself takes — of the 6l.

4. That the said Mr. Cranfield under colour of trying actions, has by setting the fees soe extraordinary, forced severall to quitt their claimes for want of money to carry on the suite.

5. That the said governor taking upon himself the power of pricing money not entrusted with him by his commission, hath against the agreement of the general assembly, by advice of his council, ordered pieces of eight however wanting in their weight to pass for 6 shillings.

6. That the said governor, without good and lawful cause, hath taken upon him to commit severall men to prison, particularly Wm. Vaughan, until bonds given for their appearances and good behaviour, when nothing further objected to them.

7. That the said governor and his council took upon them to make laws and put them in execution without the general assembly.

8. That to prove the articles above against Mr. Cranfield, the complainants have success'sly endeavoured to procure warrants or summons from the secretary to summon their witnesses to be sworn (which cannot otherwise be soe) the seeking of such summons has occasioned being bound to the good behaviour, soe as the complaining of a wrong done one does, under Mr. Cranfield's management, but draw a new punishment on the afflicted, but noe manner of redress.

All which the said Nath. Weare humbly lays at your majesty's feet, imploring your majesty's present heareing what your petitioner is able to make out of the premises, and ordering some commission to examine the truth of the residue of the said allegations (since your majesty's governor on the place will not admit of such evidence.) That on the return thereof your majesty's subjects in that province may find such releife as to your princely wisdom shall seeme meete.

And that in the mean time Mr. Cranfield be admonished not to exceed the bounds of his commission.

And your petitioner shall ever pray, &c.

No. XXXV.

Att the court at Hampton court,

This 11th day of July, 1684.

By the king's most excellent majesty and the lords of his majesty's most honourable privy councill.

UPON reading this day at the board the petition and complaint of Nathaniel Weare, inhabitant and planter in his majesty's province of New-Hampshire in New-England in America, in behaife of himselfe and others his majesty's loyal subjects and inhabitants and planters there,

whose names are subscribed to the fower petitions thereto annext against Edward Cranfield esq. his majesty's governor thereof;

His majesty was pleased to order that the said petition and complaint be, and they are hereby referred to the right honourable the lords committees of this board for trade and foreigne plantacons, who are to consider thereof and to report to his majesty att this board their opinion thereupon, and then his majesty will declare his further pleasure.

Philip Lloyd.

A true coppie.

[The two preceding papers are in the hands of the Hon. President Weare.]

No XXXVI.

Letter from the lords of trade to Governor Cranfield.

AFTER our hearty commendations to you. His majesty having received the petitions and complaints of divers of his subjects inhabitation and planters of New-Hampshier against you for certine irregular proceedinges alleged by them to bee had by you in the execution of your commission and administration of justice: and it being ordered in counsell that the said petitions and complaints bee examined and considered by us that wee may report to his majesty our opinions, to the end his majesty's further pleasuer may be signified thereupon. Wee have therefore herewith sent unto you copies of the said petitions and representations that you may return your particular answer thereunto with all speed, and that wee may the better distinguish the truth of what is alleged or complained of, and of such defence as you shall be able to make. Wee doe think fitt that all persons whatsoever, have free libertye to depose upon oath what they know, and to take copies of all records in these or any other cases relating to yourselfe, or the saide province, and that the said depositions bee taken in writtinge by any member of the counsell or justice of the peace in that colony, whome you are duly to authorize thereunto, and as we cannot beleve that you will put any restriction or discouragement whatsoever upon the takinge and transmittinge of all necessary proofs and records, attested by the proper officers for the clearing of truth in the matters complained of, soe we thinke it requisite that copies of all affidaves bee interchangeably delivered, to each party concerned as soon as they shall be taken, and so not doubtinge of your compliance herein wee bid you heartily farewell.

From the counsell chamber in Whitehall this 23d day of July 1684.

Your very loving friends

Radnor.

Guilford. C. S.

Halifax, C. P. S.

Craven.

Rochester.

Ernle. Godolphin.

L. Jenkins.

To our very lovinge friend Edward Cranfield esq. lieutenant governor and commander in chief of his majesty's province of New-Hampshier in New-England.

A true copy,

William Blathwayt.

[This paper is in the council minutes 2d book.]

No. XXXVII.

At the court at Whitehall the 8th of April. 1685.

By the king's most excellent majesty and the lords of his majesty's most honourable privy councill.

UPON reading a report from the right honourable the lords of the committee of trade and plantacons in the words following:

May it please your majesty,

Having received an order in council dated the 11th of July last, upon the petition and complaint of Nathaniel Weare, inhabitant of your majesty's province of New-Hampshire in New-England, in the behalf of himselfe and others your majesty's subjects and planters there, against Edward Cranfield, Esq. your majesty's governor of that province, whereby wee were directed to report our opinions upon the said complaint. Wee did accordingly transmit a copy thereof to the said Edward Cranfield, and upon receiving his answer, & hearing what the complainants could allege, and make out against him; Wee find that the said Edward Cranfield has not pursued his instructions in reference to the propriety of soile which Robert Mason, Esq. claimes in that province, inasmuch as the said Edward Cranfield by his instructions is directed that in case the inhabitants of New-Hampshire should refuse to agree with the said Mason, he should interpose and endeavour to reconcile all differences, which if he could not bring to effect he was then to send into England such cases fairly and impartially stated, together with his opinion, for your majesties determinacon; whereas instead thereof he has caused courts to be held in New-Hampshire, and permitted titles of land to be decided there, and unreasonable costs to be allow'd, without first representing the particular cases to your majesty. As to the complaint of his having raised the value of coins against the laws of the assembly there, wee are most humbly of opinion that although it be your majesty's undoubted prerogative to set and determine the price and value of coynes within your dominions, yet your majesty's governor ought not to have made any alterations therein without having received your majesty's special directions. All which wee humbly propose may be signified to him by your majesty's order, and that the differences depending between the said Robert Mason and planters in that part of New-Hampshire may be at length decided. Wee further offer that William Vaughan, one of the complaynants attending this board, may have opportunity allowed him of appealing to your majesty within a fortnight from all verdicts and judgments given in New-Hampshire in his private case, upon hearing whereof and by the relation it has with others your majesty will be best able to judge of the right and title of the said Robert Mason to that part of the province of New-Hampshire aforesaid, and upon bringing the said appeale that all proceedings at law relating to the said title may forthwith cease until your majesty's further pleasure be knowne.

All which is nevertheless most humbly submitted.

ROCHESTER, .	ARLINGTON,
HALIFAX, P.	OXFORD,
CLARENDEN, C. P. S.	CHESTERFIELD.
BEAUFORT,	

Council Chamber, 27 March, 1685.

HIS majesty in council was graciously pleased to approve of the said report, and to order that his majesty's pleasure therein be signified to Mr. Cranfield accordingly. It was alsoe ordered that Mr. William Vaughan be allowed to appeale to his majesty within a fortnight from all verdicts and judgments given in his private case in New-Hampshire, according to the said report.

A true copy,

WM. BRIDGEMAN.

[The preceding paper is in the hands of the hon. presid. Weare.]

No. XXXVIII.

AFTER our hearty commendations unto you, we have in obedience to his majesty's commands, received and examined your answer to the complaint of Nathaniel Weare, inhabitant of his said province of New-Hampshire, in behalfe of himselfe and others his majesty subjects and planters there, and having likewise heard what the said Wear could bring in evidence of the said complaints, and thereupon reported our opinions to his majesty, Wee are comanded hereby to signifie unto you, that you have not pursued your instructions in reference to the propriety of the soyle which Robert Mason, Esq. claymes in the province of New-Hampshire, inasmuch as you were directed that in case the inhabitants of New-Hampshire should refuse to agree with the said Mason you should interpose. and endeavour to reconcile all differences, which if you could not bring to effect, you were then to send to his majesty such cases fairely and impartially stated, together with your opinion, for his majesty's determination; in stead whereof you have caused courts to be held in New-Hampshire, and permitted titles of land to be decided there, and unreasonable costs to be allowed, without first representing the particular cases to his majesty. And yet although it be his majesty's undoubted prerogative to set and determine the price and value of coyne with in his majesty's dominions, you have not done well in directing any alterations therein without his majesty's speciall order: In both which you have been wanting in your duty to his majesty. But that the chiefe occasion of dispute that province may be removed, we are farther directed to acquaint you that as to the differences depending between the said Robt. Mason and the planters, his majesty hath been graciously pleased by his order in councill, dat. the 8th of this instant Aprill, to permit William Vaughan, one of the complainants attending this board, to appeale to his majesty with in a fortnight from the date of the said order from all the verdicts and judgements given in New-Hampshire in his private case, upon hearing whereof, and by the relation it has with others, his majesty will be best able to judge of the right and title of the said Robt. Mason to that part of the province of New-Hampshire: And his majesty doth likewise thinke fit that upon bringing the said appeale by the said William Vaughan, all proceedings at law relating to the said title doe forth with cease until his majesty's pleasure be known. Whereof you are to take notice and to govern your selfe accordingly. And so we bid you very heartily farewell. From the councill chamber at Whitehall, the 29th day of April, 1685. Your loving friends,

(Signed)

W. Cant.	Bridgwater,
Guildford, C. S.	Chesterfield,
Rochester,	Sunderland,
Halifax, P.	Craven,
Clarindine, C. P. S.	Aylesbery,
Beaufort,	Midleton,
Lindshy,	Godolphan,
Arlington,	J. Ernie,
Hunington,	Geo. Jaffreye

Directed to our loving friend Edw. Cranfield, Esq.
lieut. governor and commander in chief of his
majesty's province of New-Hampshire in N.
England.

No. XXXIX.

AFTER our hearty commendation : His majesty hath received the petition and appeale of Wm. Vaughan, inhabitant of New-Hampshire, from severall verdicts and judgments given against him in that province, which being referred to us by his majesty's order in council of the 29th of April last, that we should examine the allegations thereof, and make report of the same, with our opinion thereupon, wee have accordingly appointed to heare all parties concerned in the severall cases therein contained, on the first Tuesday after midsommer day which shall be in the year 1686 : To which end we herewith send you a coppie of the said petition and appeale, which you are to communicate unto Robt. Mason, esq. and to all others whome it may concern, who are to take notice thereof, and to give their attendance at that time either by themselves or by their agents sufficiently empowered by them, to answer the said appeale, and to submit to such judgment hereupon as his majesty in council shall be thought fitt. And you are likewise to permit all persons to have free access to, and take copies of all records with in that province relating to the matters in dispute, and to depose upon oath what they know concerning the same, which depositions are to be taken in writing by any of the members of the council or justices of the peace in that province, without any hinderance or discouragement whatsoever, in order to be transmitted unto us, for the clearing of truth in that appeale. And so we bid you heartily farewell. From the councill chamber in Whitehall, the 22d day of May 1685. Your loving friends,

Guilford, C. S.
Halifax, Pr.
Ormond,

Rochester,
Clarindine, C. P. S.,
Sunderland.

Lieut. gov. of New-Hampshire, or com-
mander in chiefe for the time being. }

[The two preceding papers are in the possession of John Penhallow, esquire.]

No. XL.

To the king's most excellent majesty.

The humble petition and address of your majesty's dutiful and loyal subjects inhabiting in the province of New-Hampshire in New-England.

[1685.]

Most humbly sheweth,

THAT your majesty's loyal subjects of this province, had for more than fifty yeares been peaceably possessed of the lands lately challenged by Mr. Mason, and having found the same an utter desert and forest land, with excessive cost and hard labour reduced the same to a tollerable support of our selves and families and lately maintained the same with a vast expence of our estates and lives against the incursions of a barbarous enemy who had otherwise reduced the same to utter confusion.

That upon his late majesty's declaration and order for the settlement and government of this province, wee accounted ourselves happy for that therein we were by his said majesty's princely grace and favour, saved from the unreasonable demands which Mr. Mason might have made upon us, by the limitations in the commission for government, wherein it was provided that the said president or governor for the time being, should use all methods by his good advice to settle and quiet the people

in the matter of Mr. Mason's title, or otherwise impartially to state the case and report the same to his majesty, that a final determination might thereupon have been made by his majesty in council, which if it had been duly attended had we doubt not long since by your majesty's justice and favour putt us into an happy estate of quiet and repose.

That notwithstanding his said majesty's command and limitation, the said Mr. Mason hath been allowed to pursue many of the inhabitants, in severall suites and actions, wherein the government have taken to themselves power of an absolute judgment without any regard had to the said commands and limitations, and with that excess and rigor as to assigne the said Mr. Mason sometimes ten pounds, other times twenty pounds costs, when damages have been sometimes not above two shillings, very seldom ten according to the orders and limitations abovesaid.

That the said Mr. Mason beyond and beside the said quit rents, and directly against his majesty's order in the said commission, wherein the tenure of improved lands is assured to the tenants upon payment of the said quit rent, or otherwise as his majesty in council should determine, hath disposed or given away the fee to several persons of several lands which were long before his challenge fenced and improved by others, to the great damage and injury of his majesty's good subjects, beside many other irregularities in the management of the government, to the greates oppression and destruction of trade within your majesty's province, and the utter impoverishing thereof.

That for the last two years and upward during the whole management of Mr. Mason's suits at law against your majesty's subjects, there hath been generally one jury returned to serve all the said issues with little alterations and almost constantly one foreman, (who for that end wee are apt to feare) was early compiled with by Mr. Mason for all the lands in his owne possession formerly, with addition of several other lands to his owne profit.

That notwithstanding your majesty's late gracious order, and inhibiting of any further procedure in the case of Mr. Mason's title, until the cause were brought before your majesty in council, Mr. Waiter Barefoote who was left deputy governour, hath since the arrival of your majesty's commands permitted executions to be extended, and persons thereupon imprisoned in causes concerning the said Mason's title, with excessive and unreasonable costs and damages.

And lastly, whereas your majesty hath upon complaint made against the irregular proceedings done and suffered, been graciously pleased to permit Mr. William Vaughan, one of the principal inhabitants and merchants in this province, to take his appeale to your majesty in council for reliefe, against severall oppressive judgments, one whereof refers to the title of his lands within this province holden in the same forme with the rest of his majesty's good subjects here, wee do with all humble gratitude acknowledge your majesty's justice and favour herein and for that the pursuance and issue of the said appeale will therefore necessarily affect the whole province and be introductory to the determination of all Mr. Mason's challenge, wee have judged it our duty in most humble manner to prostrate ourselves at your majesty's feete, and have therefore betru sted and fully impowered Mr. Nathaniel Weare one of the inhabitants of this your majesty's province our agent to lay before your majesty and most honorable privy council the common case and condi-

tion of your majesty's poore and distressed subjects in this province, who is fully instructed humbly to represent the same, and the arbitrary and severe oppressions wee have laboured under, from which wee are well assured of reliefe by your majesty's most just and gracious determination, and to make an humble and entire submission of ourselves unto your majesty's pleasure. most humbly beseeching that wee may hence forward have our perfect and immediate dependence upon your majesty and the crowne of England as well in the tenure of our lands as in the affairs of government. which gracious influence of your majesty is only able to revive and restore this province to its former flourishing estate and growth, whereby we may at length be made serviceable to your most sacred majesty and the crowne which wee are devoted to serve, resolving therein to be exemplary to all other your majesty's subjects in the territory of New England, and for which wee shall ever pray. &c.

[*This paper is in the hands of the hon. President Weare.*]

No. XLI.

At the court at Whitehall the 19th of November 1686.

(L. S.) Present, The king's most excellent Majesty.

Lord Chancellor,	E. of Plymouth,
Ld Treasurer,	E. of Morray,
Ld President,	E. of Middleton,
Duke of Ormond,	E. of Melford,
D. of Albermarle,	E. of Tyrconnell,
D. of Beauclerk,	Viscount Stauntonberg,
Ld Chamberlain,	Visc. Preston,
Earl of Oxford,	Ld Bp of Durham,
E. of Huntington,	Ld Arrundell of Wardour,
E. of Peterborough,	Ld Dartmouth,
E. of Craven,	Ld Dover,
E. of Powis,	Mr. Chancellor of the exchequer,
E. of Nottingham,	Mr. Chancellor of the Dutchy.

UPON reading this day at the board a report from the honble the lords of the committee of council for trade and foreign plantations, bearing date the 6th day of November instant, setting forth, that in obedience to his majesty's orders in council of the 25th of April 1685, and the 3d of July last, they have examined the appeal of Wm. Vaughan from a verdict and judgment given against him on the 6th day of November 1683 in his majesty's courts in New-Hampshire in New-England, at the suit of Robert Mason Esq. as proprietor of that province for certain lands and tenements in Portsmouth in the said province, and that they having heard the said Robert Mason and Nathaniel Weare attorney for the appellant and his council learned in the law, are humbly of opinion that his majesty be pleased to ratify and affirm the verdict and judgment aforesaid.

His majesty in council was pleased to approve of their lordships said opinion and report, and to order the said verdict and judgment given against the said William Vaughan on the sixth day of November 1683, in his majesty's courts in New-Hampshire in New-England. at the suit of Robt. Mason esq. as proprietor of that province, for certaine lands and tenements in Portsmouth in said province, be ratified and affirmed, and they are hereby ratified and affirmed accordingly.

WM. BRIDGEMAN.

Vera copia, per Richard Partridge, clerk.

Copy as on file in the case, Allen vs Waldron,

Exam. per Geo. Jaffrey, Cl.

No. XLII.

Four letters or petitions from John Hogkins, commonly called Hakins, one of the sachems of the Penacook Indians. [From the originals in the Recorder's office.]

Honour gouvernor my friend,

May 15th, 1685.

YOU my friend I desire your worship and your power, because I hope you can do som great matters this one I am poor and naked and I have no men at my place because I afraid allwayes Mohogs he will kill me every day and night. If your worship when please pray help me you no let Mohogs kill me at my place at Malanake river called Panukkog and Nattukkog, I will submit your worship and your power. And now I want powder and such alaminishon, shatt and guns, because I have forth at my hom and I plant theare.

This all Indian hand, but pray you do consider your

humble servant,

JOHN HOGKINS.

Simon Detogkom,

Peter O Rebin.

Joseph X Traske,

Mr. Jorge + Roddunnonukgus

King Hary,

Mr. Hope X Hoth,

Sam H Linis,

John + Tonch,

Wapeguanat H Saguachuwashat

John a Canowa,

Old Robin H,

John x Owamosimmin,

Mamanosgues O Andra,

Natonill † Indian.

Another from the same.

Honour Mr Governor,

May 15, 1685.

NOW this day I com your house, I want se you, and I bring my hand at before you I want shake hand to you if your worship when please then you receve my hand then shake your hand and my hand. You my friend because I remember at old time when live my grant father and grant mother then Englishmen com this country, then my grant father and Englishmen they make a good govenant, they friend allwayes, my grant father leving at place called Malamake rever, other name chef Natukkog and Panukkog, that one rever great many names, and I bring you this few skins at this first time I will give you my friend. This all Indian hand.

[*The rest as b. fore.*]

JOHN + HAWKINS, Sagamor.

Another from the same.

Please your worship,

I WILL intreat your matther you my friend, now this if my Indian he do you long pray you no put your law because som my Indims focll, som men much love drunk then he no know what he do, may be he do mischief when he drunk if so pray you must let me know what he done because I will ponis him what he have done, you, you my friend if you desire my business, then sent me I will help you if I can.

Mr. JOHN HOGKINS.

Another from the same.

Mr. Mason,

PRAY I want speake you a few words if your worship when please because I come parlas [on purpose] I wil speake this governor but he go away so he say at last night, and so far I understand this governor his power that your power now, so he speake his own mouth. Pray if you take what I want pray com to me because I want go hom at this day.

Your humble servant,

May 16, 1685.

JOHN HOGKINS, Indian sogmor.

No. XLIII.

Letter from Capt. Hooke, advising of danger from the Indians.

Capt. Barefoot, Sir,

THIS is to informe you that just now there cam to me a post wherein I am fully informed that there is just ground to feare that the heathen have a souden desyne against us; they havinge lately about Sacoe affronted our English inhabitants there by threatening of them, as alsoe by killinge theyre doggs; but more pertickularly in that on Friday, Saturday, and Lord's day last they have gathered all theyre corne, and are removed both pack and packidge. A word to the wise is enough. The old proverb is, forewarned forearmed. Myself and rest in commission with us are fourthwith settinge ourselves in a posture, and tomorrow our counsell meet for to consider what is needful to be done. Not els, beinge in great hast, butt remayn, Sir, your obliged servant,

FRANCIS HOOKE.

Kittery, 13 Aug. 1685.

No. XLIV.

Report of persons sent to enquire into the above matter. (No date or signature.)

To the honourable Walter Barefoot, Esq, and the councill of Great-Island.

Gentlemen,

ACCORDINGE to your command and order to me, bearinge date the 2d instant, I have to the utmost of my power observed every particular. Upon our arrival there on Friday night they were all very courteous to us, and in the morninge my orders were read which was very kindly received by them, and the reasons why they deserted the places where they usually abode among the English was,

1. That four Indians came from fort Albany to the fort at Pennicooke and informed them that all the Mohawkes did declare they would kill all Indians from Uncas at mount Hope to the eastward as far as Pegypscut.

2. The reason of Natombamat, sagamore of Saco, departed his place was, because the same news was brought there as himself declared upon reading my orders at Pennicooke.

3. Natombamat, sagamore of Saco, is gone to carry the Indians downe to the same place where they were before departed from us, on Sunday morninge, and desired Capt. Hooke to meet him at Saco five days after.

4. Both sagamores of Pennicook, viz. Wannilanset and Mesandowit, the latter of which is come downe, did then declare they had no intention of war, neither indeed are they in any posture for war, beinge about 24 men besides squaws and paposes.

5. Asking the reason why they did not come among the English as formerly, they answered they thought if the Mohawkes came and fought them and they should fly for succour to the English, that then the Mohawkes would kill all the English for harboring them.

No. XLV.

Articles of peace agreed upon the eighth day of September, in the year of our Lord 1685, between the subjects of his majesty king James the second inhabiting the provinces of New-Hampshire and Maine, and the Indians inhabiting the said provinces.

IT is agreed there shall be for the future a lasting peace, friendship and kindness between the English and the Indians, and that no injury shall be offered by the one to the other.

That if any Englishman doth any injury to an Indian, upon complaint made to any justice of the peace the Englishman shall be punished, and the Indian shall have present satisfaction made him. And if any Indian doth an injury to the English or threaten to do any injury, the sagamore to whom that Indian doth belong, shall punish him in presence of one of the king's justices of the peace.


That if any other Indian shall designe any mischief or harme to the English, the Indians inhabiting the aforesaid provinces shall give present notice thereof to the English, and shall assist the English.


That so long as the aforesaid Indians shall continue in friendship with the English, they shall be protected against the Mohawks, or any others, and may freely and peaceably set downe by the English near any their plantations.


Robert Mason,
Robert Elliot,
John Davis,


Walter Barefoote,
Henry Green,
Francis Hooke.

The mark of  Mesandowit.

The mark  of Wabowah, alias Hopelhood.

The mark  of Tecamerisick, alias Josias.

The mark  of John Nomony, alias Upsawah.


The mark  of Umbeehowah, alias Robin.

We whose names are hereunto written do freely consent and engage to comply and perform the within written articles as our neighbours have done, and do further engage as followeth :

Lastly, That the Indians shall not at any time hereafter remove from any of the English plantations with their wives and children before they have given fair and timely notice thereof unto the English, from whence they do so remove ; and in case the said Indians shall remove with their wives and children without such fair and timely notice given to the English, that then it shall be taken pro confesso that the Indians do intend and designe war with the English, and do thereby declare that the peace is broken ; and it shall and may be lawfull to and for the English, or any on their behalfs, to apprehend the said Indians with their wives and children, and to use acts of hostility against them until the sagamores shall make full satisfaction for all charge and damage that may arise thereby.

John Davis,
Francis Hooke.

The mark  of Netanbomet, sagam. of Saco.

The mark  of Wabowah, alias Hopelhood.

The mark) of Ned Higgon.

The mark O of Newcome.

Kancamagus, alias John Hawkins, sagamore, signed this instrument, 19 7ber, 1685, his G mark.

Bagesson, alias Joseph Traske, O his mark.

And agreed to all within written.

Testis, JOSEPH RAYN.

No. XLVI.

Portsmouth, the 7th of Sept. 1687.

To the much honred cort now sitting in said Portsmouth, for the province of Newhampshir,

The humbel petition of William Houchins, on of his magesty subgects belonging to said prouince, humbly seweth for aduic, ade and reless in his deplorabell estat and condition.

THAT whereas it has plesed God to lay his hand uppon him, and that hee is in such a condition not being abell to heip him self, as to the geting a liuing or proquering help or remedy for my distemper, being low in the world, and hauing useed all the menes and aduic posabell for nere five years past; hauing bin informed by som that it is a distemper caled the *king's euell**, so can not be quered but by his magesty. Hauing littell or nothing in this world, if my liff should go for it am not abeli to transport my self for England to his magesty for releff; thareffor humbly and hartly beg the help, ade and asistanc of this honred cort, that thay would so far commiserat my deplorabell condition as order som way ether by breff or any other way that your honors shad think most meet to moue the harts of all cristen people with compaction to besto somthing uppon mee, to transport mee for England, whar. God wil-ling, I intend fortu with to goo iff posabell, but without help not posabell. This humbly leuing my self in the sad condition I am in, trusting in God and your honors for help and aduice, subscrib your por deplorabell saruant,

WILLEAM HOUCHINS.

* *This petition is inserted merely as a curiosity. I was a received opinion in that day that the distemper called the king's evil could be cured only by the royal touch. The following advertisement taken from an old London gazette is of the same nature.*

"These are to give notice, that the weather growing warme, his majesty will not touch any more for the evil till towards Michaelmass. And his majesty's chirurgeons desire to prevent his majesty being defrauded, that greater care be taken for the future in registering certificates given to such as come to be touched." London Gazette May 29, 1682.

No. XLVII.

A letter from Secretary Addington to Major Waldron, apprizing him of his danger from the Indians.

[The original in the hands of the hon. Thomas Westbrook Waldron.]

Honble Sir,

Boston, 27 June 1689.

THE governor and councill haveing this day received a letter from Major Henchman of Chelmsford, that some Indians are come in to them who report that there is a gathering of some Indians in or about Penecooke, with designe of mischiefe to the English. Among the said Indians one Hawkins is said to be a principle designer, and that they

have a particular designe against yourself and Mr. Peter Coffin, which the councill thought it necessary presently to dispatch advice thereof to give you notice, that you take care of your own safeguard, they intending to endeavour to betray you on a pretention of trade.

Please forthwith to signify the import hereof to Mr. Coffin and others as you shall thinke necessary, and advise of what informations you may at any time receive of the Indians motions. By order in councill,

ISA. ADDINGTON, Secy.

For Major Richard Waldren and Mr. Peter }
Coffin, or either of them att Cochecha ; }
these with all possible speed.

No XLVIII.

Copy of an address of the general court to Queen Anne, Decem. 6, 1705.
[Council Minutes.]

To the queen's most excellent majesty.

The address of your majesty's most dutiful and loyal subjects, the governor, council, and representatives of your majesty's province of New-Hampshire in New-England, convened in general assembly,

Most humbly sheweth,

THAT in the midst of the great distresses, that your majesty's most dutiful and loyal subjects of this your majesty's province were involved in, by the frequent incursions of our ill neighbours the French of Canada and their dependent Indians, to the great hurt of our plantations and the great expense your sacred majesty has been pleased of your royal bounty and compassion to supply us with a number of cannon and stores for our defence, the receipt whereof has invigorated and encouraged us in the defence of our frontiers, and our marches against the Indians in their secret recesses in the woods, which are always and still successfully put forward by your majesty's governor for our security, to our perfect satisfaction.

That while we were thus defending ourselves and families, against the common enemy of the repose of all your majesty's British subjects in the plantations abroad as well as in Europe, we were pursued by the challenge of Mr. Allen for the lands and soil under our feet, which we have this sixty years defended with our lives and estates, as well as the assistance of our good neighbours of your majesty's colony of the Massachusetts, your majesty of your royal and princely regard to us has dismissed that challenge, which will forever encourage us to our utmost power to defend this your majesty's province, since we may now hope to leave our children in the possession of the country, with an entire dependence upon your majesty and your royal successors without the danger of any further unjust challenge from those persons that have so long disturbed us with their claims.

And whereas your majesty out of a gracious regard to this and other your provinces in these parts of America, was pleased to form a design against the French settlements at Canada and Nova-Scotia the last summer, but a more important service in Europe requiring your majesty's forces which were intended hither, whereby that design is laid aside for the present ; we most humbly pray your majesty that it may consist with your royal pleasure to revive the said design, and that the expectation lately intended may be prosecuted seasonably the next spring ; and that

your majesty's arms in America may have a glorious success as in Europe, to the utter confusion of your enemies, and lasting repose of all your majesty's good subjects inhabiting this continent.

We most humbly render our everlasting praises to Almighty God for your majesty's most glorious successes against the tyranny and usurpation of the French king and heartily pray for your majesty's long life and happy reign and the continuance of the protestant succession, for the benefit of your majesty's subjects of Great Britain, of all your majesty's dominions and plantations, and of all Europe who have had the unspeakable benefit of your majesty's unparalleled reign.

We are your majesty's most loyal and obedient subjects,

Mark Hunking, speaker.

Cha. Story, secretary.

Signed in presence and by order of
the House of Representatives.

Signed in the presence and by
order of the Council.

Portsmouth, in New-Hampshire, 6th December, 1709.

END OF THE FIRST VOLUME.

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