



















New Hampshire

# Provincial Papers.

## DOCUMENTS AND RECORDS

RELATING TO THE

# PROVINCE OF NEW-HAMPSHIRE,

FROM THE EARLIEST PERIOD OF ITS SETTLEMENT:

1623-1686.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW-HAMPSHIRE.



VOLUME I.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.,

Corresponding Secretary of the New-Hampshire Historical Society.

CONCORD :

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## INTRODUCTION.

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### GOVERNOR'S MESSAGE.

IN his message to the Legislature of New-Hampshire, June 7, 1866, His Excellency, FREDERICK SMYTH, Governor of the State, said:

“I deem it my duty to direct your attention to the present condition of our Provincial Records, for the period between 1680, when New-Hampshire became a separate royal Province, to the year 1775, when her people adopted a State Government.

“These records are of great importance. Among other things, they contain a large portion of the Town Grants, the Provincial Laws, and all measures taken by the people of New-Hampshire in the prosecution of the French and Indian wars; yet, valuable as they are, they have never been put in a condition to render them useful, or insure their preservation. A part of them are in bound volumes and a part upon loose sheets, and they are all in manuscript, much of which it is difficult to decipher. They are greatly scattered, also, some portions being found in the office of the Secretary of State, and some in the archives of the Historical Society, and other parts among the Court Papers in different counties, and elsewhere. The work of arranging and indexing these, commenced some years ago by the late John Farmer, Esq., at the instance of the Legislature, should be continued; and, when properly prepared, should be printed, and thus rendered of easy access.

“An examination of the last two volumes of the New-Hampshire Historical Society's collections—the expense of which was borne in part by appropriations made by former Legislatures, will show the desirableness and importance of the work proposed,—containing as

they do 'the Records of the Committee of Safety' during the whole period of the Revolution, and Provincial Records, Court Papers, and the Province Laws, from 1680 to 1692.

"Much credit is due to the officers of the Society, and especially to its Corresponding Secretary, Rev. Dr. Nathaniel Bouton, for the patient labor gratuitously bestowed on this valuable work. In prosecuting to completion the enterprise thus auspiciously commenced, New-Hampshire would but be following the example already set by other States."

#### SELECT COMMITTEE.

On the 14th of June, a select committee was appointed on that part of the Governor's message that related to Province Records: namely, Benjamin Gerrish, jr., Dover; Nath'l G. Upham, Concord; John M. Hayes, Salisbury; Ansel Dickinson, Winchester; Adoniram J. Patterson, Portsmouth; Z. S. Barstow, Keene; Richard H. Hopkins, Chesterfield; George W. Weston, Windham; Horace Eaton, Hillsborough; and William Child, Bath.

#### JOINT RESOLUTION.

On the 28th of June, Mr. GERRISH, from the aforesaid Select Committee, reported the following Joint Resolution: namely,

*Resolved by the Senate and House of Representatives, in General Court convened,* That his Excellency, the Governor, be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe, and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New-Hampshire, as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in this State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New-Hampshire Historical Society, and the remainder placed in the custody of the State Librarian, who is hereby authorized to exchange the same for similar publications issued by other States.

On the 3d of July the above Joint Resolution was passed by the House; on the 5th by the Senate, and was approved by the Governor July 6th.

## COMMISSION.

Agreeably to the foregoing joint resolution, the Governor and Council made out the following Commission :

To NATHANIEL BOUTON,\* Greeting :

KNOW YOU, that we, reposing especial trust and confidence in your fidelity and ability, have constituted and appointed you, the said Nathaniel Bouton, Editor and Compiler of Provincial Records, hereby giving and granting unto you all the power and authority given and granted by the Constitution and Laws of our State, agreeably to an Act of the Legislature, approved July 6, 1866: TO HAVE AND TO HOLD THE SAID OFFICE, with all the powers, privileges and emoluments to the same belonging, for the term of — years: provided you are of good behavior during said term.

*In testimony whereof*, we have caused our Seal to be hereunto affixed.

WITNESS, Frederick Smyth, Governor of our State, the thirty-first day of August, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

FREDERICK SMYTH.

By his Excellency's command, with  
advice of Council.

WALTER HARRIMAN, *Secretary of State.*

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State of New-Hampshire.

Merrimack ss.

On the eleventh day of September, one thousand eight hundred and sixty-six, the said Nathaniel Bouton took and subscribed the oath of office as above named.

Before us: PETER SANBORN, } *Justices of the Peace*  
NATHAN W. GOVE, } *Quorum Unus.*

\* The title "Esquire," in the original form, is here omitted.



## EDITOR'S PREFACE.

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In preparing this first volume of Provincial Papers of New-Hampshire, I have aimed to collect and embody all reliable historical facts, original papers, documents and records, that could be found relating to the early settlement of the Province, and to its condition from 1623 to 1686.

The earliest original papers are contained in a bound manuscript volume, in the office of the Secretary of State, labeled "Province Records, Book 1," "Council and Mis. Papers, 1631-1756." From the first portion of this volume every thing has been copied that was presumed to be of public interest. Relative to the period from 1623 to 1631, we have no *original records*, but only such statements and facts as could be gathered from early historians, Winthrop, Hubbard, Prince, Morton, Belknap, &c., and from journals of voyages of an early date. This portion of our Province history is involved in considerable obscurity.

From 1641 to 1679, the four settlements that composed the Province of New-Hampshire, namely, Portsmouth, Dover, Hampton and Exeter, were under the jurisdiction of Massachusetts; consequently, we have no records relating to that period, except what are connected with, and contained in, the Records of the Massachusetts Colony. All those records, so far as they relate to New-Hampshire, have been carefully copied, revised, and are contained in this volume. Some very valuable papers have also been copied from "Documents relating to the Colonial History of the State of New-York." The "Court Papers," contained in this volume, were copied from bound MS. volumes in the Register's office, in Exeter, N. H.

In transcribing and preparing matter for the Press, I have aimed to preserve the exact language of the original or copy before me, particularly has this scrupulously been done in writing *proper names*. In no case have I changed the construction or grammar of a sentence, or even a word, whether correct or not. For the most part likewise, in copying

*original* papers, I have followed the ancient orthography, capitals and abbreviations; but inasmuch as there is no uniform rule in this matter among copyists or printers, and the utility of it is very doubtful, I have felt at liberty, in frequent cases, to follow the modern orthography, as better for the reader and more convenient both for the copyist and printer.

As Editor I have not felt myself obliged to furnish notes or comments on the text, beyond what was necessary, in some cases, for explanation or elucidation, nor to express an opinion on matters contained in any paper or record. When the text is doubtful I have signified it by an interrogation mark, or by an *italicised* word in [ ]. The Editor's notes are always designated by—ED. Quotations or extracts from other authors are duly credited.

The Editor respectfully acknowledges his personal obligations to his Excellency, FREDERICK SMYTH, Governor,—upon whose recommendation and under whose auspices this work was commenced,—for his courtesy and kindness, and for the uniform interest he has manifested in the successful accomplishment of the undertaking. Likewise, not only is the Editor, but the public generally, under great obligations to Hon. SAMUEL D. BELL, of Manchester, late Chief Justice of the State, for essential aid in procuring and furnishing materials for this volume, especially for collecting and arranging the "ANCIENT GRANTS," as also for his counsel in the preparation and arrangement of the volume. To the Hon. CHANDLER E. POTTER, of Hillsborough, the editor is indebted for aid in deciphering defaced and mutilated manuscripts, and for copies of valuable papers in his possession. To the Hon. WALTER HARRIMAN, Secretary of State,\* and his Deputy, and to the State Librarian, the editor is under much obligation for facilities afforded him of access to original papers, and books for reference.

To the candid judgment and acceptance of the PEOPLE OF NEW-HAMPSHIRE, this first volume of Provincial Papers is most respectfully submitted, and humbly commended by their servant, the Compiler and Editor,

NATHANIEL BOUTON.

Concord, June, 1867.

\* Since elected Governor.



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# THE PROVINCE OF NEW-HAMPSHIRE,

FROM

1623 to 1686.

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## PRELIMINARY NOTICES.

BY THE EDITOR.

NEW-HAMPSHIRE received its name with the Grant to Capt. JOHN MASON, November 7, 1629; but previous to this time voyagers along the coast had landed on the shores of the Piscataqua; grants had been made of portions of the territory, and settlements had been begun in several places on our soil. Historically, facts may be mentioned in the following order:

The first voyager to our shores, of whom we can find any record, was MARTIN PRING, who, in 1603, came here with a ship of fifty tons and thirty men and boys; and a barque of twenty-six tons, Capt. William Brown, thirteen men and a boy. This small fleet was fitted out under the patronage of the mayor, aldermen and merchants of the city of Bristol, England, to prosecute the discovery of the northern parts of Virginia, as the whole country was then called. The flag-ship was called the *Speedwell*, and the barque the *Discoverer*. They first touched at one of the islands near the entrance of Penobscot Bay; then visited the mouths of the Saco, Kennebunk and York rivers, which Pring says they found "to pierce not far into the land."

They next proceeded to the Piscataqua, which Pring calls the westernmost and best river, and he explored it ten or twelve miles into the interior.\* This visit was made in the month of June, 1603.

In the summer of 1605, the coast of New-England was partially explored by *Samuel de Champlain*, who sailed from Havre, in France, in March of that year. He made the Piscataqua Bay, July 15, 1605; discovered the Isles of Shoals, and is said to have landed, the next day, at a place called "Cape of the Islands," which probably is the same now known as Odiorne's Point, in the town of Rye, N. H.; thence, sailing on the 17th, he discovered "a very wide river," to which he gave the name of "*Riviere du Gas*," which was probably the *Merri-mack* river.†

In 1614, Capt. JOHN SMITH ranged the shore from Penobscot to Cape Cod, and in this route discovered the Isles of Shoals, to which he gave the name of *Smith's Isles*; and also the river Piscataqua, which he found to be "a safe harbor with a rocky shore." Returning to England he there published a description of the country, with a map of the sea coast, which he presented to Prince Charles, who gave the country the name of NEW-ENGLAND.‡ Hubbard|| speaks of the Piscataqua as a "river of noat, which has been frequented ever since the country was first planted, by such as came this way for trafficke with the inhabitants, natives, and others, that have seated themselves in several plantations about the uppermost branches thereof. The channel is very swift and spacious, fit for vessels of great burden for the space of near twenty miles, where it divides itself into many considerable bays and small branches, whose streams are in their passage obstructed with falls of broken rocks, that put a stop to such as at the entrance might, by the helpe of its streams, be in hopes of aspiring higher into the inland parts of the country."

\* Prince's Annals of N. E., p. 102: Boston, 1826. Brewster's Rambles about Portsmouth, p. 9.

† Doc. History of N. Y., vol. 9, p. 267. Potter's History of Manchester, pp. 6, 7.

‡ Farm. Belknap, vol. 1, p. 2.

|| Hub. History, p. 16; Mass. Hist. Coll., vol. 5.

The two most prominent characters that appear in our early Provincial history, are Sir FERDINANDO GORGES and Capt. JOHN MASON. Dr. Belknap says :

SIR FERDINANDO GORGES

“Had been an active officer in the navy of Queen Elizabeth, intimately connected with Sir Walter Raleigh, of whose adventurous spirit he had a large share. After the peace which King James made, in 1604, he was appointed Governor of the port and island of Plymouth, in Devonshire, Eng. While he resided there, Capt. Weymouth, 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 (Me.) [1606], brought from thence into the harbour of Plymouth, five natives of America, three of whom were eagerly seized by Gorges, and retained in his service for three years. Finding them of a tractable and communicative disposition, and having won their affections 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 sanguine hopes of indulging his genius, and making his fortune, by a thorough discovery of the country. In this purpose he, in conjunction 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 further attempts, wherein his resolution and perseverance were more conspicuous than any solid gain. These transactions were previous to the establishing of the COUNCIL OF PLYMOUTH, in soliciting which Gorges was so extremely active that he was appointed their President, and had a principal share in all their transactions.”\*

CAPT. JOHN MASON †

Was a merchant of London, but became a sea-officer, and afterward Governor of Newfoundland, where he acquired a knowl-

\* See Farm. Belk., pp. 3, 4; Allen's Biog. Dic., “Gorges,” and Belk. Biog.

† See Farm. Belk. Allen's Biog. Dic., “Mason.”

edge 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 of Plymouth, he was elected a member, and became their Secretary; being also Governor of Portsmouth, in Hampshire (Eng.).\* At different times, in connection with Sir Ferdinando Gorges, or for himself, he obtained grants of land from the Council of Plymouth, on the basis of which settlements were begun on the eastern shores of New-Hampshire. His claim to the Province as proprietor, as also that of his lawful heirs, and the deep interest he took in its settlement and growth, will appear in subsequent pages of this volume. Capt. John Mason died between November 26, 1635, when his Will was made, and the 22d of December following, when his Will was proved.

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#### ANCIENT GRANTS.

[To an adequate understanding of the history of New-Hampshire, and especially of the long, vexatious, and expensive litigations to which we were subjected by the claims of Massachusetts, before our bounds were finally established, it seems necessary to introduce a connected view of *Ancient Grants and other Documents* relating to the Province; prepared and furnished by the Hon. SAMUEL D. BELL, of Manchester, late Chief Justice of the State.—ED.]

1. *The Patent for the settlement of North and South Virginia, to the London and Plymouth Companies, date 10 April, 1606; published entire, 1 Haz. Coll., 51-58; Popham Cel., App. A. An Abstract is found in Doug. Sum. 5; 1 Wim'n, Maine, 196.*
2. *The Charter of the Council of Plymouth, date 3 Nov., 1620; published entire, 1 Haz. Coll., 103-118; Popham Cel., 110-118. An Abstract 1 Wim'n, Maine, 222. It may be thus abridged:*

JAMES, King of England, to all, &c.

*Whereas*, upon petition of divers subjects, that intended to make plantations in America, between the degrees of 34 and

\* His office and residence doubtless had much influence in giving the name of New-Hampshire to his Grant in 1629.

45, we granted to Sir Thomas Gates, &c., by our patent, dated April 10, 1606, liberty to divide into two colonies; the first, to be undertaken by certain knights, &c., in our city of London; the second, by certain knights, &c., in and about our cities of Bristol and town of Plymouth :

And whereas, since, upon petition of said first colony, we have made them a distinct body, giving them distinct limits and bounds and divers liberties, privileges, &c. :

Now, forasmuch as we have been petitioned by Sir Ferdinando Gorges, knight, captain of our fort and island of Plymouth, and by certain principal adventurers of the second colony, &c., divers of whom have been at great charge, &c., in seeking a place for a plantation, and have settled some of our people in those parts, and have resolved, in a more effectual manner, to prosecute the same, and desired us to make them a distinct body, and to grant them such estates, liberties, privileges, &c., as are hereafter expressed; and we are given to understand, by divers of our subjects that have for many years frequented those coasts between the degrees of forty and forty-eight, that no subjects, of any christian king or state, are in possession of any of said lands, &c., and, by a plague, &c., the whole territory is in a manner depopulated, &c. :

We, therefore, of our especial grace, &c., by the advice of our Privy Council, grant, &c., that all that circuit, &c., in America, from forty degrees north latitude to forty-eight degrees, and, by the breadth aforesaid, from sea to sea, with all seas, rivers, islands, &c., shall be the limits and bounds, &c., of the second colony. And the same shall be called by the name of **NEW-ENGLAND IN AMERICA.**

And, for the better plantation ruling, &c., we ordain, &c., that there shall be for ever, in our town of Plymouth, in our county of Devon, a body corporate, consisting of forty persons, with perpetual succession, called by the name of **THE COUNCILL ESTABLISHED AT PLYMOUTH, IN THE COUNTY OF DEVON, FOR THE PLANTING, RULING, ORDERING AND GOVERNING OF NEW-ENGLAND IN AMERICA.** And we appoint of the Council—

Lodowich, Duke of Lenox, George, Marquis Buckingham, High Admiral ;  
 Ld. Steward ;

James, Marquis Hamilton ;	Sir Francis Popham,
William, Earl of Pembroke,	— John Brooks,
Ld. Chamberlain ;	— Thomas Gates,
Thomas, Earl of Arundel ;	— Richard Hawkins,
William, Earl of Bath ;	— Richard Edgecomb,
Henry, Earl of South-Hamp-	— Allen Apsley,
ton ;	— Warwick Heale,
William, Earl of Salisbury ;	— Richard F. Cotehmny,
Robert, Earl of Warwick ;	— John Bourchier,
John, Viscount Haddington ;	— Nathaniel Rich,
Edward, Ld. Zouche, Ld.	— Edward Giles,
Warden of the Cinque	— Giles Mompessan,
Ports ;	— Thomas Wroth, Knights ;
Edmund, Ld. Sheffield ;	— Mathew Sutcliffe, Dean of
Edward, Ld. Gorges ;	Exeter ;
Sir Edd. Seymour, kt. baro-	— Henry Bourchier, Esq. ;
net ;	— Robert Heath, Recorder
Sir Robert Mansell,	of London ;
— Edward Zouche, Knight	— John Drake,
Marshal ;	— Raliegth Gilbert,
— Dudley Diggs,	— George Chudley,
— Thomas Rowe,	— Thomas Hammond,
— Ferdinando Gorges,	— John Argall, Esquires ;

with power, in case of vacancy, to choose others, &c. And they and their successors are incorporated by that name, with power to purchase, &c., any manors, &c., from us or others, in the realme, or other places, and to sue, &c., to sue, &c. ; to choose a president with power to call meetings ; to elect members to fill vacancies, such members to take their oaths as councilors, &c. ; to have a common seal, &c.

And we do further grant, &c., that said council may admit such persons to be made free and enabled to trade in New-England, and to possess lands and hereditaments in New-England as they think fit, according to the laws, &c., by them established, and under such conditions as they direct, and not otherwise. And may constitute and discharge, all and singular, governors, officers, &c., by them thought fit, &c. ; to attend the business of said company here, and for the government of said colony and plantation, and to make, &c., orders, laws, &c., of



government and magistracy fit and necessary for the government of said plantation, &c. ; so always as the same be not contrary to the laws of England ; and the same to revoke and change, not only within the precincts of the colony, but also upon the seas, in going and coming to and from said colony.

Such principal governor as shall be appointed to exercise martial law in case of rebellion, insurrection and mutiny in as ample manner as our lieutenants of our counties in England. And we grant to the council, &c., and to such governors, officers, &c., as shall be by them appointed, according to the nature and limits of their offices, &c., that they may, within the precincts of New-England, or in the way by the seas thither, or from thence, have power, &c., to correct, punish, pardon, govern and rule all our subjects who shall adventure in any voyage thither, or that at any time inhabit in the precincts of the colony according to such laws ; and in defect thereof, according to their discretion, as well in cases capital and criminal as civil, both marine and others, so always as the said statutes, as near as conveniently may be agreeable to the laws, &c., and policy of England.

If any transport goods with a pretense to land the same in said colony, and carry the same to any foreign country to sell, the goods and vessel shall be forfeited.

And we do grant to said council all the lands, from forty to forty-eight north latitude, from sea to sea, with havens, &c., mines, &c. ; and all jurisdictions, royalties, &c., in said land, and islands, and seas adjoining ; provided they are not actually possessed by any other christian prince or state, to hold for their sole use, &c., as of our manor of East-Greenwich, in the county of Kent, in free socage ; and not in capite, &c. ; yielding the fifth of ore, of gold and silver, for all duties and services whatever.

The said council may transport so many of our subjects, or others willing to be subjects, as are willing, with shipping, arms, victuals, clothing, implements, beasts, &c., and other things necessary for said plantation, and for their use or defense, or for trade, without paying any custom for seven years, provided none of the persons be restrained by us or our successors. And the council, their successors, factors, or as-

signs, shall be free of all customs for seven years, and of all taxes for twenty-one years, upon goods exported or imported, except five pounds per cent; and the same goods may be exported into foreign ports, if shipped within thirteen months, without any custom.

The council, or major part of them, which shall be present and assembled for that purpose, shall, under their common seal, convey, assign, &c., such portions of lands as are by these formerly granted unto each our loving subjects, naturally born or denizens, or others, as well adventurers as planters, as by the said company, upon a commission of survey and distribution, executed and returned for that purpose, shall be named, wherein our will is that respect be had as to the proportion of the adventures, as to the special service, hazard, exploit or merit of any person so to be recompensed, &c.

We grant to the said council and governors, officers, &c., appointed, to have power of government and command in and over said colony and plantation; that they may repel and resist, by force of arms, as well by sea as by land, all such persons as, without license of the council, attempt to inhabit them, &c., and all such as shall attempt the detriment or annoyance of said colony. And said council may take and surprise every person, with their ships or goods, trafficking in any harbor, creek, or place, within the limits of said plantation, not allowed by said council to be adventurers or planters. And we do grant that the said territories shall not be visited, frequented or traded to, by any of our subjects from our ports, or those of other princes; and we forbid our subjects to visit, frequent, or trade into or from the said territories and lands, except the said council, their factors, deputies or assignees, unless with the license of the council first had in writing, and the common seal, upon pain of the forfeiture of their ships and goods. Full power is given to the council, their factors, deputies and assignees, to take, seize, &c., all ships, goods, &c., brought from or carried to the places aforesaid, contrary, &c., half the forfeiture to the council and half to the king. And we grant to said council that we will not give or grant any license, &c., to any person to sail, trade, or traffick to New-England, without the good will of said council. When customs

become due from the council, &c., the officers, upon security, are to allow six months for the payment to them, and to be allowed by them.

The president of the company, or his deputy, or any two of the council, may administer oaths of allegiance and supremacy to all who shall go to New-England, and oaths to persons employed for their honest and faithful discharge of service, and unto others, for the clearing of the truth in any cause.

Power is given to apprehend and punish slanderers of the colony, &c.

Robbers and spoilers by sea, in said colony, shall be punished.

All persons who may go to inhabit in said colony, and their children, shall have all liberties of free denizens and natural subjects, as if born and residing in England; none to go to New-England but such as have taken the oath of supremacy.

A new charter to be granted for better assurance. All constructions are to be favorable to the council. All officers to afford aid.

**NOTE.** The provisions forbidding all persons to trade or traffic or inhabit on the coast, without license of the council, and authorizing the seizure and forfeiture of their ships and goods, became the subject of loud clamor and opposition, by the numerous fishermen and others who had been engaged in the trade on the coast, and it was instantly seized upon by the party opposing the king as a political topic. It was denounced as establishing an odious monopoly in a great branch of trade, and when the grievance was presented to the king, it was at the head of the list. The violence of this opposition probably led to the failure of the attempt by the council to establish a general governor and council, consisting of Robert Gorges, son of Sir Ferdinando, as Governor General, and — West, Admiral, Capt. Christopher Leavitt, the governor of Plymouth Colony, and others, to be appointed by them. These officers visited New-England in 1623, commenced settlements at various places on the coast of Massachusetts, New-Hampshire and Maine, were obstinately resisted by the sturdy fishermen on the coast, and returned to England the following spring.

**NOTE.** The council of Plymouth are said to have always doubted their power to transfer jurisdiction to any but their own officers. Their grants are said to have contained provisions transferring to their grantees their powers of government. When the question came up in the courts in England, it was at once decided, and without hesitation, that they had no such power. Indeed, the point was given up by Mason and his council, as too clear for argument.

3. *A Grant of the Province of Maine to Sir Ferdinando Gorges and John Mason, Esq., 10th of August, 1622.*

This indenture, made the 10th day of August, Anno Dom. 1622, and in the 20th yeare of the reigne of our Sovereigne Lord James, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. Between the President and council of New-England on the one part, and Sir Ferdinando Gorges, of London, Knight, and Captain John Mason, of London, Esquire, on y<sup>e</sup> other part: *Witnesseth*, that whereas our said Sovereigne Lord King James, for the making of a plantation and establishing a colony or colonyes in y<sup>e</sup> country called or knowne by y<sup>e</sup> name of New-England in America, hath, by his Highness' Letters Patents, under the Great Seale of England, bearing date at Westmr. the 3d day of November, in the 18th yeare of his reigne, given, granted and confirmed unto the Right Honorable Lodowick, Duke of Lenox; George, Marquis of Buckingham; James, Marquis Hamilton; Thomas, Earl of Arundell; Robert, Earl of Warwick; Sir Ferdinando Gorges, Knt., and divers others whose names are expressed in y<sup>e</sup> said Letters Patents, their succesors and assignes, that they shall be one Body Politique and Corporate perpetuall, and that they should have perpetual Succession, &c., and one comon seale or seales, to serve for the said Body, and that they and their successors shall be known, called and incorporated by the name of the President and Council established at Plymouth in the county of Devon, for the planting, ruling and governing of New-England in America; and also hath, of his especiaall grace, certaine knowledge and meer motion, for him, his heyres and successors; and given, granted and confirmed unto the said President and council, and their successors, under the reservacons, limitacons and declaracons in the said Letters Patents expressed, all that part or porcon of that country now commonly called New-England wch is situate, lying and being between the latitude of forty and forty-eight degrees northerly latitude, together with the seas and islands lying within one hundred miles of any part of the said coasts of the country aforesaid; and also all

the lands, soyle, grounds, havens, ports, rivers, mines, as well royal mines of gold and silver, as other mines, minerals, pearls and pretious stones, woods, quaries, marshes, waters, fishings, hunting, hawking, fowling, commodities and hereditaments whatsoever, together with all prerogatives, jurisdictions, royalties, privileges, franchises and preliminaries within any of the said territories and precincts thereof whatsoever. To have, hold, possess and enjoy, all and singular, the said lands and premises, in the said Letters Patent granted or menconed to be granted, unto the said President and councill, their successors and assignes for ever; to be holden of his Majesty, his heyers and successors, as of his Highness Manor of East-Greenwich, in the county of Kent, in free and common soccage and not in capite or by knts. service—yielding and paying to the Kings Majestie, his heyers and successors, the one fifth part of all gold and silver oare that from time to time, and at all times from the date of the said Letters Patents, shall be there gotten, had or obtayned for all services, duties or demands as in and his highness said Letters Patents amongst other divers things therein contayned, more fully and at large it doth appeare. And whereas the said President and councill have, upon mature deliberacon, thought fitt, for the better furnishing and furtherance of the plantation in those parts to appropriate and allott to several and particular persons divers parcels of lands within the precincts of the aforesaid granted premises by his Majesty's said Letters Patents.

Now this indenture witnesseth, that y<sup>e</sup> s<sup>d</sup> President and councill, of their full, free and mutuall consent, as well to the end that all the lands, woods, lakes, rivers, waters, islands and fishings, with all other the traffiques, profits and commodities whatever, to them or any of them belonging, and hereafter in these presents menconed, may be wholly and entirely invested, appropriated, severed and settled in and upon y<sup>e</sup> said Sr. Ferdinando Gorges and Capt. John Mason, their heyers and assignes for ever, as for divers speciall services for the advancement of the s<sup>d</sup> plantacons and other good and sufficient causes and consideracons, them especially thereunto moving, have given, granted, bargained, sould, assigned, aliened, sett over, enfeoffed and confirmed, and by these presents doe give, grant,

bargain, sell, assigne, alien, sett over, and confirm unto y<sup>e</sup> s<sup>r</sup> Sr. Ferdinando Gorges and Capt. John Mason, their heirs and assignes, all that part of the main land in New-England lying upon the sea-coast betwixt y<sup>e</sup> rivers of Merrimack and Sagadahock, and to the furthest heads of the said rivers, and soe forwards up into the land westward until three-score miles be finished from y<sup>e</sup> first entrance of the aforesaid rivers, and half way over; that is to say, to the midst of the said two rivers w<sup>ch</sup> bounds and limitts the lands aforesaid together w<sup>th</sup> all the islands and isletts within five leagues distance of y<sup>e</sup> premises and abutting upon y<sup>e</sup> same or any part or parcell thereof. As also all the lands, soyle, grounds, harbors, ports, rivers, mines, mineralls, pearls, pretious stones, woods, quarries, marshes, waters, fishings, hunting, hawking, fowling, and other commodities and hereditaments whatsoever, with all and singular their appurtenances, together with all prerogatives, rights, royalties, jurisdictions, privileges, franchises, liberties, prehimenences, marine power, in and upon y<sup>e</sup> said seas and rivers; as also all escheats and casualties thereof, as flotson, jetson, lagon, with anchorage, and other such duties, immunities, sects, isletts and appurtenances whatsoever, with all the estate, right, title, interest, and claim and demands whatsoever w<sup>ch</sup> y<sup>e</sup> said President and councill, and their successors, of right ought to have or claim in or to the said porcons of lands, rivers, and other y<sup>e</sup> premises, as is aforesaid by reason or force of his highness' said Letters Patents, in as free, large, ample and beneficial manner, to all intents, constructions and purposes whatsoever, as in and by the said Letters Patents y<sup>e</sup> same are among other things granted to the said President and councill aforesaid, except two fifths of the oare of gold and silver in these parts hereafter expressed, w<sup>th</sup> said porcons of lands, w<sup>th</sup> y<sup>e</sup> appurtenances, the said Sr. Ferdinando Gorges and Capt. John Mason, with the consent of y<sup>e</sup> President and councill, intend to name THE PROVINCE OF MAINE. To have and to hould all the said porcons of land, islands, rivers and premises, as aforesaid, and all and singular other y<sup>e</sup> commodityes and hereditaments hereby given, granted, aliened, enfeoffed and confirmed, or menconed or intended by these presents to be given, granted, aliened, enfeoffed and confirmed, with all and

singular y<sup>e</sup> appurtenances and every part and parcell thereof, unto the said Sr. Ferdinando Gorges and Capt. John Mason, their heyres and assignes for ever, to be holden of his said Majesty, his heirs and successors, as of his Highness Manor of East-Greenwich, in the county of Kent, in free and common socage, and not in capite or by knights' service. Nevertheless, with such exceptions, reservacons, limitacons and declaracons as in the said Letters Patents are at large expressed; yielding and paying unto our Sovereigne Lord the King, his heyres and successors, the fifth part of all y<sup>e</sup> oare of gold and silver that from time to time, and att all times hereafter, shall be there gotten, had and obtayned, for all services, duties and demands. And also yielding and paying unto the said President and councill, and their successors, yerely the sum of tenn shillings English money, if it be demanded. And the said President and councill, for them and their successors, doe covenant and grant to and with the said Sr. Ferdinando Gorges and Capt. John Mason, their heirs and assigns, from and after the ensealing and delivery of these presents, according to the purport, true intent and meaning of these presents, that they shall from henceforth, from time to time for ever, peaceably and quietly have, hold, possess, and enjoy, all y<sup>e</sup> aforesaid lands, islands, rivers, and premises, with y<sup>e</sup> appurtenances hereby before given and granted, or menconed or intended to be hereby before given and granted, and every part and parcell thereof, without any lett, disturbance, denyal, trouble, interurpcon, or evacon of or by the said President and councill, or any person or persons whatsoever, claiming by, from, or under them, or their successors, or by or under their estate, right, title, or interest. And y<sup>e</sup> said President and councill, for them and their successors, doe further covenant and grant, to and with y<sup>e</sup> said Sr. Ferdinando Gorges and Capt. John Mason, their heyres and assignes, by these presents, that they, y<sup>e</sup> said President and councill, at all times hereafter, upon reasonable request, at y<sup>e</sup> only proper costs and charges in the law of y<sup>e</sup> said Sr. Ferdinando Gorges and Capt. John Mason, their heyres and assignes, doe make, perform, suffer, execute, and willingly consent unto any further act or acts, conveyance or conveyances, assurance or assurances whatsoever, for y<sup>e</sup> good and

perfect investing, assuring and conveying, and sure making, of all the aforesaid porcons of lands, islands, rivers, and all and singular there appurtenances, to y<sup>e</sup> said Sr. Ferdinando Gorges and Capt. John Mason, their heyres and assigns, as by them, their heires and assignes, or by his or their, or any of their councill, learned in the law shall be devised, advised or required. And further, it is agreed by and between the said parties to these presents, and y<sup>e</sup> said Sr. Ferdinando Gorges and Capt. John Mason, for them, their heyres, executors, administrators and assignes, doe covenant to and with the said president and councill, and their successors, by these presents that if at any time hereafter there shall be found any oare of gold and silver within the ground in any part of the said premises, that then they, the said Sr. Ferdinando Gorges and Capt. John Mason, their heyres and assignes, shall yield and pay unto the said President and councill, their successors and assignes, one fifth part of all such gold and silver oare as shall be found within and upon y<sup>e</sup> premises, and digged and brought above ground to be delivered above ground, and that always within reasonable and convenient time, if it be demanded after the finding, getting, and digging up of such oare as aforesaid, without fraud or covin, and according to the true intent and meaning of these presents. And the said Sr. Ferdinando Gorges and Capt. John Mason doe further covenant for them, their heyres and assignes, that they will establish such government in the said porcons of lands and islands granted unto them, and the same will from time to time continue, as shall be agreeable, as neere as may be to the laws and customs of the realme of England; and if they shall be charged at any time to have neglected their duty therein, that thus they well conforme the same according to the directions of the President and councill; or in default thereof it shall be lawful for any of the aggrieved inhabitants or planters, being tenn<sup>ts</sup> upon y<sup>e</sup> said lands, to appeal to y<sup>e</sup> chief courts of justices of the President and councill. And y<sup>e</sup> s<sup>d</sup> Sr. Ferdinando Gorges and Capt. John Mason doe covenant and grant, to and with y<sup>e</sup> said President and councill, their successors and assignes, by these presents, that they, the said Sr. Ferdinando Gorges and Capt. John Mason, shall and will, before the expiracon of three years,



to be accompted from the day of the date hereof, have in or upon the said porcons of lands, or some part thereof; one parte with a competent guard, and ten families at least of his Majesty's subjects resident and being in and upon y<sup>e</sup> same premises; or in default thereof shall and will forfeit and loose to the said President and councill the sum of one hundred pounds sterling money; and further, that if the said Sr. Ferdinando Gorges and Capt. John Mason, their heires or assignes, shall at any time hereafter alien these premises, or any part thereof, to any foraigne nations, or to any person or persons of any forraigne nation, without the speciall license, consent, and agreement of the said President and Councill, their successors and assignes, that then the part or parts of the said lands so alienated, shall immediately return back to the use of the said President and Councill. And further know ye, that y<sup>e</sup> said President and Councill have made, constituted, deputed, authorized and appointed, and in their place and stead do put Capt. Robert Gorges, or, in his absence, to any other person that shall be their governor or other officer, to be their true and lawfull attorney, and in their name and stead to enter the said porcons of lands, and other the premises w<sup>th</sup> their appurtenances, or into some part thereof in name of the whole, for them and in their name to have and take possession and siezin thereof, or some part thereof in name of the whole, so had and taken, there for them, and in their names to deliver the full and peaceable possession and seizin of all and singular the said granted premises unto the said Sr. Ferdinando Gorges and Capt. John Mason, or to their certaine attorney or attorneys in that behalf, according to the true intent and meaning of these presents, ratifying and confirming and allowing all and whatsoever their said attorney shall doe in or about the premises by these presents. In wittenesse whereof to one part of these present indentures, remaining in the hands of Sir Ferdinando Gorges and Capt. John Mason, the said President and councill have caused their common seal to be affixed, and to the other of these present indentures, remaining in the custody of the said President and councill, the said Sir Ferdinando Gorges and Capt. John Mason have put to their hands and seals. Given the day and year first above written.

Copy from Memorial Volume of the Popham Celebration, Appx., p. 121, which purports as follows :

“ *Public Record Office, London* : Colonial Entry Book No. 59 ; pp. 101–108.

NOTE. This patent differs from the statements of it by Belknap and others, in two respects :

1. The territory granted is to be called the Province of Maine. Elsewhere it is called the Province of Laconia.

2. The westerly line is differently described. Here it is, “ all that part of the main land in New-England, lying upon the sea coast, betwixt the rivers Merrimack and Sagadahock, and to the farthest heads of the said rivers, and soe forwards up into the land westward until three score miles be finished from the first entrance of the aforesaid rivers.

Belknap, p. 4, says : The next year (1622) another grant was made to Gorges and Mason jointly, of all the lands between the rivers Merrimack and Sagadahock, extended back to the great lakes and river of Canada, and this was called Laconia.

A copy of the patent of 1622, from the Council of Plymouth, to Mason and Gorges, is said to be in the Secretary's office at Boston.

Williamson, *History of Maine*, 225, says : Gorges and Mason first procured of the Plymouth Council, August 10, 1622, a patent of all the country between the Merrimack and Sagadahock, extending from the Atlantic unto the rivers Canada and Iroquois, and including the “ savage nations towards the great lakes.” It was called “ *the Province of Laconia.*”

He cites Hub. N. E. 616. See a certified copy, Feb. 17, 1763, from Lords Am. Plan, at Whitehall, in Secretary's office, Boston.

Palfrey, *His. of New-England*, 204, says : 1622, March 9, John Mason obtained from the council a grant of the lands lying between the little river which discharges its waters at Naumkeag, now Salem, and the river Merrimack. To this tract extending inland to the sources of those streams he gave the name of Maryanna. *In the same year the council granted to Gorges and Mason the country bounded by the Merrimack, the Kennebeck, the Ocean and the river of Canada, and this territory they called LACONIA.*

*Public Record Office, London.*

“ 1628, 4. A pattennt to Capt. Jo. Mason and Sir Fr. Gorges, for discovery of the Great Lakes. Nothing therein done.” See *Pop. Cel., App.*, p. 124—Ed.

Readers will be interested in the following description of Laconia, from a work entitled "*America painted to the Life*," published in London, 1658, now found in Coll. Maine Hist. Soc., vol. II, pp. 66, 68.—ED.

"Among divers plantations of the English, happily founded in New-England, is a province to the landward, called LACONIA, so called by reason of the great lakes therein; but by the ancient inhabitants thereof it is called the country of the Iroquois [*Troquois* in the original].

"It lies between the latitude of 44 and 45 degrees, having the rivers Sagadahock and Myrameck on the sea-coast of New-England, southerly from it, into each of which rivers there is a short passage, frequented by the savages inhabiting near the lakes; also, it hath the great lakes which tend toward California in the south sea on the west thereof; on the north-east is the great river of Canada, into which the said river disgorgeth itself by a fair large river well replenished with many fruitful islands. The air thereof is pure and wholesome; the country pleasant, having some high hills full of goodly forests and fair vallies, and plains fruitful in corn, vines, chestnuts, walnuts, and infinite sorts of other fruits; large rivers well stored with fish, and invironed with goodly meadows full of timber trees.

"One of the great lakes is called the lake of Iroquois [Laké Champlain] which, together with a river of the same name, running into the river of Canada, is sixty or seventy leagues in length. In the lake are four fair islands, which are low and full of goodly woods and meadows, having store of game for hunting, as stags, fallow-deer, elks, roe-bucks, beavers, and other sorts of beasts, which come from the main land to the said islands; the rivers which fall into the lakes have in them good store of beavers, of the skins of which beast, as also of the elks, the salvages make their chiefest traffick.

"The way over land to this great lake from the Planta-

tion of Pascataway hath been attempted by Captain Walter Neale, once governor, at the charges of my grandfather [Sir Ferd. Gorges], Capt. Mason, and some merchants of London, and the discovery wanted one day's journey of finishing, because their victuals were spent, which, for want of horses they were enforced to carry, with their arms and their clothes, upon their backs; they intended to make a settlement for trade by pinnaces upon the said lake, which they reckon to be about ninety or one hundred miles from the plantation over land."

NOTE.—Savage says: Winth. II, p. 81, note. "The great lake of Iroquois, which the grand son of Sir F. Gorges writes about as *ascertained* by Neal to be about ninety or one hundred miles, by land, from Pascataquack settlement, was, I am satisfied, the Winipesiogee! Distances were always magnified in the wilderness, and poor Neal was lost in the woods, not far from home, when the discovery wanted but one day's journey of being finished."

On the whole, we must agree with Hubbard, that "Laconia" was "an imaginary province, supposed to lie up higher into the country. But after three years spent in labour and travel," in searching for it, they returned back to England with a "non est inventa provincia."—ED.

#### 4. *The Grant of Massachusetts, from the Council of Plymouth, to Sir Henry Roswell and others; date 19 March, 1627-8.*

This document is said to be lost. Palf. N. E. 290, note. Its substance is preserved, being recited in the two charters of Massachusetts. 1 Mass. Charters, 1 and 1; Mass. Col. Records 1; 1 Hutchinson Coll. 1.

No part of it, except the boundaries of the land granted, are material in connection with the History of New-Hampshire.

The description is as follows—

"All that part of New-England in America aforesaid, which lies and extends between a great river there, commonly called Monomack, alias Merrimack, and a certain other river there called Charles River, being in the bottom of a certain bay there, commonly called Massachusetts, alias Mattachusetts, alias Massachusetts Bay, and also all and singular those lands and hereditaments whatsoever, lying within the space of three

English miles, on the south part of the said Charles River, or of any and every part thereof; and also all and singular the lands and tenements whatsoever, lying and being within the space of three English miles to the southward of the southernmost part of the said bay, called Massachusetts, alias Mattachusetts, alias Massatusetts Bay; and, also, *all those lands and hereditaments whatsoever, which lie and be within the space of three English miles to the northward of the said river, called Monomack, alias Merrimack, or to the northward of any and 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, those from the Atlantic and Western Sea and Ocean on the east part, to the South Sea on the west part; and all lands and grounds, place and places, soils, woods and wood-grounds, havens, ports, rivers, waters, fishings and hereditaments whatsoever, lying within the said bounds and limits, and every part and parcel thereof."

NOTE. It is important to notice the language of this patent relative to the northern bounds of Massachusetts, in contrast with the language of the Massachusetts historians and writers. The patent, which, in this respect, is identical with the charter of King James, says: "All those lands which lie and be within the space of three English miles to the northward of the said river Merrimack, or the northward of any and every part thereof;" and all lands 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 Ocean to the South Sea."

##### 5. *Charter of King James I, to the Massachusetts Company, dated 4 March, 1628-9.*

This charter is printed at length in 1 Mass. Col. Laws, 1; in 1 Records of the Colony of Mass.; and in 1 Hutch. Coll. 1. Nothing in it is material to the history of New-Hampshire, excepting what relates to the northern boundary of Massachusetts, and the general powers of establishing courts, laws, &c., under which Massachusetts assumed to govern New-Hampshire.

The charter recites the establishment of the Council of Plymouth, its title to New-England, and its grant to Roswell and others, of Massachusetts, as before stated. It confirms the grant to them, and others named Saltonstall, Cradock, and others, who had been admitted associates with them in the lands described in that grant. It then grants to the same persons, their heirs and assigns, the same lands by the same description *verbatim*. It constitutes the grantees a corporation by the name of the Governor and Company of the Massachusetts Bay in New-England, with usual powers of corporations, "and to make laws and ordinances for the good and welfare of the said company, and for the government and ordering of said lands and plantation, and the people inhabiting the same, so as such laws be not contrary or repugnant to the laws of England." The same power is afterward stated more at length, but with the same qualification.

NOTE. The principle, now well settled, that the powers of every corporation are strictly limited to the purposes for which it is instituted, and that it can neither acquire nor exercise any powers not necessary or properly incident to the purposes of its institution, was not probably as distinctly understood in the time of the Massachusetts Colony as they now are. At this day it is supposed to be quite clear that a corporation, established for the government of a district, defined by distinct limits, could not rightfully acquire any jurisdiction, either legislative or judicial, over any other land, either by request of the inhabitants — as was one of the pretenses of right in the case of New-Hampshire — or by conquest, as was the pretense in the case of the Pequot country; or by purchase from the natives, as was the pretense in the case of the Narragansett country.

The rules of construction of the boundaries of land, as described in written instruments, were as well known and distinctly understood in 1630 as they now are. They were known to all lawyers, and Gov. Winthrop, and others of the leading men of Massachusetts must have known them well.

Precise and specific descriptions are neither extended nor suspended by general expressions, but effect is given to the specific description, so far as it extends.

The charter of Massachusetts granted the property and jurisdiction "of all lands which lie within the space of three English miles to the northward of the river Merrimack, or to the northward of any and every part thereof." It is clear that, by these terms, the charter did not include any lands which did *not* lie *within* three miles to the northward of the Merrimack, or to the northward of some part of it; and the following general

phrase: "And all lands lying *within the limits aforesaid*, north and south, *in latitude and breadth and in length and longitude of and within all the breadth aforesaid*, from the Atlantick to the South Sea," could, by no legal rules of construction, nor by any interpretation consistent with the common sense of terms, be understood to include any land which did *not lie within the limits aforesaid*; that is, before described; and which were not within the breadth aforesaid; that is, the breadth particularly set forth in the preceding description.

6. *Grant of New-Hampshire to John Mason, by the Council of Plymouth; date 7 Nov., 1629. Published at length in Haz. Coll. and 1 N. H. His. Soc. Coll.—304.*

This indenture, made the seventh day of November, Anno Domini one thousand six hundred twenty-nine, and in the fifth year of the reign of our Sovereign Lord, Charles, by the grace of God King of England, Scotland, France and Ireland, defender of the faith, &c., between the President and Council of New-England on the one part, and Captain John Mason, of London, esquire, on the other party: witnesseth, that whereas our late Sovereign Lord, of famous memory, King James, for the making of a plantation and establishing a colony or colonies in the country, called or known by the name of New-England, in America, did, by His Highness's letters-patents, under the great seal of England, bearing date at Westminster the third day of November, in the eighteenth year of his reign, give, and grant, and confirm unto the right-honorable Lodiwick, Duke of Lenox; George, Marques of Buckingham; James, Marques Hamilton; Thomas, Earl of Arundel; Robert, Earl of Warwick; Sir Ferdinando Gorges, Knight, and divers others, whose names are expressed in the said letters-patents, their heirs and assigns, that they shall be one body politiek and corporate perpetual, and that they should have perpetual succession, and one common seal or seals, to serve for the said body; and that they and their successors shall be known, called and incorporated by the name of the President and Council established at Plymouth, for the planting, ruling and governing of New-England in America; and also did, of his especial grace, certain knowledge and meer motion for him, his

heirs and successors, give, grant and confirm unto the said President and Council, and their successors, under the reservations, limitations and declarations in the said letters-patent expressed, all that part and portion of country now commonly called New-England, which is situate, lying and being between the latitude of forty degrees and forty-eight northerly latitude, together with the seas and islands lying within one hundred miles, of any part of the coast of the country aforesaid; and also all the said soil, ground, havens, ports, rivers, mines, as well royal mines of gold and silver, as other mines and minerals, pearls and pretious stones, woods, quarries, marshes, waters, fishings, huntings, hawkings, fowlings, commodities, and hereditaments whatsoever; together with all prerogatives, jurisdictions, royalties, privileges, franchises and preheminences within any of the said territories and the precincts thereof whatsoever, to have, hold, possess and enjoy all and singular the said lands and premises in the said letters-patents granted, or mentioned to be granted, unto them, the said President and Council, their successors and assigns for ever; to be holden of His Majesty, his heirs and successors, as of His Highness' manor of East-Greenwich, in the county of Kent, in free and socage, and not in capite, or by knight's service, yielding and paying to the King's Majesty, his heirs and successors; the one fifth part of all gold and silver ore that from time to time, and from all times from the date of said letters patents, shall be thus gotten, had or obtained, for all services, duties or demands, as in and by his said highness's said letters patents, amongst divers other things therein contained, more fully at large it doth and may appear.

And whereas the said President and Council have, upon mature deliberation, thought fit, for the better furnishing and furtherances of the plantations in those parts to appropriate and allot to several and particular persons divers parcels of lands within the precincts of the aforesaid granted premises by his Majesty's said letters patents: Now this Indenture witnesseth that the said President and Council, of their free and mutual consent, as well to the end, that all their lands, woods, lakes, rivers, waters, islands and fishings, with all the traffic, profits and commodities whatsoever, to them or any of



them belonging, and hereafter in these presents mentioned, may be wholly and entirely invested, appropriated, served and settled in and upon the said Captain John Mason, his heirs and assigns for ever, as for divers special services for the advancement of the said plantation, and other good and sufficient causes and considerations, them especially, thereunto moving, have given, granted, bargained, sold, assigned, aliened, set over, enfeoffed and confirmed, and by those presents do give, grant, bargain, sell, assign, aliene, set over, enfeoff and confirm unto the said Captain John Mason, his heirs and assigns, all that part of the mainland in New-England lying upon the sea-coast, beginning from the middle part of Merrimack river, and from thence to proceed northwards along the sea-coast to Pascataqua river, and so forwards up within the said river and to the furtherest head thereof, and from thence north-westward, until three score miles be finished from the first entrance of Pascataqua River ; also from Merrimack through the said river and to the furtherest head thereof, and so forwards up into the lands westwards, until three score miles be finished ; and from thence to cross over land to the three score miles end accompted from Pascataqua river, together with all islands and isletts within five leagues distance of the premises, and abutting upon the same, or any part or parcel thereof, as also all lands, soils, grounds, havens, ports, rivers, mines, minerals, pearls, pretious stones, woods, quarries, marshes, fishings, huntings, hawkings, fowlings, and other commodities and hereditaments whatsoever, with all and singular their appurtenances, together with all prerogatives, rights, royalties, jurisdictions, privileges, franchises, liberties, preheminences, marine power, in and upon the said seas and rivers, as all escheats and casualties thereof, as flotsam, jetson, lagan, with anchorage and other such ditties, immunities, scotts islets (?) and appurtenances whatsoever, with all the estate, right, title, interest, claim and demand whatsoever, which the said President and Council, and their successors, of right ought to have or claim in or to the said portions of lands, rivers, and other premises, as is aforesaid, by reason or force of his Highness's said letters patents, in as free, large, ample and beneficial manner, to all intents, constructions and purposes whatsoever, as

in and by the said letters patents, the same are amongst other things granted to the said President and Council aforesaid; except two fifths of the ore of gold and silver in these presents hereafter expressed, which said portions of lands, with the appurtenances, the said Capt. John Mason, with the consent of the President and Council, intends to name NEW-HAMPSHIRE.

To have and to hold all the said portions of lands, islands, rivers and premises, and all and singular other the commodities and hereditaments hereby given, granted, aliened, enfeoffed and confirmed, or mentioned or intended by these presents to be given, granted, aliened, enfeoffed and confirmed, with all and singular the appurtenances and every part and parcel thereof, unto the said Capt. John Mason, his heirs and assigns forever; to be holden of his said Majesty, his heirs and successors, as of his Highness's manor of East Greenwich, in the county of Kent, in free and common socage, and not in capite or by knight's service. Nevertheless, with such exceptions, reservations, limitations and declarations, as in the said letters patents are at large expressed; yielding and paying unto our Sovereign Lord, the King, his heirs and successors, the fifth part of all the ore of gold and silver, that from time to time and at all times hereafter shall be there gotten, had and obtained for all services, duties and demands; and also yielding and paying unto the said President and Council, and their successors, yearly, the sum of five shillings, English money, if it be demanded, and the said President and Council for them and their successors, do covenant and grant to and with the said Capt. John Mason, his heirs and assigns, from and after the sealing and delivery of these presents, according to the purport, true intent and meaning of these presents, that he shall from henceforth, from time to time forever, peaceably and quietly have, hold, possess and enjoy, all the aforesaid lands, islands, rivers and premises, with the appurtenances hereby given and granted, or mentioned and intended to be hereby given and granted, and every part and parcel thereof, without any lett, disturbance, denial, trouble, interruption, or eviction, of or by the said President and Council, or any person or persons whatsoever, claiming by, from or under them or their successors, or by or under their estate, right, title, or interest.

And the said President and Council, for them and their successors, do further covenant and grant to and with the said Capt. John Mason, his heirs and assigns, by these presents, that they, the said President and Council, shall, at all times hereafter, upon reasonable request, at the proper cost and charges of the said John Mason, his heirs and assigns, do, make, perform, suffer, execute and willingly consent unto any further act or acts, conveyance or conveyances, assurance and assurances whatsoever, for the good and perfect investing, assuring, conveying and sure making, of all the aforesaid portions of lands, rivers, and all and singular the appurtenances to the said Capt. John Mason, his heirs or assigns, as by their or any of their council, learned in the law, shall be devised, advised, or required.

And, further, it is agreed by and between the said parties to these presents, and the said Capt. John Mason for him, his heirs and assigns, doth covenant to and with the said President and Council, and their successors, by these presents, that if at any time hereafter there shall be found any ore of gold and silver within the ground in any part of the premises, that then he, the said Capt. John Mason, his heirs and assigns, shall yield and pay unto the said President and Council, their successors and assigns, one fifth part of all such gold and silver ore as shall be found in and upon the premises, and brought above ground to be delivered above ground, and that always within reasonable and convenient time, if it be demanded after the finding, digging and getting up of such ore as aforesaid, without fraud or covin, and according to the true intent and meaning of these presents. And the said Capt. John Mason doth further covenant for him, his heirs and assigns, that he will establish such government in the said portion of lands and islands granted unto him, and the same will from time continue, as shall be agreeable, as near as may be, to the laws and customs of the realm of England; and if he shall be charged at any time to have neglected his duty therein, that then he will reform the same, according to the discretion of the President and Council; or, in default thereof, it shall be lawful for any of the aggrieved inhabitants or planters, being tenants upon the said lands, to appeal to the chief court of justice, of

the said President and Council. And further, that if the said Capt. John Mason, his heirs or assigns, shall, at any time hereafter, alien these premises, or any part, to any foreign nations, or to any person or persons of any foreign nation, without the special license, consent and agreement of the said President and Council, their successors and assigns, that then the part or parts of the lands so aliened shall immediately return back again to the use of the said President and Council.

And further know ye, that the said President and Council have made, constituted, deputed, authorized and appointed, and, in their stead and place, do put Capt. Walter Neal, or, in his absence, any other person who shall be their governor or other officer, to be their true and lawful attorney, and, in their name and stead, to enter the said portion of lands and other the premises, with their appurtenances, or into some part thereof, in the name of the whole, for them, and in their names to have, and take possession and seizin thereof, or of some part thereof, in the name of the whole, so had and taken, then for them, and in their names, to deliver the full and peaceable possession and seizin of all and singular the said granted premises unto the said Capt. John Mason, or his certain attorney or attorneys, in that behalf, according to the true intent and meaning of these presents; ratifying, confirming and allowing all and whatsoever the said attorney shall do in and about the premises by these presents.

In witness whereof to one part of this present indenture remaining in the hands of Capt. John Mason, the said President and Council have caused their common seal to be affixed; and to the other parts of these present indentures, remaining in the custody of the said President and Council, the said Capt. John Mason hath put to his hand and seal, given the day and year first above written.—*Haz. Coll.*

NOTE. It is said the patent to Capt. Mason for New-Hampshire in 1629 was made in pursuance of an agreement of Mason and Gorges to make the Piscataqua the divisional line between them. 1 *Wim'n* 236. But there is no indication that any new patent was issued to Gorges for the part of their joint grant which lay east of the Piscataqua. See 1 *Belk. N. H.* 8; who says it is not easy to conceive why the western boundary should be contracted to sixty miles from the sea, if there was an agreement between them to divide the province of Laconia, and take out new patents from the Council in preference to making a deed of partition.

7. *The Patent of the Plymouth Council to Sir Ferdinando Gorges and Capt. John Mason, of Laconia; date Nov. 27, 1629.*

In the petition of Robert Mason to the King, No. 22 of the Appendix of Belk. N. H., it is thus stated, after reciting the grants of the Council of 9th of March, 1621, 10 August, 1622, 7 Nov., 1629, and 22 April, 1635 :

“And also the said Capt. John Mason, together with Sir Ferdinando Gorges, Knt. was enfeoffed by the aforesaid Council of New-England, in other lands, by the name of Laconia, by their deed bearing 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.”

Of this patent I have met no further account. The earlier writers seem all to understand that the grant of LACONIA, *extending back to the great lakes and river of Canada*, was the patent of 1622.

Thus Belknap, N. H., 4; “The next year (1622) 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.”

So Palfrey, N. E. 397, in a list of grants made or alleged to be made by the Council for New-England, says: “1622, Aug. 10. To Gorges and Mason, of *Laconia*, extending along the coast from the Merrimack to the Kennebec.” And page 202, “In the same year [1622], Aug. 10, the Council granted to Gorges and Mason, the country bounded by the Merrimack, the Kennebec, the ocean, and the river of Canada, and this territory they called Laconia.”

Williamson, Maine, 225, says: “Gorges and Mason procured of the Plymouth Council, August 10, 1622, a patent of all the country between the Merrimack and Sagadahock, extending from the Atlantic into the rivers Canada and Iroquois, and including the savage nations towards the great lakes. It was called *the Province of Laconia*.”

It is not till the publication of the copy of the patent of 1622, in the appendix of the memorial of the Popham celebra-

tion, 121, that we find the land granted called *the Province of Maine*. The western boundary, as extending to the furthest heads of the said rivers and sea, forwards up into the land westward, until three-score miles be finished from the first entrance of the aforesaid rivers.

NOTE BY THE EDITOR. In "The case of his Majesty's Province of New-Hampshire, upon two appeals relating to the boundaries between that Province and the Province of the Massachusetts Bay, to be heard before the Right-Honorable, the Lords of the Committee of His Majesty's Most Honorable Privy-Council, for hearing APPEALS from the plantations, at the Council Chamber at Whitehall," 6th of February, 1637, and 20th July, 1738, nothing is said on either side—no mention even of any grant to Gorges and Mason, of August 10, 1622, or of Nov. 27, 1629. The only grants referred to and relied on by the parties in controversy were that to Massachusetts, March 4, 1628, confirmatory of the grant to Sir Henry Roswell, March 19, 1627; that to Capt. Mason, November 7, 1629, and that to Ferdinando Gorges, April 3, 1639; the inference is, that all the other grants *had failed*, through some defect, informality, or want of compliance with conditions. Especially was this the case, I apprehend, of the grant, 10th Aug. 1622, of the "Province of Maine," and, also, that called "Laconia," whenever made.

8. *Grant of the Council of Plymouth to Edward Hilton and his associates, of Hilton's Point and the south side of the river; date, Spring of 1631.*

Belknap's account of this grant is as follows: "The west country adventurers were not less attentive to their interest, for, in the following Spring [1631] 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 of the said river, up to the falls of Squamscot, and three miles into the mainland 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 advancement of the plantation. William Blackstone, William Jeffreys, and Thomas Lewis, or either of them, were empowered to give possession of the premises; which was done

by Lewis, and livery and seizin endorsed.—*Ms. copy in proprietary office.* Within these limits (Dr. Belknap erroneously adds) are contained the towns of Dover, Durham and Stratham, with part of Newington and Greenland. It was commonly called Squamscot Patent, but sometimes Bloody-Point Patent. It was also called Hilton's Patent, and Hilton's Point Patent. It included only Hilton Point in Dover, now called Dover Neck, and no part of Durham. He refers to a manuscript copy in the proprietary's office.

NOTE. No document, relating to New-Hampshire, has been so grossly misrepresented as this. It is persistently called, in the Massachusetts Records, and by Governor Winthrop, the two patents of Hilton's Point, and the south side of the river, Pascataquack, or Squamscot. It is represented as if it covered all New-Hampshire whereas, it covered only Hilton's Point, not exceeding three thousand five hundred acres on the north side of the river, and the whole did not exceed a township five miles square, or sixteen thousand acres. Its extent and limits, and to some extent its ownership, will appear in a record of the partition made by the Massachusetts Court, of which a record will be found hereafter. It is represented that the surrender of the jurisdiction of this patent by its owners to Massachusetts, covered Portsmouth, which was true only of that part of Portsmouth which is included in Newington; and even that was claimed by Portsmouth as belonging to them, and not to the Squamscot Patent.

9. *Grant of the Council of Plymouth to Sir Ferdinando Gorges and others, of the lower plantation on the Piscataqua; date, Spring of 1631.*

Dr. Belknap gives the following account and abstract of this grant—*Far. B. 9*:

“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 ‘That part of the patent of Laconia on which the buildings and salt-works were erected, situate on both sides the harbor 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.’—*Hutch., vol. 1, p. 316.* The grantees named in this patent were Sir Ferdinando Gorges, Capt. 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. — *Hubbard Ms.* (P. 216 of printed copy.) Captain Camocke, a relation of the Earl of Warwick, with Henry Joecelyn, who were then intending a voyage hither, were appointed to put the grantees in possession. Within this patent are comprehended the towns of Portsmouth, Newcastle, Rye, with part of Newington and Greenland."

In a note, Belknap says: "Mr. Hubbard says that this patent was in the hands of some gentlemen of Portsmouth, when he wrote. I have seen no copy of it but what is preserved in his manuscript 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."

Mr. Hubbard (Gen. His. of N. E., 215) says, speaking of the Piscataqua settlements: "Sir Ferdinando Gorges and Captain John Mason might have had a principal hand in carrying on that design, but were not the sole proprietors therein; there being several other gentlemen that were concerned therein; and, till after the year 1631, there seems to have been not many other buildings considerable erected in any other place about Pascataqua River; all which is evident by an indenture, yet extant, in the hands of some gentlemen now living at Portsmouth, a town seated down near the mouth of the said river, wherein are these words:

" 'This indenture, made the 3d day of November, 1631, between the President and Council of New-England, on the one part, and Sir Ferdinando Gorges, Captain John Mason, John Cotton, Henry Gardner, George Griffith, Edwin Guy, Thomas Wannerton, Thomas Eyre, and Eleazer Eyre, on the other part, witnesseth,' &c. After which is added, 'foreasmuch as the forementioned have, by their agents there, taken great pains and spent much time in discovery of the country, all which hath cost them (as we are credibly informed) three



thousand pounds and upwards, which, hitherto, they are wholly out of purse, for, upon hope of doing good for time to come to the public, and for other sufficient causes and considerations, the said President and Council especially moving, have given, granted, bargained, sold, effeoffed and confirmed to Sir Ferdinando Gorges and the rest, an house, with all the privileges thereunto belonging, wherein Captain Neal and the colony with him do, or lately did, reside.' Among other things, there is also added salt-works, lying and being situate near the harbor of Pascataqua, with all the lands adjoining, that run along five miles westward by the sea coast, and to cross over in an angle of three miles' breadth towards a plantation in the hands of Edward Hilton, supposed to be about Dover, and so towards Exeter."

And for this grant, by way of acknowledgment, or something of like nature, as is expressed in the indenture, they were to pay £48 per aunum to the President and Council of New-England, if demanded. In the same indenture it is added, that they gave power to Captain Cammocke and Mr. Jocelyn, as their attorneys, to put them into possession thereof, which was surely to be understood by way of anticipation; for it is known that Captain Cammocke (who is said to be related to the Earl of Warwick) and Mr. Jocelyn were in England at the time when this indenture is dated, and neither of them came to New-England till about the year 1633. This indenture of November 3d, 1631, hath no other subscription in the bottom of it but this:

*"Hæc copia debite examinata verbatim inventa est concordare cum originati. Per me notarium infra testatum sacra regia autoritate admissum et juratum, Londini commorantem, hoc 11 die Januarii, 1631.*

THO. DE WACHE, *Notar. Publ.*"

This indenture, though without any hand or seal annexed, seems to be of as much force as other instruments of like nature produced on such like accounts at the present time.

10. *Grant: Council of Plymouth to Captain John Mason, from Naumkeag to Piscataqua; date, 22 April, 1635. Abstract, 1 Belk., 14. Areegment for the Grant, 1 N. H. His. Soc. Coll., 311.*

“Forasmuch as by a mutual agreement, we, whose names are subscribed, patentees or adventurers, and of the Council, are to join in the surrender to His Majesty of the Great Charter of that country, which was granted to us in the 18th year of the reign of King James of blessed memory; in whose presence, February 3, 1634, lots were drawn, for settling of divers and sundry divisions of lands on the sea coasts of said country, upon most of us, who hereto have never been confirmed in the lands so allotted; and to the intent that every one of us, according to equity, and in some reasonable manner, answerable to his adventures or other interest, may enjoy a proportion of the lands of the said country to be immediately holden of His Majesty.

We do therefore condescend and agree that all the part of the sea-coast of the country aforesaid, shall belong to Captain John Mason, to begin at the middle of Naumkeek river, and from thence to proceed eastward along the sea-coast to Cape Ann, and round about the same into Piscataqua harbor, and so forward up the river of Newitchawannack, and to the furthest head of said river, and from thence northwestward till sixty miles be finished from the first entrance of Piscataqua harbor. Also from Naumkeek through the harbor and river thereof up into the land west sixty miles; from which period to cross over land to the sixty miles end accounted from Piscataqua through Newichwannock river, and into the said land northwest as aforesaid; and hereunto is to belong the south half of the Isle of Shoals, and ten thousand acres of land on the southeast part of Sagadahock, at the mouth or entrance thereof, saying and reserving out of this division to every one that hath any lawful grants of lands or plantation lawfully settled in the same, the free holding and enjoying of his right, with the liberties thereunto appertaining, laying down his *jura regalia*, if he have any, to the proprietor of his division

wherein his land with and paying some small acknowledgment, for that he is now to hold his said land anew of the proprietor of his division.

Lenox,  
Hamilton,  
Arundel & Surry,  
Carlile,  
Starling,

Edward Gorges,  
Ferd. Gorges.

*Concordat cum originali facta collatione. Per me: THOMAS MAYDWELL, Notar. Publicum.—Hubbard's New-Eng., 231.*

## GRANT:

*From Hazard's State Papers, 1 N. H. His. Soc. Coll. 313.*

To all Christian people unto whom these presents shall come, the Council for the affayres of New-England in America send greeting in our Lord God everlasting :

Whereas our late Sovereign Lord King James, of blessed memory, by his highness's letters patents under the Great Seal of England, bearing date at Westminster, the third day of November, in the eighteenth year of his reign, over his highness's realme of England, for the consideration in the said letters patents expressed and declared, hath absolutely given, granted, and confirmed unto the said Counsell and their successors, for ever, all the land of New-England, in America, lying and being in breadth from fourty degrees of northerly latitude, from the equinoctiall line, to forty-eight degrees of the said northerly latitude inclusively, and in length of and within all the breadth aforesaid from sea to sea, together with all the firm lands, soyles, grounds, havens, ports, rivers, waters, fishings, mines, and in mineralls, as well as royall mines of gould and silver, as other mines and minerals, pretious stones, quaries, and all and singular other commodities, jurisdictions, royalties, priviledges, franchises, preheminences, both within the said tract of land upon the mayn, and also within the yslands and seas adjoining, as the said letters pattents among divers other things therein contained, more at large doth and may appeare.

Now, know all men by these presents, that the said Counsell of New-England, in America, being assembled, in public court, according to an act made and agreed upon, the third day of February last past, before the date of these presents, for divers good causes and considerations them unto especially moving, have given, granted, aliened, bargained and sold, and in and by these presents do, for them and their successors, give, grant, alien, bargane, sell and confirm unto Capt. John Mason, Esq., his heyers and assigns, all that part of the mainland of New-England aforesaid, beginning from the middle of Naumkeek river, and from thence to proceed eastwards, along the sea-coast, to Cape Anne, and round about the same to Pischataway harbor, and so forwards up within the river of Newgawanacke, and to the furthest head of said river, and from thence Northwestwards till sixty miles bee finished, from the first entrance of Pischagua harbour, and also from Naumkeeke, through the river thereof, up into the last west sixty miles, from which period to cross over land to the sixty miles, and accompted from Pischataway, through Newgewanacke river, to the land northwest aforesaid; and also all that the south half of the Isles of Shoals, all which lands with the consent of the Counsell shall from henceforth be called NEW-HAMPSHIRE; and also ten thousand acres more of land in New-England aforesaid, on the southeast part of Sagadihoc, at the mouth or entrance thereof, from henceforth to be called by the name of MASSONIA; together with all and singular, havens, harbors, cricks and yslands inbayed, and all islands and isletts lying within five leagues distant of the mayne land, opposite and abutting upon the premises or any part thereof, not formerly lawfully granted to any by spetiall name; and all mines, minerals, quaries, soyles and woods, marshes, waters, rivers, lakes, fishings, hawkings, hunting and fowling, and all other royaltys, jurisdictions, privileges, preheminences, profitts, comoditys, and hereditaments whatsoever, with all and singular their and every of their appurtenances, and together, alsoe, with all rents reserved, and the benefits of all profitts due, to the said Council and their successors, with power of judicature in all causes and matters whatsoever, as well criminall, capitall and civil, arising, or which may hereafter arise, within the

limits, bounds and precincts aforesaid, to be exercised, and executed, according to the laws of England, as neere as may be, by the said Capt. John Mason, his heyers and assignes, or his or their deputys, leef tenants, judges, stewards or officers thereunto by him or them assigned, deputed or appointed from tyme to tyme, with all other priviledges, frantises, libertys, immunitys, escheats and causallitys thereof, arising, or which shall or may hereafter arise, within the said limits and precincts, with all the right, title, claime, and demand whatsoever, which the said Counsell or their successors now of right have, or ought to have or claim, or may have or acquire hereafter, in or to the said portions of lands or islands, or any of the premises; and in as large, free, ample, beneficial a manner, to all intents, constructions, and purposes whatsoever, as the said Counsell, by virtue of his said Majestys said letters pattents, may or can grant the same; saving and always reserving unto the said Counsell and their successors, power to receive, heare and determine all and singular, appeale and appeales of every person and persons whatsoever, dwelling or inhabiting within the said territorys and islands, or any part thereof, so granted as aforesaid, of and from all judgments, and sentences whatsoever given within the said lands and territory aforesaid; to have and to hould all and singular the lands and premises above, by these presents granted (except as before excepted), with all and all manner of profitts, commoditys, and hereditaments whatsoever, within the lands and precincts aforesaid, to the said lands, islands and premises, or any part of them, anywise belonging or appertaining unto the said Capt. John Mason, his heyers and assignes, to the only proper use and behoof of him the said Capt. John Mason, his heyers and assignes for ever, to be houlden of the said Counsell and their successors, *per gladium commitatis*, that is to say, by finding four able men, armed and arayed for the ware, to attend upon the Governor of New-England for the public service, of within fourteen days after any warning given; yielding and paying unto the said Counsell and their successors for ever, one fifth part of all the ore of the mines of gould and silver which shall be had, possessed or obtayned within the limits or precincts aforesaid, for all rents, services, dutys, and demands

whatsoever, due unto the said counsell and their successors from any plantation within the precincts aforesaid, the same to be delivered unto his majesty's receiver, his deputy or deputys assigned for the receipt thereof, to the use of his majesty, his heyres and successors, from tyme to tyme, within the lands, precincts and territorys of New-England aforesaid. And, lastly, the said council have deputed and authorized and appointed, and in their place and stead have put Henry Jocelyn, Esq., and Ambrose Gibbins, gentle, or either of them, to be their true and lawful attorney and attornies for them, and, in their name and stead to enter into the said lands and other the premises, with their appurtenances or any part thereof, in the name of the whole, and take quiet and peaceable possession and seizin thereof; so had and taken aforesaid, then to deliver these same unto the said Capt. John Mason, his heyers or assignes, or to his or their certen attorney or attornies, to be by him or them deputed on that behalf, according to the purport, true intent and meaning of these presents. In witness whereof, they, the said counsell, have hereunto affixed their common seal, dated two and twentieth day of April, in the eleventh yeare of the reigne of our Sovereign Lord Charles, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, Anno Domini 1635. Sealed with the seal of the said Counsell thereto appended.

*Vera copia*—FRED. IXEM, *Not. Publicus*.

### 11. *Charter: Charles I to Capt. John Mason.*

All that is known to me on this subject, is found I. F. Belk. 14, note :

“Whether Capt. Mason had his title confirmed by the King, after the surrender of the Great 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 Capt. Mason, it is said, “King Charles I, by charter dated 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 honors, &c. On this authority, I suppose, Douglas has asserted the same thing.—*Doug. Sum.* 1, 418.

On which Hutchinson (*His. Mass.* 1, 317) 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 1691."

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 counsel, 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 alleged that this last grant to Mason was ratified and confirmed to 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 counsellor by mandamus, and Samuel Allen, who purchased the title, was Governor by commission from the Crown.

George Vaughan, in a letter to Gibbons, 10th April, 1636, 1 Belk., Appx. 11, says: "I spoke with Sir Ferdinando Gorges. He tells me he is getting a patent for it [his own division] from the King, from Piscataqua to Sagadehock, and that between Merrimack and Piscataqua he left for Mr. Mason, *who, if he had lived, would have took a patent for that also*; and so I suppose the affairs of Laconia is dead."

No allusion is made to such a charter in Mason's Petition to the King, probably, in 1676. F. Belk., App. 22, where his title seems fully stated.

## LACONIA.

[Since the foregoing grants were in type, a copy of the "Grant by the Presid't and Council of New-England, of Laconia, to Gorges and Mason, 17 November, 1629," has been obtained from the office of Secretary of State, Mass.—ED.]

The said grant included "all those lands and countrys lying adjacent or bordering upon the great lake or lakes or rivers, commonly called or known by the name of the River and Lake or Rivers and Lakes of the Iroquois, a Nation or Nations of savage people, inhabiting up into the landwards betwixt the lines of west and north west, conceived to pass or lead upwards from the rivers of Sagadahock and Merimack in the country of New-England aforesaid, together also with the Lakes and Rivers of the Iroquois and other nations adjoining, the middle part of which Lake is situated lying neer about the latitude of forty-four or forty-five degrees, reckoned from the equinoctial line northwards, as also all the lands, soils and grounds within ten miles of any part of the said lakes or rivers on the south or east part thereof, and from the west end or sides of the said lakes or rivers so far forth to the west as shall extend half way into the next great lake to the westward, and from thence northwards into the north side of the main river which runeth from the great and vast western lakes and falleth into the river of Canada, including all the Islands within the precinct or perambulation described.

"Said Ferdinando Gorges and Capt. John Mason shall and will, before the expiration of three years, to be accounted from the day of the date hereof, have in or upon the said portions of lands, or some part thereof, one fort, with a competent guard and ten familys at the least of his Majesty's subjects, resident and being in and upon the same premises, or in default thereof, forfeit and loose to the President and Council the sum of one hundred pounds, &c.

"By the said grant moreover, it shall and may be lawful for the said Sir Ferdinando Gorges and Capt. John Mason, &c., to have free egress, regress, way and passage to enter and pass and return from and to any of the said demised lands,



“lakes and rivers, with their ships, boats, barks or other vessels, with their munition and their cattle and commodities of what nature soever, from, by and through any of the lands, rivers, harbours, creeks or sea ports, upon the sea coast or frontier parts of New-England aforesaid, &c., without any lett, trouble or interruption, molestation or hindrance of them, the President and Council.

“For [their] better accommodation, it shall be lawful for them to make chois of, and take and possess for the use of them the said Sir Ferd. Gorges and Capt. John Mason, in any of the ports, harbours or creeks in New-England, lying most commodious for their passage up into the said lakes, one thousand acres of land upon the side or sides of such harbours, ports, rivers or creeks, where the same is not disposed of to any other persons.”

EDWARD GODFREY was constituted lawful attorney of the President and Council, to take possession, &c., and deliver the said granted premises to Sir Ferdinando Gorges and Capt. John Mason.

This indenture was signed and sealed as above, 17 November, 1629.

## 12. *Surrender of Plymouth Council to the King.*

April 6, 1635. A petition in this form was presented to the King :

May it please your Most Sacred Majesty! It is humbly desired by the Duke of Lenox, &c., ancient patentees and adventurers in the plantation of New-England, that forasmuch as they are now presently to join in the surrender to Your Majesty of the grand Patent of their corporation, that your Royal Majesty will be graciously inclined to give order to your Attorney General to draw several patents, of such parcels of land as by their mutual consent have been allotted to them; and to have the same patents prepared fit for your Majesty's Royal signature, with such titles, privileges and immunities as have been heretofore granted, either to them or any other by your majesty, or by your late royal father, King James, of blessed memory, with reservations of appeal to the Governour or Lieutenant of the territories, in cases reasonable, that they, knowing their own interest, may be better able to plant and govern them to your Majesty's honor, their particular profits, and their people's civil government, and faithful obedience to the laws of your Sacred Majesty. April 6, 1635. —*Hub. N. E.* 230.

At page 227 of *Hub. N. E.* is a similar but much extended petition to the Lords of the Council.

The surrender is given at length in 1 *Haz. Coll.* 393-394.

Dated June 7, 1635.

Williamson, 1 *Maine* 258, gives this account of the surrender :

"The Council had their last meeting, April 25, 1635, when only sixteen members were present. They entered in their books the causes of their proceedings, saying—

"We have been bereaved of friends, oppressed with losses, expenses and troubles; assailed before the Privy Council again and again with groundless charges; and weakened by the French and other foes without and within the realm, and what remains is only a breathless carcass. We, therefore, now resign the patent to the King, first reserving all grants by us made and all vested rights."

13. *Sale by Sir Ferdinando Gorges to Captain John Mason, of three miles in breadth East of the Piscataqua, September, 1635.*

The only account I have seen of this transaction is given by Dr. Belknap, 1 F. Belk., N.H., 15 :

“In September [1635], Gorges sold to Mason a tract of land on the northeast side of the river Piscataqua, extending three miles in breadth, and following the course of the river from its mouth to its furthest head, including the saw-mill which had been built at the falls of Newichwannock” (Printed state of Allen’s title).

NOTE. The record of the case of Joseph Mason, Attorney of Mrs. Anne Mason, decided by the General Court of Massachusetts in 1652, of which a copy will be given, tends to show the existence of this transfer.—

14. *Will of Capt. John Mason, dated Nov. 26, 1635.*

The following extract from this will is found 1 N. H. His. Soc. Coll., 317, from Haz. State Papers :

“Now as concerning the disposition of all and singular my mannors, messages, lands, tenements and hereditaments, with their and every of their rights, members and appurtenances, as well within the realm of England as elsewhere; I give, devise, and bequeath the same, and every of them, to such person and persons upon such trusts and confidence, to such uses and intents and purposes, and under such provisoes and conditions, limitations, as are hereafter expressed; that is to say, first, I give, devise, and bequeath unto the Mayor and Commonalty, and incorporation of the town of Kinglyn, in the county of Norfolk, where I was born, by what name, title or addition soever the said town or corporation is, have been, or shall be called, known or incorporated, and to their successors, for ever, under the proviso or conditions nevertheless hereafter expressed, two thousand acres of my land, in my county of New-Hampshire, or Mason Hall, in New-England, which by my executrix [his wife Anne Mason], and overseers aforesaid [his brother-in-law John Wallaston], shall be thought

most fit, and the reversion and reversions, remainder and the remainders of the said two thousand acres of land and every part thereof.

Item. I give, devise and bequeath unto my loving brother-in-law, John Woolaston, and to his heirs and assigns for ever, to be holden of my heirs in fee-farm, three thousand acres of land, with the appurtenances, in my county of New-Hampshire, or mannor of Mason Hall aforesaid, where my said brother and executrix shall think fit.

I give, devise and bequeath unto my grandchild, Ann Tufton, and to her heirs and assigns for ever, all those my lands, tenements and hereditaments, with the appurtenances, lying and being at Capham of Wagam, upon the southeast side of Sagadahock, in New-England aforesaid, called Masonia, and containing, by estimation, ten thousand acres, or thereabouts, be the same more or less.

Item. I give, devise and bequeath unto my grandchild, Robert Tufton, and to his heirs and assigns for ever, under the provisoes and conditions nevertheless hereafter expressed, all that my mannor of Mason Hall, in New-England aforesaid, with all the lands, tenements, hereditaments, rights, members and appurtenances thereunto belonging, except such part of the land thereunto belonging, as is before bequeathed by this my will, and the reversion, remainder and remainders, rents and other yearly profits whatsoever of the same premises, to have and to hold the same, and every part thereof, except before excepted, unto my said grandchild, Robert Tufton, and to his heirs and assigns for ever; provided, always, and upon condition, nevertheless, and my true intent and meaning is, that the said Anne, my wife, shall have and enjoy the said mannor and premises, given unto my said grandchild, Robert Tufton, as aforesaid, and receive, take and enjoy to her own proper use, the rents, issues and profits thereof, until my said grandson, Robert Tufton, shall attain and accomplish his full age of twenty-one years, if my said wife shall live so long: provided, also, and my further will and meaning is that my said grandson, Robert Tufton, shall alter his sir name, and sir name himself Mason, before he shall be capable to enjoy the said manor and

premises, according to this my will, for that my true intent and meaning is, that the said manor and premises shall continue in my name as it now doth, and no otherwise.

Item. I give, devise and bequeath unto my said brother-in-law, John Wollaston, his heirs and assigns for ever, two thousand acres of land in my county of New-Hampshire, in New-England aforesaid, where my said brother and executrix aforesaid shall think fit, upon trust and confidence, and to the use, intents and purposes, that my said brother, John Woolaston, or his heirs, and my said wife, Ann Mason, shall, with all speed convenient, after my decease, at the charge of my estate in due form of law, settle and convey one thousand acres of the said land to some feoffees in trust, and to their heirs for ever, for and towards the maintenance of an honest, godly and religious preacher of God's Word, in some church or chapple, or other public place appointed for divine worship and service, within the said county of New-Hampshire, where my said wife and brother shall think fit, the said feoffees and their heirs paying and allowing unto my heirs for ever the yearly rent of one penny, if it be demanded, and two fifth parts of all such mines royal as shall be found in and upon the said one thousand acres, more [over the] residue of the said two thousand acres of land, I will shall be settled and conveyed as aforesaid to some feoffees in trust and their heirs, for ever, for and towards the maintenance of a free Grammar School, for the education of youth in some convenient place within the said county of New-Hampshire, where my said wife and brother-in-law shall think fit, they also paying and allowing unto my heirs, for ever, the yearly rent of one penny, if it be demanded, and two fifth parts of all such mines royal as shall be found in and upon this said one thousand acres of land, or any part thereof. All the rest and residue of all and singular my mannors, messages, lands, tenements and hereditaments, with their and every their appurtenances lying and being within said county of New-Hampshire, or elsewhere in New-England aforesaid, not before bequeathed by this my will, I give, bequeath the same unto my grandchild, John Tufton, and to the heirs of his body lawfully begotten; and for want of such issue to the said Robert Tufton, or my grandchild, and to the heirs of

his body, lawfully begotten ; and for want of such issue, to my Cousin Dr. Robert Mason, Chancellor of the Diocess of Winchester, and to the heirs male of his body lawfully begotten, or to be begotten ; and for want of such issue, to my right heirs and assigns for ever ; provided, always, and my will and meaning is, that my wife, Ann Mason, shall have, hold and enjoy the said mannors, messages, lands and premises by me given to my grandchild, John Tufton, as aforesaid, and receive the rents, issues and profits thereof, and of every part thereof, to her own use, profit and behoof, until my said grandchild, John Tufton, shall attain to, and accomplish, his full age of one and twenty years, if the said Ann, my wife, shall so long live : provided, also, and my further will, mind and meaning is, and do hereby devise and appoint that my said grandchild, John Tufton, shall alter his sir name, and shall name himself Mason, before he shall be capable to enjoy the said mannors, lands and premises, or any part thereof, according to my bequest.

[Captain Mason's will was dated November 26, 1635, and the copy from which the above extracts were made, contains the whole of it, and a certificate that it was proved by the oath of Ann Mason on the 22d December, 1635.] W. PLUMER.—*Haz. State Papers.*

16. *Francis Small's Deposition.*

Francis Small, of Piscattaway, in New-England, planter, aged sixty-five years, maketh oath, that he hath lived in New-England upwards of fifty years; that he very well knew the plantations Capt. Mason had caused to be made at Piscattaway, Strawberry Bank, and Newichwannock, and was well acquainted with all the servants employed by Capt. Mason, upon the said plantations, some whereof are yet living; and that there was a great deal of stock at each of those plantations. And this deponent doth very well remember that Capt. Mason sent into this country eight Danes to build mills, to saw timber, and tend them, and to make potashes; and that the first saw-mill and corn-mill in New-England was erected at Capt. Mason's Plantation, at Newichwannock, upwards of fifty years—where was also a large house with all convenience of out-houses, and well fortified with store of arms. That about forty years since, the said house and buildings were burnt to the ground, but by what means this deponent doth not know; that about the same time this deponent was employed by Capt. Francis Norton (who then at Capt. Mason's house at Piscattaway, called the great house) to drive about one hundred head of cattle towards Boston, and the said Captain Norton did go with the cattle; that such cattle were then usually sold at five and twenty pound the head, money of England. And the said Norton did settle himself at Charlestown, near Boston, and wholly left Capt. Mason's plantation, upon which the other servants shared the residue of the goods and stock among them, which were left in that and the other plantations, and possessed themselves of the houses and lands. And this deponent doth verily believe that, from the cattle sent hither by Capt. Mason, most of the cattle, in the provinces of New-Hampshire and Maine have been raised, for this deponent doth not remember or heard that any one person else did bring over any. That Thomas Warnerton, a servant to Capt. Mason, and lived in a fair house at Strawberry Bank about the year 1644, did carry quantities of goods and arms belonging unto Capt. Mason's plantation, and sold them to the French that did inhabit at Port Royal, where the said Thomas

Warnerton was slain. That sometime after, one Sampson Lane came over from England, with power, as he pretended, to look after and take care of the aforesaid plantations, and did settle himself in the great house at Strawberry Bank, and made additions thereunto, where he continued about three years, and then returned for England, upon whose departure John and Richard Cutts got into possession of the aforesaid house and lands at Strawberry Bank, but by what right this deponent never heard; and have sold several small tracts, upon which many houses are now built and possessed by the relatives of the said Cutts.

FRANCIS SMALL.

Sworn before me, the 8th September, 1685.

R. CHAMBERLAIN, *Justice Peace.*

### 17. *Nathaniel Boulter and John Redman's Deposition.*

Nathaniel Boulter, aged sixty years, and John Redman, aged seventy years, of the town of Hampton, in the province of New-Hampshire, yeoman, make oath, that they were two of the first planters that did sit down at Hampton aforesaid, about forty-three years since, by authority of the Massachusetts General Court, which gave power to some few persons (called selectmen), who came likewise to inhabit in the said town, to grant or sell lands to others as they thought fit. That upon these deponents first settling at Hampton, several of the servants of Capt. Mason, or his heirs, came from Piscattaway to Hampton, and did forbid these deponents and others from settling in the said town without license from the proprietor or his agents, and paying a quit rent. But these deponents, and others of the inhabitants, being backed by authority of the Massachusetts government, which had declared those lands to be in her jurisdiction, no regard was had to the prohibition by Capt. Mason's servants. And these deponents do very well remember that Mr. Mason had made a great plantation at Piscattaway and Newichwannock, where there were a great stock of cattle, and much land improved. And these deponents, about forty years since, did see a drove of one hundred head of great cattle, or thereabouts, that came from off Captain Mason's plantation at Piscattaway, and drove through the town of Hampton towards Boston, by Capt. Norton and others, the



servants of Capt. Mason or his heirs, and there sold and disposed of (as these deponents were informed) by the said Capt. Norton, who did then settle himself in or near Boston, and deserted the plantation at Piscattaway. And these deponents do further testify that such cattle were commonly valued at five and twenty pounds the head, being very large beasts of a yellowish colour, and said to be brought by Capt. Mason from Denmark. And these deponents say, that soon after Captain Norton's going to Boston to inhabit, the Massachusetts government did lay claim to the whole province of New-Hampshire, as pretending it to be within their patent, and did accordingly exercise a jurisdiction therein, and required those inhabitants to take an oath of fidelity to them.

NATHANIEL BOULTER.

JOHN REDMAN.

Sworn before me, 6th of November, 1685.

R. CHAMBERLAIN, *Justice of the Peace.*

### 18. *George Walton's Deposition.*

George Walton, of Great Island, in the Province of New-Hampshire, yeoman, aged seventy years, or thereabouts, testifieth, that he hath been an inhabitant in the said province about fifty years; that most part of the lands he now possesses were granted by Capt. Henry Jocelyne, Steward to Capt. Mason, the proprietor; that this deponent doth very well know that Capt. Mason had many servants, and a great stock of cattle upon his lands; that the said servants, and others, after the decease of the said Capt. Mason, did imbezill and ruin the estate. And particularly Capt. Francis Norton, agent or steward to Capt. Mason or his heirs, about forty years since, did drive from Capt. Mason's Plantation, at Piscattaway, called the great house, about one hundred head of great cattle, which were then usually valued at twenty-five pounds the head; and as this deponent was credibly informed, the aforesaid cattle were sold in and about Boston by the said Norton, who also settled himself thereabouts, and deserted Capt. Mason's Plantation; that thereupon the rest of the stock, goods and implements belonging to Capt. Mason's Plantation were made away with by the said servants and others.

And this deponent doth very well remember the fort built by Capt. Mason upon the Great Island (in the same place where the fort now stands), and that it was strong and substantially made, and furnished with great guns, of which some were brass, and were afterwards taken away by Major Waldern and his brother William Waldern and others, but by what authority this deponent never heard. And some of the guns this deponent did see put into a ship belonging to one Lane. And this deponent knows, that to the great house at Piscattaway aforesaid, there were adjoining about one thousand acres of improved lands, marsh, meadow and planting grounds, which were divided and parcelled out by the servants of Capt. Mason and others, the select, or prudential men (of the town of Portsmouth), as they were so called, who still enjoy the same, or their heirs and assigns, whereof William Vaughan and his brother-in-law have a large share given them by their father-in-law, Richard Cutt. And the said great house, by the means aforesaid, came to decay and fell down, the ruins being yet to be seen, out of which several good farms are now made. And this deponent doth very well remember that the said Capt. Mason had made a great plantation at a place called Newichwannock, about sixteen miles from that of Piscattaway, which by the means aforesaid was ruined, and shared among several of the said Capt. Mason's servants and others. And this deponent doth further say, that to his particular knowledge, the servants sent over by Capt. Mason, of which some are living, and those descended from them, which are many, have been and are, the most violent opposers of the new proprietor, Robert Mason, Esq. And this deponent further saith, that those lands in Portsmouth called, both now and formerly, Strawberry Bank, were the planting grounds and pasture belonging to the great house at Strawberry Bank, wherein Thomas Warnnerton did inhabit, that was sometime agent for Capt. Mason, and after the death of Warnnerton, who was slain about forty years since, the said house and lands were possessed by Sampson Lane, but by what right this deponent doth not know.

GEORGE WALTON.

Taken before me, the 18th December, 1685.

WALTER BAREFOOT, *Dep. Governor.*

## LETTERS CONCERNING THE HOLLANDERS.

*Capt. Mason to Mr. Secretary Coke. Trade Papers, State Paper Office, X, 1. From N. Y. Col. Mss., III, pp. 16, 17, 18.*

Right Honorable :—In the year of our Lord God 1621, or thereabouts, certaine Hollanders were upon the coast of New-England trading with the Indians, betwixt Cape Codd and Bay de la Warre, in 40 degrees of northerly latitude, being a parte of that country which was granted to Sir Walter Raleigh by Queen Elizabeth in Anno 1584, and afterwards to divers of her subjects under the titles of Virginia; which country was divided by agreement of the Virginia company, and the northeast parte thereof confirmed afterward by King James, in Anno 1606, to the President and Counsell for the plantations there, which have been settled in Virginia on the one hand to the westwards, now about fortie years; and in New-England on the other hand to the eastward, above twenty-five years since. The sayed Hollanders as interlopers fell into the middle, betwixt the sayed plantations, and at their returne of their voyage aforesayed, published a mapp in the low countries of the sayd sea coasts, comprehended betwixt Virginia and Cape Codd, under the tytle of New-Netherlands, giving the name of the Prince of Aurange to the countrie and river of Manahata, where the Dutch are now planted (which sayd countrie was many years before discovered by two Englishmen in their voyages to Virginia), and giving other Dutch names to other places to the eastward of the sayd Manahata river as farr as Cape Codd; all which had beene formerly discovered and traded unto diverse tymes by severall Englishmen, as may be proved. And Sir Samuel Argall, Kn't, with many English planters, were preparing to goe and sitt downe in his lott of land upon the sayd Manahata river, at the same tyme when the Dutch intruded, which caused a Demurre in their proceeding untill King James, upon complaint of my Lord of Arundell, with Sir Ferdinando Gorges, Kn't, and the said Sir Samuel Argall (formerly Governor of Virginia), and Capt. John Mason of the sayed Dutch intruders in Ano

1621, had by his Majesty's order a lre to the Lord of Dorchester their Ambassador at the Hague, questioned the States

(Those lres of the Lords do bear date the 15th of December, 1651.) of the low countries for that matter. Which the Lords the States by answer (as I take it) of their ambassador Sir Nowell Carronne sid disclayme, disavowing any such act that was done by their people with their authority; which my Lord of Arundell and I think the Lord Baltimore (then Secretary of State) doe remember, and Sir Ferdinando Gorges and Capt. Mason can witness the same. Neverthelesse the year follow-which (as I take it) was 1622, the sayd Dutch, under a pretended authority from the West India Company of Holland, maintayned as they sayd by commission from the said Prince of Aurange did returne to the foresayd river of Manahata and made plantation there, fortifying themselves there in two severall places, and have built shippes there, whereof one was sent into Holland of 600 tunnes or thereabouts. And albeit they were warned by the English plantation at New Plymouth to forbear trade and not to make any settlement in those partes, letting them know that they were the territories of the King of England, yett nevertheless with proude and contumacious answers (saying they had commission to fight against such as should disturbe their settlement) they did persist to plant and trade, vilefying our nation to the Indians, and extolling their owne people and countrye of Holland, and have made sundry good returnes of commodities from thence into Holland; especially this year they have returned (as it is reported) 15,000 beaver skynnes, besides other commodities.

Your Ho<sup>rs</sup>. humble servant,

(Signed)

JOHN MASON.

April 2, 1632.

(Endorsed by Sir John Coke, Secretary of State.)

“Capt. Mason concerning the Hollanders in Virginia.”

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*Sir Ferdinando Gorges to Capt. Mason about an expedition on the Dutch.—Trade papers, State paper office, X, 2.*

[N. Y. Col. Mss. 3, p. 17.]

SIR: On Thursday night I received yours of the 30th of March, by which I understand howe you have pceeded against

those of the Dutch plantacon. I am glad the business is before the Lords. I hope they will not bee over hasty in concluding a business of that nature, considering howe much it concernes both the honor of the Kinge and State to make good the interest they have therein. You shal bee assured I will not prtract any time of my coming up, butt I must acquaint you with an unhappy accident that befell mee the same day I receaved yours. For haveing bene with my Lord Pawlett and diverse others of my private friends att a horse race, I took a fall from my horse, and am now in soe much extremitie of paine as I am not able to move or stirr, but as I am helped by maine strength of my servauntes; notwithstanding, by God's favor I hope to bee with you in very short time, what shifte soever I make to travel. I am sory to heere you are so poorly seconded in a matter soe just and hon'ble.

I conceive you may have from Mr. Shirly a copy of that which came to my hands from those of New Plymouth, with more particulars than came to mee. Itt may please you that he may bee spoken with about itt. I doubt not but att my cominge, I shall be able to give both his Matie and the Lords sufficient satisfaccon for to fortifie the justefyng (not the stay of the shipp only), but to prosecute their displanting from thence. And that which is now to bee desired is, that wee may be heard to speak before ought be done for the shipp's dispatch. I hope you will make some shifte to sende away the horses I sent you before the receipte of Mr. Eyers to the contrary, for I know they wil bee of more service and worth than any you will serve yourselves with all att the Islands; besides heere is noe shipping that goes from hence till towards the winter quarter; but what you doe betweene you, shall please mee, though I desire extremely they may goe att this present, though it were wholly on my owne accompte for their transportation with the horses. Let this suffice I pray you for this present, for that my paine will suffer mee to say noe more att this time, save only I beseech you to remember my humble service to my Lord Marshall, and to lett his honor knowe the misfortune that retaynes mee from attending his Lopp [Lordship], soe soone as my harte desire, and soe much you may be pleased to lett my Lord of Warwick knowe in

like manner with the remembrance of my service to his Lopp, beseeching him not to bee slacke, wherein you know his helpe may further the best wee shall gaine thereby wil bee the knowledge of what may bee expected from him hereafter, and so I comitt you to God, and rest.

Y<sup>r</sup> assured loveing friend,

(Signed)

FERD. GORGES.

Bristoll, the 6th April, 1632.

To his assured loveing friend Captaine John Mason att his house att Debtford. Psent theise.

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### LEVETT'S VOYAGE,\* &c.

[FURNISHED BY HON. S. D. BELL.]

“*A voyage into New-England, begun in 1623 and ended in 1624; performed by Christopher Levett, His Majesty's Woodward, of Somersetshire, and one of the Council of New-England:*” was printed, as appears by the imprint, in 1628. It is prefaced by a report —

“To the Right Honorable George, Duke of Buckingham; His Grace, Thomas, Earl of Arundel and Surrey; Robert, Earl of Warwick; John, Earl of Holderness; and the rest of the Council for New-England.”

“May it please your lordships that whereas you granted your commission unto Capt. Robert Gorges, Governor of New-England, Capt. Francis West, myself, and the Governor of New Plymouth, as counsellors with him for the ordering and governing of all the said territories, wherein we have been diligent to the utmost of our powers, as we shall be ready to render an account unto your honors when you shall be pleased to require us thereunto. In the meantime I thought it my duty to present to your views such observations as I have taken,” &c.

CHRISTOPHER LEVETT.

CHAPTER I. The first place I set my foot upon in New-England was the Isle of Shoals, being islands in the sea about

\* See Me. Hist. Soc. II, p. 73.

two leagues from the main. Upon these islands I neither could see one good timber tree, nor so much good ground as to make a garden. The next place I came unto was Pannaway, where one M. Thomson hath made a plantation. There I stayed about one month, in which time I sent for my men from the east, who came over in divers ships. At this place I met with the governor who came thither in a bark which he had from one M. Weston, about twenty days before I arrived in the land.

The Governor then told me that I was joined with him in commission as counsellor, which, being read, I found it was so. And he then, in the presence of three more of the council, administered unto me an oath.

In the time I stayed with M. Tomson I surveyed as much as possible I could, the weather being unseasonable, and very much snow. About two English miles further to the east I found a great river and a good harbor, called Pascattaway," &c.

Capt. Levett's account is sustained by Governor Bradford. See Morton N. E. Memorial, as follows :

"About the middle of September [1623] arrived Captain Robert Gorges in the Bay of Massachusetts, with sundry passengers and families, intended there to begin a plantation, and pitched upon that place which Mr. Weston, forenamed, had forsaken. He had a commission from the Council of New-England to be general governor of the country, and they appointed for his council and assistants Capt. Francis West, the aforesaid admiral [of New-England], Christopher Levett, Esq., and the Governor of Plymouth for the time being. Also they gave him authority to choose such others as he should find fit. Also they gave him by their commission full power to him and his assistants, or any three of them (whereof himself was always to be one), to do and execute what to them should seem, in all cases, capital, criminal, and civil, with divers other instructions, of which and his commission it pleased him to suffer the Governor of Plymouth to take a copy.

He, meeting with the aforesaid Mr. Weston, at Plimouth, called him before him and some of the other assistants, with the Governor of Plymouth aforesaid, and charged him with

the ill-carriage of his men at the Massachusetts, by which means the peace of the country was disturbed. Weston easily answered, that what was done in that behalf was done in his absence, and might have befallen any man. He left sufficiently provided, and considered they would have been well governed, and for any error committed he had sufficiently smarted.

Soon after this the said Capt. Gorges took his leave and went to the Massachusetts by land. His ship stayed at Plymouth and fitted to go to Virginia, having some passengers to deliver there. Capt. Gorges, after he had been at the eastward and expedited some occasions there, and some that depended on him, returned for England.

There were also some scattering beginnings made in other places [in 1623], as at Piscataqua, by Mr. David Thompson, and at Monhegin, and some other places by sundry others."

Sir Ferdinando Gorges, in his brief narration, ch. 23 (2 Maine His. Coll. 43), says: "The council were pleased to resolve of the sending some one into those parts as their Lieutenant, &c. Hereupon my son Robert Gorges, being newly come out of the Venetian war, was the man they were pleased to pitch upon, being one of the company, and interested in a proportion of the land with the rest of the patentees in the bay of Massechewset containing ten miles in breadth and thirty miles into the main land, who, between my Lord Gorges and myself, was speedily sent away into the said bay of Massechewet, where he arrived about the beginning of August following, anno 1623, that being the place he resolved to make his residence, as proper for the public as for his private, where landing his provisions and building his storehouses, he sent to them of New Plymouth, who, by his commission, were authorized to be his assistants, to come unto him who willingly obeyed his order and as carefully discharged their duties, by whose experience he suddenly understood what was to be done with the poor means he had, believing the supplies he expected would follow according to the undertakings of his friends, but they withdrew, and myself and friends were wholly disabled [by the proceedings in Parliament] to do anything to purpose; and he was advised to return home till better occasion should offer.



NOTE. These extracts from contemporary writers are made to meet allegations of the Massachusetts government and agents, that no seizin was delivered of Mason and Gorges Province, according to the grant, nor any possession taken under it.

Here Robert Gorges, appointed Attorney to deliver seizin, and David Thompson agent of the patentees, are shown to have been together at Little Harbor in 1623, "to expedite his occasions," and possession had been taken by Mason and Gorges by their agent Thompson, as well as by Hilton at Dover Neck, which there is no pretense was ever after abandoned.

Princes Annals 1626, 161, quoting Bradford, says: "Wanting proper goods [for the Indian trade], and understanding the plantation at Mohegan, belonging to some merchants of Plymouth [in England], is to break up, and divers goods to be sold, the governor with Mr. Winslow take a boat, and with some hands go thither. Mr. David Thompson, who lives at Piscataway, going with us on the same design, we agree to buy all their goods and divide them equally. Our moiety comes to £400; we also buy a parcel of goats," &c.

This shows the continuance of the settlement under Mr. Thompson at Piscattoway in 1626, and the purchase shows the character of its operations.

Ibid., 1627, 169. "With the return of the ships, we [the Plymouth people], says Bradford, send Mr. Allerton again to England (3) to get a patent for a fit trading place on Kennebeck River, especially since the planters at Piscatoway and other places eastward of 'em, as also the fishing ships envy our trading there, and threaten to get a patent to exclude us."

Belk., 1628: "The principal persons of Piscataqua readily united with their neighbors in making application to the colony of Plymouth, which was of more force than all the rest to put a stop to this growing mischief [the sale of fire-arms to the Indians], which they happily effected, by seizing Morton and sending him to England."

Of £12.10 expenses, Pascataquack paid £2.10, the same as Plymouth and Edward Hilton, £1.

## THE WHEELWRIGHT DEED.

[NOTE. The famous Wheelwright Deed, which has been pronounced a forgery by HON. JAMES SAVAGE, the distinguished antiquarian of Boston, and the late JOHN FARMER, Esq., of Concord, bears date May 17, 1629. Hon. CHANDLER E. POTTER, who has devoted much attention and research to the subject, maintains the validity of the deed. But whether the deed be a forgery or not\* it forms a portion of our history;— is the basis on which rests the grant of several townships in the State, is recognized in various ways, in our public records, as genuine; and therefore I deem it proper to give it a place in this first volume of our Provincial History. The deed is recorded in the office of Recorder of Deeds, at Exeter, of which the following is an exact certified copy.—ED.]

### *Indian Sagamores to Wheelwright and Company.*

Whereas wee the Sagamores of Penacook, Pentucket, Squamsquot and Nuchawanick, are Inclined to have y<sup>e</sup> English inhabitt amongst us, as they are amongst our countrymen in the Massachusetts bay, by so<sup>ch</sup> means wee hope in time to be strengthened against our enemyes, the Tarratens, who yearly doth us damage, likewise being perswaided y<sup>t</sup> itt will bee for the good of us and our posterety &c<sup>t</sup>. To that end have att a general meeting (att Squamsquot on Piscataqua River), wee the afores<sup>d</sup> Sagamores w<sup>th</sup> a universal consent of our subjects doe covenant and agree w<sup>th</sup> the English as followeth: Now Know all men by these presents that wee Passaconaway Sagamore of Penacook Runawitt Sagamore of Pentucket Wahangnonawitt Sagamore of Squamscott and Rowls Sagamore of Newchawanick for a compitent vallation in goods all ready received in coats, shurts and victualls and alsoe for y<sup>e</sup> Considerations afores<sup>d</sup> doe (according to y<sup>e</sup> Limits and bounds hereafter granted), give, grant, bargaine, sell, Release, Rattafie and Confirme unto John Whelewright of y<sup>e</sup> Massachusets baye

\* In the course of the following records, particular facts will be noted that may enable readers to form an opinion respecting the validity of the deed.—ED.

Late of England, A minister of y<sup>e</sup> Gospel, Augustin Story, Thom<sup>s</sup> Wite, Wm. Wentworth and Thom<sup>s</sup> Levitt, all of y<sup>e</sup> Massachusetts baye, in New-England to them, their heires and Assignes forever, all that part of y<sup>e</sup> maine Land bounded by the River of Piscataqua and the River of Merrimack, that is to say to begin att Newchewanack ffalls in Piscataqua River afores<sup>d</sup> and soe downe s<sup>d</sup> River to the sea and soe alongst the sea shore to Merrimack River, and soe up along s<sup>d</sup> River to the falls att Pentucett afores<sup>d</sup> and from said Pentucet ffalls 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 meete w<sup>th</sup> the main Rivers that Runs down to Pentucket falls and Newchewanack ffalls and y<sup>e</sup> s<sup>d</sup> Rivers to be the bounds of the s<sup>d</sup> Lands from the thwart Line or head Line to y<sup>e</sup> afores<sup>d</sup> ffalls and y<sup>e</sup> maine Channell of each River from Pentucket and Newchewanack ffalls to the maine sea to bee the side bounds and the maine Sea betweene Piscataqua River And Merrimack River to be the Lower bounds and the thwart or head Line that runs from River to river to be y<sup>e</sup> uper bound, Togeather w<sup>th</sup> all Ilands w<sup>th</sup>in s<sup>d</sup> bounds, as alsoe the Iles of Sholes soe Called by the English, togeather w<sup>th</sup> all Proffitts, Advantages and Appurtenances whatsoever, to the s<sup>d</sup> tract of Land, belonging or in any wayes appertaining. Reserving to our Selves, Liberty of making use of our old Planting Land, as alsoe ffree Liberty of Hunting, ffishing and fowling, and itt is Likewise w<sup>th</sup> these Provisios ffollowing, viz<sup>t</sup>:

First, that y<sup>e</sup> s<sup>d</sup> John Wheelwright shall, w<sup>th</sup>in ten years after the date hereof sett Down, w<sup>th</sup> a Company of English and begin a Plantation att Squamscott ffalls In Piscataqua River afores<sup>d</sup>.

Secondly, that what other Inhabitants shall come and Live on s<sup>d</sup> Tract of Land Amongst them from Time to Time and att all times shall have and Enjoye the same benefitts as the s<sup>d</sup> Whelewright afores<sup>d</sup>.

Thirdly, that If att any time there be a numb<sup>r</sup> of People amongst them that have a mind to begin a new Plantation, that they be Encouraged soe to doe, and that noe Plantation Exceede in Lands above ten English miles Squaire, or such a Proportion as amounts to ten miles squaire.

Fourthly, that y<sup>e</sup> afores<sup>d</sup> granted Lands are to be Divided into Townships, as People Increase and appeare to Inhabitt them, and that noe Lands shall be granted to any p<sup>t</sup>icular p<sup>er</sup>son, but what shall be for a Township and what Lands w<sup>th</sup>in a Township is granted to any P<sup>er</sup>ticular Person to be by vote of y<sup>e</sup> major part of y<sup>e</sup> Enhabitants, Legally and ord<sup>e</sup>ly settled in s<sup>d</sup> Township.

Fifthly, for managing and Regulating and to avoide Contentions amongst them, they are to be under the Government of the Collony of the Massachusets (their neighbours), and to observe their Laws and ord<sup>rs</sup> until they have a settled Government Amongst themselves.

Sixthly, wee the afores<sup>d</sup> Sagamores and our subjects are to have free Liberty (w<sup>th</sup>in the afores<sup>d</sup> granted tract of Land) of ffishing, fowling, hunting and Planting, &c.

Seventhly and Lastly, every Township w<sup>th</sup>in the aforesaid Limits or tract of Land that hereafter shall be settled, shall Paye to Passaconaway, our Cheife Sagamore, that now is and to his successors for ever If Lawfully Demanded, one Coate of Trucking Cloath, a year and every year for an Acknowledgement and alsoe shall Paye to m<sup>e</sup> John Whelewright afores<sup>d</sup>, his heires and successors forever, If Lawfully Demanded, two bushills of Indian Corne a year, for and in Consideration of said Whelewrights great Paines and Care as alsoe for y<sup>e</sup> Charges he have been at all to obtain this our grant, for himselfe and those afore mentioned, and the Inhabitants that shall hereafter settle In Townships on y<sup>e</sup> aforesaid granted Premises. And wee the afores<sup>d</sup> Sagamores, Passaconaway, Sagamore of Penecook, Runawitt, Sagamore of Pentucet, Wahangnonawitt, Sagamore of Squamscott, and Rowls, Sagamore of Newchewanack, doe by these Presents, Rattafie and Confirme all y<sup>e</sup> afore granted and bargained Premises and Tract of Land afores<sup>d</sup> (excepting and Reserving as afore Excepted and Reserved, and the Provisios afores<sup>d</sup> fullfilled), w<sup>th</sup> all the meadow and marsh grounds therein, Togeather w<sup>th</sup> all the mines, mineralls 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 ffreedome of ffish-

inge, fflowinge and Hunting, as ourselves with all other benefitts, Proffitts, Privileges and Appurtenances whatsoever thereunto, of all and any Part of the said Tract off Land, belonging or in any wayes Appertaininge unto him, the said John Whelewright, Augustin Storer, Thomas Wite, William Wentworth and Thomas Levitt and their heires forever as afores<sup>d</sup>. To have and to hold y<sup>e</sup> same As their owne Proper Right and Interest without the Least Disturbance, mollestation or Troble of us, our heires, Executors and Administrators, to and with the said John Whelewright, Augustin Storer, Thomas Wite, William Wentworth and Thomas Levitt, their heires, Executors, Administrators and assignes, and other the English that shall Inhabitt there, And theire heires and assignes, forever shall Warrant, maintaine and Defend. In Wittnes whereof, we have hereunto sett our hands and seals the Sevententh day of May, 1629. And in the fifth year of King Charles, his Reigne over England, &c<sup>t</sup>.

Signed, Sealed and Delivered

In Presents of us :

WADARGOSCOM † mark.	PASSACONAWAY ¶ mark. [Sele.]
MISTONOBITE    mark.	RUNAWIT ‡ mark. [Sele.]
JOHN OLDHAM.	WAHANGNONAWIT § mark. [Sele.]
SAM'LL SHARPE.	ROWLS ¶ mark. [Sele.]

Memorand'm : on y<sup>e</sup> Sevententh day of Maye, one thousand six hundred twenty and nine, In the fifth year of the Reigne of our Sovereign Lord Charles, King of England, Scotland, Ffrance and Ireland, Defend<sup>e</sup> of y<sup>e</sup> ffaith, &c<sup>t</sup>. Wahangnonawit Sagamore of Squamscot, in Piscataqua River did in behalfe of himselfe and the other Sagamores aforementioned then Present Deliv<sup>e</sup> Quiett and Peaceable Possession of all y<sup>e</sup> Lands mentioned in the w<sup>thin</sup> written Deed, unto the w<sup>thin</sup> named John Whelewright for the ends w<sup>thin</sup> mentioned, in Presents of us, Walter Nele, Governor, Geo. Vaughan, Facktor, and Ambros Gibins, Trader for y<sup>e</sup> Company of Laconia; Rich<sup>d</sup> Vines Governor, and Rich<sup>d</sup> Bonathan, Assistant of y<sup>e</sup> Plantation of Sawco, Thom<sup>s</sup> Wiggin agent, and Edward Hilton Steward of

the Plantation of Hilton's Point and was signed, sealed and Delivered In our Presents.

In Witness whereof, wee have hereunto sett our hands the day and yeare above Written.

Rich<sup>d</sup> Vines,

Walter Neale,

Rich<sup>d</sup> Bonithon,

Geo. Vaughan,

Thom<sup>s</sup> Wiggin,

Ambrose Gibbins.

Edward Hilton,

Entered and Recorded According to the originall, the 20th May, 1714.

Pr. WM. VAUGHAN, Recorder.

Copy of Record—Attest, N. G. GILMAN, Redr.

ORIGINAL  
PROVINCE PAPERS,

CONTAINED IN "BOOK I, PROVINCE RECORDS," 1631-1650.

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[COPIED BY THE EDITOR.]

[These are the *earliest* Province papers found in the office of the Secretary of State, New-Hampshire. With the exception of "the Letter from Thomas Eyre," which is copied from Farmer's Belknap, App. 2, p. 422, all the papers numbered 1, 2, 3, 4, &c., are exact copies from the "Records"\*; and are of great value to a proper understanding of the state of the early settlements. ED.]

*An original letter from Thomas Eyre, one of the adventurers, or Company of Laconia, to Mr. Gibbins, their Factor.*

London, the last of May, 1631.

Mr. Gibbins—Yours of the 8th of April, 1630, from Plimouth, I received, and thereby tooke notice of your intertaining Roger Knight, and here I present his wife 20s per quarter, at your desire, and 3*l.* 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 trade goods, and so much as lieth in me it shall be otherwise; especially if you send us returns, doubt 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

\* These Papers are not, properly speaking, "RECORDS," but are so labeled on the Ms. volume that contains them.

† Letter.

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 you 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 stock 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 modell of a saw-mill, that you may have one going.

Your wife, Roger Knight's wife, and one wife more, we have already 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; yet 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 reed. 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 commend you and your wife, who, by this, I hope is with you, to the protection of the almightie.

Your loving friend,

THO. EYRE.

Kept until the 7th of June.

† Name of a vessel.



B. I, p. 1.

No. 1.

London, the 17th of November, 1631.

Invoice of sundrie comodities shipped in good condition aboard the Pide-Cowe, Mr. William Stephenson, bound for the harbor of Pascattaway, in New-England, being for the account of the Right Hon'bl Mr. Ferdinando Gorges, Knight, Captain John Mason, Esquire, Mr. John Cotton, George Griffith, Henrie Gardner and Compa. Marchants, consigned to John Raymond, purser of the said shippe, viz :

7 Hogsheads of Beefe, weighing 31c 3q 09lb, at 18s 6d per centumme,	29: 07: 00
8 Ferkins of Butter, at 19s 6d,	07: 16: 00
5c 2qr 29lb of suffs, cheese pac[ked] up in a chest, at 2½d per pound, is	06: 12: 06
22 bushels 3 pecks of oatemeale at 4s 8d per bushell is,	05: 06: 02
32 gallons and 3 quarters of sweet oyle at 4s 08d per gallon, is	07: 12: 10
The Chirurgeons Bill is	04: 06: 00
4 hogds of Meale—4 quarters at 5s per bushell,	08: 00: 00
2 douzen of howes at 2s y <sup>e</sup> pce,	02: 08: 00
The Ironmongers Bill,	04: 10: 00
4 Flock-Beads* and bolsters at 18s,	03: 12: 00
1 Rugge at	00: 15: 00
3 Pigges of Leade and 56c of shott,	02: 07: 10
4 quarters of Mault with the Caske,	06: 00: 00
Lines for codde,	06: 02: 00
Ffish hookes,	02: 00: 00
	<hr/>
Summe,	96: 15: 04

Transported to the next folio.

P. 2. Sundrie commodities shipped in the Pide-

Cowe, amounting unto, as in the last ffolio appears,

	096: 15: 04
4 pieces of polaines ffor sailes ffor shallops, at 25s per peice,	005: 00: 00
1 quoile of cordage,	001: 16: 00
2 Bendes of Lether,	001: 16: 00

\* Beds of coarse wool, or pieces of cloth cut up fine.

8 conias* cost with there cubbes,	001: 04: 00
Compasses,	000: 18: 00
Georgius agricolæ,†	000: 12: 00
Spices and mustard seed,	000: 18: 03
	<hr/>
Summa is, as appeares,	109: 00: 01
Charges here,	010: 19: 11
More, 25l per centum ffor disbursing the monie and bearing the advent <sup>s</sup> ,	030: 00: 00
	<hr/>
Summe to ball. is	150: 00: 00

These things you are to deliver to the Governour,‡ Capt. Walter Neale, he giving you good beaver ffor them, at 6s per pound, if Capt. Neale needs them not, or cannot pay you for them, then you may dispose of them otherwise for Beaver as occasion offereth.

‡ bar. oatmeale, con [taining] 22 bush. 3 pecks at— (rec. 3 bar.)

Fferd. George,  
John Mason,  
John Cotton,  
Henry Gardner,  
Edwin Gage,  
Geo. Griffith,  
Thos. Warnerton,  
Tho. Eyre,  
William Gyles.

\* Cony—a species of rabbit.

† A book on Agriculture written in Latin.

‡ Capt. Walter Neale, here called “Governor,” came to this country—says Savage, Gen. Dict., Vol. III, art. Neale—early in 1630, by the Warwick, as Governor of the plantation of Gorges and Mason; went home in August, 1633, sailing from Boston 13th of that month, after being above ten days there. Hubbard says—Mass. Hist. Col., Vol. V. p. 216—“Whereas there is mention made of Capt. Neal and the Colony with him residing in the [Great House at Strawberry Bank], it must be understood that the agents of Sir Ferdinando Gorges and Capt. Mason, with the rest, had by their order built an house, and done something also about salt works, sometime before the year 1630; in which year Capt. Neal with these other gentlemen, came over to Piscataqua, in the bark Warwick. He was said to be sent as Governour for Sir Ferdinando

P. 3. More: There is in the ffatt [vat?] where the kettles are, two rolles of Virginia tobacco, which I rate at 12d per pound. I pray put them off in the best manner you can, and put the returnes amoung the adventur<sup>e</sup>.

Yours,

THO. EYRE.

Carpenters tooles, clinch nayles, etc., for the Pinace we reckon not.

Indorsed—"Invoice of comodities, 17 November, 1631, to Jn. Raiman, pursur of the Pide-Cow, to sell for present paye. No. 9."

Gorges and the rest, and to superintend their affairs there. Another occasion of their sending over was said to be searching, or making a more full *discovery of an imaginary province, supposed to lie up higher into the country, called LACONIA*. But after three years spent in labor and travel for that end, or other fruitless endeavors, and expense of too much estate, they returned back to England with a "*non est inventa provincia*," nor is there any thing memorable recorded as done by him or his company, during the time of his three years stay, unless it were a contest between him and Capt. Wiggans, employed in like manner to begin a plantation higher up the river, for some of Shrewsbury, who being forbidden by him, the said Neal, to come upon a point of land that lieth midway betwixt Dover and Exeter, Capt. Wiggans intended to have defended his right by the sword; but it seems both the litigants had so much wit in their anger, as to wave the battle, each accounting himself to have done very manfully in what was threatened; so as in respect, not of what did, but what might have fallen out, the place to this day retains the formidable name of *Bloody Point*."

It was charged on Capt. Neal that he did not visit the Governor, in Boston, before he sailed, as above mentioned. The reasons assigned for not doing it, were—"that he was not well entertained the first time he came hither; and, beside, he had some letters opened in the Bay: *ergo*—except he were invited, he would not go to see him. The 13th day he wrote to the Governor to excuse his not coming to see him, upon the same reasons. 'The Governor retorted the discourtesy upon him. \* \* And for his letters, he protested his innocency, as the letters were opened before they came into the Bay.' ED.]—*Winth.* 1, p. 127.

B. 1, p. 5, 1632.

No. 2.

London, the 18th of April, 1632.

*Mr. George Vaughan :*

Pure trade comodities now shipped aboard of the ship John, are as followeth :

	£ s. d.
158½ yards of playnes at 18s per yard,	11: 17: 09
65½ goads of cotton at 2s per goade,	06: 11: 00
59½ goades at 16d per goade,	03: 10: 08
59½ goades at 2s 1d per goade,	06: 03: 11
90½ yds. of shagge * at 18d pr yd,	06: 15: 09
51 at 22½d per goade,	04: 15: 09
3 Greye Ffrises † at 50s per pe,	07: 10: 00
55 blanketts at 12s pr. pe.,	33: 00: 00
4 courser at 10s per pe.,	02: 00: 00
1 piece of flannel yards 17½ at 12d per yd.,	00: 17: 06
	<hr/>
In all to send us by y <sup>r</sup> cosin Kinge,	83: 10: 04
1 piece of copall bayes 64 yds. at 15d per yard,	04: 00: 00
	<hr/>
	87: 10: 04

These comodities were as you know, all but the three ffrises, one cotton and the piece of flannell, by your taylor made into coates and stockings, viz :

50 men's coates,	
24 children's coates,	
51 wastcoates,	
3 caskots and hose and	
7 dozen and 7 paire of stockings,	
The dyeing and dressing cost	07: 10: 00
Threed, tape, buttons, lace,	02: 11: 06
To the taylor for making,	08: 01: 00
20 paire of sheetes cost	10: 01: 07
packing, canvas, cartage, custom house,	01: 15: 07
	<hr/>
Summa,	117: 10: 00

\* Cloth having a long coarse nap. Web. Dic.

† A kind of coarse woolen cloth. Web. Dic.

P. 6. The comodities mentioned in the last folio are packed as you know in nine bales, marked all with a P, viz :

- No. 1. 20 blanketts,  
 2 20 blanketts,  
 3 19 blanketts,  
 4 1 cotton qts.  $82\frac{1}{2}$  yds.  
     3 ffrises qts.  $20\frac{1}{2}$ , 21, 22 yds.  
     20 paire of sheetes,  
 5 16 men's coates,  
 6 16 men's coates,  
 7 16 men's coates,  
 8 24 children's coates and  
     43 wascoates.

In your own trunke,  
 3 mens coates,  
 8 wascoates,  
 3 suites cassocks and hose,  
 1 peice of flannel red.

So the whole number of coates for men w<sup>th</sup> I for y<sup>r</sup> owne th<sup>t</sup> remained of a former voyage are 51. When God shall send you safe arrival, repaire we pray you unto Captaine Naile,\* we have written unto him to deliver these comodities unto you and such other trade goods as he can furnish you w<sup>th</sup> there of others if you desire them, and then we pray you to put them off for good beaver. Also we pray you to help us there w<sup>t</sup> you can in dispeeding† hither o<sup>r</sup> returnes. And then if you thinke good to come unto us for another supplie we shall like it well. Thus we commende you to God.

Your loving friends,

JOHN MASON,  
 HENRY GARDINER,  
 THO. EYRE, for the rest  
 of the Adventurers.

Indorsed. "Mr. George Vaughan's‡  
 remembrance or the company's  
 Invoice of trade goods, 1632, No. 10."

\* Neale.

† Dispatching, sending soon.

‡ GEORGE VAUGHAN, sent by Capt. Mason, probably arrived in September 1631, and left the country, August 1634, for England, whence it is

B. 1, p. 9.

No. 3.

London, the 5th December, 1632.

*Mr. Ambrose Gibbins* :\*

Your sundrie letters we have received. We do take notice of your care and pains in our plantation and doe wish that others had bin that way, the same that you are, and will, we hope, soe continue. The adventurers here have been soe discouraged by reason of John Gibbes ill dealing in his fishing voiage, and also by the small returnes sent hither by Captaine Neale, Mr. Herbert, or any of their factors, as that they have noe desire to proceed any further untill Captaine Neale come hither to conferr with them, that by conference with him they may settle things in a better order; we have written unto Captaine Neale to dismiss the household, onlie such as will or canne live of themselves may stay upon our plantation in such convenient place as Capt. Neale, Mr. Godfrie and you shall thinke fitt, and after conference had here with Captaine Neale they shall have a reasonable quantity of land granted unto them by deed.

We praie you to take care of our house at Newichewanick,† and to look well to our vines; also, you may take some of our swine and goates, which we pray you to preserve.

We have committed the choise care of our house at Pascatt-away‡ to Mr. Godfrie and written unto Mr. Warnerton to take care of our house at Strawberry bancke,§ our desire is

not thought he ever returned again (Savage Gen. Dict.); yet the name of Vaughan is distinguished in N. H. history, probably relatives or descendants of George.

\* AMBROSE GIBBENS, factor of the company of Laconia, arrived at Pascataqua, 1630, and his wife came the year following. 1648 he was Selectman of Dover, living at that part called Oyster River; died, July 11, 1656. His daughter Rebecca married Henry Sherburne. Sav. Gen. Dict.

† At Berwick Falls.

‡ Manor house, built by Mason.

§ The "great house" at Strawberry Bank, or Portsmouth. Hence it appears at this time, under Gorges, Mason, and the adventurers, there were but three "houses" or three places of settlement, beside that of Edward Hilton, further up the river. See Brewster's Rambles, pp. 16-19.

GODFRIE, Edward, "was very honorably entrusted by Mason and his joint adventurers as appears by this letter. He afterward was first Alder-

that Mr. Godfrie, Mr. Warnerton and you should joyn lovinglie together in all things for our good and to advise us what our best course will be to doe another year.

You desire to settle yourself upon Sander's point. The adventurers are willing to pleasure 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 determine some further good towards you for your further incouridgment.

We 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 unto him, that 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 wee 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 cometh. Thus we commend you and y<sup>r</sup> wife to the protection of the Almighty.

Your loving friends,

JOHN MASON,  
HENRY GARDINER,  
GEO. GRIFFITH,  
THO. WARNERTON,\*  
THO. EYRE, for my children.

Indorsed—"The company of Laconia to Mr. Ambrose Gibbins, London, 5 December, 1632. Rec<sup>d</sup> the 30th June, 1633."

man of Agamenticus, under Gorges, 1641, and in 1649, Governor of the Province of Maine, but in 1652, became freeman of Massachusetts by voluntary submission." Felt says "he boasted in 1654, that he had for forty-five years been a promoter of New-England, 32 years an adventurer for settling it, and for 24, an inhabitant of York, and the first that ever thought of settling there." Sav. Gen. Dic.

\* Of Thomas Warnerton, whose name is often mentioned in these papers, Gov. Winthrop says, (Hist., Vol. II, p. 178, also note, by Savage) "About this time [1644] Mr. Vines of Saco, Mr. Short of Pemaquid, and Mr. Warnerton of Pascataquauck, went to La Tour [Governor of Nova Scotia] to call for some debts, etc. In their way they put in at Penobscot:

B. 1, p. 11. 1633.

No. 4.

*Newitchawanick.*

Accompt being made w<sup>th</sup> Steven Kedder the first of March, 1633, there appears to be due unto him for his nine monethes service, 04£: 00s: 00d

To be deducted for provitions delivered to him out of the store of Newitchawanick, 03: 05: 03

Remaines due unto Steven Kedder, fourteene shillings and nine pence, 00: 14: 09

Rec<sup>d</sup> of Mr. Ambrose Gibbens, the 3d of March, 1633, in full satisfaction uppon this accompt, Beaver one pound and a halfe, for the use of the adventurers of Laconia, I say rec<sup>d</sup> Beaver. } B. 01½ lb.

Per me, f-f the signe of

STEEPHEN KEDDER.

In witness of me

CHARLES KNILL.

Indorsed—"Stephen Kedder his accompt the 3d of March, 1633."

and were there detained prisoners a few days; but afterward going to La Tour, Mr. Warnerton and some other Englishmen of the eastern parts were entertained by him, and sent with some twenty of his men to try if they could not take Penobscott, for he understood the port was weakly manned and in want of victual. They went first to a farm house of D'Aulnays, about six miles off, and there Warnerton and two more men went and knocked at the door with their swords and pistols ready, one opens the door, and another presently shoots Warnerton dead, and a third shoots his second in the shoulder. This Thomas Warnerton was a stout man, and had been a soldier many years; he had lived very wickedly in whoredom, drunkenness and quarreling, so as he had kept the Pascataquack men under awe of him divers years." Mr. Savage adds, in a note, "Warnerton seems to have died as he lived." Josselyn mentions that several of his friends at Pascataqua came to take leave of him, 24 September, 1639, and says, "among the rest Capt. Thomas Warnerton, drank to me a pint of kill-devil, alias Rhum, at a draught." At a Court at Newtown, 4 August, 1635, John Holland affirmed that Mr. Thomas Warnerton threatened to sink his boat, if he would not pay him a debt that Henry Way owed him, and called him rogue and knave, and said they were all so in the Bay, and that he hoped to see all their throats cut. It was ordered that the said Warnerton should put in sufficient sureties for his good behaviour, and in the meantime to remain in durance.



B. 1, p. 12.

No. 5.

*Newitchawanick.*

Accompt being made w<sup>th</sup> Thomas Blake, the first of March, 1633, there appears to be due unto him for his nine months service,

£ s. d.  
04: 00: 00

To be deducted for provitions delivered to him out of the stoare of Newitchawanick, 00: 10: 04  
Remaines due unto Thomas Blake, three pounds, nine shilling and eight pence, 03: 09: 08

Rec<sup>d</sup> of Mr. Ambrose Gibbens, the 3d of March, 1633, in full satisfaction uppon this accompt, Beaver, seaven pounds for the use of the adventurers of Laconia. I say rec<sup>d</sup> Beaver. B. 07 lb.

Pr me, the signe

of M THOMAS BLAKE.

In witness of me,

CHARLES KNILL.

Indorsed.—“Thomas Blake, his accompt, the 3d of March, 1633.”

B. 1, p. 13.

No. 6.

*Beaver disposed on since the first of April, 1633.*

Imp. Pd. the Smith for work, 2 lbs. of beaver and 2 shillings in beaver at 2 several times.

Pd. Mr. Bole for 7 gallons of aq. vitæ and spice, beaver 4 lb.

Pd. Mr. Luxon for 10 gallons and  $\frac{1}{2}$  of venigar, beaver 2 $\frac{1}{2}$  lb.

To Mr. Luxon for  $\frac{1}{2}$  a barrell of butter, beaver 1 lb. and 14 oz.

For 2 pr. of shoes and 2 axes, beaver 1 lb.

For 6 gallons of mathiglin, beaver 2 lb.

To the taylor for mending blanketts, beaver  $\frac{1}{2}$  lb.

June 20.

For sope, beaver 1 lb.

For 7 gallons aq. vitæ, 2 otters and 4 musquosh with stones.

For 14 fathom of wamp. beav. 15 lb.  $\frac{3}{4}$  qrs.

For 1 fathom of black wamp., 2 lb.  $\frac{1}{4}$  beav. and 3 martines

[marten skins],

For my charges in the Bay, 2 lb. of beav.

For 8 lb. of tobacco, 1 lb. of beav.	
To the fishermen for carrying me into the Bay, 1 lb of beaver.	
For 2 bush <sup>s</sup> of salt, $\frac{1}{2}$ lb. of beav.	
For 2 bush <sup>s</sup> of corne, 1 lb. of beav.	
<i>Imp.</i> 20 gall. aq. vitæ, at 4s 6d per gall.	9 lb. beav.
Butter, 21 lb. and $\frac{1}{2}$ ,	1 lb. $\frac{1}{2}$
Sope, 8 lb. $\frac{1}{2}$ ,	$\frac{3}{4}$
For Labrisse and Charles, their charge,	1 lb.
For candles,	1 lb.
Pd. to Capt. Mason for 1 hogs. and $\frac{1}{2}$ of mault, beaver,	7 lb.
More to Capt. Mason for 5 lb. and $\frac{1}{2}$ of sugar,	$\frac{1}{2}$ lb. beav.
More to Capt. Mason for 8 galls. of sack,	3 lb. beav.
p. 14. 2 galls. of oyle, beaver,	1 lb. $\frac{1}{2}$
November 20th.	
One c. of corfish [cod], beaver,	3 lb. $\frac{1}{4}$
For 2 jares of oyle,	2 lb.
For 2 gallons and $\frac{1}{2}$ of aquay,	2 lb. beav.
Febuary 20.	
For 200 of dri fish,	5 lb. beav.
For 14 booshels of rie,	4 $\frac{1}{2}$ beav.
To John Grear for 3 booshels of corne,	2 beav.
For Phillip Swadden for 9 booshels of corne,	5 beav.
Indorsed.—“Accom.	
Beaver disposed of 1633.”	

B. 1, p. 15.

No. 7.

18 June, 1633. Received by me, Charles Neale, by order from Captaine Walter Neale, of Ambrose Gibbens, one hundred sixty-five pounds weight of beaver, seaventeene pounds weight of otter, seaventeene martin skins, two fo [x], three racoon skins, and fourteene musquash skins.

CHARLES NEALE.

No. 8.

A remembrance of those things that I gave a receite for unto John Raymon at his going for England.

*Imp.* Is 7 H. of pease and 8 booshels.

“ 11 rundites of aqua-vity containing 260 galls.

*Imp.* 14 gallons of sack,  
 164 pare of shoes, 44 pare of soyled at sea,  
 13 kettles,  
 72 cootes,  
 17 wast-cootes,  
 191 pare of stockins,  
 40 blanketts defect,  
 6 barnstable blanketts,  
 78 hatcites,  
 51 shirts,  
 12 pound of prunes,  
 11 yards of wampum-peale ?  
 3 pare and  $\frac{1}{2}$  of shooes,  
 4 dozen of spoons.

For those above he hath my hand. Since he sent me from the Isle of Sholes 6 lb. of role tobaca, 2 bundles of *lase*, and 6 knotes of tape.

Indorsed.—“ A note of goods from John Raymon which he hath my hand for. June, 1633.”

B. 1, p. 16.

No. 9.

*Original letter from Mr. Gibbins.*

After my umble duty remembred unto your worship, 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 76 lb. and 4 ounces of beaver, 10 otters, 6 musquashes and on [e] martin ; more that Capt. Neale had 358 lb. and ii ounces of beaver and otter, 17 martins, on [e] black-fox skin, on [e] 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 com I cannot give you any satisfaction for the account of trade. I did advise Mr. Raymon to return with all speede unto you. Your letters I received

the 7th of June. At large I wil write, if God wil by the next. Thus taking my leave I commit your worship to Almighty God, from Newichawanick, this 24th of June, 1633.

Your worship at comand,

AMBROSE GIBBIN.

Mr. Raymon has left a noot of perticular debtes which I do not dout but are good, and by his account, say do amount unto 22 pound and  $\frac{1}{2}$  of beaver.

Indorsed.—“Mr. Gibbens to the company No. 4.”

B. 1, p. 17.

No. 10.

An estimate of the trade goods left at Newichawanicke, July, 1633.

	£	s.	d.
17 lined cootes,	17	00	0
7 unlined at 15s per peese,	05	05	0
11 ruggs,	11	00	0
5 papoose cootes,	02	10	0
2 wast cootes,	00	08	0
16 mouse cootes,	16	00	0
3 cootes lined,	03	00	0
14 mouse cootes at 15s pr peese,	10	10	0
30 gallons of aqua-vity,	07	10	0
6 pare of ould sheetes,	03	00	0
on [e] rugg,	01	00	0
	<hr/>		
	77	03	0
	<hr/>		
14 wast cootes at 4s pr. peese,	02	16	0
39 men's cootes,	39	00	0
6 barnstable soyled ruges,	06	00	0
26 rotten blankits,	05	00	0
19 pare of stokins at 1s 6d pr. peese,	01	08	6
71 pare of stokins at 1s 4d pr. pa.	04	13	8
32 shirtes ould and new at 4s pr. peese,	06	08	0
51 pare of shooes at 2s 6d pr. pare,	06	07	6
24 pare coorse rotten stokins,	01	04	0

4 kittles,	03 00 0
29 hatchits, at 2s pr. peese,	02 18 0
14 pare of rotten shooes,	01 00 0
	<hr/>
	79 15 8
	77 03 0
	<hr/>
	156 18 8

Indorsed.—“ An estimate of the trade goods, 1633.”

B. 1, p. 18.

No. 11.

This present writing testifieth that Charles Knill doth covenant, w<sup>th</sup> Capt. Walter Neale, Governor of Pascattaquack, in New-England, in the behalf of Capt. John Mason of London, Esqr. and company, that the said Charles Knill shall serve at the plantation of Pascattaquack, for the use and benefitt of the said Capt. John Mason and company, from the date of this present writing until the first of March next ensuing, during w<sup>ch</sup> said time, the said Charles Knill doth promise to doe all faithful service to the said Capt. John Mason or his assignes. And the said Capt. Walter Neale doth promise in the behalfe of the said Capt. John Mason, that the said Charles Knill shall well and truely be paid for his service during the said time, the somme of sixe poundes, either here in New-England or in any other place where the said Charles Knill shall conveniently appoynt, and the said Walter Neale doth further promise in the behalfe of the said John Mason, Esq. and company, that the said Charles Knill shall have passage into England the next yeare after the said terme expires, in any such shipp as shall be sent hither for this plantation, provided that the said Charles Knill shall serve in the aforesaid plantation untill the shipp departure (if it shall be soe required) after the rate aforesaid. In testimony whereof the said Charles Knill hath here unto subscribed, this first of Julie, 1633.

This is the true coppie of the covenant between Capt. Walter Neale and Charles Knill in the behalfe of the company.

B. 1, p. 19.

No. 12.\*

Mr. Gibbins—You shall rec. by the bearer Grear John ? three bundles of lace with six bundles of tape wh<sup>ch</sup> I pray rec. for ould favors, for each wh<sup>ch</sup> owes me 2 lb. 3 ounces of beaver, whereof I pray take notice of. Also I have sent you by him a rowle of tobacca belonging to the company wh<sup>ch</sup> you may please to put off according to y<sup>r</sup> discrassion.

Note. John Bareraste owes me for 1 barr. of pease and six gallons of aqua, seven pounds of beaver wh<sup>ch</sup> I pray take notice of, and call in as the rest of the debts accordingly. Not els, but my love to y<sup>r</sup> self, Mrs. Gibbins, little Becke and the rest. I take leave and always remain,

yr. lo. friend and faithful servant,

JN. RAYMOND.

Indorsed—"Jn. Raymonds last letter, 1633, to Mr. Ambrose Gibbins at Newichawannick."

B. 1, p. 20.

No. 13.

*Goods left by Mr. George Vaughan.*

Imp. 17 lunde coats,  
7 unlunde coats,  
11 ruggs,  
5 papoose coats,  
2 was coats,  
16 mouse coats,  
3 coats lined,  
14 mouse coats,  
? ould sheets,  
30 gall. aqua-vitae,  
1 rugg.

For these I have given a reseit to George Vaughan.†

Indorsed — "Note of the trade goods that remain at Newichawannick, 1633," "and also George Vaughan, the company's factor."

*Goods left belonging to the old store and left by Mr. Raymond.*

14 was coats whereof 1 of the old store,  
39 men's coats,  
6 Barn. soyled ruggs,  
20 rotten torne blanketts,  
6 rotten blanketts.  
In the store house at Newichawannick.  
19 pr. of stockings,  
5 doz. and a 11 pr. of stockings, course,  
32 shirts old and new,  
51 pr. of shoose,  
2 doz. of coarse rotten stockings,  
4 kittles,  
2 doz. and 5 hatchets,  
rotten shoes 14 pr.

These things I have given a reseit unto George Vaughan to satisfie the company in England.

\* Compare with No. 8.

†Evidently the writing of John Raymond. Ed. .

B. 1, p. 21.

No. 14.

Newitchwanicke, 1 D. of Julie, 1633.

*In the Garrett.*

Imp. 3 flock beddes,\*  
 3 bouldsters,  
 8 ruggs,  
 2 pr. of sheets,  
 3 whipp sawes,  
 1 frame sawe,  
 1 roade [rod],  
 1 herring nett,  
 1 runlett with bone ashes and  
 crucibles,  
 2 hand saws,  
 1 adz.

*In the Middle Chamber.*

3 cassocks and 3 pr. of breeches,  
 of cloth,  
 6 stuff wascoates,  
 1 flock bedd and boulder,  
 3 ruggs, 2 blankets, 1 pentadoe,†  
 5 pr. of shoes,  
 6 napkins,  
 2 short table cloths.

*In the Great House.*

3 ruggs and 2 pentadoes,  
 16 fishing lines,  
 10 squidd lines,  
 13 mackerill lines,  
 4 knotts twine,  
 4 knotts chalke line,  
 3 pr. of stuff breeches,  
 4 stuff wascoates,  
 2 sacks,  
 $\frac{1}{4}$  of a barr. of powder,  
 2 shovells,  
 1 steele mill,  
 11 chisells of sev'all soartes,  
 2 pr. of pinchers,  
 4 augurs,  
 2 gunstock boryers,  
 1 spike gimblett,  
 2 hammers and 2 irons,  
 1 mason's hammer,  
 3 iron wedges,  
 2 hookes,  
 1 stone hammer,

2 felling axes,  
 1 pr. of bellowes,  
 15 recorders and hoeboys,  
 30 pr. of linnen stockings,  
 5 canvis suites,  
 19 pr. of leather stockings,  
 6 calfe skinns,  
 8 linnen capps,  
 24 towels,  
 10 plaines of sev'ral soartes.

*In the Little Roome.*

3 hatts,  
 1 boulder feathers,  
 1 fishing line,  
 1 mackerill line,  
 3 pewter bottles,  
 2 drame cupps,  
 2 hand-bills,  
 2 padlocks,  
 1 small bagg containing aules,  
 great needles, hob nayles and  
 sparables,  
 7 musketts,  
 3 carbines,  
 6 pr. of bandoleers,‡  
 1 carbine bagg,  
 6 swards and beltes,  
 2 bundles match,  
 1 fowling piece,  
 1 bason,  
 2 platters,  
 2 porringers,  
 2 spoute potts,  
 1 qt. pott,  
 1 pinte pott,  
 1 iron kettle,  
 1 brasse kettle,  
 1 iron pott,  
 1 iron griddle,  
 1 frying pann,  
 1 gridiron,  
 1 pr. of pott-hookes,  
 1 pr. of racks,  
 1 glue pott,  
 1 pestle and mortar,  
 1 murkherer ?  
 2 chambers,  
 1 old kettle,

\* Flock-bed, "a bed filled with locks of coarse wool or pieces of cloth cut up fine." Web. Dic.

† A sort of coverlid for a bed.

‡ A leathern belt worn by musketeers for sustaining their fire-arms.  
 Web. Dic.

1 iron ladle,  
3 pick axes,  
2 iron crows,  
1 washing bowle,  
1 pr. of ballance and  
1 4 lb. waight,

9 bushells of meal and corne,  
1 iron bound pale,  
24 swine great and small,  
7 hens, 2 cocks and chickings,  
1 grind stone,  
1 psalter.

P. 21.

\* *Received from Mr. Card.*

2 old roaps,  
1 frying pann,  
1 augur,  
1 adz,  
1 broken hand-saw,  
1 thwart-saw,  
4 irons for boats,  
1 gouge,

1 ehissell,  
1 calkin iron,  
1 hatchett,  
1 old fishing line,  
rec'd 72 foote of wampameag,  
1 communion cup and cover of  
silver,  
1 small communion table cloth.\*

*Rec'd from Capt. Cummack.*

1 w't rugg,  
1 pr. of tonges,  
1 fire shovell w'thout handill,  
1 pr. of bellows,  
1 lamp,  
1 old kettle,  
1 old pewter bowle,  
1 porringer,  
1 spoute pott,

1 small cann,  
1 small — [defaced],  
1 small bristow carpetin,  
1 flock-bed and boulster,  
1 flock-bed and boulster,  
1 green rugg and 1 blanket.  
Also rec. of Capt. Neale.  
16 pr. of childrens stockings and  
52 pr. of a larger.

Inventory at Newichawanake, 1633.

P. 22.

No. 15.

*At Pascattaquack, 2d Julie, 1633.*

*Imp.* 28 cassocks,  
19 pr. of breeches,  
18 canvis cassocks,  
2 boulds of canvis,  
7 hamecks,  
6 stuff cassocks,  
8 wt. hatts,  
7 balls of cotton,  
½ a hide and 2 peices of shoo leather  
1 watering pott for a garden,  
1 still and worme,

20 prs. of shooes,  
codd lines 23,  
twaine slippes 4,  
1 old redd wascoate,  
1 butt† w'h 5 nets in it,  
beaver spears—? 6 doz. and 10,  
seraps 5,  
4 old tinses ?  
ruff and clinch in 3 barrels,  
some nayles and sparables,  
spout potts 5,

\* No distinct mention is made in these early records of public religious services, or of any officiating clergyman, yet from the articles here mentioned, it is reasonable to infer, that religious service was not neglected. Beside "1 psalter," "1 communion cup" and "1 small communion table cloth," in this inventory, we find in another place, "two service bookes." See No. 15. ED.

† Butt—A cask.



- 4 leaves of tinn,  
 a little trunk with 13 band,  
 some hooks and eies,  
 hoeboys and recorders 26,  
 1 anvill,  
 1 hhd. of match,  
 1 budge barrell,  
 codd lines not-band 10,  
 stockings pr. 4,  
 $\frac{1}{2}$  a ferkin of muskett bullets,  
 thwart sawes 3,  
 7 aule-blades,  
 1 baking iron,  
 munmoth ? capps 3,  
 1 barrell w'th some spickes,  
 2 doz. and  $\frac{1}{2}$  small blocks,  
 dead-mans dies doz. 1.  
 a small quantity molasses,  
 plane irons small 16,  
 plane irons great 4,  
 hasps for doors 7,  
 tapp boarers 4,  
 chissells 13,  
 1 sett for a saw,  
 hammers 4,  
 calkin irons 4,  
 old hatchetts 5,  
 augurs 15,  
 bung boarers, 2  
 iron pott 1,  
 iron wedges 6,  
 1 bed and boulder,  
 1 rugg,  
 1 blankett,  
 barrs of iron 6,  
 steele barrs 3,  
 leads for codd lines 24,  
 old kettles 3,  
 yarsee ? stockings pr. 9,  
 mackerill lines doz. 2 and 3 lines,  
 chalk lines knotts 3,  
 feathers 1 q.  
 bitts doz. 2,  
 small files 41,  
 bigger files 3,  
 rasps 5,  
 copp nayles 57,  
 10 brass rings,  
 poynts doz. 5,  
 gang hooks for cott 11,  
 small hookes 4,  
 several papers needles of sevr'l  
 soartes,  
 small scales pr. 1, with waights be-  
 longing,  
 redd bayes yards 18 $\frac{1}{2}$ ,  
 spitt 1,  
 leads for netts 20,  
 billbowes 1,  
 codd lines band 6,  
 11 furnace barrs of iron of 2 foote,  
 shott moulds pr. 1,  
 3 augurs,  
 1 tinn funnell,  
 1 pint pott, melted,  
 pewter bottles 2,  
 leather bottles 2,  
 2 drame cups,  
 1 old axe,  
 1 bagg of wier hookes,  
 mill pecks 3,  
 chissell 1,  
 1 iron gimblet,  
 1 markin iron,  
 1 sea compasse,  
 oat meale  $\frac{1}{2}$  a bushell,  
 10 bushells of meale,  
 2 butts of mault,  
 19 pounds of candles,  
 smith's tools of sev'rell soartes,  
 mason's tooles,  
 1 pick axe,  
 1 barrell and  $\frac{1}{2}$  of pease,  
 1 iron crow,  
 old boults and other old iron,  
 1 bedd, 2 bouldsters,  
 2 ruggs, 2 pr. of sheetes and  
 1 pentadoe,  
 1 bedd and boulder and  
 1 greene rugg,  
 1 old seane,  
 10 herring netts,  
 1 spiller,  
 3 platters pewter,  
 1 whip saw,  
 1 thwart saw,  
 1 barrel of match,  
 1 drume,  
 2 barrels of powder,  
 2 roades [rods],  
 2 herring netts and  
 2 seanes,  
 1 quoil of roapes, inch 2 and  $\frac{1}{2}$ ,  
 1 bedd and boulder and  
 2 old blanketts,  
 1 bed and boulder and 3 pr. of  
 sheetes.  
 1 pentadoe,  
 1 new sasser ? 3 inch and  $\frac{1}{4}$  of an  
 inch,  
 3 flock beddes,  
 3 bouldsters, 3 ruggs,  
 1 blankett and 1 pr. of sheetes,  
 2 pentadoes,

- 1 bedd and rugg,  
 4 basons,  
 6 platters,  
 3 saucers,  
 2 porrengers,  
 1 quart pott,  
 1 jack\* of leather to drink in,  
 1 stue pann,  
 1 jack to roast meate,  
 2 spitts,  
 1 iron skillett,  
 3 kittles,  
 1 brasse ladle,  
 2 fryings panns,  
 1 mustard-quarne?  
 2 iron potts,  
 3 pott rackes,  
 2 pott hookes,  
 1 flesh hooke,  
 1 grater,  
 1 iron bound paile,  
 3 great iron mortar and pestle,  
 1 great wire,  
 1 beake horn,  
 1 anvill,  
 1 sledge,  
 2 hammers,  
 1 pr. of great bellowes,  
 1 furnace,  
 1 steele mill,  
 1 old blankett,  
 1 crewitt,  
 1 old ole [oil] kittle,  
 1 grinde stone,  
 1 barr. and  $\frac{1}{2}$  of pitch,  
 $\frac{1}{2}$  a barr. of tarr,  
 2 crowes of iron,  
 1 bedd and boulster, 4 ruggs,  
 1 pentadoe,  
 1 pitch kettle,  
 3 cleaver wedges,  
 planke pine 151,  
 2 sackers,  
 1 minion,  
 1 falcon,  
 3 ladles,  
 3 spounges,  
 2 scowrers,  
 shott,  
 20 lbs. of leafe tobacco,  
 1 pewter dish,  
 18 swords and 4 swards at Mr.  
     Warnerton's house,  
 9 belts,  
 3 carbine baggs,  
 5 carbines,  
 6 flaskes,  
 10 spoones,  
 1 short carpitt,  
 bristow carpetine for a bedd,  
 redd and wt. boulster for a bedd,  
 tongues,† bellows and andirons of  
     each 1 pr.  
 21 musketts,  
 2 fowling peices,  
 4 carbines,  
 19 hedd peices,  
 6 holbards,  
 3 harrabuss-acrocks?  
 2 ravenetts,  
 2 muck-herers,  
 4 chambers,  
 18 pr. of bandaleers,  
 1 great anker,  
 10 coves and 1 bull and 2 calves,  
 goates, No. 8,  
 hoggs No. —  
 sugar 61 lb.  
 1 bedd and boulster,  
 3 ruggs,  
 1 blankett,  
 1 bedd and boulster,  
 2 ruggs,  
 3 planes,  
 1 chisell,  
 50 boards,  
 5 bedds,  
 5 boulsters,  
 8 ruggs,  
 2 pr. of sheetes,  
 1 iron pott and pott hanger,  
 2 kittles and 1 old one,  
 1 fowling peece,  
 1 carbine,  
 1 pewter dish,  
 1 bason,  
 1 pewter qt. pott,  
 1 thwart saw,  
 1 spitt,  
 1 pentadoe,  
 1 grinde stone,  
 poltrey,  
 2 carpitts,  
 2 service bookes,  
 connies No.  
 boates, roades? sayles, netts,  
 2 chirurgeons chests and  
 24 bowles in them,  
 2 chamber potts.

\* A pitcher made of leather.

† Tongs.

B. 1, p. 23.

No. 16.

Newichawanick, July the 13th, 1633.

Right honorable, Right Worshipful, and the rest, my humble servis membered. Your letter dated the 5th of December, and Mr. Are's 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. Gibes. A Londoner is not for fishing; neither is there any amity betwixt the West cuntrimen 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 Febuary, 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 Dermit, and on[e] 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 again. Advice I have sent, but not knowing your intentes, I cannot well 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 hands all the trade goods that remains of John Raymone's and Mr. Vaughan's, and wil, 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 hire-hands, and necessaries for them, and not thinke the great lookes of men and many words will be a means to raise a plantation.\* Those that have bin heare this three year, som of them have nether meat, money nor cloathes—a great disparagement. I shall not need to speak of this; you shal heare of it by others. For myself, my wife and child and 4 men, we have but  $\frac{1}{2}$  a bb. of corne; beefe and porke I have not had, but on peese this 3

\* In Belknap, this sentence is in *italics*, but not so in the original. ED.

months, nor beare\* this four monthes, for I have for two and twenty months had but two barrells of beare and two barrells and four booshel of malt; our number commonly hath bin ten. I nor the servants have nether mony nor clothes. I have bin as spare as I could, but it wil not doe. These 4 men with me is Charles Knel, Thomas Clarke, Steven Kidder and Thomas Crookit. 3 of them is to have for their wages, until the first of March, 4*l* per peese, and the other, for the yeare, 6*l*, which, in your behalf, I have promised to satisfy in money, or beaver at 10s per pound. If there were necessarys for them for clothing, there would not bee much for them to receive. You may, perhaps, thinke that fewer men would serve me; but I have sometimes on[e] C [hundred] or more Indians, and far from neybers. These that I have I can set to pale in ground for corne and garden. I have diged 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 come 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 Newichawanicke, and how it hath gon from me. George Vaughan hath a note of all the trade goodes in my custody of the old store, John Raimon's and George Vaughan's acomtes; but the beaver being disposed of before I could make the dividint, I cannot see but it must be all onpackt and be divided by you. The Governour departed from the plantation the 15th 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.

\* Probably for beer.

† It will be seen there is a slight anachronism in this date, though we may suppose the letter was not *finished* the day it was dated. ED.

B. 1, p. 24.

No. 17.

[*Letter from Neale and Wiggin relating to a survey of the lands at Pascataqua, 1633, having an important bearing on the Wheelwright deed. For arguments, pro and con, on the validity of the Wheelwright Deed, see 1 Coll. N. H. Hist. Soc., pp. 299-304; 2 Coll. do., p. 137; Far. Belk., p. 13; 1 Winth. Hist., App., Note by Hon. James Savage, pp. 486-514; and Ms. by Hon. C. E. Potter, soon to be published.*]

Whereas Capt. Walter Neale and Capt. Tho. Wiggin booth agents or governors,\* one for the Pattent of Laconiah and the twenty thousand acres pattent at Rands-vough [rendezvous] on the south side of Piscataway river or harbor, and the other for the patentees of Hilton Poynt. They having received orders from the said patentees to make a division of those pattents into four towns, w<sup>h</sup> accordingly they did it, and desired us the subscribers advise therein, w<sup>h</sup> wee did give them, and were present at the doing thereof, and their doings therein is as followeth, it being a copia of what they wroate hoome to the pattentees :

Much honored—

In obedents to your comands have survaied the river from the mouth of the harbor to Squamscutt Falls, and liquise from the harbors mouth by the sea side to the Massachusetts bounds and find the bounds of your Pattents will not aford more than for two towns in the river of Piscataway, and the remainder

\* Of Capt. Thomas Wiggin, who is here called Governor, Savage says (Gen. Dic.): "He was one of the earliest members of government there, in 1631, went home next year, 1632, and showed regard for Massachusetts in a letter, of August, to Emanuel Downing, and in November to Sir John Cooke (which are printed in the 3 Mass. Hist. Coll. VIII), he came back in 1633, with agency of the Puritan peers, Say and Brooke, probably bringing his wife Catherine, &c. He favored the re-union of the New-Hampshire people with Massachusetts; was representative 1645 for Hampton, and in 1650 chosen an assistant, in which office he continued serving till three years before his death, 1667." Savage further says, "that [at the time when the foregoing paper purports to have been signed, Aug. 13, 1633] Wiggin was in England, embarking at Gravesend, in the James, for Salem, where he arrived 10 October, after eight weeks passage." Of Gov. Neale, see note on p. 64, 1631.

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 had purchased a tract of land of the Indians at Squamscott Falles, and your land running up to the said Falles on one side of the river, from the Falls about a mile southward, said gentleman having a mind to said land on your side to a certain cricke and one mile backward from the river, w<sup>h</sup> was agreed on, and the cricke is called Weelwrights, the gentleman's name being Weelwright, and he was to name said plantation (when settled) Exeter, and the other two townes in the river, the one North-ham, and Portsmouth the other, bounded as followeth: viz. Portsmouth runs from the harbors mouth by the sea side to the entrance of a little river betweene two hed lands w<sup>h</sup> wee have given the names of the little Bores-hed and the great Bores-hed, and from the mouth of that little river to go on a straight line to the aforesaid creeke, which wee have named Weelright creeke, and from thens down the river to the harbor mouth where it began. And North-ham is the bounds of all the land of Hiltons Poynt side, and the other land from the little river betwene the two Boores-heds to run by the sea till it meet with the line betwene the Massathussetts and you, and so to run from the sea by said Massathussetts line into the woods eight miles, and from thence a thwart the woods to meete w<sup>h</sup> Portsmouth line nere Whelewrights creeke, and that tract of land to be called Hampton, so that there is foure townes named as you desired, but Exeter is not wh'in the bounds of your Pattents, but the grete difficulty is the agreement about the dividing line betwene the patent of the twenty thousand Acres belonging to the company of Laconyah and the pattent of Bloody poynt; the river running so intrycate, and Bluddy poynt pattens' bounds from thence to Squamscutt Falls, and to run three miles into the woods from the watters 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 betwene the two Pattents, so that Portsmouth is parte of booth pattents, and Hampton we apprehend will be holly in the twenty thousand acre pattent, and North-ham is the bound of Hilton

Poynt patten. If in what we have done be to your likings, we shall think our time well spent, and what further comands you will please to lay on us we shall readily obeye to the utmost of our power. We humbly take leave and subscribe ourselves

Your devoted and most  
humble servants,

WALTER NEALE,  
THOMAS WIGGEN.

North-ham on Piscataway River,  
in New-England, 13 Aug. 1633.

Superscribed—

“To John Mason, Esq., Governor of Portsmouth, to be communicated to the pattentees of Laconiah and Hiltons poynt, humbly present, in London.”

Wee under written being of the Government of the Province of Maine, doe affirm that the above letter written and send by Walter Nele and Thomas Wiggin, and directed to John Mason, Esq., Governor of Portsmouth, to be communicated to the pattentes of Laconiah and Hiltons poynt is a true copia compared with the originall.\*

And further wee doe affirme that there was ffour grete guns brought to Piscatequa which were given by a March<sup>t</sup> of London for the defense of the river, and at the same time the

\* In regard to the question whether the foregoing papers be genuine or a forgery, it must be noted—

1. That *North-ham* was never known or called by that name until about 1640, when Thomas Larkham arrived there from North-ham, Eng.; previously it was called Cochecho or Hilton's Point.

2. *Portsmouth* received that name, as a town, from the General Court of Massachusetts, in 1653, and before that time was known and called *Strawberry Bancke*.

3. *Hampton* was the name given at the desire of Rev. Stephen Bacheler by the General Court of Massachusetts, in 1639, to the settlement, at *Winnicomet* which was the Indian name. The reader, therefore, must judge how a paper drawn up, as it purports, in 1633, could describe bounds and give names to places which were unknown, as such, till *seven, twenty,* and *six* years after it was written. ED.

Earle of Warwicke, Sir Ferdinando Gorges, Capt. John Mason, and the rest of the patentees sent an order to Capt. Walter Neale and Capt. Thomas Wiggin, their agents and governors at Piscattaway to make choise of the most convenient place in the said river to make a ffortefecatyon for the defense thereof, and to mount those ffour guns given to the place, which accordingly was done by Capt. Walter Nele and Capt. Thomas Wiggins, and the pattentees 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 all the necks of land in the north este side of the Grete Island that makes the great harbor, and they gave it the name of ffort poynt and alloted it so far bake in to the island about a bow-shoot to a grete high rock whereon was intended in time to sett the principall fforte. That the above is all truth wee afirme, and by the desire of Capt. Walter Nele and Capt. Thomas Wiggin, wee have ordered this wrighting to ly in our ffles of records of these doings therein. In witness whereof wee have here unto sett our hands and seles at Gorgiana,\* in Province of Maine, in New-England, 20th August 1633.

RICH. VINES.† [Seal.]

HENRY JOCELYN.‡ [Seal.]

Indorsed. "Copia bounds of 4 townes on the south side of Piscataqua river, and the fort poynt to ly on our Files of Records, August, 1633."

\* Agamenticus was laid out as a city by Ferd. Gorges in 1639 and named Gorgeana; now YORK, Me.

† Richard Vines was governor of the plantation at Saco, under Gorges, but did not receive appointment to that office till September 2, 1639. He lived at Winter Harbor near the Saco. He was of the Council and acted as one of the Justices in the trial of Rev. George Burdett, once preacher at Dover, on the charge of adultery.

‡ Henry Jocelyn or Josselyn was agent for Capt. Mason, 1634, lived a while at Black Point, now Scarborough, held courts in 1647, 1648. Savage says, Win. Hist. Vol., II, p. 255, "For his long acquaintance in the country, he was selected, 21 June 1664, with others, as a commissioner of Sir Ferdinando Gorges. He was chief of a commission under authority of the royal commissioners in 1666 to hold a court at Casco. The precise time when he came to this country is not determined. ED.



B. 1, p. 25.

No. 18.

John Pickering, credit<sup>d</sup> unto Mr. Ambrose Gibbens, in the yeares of the Lord, 1633 and 1634, as foll. :

	£	s.	d.
<i>Imp.</i> For Thomas Crockett, 3 weeks diet,	00:	12:	00
For stone-work to the chimney,	01:	00:	00
For the carpenter's worke, belonging to the chimney, and lengthening the house the depth of the chimney,	02:	00:	00
7 C of 10d nails,	00:	07:	00
For levelling the lower flower,	00:	05:	00
For plastering the chimney,	02:	00:	00
For 2 ladders and a wheelbarrow,	00:	10:	00
For 26 C foote of boards, at 7s per C	09:	02:	00
For the frame of the house from the chimney to the south ende :	06:	00:	00
	<hr/>		
	21:	16:	00

John Pickering, debt<sup>d</sup> unto Mr. Ambrose Gibbens, pr pruitions\* delivered to him at several times, as by account appears, the some of

10: 03: 04

---

Deduct these two sumes, the one from the other, ther remains due unto John Pickering the some of eleven pounds, twelve shillings and eight pence,

11: 12: 08

September the 6th, 1634.

Rec'd of Mr. Ambrose Gibbens, in full satisfaction uppon this accompt, eleven pounds, twelve shillings and eight pence. I say rec'd the day and yeare above written, in beaver, at 10s per lb.

In witness of me, }  
CHARLES KNILL. }

The signe,  
by me, of † JOHN PICKERING.

Indorsed—"Pickering's accompte with Mr. Gibbens, 1634."

\* Provisions.

B 1, p. 26.

No. 19.

*Newitchawanick.*

	£	s.	d.
Accompt being made w <sup>th</sup> Thomas Crockwood, the 23d of Aprill, 1634, there appeareth to be due unto him, for his servis for one year, six pounds,	06:	00:	00
To be deducted for p'visions delivered to him out of the store, three pounds nineteene shillings and foure pence,	03:	19:	04

Remains due unto Thomas Crockwood, two pounds and eight pence,	02:	00:	08
--	-----	-----	----

Capt. Neale, his accompt being made the 3d of June, 1633, and Thomas Crockwood's the 23d of April, 1634, he is paid of his old accompt, twelve shillings.

Rec'd of Mr. Ambrose Gibbens, in full satisfaction, upon this accompt, for the use of the Adventurers of Laconia, the 23d of April, 1634, Beaver, four pounds and one ounce.	}		B.
		lb. oz.	
		4	1

The M signe.

pr me, of THOMAS CROCKWOOD.

Teste me—CHARLES KNILL.

Indorsed — “Thomas Crockwood : his account, April 23, 1634, and re-sait with Adventurers of Laconiah.”

B. 1, p. 27.

No. 20.

*Mr. Wannerton and Mr. Gibbins :*

These are to let you know that wee, w<sup>th</sup> the consent of the rest of our partners, have made a devision of all our land lying on the north-east side of the harbor and river of Pascattaway of the quantities of w<sup>th</sup> lands and bounds agreed upon for every man's part, we send you a coppie of the draft, desiring your furtherance, with the advise of Capt. Norton and Mr. Godfrey, to set out the lynes of division betwixt our lands and the lands of our partners next adioning, because we have not onelie each of us shipped people present to plant upon our

owne lands, at our owne charges, 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 speedie 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 mentioned in the inventorie of householde stuffe and implements left in trust w<sup>th</sup> you by Capt. Neale, whereunto you have subscribed yo<sup>r</sup> names, and whereof a coppie is herew<sup>th</sup> sent, we desire you to cause an equall division, as neere as possiblie may, to be made of all the saide matters menconed in the inventory in kinde, or if some of them cannot be soe divided, then the on[e] halfe to be made equall to the other in valew of all the said matters, except the cattell and suites of apparell and such other things as belong peculiarly to Capt. Mason, and to deliver the said one halfe of all the saide matters so to be divided unto Mr. Henry Joecelyn, for the use of our Plantations; taking an inventory thereof under his hand, of all you shall so deliver hime, and making certificate to us thereof. And for your so doeing, this shall be your suffitient warrant and discharge. And so we rest,

Y<sup>r</sup> verie lovinge friends,

FERDIN: GORGE,  
JOHN MASON.

Portsmouth, Maye 5th, 1634.

Indorsed "Sir Fer: Gorge and Mr. Mason, to Mr. Wannerton and Mr. Gibbins, 5th May, 1634, No. 6."

B. 1, p. 28.

No. 21.

*Mr. Gibbins:*

These people and provisions, which I have now sent w<sup>th</sup> Mr. Jocelyne, are to sett upp two mills uppon my owne division of lands lately agreed upon betwixt our adventurers; but I think not any of them will adventure this yeare to the plantation, besides Sir Ferdinando Gorges and myselfe; for which I am sorrye, in that so good a business (albeit hitherto

it hath bene unprofitable), should be subject to fall to the ground; and therefore I have strayned myself to do this at this present, and could have wished that the rest would have ioyned to have sent you some provisions for trade and support of the place; but that failing, 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 remain upon the companies charge, are to be discharged and payed their wages out of the stocke of beaver in y<sup>r</sup> hands, at the rate of 12s (?) the pound, whereof I thinke the company will write you more at large: And we have agreed to divide all our moveables mentioned in the Inventory that Capt. Neale brought home, w<sup>ch</sup> were left in trust w<sup>th</sup> you and Mr. Wannerton. I bought Mr. Cotton's and his brother's parte of all their adventures, so that the halfe of all belongs to Sir Ferdinando Gorges and myselfe; and of that halfe, three quarters will be dewe to me, and one quarter to Sir Ferdinando. These things being equally divided, they are to be delivered to Mr. Joceline, my three quarters of the halfe, and the other fourth to whom Sir Ferdinando shall appointe. And you must afford my people some house roome in Newitchewanocke house, and the cowes and goates, w<sup>ch</sup> are all mine, and 14 swine, with their increase, some grounds to be uppon, till we have some place provided upon my new divided lands, or that you receive my further order. A copie of the division of the lands is herew<sup>th</sup> sent unto you.

The stockings and mault, and suites of cloathes, and suggar, and raysinges and wine that was delivered by Mr. Bright and Mr. Lewis, I have not received any satisfaction for; wherein I must crave y<sup>r</sup> helpe and such satisfaction as may be sent by this shipp. The christall stonnes you sent are of little or no valew, unless they were so great to make drinking cupps or some other workes, as pillars for faire lookinge glasses or for garnishing rich cabinetts. Good iron or lead oare I should like better of, if it could be found.\* I have disbursed a great deal of money in y<sup>e</sup> plantacon, and never received one penny; but hope if there were once a discoverie of the lakes, that I should,

\* In Belknap, the two foregoing sentences are in *italics*. Not so in the original.

in some reasonable time, be reimbursed againe. I pray you helpe the Mr. [master] what you can to some of the best iron stoane for ballast, and in case he want other laddinge, to fill the shipp upp w<sup>th</sup> stocks of cypress wood and cædar. Let me here from you of all matters necessary, and wherein I maye doe you any pleasure, I shall be reddie. And so w<sup>th</sup> my heartie commendacons, I rest

Yo<sup>r</sup> verie loving friend,

JOHN MASON.

Portsmouth [Eng.], May 5, 1634.

Indorsed—"Mr. Mason to Gibbins.

No. 7. May 1634.

Received 10th of July, 1634."

B. 1, p. 29.

No. 22.

*Answer to the Foregoing.*

*Sir :*

Yo<sup>r</sup> Wor'shp have donne 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 cautylous [cautious] how I deale w<sup>th</sup> any of them while I live. But God's will be done, I and the world doth judge that I could not in these my dayes have spent my time for noe thinge, for there sending trade and support I desire it not. I have supported but now sunke under my burthen; the more I thinke on this, the more is my griefe. I have rec<sup>d</sup> the hog<sup>d</sup> of mault that you sent me giveing you humble thankes for the same. The servants that were w<sup>th</sup> me are discharged and payd there wages for the year past, and I have delivered unto Mr. Warnerton, 43 lb. of beaver to pay those that were w<sup>th</sup> 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 wor<sup>sh</sup>, yo<sup>r</sup> carpenters are with me and I will further them the best I can. Capt. Neale appoynted me two of your goates to keepe at his departinge. I praise God they are 4. Of the goods that Mr. Bright left I only rec<sup>d</sup> of Capt. Neale 4 bush'lls of mault and at sevrall times 8 gallons of sack, and from Mr. Warnerton 7 bush'lls and 1 peck of mault, 5 lb. and

½ of sugar, and 3 pr. of children stockings, and 97 lb. of beefe w<sup>ch</sup> was of an old cow that Mr. Warnerton killed, being doubtfull that shee would not live all the winter, for these I will pay Mr. Joselin for you. I preeive you have a great mynd for the lakes and I as great a will tō assist you, if I had 2 horses and 3 men w<sup>th</sup> me, I would by God's helpe soone resolve you of the citation of it, but not to live there myself.\* The Pide-cow arrived the 8th of Julie; the 13th day she cast ancor some halfe a mile from the falle; 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 stone taken in the shipp; there is of 3 soartes, on [e] sort that the myne doth cast forth as the tree doth gum, w<sup>ch</sup> is sent in a rundit, † on [e] of the other soartes we take to be very rich. There is great stoare of it, for the other I know not; but may it please you to take notice of the waight and measure of every sort before it goith into the furnace, and w<sup>t</sup> the stone of such waight and measure will yield in iron. This that wee take to be the best stone is 1 mile to the southward of the great house, it is some 200 rods in length, 6 foot wide, the depth we know not; for want of tooles for that purpose we tooke only the surface of the mine. I have paled in a peice 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 at the greate house 9 cowes, 1 bull, 4 calves of the last year, and 9 of this yeare; the[y] prove very well, farre better than ever was expected, they are as good as your ordinary cattle in England, and they goates prove some of them very well both for milk and breed. If you did send a shippe for the Westernne Islands of 6 seoare tunne or thereabouts for cowes and goates, it would be profitable for you. A stock of iron worke to put away w<sup>th</sup> your boardes from the mill will be good. Nayles, spikes, lockes, hinges, iron worke for boates and pinaces, twine, canvis, needles and cordage, pitch and tarre, graples, ankors and necessaries for that purpose.

Sir, I have written unto Mr. John Round to repair unto

\* In Belknap, in *italics*.

† Rundit or runlet, a small barrell that contains a number of gallons. Web. Dic.

your wor<sup>sh</sup>, he is a silver smith by his trade, but hath spent much time and meanes about iron. May it please you to send for him ; he dwelleth in Mogall street. If you are acquainted with any finer or mettle-man enquire of him and as you see cause send for him, he is well seene in all myneralls. If you deale not w<sup>th</sup> 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 boards and pipe staves ; a good husband with his wife to tend the cattle, and to make butter and cheese will be profitable ; for maids they are soone gonne in this countrie. For the rest I hope Mr. Jocelyn for your owne p'ticulers will satisfie you, for I have not power to examen it. This w<sup>th</sup> my humble service to your wors<sup>r</sup> I rest

Yo<sup>r</sup> ever loving servant,

AMBROSE GIBBINS.

Newitchawanoek, the  
6th of August, 1634.

Indorsed. "The coppie of a  
letter to Capt. Mason, the 6th  
of August, 1634, from Mr. Gibbins. No. 8."

B. 1, p. 30. 1634.

No. 23.

A remembrance of goods and amonition left with Mr. Joslyn in the house of Newitchawanack, w<sup>h</sup> goods belonge unto the worshipful company of adventrers for Laconia.

*Imp.* 2 flock-beds and 2 boulsters.

It. 3 Irish blanketts and 2 Kilkany ruges,

It. on[e] pare of old sheets,

It. on[e] pantado coverlid,

It. one great iron kittle. I received not—illegible.

It. one iron poot,

It. one iron skillit,

It. one pare of pott-rackes,

It. one pare of poot-hookes,

It. one spit,

It. one great brass kettle and one ould kettle,

It. two pewter platters and one bason,

It. 7 al—? spoones,

- It. 2 hand-saws 6 foote longe,
- It. 3 iron wedges,
- It. one servis booke,
- It. one muck-herer and 2 chambers,
- It. 7 musketts and 6 pare of bandelears,
- It. 2 kerbines and one pare of bandelears,
- It. 6 swords and 6 belts,
- It. one pare of scales,
- It. one grind-stone and iron nessary,
- It. one steele mill.

Goods that your workmen had by your request, promising me satisfaction for them.

- It. one ades,
- It. one whip-saw,
- It. one flock-bed and boulster,
- It. one kilkeny ruge and one blankett,
- It. one grind-stone with iron handle and axltree.

These goodes delivered by me,

AMBROSE GEBBINS.

These goods here under writ, borrowed by Mr. Henry Joselyn for Capt. Mason's use, of Ambrose Gibbens, were spent and worne out in his service :

- Imp.* Irish blanketts,
- one kilkenny rugg,
- one pare of old sheetes,
- one pentadoe coverlett,
- one ould brass kettle,
- seaven spoones.

For these goods I acknowledge to be accomptable unto Ambrose Gibbins whensoever he shall deliver up his charg of goods now in his hands belonging unto y<sup>e</sup> company of Laconia. Witness my hand this 27th day of August, 1634 ?\*

Fr. Mr. HENRY JOSELYN.

These are to certifie whom it shall concerne, y<sup>t</sup> I, Henry Joselyn, doe by these charge myself to be accomptable (as Capt. Mason's agent in New England, in the year of 1634 ?) unto any of the adventurers y<sup>t</sup> were assotiated in y<sup>e</sup> company

\* This last figure is obscure.



of Laconia or there agents for al such goods as I have received fr'm Ambrose Gibbins and here expressed in this invoice, for Capt. Mason's accompt. Given under my hand this 20th July, 1634.

Pr. me, HENRY JOSELYN.

Witness, HENRIE SHERBURNE.

B. 1, p. 31.

No. 24.

Boston, Aug<sup>st</sup> 20th, 1634.

*Mr. Gibbens :*

Wee only wait for a faire wind. I shall acquaint Mr. Mason and y<sup>e</sup> Rest of the owners fully of what you and I have formerly discourst, and if they give mee incouradgment, hope shall see you againe the next yere. Looking over my Papers, found the inclosed ; it being the Division of the Townes and the coppia of what Capt. Nele and Capt. Wiggins Wroat hoome to the Pattentes of Laconiah and Hilton's Poynt ; it may be of som use to you hereafter ;\* therefore I send it you lest Capt. Wiggins should make a nother bluster. W<sup>th</sup> w<sup>ch</sup> my kind Love to you and your spouse and little Beck, I am

Your affec<sup>t</sup> ffriend,

GEORGE VAUGHAN.

Superscribed—

“To Mr. Ambrose Gibbins,  
at Sanders Poynt, in  
Piscataway.”

Indorsed—“George Vaughan letter,  
20 Aug<sup>st</sup>, 1634.”

Much Honred :

In obedins to your comands, have survaied the River from the mouth of the harbor to Squamscut falles, and liquise from the harbors mouth, by the sea side, to the Masatusets bounds,

\* The Paper which follows is the same as No. 17, p. 83, except the preamble, “Whereas,” &c., is omitted, as it is also in Belknap, App. No. 6. It is noticeable, also, that in this the date is 1632, but the figure 2 looks as if it might have been altered from 3. Also, in the date on the indorsement, 163—, the last figure is mutilated. The paper purports to be a copy of the *original*, and if this letter of George Vaughan is genuine, it is important in relation to the Wheelwright deed.

and find that the bounds of your Pattents will not afford more than for two townes in the River of Piscataway, and the remainder will make another good town, having much Salt Marsh in it, and Because you would a had foure townes named, as you desired, Wee have treated with a gentleman who has purchased a Tract of Land of the Indyans at Squamscut ffales, and your Land running up to the said ffales on the One Side of the River, and he haveinge a mind to the Land on your Side about a Mile Downe the River from the ffales to a Certaine Crike, and one mile from the River Backe, wh<sup>h</sup> we have agreed on, and the Crike is called Whelerights Crike. The gentlemans name Being Wheleright, and he was to name said Plantatycon when settled, Exeter, and the other tow townes in the River North-Hamm the one and Portsmouth the other, Bounded as followeth, vizt, Portsmouth runs from the harbors mouth by the Sea Side to the Enterance of a Little river betweene two hed Lands, which we have given the name of the Little Bores hed and the Gret Bores hed, and from the mouth of that Little River to goe on a straight Line to the afore said Crike, which we have named Whelewrights Crike, and from Thence Doune the River to the harbors mouth, where it began. And North-Ham is the Bounds of all the Land of the Pattent called Hiltons Poynt, which is from Nechewanake River to the enterance of the River of Squamscutt, adjoining to Mr. Edward Hiltons Plantatycon, and in to the Woods uppon a North West Line. And the Other Land from the Little River, betweene the two Bore's heds, to run by the Sea til meets with the Line betweene the Massatusetts and you, and so to Run from the Sea by said Massatusetts Line in to the Woods Eight Miles, And from Thence a Twart the Woods to mete with portsmouth line nere whelerights Crike. And that Tracte of Land to be called Hampton, so that there is foure Tounes named as you desired, but Exeter is not within the Bounds of your Pattents. But the Greteste Difficulty is the Agreement about the Dividing line betweene the Pattent of the Twenty Thousand Acres belonging to the Company of Laconia, and the Pattent of Bluddy poynt, The River running so Intrycate, and Bluddy Poynt Patten boundes from Thence to Squamscut ffales, and to run Three miles in to the woods from the water side. And for

your Better Understanding thereof, we have sent you a Drafte of it Accordinge to our Beste Skill, of what we know of it att present, and have Drawn a dividing Line betweene the two Pattents, so that portsmouth is part of both Pattents, and Hampton, we apprehend, will be Holly in the Twenty Thousand Acre Pattent, and North Ham is the Boundes of Hiltons Poynt Pattent.

If what wee have Don be to your likeinge, We Shall Thinke our Time well spent, and what further Comands you will please to Lay on us we shall readily obey to the uttmost of our power.

Wee humbly take Leve, and Subscribe ourselves

Your Devoted and Most Humble Servants,

WALTER NELE.

THOS. WIGGIN.

North Hamm, on Piscataway River, In New-England, 13 August, 1632. Copia.

Superscribed—"To John Mason, Esq<sup>r</sup>, Governor of Portsmouth, to be comunicated to the Pattentes of Laconiah and Hilton's Poynt, Humbly present. In London."

Indorsed—"Copy of a Letter to the Pattentees, from Capt. Nele and Capt. Wiggin, George Vaughan left with me, August, 163-."

P. 33.

No. 25.

London, 10th April, 1636.

*Loving friend Gibbens:*

Wee put into Ireland going home, and there was taken sike and lefte behind, and laye so longe before I got well that it was the latter end of December laste before I got to London, and Mr. Mason was ded.\* But I spoke with Sir Ferdinando Gorges and the other owners, but they gave me no incuradgment for New-England. I acquainted y'm fully of what you and I discoursed, but theye were quite could in that matter. Mr. Masson being ded, and Sir Ferdinando minding only his

\* Mr. Mason died between November 26, 1635, when his will was made, and the 22d of December, 1635, when the will was proved.

own Divisyon, he told me he is a getting a pattente for it from the Kinge from Piscataqua to Sagadahock,\* and that between Meremake and Piscataqua he left for Mr. Mason, who, if he had lived would a took a pattent for that also, and so I suppose the affairs of Laconia is ded also. I intend to go for the Este Indyes. A friend of mine have made me a very good proffer and I thinke to take up w<sup>th</sup> it, which is what offers at present. Thus with my kind love to you and wife and daughter, I am

Your loving friend,

GEORGE VAUGHAN.

Superscribed—

“To Mr. Ambrose Gibbens,  
at Sanders Poynt at Piscataquay  
River, in New-England.”

P. 34.

No. 26.

This indenture made the first day of October, Ann. Do. 1637, and in the thirteenth year of the rayne of our Sovereaign Lord King Charles :

Whereas Sr. Ferdinando Gorges, Knight, Capt. John Mason, Esquire and their asotiates, by virtue of a pattente is rightly invested and seased on a parsell of Land in New-England, in America, called Piscataway, and for the prosecutinge of thear affairs in thos parts, hath asigned Richard Vines, Henry Joslin and Thomas Warnerton, gentlemen, theare agents; wee, therefore, Richard Vines, Henry Joslin and Thomas Warnerton, do demise, grant, lette unto Francis Mathews, all that parsell or portion of lands in Pascataway River, lying upon

\* In 1639 Sir Ferdinando Gorges obtained of the crown a distinct charter in confirmation of his own grant, of “all the land from the entrance of Piscataqua harbour, up into the river of Newichawannock to the furthest head thereof, and from thence northward till 120 miles be finished, and from Piscataqua harbor all along the sea coast to Sagadahocke, and up the Kennebec river unto the head thereof, into the land northward, until 120 miles be ended, thence to cross over land to the 120 miles formerly reckoned”—with “the north half of the Isle of Shoals, and the Isles of *Capawocke* and *Nauteacan* near Cape Cod, as also all islands lying within five leagues of the Main.” This was the PROVINCE OF MAINE. ED.

the north west side of the great Island, commonly called Mus-  
kito Hall, beinge a necke of land by estimation on[e] hundred  
acres or thereabouts, more or less, to have and to hold all  
the demised premises, the appurtenances to the sayd Francis  
Mathews, his heirs, executors, administrators, assigns, from  
the date hereof, untill the terme of on[e] thousand years be  
fully compleat and ended, yealding and payinge therefor the  
annual rente of two shillings unto the sayd Sir Ferdinando  
Gorges, Capt. John Masson, their heirs, executors, adminis-  
trators and assigns, if it be lawfully demanded, uppon every  
first day of October during the sayd terme of on[e] thousand  
years. In witness of the truth? we have hear unto sete our  
hands and scales the day and year above wrighten.

RICH. VINES,  
HENRY JOCELYN.  
THO. WARNERTON.

Witnesse,

NARIUS HAWKINS,  
Vera copia.

Indorsed.—“Vines, Joslin and Warnerton  
to Francis Mathews, for Musketo Hall,  
October, 1637.”

P. 35.

No. 27.

*Loving friend Mr. Gibbens:*

I understand that you have some swine in yo<sup>r</sup> hands belong-  
ing to my late husband, Captaine John Mason, and now to mee.  
I pray good Sr. deliver them speedily to y<sup>e</sup> bearer hereof,  
Ffrancis Norton, whom I have made my general attornie for  
my whole estate in yo<sup>r</sup> parte, to whom I pray you afford your  
loving assistance in what is convenient, and your equitie and  
love herein shall oblige mee to remaine.

Yo<sup>r</sup> loving friend,

ANNE MASON.

East Greenwich, May 6th, 1638.

Superscribed.—“To her loving friend  
Mr. Ambrose Gibbens there.”

P. 36.

No. 28.

Lovinge and kind

*Contryman Gibbins*, my love with my wives and my sonnes love and respects to you and to your wiffe, hoping that you are all in good health as wee are at this time. I have received my sonne saffe and well, the which I give you many thankes, and your wiffe, for your greate care and paynes that you have bestowed with him. I have given Mr. Treriffe\*? for his passage forty shillings, being as much as I gave for my daughter passage in money; but it is as I tollde him beter paye then clabords or pipe-staves; but if his undertaker should have reseaved it of me, I would have had a discharge from him for it, but you gave him a bill that if I did not pay you would—would when you see the bill you gave him, at the botome of the bill you shall see a discharge from mee, writ with my own hande, and signed with Mr. Trerish's owne hand, for a discharg of that bill which you gave him.

Now, my desire to you will be to know wheat for you have reseaved those debts of mine which I left, but of Tom Jonson and old Nickles espesyally, for my sonne tells me that Tom Jonson lives with you and I would intreate you to give me an accounte, whatever I have that theare which will give you satisfaction. I shall desire you to make salle of the house and ground, and if the cheste of linen, and all other detes and that I may understand whether theare will be any thing lefte, and if there be, let it be sent in bever, or corne, or any thinge else, dear skins or bare skines, and I will returne it to you again in trading cloath, or anythinge else that you shall write for, and so will eavry yeare after as you shall sende; but if you please to send me those thinges in that cheste I shall be willinge to repay what you shall thinke fitt for your use heare. So desiring to hear from you as soon as may be, I reeste

Your loving ffrind and contryman,

To his power,

RICHARD ROGERS.

[On the margin,  
March 3d? 1647.]

\* Or Trerishe.

I pray you tell Tom Jonson that my soone John hath bin at his cosen Jonson's the shoemaker, in Saint Martins, and he hath asked him much of him, regard to him and love.

Indorsed.—“ A letter to Mr. Gibbins  
from his frind about  
accompts 1648.”

Superscribed.—“ To his respected friend and contryman Mr. Ambrose Gibins, at his house in Oyster River, upon the river of Pascataway in New-England this.”

P. 37.

*A remembrance of what I received for Mr. Rogers.*

	£	s.	d.
Of Tuttle,	0	6	00
Of Layton ?	1	0	00
Of Emery for cloub*?	3	0	00
Of Nuter,	0	12	00
Of Godard 400 of cl.	4	0	00
	<hr/>		
	7	18	00
Of Johnson and Nicoles for the house and lot 2 year,	10	00	00
For corne and garden stuff,	8	00	00
For one year to John Raymon ?	4	00	00
For your chest and the things in it,	6	00	00
For 2 year for the house to old Starbuck ?	2	00	00
For the howse at present at the most six pound,	6	00	00
	<hr/>		
	35	00	00
	<hr/>		
	7	18	00
	<hr/>		
	42	18	00

Mr. Rogers, debtor :

	£	s.	d.
Laid out to repaire the howse,	3	0	00
And for rates,	1	0	00
More for repairing the howse,	1	10	00
For your daughter for good board for 2 years and 4 months, seventeen pound,	17	0	00

\* Clove boards.

And for a coffin and her burial,	0	8	04
Payd Mr. Hil for you, for helmes 200 of clovebords,	2	0	00
For John Rogers, his diet and nessesaries for 6 yeare and 7 months,	30	0	00
For his diet at Boston,	01	0	00
			<hr/>
	55	18	04
	42	18	0
			<hr/>
	13	00	04

In his letter rest due, 10-19-10.

Superscribed.—“To his respected friend and countryman Mr. Ambrose Gibbens, at his house in Oyster River, upon the river of Passcataway in New England, this.”

P. 38.

No. 29.

*The Deposition of Stephen Biles and Joseph Mason.*

The said Biles, aged about thirty-five years, and the said Mason about fifty-eight years, both testifieth and sayth, that in March, 1650, we were both at the house of Mistress Ann Mason, in London, the relict of Capt. John Mason, deceased, and saw a branch of his will wherein he made his said wife Ann, sole executrix, and after that died, it being his last will, and further these deponents saith not.

Testified upon oath before mee,

JO. ENDECOTT, Gov<sup>r</sup>.

That what is above written is a true copie compared w<sup>th</sup> its originall so signed and produced in the General Court of the Massachusetts in New-England, by Mr. Joseph Mason, May, 1652. Attest,

EDWARD RAWSON, Sec'y.

Indorsed.—“Steven Biles and Joseph Mason's deposition of Mr. Mason's claims, 1650.”



*Miscellaneous Items relating to New-Hampshire, between 1629 and 1636.*

[FURNISHED BY HON. E. D. BELL.]

*Instructions to Endicott, as to earlier settlers from Massachusetts Council, 16 Feb'y, 1629.*

"Mr. John Oldham came from New-England not long before your arrival there, \* \* \* and is minded, as soon as he can dispatch, to come for New-England, pretending to settle himself in Massachusetts Bay, claiming a right by grant from Sir F. Gorges' son, which we are well satisfied, by good counsel, is void in law. We pray you and the Council there to advise seriously together for the maintenance of our privileges and peaceable government, which, if it may be done by a temperate course, we much desire it. But if necessity require a more severe course, when fair means will not prevail, we pray you to deal as in your discretions you shall think fittest for the general good and safety. And because we would not omit to do any thing which might strengthen our right, we would have you, as soon \* \* \* as you have men to do it, send forty or fifty persons to Massachusetts Bay, to inhabit there, which we pray you not to protract, but to do it with all speed. And if any of our company, in particular, shall desire to settle themselves there, or to send servants, we desire all encouragement may be given them, whereby the better to strengthen our possession there against any that shall intrude upon us, which we would not have you, by any means give way unto, with this caution, notwithstanding, that for such of our countrymen as you find there planted, so as he be willing to live under our government, you endeavor to give them all fitting and due accommodation, as to any of ourselves; yea, if you see cause for it, though it be with more than ordinary privileges in point of trade.

*Bagnall's Murder. 1 Winth. Mass. 75.*

October 22, 1631. The Governor received a letter from Capt. Wiggin, of Pascataquack, informing him of a murder

committed the third of this month, at Richmans Isle,\* by an Indian Sagamore, called Squidrayset, and his company, upon one Walter Bagnall, called Great Watt, and on John P——, who kept with him. They having killed them, burnt the house over them, and carried away their guns and what else they liked. He persuaded the Governor to send twenty men presently to take revenge; but the Governor advising with some of the Council, thought best to sit still while, partly because he heard that Capt. Neal, etc., were gone after them, and partly because of the season (it being frost and snow) and want of boats fit for that expedition. This Banall was sometimes servant to one in the bay, and these three years had dwelt alone in the said isle, and had gotten about £400, most in goods. He was a wicked fellow, and had much wronged the Indians.

June 25, 1631. There came a shallop from Piscataqua which brought news of a small English ship came thither with provisions and some Frenchmen to make salt. By this boat, Capt. Neal, Governor of Piscataqua, sent packet of letters to the Governor, directed to Sir Christopher Gardner, which, *when the Governor had opened*, he found it came from Sir Ferdinando Gorges (who claims a great part of the bay of Massachusetts). In the packet was one letter of Thomas Morton (sent prisoner before into England upon the Lord Chief Justices warrant), by both which letters it appeared, that he had some secret design to recover his pretended right, and that he had reposed much trust in Sir Christopher Gardner.

These letters we opened, because they were directed to one who was our prisoner and had declared himself an ill-willer to our government. *Winth. His. N. E.* 68.

The bark Warwick arrived at Natescatt, having been at Piscataquaek and at Salem to sell corn which she brought from Virginia. *Ib.* 86.

One Abraham Shurd of Pemaquid, and one Capt. Wright and others, coming to Piscataquaek, being bound for this bay

\* Richman's Island was some miles south of Portland, and of the line subsequently claimed by Massachusetts.

in a shallop wh £200 worth of commodities, one of the seamen going to light a pipe of tobacco set fire to a barrel of powder which ore the boat to pieces. That man was never seen, the rest ere all saved but the goods were lost. *Ib.* 94.

1632, Oct. 1. Capt. Camock and one Mr. Godfrey, a merchant, came fm Piscataquack in Capt. Neal his pinnace, and brought sixteen hogsheads of corn to the mill. They went away in November. *Ib.* 107.

Nov. 21, 1632. The Governor received a letter from Capt. Neal that Dix Bull and fifteen more of the English who kept about the east were turned pirates and had taken divers boats and had rifled Pemaquid. *Ib.* 114.

23. Hereupn the governor called a council and it was agreed to send his bark with twenty men to join with those of Piscataquack for the taking the said pirates. *Ib.* 116.

Dec. 5. By letters from Capt. Neal and Mr. Hilton, etc., it was certified tat they had sent out all the forces they could make against the pirates: viz. four pinnaces and shallops and about forty mn who coming to Pemaquid were there wind-bound about three weeks. *Ib.* 116.

Feb. 22, 1633. The ship William, Mr. Trevore Master, arrived at Plymouth. By this ship we had intelligenee that Sir Ferdinando Gorges and Capt. Mason (upon the instigation of Sir Christophe Gardner, Morton and Rateliff) had preferred a petition to the Lords of the privy council against us charging us with many false accusations; but through the Lord's good providene and the care of our friends in England, especially, Mr. Emual Downing, who had married the governor's sister and the good testimony given on our behalf by one Capt. Wiggin, who dwelt at Pascataquack and had been divers times among us, their malicious practice took not effect. *Ib.* 119.

Oct. 11, 1633. Capt. Wiggin of Pascataquack wrote to the governor, that one of his people had stabbed another, and

desired he might be tried in the bay, if the party died. The governor answered that if Pascataquack lay within their limits (as it was supposed) they would try him.\* *Ib.* 138.

February 14, 1634-5. Capt. Wiggin, Governor of Pascataquack, under the Lord Say and Brook wrote to our governor, desiring to have two men tried here, who had committed sodomy with each other and that on the Lord's day in time of public exercise. The governour and divers of the assistants met and conferred about it but did not think fit to try them here. *Ibid.* 185.

Four servants of Plymouth killed an Indian, three being brought to Plymouth were condemned and executed, the fourth escaped to Pascataquack. The governor sent after him; but those of Pascataquack conveyed him away and openly withstood his apprehension. It was their usual manner (some of them) to countenance etc., all such lewd persons as fled from us to them. *Ib.* 321, 323.

1633, Oct. 10. The same day, Mr. Grant, in the ship James arrived at Salem having been but eight weeks between Grave- send and Salem. He brought Captain Wiggin and about thirty with one Mr. Leveredge, a godly minister to Pascataquack (which the Lord Say and the Lord Brook had purchased of the Bristol men) and about thirty for Virginia, and about twenty for this place and some sixty cattle. *Ib.* 137.

This infectious disease [the small-pox] spread to Pascataquack, where all the Indians (except one or two) died. *Ib.* 143.

1633, Aug. 6. Mr. Graves returned. Capt. Walter Neal of Pascataquack and some eight of his company went with him. He had been in the bay above ten days and came not all that time to see the governor. Being persuaded by divers of his friends, his answer was, that he was not well entertained the first time he came hither and beside he had some letters opened in the bay [ergo] except he were invited, he would not

\* This extract contains the earliest intimation seen of any claim of Massachusetts Colony to New-Hampshire.

go see him. The 13th day he wrote to the governor to excuse his not coming to see him upon the same reasons. The governor returned him answer, that his entertainment was such as the time and place could afford, being at their first coming before they were housed &c., and retorted the discourtesy upon him, in that he would thrust himself with such a company, he had five or six gentlemen with him, upon a strangers entertainment, at such an unseasonable time, and having no need to do so, and for his letters he protested his innocency (as he might well for the letters were opened before they came into the bay), and so concluded courteously, yet with plain demonstration of his error. And indeed if the governor should have invited him standing upon those terms he had blemished his reputation. *Ib.* 127.

9 July, 1634. Sir Ferdinando Gorges and Capt. Mason sent ——— to Pascataquaek and Aquamenticus with two saw-mills to be erected, in each place one. *Ib.* 163.

1635, Sept. 1. Divers lewd servants, viz., six, ran away and stole a skiff and other things. A commission was granted at the General Court, to Capt. Trask, to fetch them and other such from the eastward. He pursued them to the Isle of Shoals, and so to Pascataquaek, where, in the night, he surprised them in a house, and brought them to Boston. At next court they were severely whipped, and ordered to pay all charges, etc. *Ib.* 199.

1636, May 31. The last winter, Capt. Mason died. He was the chief mover in all the attempts against us, and was to have sent the general Governor, and for this end was providing shipping; but the Lord, in mercy, taking him away, all the business fell on sleep, so as ships came and brought what and whom they would, without any question or control. *Ib.* 223.

1636, 7 Oc'r. Another [ship] arrived a fortnight after, with some cattle and passengers, but she had delivered most of her cattle and passengers at Pascataquaek, for Sir Ferdinando Gorges his plantation at Aquamenticus. *Ib.* 234.

DOCUMENTS AND FACTS  
RELATING TO  
SETTLEMENTS IN NEW-HAMPSHIRE,  
FROM 1631 TO 1641,  
PREVIOUS TO SUBMISSION TO THE GOVERNMENT OF MASSACHUSETTS.

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PORTSMOUTH.

Previous to 1653, Portsmouth was known and called by the name of *Strawberry Bank*.\* The river and harbor were called by the Indian name *Piscataquaack*, variously spelled, Piscataquacke, Pascataqua, Pascataque, Piscataquay, and Piscataqua.

Here, probably, the first settlement was begun in New-Hampshire. But we can not fix the exact date. Of the state of the settlement previous to 1631, but little is known. Hubbard who wrote in 1680, says :

“Some merchants and other gentlemen in the west of England, belonging to the cities of Exeter, Bristol, Shrewsbury, and towns of Plymouth, Dorchester, &c., incited no doubt by the fame of the plantation begun at New Plymouth in the year 1620, having obtained patents for several parts of the country of New-England from the Grand

\* “The bank of the river above where the Great House was built, and extending some distance above what is now called Church hill, produced a large quantity of strawberries, on which account it was called *Strawberry Bank*, and Portsmouth was frequently called by the inhabitants of the neighboring towns, The ‘*Bank*,’ until the middle of the 18th century.” *Ad. Ann.*, p. 21.

Council established at Plymouth (into whose hands the whole country was committed), made some attempt of beginning a plantation in some place about Piscataqua river, about the year 1623. For being encouraged by the report of divers mariners that came to make fishing voyages upon that coast, as well as by the aforementioned occasion, they sent over that year, one Mr. David Thompson,\* with Mr. Edward Hilton and his brother Mr. William Hilton,† who had been fishmongers in London, with some others, that came along with them, furnished with necessaries for carrying on a plantation there. Possibly others might be sent after them in the years following 1624 and 1625; some of whom first in probability, seized on a place called the *Little Harbor* on the west side of Piscataqua river, toward or at the mouth thereof,‡ the Hiltons in the meanwhile setting up their stages higher up the river, toward

\* Thompson, or Tomson, was a Scotchman. He was living at Piscataqua in 1626; and then, removed to the Massachusetts Bay, and took possession of an Island, which received his name, and still is known as *Thompson's Island*. See *Farm. Belk.*, p. 5.

† Edward Hilton and his brother William were the first planters in that part of New-Hampshire called Dover Neck. Savage, in 1 Winth. Hist., note 116, says, "The name of Edward Hilton, who was a gentleman of good judgment, is often found in our history; and in 1641, when Massachusetts usurped the jurisdiction of the colony of New-Hampshire, he became a magistrate." He was a man of enterprise and influence; possessed the friendship of Governor Winthrop of Mass., and was his confidential correspondent. He may be considered the father of the settlement of New-Hampshire; at least of Dover and vicinity. Before 1652, he became an inhabitant of Exeter; where he died, 1671, at a considerably advanced age. See Hist. Coll. N. H., vol. II, p. 54; also a Biogr. sketch of Col. Winthrop Hilton, Hist. Coll. N. H., Vol. I, p. 241. *William Hilton*, "was at Plymouth in 1621; at Dover 1623; at Newbury about 1648; at Charlestown, Ms., 1665, and there probably died, 1675." *Farm. in Holmes An.*, p. 183, Vol. I, note. ED.

‡ Tradition has well preserved the exact location. Brewster says—see Ramble II, p. 16, "Odiorne's Point was the spot selected by the Laconia Company for the site of the first building erected on the grant. The Manor house was a little north of the hillock which was between it and the ocean; and on that elevation there was a small fort built to protect from savage incursions."

the northwest, at or about the place since called Dover. But at that place called Little Harbor, it is supposed the first house was set up that ever was built in those parts; the chimney and some parts of the stone wall is standing at this day [i. e. 1680] and certainly was it, which was called then, or soon after, MASON HALL, because to it was annexed three or four thousand acres of land, with intention to erect a Manor, or lordship there, according to the custom of England; for by consent of the undertakers in some after divisions, that parcel of land fell to his share; and it is mentioned as his propriety in his last will and testament, by the name of Mason Hall.”\*

Hubbard further says: “The planting of that side of the country went on but slowly during the first seven years. For in the year 1631, when Edward Colcord first came thither, there were but three houses (as he affirmed) in all that side of the country adjoining unto Pascataqua river, nor is it said that any were built by Capt. Neal; but after his return home for England, Sir Ferdinando Gorges, Capt. Mason, and the rest of the adventurers, sent over other agents and supplies, for carrying on their designs.† One Mr. Williams was sent over about that time to take care of the salt works, that were there begun, and other artificers, the chiefest of whom was one Chadbourne, that built the great house (as it used to be called), at Strawberry Bank, with several others, both planters and traders. This Williams being a prudent man, and of better quality than the rest, was chosen to be their governor, when, after Capt. Neal’s going away [1633], they entered into a COMBINATION for the better enabling them to live orderly one by another, for he it was who was governor in 1638, when the troubles happened at Dover, between Mr. Larkham and Mr. Knolles, &c.”

\* See Will, *ante*, p. 41, N. E. Gen. Reg., Vol. 2, pp. 37, 38. Hub. Mass. 2 Hist. Coll., Vol. 5, p. 214.

† Brewster, in “Rambles,” p. 25, says, eighty emigrants came into the Colony in 1631.



Belknap says: "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." But that the combination existed and was entered into at an early period, appears from a Court Record, 1643.\* "John Pickering is enjoined to deliver the old combination at Strawberry Bank the next court." Williams was by annual suffrage continued governor of the place, and with him were associated Ambrose Gibbins and Thomas Warnerton in quality of assistants.

Hubbard further says: "In 1640, May 25, it is recorded how the inhabitants of Strawberry Bank (since called Portsmouth) having of their free and voluntary minds, and good will, given and granted several sums of money for the building and founding of a parsonage house with a chapple thereunto united, did grant fifty acres of land to be annexed thereunto as a Glebe land belonging to the said parsonage, and all was put into the hands of two men: viz., Thomas Walford and Henry Sherburne, church wardens."

*Grant of the Glebe in Portsmouth.*

[Copied from Adams' Ann., Portsmouth, App. 394-6.]

Whereas, divers and sundry of the Inhabitants of the Lower end of Pascataquack, whose names are hereunder written, of their free and voluntary mind, good will and assents, without constraint or compulsion of any manner of person or persons, have granted, given and contributed divers and several sums of money toward the building, erecting and founding of a parsonage house, with a chapel thereto united, as also fiftie acres of Glebe land which is annexed and given to the said parsonage, that is to say, twelve acres thereof adjoyneth to the said parsonage house and layd out already by meetes and bounds, the south part abbutteth upon the edge of the salt

\* In the hands of Judge Bell.

creeke marsh, and soe tendeth along beyond Roger Knight's field, on the north part it extends towards Strawberry Bank creeke, on the north east towards the river Pascataquack, ending at the great pyne by the house, and the west stretcheth up into the main land, whereof there is three acres or thereabouts already inclosed with a pale for a corn field, and a garden thereto belonging, the residue of the 50 acres being 38 is thus to be taken, that is to say, the full tenth part of the fresh marsh lying at the head of Strawberry bank creeke and that being meeted and bounded to take the remainder of the 38 acres next adjoyning to the said marsh soe layd out, which said ground at the time of the said building thereon was desolate and void.

Now the said inhabitants aforesaid by their common assent and consent toward the furtherance and advancement of the honor and glory of God, doe give, grant, aliene and set over unto Thomas Walford and Henry Sherburne, Church Wardens of this parish, to them and their successors all the said Parsonage house, chappell, corn field, garden, glebe land with the appurtenances with all our right, title, interest in and to the sayd premises to remane, endure and continue in perpetuities for ever to the use of the aforesaid parish. And that the said Church Wardens, their successors and either of them which are yearly to be chosen by the said parishioners, be deemed and adjudged only as feoffees in trust to the use and behoof of the said parish, and that during the continuation of this combination, the Governor and Assistants for the year being, as also after the dissolution of sayd combination by his Majestie, two of the principall men of the said parish which shall likewise yearly be chosen by the said parishioners, who jointly with the church wardens, shall have the ruling, ordering and governing the said parsonage house, chappell, glebe land for matters of building reparations or ornaments thereto belonging— Provided always, that neither the said Governor, Assistants, Overseers or Church Wardens, their successors or either of them shall not alienate, give, grant, bargain, sell or convert to any other use the said parsonage house, chappell, field, garden, glebe land or any the premises to any manner of person or persons, without the common assent and consent of all the said

parishioners. And whatsoever act or conveyance they shall make contrary to the true intent and meaning aforesaid, shall be utterly void and of none effect.

And for as much as the said parishioners have founded and built the said parsonage house, chappell, with the appurtenances at their own proper cost and charges, and have made choise of Mr. Richard Gibson to be the first parson of the said parsonage, soe likewise whensoever the said parsonage happen to be voyd by death of the incumbent, or his time agreed upon expired, that then the patronage presently and nomination of the parson to be vested and remain in the power and election of the said parishioners or the greater part of them for ever.

Given under our hands and seales this 25 of May, 1640, in the sixteenth year of the reign of our Sovereign Lord Charles, by the grace of God, King of England, &c.

Francis Williams, Governor,	Henry Sherburn,
Ambrose Gibbins, Assistant,	John Lander,
William Jones,	Henry Taler,
Renald Fernald,	Jno. Jones,
John Crowther,	William Berry, [Seal]
Anthony Bracket,	Jno. Pickering,
Michael Chatterton,	Jno. Billing, [Seal]
Jno. Wall,	Jno. Wolten,
Robert Puddington,	Nicholas Row,
Mathew Cole,	William Palmer.

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*Names of Stewards and Servants sent by John Mason, Esq., into this Province of New-Hampshire.*

[Copied from N. E. Gen. Reg., Vol. 2, pp. 37, 38. Adams' Ann. Ports. has the list also, but with slight variation of names.]

Walter Neal, <i>Steward</i> ,	Francis Norton, <i>Steward</i> ,
Ambrose Gibbins, <i>Steward</i> ,	Sampson Lane, <i>Steward</i> ,
Thomas Comock, “	Renald Furnald, <i>Chirurgion</i> ,
William Raymond, “	Ralph Gee, [or Goe]
Francis Williams, “	Henry Gee, [or Goe]
George Vaughan, “	William Cooper,
Thomas Wouerton, “	William Chadborn,
Henry Jocelyn, <i>St.</i>	William Chadborn, jun.

Humphry Chadborn,  
 Francis Matthews,  
 Francis Rand,  
 James Johnson,  
 Anthony Ellins,  
 Henry Baldwin,  
 Thomas Spencer,  
 Thomas Furrall,  
 Thomas Herd,  
 Thomas Chatherton,  
 John Crowther,  
 John Williams,  
 Roger Knight,  
 Henry Sherborn,  
 John Goddard,  
 Thomas Fernald,  
 Thomas Withers,  
 Thomas Canney,

John Symonds,  
 John Peverly,  
 William Seavey,  
 Henry Langstaff,  
 William Berry,  
 Jeremiah Walford,  
 Thomas Walford,  
 Thomas Moore,  
 Joseph Beal,  
 Hugh James,  
 Alexander Jones,  
 John Ault,  
 William Bracket,  
 James Newt,  
 James Wall,  
 William Brakin,  
*Eight Danes,*  
*Twenty-two women.*

Adams says :

“The first ten were stewards, and had the superintendence of the various branches of business, which were carried on in the plantation. Godfrie [Edward], who had been here some time, lived at Little Harbour and had the care of the fishery. He had under his direction six great shallops, five fishing boats, with sails, anchors, cables, and thirteen skiffs. Chadbourn built a house near the bank of the main river, about three miles from the mouth, which as called the *Great House*. This was situated near the corner of Water Street and Pitt Street, and was occupied by Warnerton. Gibbins had the care of the saw-mill at Newichawannock, and on his removal to Sanders' Point, where the adventurers gave him a tract of land for his faithful services, Chadborn removed to Newichewannock and took charge of the saw-mill. The care of the salt works was committed to Francis Williams. Renald Fernald was a surgeon. With the persons above named, Mason sent over eight Danes and twenty-two women ; the Danes were employed in sawing lumber and in making

potash. The proprietors likewise sent over several cannon, and other warlike implements, which their agents placed on the northeast point of Great Island, at the mouth of the great harbour, which they called Fort Point. They 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."

*An Inventory of the Goods and Implements belonging to the Plantations at Piscataway and Newichewanock, in New-England, July, 1635.*

[Copied from Adams' Annals of Portsmouth, App. No. 1, p. 393; also, see N. E. Gen. Reg., Vol. 2, pp. 40, 41.]

## AT PISCATAWAY.

*Arms and Ammunition.*

3 sakers,	15 halberds,
3 minions,	31 headpieces,
2 falcons,	32 beaver spears,
2 rabenets,	50 flasks,
4 murthers,	pair of bandaleers,
2 chambers,	13 barrels powder,
22 harquebusses,	iron bullets,
4 musquets,	2 firkins lead bullets,
46 fowling pieces,	2 hogsheds match,
67 carbines,	955 lbs. small shot,
6 pair pistols,	2 drums,
61 swords and belts,	15 recorders and hautboys.

*Stores.*

50 cloth cassocks and breeches,	27 lined coats,
153 canvass cassocks and breeches,	40 rugs,
46 stuff cassocks and breeches,	15 papous coats,
80 shirts,	23 red cloth waist-coats,
58 hats,	16 moose coats,
40 dozen of coarse hose,	9 pieces red baise,
130 pair of shoes,	375 yds. sail cloth,
204 pair of stockings,	12 bolts canvas,
79 monmouth caps,	12 hides shoe leather,
149 pair small hose,	17 lbs. wt. lead,
	14 iron pots,
	23 iron kettles,
	1276 wrought pewter,

504 wrought brass,	10 cable of 4 inches,
5 barrels nails,	12 herring nets,
1 barrel spikes,	6 seines,
146 bars of iron,	70 cod lines,
28 bars of steel, quantities	67 mackerel lines,
of all sorts of smith's,	11 gange cod hooks,
cooper's, carpenter's,	30 dozen mackerel hooks,
mason's tools,	10 squid lines,
19 barrels pitch,	70 knots twine,
16 barrels tar,	1500 boards,
8 coils of rope of 2½ inches,	1151 pine planks.
3 coils of rope of 3½ inches,	

*Provisions.*

140 bushels of corn,	610 lbs. sugar,
8 barrels oat meal,	512 lbs. tobacco,
32 barrels meal,	6 pipes wine,
15 barrels malt,	170 gallons aqua vitæ,
29 barrels peas,	2 chirurgeon's chests.
153 candles,	

*Cattle.*

24 cows,	27 goats,
2 bulls,	64 hogs, old and young,
22 steers and heifers,	13 mares and horses,
10 calves,	9 colts,
92 sheep and lambs,	

*Fishing Trade.*

6 great shallops,	anchors and cables.
5 fishing boats, with sails,	13 skiffs.

*For Religious Use.*

1 great bible,	1 communion cup and cov-
12 service books,	er of silver,
1 pewter flaggon,	2 fine table cloths,
	2 napkins.

## AT NEWICHEWANNOCK.

*Arms and Ammunition.*

2 robenets,	36 swords and belts,
2 murthers,	6 bar. powder,
2 chambers,	57 bullets,
9 harquebusses,	1 firkin lead bullett,
47 muskets and bandeleers,	bar. match,
28 fflowling pieces,	1 drum,
33 carbines,	504 small shot.
4 case pistols,	

*Stores.*

31 cloth cassocks and breeches,	14 cwt. lead,
35 canvas cassocks,	793 pewter,
55 stuff coats and breeches,	594 ct. brass,
67 shirts,	482 of copper,
43 hats,	3 bar. nails,
191 pa. shoes,	90 bars of iron,
152 pair of stockings,	15 bars steel,
28 momouth caps,	all sorts of smith's, car-
43 lined coats,	penter's, mason's, coop-
32 red west coates,	er's tools,
6 ps. bays,	2 seans,
4 bolts canvas,	344 pine planks,
	1073 boards.

*Provisions.*

192 bushels corn,	390 tobacco,
5 bar. oatmeal,	370 sugar,
15 bar. meal,	2 pipes wine,
12 butts malt,	240 galls. aqua vitæ,
9 bar. pease,	1 chirurgion's chest.
97 candles,	

*Cattle.*

24 cows,	27 goats,
2 bulls,	64 hogs, old and young,
22 steers and heifers,	13 mares and horses,
10 calves,	9 colts.
92 sheep and lambs,	

This is a true inventory of the goods left by Capt. Walter Neal, to be delivered to Henry Joselyn, Esq., by command of Capt. John Mason, and received by us.

AMBROSE GIBBINS,  
THOMAS WARNERTON.

*Vera copia: Teste,*

R. CHAMBERLAIN.

## DOVER.

[In the absence of Town Records of Dover previous to 1647, our knowledge of affairs in the early period of that settlement is gathered from statements made by Belknap, in his History of New-Hampshire, from Winthrop's and Hubbard's history, and from "Historical Memoranda," by Rev. A. H. Quint, D. D., published in numbers in *Dover Enquirer*, beginning in 1850; and in N. E. Gen. Reg., Vols. V, VI, VII, VIII. Ed.]

The Indian name of Dover Neck, where Edward Hilton settled, 1623, was *Winachahanat* or *Wecohannet*. The River and the place about the Falls—where the chief settlement now is—was called *Quochecho*, or *Cochecho*. The only settlers there, says Quint, in the spring of the year 1623, "were Edward Hilton, William Hilton, and Thomas Roberts, and their families. There may have been others in the company, but we have not even tradition to support such a statement. There may possibly have been a few additions to the number between 1623 and 1631, but we know nothing about such; and it is probable there were none until the latter year, at which time Edward Colcott\* was here, and Capt. Thomas Wiggans. Wiggans went to England in 1632, and returned to *Winachahanat* in 1633, bringing with him a large accession to the colony." The names of families in Dover, says Quint, between 1623 and 1641 (most of whom probably came in 1633), were :

John Ault,	Ambrose Gibbons,
Thomas Beard,	John Goddard,
George Burdet,	John Hall,
Thomas Canuey,	John Heard,
Edward Colcott,	Edward Hilton,
John Darn,	William Hilton,
William Furber,	Thomas Johnson,

\* Savage says, *Gen. Dic.*, "Colcord, Edward, Exeter, 1638; but as a child, his first coming is reckoned 1631, removed 1640 to Dover, and Hampton 1644, perhaps to Saco, 1668, but back to Hampton there in 1673. Calls himself 56 years old, of course born about 1617, and died 10 Feb., 1682.



Hanserd Knowles,  
Henry Langstaff,  
Thomas Larkham,  
Thomas Layton,  
William Leveridge,  
Francis Matthews,  
James Nute,  
Hatevil Nutter,

James Ordway,  
Richard Pinkham,  
William Pomfret,  
Thomas Roberts,  
Henry Tebbits,  
John Tuttle,  
Richard Waldron,  
Thomas Wiggans.

## MAGISTRATES.

Capt. Wiggans was chief in authority in 1631. In 1633, there seems to have been an election of officers, and Capt. WIGGANS was chosen *Governor*.

1634, 5, 6, 7,		reelected Governor.
1637, 8,	Rev. GEORGE BURDET,	“
1638, 39, 40,	Capt. JOHN UNDERHILL,	“
1640, from April,	THOMAS ROBERTS,	“

Dr. Belknap says: “It appears from ancient records that Wiggans 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 at Dover Neck. On the most inviting part of this eminence, they built [in 1634] a meeting house, which was afterward surrounded with an entrenchment and flankarts.” This was the first meeting house built in the Province. It remained until Major Richard Waldron built a new one in 1653.

The first minister employed to preach in it was Rev. WILLIAM LEVEREDGE or LEVERICH, whom Belknap calls a “worthy puritan divine.” He was graduated at Cambridge, Eng., in 1625, and arrived in the ship *James*, at Salem, Mass., with Capt. Wiggen’s company, October 10, 1633. He continued in Dover till 1635, when he left, for want of adequate support. From Dover he went to Boston, and was admitted a member of the first church

there, August 9, 1635; afterward he assisted Mr. Partridge, of Duxbury, for a short time.\*

Between 1637 and 1640, Dover seems to have been a scene of confusion and trouble, both civil and ecclesiastical. One George Burdet, a preacher, succeeded in supplanting Wiggan, as Governor. Then Capt. John Underhill, who had found it necessary to leave Massachusetts, came to Dover to establish himself, and was chosen Governor in place of Burdet. "Underhill also procured a church to be gathered 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 minister."

Hubbard says: "About the year 1638, they attempted to gather themselves into a church estate. But for

\* In 1638 he became the first pastor of the church at Sandwich, on Cape Cod, and devoted much of his time to instructing the Indians in that quarter. In 1647 he was employed, by the Commissioners of the United Colonies, as a Missionary, and resided most of the time at Plymouth. He is particularly mentioned by Morton, as among the ablest ministers of the colony of Massachusetts, in 1642. In April, 1653, he visited Long Island in company with some of his early parishioners, at Sandwich, and made a purchase of land from the Indians at Oyster Bay, whence he was ordered off, April 2, 1655, by the authorities at New Amsterdam. [*Col. Hist.* N. Y., Vol. II, p. 160.] He received small sums, from time to time, from the Society for Propagating the Gospel, between 1653 and 1658. In 1657, the Society desired him to instruct the Corchaug and Montauk tribes, at the east end of Long Island; but in 1658, he was called to be pastor of the church at Huntington, where he continued to labor eleven years. In 1664 he was admitted freeman of Connecticut, and in 1669 accepted a call from Newtown, L. I., where he continued to his death, in either 1677 or 1692. An interesting relic of Mr. Leverich exists in the town-clerk's office, Newtown—a volume of between 600 and 700 pages, of which about 100 are a running commentary, in his hand-writing, on the first fourteen books of the old testament, in part copied from the commentary of Piscator. After Mr. Leverich's death, the book was given to the town to record the town business in. *Thompson's Long Isl.*, Vol. I, 480. *Riker, Hist. of Newtown, L. I.*, 53, 98.

want of discretion, if not of something else, in them that were called to that solemn work, they soon after fell into factions, and strange confusions, one part taking upon them to excommunicate and punish the other in the church and in the court; an ordinary effect of loose and pragmatick spirits under any popular government, whether civil or ecclesiastical."

Quint says, *Hist. Mem.* No. 44, "It is evident that the church was organized within a few days, immediately following 13 January, 1638-9, O. S., or 24 January, 1639, as we should reckon it. The time can not be *exactly* ascertained."

George Burdet was manifestly a bad man. After leaving Dover, 1639, he went to Agamenticus, now York, Me., where he was indicted for adultery; and the following record is found of him in Coll. Maine His. Soc., Vol. 1, pp. 271, 272:

"8th Sep. 1640. General Court at Saco. Before *Thomas Gorges, Richard Vines, Richard Bonighton, Henry Josselin, and Edmund Godfrey.*

Mr. George Burdet, minister of Agamenticus, is indicted by the whole Bench for a man of ill name and fame, Infamous for incontinency, a publisher and Broacher of divers dangerous speeches, the better to seduce the weak sex of women to his incontinent practices, contrary to the peace of our Sovereign Lord the King, as by Depositions and Evidences. This Enquest find *Billa vera.*

Whereupon the said George Burdett is fined by the Bench for this offence, twenty pounds sterling to our Sovereign Lord the King.

Mr. George Burdett is also Indicted by the whole Bench for deflowering Ruth, the wife of John Gough, of Agamenticus aforesaid, as by depositions and evidence appeareth, contrary to the peace of our Sovereign Lord the King. This Enquest find *Billa vera.*

Whereupon the said George Burdett is fined by the Bench, for this offence, Twenty Pounds Sterling to our Sovereign Lord the King.

Mr. George Burdet, being found guilty by the grand Enquest for entertaining Mary, the wife of George Puddington in his house as by the first indictment against the said George Burdet appeareth, is thereupon fined by this Bench ten pounds sterling to the said George Puddington for those wrongs and damage sustained by the said George Burdet. P. 29.

Ruth, the wife of John Gouch, being found guilty by the grand Inquest, of Adultery with Mr. George Burdet, is therefore censured by this Court, that six weeks after she is delivered of child, she shall stand in a white sheet publicly, in the Congregation at Agamenticus, two several Sabbath days, and likewise one day at this General Court, when she shall be thereunto called by the Councillors of this Province, according to his Majesty's laws in that case provided." *Coll. Maine Hist. Soc., Vol. 1, p. 271, 272.*

Belknap says:—"Being cleared of Burdet, it (the plantation) was ridden by another churchman, *Thomas Larkham*. Coming to New-England, and not favoring the discipline, he removed hither [1640], and the people of Dover were much taken with his public preaching, he being of good parts and well gifted. But not being able to maintain two ministers, they resolved to cast off Mr. Knolles and embrace Mr. Larkham. Whereupon Mr. Knolles, making a virtue of necessity, gave place, and the other, soon after he was chosen, discovered himself by taking into the church all that offered, though never so notoriously immoral and ignorant, if they would but promise amendment; and moreover fell into contentions with the people, taking upon him to rule all, even the Magistrates themselves. This occasioned a sharp dispute between him and Mr. Knolles, who either yet retained, or upon this occasion reassumed the pastoral office. Whereupon they were neither able quietly to divide into two churches, nor live peaceably together in one. The more religious sort still adhering to Mr. Knolles, he, in their name, excommunicated Mr. Larkham, who, in return, laid violent hands on Knolles, taking the hat from his head, pretending it was not paid for; but he was so civil as to send it to him again. In this heat it began to grow to a tu-

\*Dr. Belknap, MS. History of Church in Dover. See Winth. 2, p. 33-33.

mult, and some of the magistrates joined with Mr. Larkham and assembled a company to fetch Capt. Underhill before the Court; he also gathered some of their neighbors together to defend themselves and keep the peace, and so marched out to meet Mr. Larkham, one carrying a Bible on a halberd for an ensign—Mr. Knolles being armed with a pistol. When Mr. Larkham saw them thus provided, he withdrew his party, and went no further, but sent down to Mr. Williams, Governor of Strawberry Bank, for assistance, who came up with a company of armed men and beset Mr. Knolles' house where Capt. Underhill was, kept a guard upon him night and day till they could call a Court, and then Mr. Williams, sitting as judge, they found Underhill and his company guilty of a riot, and set great fines upon them, and ordered him and some others to depart out of the Plantation.

The cause of this eager persecution was because Capt. Underhill had procured a good part of the inhabitants to offer themselves to the government of the Massachusetts; and being then prosecuted, they sent a petition to them for aid. The Governor and assistants commissioned Mr. Bradstreet, Hugh Peters, of Salem, and Mr. Dalton, of Hampton, who came hither on foot to enquire into the matter and endeavor to make peace. They succeeded so well that Mr. Larkham was released from his excommunication, and Capt. Underhill and the rest from their sentences.

Another account of these troubles (Winth. 2, p. 82, 1641; note by Savage), is given by Lechford: "They two [Larkham and Knollys] fell out about baptizing children, receiving of members, burial of the dead; and the contention was so sharp that Knowles and his party rose up and excommunicated Mr. Larkham and some that held with him; and further, Mr. Larkham, flying to the magistrates, Mr. Knowles and Captain Underhill raised arms, and expected help from the Bay, Mr. Knowles going before the troop with a Bible upon a pole's top, and giving forth that their side were Scots and the English. Whereupon the gentlemen of Sir F. Gorges' plantation came in, and kept court with the magistrates of Piscataqua, who have also a patent, being weak of themselves, and they fined all those that were in arms for a riot, by indictment,

jury and verdict, formally; nine of them were censured to be whipped, but that was spared; Mr. Knowles and the Captain, their leaders, were fined 100 pounds apiece, which they were not able to pay."

Soon after (in 1640), Mr. Knolles left the scene of confusion, and in 1641, Mr. Larkham left to avoid the shame of a scandalous sin it was found he had committed.\*

Of Capt. Underhill, Belknap says, p. 26, "Having finished his career in these parts, he obtained leave to return to Boston, and finding honesty to be the best policy, did, in a large assembly, at a 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 they had done against him, declaring that his pretended assurance had failed him, and that the terror of his mind had at 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 o

\* Winth. 2, p. 110. "Mr. Larkham, of Northam, alias Dover, suddenly discovering a purpose to go to England, and fearing to be dissuaded by his people, gave them his faithful promise not to go, but yet soon after he got on ship board, and so departed. It was time for him to be gone, for not long after, a widow, which kept in his house, being a very handsome woman, and about 50 years of age, proved to be with child, and being examined, at first refused to confess the father, but in the end she laid it to Mr. Larkham. Upon this the church of Dover looked out for another elder, and wrote to the elders to desire their help." Savage says, Winth. 2, p. 32: "Notwithstanding the suspicious case there introduced, Larkham is reported, in his later years, 'as well known for a man of great piety and sincerity' in England, when ejected under the statute of 1662. He died, aged 68, in 1669." Savage also says, Winth. 1, p. 351: "*Hanserd Knollys* is a name of considerable repute among the early Baptists in England. His reputation was so much improved in his latter days, that Mather calls him *godly*, and assures us he died a good man in old age." "In our times, an Association in England, of the Baptist communion, honors the confessor by adopting the title of the *Hanserd Knollys' Society*." Gen. Dic.

his adultery; the law which made it capital, having been enacted after the crime was committed, could not touch his life. Some offers being made him by the Dutch at Hudson's river, whose language 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 governor gave him the command of an hundred and twenty men, and he was very serviceable in the wars which that colony had with the Indians, having, it is said, killed one hundred and fifty on Long Island."\*

Dr. Belknap says, 1640, "The people of Dover and Portsmouth, during all this time, had no power of government delegated from the crown; but finding the necessity of some more determinate form than they had yet enjoyed, combined themselves each into a body politic after the example of their neighbors 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 the majority of their number until the royal pleasure should be known."

\* See also a note by Dr. Farmer, Belk., p. 27. Capt. Underhill resided awhile at Stamford, Conn., and was delegate to the Court at New-Haven, 1643. He afterward resided at Oyster Bay, L. I., and was delegate from that town to the Assembly holden at Hampstead, 1665. While he resided among the Dutch, Capt. Underhill's name was sometimes written *Van der Hill* and *Onderhill*. In May 20th, 1653, he drew up and signed, with others, a "vindication," or what might be termed a *Declaration of War*, against Governor Peter Stuyvesant. "Vindication of Captain John Onderhill, in the name of as many of the Dutch and English as the matter concerns, which justly impels us to renounce the iniquitous government of Peter Stuyvesant over the inhabitants living and dwelling on Long Island in America." The whole, published in Vol. III, p. 151, Col. Hist. N. Y. "In 1667, the Matinecoc Indians gave him 150 acres of land, which has remained in his family ever since. It is supposed he died at Oyster Bay in 1672. Most of his posterity have changed the warlike habiliments of their ancestor for the Quaker habit."

† See Combination at Exeter, 1639.

Hubbard says, 2 Mass. Hist. Coll., Vol. 5, p. 222. The form of which Combination among themselves, is after this tenour, *as is left upon record.*

### A COMBINATION

*Of the people of Dover to Establish a Form of Government.*

Whereas sundry mischiefs and inconveniences have befallen us, and more and greater may, in regard of want of civil government, his most gracious Majesty having settled no order for us to our knowledge: We, whose names are under written, being inhabitants upon the river Piscataqua, have voluntarily agreed to combine ourselves into a body politic, that we may the more comfortably enjoy the benefit of his Majesty's laws, together with all such laws as shall be concluded by a major part of the freemen of our Society, in case they be not repugnant to the laws of England, and administered in behalf of his Majesty. And this we have mutually promised and engaged to do, and so continue till his excellent Majesty shall give other orders concerning us. In witness whereof, we have hereunto set our hands, Oct. 22 [1640], in the 16th year of the reign of our Sovereign Lord Charles, by the grace of God, King of Great Britain, France and Ireland, defender of the faith, &c.

THOMAS LARKHAM,  
RICHARD WALDRON,  
WILLIAM WALDRON,  
With 38 more.

See, also, N. H. Hist. Coll., Vol. I, p. 322.

[The names of these 38 can not now be found.]

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*Letter from the inhabitants of Dover to the Governor of Massachusetts.\**

NORTHAM, 4, 1 month (1.40).

Honored Sir: We, the Inhabitants of Northam, make bold to trouble you with these few lynes, certifyinge you that

\* The letter which follows is copied from Potter's Hist. of Manchester, p. 107. The original is said to be in the hands of J. Wingate Thornton, Esq., of Boston.



whereas wee suppose Captaine Underhill hath informed you and the rest of your brethren of the Matechuseth baye, that wee are all willinge, voluntarily to submit ourselves to your Government upon fformer articles propounded; truth it is wee doe very well approve of your judicious wayes, and shall be very joyful, yu please God to enlarge us, that wee may be free from other ingagements and promises wch some of us are obliged in to the owners or patentees, from whom under his Mat's Letter Patents we enjoy our free liberty, wch causeth us not for present to submit to any other government than that wch wee have already entered into combination to observe according to the King's Mat's lawes, *until such time as the owners come over to us, wch we suppose will be about three months hence*, and then our prpositions considered as the Lord shall direct us, we will labor more to satisfy you. But for the proceedings of Captain Underhill seeking to undermyne us, and contrary to his oath and fidellyty as we suppose intrusted to him, hath went from house to house, and for his own ends, by flattery and threatening gotten some hands to a note of their willingness to submitt themselves under your government, and some that have no habitation to bring his purposes to pass; we doubt not but you are well acquainted with his stratagemms in plotting his owne designe wch wee refer to your grave iudgments. Some of those that subscribed to his note have this day utterly prtested against their own act, for he hath rayseed such a mutinie amongst us wch if we take not course for the stoping thereof, it may cause the effusion of blood, by reason he hath by his designes privately rent the combination as much as in him lyeth, contrary to his act, that is that wee should continue in the same govmt except an agreement or cause showed to the contrary in open court, agreed on by the major p'te, thus much we thought good to acquaynt your wor'p with all beseeching your favourable construction, hoping you will weigh our case in equity and conscience, and not any way to enforce us to any act whereby wee should break prmise or covevant wth the patentees or amongst ourselves whchin soe doinge we should sinne greatly.

Wee heartyly desire your prayers for us, and comit you to the protection of the Almightye at yor—— to be comanded.

Thom. Larkham,	Thos. [mark of T] Layton,
William Jones,	Edward Starbuck,
John ffollett,	William Pomfrett,
Robert Varney,	William furbur,
Thomas Durston,	William Storer,
Thomas Roberts,	John [mark of H] Hall,
Samuel haines,	Phillip Swaddon,
Bartholomew Smith,	Richard Waldern,
John Dam,	Edward Colcord,
Barthol'ew [mark of †] Hunt,	Robert [sign of R] Huckins,
William Waldern,	Richard Pinkcom,
John [mark of †] Tuttle,	Thomas Tricky.
henry beck,	

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### EXETER.

[The settlement in Exeter was begun in 1638, by JOHN WHEELWRIGHT and others, who had been banished from Massachusetts. The antecedents and causes which led to the settlement may be learned from the following historical statements, and extracts from the Massachusetts Colony Records.\* ED.]

Winth. Hist. N. E., I, p. 239. "There joined with her [Mrs. Anne Hutchinson] in these opinions, a brother of hers, one Mr. Wheelwright, a silenced minister sometimes in England. †

Ib., 256, Mar. 9, 1636-7.

Mr. Wheelwright, one of the members of Boston, preaching at the last fast, inveighed against all that walked in a covenant of works, as he described it to be, viz., such as maintain Sanctification as an evidence of justification, &c. For this he was called into the court, and his sermon being produced, he justified it, and confessed he did mean all that walk in such a way. Whereupon the rest of the churches were called and asked whether they, in their ministry, did walk in such a way.

\* For a portion of these the Editor is greatly indebted to the careful research of Hon. S. D. Bell, of Manchester.

† "A just estimate of this distinguished gentleman may readily be formed from the pages of this History, and the volumes of Hutchinson and Elliott. His long life afforded him a triumph over the injustice of intolerance, which attempted hardly any other cure for his errors than banishment." *Savage*, Winth. Hist., I., p. 239, note.

They all acknowledged that they did. So after much debate the court adjudged him guilty of sedition, and also of contempt, for that the court had appointed the fast as a means of reconciliation of the differences, etc., and he purposely set himself to kindle and increase them. The governor and some few more who dissented, tendered a protestation, which, because it wholly justified Mr. Wheelwright and condemned the proceedings of the court, was rejected. \* \* The court deferred sentence till the next court. *Winth. II. of N. E.* 250.

1, 9, 1636-7. It was concluded by the court that Mr. Wheelwright was guilty of contempt and sedition. *Rec. of Mass. Gen. Ct.* 189.

Nov. 2, 1637. Mr. John Wheelwright, being formerly convicted of contempt and sedition, and now justifying himself and his former practice, being to the disturbance of the civil peace, he is by the court disfranchised and banished, having 14 days to settle his affairs; and if within that time hee depart not the patent, he promiseth to render himself to Mr. Stoughton, at his house, to bee kept till hee bee disposed of, and Mr. Hof \* \* undertook to satisfy any charge that he, Mr. Stoughton, or the country should be at. *Ib.* 207.

1637, 9, 1. Though Mr. Wheelwright and those of his party had been clearly confuted and confounded in the assembly, yet they persisted in their opinions, and were as busy in nourishing contentions, the principal of them, as before. Whereupon the General Court being assembled in the second of the 9th month, and finding, upon consultation, that two so opposite parties could not continue in the same body without apparent hazard opinion to the whole, agreed to send away some of the principal; and for this a fair opportunity was offered by the remonstrance or petition, which they preferred to the court the 9th of the 1st month, wherein they affirm Mr. Wheelwright to be innocent, and that the court had condemned the truth of Christ, with divers others, scandalous and seditious (as appears at large in the proceedings of this court, which were faithfully collected and published soon after the court brake up), subscribed by more than sixty of that faction. *Winth. Hist. N. E.* 292.

November 15, 1637. Capt. Underhill being convented for having his hand to the seditious writing, is disfranchised and put from the captains place. *Rec. of Mass. Gen. Ct.* 208.

Of the seditious writing referred to, Gov. Winthrop, *Hist. of N. E.* 256, gives this account :

1, 9, 1637. At this court when Mr. Wheelwright was to be questioned for a sermon which seemed to tend to sedition etc., near all the church of Boston presented a petition to the court for two things : (1) That as freemen they might be present in cases of judicature ; (2) That the court would declare if they might deal in cases of conscience before the church, etc. This was taken as a groundless and presumptuous act, especially at this season, and was rejected. *Ib.* 295. ♣

The court also called Capt. Underhill and some five or six more of the principal [signers of the petition in favor of Wheelwright], whose hands were to the said petition, and because they stood to justify it they were disfranchised, and such as had public places, were put from them.

The court also ordered that the rest who had subscribed the petition (and would not acknowledge their fault, and which nearly twenty of them did) and some others who had been chiefstines in their contentions, &c., should be disarmed. This troubled some of them very much, especially because they were to bring them in themselves, but at last, when they saw no remedy they obeyed. *Ib.*

November 20, 1637. Whereas the opinions and revelations of Mr. Wheelwright and Mrs. Hutchinson have seduced and led into dangerous errors, many of the people here in New-England, insomuch as there is just cause of suspicion that they, as others in Germany in former times, may, upon some revelation, make some suddaine irruption upon those that differ from them in judgment ; for prevention whereof it is ordered that all those whose names are underwritten shall (upon warning given or left at their dwelling-houses), before the 30th day of this month of November, deliver in at Mr. Cane's house, at Boston, all such guns, pistols, swords, powder, shot and match, as they shall be owners of or have in their custody, upon pain of ten pound for every default to be made thereof ; which arms are to be kept by Mr. Cane till this court shall take fur-

ther order therein. And it is ordered upon a like penalty of *Xl* that no man who is to render his arms by this order shall buy, or borrow any guns, swords, pistols, powder, shot or match, until this court shall take further order therein.

The names of *Boston* men to be disarmed.

Capt. John Underhill,	Willi Wardell,
Hugh Gunnison,	<i>Roxbury men,</i>
Henry Elkins,	Richard Morris,
Willi Wilson,	Richard Bulgar,
Isaac Grosse,	<i>Charlestown men,</i>
Jacob Elliott,	George Bunker.
Thomas Wardell,	

*Rec. of Mass. Gen. Ct.* 211.

NOTE. Only the names of those who then or subsequently are supposed to have removed to New-Hampshire are copied. The whole number of disarmed in Boston was 58,—in all 75.

1639 (14), 13. Those who went to the falls of Pascataquack gathered a church, and wrote our church to desire us to dismiss Mr. Wheelwright to them for an officer; but because he desired it not himself, the elders did not propound it. Soon after came his own letters with theirs for his dismissal, which thereupon was granted. Others also (upon their request) were also dismissed thither. *Ib.* 338.

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### EXETER COMBINATION, 1639.

[Copy by the Editor, from the old Records of Exeter, Vol. 1, p. 7.]

Whereas a certen combination was made by us, the brethren of the Church of Exeter, with the rest of the Inhabitants, bearing date Mon., 5th d., 4, 1639, wh afterwards, upon the instant request of some of the brethren, was altered, & put into such a forme of wordes, wherein howsoever we doe acknowledge the King's Majesty our dread Sovereigne & ourselves his subjects: yet some expressions are contained therein wh may seeme to admit of such a sence as somewhat derogates from that due Allegiance wh we owe to his Highnesse, quite contrary to our true intents and meanings: We therefore doe revoke, dis-

annull, make voyd and frustrate the said latter combination, as if it never had beene done, and doe ratify, confirme and establish the former, wh wee onely stand unto as being in force & virtue, the wh for substance is here set downe in manner and form following.

Mon., 2d d., 2, 1640.

Whereas it hath pleased the lord to moue the heart of our Dread Sovereigne Charles, by the grace of God, King of England, Scotland, France & Ireland, to grant license & liberty to sundry of his subjects to plant themselves in the westerne partes of America: Wee, his loyall subjects, brethren of the church of Exeter, situate & lying upon the river of Piscataquacke, wh other inhabitants there, considering wth ourselves the holy will of god and our owne necessity, that we should not live whout wholsome lawes & government amongst us, of wch we are altogether destitute; doe in the name of Christ & in the sight of God combine ourselves together, to erect & set up amongst us such government as shall be to our best discerning, agreeable to the will of god, professing ourselves subjects to our Sovereign Lord King Charles, according to the libertys of our English Colony of the Massachusetts & binding ourselves solemnly by the grace & helpe of Christ & in his name & fear to submit ourselves to such godly & christian laws as are established in the realme of England to our best knowledge, & to all other such lawes wch shall upon good grounds, be made & inacted amongst us according to God, yt we may live quietly & peaceably together, in all godliness and honesty.

Mon., 5th d., 4th, 1639.

John Whelewright,\*  
Augustin Storre,

Thomas Wight,  
William Wantworth,

\* The foregoing paper seems to be in the hand-writing of John Whelewright, whose name is signed first. Ed.

Henry Elkins,  
his mark.  
 George × Walton,  
 Samuel Walker,  
 Thomas Pettit,  
 Henry Roby,  
 Willia Wenbourn,  
his mark.  
 Thomas × Crawley,  
 Chr. Helme,  
his mark.  
 Darby × Ffield,  
his mark.  
 Robert × Reid,  
 Edward Rishvorth,  
his mark.  
 Ffrancis × Matthews,  
 Ralf Hall,  
his mark.  
 Robert × Soward,  
 Richard Bullgar,  
 Christopher Lawson,

his mark.  
 George × Barlow,  
 Richard Morris,  
 Nicholis Needham,  
 Thomas Willson,  
his mark.  
 George × Ruobon,\*  
his mark.  
 William × Coole,  
his mark.  
 James × Walles,†  
 Thomas Levvit,  
 Edmond Littlefield,  
his mark.  
 John × Crame,  
his mark.  
 Godfrie × dearborne,  
 Philamon Pormort,  
 Thomas Wardell,  
his mark.  
 William × Wardell,  
his mark.  
 Robert × Smith.

The following are the forms of oath taken by the Elders and the people :

*The Elders or Rulers Oath.*

You shall swear by the great and dreadful Name of the High God, Maker and Governor of Heaven and earth and by the Lord Jesus Christ, the Prince of the Kings and rulers of the earth, that in his Name and fear you will rule and govern his people according to the righteous will of God, ministering justice and judgment on the workers of iniquite, and ministering due encouragement and countenance to well doers, protecting of the people so far as in you lieth, by the help of God from foreigne annoyance and inward disturbance, that they may live a quiet and peacabble life in all godliness and honesty. So God be helpful and gracious to you and yours in Christ Jesus.

\* Rawbone?

† This name is very obscure. Belknap has it *James Wall*. It might be called *Mathes*; Judge Bell reads it as above, *Walles*. Subsequent records show it was meant for *Wall*.

*The Oath of the People.*

We do swear by the Great and dreadful Name of the High God, Maker and Governor of heaven and earth, and by the Lord Jesus Christ, the King and Saviour of his people, that in his Name and fear, we will submit ourselves to be ruled and governed according to the will and word of God, and such wholesome laws and ordinances as shall be derived\* therefrom by our honored Rulers and the lawful assistants, with the consent of the people, and that we will be ready to assist them by the help of God, in the administration of justice and preservation of the peace, with our bodies and goods and best endeavors according to God. So God protect and save us and ours in Jesus Christ.

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*Indian Deeds to Wheelwright and others, April, 1638.*

Know all men by these presents that I, Wehanownowit Sagamore of Piscataquacke, for good considerations me thereunto moving and for certain commoditys which I have received have granted and sould unto John Whelewright of Piscataquacke, Samuel Hutchinson and Augustus Stor of Boston, Edward Calcord and Darby Field of Piscataquake, and John Campton of Roxbury, and Nicholas Needome of Mount Walloston, all the right, title and interest in all such lands woods meadows rivers brookes springs as of right belongs unto me from Merrimack River to the Patents of Piscatoquake, bounded with the south east of Piscatoquake patents and so to go into the country North west thirty miles as far as the east line, to have and to hold the same to them and their heirs forever, only the ground which is broken up is excepted and that it shall be lawful for the said Sagamore to hunt and fish and fowl in the said limits.

\* *Directed?* Belknap has the word *derived*. Hon. C. H. Bell, of Exeter, thinks the true reading is "*directed*."



In witness whereof I have hereunto set my hand the 3d day of April, 1638, signed and possession given.

These being present

James Cornall

James ¶ his mark

WEHANOWNOWIT, his mrke.

His—W C—mrke

William Cole

His † mrke

Lawrence Cowpland

Know all men by these presents y<sup>e</sup> I Wehanownowit Sagamore of Pusscataquke for a certain sum of money to me in hand payd and other merchantable commodities which I have recd as likewise for other good causes and considerations me y<sup>r</sup> unto specially moving have graunted barganed alienated and sould unto John Wheelwright of Piscataqua and Augustine Storr of Boston all those lands woods meadows marshes rivers brooks springs with all the appurtenances emoluments pfitts comodyts thereunto belonging lying and situate within three miles on the Northern side of y<sup>e</sup> river Meremake extending thirty miles along by the river from the seaside and from the said river side to Piscataqua patents thirty miles up into the country Northwest and so from ffalls of Piscataqua to Oyster river, thirty miles square every way, to have and to hould the same to them and y<sup>r</sup> heirs forever only the ground which is broken up is excepted and it shall be lawful for y<sup>e</sup> said Sagamore to hunt fish and fowle in the said lymits.

In witness wrof I have hereunto sett my hand and seale the third day of April 1638.

WEHANOWNOWIT, his mrke.

TUMMADOCKYON, his mrke.

the Sagamores son

Signed sealed and delivered and possession given in the presence of

Sameb † his mrk

Espamabough † his mrke

Edward Colcord

Nicholas Needham

William Ffurbur

## Endorsed.

Know all men by these present that I Watchanowet doe fully consent to the grant within written, and do yield up all right in the said purchased lands to the prtys w'in written.

In witness whereof I have hereunto set my hand the tenth day of April, 1639. I do likewise grant unto them for goode consideration all the meadows and grounds extending for the space of one English mile on the east side of Oyster river. April 10, 1639.

These being present

his mrke.

Jo : Underhill

WATCHANOWET.

Darby Ffield § his mrke.

These instruments are printed from Vol. I, N. H. His. Soc. Coll. 147, where they are prefaced by the following note, probably by the publishing committee.

“The following deeds were communicated by Alden Bradford, Esq., late Secretary of the Commonwealth of Massachusetts, to the Editor of the *Portsmouth Journal*, and published in that paper November 22, 1823. They have the appearance of being ancient, but whether copies or originals, or whether genuine or not, we are unable to determine.”

Note. 2 N. H. His. Soc. Coll. 138. “Sameb,” one of the Indian witnesses, 2d deed, p. 149, ought to have been “James;” and “Edward Calcord” should have been “Edward Colcord.”

*Testimony relating to Wheelwright's purchase of the Indians.*

I, John Wheelwright, pastor of the church of Salisbury, doe testify that when I, with others, came to set down at Exeter, we purchased of the Indians, to whom (so far as we could learn) the right did belong, a certain tract of land about thirty miles square to run from Merrimack river eastward, and so up into the country, of w'ch lands we had a graunt in writing, signed by the[m],

JOHN WHEELWRIGHT.

April 15, 1663.

Mr. Edward Colcord, testifieth to all above written, and further saith that one northerly bound mentioned in our agree-

ment with Wehannownowit, the chief Sagamore was the westerly part of Oyster River, called by the Indians, Shankhassick weh is about foure miles northerly beyond Lamperiele River.

We, the aforesaid witnesses, doe further testify y<sup>t</sup> they of the town of Exeter, did dispose of and possesse divers parcels of land about Lampreel River by virtue of sd Indian right before such time as it was actually taken in by the Jurisdiction of the Massachusetts without interruption of Dover or any other.

Mr. Samuel Dudley doth testify that he did see the agreemt in writing between the town of Exeter and the Sagamores for that land which is above mentioned and the said Sagamore's hands to the same. Sworn before the Court y<sup>e</sup> 14th, 2d mo. 1668.

THOMAS BRADBURY, Rec.

Mr. Farmer says: 2 N. H. His. Soc. Coll. 137. "William Gibbs, Esq., of Salem, Massachusetts, has lately communicated to me the testimony of Rev. John Wheelwright and Edward Colcord, two of the original grantees named in the deed respecting the grant they obtained from the Indians when they 'first sat down at Exeter,' in 1638. This testimony is of undoubted authority, being copied from a paper filed in the records of the ancient Norfolk County Court and attested by the Recorder."

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*Exeter First Book of Records.*

[The first leaves are a part of an old account book. The volume seems to have been so used before its purchase for a Record Book. The accounts relate to Dorchester. The volume is not paged.]

[Transcribed by HON. S. D. BELL.]

*Certaine Orders made at the Courte holden in Exeter, the 4th day of the first week in the 10th month, 1639.*

*Imprimis.* That Mr. Edward Hilton, his upland grounds is bounded in breadth from the creek next from his house towards Exeter on the one side, and a certain point of land over against Captain Wiggins his house between the marsh and the upland that's his bounds on the other side, and it is to extend

into the main by the same distance in length as it is in breadth, and that he shall have all the meadows which he found unoccupied from his house to the mouth of Lamprel River.

2dly. That all the meadows that belonge unto the town of Exeter laying between the Town and Mr. Hilton's house, as likewise the meadows from Lamprill River unto the head of the little bay, shall be equally divided into four parts, whereof the 4th part shall be divided by lot to such of the inhabitants of the town of Exeter as have no cattle or fower [four] goates, and the profit of the hay which grows thereupon shall be divided among those that have the other parts, until such time as they have cattle of their own, or till they sell the ground to those that have cattle.

3dly. That the three other parts shall be equally divided among those that have cattle, to each head of cattle their proportion to be divided to each of them by lot—which divisions are to be made betwixt this and the next Court.

4thly. That all the inhabitants of the towne of Exeter shall [have] their uplands lotts for planting laid outt by the River between stony creeke and the creeke on this side of Mr. Hilton's, according to the number of persons and cattle, in equal proportion, no proportions to be divided to them by lott, except such persons as live on the other side of the River; and Will. Hilton and goodm. Smart who are to have the lots on the other side of the river where the town shall be thought most convenient, by the Ruler Needam and Mr. Starre deputed to this purpose.

5thly. That whosoever shall carry themselves disorderly or irreverently in the Court towards the magistrates or in their presence, shall be liable to such a censure as the Court shall think meet.

The first day of the 8th mo. 1640.

It is ordered and agreed upon by the inhabitants of the towne of Exeter, that none shall fell any oke timber within half a mile of this part of the town, except it be upon their planting lott, or for building or fencing, upon the penalty of each tree five shillings.

Orders made by the Court at Exeter, the 6th day of the 12. mo. 1639.

That no man shall set fire upon the woods to the destroying of the feed for the cattle or the doing of any other hurt, under paine of paying the damage that shall issue thereby, after the middle of the 2d month.

That every man shall fall such trees as are in his lott being offensive to any other. And if after due warning any shall refuse, to pay half a crowne for every tree that is so offensive.

That every action that is tried, the party that is cast in it shall pay to the jury four shillings.

Orders made by the Court held at Exeter the 6 day of the 1 mo<sup>th</sup>.

That no wines or strong water shall be sold by retail to the English but by Thomas Wardle.

It is ordered that whosoever shall dig a sawpit and shall not fill it or cover it, shall be liable to pay the damages that shall come to man or beast thereby.

It is ordered that all the swine that is not carried down the river by the 4 day of the 2d month, the owner shall be liable to pay the damage that befall any thereby.

That all grounds, woods, and such priviliges as appertain to the town, such inhabitants as have their lots small or great in the bounds of the town, shall be liable to pay such comon charges as the town shall be at, according to their proportion of ground, cattle or other privileges they doe enjoy in the town, present or absent.

It is further ordered that every man that is an inhabitant in the town shall have free liberty to trade with the indians in anything except it be powder, shot, or any warlike weapons, or sacke or other strong waters according to the former order, and as for prices of what corn there shall be traided with them, shall not exceed four shillings the bushell.

It is here recorded that Anthony Stanyon hath satisfied the Cort concerning the offence given by him to our Ruler Nedham.

*An Order and Law.*

It is enacted for a law, constituted, made and consented unto by the whole assembly, at the Court solemnly met together in Exeter the 9 day of the 2 month, Ano. 1640,

That if any person or persons shall plot or practise either by combination or otherwise, the betrayinge of the contry or any principall part thereof into the hands of any foreign State, Spanish, Dutche or French, contrary to the allegiance we professe and owe to our dread sovereign lord King Charles his heirs and successors, it being his majesties pleasure to protect us his loyal subjects, shall be punished with death.

If any person or persons shall plot or practise treacherye, treason, or rebellion, or shall revile his majesty the Lord's Anointed, contrary to the allegiance we professe and owe to our dread sovereign Lord King Charles his heirs and successors (ut supra) shall be punished with death.

Numb. 16.

Exo. 22, 28.

1 Kings, 2, 8, 9, 44.

Orders made by the Court at Exeter holden the second day mo<sup>th</sup> 9, 1640.

*Imp.* That Edward Ristworth is chosen by order of Court to be secretary to the Court to look to the Book and to enter all such actions are brought and to have 12d. laid down at the entering every action.

2dly. It is likewise agreed upon that the lands that are laid out according to the former order both for their butting, bounding and proportion, are now confirmed and ratified in the Court Rowles.

3dly. It is a law made that if other person or persons shall by any means draw sides to make comotions or seditious in these our jurisdictions, he shall pay ten pounds and stand liable to the further order of the court.

4thly. It is agreed upon that the miller shall take for his wayt? and towle 5 lb? of meal and whatever is wanting more is to be made good by him, and he to stand liable to the Courts censure upon just and sufficient testimony to the same.

5thly. It is agreed that all pitts and holes are to be filled up and trees removed which lye near the way, within a fortnights time, or else they are to pay 10s. and be liable to the censure of the Court.

6thly. That all creekes are free, only he that makes a weare therein is to have in the first place the benefit of it in fishing time, and so others may set a ware either above or below and enjoy the same liberty.

It is agreed by the Inhabitants of Exeter, that every man shall fence, the next spring, a general fence, every man an equal proportion, according to the quantity of ground lying within the fence, by the middle of the second month, which will be 1641 : and what damage can bee made appear for want of a sufficient fence, he that does it is to make it good, and if the said fence be not sett up at the day appointed, every day after, he that is behind hand, herein shall pay five shillings a day.

Orders made and agreed upon at Exeter, holden this 3d day month 12th, 1640.

It is agreed upon that Mr. William Hilton is to enjoy those marshes in Oyster River which formerly he had possession of and still are in his possession, and the other marsh which Mr. Gibbins doth wrongfully detain from him with the rest of those marshes which formerly he hath made use of so far forth as they may be for the public good of this plantation; And so much of the upland adjoining to them as shall be thought convenient by the neighborhood of Oyster River, which are belonging to this body.

It is further agreed upon the former agreement, that every one shall fence his proportion of ground, and if any refuse, whosoever will fence it shall have the use of it till they be fully satisfied, if it be old ground, and if it be new he shall have it for his pains.

Whereas it was formerly agreed upon in general that all the town should generally fence, and when they came to fence, particularly others, should do as much for them in fencing as they did for their outsides, which upon further consideration is not thought equal, therefore now it is agreed that when we

come to fence in particular, that it may be put to the consideration of two indifferent men what their fence was worth, by those which fenced; the outside is to be made good unto them again by such as it appertains to.

It is likewise agreed that whoever buys the Indian Ground by way of purchase, is to tender it first to the town before they are to make proper use of it in particular to themselves.

Orders made by the Court at Exeter, month first, day the 12th, 1640.

*Imprimis.* Whereas the highways, by virtue of a former order, were to be in breadth 3 pole at the least, yet notwithstanding they are straightened in divers places, we do therefore here again order that they should be rectified and made the full breadth as aforesaid, betwixt this and the middle of the second month, which shall be in the year of our Lord 1642, and also such ground as is taken in contrary to order to be rectified within the said time.

Orders made by the Court at Exeter, d. 30, mo. first, 1641.

It is agreed upon that all the swine above  $\frac{1}{2}$  a year old and upwards, are to be sent down into the great bay by the 10th day of the second month, and what swine are found in the town after that time, above that age, what hurt they do in a sufficient fence, their owners are to make it good.

It is further agreed that according to former orders, that all are to have their fences finished of their home lots, by the middle of the next month, or otherwise to stand the perill that may ensue.

It is agreed that none but inhabitants of the towne shall plant within the towns liberties without their consent.

Whereas, the freemen of Exeter have made choice of Mr. Richard Bullgar to be Leftenant of the band of soulgers in Exeter and presented to the Court holden at Exeter, d. 30, m. five, 1641, I, the ruler of said plantation, do ratify and confirm the said choice, and do further grant that the said Mr. Richard Bullgar shall be installed and confirmed Leftenant by the freemen, the next training day.

NICHOLAS NEEDHAM.



An order made by [the Court] at Exeter, d. 10th, m. 4th, 1641.

It is ordered that Goodman ———, shall allow the Indians one bushell of corn for their labor per ———, which was spent by them in re-planting of that corne of theirs which was spoiled by his corne, and he is to make up their losse at harvest, according as that corne may be judged worse than their corne which was now hurt.

Whereas the freemen of Exeter have made choice of Thomas Wardell to be Sargeant of the band of Souldiers in Exeter, and presented to the Court holden at Exeter, d. 30, month first, 1641, I, the ruler of the said plantation, do confirm the said choice, & do ——— rant that the Thomas Wardell shall be installed by the

the next training day.

NICHOLAS NEEDAM.

An order made at the Court at Exeter, the last day of June, 1641.

It is agreed upon that thar shall be none accusations divulged or spread abroad, of any person or persons, but what there be proved by the mouth of two or three witnesses, for they that shall so do shall be liable to the Court censure; this is not in point of damages but in point of slander in a mans good name.

Court at Exeter, m<sup>th</sup> 5, d. 10th, 1642.

The censure of the Court against Thomas Wright, for contemptuous or carriage and speeches against both the Court and the magistrate, for which he is to be fined 20s., and to pay all Court charges besides, and his liberty is to be taken away, as he is a freeman.

It is agreed that all manner of cattle are to have keepers a days, and are to be looke to at night & kept up; if any damage come to any, answerable satisfaction must be made.

It is further ordered by the Court, 6 d., 3 mon., 1643, that Thomas Wardell, William Winberne, Samuel Walker and Robert Reade, shall have liberty and authority to search the house or houses of any person within this jurisdiction, and to take into their custody [and make] sale of any such corne as they shall find in them which is more than the party or parties shall

have need of for their own families till harvest next; and provided that the parties above named make good pay for the said corn and as good a price as it is generally sold for in the River, and these parties to dispose of such corne sold by them, unto such poor people as stand in most need of it, for the best pay they can make, and at the same price which the parties above named buy it at.

At the Court holden at Exeter the 20th of the 8th month, 1642,

† Mr. Needham resigneth up his office of being ruler, and by the choise and approbation of the body of the towne, Mr. Thomas Wilson is established Ruler.

John Legate is chosen by the court to be Secretary to the Court, to keepe the booke and to enter all such actions as are brought and to have 12d. laid down at the entry of every action.

At the court holden at Exeter, the 7th day of the 9th mo. 1642.

Our honored Ruler, Mr. Thomas Wilson, doth give his approbation and confirms all those wholesome laws and orders which are here recorded, which were made in the time that Mr. Needham was ruler.

At the court holden the 5th of the 7th mo. 43, Christopher Lawson binds himself in the sum of ten pounds sterling unto the country to answer a presentment brought against him for extortion by William Cole, Tho. Wright, James Wall, William Wentworth and Tho. Pettit, and this to be answered by him at the next court which shall be holden for Exeter either here or elsewhere.

Corne spoyled by swine, it is ordered that James Wall shall have allowed to him 3 bushels of corn, George Rabone 3 bushels, Tho. Wright 1 bushell and a half, George Bartow 1 bushel, to be paid by John Bursley for leaving open a cart gapp, or by whom he can prove hath left it open, or hath been the cause of the leaving it open.

It is ordered that William Cole, Tho. Wiet and Tho. Wardell

shall pay unto Saml. Walker, Hen: Roby and Tho. Pettit, either of them a peck of corne for harm done to them by swine.

It is further ordered at the court holden the 5th of the 7th mo., 1643, that Tho. Biggs shall pay unto the Sagamore for taking away his net and hurting of it 5s.

It is further ordered that Tho. Biggs shall be whipt 6 stripes for taking away a scythe of Capt. Wiggons and other petty larcenies.

It is ordered that Will Cole and Robt. Smith shall oversee the farmes about the town and give warning to them whose fences are defective, and if they be not amended, the owners thereof to pay for any hurt is done through those fences.

At a town meeting, the 6th of the 2d mo., 1645.

At the meeting aforesaid, it is unanimously agreed upon that *Edward Colcord*, of Hampton, according to his desire made known unto us, is received an inhabitant among us, and there is given unto him for his accommodation, an Island lying between Lamprell River falls and Oyster River falls, with a large peice of meadow lying near the foot path to Oyster river, not far from the said island; and as much upland adjoining to the said meadow as may make it up one hundred acres, all which said lands and meadows we do give unto the said Edward, granting him as full title to it, as we may or can give him by virtue of our first purchase of those lands.

[Town meetings last of 10 mo., 1645, 5th of 12 mo., 1645, and 25th 3 mo., 1646.] Edward Hilton and Thomas King to purchase Mr. Wheelwright's house and land for Mr. Nathaniel Norcrosse.

A contract of several persons to pay their shares of the purchase of Mr. Wheelwright's house and land for Mr. Nathaniel Norcrosse, [to wit] Thos. Joanes, Robert Hethersay, Humphry Wilson, Abraham Drake, Nicholas Swaine, Robert Smith, John Cram, Thos. Pettit, Francis Swaine, Anthony Stanyan, Sam. Greenfield, John Smart, James Wall, Henry Roby, Nathl. Boulter, John Legat.

## H A M P T O N .

[The beginning of the settlement at Hampton may be learned from the following extracts from Massachusetts Colony Records, and other authentic documents. Hampton was claimed from the first to belong to Massachusetts' territory and jurisdiction. ED.]

1632, 3 October. Mass. Col. Rec., vol. 1, p. 100. Mr. Batchel<sup>r</sup> is required to forbear exercising his gifts as a pastor or teacher publicly in our pattent, unlesse it be to those hee brought with him, for his contempt of authority, & till some scandles be removed.\*

4 March. Vol. 1, p. 103. The Court hath reversed the last act against Mr. Batchel<sup>r</sup> which restrained him from further gathering a church within this pattent.

1635-6, 3 March. Vol. 1, p. 167. Ordered that there shall be a plantation setled at Wennicunnett, & that Mr. Dumer & Mr. John Spencer shall have power to presse men to builde a howse† forthwith, in some convenient place, & what money they lay out about it shal be repaid them againe out of the treasury or by those that come to inhabit there.

\* Rev. *Stephen Bachiler*, born about 1561, came to Boston in the William and Francis, 5 June, 1632; preached at Lynn; next year was free-man, 6 May, 1635; next year was at Ipswich, but in 1638 went to Newbury; in 1639 to Hampton, whence, in 1641, he was dismissed, and some time after may be heard of at Saco. Finally, in 1653-4, he went back to England, leaving his third wife, Mary, here, who prayed for a divorce in 1656, because he had gone to England and had taken a new wife. Mr. Bachiler's life was full of change and unhappy incidents. He must have been over 70 years of age when he arrived in this country, and about 92 when he returned. He died in 1660, at Hackney, near London. His history properly belongs to Lynn and to Hampton.

† This is the *bound house*. Its site is in Seabrook; is nearly half a mile north of the present line of Massachusetts, three miles north of the Merrimack. Its erection could be claimed either as an actual taking possession and occupation of the land more than three miles north of the Merrimack, or as a claim that their line extended to that point as events might render expedient, and it was doubtless so intended. The house was erected soon after. *S. D. Bell*.

1637, 2 November. Vol. 1, p. 206. The inhabitants of Newberry having bene moved to leave their plantation, they have granted them Winnacunnet, or any other plantation upon Merrimack, below the first falls, & to have sixe miles square, & those that are now inhabitants, & shall remove within one yeare, shall have three years imunity (as Concord hath), the three years begining the first of the first month next.

1638, 1 mo. Another plantation was begun upon the north side of Merrimack, called Sarisbury (now Colechester), another at Winnicawett, called Hampton, which gave occasion to some difference between us and some of Pascataquack, which grew thus: Mr. Wheelwright, being banished from us gathered a company and sat down by the falls of Pascataquack and called their town Exeter, and for their enlargement they dealt with an Indian there and bought of him Winnicawett, &c., and then wrote to us what they had done and that they intended to lot out all their lands into farms, except we could show a better title. They wrote also to those whom we had sent to plant Winnicowett, to have them desist, &c. These letters coming to the General Court, they returned answer, that they looked at this their dealing as against good neighborhood, religion and common honesty; that knowing we claimed Winnicowett *as within our patent, or as vacuum domicilium*, and had taken possession thereof by building an house there above two years since, they should now go and purchase an unknown title and then come to [inquire, deny] of our right. It was in the same letter also manifestly proved that the Indians having only a natural right to so much land as they had or could improve, so the rest of the country lay open to any that could and would improve it, as by the said letter more at large doth appear. *Winth. His. of N. E.* 348.

[See Boulter and Redman's deposition, *ante.*]

Under date 1639, 15, no month, perhaps June, the Court of Elections was held which was usually in May. "Those of Exeter replied to our answers, standing still to maintain the Indians right and their interest thereby. But in the mean

time we sent men to discover Merrimack and found some part of it about Pencook to lie more northerly than forty-three and a half, so we returned answer to them, that though we would not relinquish our interest by priority of possession for any right they could have from the Indians, yet seeing they had professed not to claim any thing which should fall within our patent, we should look no farther than that in respect of their claim."

1638, 8 June. Vol. 1, p. 231. It is ordered that the magistrates of Ipswich shall have power to discharge Mr. Eason and Mr. Geoffry from building at Winnacunnet, and if they will not take warning, to clear the place of them.

1638, 6 September. Vol. 1, p. 236. The court grants that the petitioners, Mr. Steven Bachiler, Christo. Hussey, Mary Hussey, *vidua*, Thom. Cromwell, Samuel Skullard, John Osgood, John Crosse, Samm. Greenfield, John Molton, Tho. Molton, Willi. Estow, Willi. Palmer, Willi. Sergant, Rich'd Swayne, Willi. Sanders, Rob't Tucke, with divers others, shall have liberty to begin a plantation at Winnacunnet, and Mr. Bradstreete, Mr. Winthrop, junior, and Mr. Rawson, or some two of them, are to assist in setting out the place of the towne, and apportioning the severall quantity of land to each man, so as nothing shall bee done therein without allowance from them or two of them.

1639, 6 June. Vol. 1, p. 259. Winnacunnet is allowed to be a town and hath power to choose a constable and other officers, & make orders for the well ordering of their towne & to send a deputy to the court & Christo. Hussey, Willi. Palmer and Rich<sup>d</sup> Swaine to end all businesses under 20 shs. for this year, the laying out of land to bee by those expressed in the former order.

1639, 6 June. Vol. 1, p. 261. Mr. Willi. Bartholomew was granted to have fourty shillings for his journey to Piscataque.

1639, 4 September. Winnacunnet shall bee called HAMPTON.

1639, 5 November. The Deputy Governor, Mr. Emanuell Downing and Capt. Edward Gibbons were appointed to treat with the three comittees from the towne of Dover upon Piscataque, with whom they did agree and certified the same.

1640, 13 May. P. 289. Mr. Edward Woodman, Mr. Willi. Paine and Mr. Thom. Nelson are appointed to viewe and settle the bounds between Hampton and Colchester and to make returne to the court.

P. 291. Willi. Haward is desired as a sergent to exercise the comp<sup>a</sup> at Hampton and John Crosse is appointed surveyor of the armes there.

P. 294. A rate for 1200*l*, ordered to bee paid at two months. The proportion for the rate agreed upon is, for Hampton £10:00.

P. 295. A committee appointed to value horses &c. For Hampton, both Goodman Moultons and Goodman Crosse.

1640, 7 October. P. 302. Wee, whose names are under written according to the order of the General Court, have taken viewe of the bounds of Hampton & Colchester\* according to o<sup>r</sup> best light, by o<sup>r</sup> discovery and from information of both the townes, wee judge it most equall that the line beginning at Hampton Ryver mouth, running from thence so as to have Mr. Bachiler's farm layde out in Hampton bounds, & from the southerlest line of Mr. Bachiler's farm the line to extend westerly between Colcester & Hampton, the same point of the compas that Merrimaek Ryver runes from the mouth to the end of Colchester bounds.

THOM. NELSON,  
WILLI. PAINE,  
EDWARD WOODMAN.

Septemb<sup>r</sup> 24, 1640.

\* Salisbury.

P. 307. For to take caption or cognisance, and to make replevies where any magistrate is, hee may do it, but in other townes these after named are appointed.

For Hampton, John Moulton.

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[The following paper, evidently in the hand-writing of Rev. Stephen Bachiler, and drawn up by him, is copied from the first book of records of the town of Hampton, and furnished to the editor, by Joseph Dow, Esq., of that place. The original is much defaced and worn out. The words included in [ ] and underscored are supposed to accord with the original. But [—] denote that the manuscript is illegible. ED.]

Memorandum, y<sup>t</sup> At the general court holden at Boston the seventh of the eighth moneth (called October) anno 1638 (Mr John Winthrop, Sen<sup>r</sup> being then governo<sup>r</sup>). It was granted unto Mr Stephen Bachiler & his company (who were some of them united together by church government) that according to their Petition (then exhibited) they should have a Plantation at Winnicunnet; & accordingly they were shortly after to enter upon & begin the same; only the power of managing the affaires thereof, was not then yielded to them but comitted by the Co<sup>r</sup>t to Mr [Bradstreet], Mr John Winthrop, Jun<sup>r</sup> & Mr Rawson, so as nothing might be done w<sup>th</sup>out allowance of them, or two of them.

Afterw<sup>rd</sup>s, to wit, on the 7th day of the 4th moneth, 1639, Winnicunnet (the Plantation being then in some forwardnes) was allowed to be a Towne, & had power to choose a constable & other officers, & make orders for the well-ordering of the Towne, & likewise to send a deputie to the court (at w<sup>ch</sup> tyme also Mr Christopher Hussey & two other of the freemen there were appointed to end all business under 20s), & respecting the laying out of land, it was left to the 3 gentlemen expressed in the former order.

Moreover on the [—] day of the [—] moneth, on motion of the then deputies, the power of [*disposing of lands*] & of managing all other the affaires of [*the Towne was*] comitted to the freemen there, [*the names of such*] as were then inhabiting here follow, viz: [Mr Stephen Bachiler] (Pastor), Mr Timothy Dalton (Teacher), [—] John Crosse, John Moulton, Willm.



Palmer, Philemon [*Dalton*], Willm. Wakefield, Wm. Eastow, Thomas Moulton, Richard [*Swaine*], Robert Tucke, Rob<sup>t</sup> Sanderson, Thomas Jones.

And further about the same tyme the said Plantation (upon Mr Bachilers request made known to the court) was named HAMPTON.\*

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Of the original or early settlers at Hampton, the follow-names are found :

Stephen Bachiler,	Thomas Molton,
Christopher Hussey,	William Estow,
Mary Hussey, widow,	William Palmer,
Thomas Cromwell,	William Sargeant,
Samuel Skullard,	Richard Swayne,
John Osgood,	William Sanders,
Samuel Greenfield,	Robert Tucke,
John Molton,	John Cross.

From the files of the ancient county of Norfolk, the late John Farmer, Esq., obtained "A Note of the families in Hampton, the first summer Mr. Bacheler came to Hampton." See *Farm. Belk.*, vol. 1, p. 21, note.

John Brown,	William Palmer,
Mr. Christopher Hussey,	Thomas Marston,
Edmund Johnson,	William Estowe,
Robert Tucke,	Lt. William Hayward,
Thomas Jones,	Isaac Perkins,
Robert Sanderson,	Francis Peabody,
James Davis,	Robert Caswell,
Richard Swaine,	John Cross,
Samuel Greenfield,	William Sargent,
Abraham Perkins,	Arthur Clark.
Philemon Dalton,	<i>The Second Summer.</i>
John Huggins,	Robert Page,
Jeffrey Mingay,	William Marston,
Thomas Moulton,	Joseph Austin,
John Moulton,	

\* Joseph Dow, Esq., of Hampton, has in preparation a manuscript History of that ancient town, which, it is hoped, will soon be published. It will contain records and facts of great value. ED.

Joseph Smith,  
John Philbrick,  
William English,

Walter Roper,  
Henry Ambrose,  
Widow Parker.

*Young men that had lots.*

William Wakefield,  
William Fifield,  
Moses Cox,  
Thomas King,  
Anthony Taylor,  
Thomas Ward,

Giles Fuller,  
William Saunders,  
Daniel Hendrick,  
John Wedgewood,  
Thomas Chase,  
William Fuller.

The number of families there, says Edward Johnson, was about sixty, and "they have 450 head of cattle." And "for the form of the town, it is like a flower-de-luce, two streets of houses wheeling off from the main body thereof; the land is fertile, but filled with swamps and some store of rocks; the people are about 60 families; being gathered together into church covenant, they called to office the reverend, grave and gracious Mr. Doulton, having also for some little space of time the more ancient Mr. Bachelor to preach unto them also."

"The first town meeting," says Mr. Dow (Hist. Address, 25 Dec., 1838), "of which any record remains, was held October 31, 1639. William Wakefield was chosen town clerk. The freemen, instead of proceeding to lay out the township into any definite number of shares, appointed a committee, whose duty it should be, for the space of one year, 'to measure, lay forth, and bound, all such lots as should be granted by the freemen there.' The compensation allowed this committee was twelve shillings for laying out a house-lot, and, in ordinary cases, one penny an acre for all other land they might survey.

"A vote was also passed, imposing a fine of one shilling on each freeman, who, having had due notice of the meeting, should not be at the place designated within half an hour of the time appointed."

Every public meeting was to "be opened and closed

with prayer by the moderator, unless one of the ministers was present, upon whom he might call to lead in that exercise."

"When any person was to speak in meeting, he was to do it standing, and having his head uncovered.

"When an individual was speaking, no other one was allowed to speak without permission; and no person was to be permitted to speak, at any meeting, more than twice, or three times at most, on the same subject.

"When any article of business had been proposed, it was to be disposed of before any other business could be introduced.

"Penalties were to be exacted for every violation of any of these rules."

In making grants of lands, "respect was had, partly to estates, partly to charges, and partly to other things;" hence "the principal men in the town, received grants of the largest tracts of land."

"It was voted that no manner of person should come into the town as an inhabitant, without the consent of the town, under the penalty of twenty shillings per week, unless he give satisfactory security to the town."

10th Dec., 1639. "Liberty is given to William Fuller, of Ipswich, upon request, to come and sit down here as a planter and smith, in case he bring a certificate of approbation from the elders."

8th, 10th mon., 1662. "It is acted and ordered, that henceforth no man shall be judged an inhabitant in this town, nor have power or liberty to act in town affairs, or have privilege of commonage, either sweepage or feedage, but he that hath one share of commonage, at least, according to the first division, and land to build upon."

"In the latter part of the year 1640, the town passed a vote, appropriating the meeting-house porch for a watch-house, till another could be procured."

ANCIENT  
DOCUMENTS AND RECORDS

RELATING TO NEW-HAMPSHIRE,  
SUBSEQUENT TO MASSACHUSETTS' JURISDICTION,

From 1641 to 1679.

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[NOTE. A considerable portion of the Papers which follow were first copied, under authority of the Legislature of New-Hampshire, 1827, by JOSHUA COFFIN, Esq., of Newbury, Mass., from the Massachusetts Colony Records, before they were printed. The papers thus copied by Mr. Coffin have been carefully compared with the printed Records, and revised by the Editor. They are designated by reference to the *volume* and *page* of the Manuscript from which copied, *at the end* of each paragraph. These papers, however, were found, on examination, to be only a part of those Records which relate to New-Hampshire; and the Editor has copied all else that could be found in the *printed* Records, placing the *date*, *volume* and *page* at the *beginning* of each paragraph.

Other valuable papers are herewith included, copied by the Editor from the Documentary Colonial History of New-York, and other sources to which he had access, all which are properly distinguished and credited. ED.]

1641, 2 June. Mass. Coll. Rec., vol. 1, p. 332.

Whereas the lords and gentellmen patentees of Dover & other tracts of land upon the ryver of Pascataque have passed a grant of the same to this Court, to bee forever annexed to this jurisdiction, with reservation of some part of the said lands to their owne use in regard of propriety, it is now ordered that the present Governor, assisted with 2 or 3 of the other magistrates, shall give comision to some meete persons to go to Pascataque, & give notice hearof to the inhabitants there, & take order for the establishing of government in the limitts of the

said patentees, & to receive into this jurisdiction, all other inhabitants upon the said river as may & shall desire to submit themselves thereunto.\*

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The 14th of the 4th mo. 1641.

Whereas some Lords, knights, gentlemm & others did purchased of Mr Edward Hilton, & of some merchants of Bristoll two pattents, one called Wecohannet or Hilton's point commonly called or knowne by the name of Dover or Northam, the other pattent set forth by the name of the south part of the ryver of Pascataquaek beginning at the sea side or near thereabout & coming round the said land by the river unto the falls of Quamscott as more fully appear by the said grant: And whereas also the inhabitants residing at present within the limitts of both the said grants have of late & formerly complained of the want of some good government amongst them & desired some help in this particular from the jurisdiction of the Mass Bay, whereby they may be ruled and ordered according unto God both in church & commonweal, and for the avoyding such insufferable disorders whereby God hath been much dishonored amongst them. Those gentlemen whose names are here specified, George Willis gent, Robt. Saltonstall gent, Will. Whiting, Edward Holliock, Thomas Makepeace, partners in the said pattent do in behalfe of the rest of the patentees dispose of the lands & jurisdiction of the premises as followeth, being willing to further such a good worke have

\* "The settlements on Piscataqua river and its branches were formed into distinct governments, so that there were existing at the commencement of this year, four separate republics, independent of each other; namely, Portsmouth, Kittery, Dover, and Exeter." *Ad. Ann. Ports.*, p. 28.

Winth., 2 vol., p. 34, 1641. "Mr. [Hugh] Peter and Mr. Dalton, with one of Acomenticus, went from Paseataquaek with Mr. John Ward, who was to be entertained for their minister; and though it be but six miles, yet they lost their way, and wandered two days and one night without food or fire in the snow and wet. But God heard their prayers wherein they earnestly pressed him for the honor of his great name, and when they were even quite spent, he brought them to the sea-side, near the place where they were to go to—blessed forever be his name."

heaby for themselves & in the name of the rest of the patentees given up & set over all that power of jurisdiction or government of the said people dwelling and abiding within the limitts of both the said pattents unto the government of the Massachusetts Bay, by them to be ruled & ordered in all causes criminall and civill as inhabitants dwelling within the limitts of the Massachusetts government & to be subject to pay in church & commonweale as the said inhabitants of the Massachusetts bay do & no other. And the freemen of the said 2 pattents to enjoy the like liberties as other freemen do in the said Massachusetts government, & that there shall be a court of justice kept within one of the 2 patents, which shall have the same power that the courts of Salem & Ipswich have, Provided always, & it is hereby declared that one of the said pattents, that is to say that on the south side of the ryver of Pascataquaack, & in the other pattent one third part of the land with all improved land in the said pattent to the lords & gentlemen & other owners shall be & remain unto them, their heirs & assigns forever as their proper right & as having true interest therein saving the interest of jurisdiction to the Massachusetts, and the said pattent of Weeohannett shall be divided as formerly is exprest by indifferent men equally chosen on both sides, whereby the plantation may bee furthered & all occasions of differenees avoyded.

And this honored court of the Massachusetts hearby promise to bee heelpful to the maintenanee of the right of the Pattentees in both the said Pattents in all the legall courses in any part of their jurisdiction.

Subscribed by the fore named gentlemen in the presence of the general court assembled the day afore written. C. Rec., vol. 1, pp. 304 and 5.

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Whereas the lords & gentlemen patentees of Dover & other tracts of land upon the river of Pascataque have passed a grant of the same to this court to be forever annexed to this jurisdiction with reservation of some part of the said lands to their own use in regard of propriety. It is now ordered that the present Governor assisted with 2 or 3 of the other magis-

trates shall give commission to some meete persons to go to Piscataque and give notice hereof to the inhabitants there & take order for the establishing of government in the limmits of the said Patentees & to receive into this jurisdiction all other inhabitants upon the said river as may & shall desire to submit themselves thereunto. C. Rec., vol. 1, p. 311.

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*Declaration of John Allen, Nicholas Shapleigh and Thomas Lake, respecting the Dover and Swampscot Patents.*

[From Far. Belk., App. No. 15, p. 435.]

The General Court ordering that the petitioners, John Allen, Nicholas Shapleigh and Thomas Lake, might make a brief declaration of their right in the two patents, Swampscot and Dover (November, 1654).

We humbly present to this honored court as followeth :

1. That Mr. Edward Hilton was possessed of this land about the year 1628, which is about 26 years ago.

2. Mr. Hilton sold the land to some merchants of Bristol, who had it in possession for about 2 years.

3. The Lord Say, the Lord Brook, Sir Richard Saltonstall, Sir Arthur Haslerigg, Mr. Bosville, Mr. Wyllys, Mr. Whiting, Mr. Hewett and others bought the said land of Bristol merchants and they have paid £2150. *They being writ unto by the governor and magistrates of the Massachusetts, who encouraged them to purchase the said lands of the Bristol men, in respect they feared some ill neighborhood from them, as some in this honored court may please to remember.*

4. The lords and gentlemen engaged the said land (so purchased) about 9 years, and placed more inhabitants at Dover, some of which came over at their cost and charges, and had their several letters set forth unto them.

5. The 14th of the 4 mo. 1641, Mr. Wyllys, Mr. Saltonstall, Mr. Holyoke and Mr. Makepeace, for themselves and partners, put the said patent under the government of the Massachusetts, reserving  $\frac{1}{2}$  of Dover patent, and the whole of the south part of the river, to the lords and gentlemen, and the said Court confirmed the lands on them, their heirs and assigns

forever, as by the said contract fully appears, the 14th 4 mo. 1641, and the  $\frac{2}{3}$  of Dover patent should remain to the inhabitants of Dover.

6. The 7 mo. 1642, Mr. Samuel Dudley and others were appointed by the court to lay out the limits of Dover according to the agreement with Mr. Whiting and company, and that nothing be done to the prejudice of Mr. Whiting and company appears by the court record 7 mo. 1642.

7. The 7 mo. 1643, the marsh and meadows in the great bay, and 400 acres of upland was granted to Dover, reserving the right to the proprietors.

Now we humbly pray this honored court to take into consideration, that this additional grant to Dover was 2 years and 3 months after your contract with Mr. Whiting and company, and 15 years after the owners had purchased and possessed it, during which time, the whole patent was twice sold and several parts also, and also it was enjoyed by the owners 13 years before the honored court challenged any interest in the said land by the extent of your patent. And that this honored court will be pleased to grant a division of the said lands according as you have formerly ordered.

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A General Court held at Boston the 9th day of the 8th month 1641.

Whereas it appeareth that by the extent of the line (according to our patent) that the ryver of Pascataquaack is within the jurisdiction of the Massachusetts & conference being had (at severall times) with the said people & and some deputed by the Generall Court for the setteling and establishing of order in the administration of justice there. It is now ordered by the Generall Court holden at Boston the 9th day of the 8th month 1641, & with the consent of the inhabitants of the said ryver as followeth :

*Imprimis*, That from henceforth the said people inhabiting there are and shall be accepted & reputed under the government of the Massachusetts as the rest of the inhabitants within the said jurisdiction are.



Also that they shall have the same order and way of administration of justice and way of keeping courts as is established at Ipswich & Salem.

Also that they shall be exempted from all publique charges other than those that shall arise for, or from among themselves or from any occasion or course that may be taken to procure their own particular good or benefit.

Also they shall enjoy all such lawfull liberties of fishing, planting felling timber as formerly they have enjoyed in the said ryver.

Mr Symon Bradstreete, Mr Israell Stoughton, Mr Samuel Symonds, Mr Willi. Tyngge, Mr Francis Williams & Mr Edward Hilton or any four of them, whereof Mr Bradstreete or Mr Stoughton to bee one these shall have the same power that the Quarter Courts at Salem and Ipswich have.

Also the inhabitants there are allowed to send two deputyes from the whole ryver to the Court at Boston.

Also Mr. Bradstreete, Mr Stoughton and the rest of the commissioners shall have power at the Court at Pascataquack to appoint two or three to joyne with Mr Williams & Mr Hilton to govern the people as the magistrates do here till the next Generall Court, or till the Court take further order.

It is further ordered that untill our commissioners shall arrive at Pascataquack, those men who already have authority by the late combination to govern the people there shall continue in the same authority & power to bee determined at the coming of the said commissioners & not before. C. Rec., vol. 1, pp. 319, 20.

Dec. 10th, 1641. Mr Wiggin, Mr Warnerton & Mr Gibbens were joyned in commission at Pascataque by our commissioners which were sent to them which this court doth confirm untill further order be taken.

It is ordered that in every towne one shall be appointed to grant summons & attachments in all civil actions, & attachments are to be granted when the party is a stranger, not dwelling amongst us, or for some that is going out of our jurisdiction, or that is going about to make away his estate to defraude his creditors, or when persons are doubtfull in their es-

tates to the plaintiff & the same persons to grant replevy, and when they grant any replevy, they are to take bond with sufficient security (of the party that desireth the replevy) to prosecute the suite, & they are to have for warrants 2d. a peece, for a replevy on attachments 3d. a peece and for bands 4d. a peece. These are to be directed to the constables in townes where is no marshall, the same party to grant summons for witnesses for Hampton, Willi. Wakefield is appointed for Salisbury &c.

These have power to serve out proces to any town & to bee called Clarkes of the writtes, these are chosen for a yeare, & till new bee chosen in their roomes, the marshalls fee for a replevy or attachment to bee 12d. & where no constable is a magistrate may direct a warrant to some one for the present—These orders are to take effect at the Quarter Court in the first month next & in the mean time the magistrates are to grant warrants for summons.

It is ordered that every marshall should have sixpence out of every action during the pleasure of the Quarter Court.

1642, 3 May. Vol. 2, p. 5.

Commission is granted to Capt. Wigen Mr Edward Hilton, Mr Warnerton & Mr William Walderne to bee assistant to such of the magistrates or others as shallbee sent either by this Co't or by agreement & order of the magistrates, or the greater number of them, to keep Co't at Pascataqua & out of Co't to see to the preserving of the peace & to have and exercise such power within our limits at Pascataqua, as any one magistrate of this jurisdiction usually doth & lawfully may exercise out of Co't; this comission to continue till this Co't take further order, & that it shallbee in the power of any Co't there to admit & swear freemen, so they bee qualified according to law so as there bee one of the magistrates at the least present, & an oath shallbee given to the said associates for the discharge of the duty of their place.

14 June, 1642. 2, p. 10.

William Haward is appointed to grant sumons, attachments, & replevies in Hampton in place of Willi. Wakefield.

Willi Haward, John Crosse & James Davis are appointed to end small businesses in Hampton under 20 shs.

Capt. Wiggen his comission for Pascataque is extended to Hampton.

II, p. 14.

A comittee appointed to levy and proportion a rate of 800£, which they agreed as followeth—For Hampton 05.

II, p. 16.

It was ordered that Mr Rich<sup>d</sup> Bellingham & Mr Symon Bradstreet should go to Pascataque & keepe a court there with the comissioners then chosen & they two to bee of the quorum, so as no court to bee kept without one of them.

Capt. Gibbens was appointed to gratify the Indians wch were implied [employed?] by us, being sent to Passaconaway. Mr. Saltonstall & Mr. Bradstreete were desired to gratify him whom they implied.

An order was sent to Left. Greenleefe, or in his absence to Mr. Woodman, for sending home the Indian woman & child from Newbery, & to send to Passaconaway for satisfaction.

Willi. Hilton; Willi. Waldern; Edwa. Colcote, have authority to end differences under 20 sh<sup>s</sup>. Mr. Francis Williams is joined an associate at Piscataqua.

1642, 8 September. II, p. 26.

A Division made of Gunpowder to the several towns — the proportion of Hampton 1 barrell.

Memoranda. That Hampton & Newbery had each of them a barrell before, which they are to allow for, besides the barrell which is now alowed to each of them by this order.

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A General Court at Boston the 8th of the 7th mo. 1642.

It is ordered that all the present inhabitants of Pascataquack, who formerly were free there shall have liberty of freemen in their severall townes to manage all their towne affairs & shall each town send a deputy to the General Court though they be not at present Church members. C. Rec., B. 2, p. 23.

It is ordered that the associates at Pascataque shall have power to try any cause under £20, though no other be sent to them. C. R., p. 25.

The inhabitants of Northam upon their petition are granted the liberty which other townes have, & Mr Samuel Dudley Mr Wi. Paine, Mr Winslow & Mathew Boyes are to settle their limitts. Wee think wee are bound to defend their right according to our agreement with Mr Whiting & his company so as nothing bee done to the prejudice of Mr Whiting & company till the matter be decided. They shall have a barrell of powder delivering dry fish for it at Boston by agreement with the surveyar generall.

The difference between this Court & Mr. Whiting with his company ——— committed to 3 or 4 of the magistrates about Boston to take some course for the speedy determining of it as they shall thinke fitt. C. R., p. 26.

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*“Copies of Deeds left by Mr. Scammon of and about Shrewsbury Men's Interest in Quamscott.”*

Sept. 13, 1642.

To all Christian people to whom this present writing shall come, I, Thomas Larkham, Pastor of the church at Northam in Piscataquacke in New-England greeting, Whereas I, the said Thomas Larkham with divers others have an adventure or stock in the Patents and plantation of Pascataquacke granted, sold, assigned & sett over by one Obediah Brewer of Cape Anne alias Gloucester in New-England aforesaid, to the proper use of me my executors & administrators and assignes, which was granted, sold, assigned & sett over unto the said Obediah Brewer by Richard Percivall now or heretofore of Shrewsbury in Old England as by a writing of sale drawne by Richard Percivall above named bearing date the 22nd of October 1635 Annoque regis Caroli undecimo more at large it may & doth appeare, approved by Richard Hunt, Thomas Wingfield, Thomas Knight & other adventurers and partners in the above mentioned Patents & plantations as by a writing bearing date the 4th of May anno Dom. 1640 appeareth. Now know yee that I the sayd Thomas Larkham for & upon

a certaine valluable some of money by me received of William Walderne & for divers good causes & considerations me thereunto moving, Have given, granted, bargained, sold, assigned & sett over & by these presents doe fully grant bargaine, assigne & sett over unto the aforementioned William Waldern to his own proper use & to the use of his executors, administrators & assignes all my said adventure or stock by me bought as aforesaid & all the produce & increase by me also bought as aforesaid and all sith hence coming of the said Adventure & stocke to receive, perceive, take & enjoy the premises to me granted & every part to the said William Waldern his executors, administrators & assignes, together with all such writings as concerne the same.

In witness whereof I have put to my hand & seale this thirteenth day of September Anno Dom. 1642.

THOM. LARKHAM. \*  
(a seale.)

Sealed & delivered in presence of

WILLIAM BALLEW,

PHILLIP <sup>sig.</sup> X CHESLIN.

That this a true Copy Compared with its original left on file & in its stead left to remayne on file. Attestes.

∴ EDW. RAWSON Secretary,  
RICHARD SCAMON.

Know all men by these presents that we, whose names are subscribed partners in the plantation of Pascataquacke in

\* Winth., Vol. 2, p. 79, 1642. "At this general Court appeared one Richard Gibson, a scholar, sent some three or four years since to Richman's Island to be a minister to a fishing plantation there belonging to one Mr. Trelawney [Tretaway?] of Plimouth in England. He removed from thence to Pascataquack, and this year was entertained by the fishermen of the Isle of Shoals to preach to them. He, being wholly addicted to the hierarchy and discipline of England, did exercise a ministerial function in the same way, and did marry and baptise at the Isle of Shoals which was now found to be within our jurisdiction." Gibson got into trouble by a controversy with Larkham of Dover, scandalising the Massachusetts government, denying their title, &c.—he was committed to the marshal; but soon after left the country.

New-England are acquainted with a writing drawn by Richard Percivall of Shrewsbury, Draper, wherein he doth upon just & valluable considerations devolve all that adventure, which he the said Richard Percivall hath in the aforesaid plantation according to the writing expressed unto Obediah Brewer of the same towne of Shrewsbury draper & to his executors, administrators & assignes, and to his & their propper use & behoofe forever without giving any account unto the said Richard Percivall or to any other in his behalf.

We doe also approve of this act passed by bill of sale betwixt the said Percivall and Obediah Brewer & doe willingly accept of the said Obediah Brewer as partner with us in the roome of the said Richard Percivall according to the proportion expressed in the said bill of sale under the hand & seale of the said Richard Percivall.

In witnes whereof we have put to our hands this 4th day of May 1640, Anno Dom. 1640.

RICHARD HUNT,  
THO. WINGFIELD,  
THO. KNIGHT,  
THO. HUNT,  
WILLIAM ROWLEY.

11 June 1666 That this is a true copy compared with the originall then on file & left in its stead as attests—Edw. Rawson Secretary.  
Richard Seamon.

Indorsed was the following — “Copies of Deeds left by Mr Seamon of & about Shrewsbury men’s interest in Quamscott, 1642,”

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27 September. C. R., p. 32.

It was ordered, that the elders should be desired to take the case of the inhabitants of Strawberry Banek into their consideration, & affoord their help for providing a minister for them.

The petition of Mr. Wheelwright if hee himself petition the Court at Boston, they shall have power to grant him safe conduct.

The inhabitants of Northam, upon their petition, are granted the liberty w<sup>ch</sup> other townes have ; and Mr. Samu. Dudley,

Mr. Wi. Paine, Mr. Winslow, & Mathew Boyse are to settle their limits.

We think we are bound to defend their right according to o<sup>r</sup> agreement with Mr. Whiting & his company so as nothing bee done to the prejudice of Mr. Whiting & comp. till the matter be decided.\*

The difference between this Cor<sup>t</sup> and Mr. Whiting w<sup>th</sup> his company is comitted to 3 or 4 of the mag'rates about Boston, to take some course for the speedy determineing of it, as they shall thinke fitt.

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*Hampton Petition, 1643.*

Mar. 7, 1643.

To the Right Worshipfull the Governor and Deputie Governour with the rest of the worshipfull Counsell & assistance & Deputies now assembled at this general Court houlden in Boston this 7th day of the first month 1643.

The humble petition of part of the Brethren and most of the inhabitants of Hampton, Humbly showeth that whereas William Haward of the same (towne) Towne was heretofore chosen by part of the towne to be our Leader for present & for Triall of his sufficiencie, who afterward as it is reported by some that he was established for a lief tenant over us without our knowledge or desires & hath so continued about the space of 3 years in all which time we find not that we have profited by him so much in military knowledge or practis as we might had not many defects of his hindred us in these respects, first in training your worships pittioners in the winter season the snow being very depe & the weathar percinge coulde that our trainings was to littel purpos; secondly when the weathar was warme we are Employed in some towne business of another nature the most parte of the day in repect whereof we your worships pititners doe find ourselves very unfitt for the

\* William Whiting was a wealthy merchant; probably came over in 1633 with Capt. Wiggan; and was agent for Lords Say and Brook, at Swamscott. He afterwards went to Hartford, Conn., in 1637, was of the House of Representatives; in 1641 an Assistant, and Treasurer of the Colony from 1643 till his death, in 1647.

searvice of the country, nor dare we Comfortably committ our lives under his Conduction if in ease we should be Couled to present sarvis in defence of this Honred state, which we your worships pittioners in all humble dutie are bounden unto. Further more your worships pittionars doth inform your worship that William Haward being deputie for our towne about two years since Received one barrell of gunpowder for the townes use in case of presant danger at which time he told us that it was an order of Court that whosoever would bring him as much Corne as comes to two shillings he should have from him a ticket under his hand to excuse from the Clarks fine, which is that any one that hath not one pound of powder in his howse is liable to pay ten shillings; but when enquiry was made of other deputies concerning the truth of this thinge, but we found it otherwaies, then he informed us, & we did certifie him thereof, but he gave us provoking speches, & charged all that should say that it was not a Court order to be liars tho' some of the deputies had formerly tould us that it was no Court acte. May it therefore please your worships to redress these our aggrievances & to make choyse of some other Leder for us and your pittianers shall pray.

James Daves, senior,	Christephor Husey,
Thomas Mastine,	John Woden,
Moses Cox,	William Mastine, Sen.,
Robart Tuck,	William Marsten, Jun.,
James Daves, Jun.,	Thomas Lovet,
Edmund Jonson,	Anthony Taylor,
Richard Swayne,	William Huntington,
William Sanborne,	Geyles Fullar,
Will. Fifield,	Steven Sanborn,
Thomas Jons,	John Daves,
John Hugins,	John Sanborn,
Francis Swayne,	Aquilia Chase,
Jeffrey Mingey,	Richard Knight,
Nicholas Swayne,	Edward Tucke.
John Browne,	

Upon hearing of both sides being 16 or 17 witnesss on the complainant's pte. we found that the greater pte. of the trayned band was much prejudiced ag<sup>t</sup> their Officer that lead them, who



gave satisfactorie answers to all the materiall things that were objected, yet if the Court please to desire Capten Denison to exercise them some time with their new officer, whereby we hope after a while their spirits may close again.

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May 8th.

“Pascatt. May the 8th 1643. Francis Williams &c. Power of Attorney, 1643.”

We the Inhabitants of the Lower end of Pascataquack, have constituted and appointed Mr. James Parker,\* our dear & much respected friend to be our Deputy to attend the service of the Generall Courte & and there to continue until the sayde Court is ended or Lawful dismission from the same, for & in the behalfe of the Inhabitants aforesaid, because in the state we now stand we know not whether any of us may be admitted to a Deputy in the General Courte, therefore we humbly intreat that for this time Mr James Parker, notwithstanding his function and relation to us, may manage our affairs at the Generall Courte. In the name of the Inhabitants.

FRANCIS WILLIAMS,  
THOMAS WANNERTON.

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May 10.

A Generall Court of Elections held at Boston the 10th day of the 3rd mo. 1643.

It is ordered That Mr Deputy, Mr Saltonstall, Mr Bradstreete, Mr Symons, or any two of them should go, & keepe

\* Winth., vol. 2, p. 111. “Those of the lower part of Pascataquack invited one Mr. James Parker, of Weymouth, a godly man and a scholar, one who had been many years a deputy for the public court, to be their minister. He, by advice of divers of the magistrates and elders, accepted the call, and went and taught among them this winter [1642. 10], and it pleased God to give great success to his labors, so as above 40 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 earnestly desiring that Mr. Parker might be settled amongst them. Most of them fell back again in time—embracing this present world.”

Court at Pascataque. Mr Williams, Capt. Wiggen & Mr George Smyth to assist them & to be Commissioners there, & Capt. Wiggen's authority is appointed to extend to Hampton as before.

The forenamed Commissioners have liberty to keep Courts for small causes as before.

And two bigger Courts are to be kept there the one between the English and Indian harvest and the other in the Spring.

The gentlemen that keep Court at Pascataque are desired to view the ground in question, & see if they can compose & settle things between Dover & Strawberry bank, & if they cannot, to certify the Court how they find things. C. R., p. 29.

2, p. 37. May 10.

Mr Wheelright had safe conduct granted & liberty to stay 14 dayes, so it bee within 3 months next ensuing.

Exetter petition was answered being it fell within our patent, the Court took it ill they should Capitulate with them. C. R., p. 29.

[The petition above mentioned is not on file. A fragment, however, remains, containing the following names: Tho. Rashleyghe, Rich. Bullgar, William Wenbourne, Thomas Wardell, Samewell Walker, Christopher Lawson, John Legat, Henry Roby, William Cole, Thomas Pettit, Robart Smith, John Cram, Rob. ———, Abraham Drake, William ———.]

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P. 14.

For the setlinge of the Rightes & Bounds of Dover, these things are presented to consideration.

1st. Swamscoate patent hath but one of y<sup>e</sup> Lords of y<sup>e</sup> Counsell his hande set to it whereas y<sup>e</sup> other Patent hath the handes of all y<sup>e</sup> Lords.

2. The Patent of y<sup>e</sup> Massachusetts is of elder date then these Patents, as was confessed by Capt. Wiggen in y<sup>e</sup> Courte.

3. In case y<sup>e</sup> Patents were equall yet the end of them being to plant y<sup>e</sup> English nation, there is no reason that by occasion of them any of them should be planted or put to pay rent.

4. Dover is taken under the government of y<sup>e</sup> Massachusetts, as falling within y<sup>e</sup> extent of their Patent which is (as above said) more ancient then the other Patents.

5. Dover in their cominge under y<sup>e</sup> government of y<sup>e</sup> Massachusetts had y<sup>e</sup> grant of y<sup>e</sup> same Liberties which other townes in y<sup>e</sup> Jurisdiction have, and therefore have y<sup>e</sup> Liberty of havinge a Townshipp as other Townes have.

6. The Court in their aggreement with y<sup>e</sup> Patentees allowed them noe Grant, but whereas they reserved to themselves such and such portions of land y<sup>e</sup> Court only promised to maintaine their just Rightes.

7. In another Act of y<sup>e</sup> Court it was concluded that in case y<sup>e</sup> Patentees would not accommodate y<sup>e</sup> Inhabitants with land y<sup>e</sup> Courte would hold themselves freed from ingagement of any Covenant made with them.

[The above is copied from a paper in the hand-writing of Gov. Wentworth, and is without date.]

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May 10th.

The whole plantation within this jurisdiction is divided into four shires, to wit, Essex, Middlesex, Suffolk, and Norfolk, [which latter contains] Salsberry, Hampton, Haverill, Exetter, Strawberry banke. C. R., p. 30, vol. 2.

7th day of 7th mo.

Warrant was ordered to bee sent to Dover to redresse their two mistakes of sending a new deputy & sending an imperfect number of males from 16 year ould to 60 years.

Edward Starbuck is fined for 3 weeks absence 40s. It was ordered that an admonition should be sent to Dover for sending a new deputy without leave, or new summons, & not allowing meanes to the former deputy, whereby he was hindered from cominge.

John Saunders for his mutines and offensive speches is fined £5 & enjoined to acknowledge his fault at Hampton. C. Rec., vol. 2, p. 32.

*Exeter Petition.*

To the Right Worshipful, the Governor, the Deputie Governor and the Magistrates with the assistance and deputyes of this honored Courte at present assembled in Boston.

The humble petition of the inhabitants of Exeter who do humbly request that this honored Court would be pleased to appoint the bounds of our Towne to be layed out to us, both towards Hampton & also downe the River on that side which Capt. Wiggons his farm is on, for he doth Clame all the land from the towne downwards, on the one side, & Hampton on the other side doth clame to be neere us, that we shall not be able to subsist to be a Towne except this honored Court be pleased to releve us. And we suppose that Capt. Wiggons his farme and a good way below it, may well be laid within our Township if this honored Court so please.

Also we do humbly crave that the Court would be pleased to grant that we may still peaceably enjoy thouse small quantity of meddows, which are at Lamperell River that Dover men now seeme to lay clame to, notwithstanding they know we long since purchased them & allso quietly possesst them with their consent.

Likewise we do humbly request that this honored Court would be pleased to establish three men among us to put on Ishew to small differences amongst us, & one to be a Clarke of the writes, that so we might not be so troublesom to the Courts for every small matter. The three men which we desire the ending of Controversies are Anthony Staniean, Samuel Greenffeld & James Wall, & we do desire that John Legat may be the Clarke of the writes. Thus leaving our petition to your Judicious Consideration & yourselves to the Lord, we rest and remaine ever ready to do you our best service.

Samuell † Greenfield  
 Anthony Stanyan  
 Thomas Wight  
 Nathaniel Boulter  
 John ) Tedd  
 Robert Hethersay  
 John Legat

Henry Robie  
 Richard Carter  
 William M——  
 James Wall  
 Humphrey Willson  
 Ralph Hall  
 John × Bursley

Abraham Drake  
 Thomas § Joanes  
 Nicholas Swaine  
 Thomas † King

Francis Swaine  
 John Davis  
 Ballthazer Willis  
 John Smart.

In answer to this petition wee conceeve it meete that the 3 men mentioned therein shall be authorized according to their request & a committee appointed to lay out their bounds next to Hampton & so round about them, provided there is no intrenching on the bounds of the Pattent of y<sup>e</sup> Lords & gent. menconed in the pattent of Swampsecoat or any grants formerly made to Dover by this Court, & that John Legat be Clarke of the writts there. The deputies desire our honored magistrates concurrence herein.

EDWARD RAWSON.

The magistrates doe consent herein & doe nominate Mr Samuel Dudley, Mr Rawson, Mr Carleton, a committee for the laying out the bounds, & if the Deputies shall approve of them.

JO. WINTHROP Gov.

Consented to by the Deputies,

EDWARD RAWSON.

[The foregoing petition has no date except 12 (3), which is May 12 —.]

Sept. 7th.

Whereas Excetter is found to be within our patent, upon their petition they were received under our government, and Mr Willi Paine, Mathew Boyes & John Saunders are appointed to settle the bounds between Hampton and Excetter within two months.

Willi. Wenborne is chosen clarke of the writts at Excetter. Willi. Wenborne, Robt. Smyth & Thom. Wardall are to end small businesses at Excetter.

It is ordered that till the next Gen<sup>l</sup> Court, & till the court taken further order, Excetter <sup>causes</sup> <sub>occasions</sub> shalbee tryed at Ipswich.

II, p. 45.

Willi. Pomfret is appointed in Edw<sup>d</sup> Colcots place to assist in ending small causes at Dover.

Sept. 19.

Whereas it appears to this court that the commissioners appointed to lay out the bounds between Dover & Strawberry banke did not consider the said Strawberry bank as a towne, nor soe exactly viewed the land on that side the ryver as was needfull & thereupon laid out certain lands to Dover, which is most convenient for Strawberry bank, & some lands to Strawberry bank which is most convenient for Dover, so acknowledged to bee by one of the said Commissioners in this present court.

It is therefore finally ordered that all the marsh and meadow ground lying against the great bay on Strawberry bank side shall belong to the towne of Dover together with 400 acres of up land ground adjoining & lying nere to the said meadow to bee layd out in such a forme as may be convenient for the improving & fenceing in of the said meadow, the remainder of the said ground to belong to Strawberry bank, reserving the due right to every one that hath proprieties in the same.

Willi. Estow is appointed in the room of John Crosse to assist in ending small causes at Hampton.

Strawberry bank is granted Mr Knowles his purchase, paying the £30 to the courts satisfaction. P. 35, C. R.

17 October, 1643. P. 50.

Mr John Wheelright is granted a safe conduct if hee shall desire it, to come to the next court.

7 March 1643-4. P. 62.

Anthony Em'y, of Dover, his petition is referred to the next court at Dover & hee is allowed liberty to draw out his wine in the meane time.

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March 7, 1644.

Strawberry bank is granted to have a barrell of powder paying for it in dry fish, & Dover is to do for the barrell granted formerly to Northam.

It was declared that the former commission to the gentlemen appointed to keep court at Pascataque is of force still &

those gentlemen were desired & Mr Bellingham with them, that they or some two of them would repair thither with all convenient speed to keep court there, & it is desired that Mr Bellingham & Mr Saltonstall would perform it this time. C. Rec., vol. 2, p. 44, 45.

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Upon hearing the difference of a considerable part of the train band in Hampton & their now Lieut. Willi. Haward, the court not finding any just cause to remove him out of that office, yet upon his desire, & our care for reconciling brethren & for the furtherance of the service intended, this court doth order that Capt. Denison shall have liberty and power to exercise the said company, when he shall be desired, yet so as Lieut. Haward shall not be excluded, & we do require & shall expect that the company will cheerfully attend that service under the command of them both in such manner as they both shall both see cause to order it. C. Rec., p. 45.

Dover petition &c. the gentlemen who are desired to keep the court at Pascataque are desired to view & examine the complaint & to certify the next court. C. Rec., p. 46, 47.

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The 29th of the 3d mo. a 1644.

At a General Court of election held at Boston.

Mr Bellingham, Mr Saltonstall & Mr Symonds are appointed a committee, & have full power to heer & determine all businesses at Hampton both about their differences, offences & a new plantation according to their several petitions. C. Rec., p. 51.

Whereas it appears to this court that some of the inhabitants of Excetter do intend shortly to gather a church & call Mr Bachiler to be their minister, & forasmuch as the divisions & contentions which are among the inhabitants there are judged by this court to be such as for the present they cannot comfortably & with approbation proceed in so weighty & sacred affairs. It is therefore ordered that direction shall be fourth-

with sent to the said inhabitants to deferr the gathering of any church or other such proceeding, until this court or the court at Ipswich (upon further satisfaction of their reconciliation & fitness) shall give allowance thereunto. C. Rec., p. 52.

29 May 1644. Vol. 2, p. 67.

It is ordered, that Mr Wheelright (upon a particular, solemn & serious acknowledgment & confession by letters, of his evill carriages, & of the courts justice upon him for them) hath his banishment taken of, & is received in as a member of the comon wealth.

May 29. C. Rec. 2, p. 73.

Passaconaway and his sonnes offering and desiring to come under this government, according to such articles as Cutshamache & others have formerly been accepted, they were accepted, & he & one of his sonnes subscribed the articles, & he undertooke for the other.

June 12, 1644.

By order of the last General Court wee underwritten were appointed to heare & (determine) examine the case concerning a certain quantity of land in question between the town of Dover one the one side, & the inhabitants of Strawberry banke. In which case having spent much time, & given a free & full hearing to the parties aforesaid, we find as followeth :

1. That the inhabitants of Strawberry banke do affirme they cannot make a towne without the land in question. Also on the other side it is affirmed by the church & towne of Dover, that they cannot continue & subsist, as a church or towne without the land in question, so that this argument taken from the necessity of having & enjoying the land in question lieth equall & in common to them both; under this head many things were pleaded which wee cannot ground upon, unless we had viewed the bounds belonging both to Strawberry banke & Dover.

Secondly, we find it the earnest desire of the inhabitants settled upon the land in question, that they may belong to Dover, in which desire of the inhabitants aforesaid there are two things considerable, 1st that their accesse to the ordinan-



ces at Dover is much more easy and convenient then at the other place; 2dly that many of the inhabitants aforesaid are now members of the church at Dover.

Thirdly, we find that the land in question hath been a long time planted & possessed by Dover without any interruption or opposition made against them, excepting only what was done by Capt. Neale, whose proceedings therein were illegall & injurious as is affirmed by Capt. Wiggins.

4. Fourthly the inhabitants of Dover do pleade that the lands in question ought not to be taken from them by the Generall Court, being theirs by purchase of the Indians, & possession as aforesaid, & because in the articles of their submission to this government (they say) their right in this & other cases is expressly reserved.

RICH. BELLINGHAM,  
RICH. SALTONSTALL.

12th 4th 1644.

It was ordered that this returne of the commissioners be entered & that the land in question between Dover & Strawberry bank be layd to Dover. C. Rec., p. 55.

11 June, 1644. Vol. 3, p. 7.

It is ordered, that in answer to the petition of Cristopher Hussie, & 18 others of the inhabitants of Hampton, that Mr Bellingham, Mr Saltonstall & Mr Broadstreete are a comittee chosen to examine & to judge of the differences between the inhabitants of Hampton. The same answer is likewise given to two other peticons from y<sup>e</sup> inhabitants of y<sup>e</sup> same towne uppon y<sup>e</sup> same differences.

Vol. 3, p. 8.

It is ordered, in answer to Lifte<sup>te</sup> Howards peticon, that his charges alowed him, to bee pd him by the towne of Hampton, bee forborne untill the foregoing comittee of magistrates doe end the differences betweene the inhabitants of the said towne.

It is ordered, in answer to the peticon of the towne of Exeter, that Sam'll Greenefield is denyed to drawe wine until the Courte have more full & sattisfactory information of him; as alsoe that it is not thought meete that Rich. Bullgar should be

there lifeste until further information be given to this Courte of the said Bullgar, in the meane time hee to exerceise the trayne band as there sergeant.

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*Bloody Point Petition.*

*To the Right worshipful Governor & the worshipful Assistants of Massachusetts.*

The humble petition of the inhabitants of Bloody poynt in the river Piscataway. Humbly shewing unto your good worships that your petitioners the inhabitants of Bloody poynt being as they are informed ordered to be within the Township of Strawberry bank, which was done altogether against our consent we ever having been within the township of Dover & in combination with them at our entrance under your government, & had promise from you to enjoy all lawfull Libertyes of felling timber & the like, which your petitioners are debarred of, which is upon record in your books, & have been formerly to their great loss & damage. Alsoe your petitioners further shew unto your good worships that Strawberry bank lyeth 4 myles from them or thereabouts whereby they are all debarred from hearing the word by reason of the tides falling out that we cannot goe but once a fortnight, & then can stay but part of the day, which will rather be a day of toyle & labour than rest unto the Lord & yet must be forced to pay for the maintenance of their minister. And sithence the Court they have layd out to themselves 50 or 100 or 200 acres [apiece] round about us penning us up & denying us falling of any timber without their leave and making every one that will have of the said land to pay 50s for a hundred acres & so after the rate for more or less, they being some 14 or 15 families living remote from one another scatering upon the River 2 miles & 4, 5 or 6 myle from us yet have taken to themselves all our best land adjoining to us.

Humbly beseching your good worships to be pleased to take our case in your pious considerations & to take some order for us that we may enjoy our former libertyes & continue in the same township we were of, & that the order of Court

may be confirmed, which was that our Neck shall be in Dover towne otherwise we shall be forced to remove, which will be to our undoing being 12 poor families. And your poor petitioners shall be bound to pray for your Worshippes &c.

The names of the inhabitants that agree to this petition.

The mark of James † Johnson.

The mark of § Thomas Canning.

The mark of † Henry Langstaffe.

The mark of ¶ Thomas Fursen.

John Fayes.

The mark of || William Frayser?

Oliver Trimings,

William Jones,

Philip Lewis,

Thomas Trickey,

John Goddard,

Radirie?

[The preceding petition has no date. His. Mem. No. 34, A. H. Q.]

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June 28.

It is ordered that Mr Francis Williams, Mr Funnell & Mr Willi Sherbon shall end small causes at Strawberry banke. C. Rec., p. 54.

It is ordered that one court shall be kept at Pascataque in the year ensuing, that Mr Bellingham, Mr Saltonstall & Mr Symonds or any two of them are specially appointed thereto (not excluding any other of the magistrates that may and will attend the same) that courte be kept at such time & place as the sd ma'trats or some of them shall appoint.

30 October 1644. Vol. 2, p. 79.

It is ordered that Mr Samuel Dudley, Mr Carlton & Mr John Saunders of Salsberry shalbe comissioners to here & examine all matters concerning Mr Bachiler & Hampton, & they have power to examine witnesses upon oath, whereby they may returne the truth of the case to the next Generall Court of election.

13 November, 1644. Vol. 2, p. 89.

It is agreed that for an equall distribution to each towne of Mr Andrews gift, the twelve townes which have had nothing ——— should have five pound a peece or a cow, & then all to have 5£ or a cowe before Roxberry have any, in the order following—Salsberry—&c Hampton.

14 May 1645. Vol. 2, p. 98.

Philemon Dalton hath authority to see people marry at Hampton.

Vol. 2, p. 102.

It is ordered that the Treasurer should pay John Rosse, due for ferrige of the magistrates to Dover, & demand the one halfe of the Treasurer of Dover.

Vol. 2, p. 103.

Antho. Staniard, Robt. Smyth & John Legatt are appointed to end small businesses at Exeetter.

Vol. 2, p. 110.

Mr Bradstreete & Mr Symonds are appointed to keepe courts at Dover for the year ensuing. Capt Wiggin, Mr Williams & Mr Smyth are appointed associates with them.

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29 May, 1645.

To the honored court now assembled at Boston.

The humble petition of the inhabitants of Exeter, Humbly requesting that this honor'd Court would be pleased not to give any grante of the lands & meddows (which lye neere our towne of Exeter & which we have personally enjoyed untill of late, ever since we were a plantation) unto the town of Dover or on the other side unto the town of Hampton, untill such time as our tytle unto them be either agetated with the said townes or that we have a legall tryall with them for the sayd lands, & that we may then have the bounds of our towne layd out unto us as our right and tytle shall be found.

2dly. Your petitioners do humbly request that this honored court would be pleased to depute for us 3 of these 4 men,

which we do here nomenate for the ending of small deferances under twenty shillings : the men which we desire are theis, viz.,

Anthony Staniean, Samuel Greenfield, Robert Smith & John Legat or any three of them as the court shall think meet. We do likewise humbly request that John Legat may be established clark of the writes ; and these things we desire and humbly request for this end that we may not for every small matter be troblesom to the court or to ourselves more then Necessitie doth require. Thus leaving ourselves with the Lord & with you we rest this 29th of the third mo. 1645.

William Moore,  
 Robert Booth,  
 Anthony Stanyan,  
 John Legat,  
 Godpherey † Dereborn his mark,  
 Humpherey Wilson,  
 Nath. Boulter,  
 Tho. Pettit,  
 John × Bursley his marke,  
 Abraham Drake,  
 Henry Robie,  
 Henry Elkings,  
 Nicholas Swaine,  
 Rich. Carter,  
 Thomas — Jones his marke,  
 Robert Smith,  
 John † Cram his marke.

May 29.

In answer to this petition, none appearing to challenge any propriety in the meadows within mentioned, the house of deputies think it not meet to meddle with it, but grant that John Legat be the Clarke of the writts there & that Anthony Stanyan, Robert Smith & John Legat are appointed for the ending of small causes under twenty shilling for the next year at Exeter and desire our honored magistrates to concurre with them herein.

EDWARD RAWSON.

The magistrates concurr herein.

THO. DUDLEY, Gov.

In regard there are no magistrates at Pascataqua, commission is granted by this court to Capt. Wiggen & the other associates there, to see to the preservation of the peace & any two of them to heere & determine small causes of a civil nature not exceeding £5 & such criminall offences as the law hath appointed certain penalties for either by whipping, stocks or fines not exceeding 20s. reserving liberty for appeale. C. Rec., vol. 2, p. 22.

18 June 1645. Vol. 3, p. 30.

Mr Broodstreet & Mr Symonds are appointed to keepe Courts at Dover & Capt. Wyggyn, Mr Wms & Mr Smith are appointed associatts to asist therein.

1 July, 1645. Vol. 3, p. 28.

The proportions of each townes rate agreed upon by the comittee is as followeth—Hamptton—10,00,00.

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Oct. 1.

The Court considering the great charge of the country by the provision which is made for each member of this Court, that Strawberry banke & Dover having sent their deputies hither & being provided for with the rest for which they are yet behind & have not satisfied for, have appointed William Parks and Left. Atherton a committee to examine what they stand indebted to the country for their deputies diet these 4 or 5 years past, & to certify the court thereof that so they may be presently sent to for it. C. Rec., vol. 2, p. 111.

1 October 1645. Vol. 2, p. 136.

The Court thought fit to write to Mr Williams, of Pascataque, (understanding that the negroes which Capt Smyth brought were fraudulently & injuriously taken & brought from Ginny, by Capt Smith's confession, & the rest of the company) that he forthwith send y<sup>e</sup> neger which he had of Capt. Smyth hither, that he may be sent home, which the court doth resolve to send back without delay, & if you have any thing to

aleadge why you should not returne him, to be disposed of by the court, it wilbe expected you should forthwith make it appear, either by yourselfe or your agent but not to make any excuse or delay in sending of him.

7 October, 1645. Vol. 3, p. 47.

Itt is ordered, that Strawberry Bancke & Dover be sent to for what they stand indebted to the country for their deputies diett & Courte chardges, & course taken for it.

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At a Generall Court of elections begunne the 6th of May, 1646.

In answer to the petition of severall inhabitants of Excetter. Itt is hereby ordered & granted that Anthony Stanian, Samuel Greenfield & James Walle are hereby authorized with full power to end small causes under twenty shillings according to lawe, & that Mr Samuel Dudley, Edward Rawson & Mr Edward Carleton are appointed a committee to lay out the bounds of Exeter next to Hampton & so round about them. Provided there be no intrenching on the bounds of the Pattent of the Lords & gent. menconed in the pattent of Swampscott or in any grant formerly made to Dover. By both. C. Rec., vol. 3, p. 66.

6 May 1646. Vol. 3, p. 63.

Mr Wm Waldron engaged himself, for his owne chardge, for this court & also when the accompt is perfected of what is dew to the country for the deputies of Dover's diett for severall courts past, that it shall be suddainly engaged for, & discharged in marchantable pipe staves, either in the river or at Boston, at the currant price in either place at or before the last of July next, so as the courte issew out a warrant for the gathering up thereof amongst us.

On conference with the Deputy of Dover & his motion on the behalf of the inhabitants of Piscataqua, the court conceives y<sup>t</sup> by y<sup>e</sup> agreement with y<sup>e</sup> inhabitants of Piscataqua, no court

is to be kept there otherwise then at Salem & Ipswich, which cannot be without one Magistrate, 2dly that y<sup>e</sup> empost upon wynes being a publick charge is not to be required of them but it is to goe to the defraying of their own chardges of court &c. By both. C. Rec., vol. 3, p. 70.

Itt is ordered on y<sup>e</sup> request of the town of Dover that Mr George Smith shall be one of the three men authorized by this court for the ending of small matters, & that Dover hath the same power of recording sales of land as Ipswich hath, & that Wm Waldren be Recorder there till the court take further order herein. By both. C. Rec., vol. 3, p. 70.

In answer to the petition of the inhabitants of Dover, Mr Smith, Left. Pomfret & Jo. Hall are appointed to end small controversies there for this year & Mr Smith is appointed clarke of the writs in the room of Mr Walderne. C. Rec., vol. 3, p. 84.

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*Hampton Petition.*

May 20, 1646. P. 26.

*To the Hon<sup>rd</sup> Gov<sup>nor</sup>, ma<sup>'</sup>istrates & deputies for this General Court.*

The humble petition of the inhabitants of Hampton.

Sheweth unto this Hon<sup>d</sup> Court that your petitioners were lately presented for not repayring & making good their high wayes which your poor petitioners by reason of their poor estates & the greatness of the worke are not able to compasse or performe in any reasonable time, they judging the repayring one way will cost neere one hundred pounds, which your petitioners in most humble manner desire this honored court to relieve them from as in the like cases it hath been accustomed and to remit your petitioners fine, and to give time for making good of the way, for they have laid out neere 10£ and very little seene & your petitioners as in duty bound shall pray.

WILLIAM ENGLISH,  
in the name of the towne.



Vol. 3, p. 66.

In answer to the petition of Edward Colcord & John Moulton for reliefe against the unequall stinting of the comons at Hampton, itt's referred to Mr Samuell Dudley, Edward Rawson, Mr Wm Payne & Mr Carlton, & they have power hereby to examine witnesses on oath, & search into all the distractions there, making report of what they shall doe or find in the premises to the next sitting of this court. By both.

Vol. 3, p. 69.

It is ordered on the request of the towne of Dover, that Mr George Smith shall be one of the three men authorized by this courte for the ending of smale matters & that Dover hath the same power of recording sales of land as Ipswich hath, & that Wm Waldron be recorder there till the courte take further order herein. By both.

20 (3) '46. The magistrates being unacquainted with the matter of this petition doe desire the deputies will consider of it first, & return their thoughts about it.

JOHN WINTHROP, GOV.

May 20, 1646.

In answer to the petition of Hampton, Mr Walderne and Leift. Hayward are appointed to view the neerest and best way from Dover for Salisbury that may be with the least charge through the woods, or else, & to informe the Committee that is appointed to examine the difference at Hampton that so they making return thereof to the next sitting of this Court, the Court may be provided to give a just answer, and their fine is remitted that was imposed by the Court at Ipswich for their defect about their high way. C. Rec., vol. 2, p. 126.

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*Petition of the Inhabitants of Dover, &c.*

*To the honor'd Gov'nor, Magistrates & Deputyes for this Generall Courte.*

The humble petition of the inhabitants of Dover & other inhabitants on the river Pascataquack, sheweth

That your petition<sup>rs</sup> Coming under the Gov'ment of the

Massachusetts it was agreed they should have the same liberties of keeping of Court as Ipswich & Salem & that they shall pay no rates but what ariseth for and among themselves, as alsoe in ptticular nominated to try any account under one hundred pounds & have power to punish all offenders except for life, Lymme, or banishment. And your peticoners with one consent declare that at the same time it was agreed that your petitioners should not any of them be arrested or attached for any debt or debts under the value of £100 to be forced to travayle any further than their own Courts, at which time noe act. could be brought against any but where the defendant lived. Further your petitioners are to defray all their own charges of keeping the Courts both for Magistrates, Commissioners & Jurors, yet nevertheless your petitioners have had warrants served upon them to appear at Boston about selling of wine, & have been arrested divers times for small somes & been forced to travayle as far as Boston Salem & Ipswich for a debt of tenn shillings which is & hath been great trouble to your petitioners.

May it please this honored Court to take your petitioners Case into your consideration & according to the premises that your petitioners may have a sett time appoynted for keeping of Court or Courts yearly & that some order be taken that they be not forced to travayle 60 myles for a matter of no great value, & that we may enjoy our lawfull Libertyes, your pet. as in duty are bound so shall ever to pray &c.

Capt. Keayne is chosen to conferre with our honored Magistrates about this petition with Mr Waldren.

EDWARD RAWSON.

May 22.

In answer to the petition about Pascataqua, It is ordered that the two Courts of Pascataque should bee kept yearly at Dover one on the 4th of the last weake in y<sup>e</sup> 2d mo. & y<sup>e</sup> other on the 4th day of the first weeke in the 8th month by any one or two of the magistrates & such Commissioners or any one of them as shall from time [to time] be appointed by this Court, & if this Court will not order what magistrates will attend y<sup>e</sup> service, the Court of Assistants (or in default) the Governor

may design them for the Court next to ensue, & it is hereby declared that the inhabitants of Piscataque have no other liberteis concerning tryalls & suits in law than the inhabitants of Salem, & others of other partes of this jurisdiction have, & that noe Courte be kept without one magistrate, & it is ordered that for this present yeare Mr Bellingham, Mr Saltonstall or one of them are appointed for keeping y<sup>e</sup> Courte in the 8 mo. next, & another Courte sometime before, when themselves think it meete & Capt. Wiggen, Mr Smith & Ambrose Gibons are appointed Commissioners to assist in the Courts for this yeare.

William Waldren is nominated for recorder at Dover, till the Courte shall take further order. It is ordered that Mr George Smith shall be one of the three men to end small causes under 20s at Dover. C. Rec., vol. 2, p. 129. ●

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*Dover Petition.*

*To the Honored Court of Magistrates & deputies.*

The humble petition of the inhabitants of Dover is, that Mr George Smyth may be voted for one of the three men appointed to end small causes under 20s.

And alsoe that you will make an act for the recording of sale of lands at Dover as it is at Ipswich & soe a transcript as is ordered by Court to be sent to Boston & to appoynt a Recorder.

WILLIAM WALDERN,  
in behalfe of the Towne.

The house of deputies have passed this bill & and nominated Wm Waldern as Recorder there till the Court shall take further order, with reference to our honored magistrates concurrence herein.

EDWARD RAWSON.

Consented to by the Magistrates.

JOHN WINTHROP, Gov.

22 (3) '46.

Nov. 4.

It is ordered that Hampton should be allowed £5 out of the next Country rate, so as they make a sufficient carte & horse way over the great marsh suddainly. Mr George Smith is allowed Clarke of the writs in the place of Mr. Waldrene.

4 November 1646. Vol. 3, p. 82.

In answer to the petition of Richard Waldern for a disposall of all publicke & private writings that were in the hands of Wm Walderne, late recorder of Dover, deceased, itt is ordered that Mr George Smith & Mr Edward Starbucke shallbe a committee to survey the bookes & writings that were in the hands of the said Wm Walderne & to give to every one that which belongs to them, & such publicke writings as belong to the courte at Piscataqua, or any parte of this jurisdiction to reserve in safety till further order from this courte. By both houses.

Vol. 3, p. 83.

In answer to the petition of the inhabitants of Dover, Mr. Smith, Left. Pomfret & Jo. Hall are appointed the three men to end smale controversies there for this year, & Mr Smith is appointed clarke of the writts, in the room of Mr Walderne.

Mr. George Smith & Edw<sup>d</sup> Starbuck are appointed to survey the writings which were in the custody of Mr. Walderne & to give to every one what belongs to them, & such publick registers as belong to the Courts at Pascataque or any part of this Jurisdiction to reserve for further order from this Court. C. Rec., vol. 2, p. 144.

Upon consideration of the petition exhibited to this Court by the inhabitants of Dover & Strawberry banke & the grant made by y<sup>e</sup> assignes of the lords & gentlemen patentees there, & the agreement made between this Courte & the said inhabitants, It is ordered that this Courte will (upon the first opportunity) confer with Mr. Whiting & other of the said assignees about reasonable accomodation to be allowed to the said inhabitants, & and if the said assignes will not accord with us therein this Courte will resigne whatsoever the said assignes

have granted to us, & will hold ourselves discharged of any engagement thereupon, for which they granted us the Government of the people, it was intended the people must have sufficient land to live upon, otherwise there can be no people, & consequently no government, and so y<sup>e</sup> grant voyd, & y<sup>t</sup> a Coppy of this order shall be sent to Mr. Whiting, or some other of the assignes to y<sup>e</sup> end that they may be at y<sup>e</sup> next Generall Courte in the 3d mo. to give in their resolutions herein.

As for the other part of their petition concerning freedome from being impleaded in other Courts of this Jurisdiction, this Court doth declare that the said inhabitants, (even by their own agreement) are bound to the generall laws & orders of this Jurisdiction in that point, as Salem & Ipswich are, nevertheless the Court being sensible of the great burthen which may fall upon the inhabitants of the said Ryver (if they shall be forced upon small occasions) to travel to Boston, or other Courts farre off. It is therefore ordered that none of the said inhabitants shall be compelled upon any originall proces to travell out of the limits of Norfolk to anser in any civill action for any cause whereof the originall debt or damage shall not truly exceed £100, nor shall any of the said inhabitants have liberty to call any person out of any other limits to answer in any like action in any Court to be holden in Norfolk under the same value: Provided always that if any person shall be attached to answer &c. such person shall be bound to answer &c. in the Courte of that limits where such person shall be so attached. C. Rec., vol. 2, p. 153.

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May 26, 1647.

A generall Courte of election the 26th of the 3d mo. 1647.

Anthony Stanyan is chosen Clarke of the writts at Excetter. C. Rec., vol. 2, p. 162.

Vol. 2, p. 192.

The Courte hath appointed Antho. Staniell to lay out the way from Haverell to Excetter.

Upon the petition of the inhabitants of Excetter the Court granted that sergeant Thomas Pettet as their principal officer for the present hath power to exercise the Company according to Law. C. Rec., vol. 2, p. 163.

26 May, 1647. Vol. 3, p. 109.

In answer to the petition of Isaacke Boswell for the delivery of a stray heifer, at Hampton, to him who lost one, & none appearing to challeng such stray, the Courte graunts his request, so as he enter caution to answer all engagements to the true owner, if any other shall appeare to be so, & answer the chardge of the beast at Hampton. By both.

June 4.

Upon the petition of the inhabitants of Dover it is ordered that Mr Bellingham & Mr Bradstreete shall keep Courte at Piscataque for this year, & if either of them shall fail through any unexpected providence, the Governor & Deputy Governor & one of the magistrates shall appoint some other in their place. C. Rec., vol. 2, p. 167.

Upon the petition of the town of Dover the Court doth grant Commission to Mr Bellingham, Mr Saltonstall & 2 or 3 more of the neerest &c. together with Capt. Wiggan, Mr George Smith & Mr. Ambrose Gibbens to keepe Courte at Pascataque when they or any 2 of the magistrates see fit, & that any three of them may keep Court so as one of them be a Magistrate, which shall be President.

And further the inhabitants of Dover are granted exemption from serving at the Generall Courte except it be at the Courte of election, & so long as that session shall continue, & their fine for not appearing is remitted. C. Rec., vol. 2, p. 188.

27 October, 1647. Vol. 3, p. 120.

In answer to the petition of Wm Ballew, Hateevill Nutter, Richard Parker, John Maning, Robt. Knight, Hugh Gunnison, Edmond Grenlefe, Tho Burton, Xtopher Lawson, Wm Furbur, Wm Bacon & John Butler, who desire, in pursuance of an order of the last Courte held at Dover, that all the creditors of Wm Walderne, deccased, should attend this Generall Courte,

for to make demand of their debts, & proclamation being booth made at Boston & Dover to that purpose wee desire wee maybe putt into some course how to come by the estate of the sd Wm Walderne to be divided amongst us proportionably according to our debts.

Itt is ordered by the authority of this Courte, that the estate of the said Wm Walderne be delivered into the hands of Capt. Wiggin & Edward Rawson, who are hereby authorized to call any before them that may give evidence concerning his estate, & where it lyeth, to administer oath for the full discovery & delivery thereof to them, & to examine all the bills & debts that shall any way by the petitioners be claymed as dew from the said Wm Walderne; & what they shall find to be justly dew, to make an æquall distribution of the said estate of the said Wm Walderne to the severall creditors, making retourne of what they shall doe herein, under their hands, to the next Gennerall Courte; provided the chardge of the Commissioners shallbe defrayed & borne by the estate before the division. By both.

11 November, 1647. Vol. 2, p. 225.

Towne Marks agreed upon by the General Courte for Horses, ordered to be set upon one of the nere quarters. S(trawber-rybanke). N(ortham). H(ampton). E(xiter).

At a session of the Generall Courte the first month [March], 1647 or 1648.

Upon the petition of Norfolk, the Court doth think fitt that the shire town of Norfolke be referred to further consideration, & the magistrates to agree some of themselves to keep Courte, as is desired, and that they have liberty to choose gentlemen of worth in or out of their shire for associates, & that they be not called out of their shire for generall training there: Provided they traine 8 times a yeare according to law, & be under the command of the serjeant major of Essex to generall trainings in their shire, or otherwise in times of danger.

It is ordered that the first Court in Norfolk shall be kept the last third day of the 2d mo. at Salsberry, & to have the

same magistrates that keepe Court at Dover, & in the mean while liberty to choose their Commissioners, & to take their oathes before the same magistrates. C. Rec., vol. 2, p. 193.

Upon the petition of the inhabitants of Excetter for their rate & head money to be forborne & that no act might passe to any of Dover for land at Lamprill ryver, the Court doth not thinke meete to grante the first of these requests but deny, & conceive meete they should forthwith send in their rates to the Treasurer, for the second request the Court will be tender.\* C. Rec., vol 2, p. 199.

At the request of the County of Norfolk, It is ordered that the constant dayes for the keeping their County Courts from henceforth in Salsberry from yeare to yeare shall begin the second Tuesday in April & at Hampton yearly the first third day in October.

10 May, 1648. Vol. 2, p. 242.

Mr. Samu. Dudley, Capt. Wiggen, and Robt. Clements, have comission to keepe Courte in that County, according to order of Courte, & Mr Dudley hath comission to give oath to the 3 comissioners for small causes in the severall townes in the said County of Norfolk.

It is ordered that the same magistrates that keepe Courte at Dover should be desired to keep Courte at Salsberry & Hampton this year ensuing.

15 October, 1648. Vol. 2, p. 258.

It is ordered, that John Webster should have order to the marshall to demand, & if not satisfied to levy, five pound four shillings of the inhabitants of Pascataque Ryver.

In answer to the petition of Robt. Saltingstall, the Court allows him libtie to sue for his land as he desires, and if Dover have damnified him, he may sue for recompense; for except

\* 1648. "The wife of one Willip of Exeter was found in the river dead, her neck broken, her tongue black and swollen out of her mouth, and the blood settled in her face, the privy parts swollen, etc., as if she had been much abused, etc." Winth., 2, p. 398.



he had mentioned the order of this Court in his prejudice, we cannot take notice of any; for the writing he speaks of in David Sellacks hand, if he will not produce the petition, may compel him to it by course of law, & when it is produced the Court will consider of it.

27 October, 1643. Vol. 3, p. 140.

Jon. Webster, Constable at Strahery Banke presenting a bill of charges for the cartage of Henry Taylor to the prison at Boston to the value of 5*li*, 4*s*, 0, as by particulars in the said bill appears for the satisfaction of whom it was ordered, that the secretary should give warrant to the marshall of Pascataque to levie the same out of the estate of the said Taylor; & if Taylor hath not sufficient, &c, then the said warrant to be to require it of the inhabitants of Pascataque, & for non payment to levie the same.

October 13, 1643.

This Court being informed of great wisdomenor Committed by Edward Starbuck of Dorer with profession of Anabaptism, for which he is to be proceeded against at the next Court of Assistants if evidence can be prepared by that time, & it being very farre for witnesses to travill to Boston at that season of the year, It is therefore ordered by this Court that the Secretary shall give Commission to Capt. Thomas Wiggan & Mr Edw. Smyth to send for such persons as they shall have notice of, which are able to testify in the s<sup>d</sup> Cause, & to take their testimony uppon oath & certify the same to the Secretary so soone as may be that further proceedings may be therein if the cause shall so require. By both.\* C. Rec., vol. 3, p. 151.

\* This year the wearing of long hair was condemned, as sinful. The Governor, Deputy Governor, and Magistrates entered into an association to prevent the growing evil. "Fornication as the wearing of long hair, after the manner of ruffians and barbarous Indians, has begun to invade New-England, contrary to the rule of God's word, which says it is a shame for a man to wear long hair, as also the commendable custom generally of all the godly of our nation, until within these few years. We, the magistrates, who have subscribed this paper for the showing of our inno-

In answer to the petition of the freemen of Exeter for liberty to choose a Constable & Commissioners to end small causes, the Court conceives there will be no need of such Commissioner, Capt. Wiggan being chosen assistant & living so neere, but grant they shall have liberty to choose a Constable as is desired, provided the County Court approve of the person as being fit for the place: *pr. curia.* C. Rec., vol. 3, p. 262.

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2 May, 1649. Vol. 2, p. 266.

At the request of the County of Norfolk it is ordered, that the constant dayes for keeping their County Courte from henceforth, for Salsberry, from yeare to yeare, shall begin the second Tuesday in Aprill, & at Hampton yearely the first third day in October, & for this yeare, Rich<sup>d</sup> Bellingham Esq & Mr Sam'l Symonds shall keep Courtes there with Capt. Thomas Wiggen, Mr Samu. Dudley & Mr Robt. Clements, as associates to joine with them.

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*Strawbery Bancke, 20 Oct. 1651.*

*To the honored Courte now holden at Boston. The humble petition of the Inhabitants of Strawberry Bancke.*

In all due Respects humbly praye; That where as wee fynde your answer to a former made by some of your petitioners in the yere 1641, that you accepted of the ordering & governing the said petitioners by way of their petition, & by strecheing of y<sup>e</sup> Line, that Pascataquack is within your jurisdiction, which if soe we are yours by streching of y<sup>e</sup> Line, that you would be pleased to give order for the Lying out our

gency in this behalf) do declare and manifest our dislike and detestation against the wearing of such long hair, as against a thing uncivil and unmanly, whereby men do deform themselves, and offend sober and modest men, and do corrupt good manners: We do, therefore, earnestly entreat all the elders of this jurisdiction (as often as they shall see cause) to manifest their zeal against it in their public administrations, and to take care that the members of their respective churches be not defiled therewith, etc." *Ad. Ann.*, p. 34.

townshipe for want of which wee deeply suffer, & to confirme the same to us, with other the conditions formerly agreed on, & that likewise that we maye have here & at Dover two Courts every yeare with two magistrates and their assistants whereof this Barer Mr Bryan Pendleton to bee one of the Assistants Chosen for this place; And whereas by reason of divers shipping & others coming into this harbour, as likewise some of our owne Inhabitants, several abuses are committed & noe Magistrate neere at hand to administer justice uppon the parteys soe offending, that before justice can be done many depart hence without punishment, & others suffer rather than seek soe farre for justice, Humbly praye that Mr Pendleton may have more than ordinary power what other assistants have, for the rectifying & punishing such abuses to bee Committed; and lastly our desire is that whereas Mrs. Mason hath here an agent, who Lyeth Clayme to some of those lands wee Inhabitt, in the behalfe of Capt. John Masons hearse [heirs]; That you would be pleased to mentayne the same unto us agaynst any that shall hereafter oppose us, if by stretching of the Lyne the Lands bee within your jurisdiction; if not then to leave both our persons, lands & all freelye to our selves, as formerly we were before you took us into your Govern<sup>t</sup>, To mentayne our own Rights, or to submitt ourselves to those to whom it may appeare justly due. In Confermation of our desires herein, wee whose names are hereunto subscribed present this in the behalfe & by the free consent of all the said inhabitants, praying this Barer Mr Pendleton to present this to your honoured Court craving your favourable answer herein, which we leave to your more serious judgments—for whose prosperitie we shall daylie praye &c.

Amb. Lane,  
 Renald Fernald,  
 William S—— ,  
 Henrie Sberburne,  
 John Webster.

In answer to the petition of the inhabitants of Strabery Banke for the Laying out of their towne shippe & severall other things exprest therein. This Courte thinke meete to grant

the petitioners all the land between Hampton & them that is not already granted to townes or persons (Swamscot patent excepted).

2dly, That Mr Ambrose Lane, Mr Brian Pendleton & Henry Sherbourne are hereby for one whole yeare invested with ample power as associates & be enabled with Capt. Thomas Wiggin to keepe one court in a yeare at Strabery banke viz., at such time as Capt Wiggin shall appoynt to try all civill & criminall actions as other shire courts within this jurisdiction doth, & each of them power to administer an oath, as also the three commissioners, or each of them shall have power to keep the peace amongst the inhabitants & to grant warrant to bringe before them such as shall break the pœnall laws, the penalties whereof exceed not forty shillings, & all offenders, whose penalty shall exceed that sum aforesaid to bind over to the County Court, or send them to some magistrate to be proceeded with according to law and they have the like power to end small causes as three men in Townes have and for what else is mentioned in the petition the court referre it to the next Generall Court of Election to be considered and determined, provided they have or shall take the oath of fidelity to this Government before they act according to this commission.

Vol. 4, p. 10. 30 May, 1650.

In answer to the petition of the freemen of Exeter, the Court doth graunt that they have liberty to choose on[e] constable that hath taken the oath of fidelity as is desired, provided the County Court approve of the person as fitt for the place.

Vol. 4, p. 50. 13 May 1651.

It is ordered by this court that Mr Samuel Winslow, Mr Wm Payne, Mr Samuel Hall & Mr Thomas Bradbury, or any three of them, shall be comissioners to lay out the northermost lyne of Hampton, toward Pascataque River.

22 May 1651. 3, p. 226.

This court, consideringe the good service of Capt Wm. Hathorne unto this country in sundry respects, thinke meete, in answer to his petition, to graunt unto him fower hundred

acors of land, adjoyninge or neere unto Mr Downinges 600 acors of land, betweene Hampton & the rivers mouth of Pascataqua, to be layd out at the charge of the said Capt. Hawthorne, by Mr William Howard of Topsfield, & Roger Shaw of Hampton provided it frustrat not any former grant nor prejudice any townshipp or village that may be erected *per curia*.

III, p. 230. 22 May 1651.

Whereas it appears by the records of this court, number 436 that six hundred acors of land was granted to Mr Emanuel Downing, which he affirmes was in consideration of fifty pounds by him disbursed in England, in answer to his petition it is ordered that the said six hundred acors of land shalbe layd out to him by Mr William Howard of Topsfield, & Roger Shaw of Hampton, betweene Hampton & the rivers mouth of Pascataque, at the charge of the said Mr Downinge, provided the said land specified herein be not formerly granted, & that it be not prejudiciall to any plantation, towne or village that may hereafter be erected.

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*A Letter,*

To his honored & very loveing friende Capt. Thomas Wiggin att his house att Swampscot in Pascataqua, bee these.

Sir: We are given to understand that there is an intent of divers of the inhabitants of Strawberry banke, seditiously to withdraw their subjection from this Government over them, & to sett up a new Government without and contrarie to their engagement & oathes, and to that end they have as we are informed called a Towne meetinge to joyne together in their way to appoynt a Governor. We have sent therefore unto you (knowing your fidelity & care) to search out the truth of these actings and to finde out the particular persons that are interested in this designe, and the person whom they nominate to be their Governor, that accordingly we may put that power which God hath given us to prosecute legally against them, and to that end we desire you to take such help unto you both of such as are in commission with you and such officers &c. as are neere you to assist you in what you shall require them ac-

ording to Law & Justice, and that the names of such as are interested in this sedition and espeticallie the chiefe accoounts therein may be sent unto us, together with the best testimonie you can procure, and if you shall upon search and good testimonie observe any to be resolute in their way and high in their expressions;—That you forthwith send one or more of the chiefest, we mean principal actors therein to the prison at Boston who shall answer their rebellion at the Generall Court next month, for we must tell you we are verie sensible of these motions, which tend to the subversion of this commonwealth, and alteration of this government established among us, and what is further aimed at in this designe we shall further acquaint you at your comeinge to the General Court which we desire you will be present at. Not else, but our due respects to you, wee rest Your loving friend,

JOHN ENDICOTT, Gov<sup>r</sup>.

In the name of the whole court.

Boston 6th, 7 mo. (51).

14 October.

There being no deputy appearing from the towne of Dover neither this nor the last session of this Court, the Deputies think meete that the said towne of Dover shall be fined £10 for their neglect with reference to the consent of our honored magistrates hereunto.

WILLIAM TORREY, Cleric.

Consented to by the magistrates,

EDWARD RAWSON, Sec.

14 October. 4, p. 67.

In answer to the petition of Richard Swayne, Wm. Swayne, and other of the towne of Hampton, itt is ordered, that whatsoever goods or lands have binn taken away from any of the inhabitants of Hampton by Edward Colcord or John Samborne, upon pretence of being authorized by Mr Batchelor, either with or without execution, shall be retourned to them from whom it was taken, and the execution to be called in, and no more to be graunted untill there appear sufficient power from Mr Batchelor to recover the same to the County Court either of Salisbury or Hampton.

14 October 1651. 3, p. 248.

Upon the request of the inhabitants of Hampton, Mr Samuell Winslow, Mr Thos. Bradbury & Lieut Pike, or any two of them, are appoynted comissioners to lay out the west end of their towne line towards Exeter, provided that Exeter have timely notice of the time when it is to be done, to the end they may have liberty to make their objections, which s<sup>d</sup> comissioners shall make returne thereof to the next Court of Election.

III, pp. 252-4.

In consideration of twenty poundes due to Capt. Wm Hawthorne, as beinge commissioner for this colonie, its ordered, that by way of satisfaction for his good service in that place & employment, he, the s<sup>d</sup> Capt. shall have all that parcell of land bought of Mr Knowles, lyinge in Kettery, & abuttinge of Pascataque River, grannted to him & his heires for ever.

In answer to a petition prefered by severall of the inhabitants of Hampton for releife in respect of unjust molestation from some persons there pretendinge power for what they doe from Mr Batchelor, its ordered, that whatsoever goods or landes have ben taken away from any of the inhabitants of Hampton aforesaid, by Edward Coleord or Joh. Sanbourne, upon pretence of being authorized by Mr Batchelor, either with or without execution, shalbe returned to them from whom it is taken, & the execution to be cald in, & no more to be grannted untill there appeare sufficyent power from Mr Batchelor to recover the same, to the County Courts, either of Salsbury or Hampton.

Whereas the serveyor generall did arrest Roger Shaw of Hampton, for eyght poundes, for a barrell of powder which was due from the towne of Hampton, & the s<sup>d</sup> Roger Shaw did acknowledge a judgm<sup>t</sup> of the same, whereupon this Court doth order that the s<sup>d</sup> Shaw shall have power to make a levie upon the inhabitants of Hampton for the payment thereof forthwith.

The inhabitants of Dover being under a fine of 10ll, for neglecting to send a deputie to this Courte, upon the request of Mr Maud hath their fine respited, & not to be levied till the next Court of Election, that the Court may judge of Dover's answer.

1652, 27 May. 3, p. 273.

The towne of Dover desiring that Mr Bellingham may be judg of that Court this yeare, as also that Mr Georg Smith, Mr Richard Walden, & Mr Valentine Hill, might be associates, have theire requests graunted provided Mr Hill may be exempted, according to his desire, & also that Mr Belingham be desired to attend the keeping of the County Courts of Norfolke, Hampton, & Salsbury, as well as Dover & Strabery Banke, for the yeare ensuing.

III, p. 274.

Whereas the surveyor generall did arest Roger Shaw, of Hampton, for eight pounds for a barrell of powder, which was due from the towne of Hampton, & the s<sup>d</sup> Roger Shaw did acknowledge a judgment of the same, this Court doth order & hereby require, & give full power & authoritie to, the Constable of Hampton to make a levy uppon the inhabitants of Hampton for the payment of the foresaid sume of eight pounds, together with two shillings six pence for entring the petition, as also so much more as may defray the charge of transportinge the same to the surveyor generall aforesaid unto the said Roger Shaw, within thirty dayes after notice given, & that in corne or cattle, at prise current.

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*Exeter Petition.*

May 24.

*To the Honored General Court at Boston.*

The humble petition of the inhabitants of Exeter, giving this hon<sup>d</sup> Court to understand that we are exceedingly straitned for the want of meddow, & the Indians have informed us that there are 3 or 4 spots of meddow something neer one another about 7 or 8 miles from our towne, westward or norwest farre from any other plantation & not yet possess by any, our humble request therefore is that this honoured Court would be pleased to grant it to our Towne in regard of our great



need of it, & the quantity of them all is conceaved not to exceed 100 akers, if it be so much, & so shall we rest thankfull to the honored Court & as serviceable as we are able.

The (24) of (3) mo. 1652.

In the behalfe of the rest,	{	Edward Gilman Sen. Edward Gilman Jun. Edward Hilton, Jno. Legat, Tho. Pettit, Nicholas Lister, Thomas Cornish.
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The Committy thinke meete the Inhabitants of Exeter have their desires granted to have the above said Meddow confirmed to them provided it be not within the limmitts or bounds of any other towneship, or any particular person's grant.

4th mo. 1 day—1652.

In y<sup>e</sup> name of y<sup>e</sup> rest, { THO. WIGGIN,  
DAN. GOOKIN.

The magistrates approve of this returne if the Committee of the Deputies Consent hereto.

EDW. RAWSON, Secretary.

The deputies consent hereto, provided the meddow herein desired not exceed one hundred acres, provided it be there to be had.

WILLIAM TORREY, Cleric.

19 (8) 1652.

The Deputies thinke not meete to alter their former vote.

WILLIAM TORREY, Cleric.

Entered with the magistrates and 20 shillings promis<sup>d</sup>.

May 27.

Mr Thomas Bradbury, Mr Samuel Winsley and Samuel Hull, being appoynted our Commissioners to lay out the Northernmost line of Hampton bounds towards Pascataqua have determined that the North line shall extend five miles from Hampton meeting house & from thence upon an East line to the sea & with the westerly line untill they come within two

miles of Exeter present meeting house & the rest of the line, which was to extend to Salsberry boundes they left to further consideration. Subscribed with their hands, 6, 8 mo. 1651.

The Court having perused this returne of the Commissioners approve of what they have done respecting the laying out of the bounds of Hampton aforesaid, provided it intrench not on any former grant.

Mr. Samuel Winslow, Mr Thomas Bradbury & Leuit. Robert Pike being appoynted to lay out the west end of Hampton bounds upon their request have liberty graunted them till the next session of this Court to accomplish the Courts order therein. C. Rec., vol. 3, p. 345.

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The 31st of the 3d month, 1652, on perusall of our Charter, it was this day voted by the whole Court that the extent of the line is to be from the Northernmost part of the River Merimacke & three miles more north where it is to be found, be it an hundred miles more or less from the sea, & thence upon a straight line east & west to each sea, & this to be the true interpretation of the Termes of the Limmitte Northward graunted in the Patent. C. Rec., vol. 3, p. 347.

In answer to a letter sent to the Court from Mr Brian Pendleton of Strabery banke concerning their enlargement the Court is willing to consider thereof when they propound any thing to their consideration which may be suteable to such an end, & doe desire & order that Mr Bellingham & Mr Pendleton with the Judges of Dover Court may keepe Court at Straberry banke, till the inhabitants of Straberry banke doe present some persons that have taken the oath of fidelity to this Court to be allowed & confirmed. C. Rec., vol. 3, pp. 351, 352.

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For the better discovery of the North Line of our Pattent it is ordered by this Courte that Capt. Symon Willard, & Capt. Edward Johnson be appointed as Commissioners to procure such Artiste & other Assistants as they shall Judge meete to goe with them to find out the most northerly part of Merri-

mack River, & that they be supplied with all manner of necessaries by the Treasurer fitt for this journey, & that they use their utmost skill & abilitie to take a true observation of the Latitude of that place, & that they doe it with all convenient speed & make return thereof to the next session of this Courte. C. Rec., vol. 3, p. 353.

Oct. 19, 1652.

Whereas upon the submission of the inhabitants upon the river of Pascataqua to this jurisdiction, this court did grant them amongst other priviledges liberty to send two deputies from the said River, & whereas the freemen of Dover are increased to that number that by another law they have liberty to send two deputies to this court—This court doth order & declare that the said towne of Dover shall henceforth enjoy their liberty to send two deputies according to law, & that Straberry banke shall have libertie to send one according to former agreement. C. Rec., vol. 3, p. 361.

19 October 1652. 3, p. 288.

The answer of John Sherman, sergeant at Watertowne, and Jonathan Ince, student at Harvard College in Cambrig, to Capt Symon Willard & Capt Edward Johnson, commissioners of the Generall Court held at Boston, May 27th 1652, concerning the latitude of the northermost part of Merimacke River. Whereas we, Joh. Sherman & Jonathan Ince, were procured by the aforesaid comissioners to take the latitude of the place above named, our answer is, that Aquedahian, the name of the Merimacke where it issues out of the Lake Winnapusseakit upon the first of August, one thowsand six hundred fifty two, we observed & by observation found, that the latitude of the place was forty three degrees, forty minutes & twelve seconds, besides those minutes which are to be allowed for the three miles more north which run into the lake. In wittnes whereof we have subscribed our names this nineteenth of October, 1652.

JOHN SHERMAN,  
JONATHAN INCE.

Ju<sup>r</sup> Coram, JOHN ENDECOTT, Gub.

*Answer to Strawberry Banke.*

The inhabitants of Strawberry banke preferring a petition for the enlargement of their towne bounds, are referred to the next Court of election for further answer, when Capt. Wiggan is to show his Patent. This Courte further grants that Mr Henry Sherbourne & Mr Reynold Fernald be admitted as associates according to their petition. C. Rec., vol. 3, p. 368.

*Dover Petition, &c.*

Oct. 20, 1652.

*To the Honored Generall Courte now assembled in Boston.*

The humble petition of Dover sheweth that whereas some that we have formerly betruſted & employed at the generall Courtes have neglected what we betruſted them with, among other things in a ſpeciall manner the recording of our townſhip according to the grant of the ſaid Court, we therefore in the behalfe of the aforesaid towne of Dover doe crave this favour that the ſayd limits according to our grant may be confirmed to us by this Honored Courte now assembled, & your petitioners ſhall reſt ever engaged in all humble ſervice to be commanded.

VAL. HILL,  
RICHARD WALDEEN,  
In the behalfe of the towne of Dover.

For the ſettleinge of the rights & bounds of Dover conſider theſe things.

1. A purchase from the Indians of Lampreele river 1635, two witnesses.
2. Poſſeſſion & uſe of it by plantinge, fiſhing & fellinge of timber, two witnesses.
3. When taken into the Government of the Bay this was one of their peculyar agreements that they ſhould enjoy all ſuch lawfull liberties of fiſhing, plantinge, & fellinge of timber as formerly, 2 booke of lawes title Paſcattua, this waꝝ 1641.

4. Anno 1642 in y<sup>e</sup> old Booke No. 538 by order of general Courte, to Dover is granted the liberty which other townes have, & foure commissioners appoynted to settle the limits thereof.

5. There is 3 of the foure commissioners met & agreed & did settle the bounds of Dover as appear under their handes, uppon which Dover granted severall proppertyes.

6. The bounds of Lampreel river was by consent of Dover & Exeter men as Captayne Wiggans remembers & it appears by the boundaryes for a neck of land is reserved to Exeter on the northside of y<sup>e</sup> River, which is on Dover side.

7. Lampreele river is about 6 miles from Dover, northeast & is alsoe about 6 miles from Excetter southard as Capt. Wiggins affirmes.

8. Dover cannot be enlarged as Exeter may, for y<sup>e</sup> River betweene Kittery & Dover boundes them northward, & Lampreele River & Exeter boundes them southward, & the commissioners have bound them eastward and southward.

9. Exeter besides the boundes towards Lampreele river may be enlarged westward & southward their other limmets.

10. Between Lampreele River & Oyster River Dover hath settled a ministry, it ere longe is like to be a towne of itselfe in respect of y<sup>e</sup> accommodation of Lampreele River, it being but about 3 miles betweene the two Rivers.

11. For Exeter y<sup>r</sup> purchase of the Indyans was anno 1638, y<sup>n</sup> they began to be a towne after they submitted to y<sup>e</sup> Bay anno 1644, without any agreement at all except they are in y<sup>e</sup> condition of other townes, but Dover former Rights are confirmed to them, uppon agreement besides the grants of courte, which were before Exeter submitted to this Government.

The utmost bounds of Dover was the utmost of the bounds of this pattent, where any towne or person did then submit unto this jurisdiction.

*Depositions, &c.*

The deposition of John Ault taken, the 18th of the 8th month 1652.

The deponent sayth that in the yere 1635, that the land about Lampreele river was bought of the Indanes & made use of by the men of Dover & myself both for planting & fishing & feling of timber.

JOHN AULT.

Sworne before me, GEORGE SMYTH.

Richard Yorke doth testifie the same above specified.

Richard Yorke sworne, who affirmed upon his oath that what he doth testify above written was trew.

Sworne before me, GEORGE SMYTH.

The deposition of Hateevil Nutter taken the 18th of the 8th month 1652.

The deponent sayth that in the yeare 1636 the land about Lamprill river was in the possession of the inhabitants of Dover on both sides the River both for fishing & planting & felinge of timber.

Hateevil Nutter sworne, who affirmed upon his oath that the primpes [premises?] was trew.

Sworne before me, GEORGE SMYTH.

In the year 1637, Will Furbur doth testifie the same about Lamprill ryver.

William Furbur sworne the 18th of the 8th month (52) who affirmed upon his oath that what he doth testify next above written was trew.

Sworne before me, GEORGE SMYTH.

These are to certifie that being one of them deputed by the Generall Court about 7 or 8 years since to lay out the bounds betweene Exeter & Dover, It was alwayes intended by us that Lamprey river as it naturally runs up into the Country should be the bounds betweenes, & what Line is recorded if it prove to give anything to Dover on the west side of Lamprey river, it was upon a mistake, & utterly besides our instructions. And for the confirmation hereof I have put to my hand this 27th of May 1652.

JOHN BAKER.

[To a Copy of the order of Court dated the 9th of the 8th mo. 1641, which may be found in page 3 of this book, Mr Rawson adds the following note:]

Att John Baker's Request I signify that he did his endeavor faithfully to procure the bounds of Dover recorded, but the many urgent occasions of the Country were such as that [it] came not to Issue.  
Per EDWARD RAWSON.

26 October 1652. 4, p. 118.

Itt is ordered, that the northerne bounds of Dover shall extend from the first fall of Newitchiwannicke River, upon a north and by west line, fower miles.

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May, 1653.

*To the Honoured Generall Court assembled at Boston in the monnth of May 1653.*

The humble petition of the Inhabitants of the Towne (att present) called Straberry Banke, Sheweth that whereas there are certaine Townes about us, which enjoyes the priviledg of freemen & have their votes in chusing Governors, magistrates & other officers for the administration of justice, our humble request is that this honoured Courte will be pleased to grant unto us equall priviledge with Kittery & York, & likewise that you will give power to those magistrates that are to keepe Courte among us to nominate & appoint Commissioners for the ending of differences under tenn pounds, having great need of such, for many times we loose our right, by reason we cannot summon those that are delinquents to any other Courts except it be for great summes. And likewise that you will be pleased to Confirme our Militarie Officers, that they may be established by power from yourselves, for we have betwixt 70 & 80 men able to beare Armes, within our presinets although we cannot as yett Call it a Towneshipp, but wee hope you will be mindfull of us in all y<sup>e</sup> premises, which if you bee it will be a great encouragement for your poore petitioners to goe on in their Employments & follow it with more Cheerfullnesse, whereby wee may be useful in the Commonwealth, & ready at

all times to set ourselves forward for the good of the Country & the benefitt of those amongst whome we live & your petitioners shall humbly pray.

John Sherburne,  
Rich. Cutt,  
Renald Fernald,  
Samuel Haines.

This petition was entered with the Deputy & £10 promised.

1. We conceive the inhabitants of Straberry banke should be satisfied with the priviledges granted by the Court at their coming under this government.

2. That the Court of Dover or Straberry banke may nominate & Confirme Commissioners for the ending of small causes under 40s as in other townes.

3. That the said Court may confirme such military officers as they shall present.

DAN. DENISON, }  
JOS. HILLS, } Com.  
EDW. JOHNSON, }

The magistrates (confirm) approve of the Returne of the Committee as an answer to their petition with reference to the Consent of their brethren the deputies heereto.

EDW. RAWSON, Secretary.

The Deputyes consent to our honoured magistrates in answer to this petition.

WILLIAM TORREY, Cleric.

It is ordered by this Court that the Commissioners Court at Portsmouth shall have equall power for trial of actions within themselves to the value of tenn pounds as York and Kittery have, which shall continue till the Courte take further order & the County Courts of Dover & Portsmouth shall annually have their Court upon the last Tuesday in June, & the County of York shire shall have the County Courts the Thursday following. C. Rec., vol. 3, p. 374.

Thomas Wiggan, gent., preferring a petition for the confirmation of a Pattent, & the graunt of a writt of division for a tract of land at Squamscott, is referred for our answer untill



the yeare 1654 in October, and that in the meane time there be a forbearance of faling any wood or Tymber uppon the land herein exprest. C. Rec., vol. 3, p. 377.

The Inhabitants of Straberry Banke preferring a petition for equall priviledges with other townes in respect of choyce of Magistrates, &c., are denyed, but as a farther answer to them in respect to their Military officers, the Court of Dover or Straberry banke may confirme as they shall present, who have hereby also power to Nominate & Confirme Commissioners for the ending of small Causes under 40s as in other Townes. C. Rec., vol. 3, p. 380.

The freemen of Dover having chosen Capt. Waldren & Mr Valentine Hill for Associates, their said Choyses is confirmed by this Court. C. Rec., vol. 3, p. 383.

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*Strawberry Banke Petition.*

*To the honoured Generall Courte assembled att Boston this present month of May 1653.*

The humble petition of the inhabitants of the towne att present called Straberry banke.

Sheweth, that whereas your petitioners petitioned to the last generall Court to grant to the said Inhabitants a competent portion of Land to make us a Townshipp, whereby we may be inabled to subsist & bee usefull to the Church & Commonwealth, our desire is that this Honoured Court will be pleased to shew their favour & good will towards us and willingnesse to accomodate us to the uttermost & for that purpose hath desired the Honnor'd Capt. Wiggines to bring his Pattent to this present Court.

Now may it please this honnor'd Court to take our ease into consideration & to consider of our extreame necessities, first in respect of the number of families which are betweene 50 & 60 of which some are constrained to remove from want of Land to accomodate them with their stocks. Secondly, the quality of the land wee live upon is soe badd, its incredible to believe except those who have scene it. Thirdly, the place

being settled a plantation the first of any in these parts & our willingnesse in submitinge to your government. Fourthly that all the neighbouring plantations about us, which were settled since wee, have their townships settled and bounded, onely wee as yett have none; fifthly, that whereas there is much benefitt by Sawmills in other townes in this river & adjacent townes, there is none in this Towne, but only one which was never perfected nor like to bee.

Wee humbly intreat this honoured Courte to take into their view this neck of Land, which wee live upon, which nature itselfe hath bounded with the maine sea & River as may be seene by y<sup>e</sup> draught of the River, which was presented to the last Generall Court and now presented again by our deputy, which neck of land is farre lesse than any neighboring towne about us: The desire of your humble petitioners is that this honoured Court would grant us the necke of land begininge in the great Bay at the place called Cotterills Delight, soe runninge to y<sup>e</sup> sea accordinge to the former petition presented to the last Generall Courte. And whereas the name of this plantation att present beinge Straberry banke accidentally soe called by reason of a banke where Straberries was found in this place, Now your petitioners Humble desire is to have it called Portsmouth, being a name most sutable for this place, it beinge the River's mouth & a good [harbour] as any in this land, & your petitioners shall humbly pray.

Brian Pendleton,  
Rich. Cutt,  
Renald Fernald,  
Samuel Haynes,  
John Sherbourn,

In the behalfe of the towne.

We conceive the answer to this petition must be respited because of Mr Mason's claim to the lands only so far as relates to Capt. Wiggins Patent, the committee of the last Courte or so many of them as being present had then the hearing of the case are fittest to be employed now.

Daniel Denison,  
Joseph Hills,  
Edw. Johnson.

The magistrates approve of the committees Retourne for respiting of this petition to the next Court, if their brethren the deputies consent hereto.

EDW. RAWSON, Secretary.

The deputies consent heereto & doe further grant the petitioners request, viz., that their towne shall be called Portsmouth if our honored magistrates consent hereto.

WILLIAM TORREY, Cleric.

The magistrates consent hereto viz., the name of Portsmouth.

EDWARD RAWSON, Secretary.

The magistrates considering further of this petition desire a present committee may be chosen to whom the settling of the towne of Portsmouth may be referred, & their thoughts thereabouts returned to this Court if their brethren the deputies consent hereto.

EDWARD RAWSON, Secretary.

28th May, 1653.

Mr Symonds is appointed to be of the committee for this petition.

Mr Samuel Winsley, Mr Joseph Jewett and Shergent Sherman are appointed to be of this committee.

WILLIAM TORREY, Cleric.

The magistrates consent hereto.

E. RAWSON, Sec.

18 May, 1653. 4, p. 135.

In answer to the petition of Capt. Thomas Wiggin for a writt of divicion of the two pattents of Swampscott, the court referres the division thereof untill the next yeare 1654, in October, and order in the meane time there be a forbearance of falling of wood and timber upon the lands exprest in the petition.

May 28, 1653.

The Committee (in answer to this petition) doth conceive that the line of the township of Portsmouth should reach from the sea by Hampton line to Wynnacont River leaving the proprietors to their just rights and interest.

Samuel Symonds,  
Joseph Jewit,  
Samuel Winsley,  
John Sherman.

The deputies approve of the returne of the committee in answer to this petition with reference to the consent of our honoured Magistrates hereto.

WILLIAM TORREY, Cleric.

Mr Tho. Bradbury, Mr Samuel Winsley & Mr Robert Pike being chosen by the Generall Court to lay out the west end of Hampton bounds upon their best information have concluded that their west line shall run from the extent of the Lyne formerly agreed on to come within two miles of Exeter meeting house upon a direct Lyne to that part of Aspe brooke where the high way goes over and from thence upon a direct lyne so as to leave Exeter falls at the towne bridge a mile and a half due north of the same and from thence upon a west & by north lyne as far as the utmost extent of Salsberry bounds. C. Rec., vol. 3, p. 399.

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1654.

At a Generall Court of Election held at Boston the 3d of the 3d month 1654.

In answer to the petition of inhabitants of Hampton, the Court doth declare though they are not willing to recall those uncomfortable differences that formerly passed betwixt & Mr Wheelwright concerning matters of religion or practice, nor doe they know what Mr Rutherford or Mr Wells hath charged him with, yet they find meete to certify that Mr Wheelwright hath long since given such satisfaction both to the Court & elders generally as that he is now, & so for many years hath bin an officer in the church at Hampton within our jurisdiction & that without offence to any so far as we know and as we are informed he hath been a usefull & profitable instrument of doinge much good in that church. C. Rec., vol. 3, p. 420, 421.

At the request of the town of Dover, Lieut Pomfret is apoynted to joyne in marriage such as shall be published there according to law. C. Rec., vol. 3, p. 423.

*Petition of John Allen, &c.*

May 6th, 1654.

*To the honored Generall Court now assembled at Boston.*

The humble petition of John Allen, Nicholas Shapleigh, John Severance, Thomas Lake, & Edward Callcott in behalf of themselves and other the owners of the two Pattents of Swampscott and Dover.

Humbly shewethe whereas this honored Genneral Courte of the Massachusetts Bay, in the 14th of the 4th mo. 1641, Covenanted with George Willys gent. and others in behalfe of themselves and partners of the said pattents that the South Pattent of Swamscott, and one third of the pattent of Dover should remaine to the said owners of the pattents and their heirs forever &c. the said Court promisethe to mentayne the pattents in their rights therein as by the said Covenant appeareth. Now your humble petitioners crave that this honored Court will be pleased to grant thatt a divvission may be made of the said lands according to Covenant made with your Pattentees, and your petitioners shall pray &c.

The deputies doe conceive that the petitioners have another way to obtayne theire desires herein exprest viz., to prosecute any that shall intrench upon their first right in a Course of law in our Court of Justice, in reference to the Consent of our honoured magistrates. 6, 3, 1654.

WILLIAM TORREY, Cleric.

The magistrates cannot consent to this Returne but Referr their Petition to be considered by their Committee, & both parties concerned therein to be heard by them.

EDWARD RAWSON, Secret'y.

Consented to by the Deputies.

WM. TORREY, Clerk.

*Answer of the Committee.*

In answer to the Petition of Capt John Allen &c. & the town of Dover.

Wee find by the Records of the Court An'o (41) that the pattent on the south side of the river of Piscataqua, & one third part of the Pattent of Dover is reserved by the Patentees. And also that Mr William Payne and others in Ano. (52)

were appointed to set out the limits of the town of Dover. Wee therefore conceive it necessary for this Court to appoint and impower some uninterested persons a Committee at the charge of the parties, uppon the place to examine all interests & actings relating thereunto and to consider some way for the accomodating all parties according to their just interests, and to make return under their hand to the next sessions of this Court & that in the mean time the order of Court prohibiting the felling timber be duly observed on penalty of five pounds a tree (except for firing and fencing) for so many as shall be felled upon the land which shall be apportioned to the sayd Capt. Allen & companie of Pattentees.

HUMPHREY ATHARTON,  
 THOMAS CLARKE,  
 ELEAZER LUSHER,  
 JOSEPH HILLS.

The deputies approve of this retourne of this Committee in answer hereunto, provided the penalty of five pounds for felling of any tree be left out, & have chosen Mr Joseph Hills, Mr Edward Collins, & Capt Eleazer Lusher, together with such others as our honored magistrates shall please to nominate to be a Committee impowered to act herein accordinge to this retourne.

WILLIAM TORREY, Cleric.

The magistrates cannot consent hereto, but refer it to the next Court of sessions of this Court for a finall answer when both parties may be present, desiring the brethren the deputies consent hereto.

May 15, 1654.

EDWARD RAWSON, Secretary.

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*Dover Petition.*

*To the Right Worshipfull the Governor and magistrates, & Deputies of the Generall Court now assembled in Boston.*

The humble petition of the inhabitants of the town of Dover. Shewethe that whereas your poor petiiioners were taken under the government of the Mattachusetts, by the extent of the line of the Patent of the Mattachusetts, and likewise the people there are accepted and reputed under the government

as the rest of the inhabitants within the said jurisdiction, as also a Committee chosen to bound out the Towne, which accordingly was done, & afterwards was confirmed at the Generall Courte as the Acts do more fully declare. Therefore wee your poore petitioners do humbly erave protection in our habitations and rights accordinge to the laws & liberties of this jurisdiction, & likewise that some order might be taken to restraine such as doe disturbe and molest us in our habitations by challenginge us by patent, & threateninge of us & sayinge that wee plant upon their grounde & that we must give them such rent as they please for cuttinge grass and timber, or else they will take all from us, so by this means the people are many of them disquieted, not onely by the Patent, but alsoe by the threats of Edwarde Coleorde who with others of his pretended owners do report that they have fourteen shares & that they are the greatest owners in the Country, which Patent wee conceive (under favour) will be made voyde if it be well looked into, so hopinge ever to enjoye protection within your jurisdiction Wee shall ever pray.

William Wentworth,	Tho. Beard,
James Rawlins,	Peter Coffin,
John Godard,	Ralph Hill,
William Pomfrett,	Henry Tebut, Constabell,
John Dande,	The mark † of Tho. Layton,
Richard Waldern,	The mark × of Tho. Caney,
Hatteevil Nutter,	Ye mark ‡ of Thomas Wells,
Ambrose Gibbins,	Ye mark § of Tho. Stevenson,
Edward Starbuck,	Ye mark ¶ of William Beard,
William Furbur,	John W——,
John Ault,	Richard Yorke his marke
James Newtt,	The mark of † Henry Lankster
Jonas Bynns,	The mark § of James Bonker,
Henry Tibut,	John × Herds marke,
Val. Hill,	Thomas T N Northe, marke,
Thomas Footman,	The marke of Matthew × Billes.*
John Biekford,	

Answered upon Capt Jo. Allens petition 1654.

\* Whereas we whose names are here under written are made choice of by the Towne of Dover and Kittery to lay outt the Devidinge Bounds be-

10 May, 1654. 4, p. 188.

In answer to the request of the inhabitants of Dover Left. Wm. Pomfrett is appointed and authorised to marry such at Dover as shall be duely published & otherwise fitt to joyne in marriage according to lawe.

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*Petition from Portsmouth.*

Oct. 17, 1654.

The towne of Portsmouth preferring a petition for settling the bounds between Hampton & themselves, the courte thinks meete to referre the issue of the case to commissioners, & to that end have chosen Mr Joseph Jewett, Mr Thomas Bradbury & John Saunders, who hereby impowered to examine the matters in difference betweene the townes of Portsmouth & Hampton as touching the Lyne betweene them & to settle the same in such a way as may by them be judged most meet upon a full hearing of what shall be alleadged in the case, & that they make returne thereof to the next Court of Election, & Mr Joseph Jewett to appoynt the time & place of meeting. C. Rec., vol. 3, p. 439.

18 October, 1654. 4, p. 201.

In Norfolke, Roger Shawe of Hampton—is impowered and ordered to sell wine of any sort and strong licquors to the Indians as to their [his] judgment shall seeme meete and necessary for their relief, in just and urgent occasions, and not otherwise.

tweene the said Townes, we have Mutually concluded and agreed that the great River At newichawanacke shall be and remaine the Devideinge bound betweene the aforesaid Townes, the one half of the said River to Aptaine and belong unto the Towne of Dover on the south, and the other halfe to the Towne of Kittery one the North. In confirmation hereof we have Interchang—sett to our hands this 4th of ye 2 mo. [16]54.

NICOLAS SHAPLEIGH,

RICHARD WALDEN,

EDWARD STARBUCK,

The mark of NICOLAS † FROST,

The mark of RICHARD ‡ NASON,

WILLIAM FFURBER,

*Dover Town Rec. A. H. Q.*



1 November, 1654. 4, p. 210.

In answer to the petition of Anthony Stanion, for the remittant of the forfeiture of his fifty pounds bond for Edward Colcords appearanc at the last County Court at Hampton, the Court judgeth it meet to remitt forty pounds thereof, and orders him to pay the attorney that prosecuted against Edward Colcord in behalf of Thos. Moulton fourteen shillings, & to Thomas Moulton for himselfe & wives attendanc at both Courts, three pound two shillings, and to the widdow Blasedell for her attendanc as before thirty shillings, the other fower pounds thirteen shillings to make up the ten pounds he shall pay to the Treasurer for the charg of the court.

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*Extract from the Records of the House of Deputies of Massachusetts.*

1 Nov., 1654.

“Whereas it is judged most comely, convenient, and conducible to the dispatch of public service, that the deputies of the General Court should diet together, especially at dinner, it is therefore ordered that the deputies of the General Court the next ensuing year, viz., 1655, shall all accordingly dine together, and that Lieut. Phillips, the keeper of the said tavern, shall be paid for the same by the Treasurer for the time being by discounting the same in the custom of wine, payable by the said Phillips, and that the treasurer shall be repaid by the several towns according to the charges of their respective deputies, with their next country rate, by the same kind of payment,\* and it is further ordered for the prevention of un-

\*29, 10th mo. '48. “It is this day ordered by us - - - who are the prudentiall men for the affairs of the Towne, that George Walton shall pay twentie shillings for evie pipe of wine that can appeare to be drawn either by him or his appointment to any person or persons whatsoever since the time of his keeping of an ordinary, and shall pay the price of Two pipes and one hogshhead of wine since the last Court the sum of fifty shillings upon demand made by us to any person chosen to receive ye same.” Dover Town Rec. A. H. Q.

16, 2 mo. 1655. It is agreed upon concerning setting comfortable maintenance of the ministry of Dover and Oyster River all the rent of the saw-mills shall be set aparte into a Towne stocke, with two pence upon the

settledness and other distractions for the future, that the deputies of the General Court shall yearly and every year, from time to time, before the dissolving of the last session thereof, accordingly take some effectual course in this case, in such sort as to themselves shall seem best, that the deputies of the next succeeding Court may not be occasioned to seek their own settlement in this, and so retard public service; and its further ordered, that the deputies shall give notice hereof to the deputies that shall be chosen for the succeeding year, from time to time. This is passed as an order respecting the House of deputies. An agreement was made with Lieut. Phillips by the deputies now assembled in the General Court, that the deputies of the next Court of Elections shall sit in the new Court chamber, and be dieted with breakfast, dinner and supper, with wine and beer between meals, with fire and beds, at the rate of 3s. per day—so many as take all their diet as aforesaid at the said house—but such as only dine, and not sup, to pay 18d. for their dinners with wine and beer betwixt meals, and by wine is intended a cup each man at dinner and supper, and no more.” Coll. N. H. Hist. Soc., 2, p. 228.

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31 October, 1655. 4, p. 244.

At the request of the towne of Hampton by their deputy, itt is ordered that there shall be a markett kept there one day in every week, viz., on the fifth day which is their lecture day.

pound to be rated upon the estates of all the inhabitants, and all such estates so appointed are to be put into the hands of any that shall be chosen treasurer by the said Towne to receive the said, w'ch summ that hath respect to the Rate is to be paid in money, Beaver, Beife, Poarke, wheat, Pease, Mault, Butter, cheeise, in one or any of these. This order to take place the 25th of June next and to continue one whole year. Dover Town Rec. A. H. Q.

30, 1 mo. 1657. It is ordered that the debety that shall be chosen for to goe to the generall Cortt shall have theirty shillings for his charges going and coming and his diet borne by the towne all the time of his atendance at the generall cort and 2s. 6d. ye day all the time of his attendance the cort, all this to stand tell the Towne see ferder case to allter it. Dover Towne Rec. A. H. Q.

23 May, 1655. 3, p. 381.

Att the request of the deputyes of Salsbury & Hampton, Mr Symonds is appoynted to joyne with Capt Wiggans to keepe the County Courts at Norfolke.

III, p. 394.

In answer to the petition of Mr Thos. Lake in the behalfe of himselfe & partnors for a devision of the land at Squamscot & Dover, it is ordered, that Mr Wm Bartholomew, Mr Samuel Winslow & Mr Samuel Hall are hereby appoynted & empowered as a comittee to goe to Squamscott, & according to the pattents thereof & this order, to make a just devision of that of Squamscott only, & that which hath reference to Dover be respited untill another time, makeinge a returne of what they doe to the court of election for confirmation.

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### *Witchcraft in New-Hampshire—1656.*

[N. H. Hist. Coll., I., pp. 225-227.]

*Complaint of Susannah Trimmings, of Little Harbour, Pascataqua.*

On Lord's Day 30th of March, at night, going home with Goodwife Barton, she seperated from her at the freshet next her house. On her return, between Goodman Evens' and Robert Davis' she heard a rustling in the woods, which she at first thought was occasioned by swine, and presently after, there did appear to her a woman whom she apprehended to be old Goodwife Walford. She asked me where my consort was; I answered, I had none. She said, thy consort is at home by this time. Lend me a pound of cotton. I told her I had but two pounds in the house, and I would not spare any to my mother. She said I had better have done it; that my sorrow was great already, and it should be greater—for I was going a great journey but should never come there. She then left me, and I was struck *as with a clap of fire* on the back, and she vanished toward the water side, in my apprehension in the

*shape of a cat.* She had on her head a white linen hood tied under her chin, and her waistcoat and petticoat were red, with an old green apron and a black hat upon her head.

Taken upon oath, 18th April, 1656, before

BRYAN PENDLETON,  
HENRY SHERBURNE,  
RENALD FERNALD.

Her husband (Oliver) says, she came home in a sad condition. She passed by me with her child in her arms, laid her child on the bed, sat down upon the chest and leaned upon her elbow. Three times I asked her how she did,—She could not speak. I took her in my arms and held her up, and repeated the question. She forced breath, and something stopped in her throat as if it would have stopped her breath. I unlaced her clothes, and soon she spake and said, Lord have mercy upon me, this wicked woman will kill me. I asked her what woman. She said, Goodwife Walford. I tried to persuade her it was only her weakness. She told me no, and related as above, that her back was as a flame of fire, and her lower parts were as it were numb and without feeling. I pinched her and she felt not. She continued that night and the day and night following very ill, and is still bad of her limbs and complains still daily of it. Sworn as above.

A witness deposed, June 1656, that he was at Goodman Walford's 30th March 1656, at the time mentioned by Mrs. Trimmings, and that Goodwife Walford was at home till quite dark, as well as ever she was in her life.

*Nicholas Rowe*, testified that Jane Walford, shortly after she was accused, came to the deponent in bed in the evening and put her hand upon his breast so that he could not speak, and was in great pain till the next day. By the light of the fire in the next room it appeared to be Goody Walford, but she did not speak. She repeated her visit about a week after and did as before, but said nothing.

*Elisa Barton*, deposed that she saw Susannah Trimmings at the time she was ill, and her face was coloured and spotted with several colours. She told the deponent the story, who replied, that it was nothing but her *fantasy*; her eyes looked as if they had been scalded.

*John Puddington*, deposed, that three years since Goodwife Walford came to his mother's—She said that her own husband called her an old Witch; and when she came to her cattle, her husband would bid her begone, for she did overlook the cattle, which is as much as to say in our country, *bewitching*.

*Agnis Puddington*, deposes, that on the 11th of April, 1656, the wife of W. Evans came to her house and lay there all night; and a little after sunset the deponent saw a yellowish cat; and Mrs. E. said she was followed by a cat wherever she went. John came, and saw a cat in the garden—took down his gun to shoot her; the cat got up on a tree, and the gun would not take fire, and afterwards the cock would not stand. She afterwards saw three cats—the yellow one vanished away on the plain ground: she could not tell which way they went.

*John Puddington* testifies to the same effect.

Three other deponents say, they heard Eliz. the wife of Nicholas Rowe, say, there were three men witches at Strawberry Bank, one was Thomas Turpin who was drowned; another, old Ham, and the third should be "nameless, because he should be blameless." Goodwife Walton was bound over to the next Court.

*Court of Associates, June, 1656.*

Jane Walford being brought to this court upon suspicion of being a Witch, is to continue bound until the next court, to be responsive.

This complaint was probably *dropped* at the *next term*. Goodwife Walford brought an action of slander in the County Court, 22d March 1669, against one Robert Cutch, and laid her damages at one thousand pounds. Declaration in an action of slander for saying that the said Jane was a Witch, and he could prove her one, which is very greatly to her damage. Verdict for plaintiff, Walford, five pounds and costs of court.\*

\* The first execution for witchcraft in New-England, was in 1648.

"At this [General] Court one Margaret Jones of Charlestown was indicted and found guilty of witchcraft and hanged for it. The evidence against her was, 1, that she was found to have such a malignant touch, as many persons (men, women, and children) whom she stroked or touched with any affection or displeasure, or etc. were taken with deafness, or vomiting or other violent pains or sickness; 2, she practising physic, and her

May 6, 1656.

*To the Honored the Generall Court now assembled in Boston.*

The petition of the Inhabitants of the town of Dover.

That whereas the welfayre of any society, whether exlesias-ticall or politicall doth much depend upon the upholding of an able ministry, the principall means for the well carrying whereof is the settlement of a people in their just Proprietyes for which end your humble petitioners have according to their utmost endeavours engaged £170 per annum for the maintenance thereof.

In which undertakinges they find no small discouragement from some certen clames & devissions of Pattents grounded upon some former Act of this Generall Court which as they apprehend takes away their Just rights & consequently disables them from their continued upholding of the ministry amongst them.

Our humble request to the Honored Court is that you would take our case into your wise and serious consideration, soe as to determine a just settlement of our Interest & a removall of

medicines being such things as (by her own confession) were harmless, as aniseed, liquors, etc., yet had extraordinary violent effects; 3, she would use to tell such as would not use her physick, that they would never be healed, and accordingly their diseases and hurts continued, with relapse against the ordinary course, and beyond the apprehension of all physicians and surgeons; 4, some things which she foretold came to pass accordingly; other things she could tell of (as secret speeches, etc.) which she had no ordinary means to come to the knowledge of; 5, she had, upon search, an apparent teat in her secret parts, as fresh as if it had been newly sucked, and after it had been scanned, upon a forced search, that was withered, and another began on the opposite side; 6, in the prison, in the clear day-light, there was seen in her arms, she sitting on the floor, and her clothes up, etc. a little child, which ran from her into another room, and the officer following it, it was vanished. The like child was seen in two other places, to which she had relation; and one maid that saw it, fell sick upon it, and was cured by the said Margaret, who used means to that end. Her behavior at her trial was very intemperate, lying notoriously, and railing upon the jury and witnesses, etc. and in the like distemper she died. The same day and hour she was executed, there was a very great tempest at Connecticut which blew down many trees, etc." Winth., 2, p. 397.

future in these respects which otherwise we feare will endanger (if not by your care speedily prevented) the extirpation of both church & common weale amongst us.

Yours in all service to be commanded. In the name & behalfe of the Towne.

RICHARD WALDERNE.

14 May, 1656. 4, p. 226.

In answer to the petition of the towne of Hampton for more full satisfaction and for prevention of further discord betweene the townes of Salisbury & Hampton it is ordered that Mr Samuell Dudley with the former comittee, or any two of them shall againe consider of the case, and heere the allegations of both parties and present a retourne with a plat drawne & signed by some artist at the next session of this court, with their full determination & explanation of the line between the said townes, the charg thereof to be borne by Hampton.

May 22, 1656.

We whose names are hereto subscribed according to an order of the honored Generall Court in November 1655, appointinge us to make a first devision of the Pattent of Swamscott doe thus make our returne.

When we come to peruse the Pattent we found it to extend for the length of it from the lower part of the River Pascataquack on the south side of said River unto the falls of said River at Exeter, & for breadth along the said River 3 miles from the falls of the head lyne for the breadth of it, which head lyne we run upon a southeast poynt of the compass which ended three quarters of a mile beyond Aspe brooke towards Hampton about 40 pole beyond or below the high way where we marked a great red oak on fowre sides.

2dly. From the said head lyne we measured for the length on the Northeast poynt of the Compass 6 miles & a halfe the which extended to that part of the bay near Winicott River.

3dly. We measured a second cross line for breadth beginning at Squamscott house extending it 3 miles upon the south east poynt where we did mark several pine trees. The rest of the

land belonging to the Pattent about & below the great bay we understood to be impassable as to measuringe by reason of the exceedinge thick swamps; but we took the best information we might of divers & severall inhabitants of the great Bay & Strawberry Banke & their reports agreed viz., that from the lower part of the bottom of the Bay neere Capt. Champoun's house to the River neere the Boyling Rock or thereabout all the neck of land within that Lyne unto the little Bay Contayninge as neere as men of best experience can informe about 4 miles square being all within the Pattent. And whereas from the easterly part of the great Bay, being a part of the river, we should have measured 3 miles into the land we find in that place by credible information the land so narrow to the seaward that we can allow no more according to the intent of the Pattent as we understand it than one mile and a halfe to be run from each poynt of the bottom of the Bay upon an easterly line into y<sup>e</sup> land.

To the matter of service appoynted unto us by the Generall Courte concerning divission of the Pattent, we finding the present owners to be of three sorts or ranks we have therefore agreed to make three severall divissions. The first division being 8 shares & one quarter belonging to Mr Nathaniel Gardner, Mr Tho. Lake & partners, we assign and lay out to them all the land from Bloody Point unto the boyling Rock for breadth or thereabouts & for length extendinge to the lower lyne of the middle devission which is about 40 pole from Sandy Poynt & so the lyne running Southeast 3 miles in the land as also the land lying upon the bottom of the great Bay, being or extendinge one mile & halfe from every part of the bottom of the bay upon an east'ly lyne into the woods in which division of the land & marsh graunted unto Dover by the generall Court shall be & remayne to them forever viz., the land from Kinges Creeke to a certain Cove neere the mouth of the great Bay called Hogstye Cove with all the marsh from that place round about the bay up to Cotterills Delight with 400 acres of upland as it graunted by the Court, bounded layd out and possessed by the inhabitants of Dover with 50 acres of upland more about or neere the great Bay with 50 acres to



be layd out and disposed of by Capt. Richard Walden to some of the inhabitants of Dover, whom he sees fitt.

The second division being 8 shares & one quarter belonging to Capt. Thomas Wiggan & partners, who have purchased & obtained the same, we assigne & lay out 3 miles square beginning at a plump of trees standing on a peece of old planting land about 40 poles below Sandy poynt, & up the river upon a streight line toward Exeter, the River being the bounds of it on the North side & at each end to run a lyne upon the southeast poynt of the Compass 3 miles into the land there to bound it on that side, Provided that Capt Tho Wiggan pay unto the other two thirds the sum of £66 13s 4d according to their shares and proportions in boards within 6 months if demanded which he is to pay at either of his saw-mills in Pascataquaek river.

To the third division being 8 shares & one quarter belonging to the Shrewsbury men, to which we assigne & lay out all that land from the uppermost lyne of the middle division to the mouth of the Creeke called Mr Wheelwrights creeke, the same to run 3 miles towards Hampton upon a southeast lyne all the land between this lyne & Exeter falls to the full extent of the Lyne to ly[e] to Exeter, being graunted to them by deed of gift by Capt. Wiggan sole agent for the Company.

The Court allows & approves of the  
 returne of this Committee as is here  
 exprest.

{ SAMUEL WINSLOW,  
 WM BARTHOLOMEW,  
 SAMUEL HALL.

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*Squamscott.*

Propositions to the Hon<sup>d</sup> Gen<sup>ll</sup> Court the 22d of the 3d mo 1656, for settlinge & fully endinge the long continued differences between the Pattentees of Squamscott & Dover & the neibor townes.

1. For the furtherance of the same, Capt. Tho. Wiggan & Thomas Lake freely surrender & give up all their interest & tittle & clayme in the lands of the Pattent called Winnicahannatt, or Hilton's poynt unto the inhabitants of Dover forever,

exceptinge all the lands and howses, which the owners improved at Dover in their planting fields, which is about 16 acres more or less which remaynes to the sayd owners their heirs & assignes forever.

2. That the Court grannt & give unto the third devision of Squamscott layd out to Mr Nathaniel Gardner, Thomas Lake & partners of that devision 4125 acres of land to be layd out to them or their assignes either to them together or to each part or share 1000 acres, there being 8 shares and  $\frac{1}{4}$  in that division.

3. That the charge of the division is 20£.

4. Whereas in the first division layd out to Mr Gardner & Thomas Lake there is much lands in the possession of Strabery bank, which is still in difference—That the Court will impower some Commissioners with full power to end all differences whatsoever between the said town of Strabery Bank & owners as also between Hampton & them, the said owners of the first division.

THOMAS WIGGAN,  
THOMAS LAKE.

The Court judged meet to accept of the surrender here expressed, and do grant what is desired to the gent. as is mentioned herein & doe order that Maj. William Hathorne Mr Wm Bartholomew & Mr Samuel Hall shall be and hereby are impowered and authorized by the Generall Court as Commissioners to (determine & conclude) treat with the inhabitants of Hampton & Strawberry bank & on a full hearing to determine & conclude what they judge meet to be given by the townes & accepted of by the person, & to make their returne to the next Court who are to be allowed for their paynes at the Charge of the parties as the Commissioners shall judge. C. Rec., vol. 3, pp. 108, 109.

May, 1656. 3, p. 403.

In answer to the petition of the towne of Hampton, for settlinge of the boundes betwixt them & Salsbury, this Court orders for a more full satisfaction, & preventing of further discord between the townes, that the former Committee, or any two of them, together with Mr Dudley, doe agayne consider of the case, & here the alegations of both partyes, & present a

returne with a plat drawne & signed by som artist at the next session of this Court, with their full determination and explanation of the line between the s<sup>d</sup> townes, & the charges to be borne by Hampton only.

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Oct. 14, 1656.

Several of the inhabitants of Norfolk desiring to list themselves for troops, and to begin to rayse a troop of horse in that County have their request granted & they to enjoy the priviledges of Troops, provided their numbers and furniture be sufficient according to law. C. Rec., vol. 3, p. 190.

14 October, 1656. 3, p. 420.

There having bin heretofore an order of this Court, appointynge severall comissioners to settle the bounds between Hampton & Salsbury, which is not yet effected, the s<sup>d</sup> comissioners not appearinge, that a finall issue may be put thereunto, this Court doth appoynt Capt Brian Pendleton, Mr Georg Gittens Robt. Lord, & Ensign Howlett, or any three of them, to settle all differences between the two townes, in reference to their bounds according to the last order of this Gen'll Court, makeinge their returne to the next court of election.

IV, p. 268.

Whereas hitherto by appointment the County Court of Dover hath binn kept, begining upon the last Tuesday in June and the Court for the County of Yorke, begining upon the Thirsday following, for the more inlargement of time unto the said courts, it is ordered, that Dover Court shall beginne as before, and the Courte for Yorke on the Monday following and that Capt. Thomas Clarke shallbe assistant with Capt. Thomas Wiggins this yeare to keepe the County Courts of Yorkshire & Dover.

*Quakers.*

14 October, 1656. 4 (1st), p. 277.

Whereas there is a cursed sect of hereticks lately risen up in the world, which are commonly called Quakers, who take upon them to be immediately sent of God, and infallibly assisted by the spirit to speake & write blasphemous opinions, despising government & the order of God in church & comonwealth, speaking evill of dignities, reproaching and reviling magistrates and ministers, seeking to turne the peeple from the faith, & gaine proselites to their pernicious waies, this Court, taking into serious consideration the premises, and to prevent the like mischief as by their means it wrought in our native land. doth hereby order and by the authoritie of this Court be it ordered and enacted, that what master or comander of any ship, barke, pinnace, catch, or any other vessell that shall henceforth bring into any harbour, creeke or cove within this jurisdiction any knowne Quaker or Quakers, or any other blasphemous hereticks, as aforesaid, shall pay, or cawse to be paid, the fine of one hundred pounds to the Treasurer of the countrie, except it appeare that he wanted true knowledge or information of their being such, and in that case he hath libertie to clear himself by his oath when sufficient prooffe to the contrary is wanting, and for default of payment, or good securitie for it, shall be committed to prison, & there to continew till the said some be satisfied to the Treasurer as aforesaid, and the comander of any such ship or vessell that shall bring them, (being legally convicted) shall give in sufficient security to the Governor, or any one or more of the magistrates who have power to determine the same, to carry them back to the place whence he brought them, and on his refusall so to doe, the Governor or one or more of the magistrates, are hereby impowered to issue out his or their warrants, to comitt such master or comander to prison, there to continew till he shall give in sufficient security to the content of the Governor or any of the magistrates as aforesaid. And it is hereby further enacted and ordered, that what Quakers soever shall arrive in this countrie from forraigne parts, or come into this jurisdiction from any parts adjacent, shall be

forthwith comitted to the house of correction, and at their entrance to be severely whipt, and by the master thereof be kept constantly to work, & none suffered to converse or speak with them during the time of their imprisonment which shall be no longer than necessitie requireth.

And further it is orderèd, if any person shall knowingly import into any harbor of this jurisdiction any Quakers bookes or writings concerning their divilish opinions, shall pay for every such booke or writing, being legally proved against him or them, the some of five pounds, and whosoever shall disperse or conceal any such booke or writing and it be found with him or her, or in his or her house, and shall not imediately deliver the same to the next magistrate, shall forfeite and pay five pounds for the dispersing or concealing of every such booke or writing. And it is hereby further enacted, that if any person within this colonie shall take upon them to defend the hereticall opinions of the said Quakers, or any of their books or papers as aforesaid, ex animo, if legally prooved shallbe fined for the first time, forty shillings; if they persist in the same and shall so againe defend it, the second time fower pounds, if still, notwithstanding, they shall againe so defend & maintaine the said Quakers hereticall opinions, they shallbe comitted to the howse of correction till there be convenient passage for them to be sent out of the land, being sentenced by the court of Assistants to banishment. Lastly, it is hereby ordered, that what person or persons soever shall revile the office or person of magistrates or ministers, as is usuall with the Quakers, such person or persons shallbe severely whipt, or pay the some of five pounds. This order was published 21, Smo. '56, in several places of Boston, by beate of drumme.

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6 May, 1657. 3, p. 431.

Capt. Rich. Walden, a deputy for Dover, having urgent occasion, upon his request is dismist the Court.

III, p. 433.

Whereas the lands & proprieties of the honord Capt Wiggin, hath not hitherto bin brought within the lymitts of any towne,

nor bin lyable to pay taxes & assessments as others of our honored magistrates have done, it is therefore ordered by this Court, that henceforth the now dwelling house of the said Capt. Wiggan, together with all the lands & proprietyes there-to apperteyning shall belonge to the towne of Hampton & by the select men of the s<sup>d</sup> town to be assessed in all rates according to law, any custom or usag to the contrary notwithstanding, & that for the tyme past he allow only the sume of 5ll to the publick treasury.

6 May, 1657. 4, p. 297.

In answer to the petition of severall inhabitants of Portsmouth, it is ordered in answer to this petition for the setting of a minister, as also the meeting howse at Portsmouth,\* and for prevention of further inconveniences touching the same, that the petitioners nominate and choose one man, the rest of the inhabitants another, and the County Court at Dover a third, who are hereby authorized to goe on the place, and to heare what on both sides shall be alleadged in the premises, and determine the same as they shall judge best conducing to the peace and welfare of the towne; and in case the parties shall refuse to proceed to choose as above is exprest, then it is referred to the said County Court at Dover to make such order therein as they shall judg best conducing to that end & cawse retourne to be made to the next Court.

\* "On the 27th day of August, the town empowered Bryan Pendleton, John Cutt, Richard Cutt, William Seavey, and Henry Sherburne, the Selectmen, to build a new meeting house, which they accordingly erected two or three rods to the southward of the mill-dam, on the crotch of the roads leading to the pound and Frame-point."

"The inhabitants voted to give a call to Mr. *Woster* to settle with them in the ministry, in case they could agree with him after he had made a visit and preached there." It is uncertain whether he ever preached there.

1658. "Joshua Moody began his ministerial labours in this Town, the beginning of this year. He was at first supported by subscription,—eighty-six persons having subscribed for that purpose." Ad. An. Portsmouth.

15 May, 1657. 4, p. 307.

We, whose names are under written, being appointed by the Generall Court to lay out two hundred acres of land for Mr Edward Rawson, secretary, have donne accordingly as followeth: on the east side of Quochecho River, we have ordered one hundred acres, beginning at a beech tree neere the river, marked as in the margent, and from thence to runne northward fouer score rod, and from the marked tree eastward two hundred rods, and one hundred acres on the west side the river, a little below the Indian path, beginning at a white pyne marked as aforesaid, and from thence to runne southward, but could not further determine untill Dover hath layd out their bounds. The above path lyeth about three miles above Peter Cofyns house. Dated this 4th May, per us,—

BRYAN PENDLETON,  
PETER COFFYN.

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*Quakers.*

15 May, 1657. 4, (p. 1st), p. 308.

Att a Generall Court, held at Boston, 14th of October, 1657.  
The Court mett againe at the time appointed.

As an addition to the late order in reference to the coming or bringing in any of the cursed sect of the Quakers into this jurisdiction, it is ordered that whosoever shall from henceforth bring or cause to be brought directly or indirectly, any knowne Quaker or Quakers, or other blasphemous hereticks into this jurisdiction, every such person shall forfeitt the some of one hundred pounds to the countrie, and shall by warrant from any magistrate be comitted to prison, there to remain till the penalty be satisfied and paid; and if any person or persons within this jurisdiction shall henceforth entertaine and conceale any such Quaker or Quakers, or other blasphemous hereticks (knowing them so to be), every such person shall forfeite to the countrye forty shillings for ever howers entertainment and concealment of any Quaker or Quakers as aforesaid, and shall be comitted to prison as aforesaid till the forfeitures be fully sattisfied and paid. And it is further or-

dered, that if any Quaker or Quakers shall presume, after they have once suffered what the lawe requireth, to come into this jurisdiction, every such male Quaker shall, for the first offence have one of his eares cutt off, and be kept at worke in the howse of correction till he cann be sent away at his owne charge, and for the second offence shall have his other eare cutt off, &c., and kept at the house of correction as aforesaid; and every woman Quaker that hath suffered the lawe heere that shall presume to come into this jurisdiction, shall be severely whipt, and kept at the howse of correction at work till she be sent away at hir owne charge, and so also for hir coming againe she shall be alike used as aforesaid; and for every Quaker, he or she, that shall a third time herein againe offend, they shall have their tounge bored through with a hot iron, & kept at the house of correction, close to worke, till they be sent away at their owne charge. And it is further ordered, that all and every Quaker arising from amongst ourselves, shall be dealt with & suffer the like punishment as the lawe provides against forreigne Quakers.

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23 October, 1657. 4, p. 314.

In answer to the petition of Major Gen'll Daniel Dennison desiring that the five hundred acres of land graunted to him by this Court to be laid out on Conecticott River in two places, may be graunted him to be laid out to him either at Pennaquoocke on either side of the Merremacke River, or neere Pacomsickqucke about 3 or 4 miles beyond Merremack River, about sixe or eight miles below Patucket, as he shall find most convenient for him to choose, the Court graunts his request provided it hinder no former graunts.

23 October, 1657. 4, p. 316.

Wee, whose names are here unto subscribed, being appointed by the honnored Genrall Court to consider and determine the bounds betweene the two townes of Hampton and Salisbury, we having binn upon the lands in difference betweene the said townes, and having heard the allegations on both sides, doe, according to our best light and understanding, de-



termine after due observation of all former orders, as followeth, viz: That the bounds betweene the two townes mencioned towards the sea is to be upon a streight lyne beginning at the midle of Hampton River mouth, and running upwards unto a marked tree, being and standing at the uppermost corner of the farme comonly called Mr Batchilers farme, the said lyne to runne upon a west north west pointe of the compass nearest, and the said line being so runne by both townes, & marked out according as Capt Shapleigh hath now drawne the platt. Wee agree, upon consideration of all pleas, that the toune of Salisbury shall have and enjoy thirty acres of marsh on the north side of the said line, towards Hampton, at the lower end of the said line, to be laid out by both townes and adjoining to the line. Also for the upper line into the woods wee determine that the line shall runne from the marked tree before mencioned upon a west and by north line, nearest according as Captaine Shapleigh hath given in the line of the treading of Merremacke River, the which wee conclude to be the bounds betweene the said two townes, unto their utmost extent towards Haverill. Wee doe further declare, that what marsh the towne of Salisbury hath laid out to any of their inhabitants that shall fall within the lyne above menconed, towards Hampton, they shall enjoy, and so much more as shall make up the whole thirty acres, to be laid out belowe the proprieties if there to be found, or els above, joyning to the line; and this wee give as our determination in the business to us committed, concerning the premises.

Wittnes our hands this 3d day of the 5th mo. 1657.

JOHN APLETON,  
JOSEPH MEDCALE,  
WM. BARTHOLOMEW,  
DAN. PEARSE.

It is ordered, that the retourne of the comittee above mentioned which this Court allowes & approves of, shall stand & be a finall determination of the case in controversie betweene the two townes.

May 19, 1658.

Whereas information hath been given to this Court that severall of the soldiers at Portsmouth doe apprehend themselves not under the command of their Commander according to the law of this Jurisdiction, but accompt themselves at liberty so as to trayne when they please, This Court thinks meete to declare that the Souldgers of the Towne aforesaid, & all others lying within the extent of our Lyne are subject to the same way and order of discipline with ourselves & ought to attend their owne Commanders therein, & in case of any remissness therein to be lyable to the same fines as ourselves in the law expressed. C. Rec., vol. 4, p. 282.

19 May, 1658. 4, p. 329.

It is ordered, that the inhabitants of Portsmouth shall attend all military service under the comand of Capt. Brian Pendleton, according to the lawes of this jurisdiction; and further, it is declared, that this Court doth expect that all the inhabitants of Pascataqua doe attend the observance of our lawes, in particular those concerning the selling of strong liquors, and good order to be kept in ordinaries, and that the Court comissioners and officers there to take special care therein.

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*Commissioners power, &c.*

Whereas some complaints have been brought into this Court by the inhabitants of the other side of the River of Piscataqua of divers disorders & inconveniences, which do daily arise for want of Government being orderly settled to the furthest extent of our lyne in the Easterne parts, It is therefore ordered by the authority of this Courte that Mr Samuel Symonds & Capt. Thomas Wiggins being joined with the County Court of York, or any three of them, shall have Commission graunted unto them & as full power thereby given them to take the residue of the Inhabitants residing within our lyne as hath bin graunted to former Commissioners in the like cases, to which purpose the Commissioners aforesaid are to repaire to Black

Point, Richmond Island & Caseo, or to some such one place within the County of York as they shall judge meete, there to take in the inhabitants thereof into our Jurisdiction. And whereas further complaint hath binn exhibbited to this Court of Inconveniencies which doe eommonly arise in Saeco & some other places in the County of Yorke through the weakness of their Towne Commissioners for want of some person or persons to joyne with them in Commission for the better management of those affayres, It is therefore ordered that the afore-said Commissioners shall have full power as they judge meete to Confirme such person or persons as the said Towne or Townes shall present, to be Assistants to the said Towne Commissioners from time to time in their Judiciall Affaires. C. Rec., vol. 4, p. 282.

IV, p. 348.

Itt is ordered that Capt Thomas Wiggin shiall and hereby is impowred to administer the commissioners oath to Capt. Brian Pendleton, Henry Sherborne, & Elias Stileman for this yeare, when they repaire to him, signifying under the constables hand the legallity of their choice for that end for the towne of Portsmouth.

IV, p. 350.

Itt is ordered by this Court and the authoritie thereof, that the Comissioners of Dover and Portsmouth, & Yorke, shall annually choose some meete persons in their several townes to levy the summe of seventeene pounds tenn shillings, payable to the countrie Tresurer as also for the arrears that are behind since the order was made for the payment thereof; and that all the inhabitants to the eastward of Exeter bounds, with Mr Hiltons plantation, shall be accounted within this county & for the county of Yorke, to take in all the inhabitants, except those of Scarborough and Falmouth.\*

\*19: 2. [16]58. Voeted at theis Publick meeting, that this order following shall Bee an instructtion for our Debetey, that is to saye, our Debetey Capt. Richard Wallden shall not consent to the passage of anie Ackt concerning the infringing of our preveledges concerning customes or the Bever traid or anie preveleges wich formerly we have Injoyed, but shall Enter his dissent Against all such ackts as shall or may take away our

1659, 18 October. 4, p. 382.

Left. Christopher Hussie for Hampton - - - - - empowered to joyne in marriage such persons within their respective lymitts as shall desire the same—being published according to lawe.

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*Quakers.*

18 October, 1659. 4, pp. 383-4.

Itt is ordered that Wm. Robinson, Marmaduke Stephenson, & Mary Dyer, Quakers, now in prison for their rebellion, sedition & presumptuous obtruding themselves upon us, notwithstanding their being sentenced to banishment on paine of death, as underminers of this government, &c. shall be brought before this court for their trialls to suffer the penalty of the lawe (the just reward of their transgression), on the morrow morning, being the nineteenth of this instant.

Wm. Robbinson, Marmaduke Stephenson, & Mary Dyer, banished this jurisdiction by the last Court of Asistants on paine of deathe, being committed by order of the Generall Court, were sent for, brought to the barre, aeknowledged themselves to be the persons banished. After a full hearing of what the prisoners could say for themselves, it was put to the question, whither Wm. Robbinson, Marmaduke Stevenson, & Mary Dyer, the persons now in prison, who have binn convicted for Quakers, & banished this jurisdiction on paine of death should be putt to death according as the lawe provides in that case. The Court resolved this question in the affirmative; and

former Riet [right?] and that our debetie doe Bring all such lawes as are macked at this Cortt as other Debeties doe. Dover Town Rec. A. H. Q.

5, 2 mo., 1658. At a publique Towne Meetinge held the 5: 2 mo. 58.

It is agreed by ye selectmen together with ye Towne, that Twenty pounds pr annum shall be yearly rayzed for the mayntenance of a Shoolmaster in the Town of Dover, that is to say for the teachinge of all the children within the Township of Dover, the said schole master having the Privelegde of all strangers out of the Township aforesaid: the sd Master also to have to reid, write, cast accompt - - - - as the parents shall require. Dover Town Rec. A. H. Q.

the Governor, in open Court declar'd the sentanc to Wm Robbinson, that was brought to the barr. Wm Robbinson, yow shall goe from hence to the place from whence you came, & from thence to the place of execution and there hang until yow be dead. The like sentanc the Governor, in open Court, pronounced against Marmaduke Stephenson & Mary Dier, being brought to the barre one after another, in the same words.

Whereas Wm. Robbinson, Marmaduke Stephenson & Mary Dier are sentenced by this Court to death for their rebellion &c, it is ordered, that the Secretary issue out his warrant to Edward Michelson, marshall generall, for repairing to the prison on the twenty seventh of this instant October, & taek the said William Robbinson, Marmaduke Stephenson & Mary Dyer into his custody, & them forthwith, by the aide of Capt. James Oliver with one hundred souldiers, taken out by his order proportionably out of each company in Boston, completely armed with pike, & musketteers, with powder and bullett, to lead them to the place of execution, & there see them hang till they be dead, and in their going, being there, & retourne, to see all things be carried peaceably & orderly. Warrants issued out accordingly.

It is ordered, that the Reverend Mr Zachery Simes & Mr John Norton, repaire to the prison, & tender their endeavours to make the prisoners sencible of their approaching dainger by the sentence of this Court, & prepare them for their approaching ends.

Whereas Mary Dyer is condemned by the Generall Court to be executed for hir offences; on the petition of William Dier, hir sonne, it is ordered that the said Mary Dyer shall have liberty for forty eight howers after this day to depart out of this jurisdiction, after which time, being found therein, she is forthwith to be executed, & in the meane time that she be kept close prisoner till hir sonne or some other be ready to carry hir away within the aforesaid time; and it is further ordered, that she shall be carried to the place of execution, & there to stand upon the gallowes, with a rope about her necke, till the rest be executed, & then to retourne to the prison & remaine as aforesaid.

12 November, 1659. 4, p. 404.

Upon a motion made to this court in reference to the keeping of Hampton Court, it is ordered, that Major Humphrey Atherton be joynd with Mr Russell & the rest of the magistrates appointed to keepe the said court at the time appointed.

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1660, 31 May. 4, p. 425.

In ans' to the petition of the inhabitants of Oyster River, it is ordered, that Major Atherton joyne with Capt Wiggins in keeping the next County Court at Strawberry Banke & Yorke, and that he, w<sup>th</sup> the rest of the comissioners joynd with him for examining & settleing the respective interests & rights of Mr Foxwell, Jourdan & Phillips, doe heare, examine, & determine the matter in defference betweene Dover & Oyster River, and that all parties concerned therein doe attend the same at Strawberry Bancke, at the aforesaid court, and that any three of the comissioners, Major Atherton being one, be impowered to act in all the premises.

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1661.

*To the Right Worshipfull and much honored Generall Court now assembled at Boston, the complaint of severall persons whose names are underwritten to which many others might be added if desired.*

Humbly sheweth,

That whereas it hath been much observed and a long time taken notice of, that Edward Colcord, a man netoriously—— hath many years vitiously lived, to himself, and disorderly towards others, what by vexatious suits and fraudulent dealings in severall respects, by cheating and cozening, by wresting mens estates out of their hands, by coller of law, by revileing their psons, by fomenting of strifes, by raising discord among neighbors, by false swearing before a court, by takeing all advantages to insure—— men, whereby to get something for himself, it may seem strange, that this man hath runn this

course, without any restraint, unlesse being debarred from pleading & being made incapable of giving in testimony, but what by his fair specches deluding many by subtile contrivances and underhand practices he hath hitherto evaded the hand of justice, the time was, that proceeding so farr as to lash out against the Worshipfull Captaine Wiggin in casting foul slanders upon him, there was an intent by some to have wrought out these villaines to a —— before authority, which the same Edward Colcord fearing and foreseeing his condign punishment, made an escape and rann away from the town wherein he lived, & the places adjacent quickly perceived by their peace and quietness what a blessing it was to be freed from such an incendiary, hee travelling from place to place till every place was weary of him, supposing that by length of time injuries might be forgotten and the heat of our spirits somewhat allayed, he returned again & for a short season applied himself to some orderly living; but a man habituated in all manner of wickednesse is not so easily reclaimed, he taking up his former wont persisting in the same and that nothing might be wanting to fill up his measure, he hath anew vilified the chiefest of our magistrates and abused them by opprobrious terms.

The subscribers to this complain having a deep sense of these mischiefs and expecting no end therof from him, that their —— might be secured and the names goods of other preserved, have drawne forth a portrature or charge of this Colcord & present to the wise —— of that much honored Court, not knowing any other way —— remedy of the aforesaid evils.

The subscribers hereunto will be ready to make good what charges are given in this complaint.

Thomas Coleman,

Timothy Dalton,

John Brown,

John ——

William Godfrey,

Robert Tuck,

[Hampton, 1661.]

Thomas Ffilbrook,

William Ffffield,

Humphrey Wilson,

Will Fful——

Robert Nam— ?

His. Mem., No. 97. A. H. Q.

22 May, 1661. 4, pt. 2, p. 11.

In answer to the petition of several inhabitants of Hampton, complainyng ag<sup>t</sup> Edward Colcord for scandelous living by cheating & cousening, vilefying magistrates, &c, as in the s<sup>d</sup> petition is exprest, the Court judgeth it meete to referr the examination of the complaint to the County Court at Hampton, & if by due proofs found to be true, they are empowered to punish him according to his demeritts.

Att the Court held at Hampton, y<sup>e</sup> 8th, 8th mo. 1661, upon the complaint preferred against Edward Colcord at the General Court & referd to this court to hear and determine—This Court having found him guilty of many notable misdemeanors and crimes, some ag<sup>t</sup> Authority and some ag<sup>t</sup> persons in authority, some cheeting of men in their estates, some in causing needlesse and vexatious suits in law & other disturbances among the people: He is sentenced as followeth, viz., to pay a fine of five pound to y<sup>e</sup> Treasurer of this County; 2ly to bee committed to the house of correccion att Boston, not theare to be discharged, unless there bee bond taken to the vallue of ——— with sufficient sureties for his good behaviour, and in prticular that hee sue no man at any time hereafter without putting in good security to satisfye y<sup>e</sup> partie sued what shall be recovered of him by authority from time to time & costs.

This is a true copie taken out of the Records for Norfolk, as attest.

THO. BRADBURY, Rec.

The constable is to see these orders of court forthwith put in execution.

THO. BRADBURY, Rec.

Hist. Mem., No. 97. A. H. Q.

### *Quakers.*

22 May, 1661. 4, pt. 2, pp. 3, 4.

This Court, being desirous to try all meanes, with as much lenity as may consist with our safety, to prevent the intrusions of the Quakers, who, besides theire absurd & blasphemous doctrine, doe like rouges & vagabonds come in upon us, & have not bin restrained by the lawes already provided, have ordered that every such vagabond Quaker found within any part of



this jurisdiction shall be apprehended by any person or persons, or by the constable of the towne wherein he or she is taken, & by the constable, or in his absence by any other person or persons, conveyed before the next magistrate of that shire wherein they are taken, or Comissioner invested with magistratticall power, & being by the said magistrate or magistrates, comissioner or comissioners, adjudged to be a wandering Quaker, viz., one that hath not any dwelling or orderly allowance as an inhabitant of this jurisdiction & not giving civill respect by the usual gestures thereof, or by any other way or meanes manifesting himself to be a Quaker, shall, by warrant under the hand of the said magistrate or magistrates, comissioner or comissioners, directed to the constable of the towne wherein he or she is taken, or in absence of the constable or any other meete person, be stripped naked from the middle upwards, & tied to a carts tayle, and whipped thro the towne, and from thence imediately conveyed to the constable of the next towne towards the borders of our jurisdiction, as their warrant shall direct, & so from constable to constable till they be conveyed thro any the outwardmost townes of our jurisdiction. And if any such vagabond Quaker shall returne againe, then to be in like manner apprehended & conveyed as often as they shall be found within the limitts of our jurisdiction, provided every such wandering Quaker, having been thrice convicted & sent away as abovesaid & returning againe into this jurisdiction shall be apprehended and comitted by any magistrate or comissioner as abovesaid to the house of correction within that county wherein he or shee is found untill the next Court of that County, when, if the Court judge not meete to release them they shall be branded with the letter R on their left shoulder, & be severely whipt & sent away in manner as before; and if after this he or shee shall returne againe, then to be proceeded against as incorrigible rogues, & ennemys to the comon peace, & shall imediately be apprehended & comitted to the comon jayle of the country, and at the next Court of Asistants shalbe brought to their tryall, & proceeded against according to the lawe made Anno 1658, page 36, for their banishment on payne of death. And for such Quakers as shall arise from amongst ourselves, they shall be proceeded

against as the former lawe of Anno 1658, page 36, doth provide, untill they have beene convicted by a Court of Asistants, & being so convicted, he or shee shall then be banished this jurisdiction; & if after that they shall be found in any part of this jurisdiction, then he or shee so sentenced to banishment shall be proceeded against as those that are strainger & vagabond Quakers in manner as is above expressed. And it is further ordered, that whatsoever charge shall arize about apprehending, whipping, conveying or otherwise, about the Quakers, to be laid out by the constables of such townes where it is expended, & to be repaid by the Tresurer out of the next country levy; & further, that the constables of the severall townes are hereby empowered from time to time, as necessity shall require, to impresse cart, oxen, & other asistance for the execution of this order.

22 May, 1661. 4, pt. 2, p. 8.

For the better settling of order in the Isle of Shoales, it is ordered by this Court, that henceforward the whole islands appertaining there unto which doe lye partly in the County of York, & the other part in the jurisdiction of Dover and Portsmouth, shall be reputed & hereby allowed to be a towneship called Apledoore, & shall have equall power to regulate their towne affaires as other townes of this jurisdiction have.

In answer to the request of Capt. Brian Pendleton, the Courte judgeth it meete to order that the selectmen of Portsmouth & Dover doe forthwith by an assessment on the inhabitants, collect & gather the some of tenn pounds eight shillings & fower pence out of each towne & deliver the same to the said Brian Pendleton as satisfaction for so much by him expended on a frozen person some yeares past, that came into that river, whose charity this Court judgeth it meete to encourage & orders his satisfaction as above is exprest.

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7 May, 1662. 4, pt. 2, p. 44.

Mr Sam Dalton, deputy for Hampton, having an aged father, since his coming to this Court, dangerously, if not mortally wounded, by the fall of a tree, desiring the favor of this Court, is dismissed his attendance at this session.

IV, pt. 2, p. 47.

It is ordered, that Capt. Richard Waldern is & shall be hereby empowered to marry such as shall be published according to lawe within the precincts of Dover.

IV, pt. 2, p. 56.

It is ordered, That Major Eliazer Lusher join to help County Courts in Salisbury, Hampton & Dover for this yeare ensuing.

8 October, 1662. 4, pt. 2, p. 67.

It was voted by the whole Court, that Henry Roby, constable of Hampton, for his unfaithfulnes in not duly attending his warrant in bringing Edward Colcord to prison, both in March or Aprill & now shall loose his chardges & beare it himself.

P. 68.

Whereas, Edward Colcot was sentenced by the County Court at Hampton, in October last to be sent & put into the house of correction at Boston, & not be discharged thence till he gave sufficient bond for his good behavior, the constable neglecting his duty in putting him in to the house of correction, and, by the subtilty of said Edward Colcord, bond was given for his good behavior & the other part not yet performed, the Generall Court in May last, ordered that the said Colcord should, by warrant from the secretary, be brought into the house of correction according to said Hamptons Courts sentence. The Court having put it to the question whether the sentence of the Generall Court in May last shall be nulled, the Court resolved it in the negative, & ordered, that after the said Colcot have suffered in the house of correction, he shall be discharged the prison forthwith, and Henry Roby, constable of Hampton, for his neglect, shall loose all his chardges for bringing the said Colcot to Boston both formerly & now & beare it himself. Voted by the whole Court.

October 8, p. 70.

In answer to the petitions of Unice Cole, the inhabitants of Hampton, as also the petition of Wm Salter, all in relation to the said Unice Cole, the Court doe order, that the said Unice Cole pay what is due on arrears to the keeper, and be released

the prison, on condition that she depart within one month after her release, out of this jurisdiction, & not to returne againe on penalty of former sentence being executed against hir.\*

\* This Unice Cole was accounted a witch. Her name has a strange interest in connection with the following, from the MS. Town Records of Hampton, and the fancy with which the poet Whittier has embellished the story, in his "*Tent on the Beach.*" We learn that Joseph Dow, Esq., in his forthcoming History of Hampton, will publish all the known facts in the case. ED.

"The 20th of the 8th mo. 1657.

The sad hand of God upon eight psons goeing in a vessell by sea from Hampton to boston, who were all swallowed up in the ocean soon after they were out of the Harbour: the psons were by name as followeth:

Robert Read,

Manewell Hilyard,

Sargent Will. Swaine,

John Philbrick,

Ann Philbrick his wife,

Sarah Philbrick their daughter,

Alice the wife of Moses Cockes and John Cockes their son;

who were all Drowned the 20th of the 8th mo. 1657." *Hampton MS. Records.*

In his "*TENT OF THE BEACH,*" Whittier commemorates the foregoing "sad hand of God" in the following beautiful lines:

"Once, in the old Colonial days,  
Two hundred years ago and more,  
A boat sailed down through the winding ways  
Of Hampton River to that low shore,  
Full of goodly company  
Sailing out on the summer sea,  
Veering to catch the land-breeze light,  
With the Boar to left and the Rocks to right.

\* \* \* \* \*

"'Fie on the witch!' cried a merry girl,  
As they rounded the point where Goody COLE  
Sat by her door, with her wheel atwirl,  
A bent and blear-eyed poor old soul.  
'Oho!' she muttered, 'ye're brave to-day!  
But I hear the little waves laugh and say,  
'The broth will be cold that waits at home;  
'For it's one to go, but another to come!'"

*Quakers.*

P. 69.

In answer to the petition of the inhabitants of Dover, humbly craving reliefe against the spreading &c. the wicked errors of the Quakers amongst them &c. it is ordered that Capt. Richard Waldern shall & hereby is impowred to act in the execution of the lawes of this jurisdiction against all criminall offenders within the said towne of Dover, as any one magistrate may doe, untill this Court shall take further order.

*To the Constables of Dover, Hampton, Salisbury, Newbury, Rowley, Ipswich, Windham, Linn, Boston, Roxbury, Dedham, and untill these vagabond Quakers are out of this jurisdiction :*

You and every of you are required in the King's Majesty's name, to take these vagabond Quakers, Anna Colman, Mary Tompkins, and Alice Ambrose, and make them fast to the cart's tail, and drawing the cart through your several towns, to whip them upon their naked backs not exceeding ten stripes apiece on each of them in each town, and so convey them from

“ ‘She’s cursed,’ said the skipper ; ‘speak to her fair ;  
 I’m scary always to see her shake  
 Her wicked head, with its wild gray hair,  
 And nose like a hawk, and eyes like a snake.’  
 But merrily still, with laugh and shout,  
 From Hampton River the boat sailed out,  
 Till the huts and the flakes on Star seemed nigh,  
 And they lost the scent of the pines of Rye.

\* \* \* [A storm ensued.] \* \* \*

“ Goody Cole looked out from her door :  
 The Isles of Shoals were drowned and gone,  
 Scarcely she saw the Head of the Boar  
 Toss the foam from tusks of stone.  
 She clasped her hands with a grip of pain,  
 The tear on her cheek was not of rain,  
 ‘They are lost,’ she muttered, ‘boat and crew !  
 Lord forgive me ! my words were true ! ’ ”

\* \* \* \* \*

Constable to Constable till they are out of this jurisdiction, as you will answer it at your peril, and this shall be your warrant.\*

Per me,

RICHARD WALDRON.

At Dover, dated Dec. 22, 1662.

18 May, 1664. 4, pt. 2, p. 103.

Capt. Daniel Gookin is hereby desired & appointed to keepe the Courts in Portsmouth or Dover & Yorke for this yeare, if he come home & be well, otherwise, Mr Rich Russell.

19th October, 1664. 4, pt. 2, p. 139.

Capt Brian Pendleton having binn legally chosen & approved of to be Capt of the military company of Portsmouth, but not yet having any comission, it is ordered by this Court, that the secretary, imediately after the end of this sesion, draw up a comission & deliver it to Major General Leveret, & he to take care for the sending of it, so that the peace of the place may be preserved.

\* "In Dover, Hampton and Salisbury, this disgraceful order was executed, but in the last named town, *Walter Barefoot* performed almost the only praiseworthy act that stands to his credit in history, by taking these persecuted females from the Constables, under pretence of delivering them to the Constables of Newbury, and securing them from further cruelty by sending them out of the Province. It is worthy of remark that in Dover, where only, within this Province, the Quakers were persecuted, that sect has flourished perhaps to a greater extent than in any other town in New-Hampshire." Coll. N. H. Hist. Soc., vol. 2, p. 45.

A more detailed account of the persecutions of the Quakers may be found in a book written by George Bishop, with the title, "*New-England judged by the Spirit of the Lord*"—the first part of which was published in 1661; the second part in 1667; and the whole republished in 1702-3. See copious extracts from this book in Hist. Mem., No. 90, by A. H. Q. ED.

# P A P E R S

RELATING TO THE

## VISIT OF THE KING'S COMMISSIONERS,

SO FAR AS RESPECTS NEW-HAMPSHIRE :

COPIED FROM DOCUMENTS RELATING TO THE COLONIAL HISTORY OF THE  
STATE OF NEW-YORK.\*

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### *Commission to Coll. Nicolls and others to visit the Colonies and determine Complaints.*

[N. Y. Col. Hist., Vol. 3, p. 64.]

Charles the Second by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith &c. To all to whome these presents shall come GREETING. Whereas wee have received severall Addresses from our Subjects of severall Collonies in New-England, all full of duty and affection, and expressions of loyalty and allegiance to us, with their humble desires that wee would renewe their severall charters and receive them into our favorable opinion and protection, & severall of our Colonies there and other our loveing subjects have likewise complayned of differences and disputes arisen upon the lymmitts and bounds of their severall charters and jurisdictions, whereby unneighbourly and unbrotherly contentions have and may arise, to the damage and discredit of the English interests, and that all our good subjects resideing there and being planters within the severall Colonies doe not enjoy the libertyes and priviledges granted to them by our severall charters upon confidence and assurance of which they transported themselves and their estates into those parts. And wee having received some addresses from the Greate Men & Natives of those Countreyes, in which they complaine of breach of faith and of acts of violence and injustice which they have been

\* These Papers—which will be found of great interest—should be examined in connection with those which immediately follow, from the “ Massachusetts Colony Records.” Ed.

forced to undergoe from our subjects, whereby not only our government is traduced, but the reputation and credit of Christian Religion brought into prejudice and reproach with the Gentiles & inhabitants of those countries who know not God, the reduction of whom to the true knowledge and feare of God, is the most worthy and glorious end of all those plantations. Upon all which motives, and as an evidence and manifestation of our fatherly affection towards all our subjects in those severall Colonies of New-England (that is to say) of the Massachuset, Conecticot, New Plymoth, Road Island and the Providence plantation, and all other plantations within that tract of land knowne under the appellation of New-England. And to the end that wee may bee truly informed of the state and condition of our good subjects there, that soe wee may the better know how to contribute to the further improvement of their happynesse and prosperity, KNOW YEE THEREFORE that wee reposeing especiall trust and confidence in the fidelity wisdom and circumspection of our trusty and wellbeloved Coll. Richard Nicolls, Sir Robert Carre Kn<sup>t</sup>, George Cartwright Esq<sup>r</sup> and Samuell Maverick Esq<sup>r</sup> of our especiall grace, certaine knowledge and meer motion have made ordained constituted and appointed, and by these presents doe make ordayne, constitute and appoint the said Coll. Richard Nicolls, Sir Robert Carre, George Cartwright and Samuell Maverick our Commissioners. AND DOE hereby give and grant unto them or any three or two of them, or of the survivors of them (of whom wee will the said Coll. Richard Nicolls during his life shall bee always one, and upon equall division of opinions to have the casting and decisive voyce) in our name to visite all and every the severall Colonies aforesaid, and also full power and authority to heare & receive and to examine and determine all complaints and appeals in all cases and matters as well military as criminall and civill, and proceed in all things for the provideing for and settling the peace and security of the said country, according to their good and sound discretion, and to such instructions as they or the survivors of them have or shall from tyme to tyme receive from us in that behalfe, and from tyme to tyme as they shall find expedient to certify us or our Privy Councill of their actings and proceedings touching the premises. And for the doing thereof or any other matter or thing relateing thereunto these presents on the inrollement thereof shall be unto them and every of them a sufficient warrant and discharge in that behalfe.

IN WITNESSE whereof wee have caused these our letters to be made Patents. Witnesse Ourselfe at Westminster the 25th day of April in the sixteenth year of our Reigne.

BARKER.



*Mr. Mavericke to Capt. Breedon.*

[N. Y. Col. Hist., 3, p. 65.]

Capt. Breedon—

It hath pleased God (after a tedious voyage of neare ten weekes time), That two of our ships arrived here this afternoon at Pascataway where wee hourly expect our other two. The Guiney comanded by Capt Hyde wee lost this day se'night, and Capt Hill with the Elyas on Sunday last.

It hapned, that as wee were ready to come in, There went out from hence a Pinck, taken as a prize by a ship of Jamaica, but by authority from the Governor of the Massachusetts, the prize was as I understand seized upon and those that first took her, secured as prisoners by Capt. Oliver and carryed for Boston. I shall desire you to repaire to the Gov<sup>r</sup> & Councell, and advise them to take care how they dispose of such things as may bee out of their bounds, and not fit for them to take cognizance of, his majestyes Commissioners being at length come into these parts (of whom you know mee to be one). I cannot now tell you the time and place I long to see you at, our stay here being only for a little water & our other shipps, which if they come not in time, we must go to our appointed port in Long Island, from whence you shalbee sure to heare further from.

S<sup>r</sup> your very lovinge friend

SAMUEL MAVERICKE.

Pascataway,

July 20, 1664.

To Capt Thomas Breedon,  
at Boston.

A letter at the same time was sent to Mr. Jordan from Mr. Mavericke, only intimating his arrivall, & desire to see him with the first opportunity.

Another to Major Gen. Denison to the same effect.

I have not the copy of these.

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*Mr. Mavericke to the Hon. William Coventy, Esq.*

[Vol. 3, p. 65.]

Sir: Arriving here yesterday, I was willing to embrace this first oppertunity to present my humble service to you, and ac-

quaint you with the particulars of our voyage hither. S<sup>r</sup> its almost ten weekes since wee came out of Portsmouth Roade; for the first fifteene or sixteene dayes, wee had as good wind & weather as could bee desired; Ever since which time, wee have not only met with crosse winds, but very bad weather; yet all our ships kept company till the 13th day of this month, when by reason of very great Foggs wee lost company of the Guiney, & since the 16th day wee have not seen the Elyas. Contrary winds driving us upon these Coasts, wee were willing to put in here, as well to recruite ourselves with water (which wee begun much to want) as in expectation to meete or heare of the rest of our Fleete, who probably will come in to this harbor, yet if they come not suddenly, our stay here wilbee but little, but shall hasten for Long Island. S<sup>r</sup> I have more than hopes, all things in these parts will prove very successfull for His Majestyes & His Royall Highnesses service & interest, of which I have already received great testimonyes, for their continual prosperity and happiness. My prayers and utmost endeavours shall never bee wantinge.

I shall not presume to give you further trouble at this time but to subscribe,

S<sup>r</sup> your most humble Servant,

SAMUEL MAVERICKE.

Pascataway,

July 21, 1664.

These to the Hon'ble William Coventy Esq—present.

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*Mr. Carr and Mr. Mavericke to Mr. John Rickbell.*

[Vol. 3, p. 66.]

Mr. Rickbell,

Wee shall desire you to make all convenient haste to your habitacon in Long Island & by the way as you passe through the countrey and when you come hither, that you acquaint such as you thinke the King's Commission<sup>rs</sup> will bee welcome to and are affected for his Majestys service, that some of us are arrived here, and shall all suddenly bee in Long Island where we hope they will be ready as in other places to pro-

mote his Maj'tys interest, their readines & affection shall bee much taken notice of, and your care and Incouragement bee acknowledged by  
Your very lovinge friends

ROBERT CARR,  
SAMUEL MAVERICKE.

Pascataway, July 23d, 1664,  
to Mr. John Rickbell, these.

A warrant under the same hands to presse a horse for Mr. Rickbell if occasion should bee, hee paying for the hire.

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*The King's Commissioners to the Governor and Council of Massachusetts.*

[Vol. 3, pp. 99, 100.]

Gentlemen :

We have received a letter by your Marshall subscribed by your Secretary, so full of untruth & in some places wanting grammar construction, that we are unwilling to beleive it was pen'd with the knowlege and aprobatation, though in the name and by the order (as is said) of the Governor and Council.

Though it was great reason and high time for us to give over treating in privat with those who by sound of trumpet denied that authority which the King had over them, and by which we were to aet; yet neither that denying nor anything they can doe, can enervate the Kings comission, or hinder us from obeying the King's comandes, as neare as we can. The fixing, nameing, and owning a Bound-house 3 large miles north from Merrimack River about 12 yeares together by the Corporation of the Massachusetts (after the fixing of which Bound-house many other patents were granted by the Council of Plymouth & by the King), must necessarily determine the limitts of the said Corporation, and answer all the false and fraudulent expositions of their Charter. Wee now let you know our judgments that you may see how much those that pen'd that letter were mistaken, though for some reasons we will not publish it as our decree. The last letter wee received from his Majestie was the ground of that warrant we sent to Portsmouth, and of those we sent to severall other townes. His

Majesties comands are and shall be our directions; when we are convinced of an error we shall be ready to acknowledg & mend it, but shall not conserne our selves with your sence in this, who have already palpably (and we feare wilfully) misconstrued too many of His Majesties' gracious letters. The duty which we owe to God, to the King, and to all his subjects, constrains us to perswade you not to suffer yourselves to be so much mislead by the spirit of independency. The King did not grant away his Soveraignty over you when he made you a Corporation. When His Majestie gave you power to make wholesome lawes and to administer Justice by them, he parted not with his right of judging whether those laws were wholesome, or whether justice was administred accordingly or no. When His Majestie gave you authoritie over such of his subjects as lived within the limits of your jurisdiction, he made them not your subjects nor your their supream authority. That prerogative certainly His Majestie reserved for himself, and this certainly you might have seen, if ambition and covetousness or something as ill had not darkened both your eyes. Remember we pray you seriously that the pardon you so much pretend to from His Majesties clemency (in his letter of June 1662) was promised to you on condition of being for the future his good subjects, which must necessarily imply obedience. Striveing to grasp too much may make you hold but a little. 'T is possible that the charter which you so much idolize may be forfeited, and it may probably be supposed that it hath been many way forfeited; untill you have cleared yourselves of those many injustices, oppressions, violences and blood, for which you are complained against, to which complaints you have refused to answer, or untill you have His Majesties pardon, which can neither be obtained by nor bee effectuall to those who deny the Kings supremacy.

The deserved punishment and destruction of some, those who of late made use of the Kings authority to oppose His Majesties power, and raised armes and fought against His Majestie and yet pretended the defence & safety of the King, we think might deterr all from broaching or acting according to such illusive and destructive sophismes.

Many of your actions, and the warrant sent to the Constable

of Portsmouth, July 12, 1665, give us just grounds to feare that, if you had power, you would try your success the same way.

Gentlemen: Remember we pray you that you profess yourselves to be christians and pretend to be of the best sort. Pray make it appear that you are so, by your obedience to the Kings authority, by your peaceableness towards your neighbours, and by your justice amongst yourselves, which are christian virtues, that men may see your good workes, and then &c.

The other Colonies have set you so many good examples, even that of Road Island, one whom you have so long despised and disowned, and now lately derided for their submission to His Majestie. The dangerousness of those ways you are in hath extorted thus much from us at present, for caution; but the particulars of that letter we reserve to be examined in an other place. In fine we desire and in His Majestie's name require you, not to contradict those orders which we make by virtue of His Majesties Comission, nor to disturb the peace and quiet of those whom we have taken under His Majesties Government, nor to molest those who, in obedience to His Majesties authority, have observed any warrants made by us, and we assure you that as you approve yourselves His Majesties good subjects, we shall approve ourselves your reall friends, ready to serve you.

From Pascataquay River, }  
July 16, 1665. }

R. C.  
G. C.  
S. M.

Upon receipt of this reply their councell sent out warrants to severall townes in the Eastward parts of the tenor of this following copy.

*To the Constable of ———*

You are hereby required in His Majesties name forthwith to sumon your Deputy or Deputies already chosen for the year or in case they have none, to assemble the freemen of your towne together and require them, by virtue of an order of the Councell dated 21st instant, to choose and send their Deputy or Deputies to assemble at Boston on the 1st of August next at eight of the clock in the morning, to consult in Generall

Court with the Magistrates, about the waighty occasions of the Colony. Hereof not to faile making your returne. Dated in Boston 21 Julie 1665.

By the Councill,

EDW. RAWSON, Secy.

As also to speed away the warrant annexed, to the Constable of ——— Hast post hast.

EDW. RAWSON, Secret'y.

*Messrs. Carr, Cartwright, and Mavericke, to Sir Henry Bennet, Secretary of State.*

[Vol. 3, pp. 101, 102.]

Sir: After the Court at Boston was ended (of which we sent you an account before), we went to visit the Eastern parts; and first we past a tract of land laid claime to by Mr. Mason, who petitioned His Matie about it. His Matie referr'd it to Sr Robert Mason and others, who made their report to the King; all which Mr. Mason sent to Colonell Nicolls, whom he made his Attorney. This Province reaches from 3 miles north of Merimack River to Piscataquay River, and 60 miles into the country. We find many small patents in it, & the whole Province to be now under the usurpation of the Massachusets, who once set up a bound-house 3 larg miles north of the Merrimacke and owned it for above 12 years, yet since claimes all this and 60 miles more to the North to be within their patent. Col Nicolls being bound to attend DeRuiters attempt against New-Yorke and not being here, we left them as we found them, under the Massachusets government, though they were very earnest to be taken under His Majties government, as will appeare by their petitions which we have sent herewith. From Piscataway eastward to Sagadahock and 120 miles into the country is another Province called Yorkshire now, by the Massachusets, under whose government we found it, formerly called the Province of Maine in the King's Charter by which it was granted to Sir Ferdinando Gorges. The inhabitants of this Province were much troubled by the contests of the Massachusets and the Commissioners of Mr. Gorges, and being

weariness of the unjust and partial actings of the Massachusetts, and fearefull of the proceedings of the other, generally petitioned us to take them into His Maties more immediate government: which we did do, and appointing some to act as Justices of the Peace and to hold Sessions, we discharged both the others from exercising any authority, untill His Maties pleasure be further knowne. This hath already given such satisfaction to the people that they have petitioned His Matie that they may forever be governed by his commands, as will appeare by their petition, which also we have sent herewith. And thus we did, being assured that it was the best expedient we could use, both to procure the peace & quiet of that Province, and to end the differences betwixt the two pretending parties for the present, leaving the finall determination to His Maties wisdom. In this Province are 5 townes, Kittery, York, Wells, Scarborough and Falmouth. They build all by the sea side. Their townes are 5 or 6 miles long at the least, though they have but 30 houses in them, and those very mean ones too. If there be not better government established amongst them & more care taken of them, that Province will never be either well peopled or well cultivated. The places beyond Sagadahock were given to His Royall Highness by His Matie, yet as Col. Nicolls desired, who could not attend to go himself, we have appointed some to governe them for the present, as there was great need. Upon 3 Rivers, the east of Kennebeck, Shipscot, and Pemaquid, there are 3 plantacons, the greater hath not over 20 houses, and they are inhabited by the worst of men. They have had hitherto no governm<sup>t</sup> and are made up of such as to avoid paying of debts and being punished have fled thither; for the most part they are fishermen, and share in their wives as they do in their boats.

Wee were up within Piscataquay River July the 9th when we received His Maties lre of January 28th. There being an excellent harbour, larg & safe, and 7 or 8 ships in it, and great store of masts, we sent warrants to 4 towns upon that River, with an intent to have gotten that harbour fortified by them; but the Massachusetts sent a prohibition to them and a letter to us by their Marshall, which put a stop to our endeavours. This place we think deserves fortifying as much as any place in New-England.

We are told by some of themselves that they have appointed a Generall Court to be on August 1st to consider how to manage their opposition for that they intend to maintain the bounds of their patent as far as they have streatched them, and to suffer none to make warrants or orders within the same but themselves, and to justify their own wayes for admitting Church members, and free men, though the King write never so often to the contrary. Some few exceptions they make, as acts of their favor, to gain some to their partie, and to serve to delude the King with a show of compliance; for if writing will serve the turne, (as they suppose it will) they can keep the business in agitation, untill the King and all his Secretaries there and all his good subjects here, be weary of it; If nothing of greater consequence make them to let it fall, which they hope may happen; and that, if His Matie do not take some speedy course, they who have declared their judgments against them will be undone; as also all those who have petitioned for any redress; and that it is the case of the loyall party here, as not long ago it was in England, though they be two for one, yet they are so overawed that they cannot help themselves; that both the readiest and surest way is for His Matie to take away their Charter, which they have severall ways forfeited, which King Charles 1st was about to do a little before the Scotch war in 1636 or 1637. And if His Matie will assure the people they shall not be tyed to religious ceremonies, the generality of them will be well contented; but this without a visible force will not be effected. This advice we have had from them, and this indeed is our owne opinion. We have heard severall say, though they do wish that the government was otherwise, yet they had rather suffer as they doe then to take up armes against them. And indeed without this course it will be impossible for the King ever to attain those two ends mentioned in our private instructions. If His Matie should now let these people rest, haveing so much declared themselves against his authority over them, those that are well affected will never dare hereafter to declare themselves, beside all the other ill consequences which must necessarily follow. Those who have declared themselves loyall, are very much threatened, and in great feare, and have earnestly prest



us to solicit His Matie for their speedy defence and safety, that they may not be afflicted or ruined for shewing their loyalty. We therefore earnestly desire you to acquaint His Matie with their desires in this, as also of having their children baptised and themselves admitted to the Lord's Supper. If anything be here wanting, we hope it may be supplied by Col. Cartwrights relation, and subscribe ourselves,

Sir your most humble Servants,

R. C.

G. C.

S. M.

Boston July 26th 1665.

(Indorsed)

"A copy of a letter sent by the Comm<sup>rs</sup> to Mr Secretary Benet, w<sup>h</sup> Col. Cartwright went for England."

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*Messrs. Carr and Mavericke to the Secretary of State.*

[Vol. 3, pp. 106-108. Extract.]

Sir: "When we were in the Southern parts at Warwick, John Porter presented us with a petition (the copy whereof is amongst the others inclosed), signifying his greivance; whereupon we ordered him to make proof of his complaints, and gave him His Maties protection, till his cause was heard by us &c. We came from these parts to Boston, & stayed there till the accustomed time of their Gen<sup>l</sup> Court came, at which time Coll. Nicolls haply came, together with us, to treat with them, concerning the conteints of His Maties comission and privat instructions to us.

We found them presumptuous & refractory & could obtain nothing from them that might be satisfactory to His Maties desires, and their answers to the instructions of His Matie to us (of which we gave them copies) were delaytory and impertinent. Whereupon we of necessity (as a Court of Appeals) summoned the Governor and Company to answer to the action of Mr Thom. Dean & others (according to His Maties instructions) in the case of the ship Charles of Olleroon, to which they not only refused to appear, but sent to us this inclosed

declaration upon May 25th, 1665, by eight of the clock in the morning, an hower before we intended to have sate; and proclaimed it by sound of trumpet under Col. Cartwrights chamber window, he being then lame of the gout at Captain Bredons, where we intended to have sit. A copy of our answer or conclusion with them you will see annexed to the same copy of their declaration.

At this Gen<sup>all</sup> Court June 2d they commissioned Mr Simmonds and Mr Danforth to goe into the Eastern parts and to oppose us in our proceedings in what we were enjoyned to act, as you will see by the inclosed copy of their comission, a copy of which was given by them, directed to S<sup>r</sup> Rob<sup>t</sup> Carr, wee being in those parts when they came to put it in execution. Where being, a letter from His Mat<sup>ie</sup> came to our hands signifying the war with the Dutch & enjoyning us to looke after the fortification of those parts against them. Whereupon we sent out our warrants to Portsmouth and other places in those Eastern parts, to that end and purpose. The Governor and Councill at Boston having notice by some one of their intelligencers, sent to the constable of Portsmouth a prohibition of the people's meeting, and to us a letter; copies whereof and of our reply, here inclosed you will find, as also a copy of their warrant to summons a speciall Gen<sup>all</sup> Court thereupon to be held Aug. 1st.

Thus far was sent by Col. Cartwright an exact account of all proceedings with the Massachusets & the other Colonies; as you may please to see by the inclosed copy of the letter we sent by him to your honour.

Since that time, be pleased S<sup>r</sup> to take notice that at the Gen<sup>all</sup> Court then held, a warrant was sent by them to the Constables of Kittery in the Province of Mayne, a copy of which you have herewith. Wee haveing then settled the Eastern parts beyond Pascataquay River under His Mat<sup>ies</sup> immediate government till his pleasure was further knowne (by reason as you will find hereby of their disquiet and unsettled condition otherwise), the Massachusets (still reteining their wonted opposition) commissioned Mr Thomas Danforth, Mr Elias Lusher and Mr John Leveret to go thither and reduce them to their government. The inhabitants there having notice thereof,

sent us a letter (the copy whereof you will receive hereby) under the hands of Captain Champernown, Mr Rishworth and Mr Johnson, signifying their fear of them and desiring our direction what to do in the case. Whereupon Sr Robert Carr went thither waiting till they should come to exercise such their comission. In the mean time the Gentlemen in the Eastward parts made preparations for their comming, as the copy of the letter herein inclosed from Mr Rishworth will give you to understand. These Comissioners came as far as Portsmouth, and Sr Robert Carr, being then at Kittery, hearing thereof, sent them a letter, a copy whereof is inclosed, yet notwithstanding, they sent their peremptory summons, dated October 10th, to one Abraham Corbett to appear att their next Gen<sup>all</sup> Court which fell out the next day being 11th of Octob<sup>r</sup> last, to answer a contempt (as they please to call it) for in' a disorderly manner stirring up sundry of the inhabitants to signe a peticon or remonstrance against His Ma<sup>ties</sup> authority there settled &c. From hence they went to Dover to keep Court. The Eastern people were informed they would come in an hostile manner and therefore met at Kittery to have opposed them if they came over the River, which was supposed one cause of their speedy return towards Boston, they going that night to Salisbury, being 22 miles thence.

This being all for the present that we can informe you of, we desire (if it have pleased God that Colonel Cartwright have escapt with his life & be in health) your Honor will please shew him this account, and the inclosed papers, that what is wanting, he calling it to mind, may give you further information thereof.

Before this could be dispatched the marshalls of Dover and Portsmouth brought Mr Corbett hither a prisoner having apprehended him by order of a warrant to them directed from the Gen<sup>all</sup> Court setting last October, and carried him before the Governor, who immediately committed him to prison, there to continue to the next Gen<sup>all</sup> Court, unless he procured bayle &c. as by the copies inclosed you may see. Severall sufficient Gentlemen were proposed for it and by them refused. The person still remains confined, and we can give no satisfac-

tory answer for present, why. We committ it to your judgment what to thinke of the matter, & hope you will signifie it to His Mat<sup>tie</sup> remaining



(Signed) Sir, your humble Servants,

ROBERT CARR,  
SAMUELL MAVERICKE.

Boston, November 20, 1665.

To yo<sup>r</sup> Honorable Self."

*Sir Robert Carr to the Secretary of State.*

[Vol. 3, p. 109. Extract.]

"Sir: After we from hence had dispatched a letter to you by Capt. Thirston dated of Nov<sup>r</sup> the 20th last, conteining many copys of transactions here &c. came the inclosed copy of the peticon of Wells Court, to my hands, the originall whereof, as I remember, was sent by Colonel Cartwright. Also I going to visit Mr Corbet in the prison of this towne, about his bailement, was presented with a peticon from one Hoare, the which is here inclosed. So that by this you may in part see the grievances of His Mat<sup>ties</sup> subjects here. If it have pleased God that Colonel Cartwright did arrive safe he can let you heare of more of the like nature. I wish that His Mat<sup>tie</sup> would take some speedy course for the redresse of these and the like in-normities, and for the suppression of the insolencies of these persons here."

Sir, your honours faithful servant,

ROBERT CARR.

Boston, December 5, 1665.

*Report of the King's Commissioners concerning Massachusetts, &c.*

[Vol. 3, p. 110.]

The Colony of the Massachusetts was the last and hardlyest perswaded to use His Majestys name in their forms of Justice.

In this Colony at the first coming over of the Comissioners, were many untruths raised and sent into other Colonies, as

that the King had sent to raise 5000£ yearly for his Majestys use &c. Whereupon Major Hathorne made a seditious speech at the head of his company, and the late Governour another, at their meeting house in Boston, but neither of them were so much as questioned for it, by any of their Magistrates.

The Commiss<sup>rs</sup> visited all other Colonies before this, hoping both that the submission and condescension of the other Colonies to His Maties desire would have abated the refractoriness of this Colony, which they much feared; and that the assistance of Colonell Nicholls (whom they expected) would have prevailed much. But neither examples nor reason could prevaile with them to let the Comissioners hear and determine so much as those particular causes (Mr Deane's and the Indian Sachims) which y<sup>e</sup> King had comanded them to take care of, and to do justice in and though the Commiss<sup>rs</sup> (who never desired that they should appear as delinquents but as Defendants either by themselves or by their attorneys) assured them that if they had been unjustly complayned of to His Matie their false accusers should be severely punished and their just dealing make knowne to His Matie and to all the world; yet they proclaymed by sound of trumpet that y<sup>e</sup> Generall Court was the Supreamest Judicatory in that Province, that the Commiss<sup>rs</sup> pretending to hear appeales was a breach of their priviledges, granted them by the Kings royall father and confirmed to them by His Maties owne letter, and that they could not permit it. By which they have for the present silenc't about thirty petitions which desired justice against them, and were all lost at sea.

To elude His Maties desire of their admitting men civill and of competent estates to be free-men, they have made an act whereby he that is 24 yeares old, a house keeper, and brings one certificate of his civill life, another of his being orthodox in matters of faith, and a third of his paying ten shillings (besides head-money) at a single rate, may then have liberty to make his desire known to the Court and it shall be put to the vote.

The Commiss<sup>rs</sup> examined many townshippes and found that scarce three in a hundred pay 10s at a single rate; yet if this

rate was generall it would be just; but he y<sup>t</sup> is a church member though he be a servant and pay not 2d may be a Free-man.

They will not admit any who is not a member of their church, to the comunion nor their children to baptisme, yet they will marry their children to those whom they will not admitt to baptisme, if they be rich. They did imprison and barbarously use Mr Jourdain for baptizing children; as himself complain'd in his petition to the Comiss<sup>rs</sup>. Those whom they will not admit to the comunion they compell to come to their sermons by forcing from them five shillings for every neglect; yet these men thought their own paying of one shilling, for not coming to prayer in England, was an insupportable tyranny.

They have put many Quakers to death of other Provinces (for which also they are petitioned against). First they banish't them as Quakers upon pain of death, and then executed them for returning. They have beaten some to jelly, and been (other ways) exceeding cruell to others; and they say the King allows it in his letters to them. Indeed they have misconstrued all the King's letters to their owne sence. They yet pray constantly for their persecuted bretheren in England.

They have many things in their lawes derogatory to His Mat<sup>ties</sup> honour; of which the Com<sup>rs</sup> made a breviat and desired that they might be altered; but they have yet done nothing in it. Amongst others who ever keeps Christmas day is to pay Five Pounds.

They caused at length a Mapp of their Territories to be made, but it was made in a chamber by direction and guess. In it they claime Fort Albany, and beyond it all the lands to the South Sea. By their South line they intrench upon the Colonies of New-Plymouth, Rode Island and Conecticot, and on the East they have usurped Captain Mason's and S<sup>r</sup> Ferdinand Gorges patents and said that y<sup>e</sup> Comiss<sup>rs</sup> had nothing to doe betwixt them and Mr Gorge, because His Mat<sup>tie</sup> comanded them either to deliver possession to Mr Gorge or to give His Mat<sup>tie</sup> reasons why they did not.

The Comiss<sup>rs</sup> being at Piscatoquay when they received His M<sup>ties</sup> letter which comanded them to see the Harbours forti-

fied &c., sent their warrants to fower towns upon that river requiring them to meet at such time and place to heare His Maties letter read; one of these warrants was sent post to Boston, from whence two Marshalls are sent by the Governor and Councell with another warrant to forbid the townes either to meet or to do any thing comanded them by the Com<sup>rs</sup> at their utmost perills, and withall sent an unbeseeming letter to the Comiss<sup>rs</sup>, both which letter and warrant were lost at sea.

Colonell Whalley and Goff were entertained by the Magistrates with great solemnity, and feasted in every place; after, they were told they were Traytors, and ought to be apprehended. They made their abode at Cambridge untill they were furnisht with horses and a guide and sent away to New-haven for their more security. Captain Daniel Gooking is reported to have brought over and to manage their estates; and the Comiss<sup>rs</sup> being informed that he had many cattle at his farm in the Kings Province, which were suspected to be Whalleys or Goffs, caused them to be seized for His Maties use, till further orders. But Capt. Gooking standing upon the privilege of their Charter and refusing to answer before the Comiss<sup>rs</sup> as so, there was no more done in it. Capt. Pierce, who transported Whalley and Goff into New-England, may probably say something to their estate.

They of this Colony say that King Charles y<sup>e</sup> First gave them power to make lawes and execute them, and granted them a Charter as a warrant against himself and his successors, and that so long as they pay the fifth part of all gold and silver oar which they shall get, they are free to use their privileges granted them, and that they are not obliged to the King, but by civility.

They hope by writing to tire the King, the Lord Chancellor and the Secretaries too; seven yeares they can easily spin out by writing, and before that time a change may come. Nay, some have dared to say, who knowes what the event of this Dutch Warr may be?

This Colony furnished Cromwell with many instruments out of their Corporation and their Colledge; and those that have retreated thither since His Maties happy returne, are much respected and many advanced to be Magistrates. They did

solicit Cromwell by one Mr. Wensloe to be declared a Free State, and many times in their lawes stile themselves this State, this Comon-wealth, and now beleive themselves to be so.

They demand what taxes they please, but their accompts could never yet be seen. ) Some few soldiers they keep at their Castle. The Governor hath a hundred pound yearly, every Magistrate £30, &c. They convert Indians by hiring them to come and heare sermons, by teaching them not to obey their heathen Sachims, and by appointing rulers amongst them, over tenns, twenties, fifties, &c. The lives, manners & habits of those whom they say are converted cannot be distinguished from those who are not, except it be by being hired to heare sermons, which the more generous natives scorne.

This Colony, which hath engrossed the whole trade of New-England, and is therefore the richest, hath many towns, but not one regularly built within its just limits; w<sup>th</sup> the Commiss<sup>rs</sup> find to be Seconnet Brook on the South West and Merrimack River on the North East, and two right lines drawn from each of those two places till they come within twenty miles of Hudsons River; for that is already planted and given to His Royall Highness.

Boston is the chief towne in it, seated upon a Peninsula in the bottom of the Bay, which is a good harbour and full of fish. It was fortified this yeare, 1665, with two Block houses. They had before a castle upon an Island in the roade, where shippes must pass, about five or six miles from the towne. Their houses are generally wooden, their streets crooked, with little decency & no uniformity, and there neither dayes, months, seasons of the yeare, churches nor inns are known by their English names. At Cambrig they have a wooden colledg, and in the yard a brick pile of two bayes for the Indians, where the Commiss<sup>rs</sup> saw but one. They said they had three or four more at schole. It may be feared that this colledge may afford as many schismaticks to the Church, and the Corporation as many rebels to y<sup>e</sup> King, as formerly they have done, if not timely prevented.

In this Colony, too, the King hath very many loyall subjects, who petitioned their Generall Court, at His Ma<sup>ties</sup> first coming in, for the owning of His Ma<sup>ties</sup> and now lately for complying



with His Maties Comiss<sup>rs</sup>, but have had neither answer nor good look since. They are sorry that so few (for there are scarce above eight of the most factious) should carry on so strong a faction, yet they are so overawed that they can do nothing to remedy it. They only say that it is now with them as it was with the King's party in Cromwell's time. One of these was derided for being so civil as to accompany one of the Comiss<sup>rs</sup> from the town where he lived to Boston, and others of Boston derided those of Rode Island for having yielded so much to the Comiss<sup>rs</sup>. In Boston lyes ten iron guns brought from the French fort taken in Cromwell's time, which would do well at Piscatoquay to defend the mouth of that River where the masts are laden, if they be the King's.

On September 10, 1664, they published by order of Court, a paper to deter and affrighten all from making any complaints to the Comiss<sup>rs</sup>.

The comodities of the Countrey are fish, which is sent into France, Spaine and the Streights, pipe-staves, masts, firr-boards, some pitch and tarr, pork, beif, horses and corne; which they send to Virginia, Barbados, &c., and take tobacco and sugar for payment, which they (after) send for England. There is good store of iron made in this Province. Their way of government is Common-wealth-like; their way of worship is rude and called Congregational; they are zealous in it, for they persecute all other formes.

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*Colonel Nicolls to Mr Secretary Morrice.*

[Vol. 3, p. 136. Extract.]

“Right Hon<sup>ble</sup> Sir :

“The Massachusetts Colony persist or rather fly higher in contempt of His Maties authority.

The Generall Court have resolved to send no man out of the Colony according to His Maties sumons, but their false Sophistry in construing His Maties letters to what sense they please will easily appear to the world. Severall considerable men both of the Councell and Deputies in the General Court have entered their Protest against the Resolution then taken. Most

of the considerable Merchants and men of estates in the countrey petitioned the Generall Court to comply with His Mat<sup>ties</sup> commands, but they are now to be questioned before another court as seditious Persons. I make this narrative the shorter because Mr Mavericke will attend you with more full Particulars in another shipp, but whether with the fleet which is now ready, I cannot justly say.

The eyes and observations of all the other Colonies are bent upon this strange Deportment of the Massachusetts. His Mat<sup>tie</sup> is wise and may easily chastise their undutifullnesse, not by force, which might frighten the innocent as well as nocent, but by a Temporary Embargo upon their trade, till such and such persons are delivered into the hands of justice. The numerous well affected people in that and other Colonies, would soone give up the Ring leaders at His Mat<sup>ties</sup> disposall. Neither would His Mat<sup>tie</sup> loose any of his customs by that Embargo, for if strict care were taken to send a convenient number of ships with goods suitable to this port, all the Trade of Boston would bee brought hither, & from hence carryed into England. In which case a ffregott of Countenance for Convoy or any emergent occasion would be necessary if possibly to bee spared out of His Mat<sup>ties</sup> more immediate service; Indeed in the posture we are, every small Picaroon of the enemies is master of all our Harbors and Rivers from the Capes of Virginia to Piscataway.

I humbly crave pardon for the Impertinencies of these many lines and subscribe myselfe,

Right Hon<sup>ble</sup> Sir,

Your most humble Servant,

R. NICHOLLS."

Ffort James, Octob. the 24th, 1666. }  
 Indorsed—"From Coll. Nicholls to }  
 Mr Sec<sup>ry</sup> Morrice." }

*Copy of the Address of the Massachusetts Colony to  
King Charles the 2d in 1664.*

[Copied from Hutchinson's Hist. Mass., App., No. 16.]

*To the Kings most Excellent Majestie, The humble supplication of  
the General Court of the Massachusetts Colony in New-England.*

Dread Sovereigne—

Iff your poor subjects, who have removed themselves into a remote corner of the earth to enjoy peace with God and man, doe, in this day of their trouble, prostrate themselves at your royal feet and beg your favour, we hope it will be graciously accepted by your Majestie. And that, as the high place you sustain on earth doth number you here among the gods, so you will imitate the God of heaven, in being ready to maintain the cause of the afflicted, and the right of the poor and to receive their cries and addresses to that end. And we humbly beseech your Majestie, with patience and clemency, to heare and accept our plain discourse, tho of somewhat greater length than would be comely in other or lesser cases. We are remote, and can speake but seldom, and therefore crave leave to speake the more at once. Wee shall not largely repeat, how that the first undertakers for this plantation, having, by considerable summs, purchased the right thereof, granted to the Counsel established at Plymouth by King James, your royal grandfather did after obtain a patent, given and confirmed to themselves, by your royall father, King Charles the first, wherein it is granted to them, and their heirs, assigns, and associates for ever, not only the absolute use and propriety of the tract of land therein mentioned, but also full and absolute power of governing all the people of this place, by men chosen from among themselves, and according to such lawes as they shall from time to time, see meet to make and establish, being not repugnant to the lawes of England (they paying only the fifth part of the oare of gold and silver that shall heere be found for and in respect of all duties, demands, exactions and

service whatever) as in the said patent is more at large declared. Under the encouragement and security of which royal Charter, this people did, at their own charges, transport themselves, their wives and families, over the ocean, purchase the lands of the natives, and plant this Colony with great labour, hazards, cost and difficulties, for a long time wrestling with the wants of a wilderness, and the burdens of a new plantation having also now above 30 years enjoyed the aforesaid power and privilege of government within themselves, as their undoubted right in the sight of God and man. And having had, moreover, this further favour from God, and from your Majesty, that wee have received several gracious letters from your royal selfe, full of expressions tending to confirme us in our enjoyments, viz. in your Majesties letter bearing date the 15th day of February 1660, you are pleased to consider New-England as one of the chiefest of your Colonies and plantations abroad, having enjoyed and grown up in a long and orderly establishment, adding this royal promise: Wee shall not come behind any of our royal predecessors in a just encouragement and protection of all our loving subjects there. In your majesties letter of the 28th of June 1662, sent us by our messengers, besides many other gracious expressions, there is this [wee will preserve and do hereby confirme the patent and charter heretofore granted unto them by our royal father of blessed memory, and they shall freely enjoy all the privileges and liberties granted unto them in aid by the same]. As for such particulars, of a civil and religious nature, which are subjoined in the said letter wee have applied ourselves to the utmost to satisfy your Majesty, so far as doth consist with conscience of our duty toward God, and the just liberties and privileges of our patent. Wee are further bound with humble thankfulness to acknowledge your majesties gracious expression in your last letter wee have received, dated April 23d 1664, as (besides other instances thereof), that your Majesty hath not the least intention or thought of violating, or, in the least degree, infringing the charter heretofore granted by your royal father, with great wisdom, and upon full deliberation &c.

But what affliction of heart must it needs be unto us, that our sins have provoked God to permit our adversaries to set themselves against us by their misinformations, complaints, and solicitations (as some of them have made it their work for many years) and thereby to procure a commission under the great seal, wherein 4 persons (one of them our knowne and professed enemy) are impowered to heare, receive, examine and determine all complaints and appeals, in all causes and matters, as well military as criminal and civil, and to proceed in all things, for settling this country, according to their good and

sound discretions, &c. Whereby, instead of being governed by rulers of our owne choosing (which is the fundamental privilege of our patent), and by lawes of our owne, wee are like to be subjected to the arbitrary power of strangers, proceeding not by any established law, but by their own discretions. And whereas our patent gives a sufficient royal warrant and discharge to all officers and persons for executing the lawes here made and published, as is therein directed, wee shall not now be discharged, and at rest from farther molestation when wee have so executed and observed our lawes, but be liable to complaints and appeals, and to the determinations of new judges, whereby our government and administrations will be made void and of none effect. And tho wee have yet had but a little taste of the words or actings of these gentlemen, that are come over hither in this capacity of commissioners, yet we have had enough to confirme us in our feares, that their improvement of this power, in pursuance of their commission (should the same proceed) will end in the subversion of our all. We should be glad to hope that your Majesties instructions (which they have not yet been pleased to impart unto us) may put such limitations to their business here as will take off much of our feare but according to the present appearances of things we thus speake. In this case (dread Sovereigne) our refuge under God is your royal selfe, whom wee humbly addresse ourselves unto and are the rather emboldned therein because your majesties last gracious letter doth encourage us to suggest what, upon the experience we have had, and observation we have made, we judge necessary or convenient for the good and benefit of this your plantation, and because we are well perswaded that had your Majestie a full and right information of the state of things here, you would find apparent reason to put a stop to these proceedings which are certainly disservient to your Majesties interest and to the prosperity and welfare of this place.

If these things go on (according to the present appearance) your subjects here will either be forced to seeke new dwellings, or sinke and faint under burdens that will be to them intollerable. The vigour of all new endeavours in the several callings and occupations (either for merchandize abroad, or further subduing this wilderness at home), will be enfeebled, as we perceive it already begins to be, the good of converting the natives obstructed, the inhabitants driven to we know not what extremities, and this hopeful plantation in the issue ruined. But whatever becomes of us, we are sure the adversary cannot countervail the King's damages. It is indeed a greif to our hearts, to see your Majestie put upon this extraordinary charge and cost about a buseniss, the product whereof can never reimburse the one half of what will be expended upon

it. Imposed rulers and officers will have occasion to expend more than can be raised here, so as nothing will returne to your Majesties exchequer; but instead thereof, the wonted benefit by customes, exported and imported into England from hence, will be diminished by the discouragement and diminution of mens endeavours in their several occupations, or if the aime should be to gratify some particular gentlemen by livings and revenues here, that will also fail, where nothing is to be had, the King himself will be a looser, and so will the case be found to be here; for such is the poverty and meannes of the people of this country (by reason of the length and coldnes of the winters, the difficulty of subduing a wilderness, defect of a staple commodity, the want of money, &c.) that if, with hard labour, men get a subsistence for their familieis, tis as much as the generality are able to do, paying but very small rates towards the publick charges, and yet, if all the country hath ordinary raised by the year for all the charges of the whole government were put together, and then doubled or trebled, it would not be counted, for one of these gentlemen a considerable accommodation.

It is true, that the estates men have, in conjunction with hard labour and vigorous endeavours in their several places do bring in a comfortable subsistence for such a mean people (we dare not diminish our thankfulness to God that he provides for us in a wilderness as he doth) yet neither will the former stand if the latter be discouraged, nor will both ever answer the ends of those that need or seeke great things. We perceive there have been great expectations of what is to be had here raised by some mens informations, but those informations will prove fallacious, disappointing them that have relied upon them. And, if the taking of this course should drive the people out of the country (for to a coalition, therein, they will never come) it will be hard to find another people that will stay long or stand under any considerable burden in it, seeing it is not a country where men can subsist without hard labour and great frugality.

There have also been high representations of great divisions and discontents amongst us, and of a necessity of sending commissioners to releive the aggrieved, &c. whereas, it plainly appears, that the body of this people are unanimously satisfied in the present gov'ment and abhorrent from change, and that what is now offered will, instead of releiving, raise up such greivances as are intolerable. Wee suppose there is no government under heaven, wherein some discontented persons may not be found; and if it be a sufficient accusation against a government, that there are some such, who will be innocent?

Yet thro' the favour of God, there are but few amongst us that are malcontents, and fewer that have cause to be so.

Sir, the allknowing God knows our greatest ambition is to live a poor and quiet life, in a corner of the world, without offence to God or man. Wee came not into this wilderness to seeke great things to ourselves, and if any come after us to seeke them heere they will be disappointed. Wee keep ourselves within our line, and meddle not with matters abroad; a just dependence upon, and subjection to your Majestie, according to our Charter, it is far from our hearts to disacknowledge. Wee so highly prize your favorable aspect (tho' at this great distance) as we would gladly do any thing that is within our power, to purchase the continuance of it. Wee were willing to testify our affection to your Majesties service, by answering the proposal of your honourable commissioners, of which wee doubt not but they have already given your Majestie an account. Wee are carefully studious of all due subjection to your Majestie, and that not only for wrath, but for conscience sake. And should divine providence ever offer an opportunity wherein wee might in any righteous way, according to our poor and mean capacity, testify our dutiful affection to your Majestie, we hope, we should most gladly embrace it. But it is a great unhappiness to be reduced to so hard a case, as to have no other testimony of our subjection and loyalty offered us but this, viz., to destroy our owne being, which nature teacheth us to preserve, or to yeild up our liberties, which are far dearer to us than our lives, and which, had wee had any feares of being deprived of, wee had never wandered from our fathers houses, into these ends of the earth, nor laid our labours and estates therein; besides engaging in a most hazardous and difficult warre, with the most warlike of the natives, to our great charge, and the losse of some of the lives of our deare friends.

Neither can the deepest invention of man find out a more certain way of consistence, than to obtain a royal donation from so great a prince, under his great seal, which is the greatest security that may be had in humane affaires.

ROYAL SIR, it is in your power to say of your poor people in New-England, they shall not die. If we have found favor in the sight of our King, let our life be given us at our petition (or rather that which is dearer than life, that we have ventured our lives and willingly passed thro' many deaths to obtain), and our all at our request. Let our government live, our patent live, our magistrates live, our lawes and liberties live, our religious enjoyments live, so shall we all yet have further cause to say, from our hearts, let the King live for ever. And the blessing of them that were ready to perish shall come upon

your Majestie, having delivered the poor that cried, and such as had none to help them. It was an honour to one of your royal ancestors, that he was called the poor mans King. It was Job's excellency, when he sat as King among his people, that he was a father to the poor. They are a poor people (destitute of outward favour, wealth and power), who now cry unto their lord the King. May your Majestie please to regard their cause, and maintain their right, it will stand among the marks of lasting honours to after generations. And wee and ours shall have lasting cause to rejoice, that we have been numbered among your Majesties.

Most humble servants and suppliants.

25th of October, 1664.

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3 May, 1665. 4, pt. 2, p. 147.

This Court, considering the state of the county of Norfolk as being exposed to great trouble & charge by reason of their remoteness from any magistrate, it is ordered that Capt. Robert Pike, of Salisbury, & Mr Samuel Dalton, of Hampton, or either of them, shall & heereby are empowered as comissioners to take the acknowledgment of deeds, to administer oathes in all civil cases, to put forth warrants, to search for stolen goods to take notice & punish defects in watching, to punish drunkenness, excessive drinking and such like crimes of inferior nature according to lawe, to bind over offenders to the County Court, to solemnize marriage to persons duly published, & all this during the Courts pleasure, and that Major Wm Hawthorne with the associates of that county to keepe the County Courts there for the yeare ensuing.

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*Commissioners Warrant to Constable, Portsmouth, July 10, 1665,  
Received in Council July 12, 1665.*

These are in his Majesties name & by the authority given us from his Majesty, require & command you to give notice to all the householders in your towne to meet us his Majesties Commissioners at the ordinary place of meeting on Thursday next at 8 of the clock in the morning, to the end that we communi-





*Councils letter to Mr Cutts and Selectmen of Portsmouth, read in Council July 12, 1665.*

Loving friends & Gentlemen :

Yours of the 10th instant was received y<sup>e</sup> 11th instant at midnight with the warrant inclosed & on perusal thereof by as many of the Majestrates as such a juncture would permitt.

It could not but be judged necessary to signify to you that your prudent and —— desires to performe duty & avoid all unnecessary dispute, that seems to be of an obstructive nature is accepted of and acknowledged. Its matter of no small wonder that Sir Robert Carr, Col. Cartwright & Mr Mavericke have taken upon them shewing & declaring no more or better grounds to justify their late actings in Yorkshire &c. now againe to breed you such trouble as to presume to sumon and require your inhabitants to meete together at their pleasure under pretence of communicating a letter lately received from his Majesty. Surely it cannot but be accounted a figg-leave by all, that his Majesty is thus scandalized in so high a nature (as to be given out by them) that they have a letter from him to communicate to a single towne & not to his Colony & authority so owned by him (which doubt not but you may easily see through), & therefore advice is that neither yourselves as Selectmen, nor any of your inhabitants attend on any mandates from the Commissioners who went hence & refused to treat any further with his Majestys authority here established or to capitulate with them declaring to them that you are under his Majesties government & authority of the Massachusetts, & must & will attend their orders only till the Generall Court understand & be satisfied his Majesties further pleasure and assure yourselves that all due care and authority shall be exerted for your peace & safety; remaying

Boston, 12th }  
July, 1665. }

Your very loving friends,  
EDWARD RAWSON, Secret.

In the name & by the order of the Governor & Council.

Superscribed—"For our loving friends, Mr Jno. Cutts, Mr Rich. Cutts, Mr Elias Stileman, & Mr Nath. Fryer, Selectmen of Portsmouth."

For the honoured Francis Willoughby Esqr, Dep. Gov. & the rest of the Magistrates of Middlesex nigh at hand,  
these deliver.

[Indorsed] Gov<sup>rs</sup> warrant to call a Council as y<sup>e</sup> time & occasion will permit.

July 12, 1665.

Gentlemen, the occasion of this sodden sendinge is a letter of great consequence sent to me this night by a post from Portsmouth. I was called up about 12 of y<sup>e</sup> clock, & reading my letter I find it necessary to hasten an answeerr thereof in due season which cannot be done unless you with all expedition come over to my house at Boston to conclude concerninge the business. I have sent to you desiring to you to expedit a messenger to Cambridge for Mr. Gookin & Mr. Danforth and Mr. Treasurer with yourselve to meete at my house by sixe of the clocke this morninge: no more but your presence for this business we desire.

Your loving Sir,

R. BELLINGHAM, Gov.

Boston 12 of July,  
at one of the clocke  
in night after Tuesday.

Desyred by Jno. Leverett.

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*Letter from Selectmen of Dover to the Council in Massachusetts.*

20 July, 1665.

May it please the Honored Councill, &c.

Having soe sure a hand it is a parte of our fidelity by these Presents to give you a brief account of some late transactions here as having Relation to the Publick. The 10th of this Pr'sent, warrents being sent to our Constables from the King's Commissioners in these parts to call the Town together the day following at the place of meeting to hear a Letter from His Majesty lately come to their hands, the Constables forthwith gave notice thereof to the Mayen part of the Town be-

fore it came to the knowledge of Capt. Walderne, though thereupon it was stopped from the notice of others, yett the following day the meeting being Assembled and the Letter Read, they were required to choose two men to meet at the Harbour's Mouth on the 6th day following there to receive with others their Instructions as concerning ffortifications. Inquiry being made who must have liberty of voting here in answer was made all and every one, which liberty wee fear will be improved by our Inhabitants in future meetings to our disturbances. the 6th day following notwithstanding Letters and Warrants sent, such as were chosen by the Towne proceeded to meet according to apointment, where poverty Being pleaded as rendering them uncapable to manage such a work, they were showed the place for ffortification & Left to their Liberty till they were better able. forthwith upon the place was presented by the hands of Abraham Corbet a Petition to His Majesty ffor the Inhabitants of New-Hampshire as they called it to Be taken from the Massachusetts goverment under his own to which sundry at the same time sett to their hands, since which time carryed about to procure more. this week a Court is kept at Wells & rumors are given out of their keeping a Court shortly at their return with us which if intended by them, wee ex[pect] it will be a suddaine busynesse before any Intelligence Can bee given thereof to yourselves. having credible information of these premisses wee Comit them to your wisdome & consideration Beseching the Lord to direct you to do as Concerning them & all your soe weighty occasions w<sup>ch</sup> may issue in the good & wealle of all concerned therein.

Remaining your Humble Servants.

RICHARD WALDERN,	} Selectmen of Dover.
HENERY X LANGSTAFF,	
JOHN DAVIS,	
JOHN ROBEARTS,	

Hist. Mem., No. 105. A. H. Q.

*Council's Letter to Constable of Portsmouth.*

Whereas information is given that contrary to the laws of this jurisdiction, the inhabitants of your towne are summoned to meete together on the 13 of this instant at 8 of the clocke in the morning. These are in his Majesties name to require you to warne all persons so assembling to depart home to their respective places & in case any shall refuse or neglect obedience hereunto the names of such persons you are to returne with what you shall do under your hands, as you shall answer the contrary at your perill. Dated at Boston July 12, 1665. By order of y<sup>e</sup> Gov. & Councill.

These for the Constable of Portsmouth.

E. R., Sec.

*Selectmen of Portsmouth to the Governor and Council, July 13, 1665.*

To the worshipful Richard Bellingham, Esq<sup>r</sup> Gov of the Massachusetts Coll. these presents, in Boston.

To the Hon. Governor, Deputy Governor and the Councill of the Massachusetts Col. Much honored.

Wee have [not?] time enough by your post haste messenger to write downe all the words our thankfull hearts are ready in all humilitie to dictate whereby to lett your worships understand how thankfully wee take your deepe sence of our condition with your so speedy & seasonable advice. The success whereof the Bearers had rather report by words of mouth, than give us leave to write but good manners in us will not permit us soe to doe. Many of our towne appeared, tho many did not, of those that appeared divers departed according to your warrant. The Commissioners read the Kings letter & made the inhabitants that were there present choose two persons to meet with them tomorrow at our harbour's mouth to take order about the fortification, but the grand business is this, they positively declare unto the people that they neither did nor should belong unto the Massachusetts, but that they would immediately take them of from & protect them against

the same, further saying they would do the same with all the people on this side the bound house. And for an *hansell*? took away the Constables warrant refusing to returne it, but say they will carry it unto his Majestie, & thretten our former Constable with imprisonment if he give not unto their hands some papers sent by the Councell the last year, thus their design is now obvious, our people the five to one are in their hearts for the Bay, yet are readily & dreadfully affrighted with the names of Kings Commissioners, & account of everything sayd by them for Law. Wee feare they will gradually take advantage upon us by secret seducing the Ignorant and ill affected, then will openly prevail with the rest. Our work shall be to look up to God first, to yourselves nextly, for farther direction what to doe & power to be enabled to doe according to direction that wee may be neither by force nor fraud deprived of that fellistie, we long have had & hope for the future to enjoy under your happy Government nor may be nor accounted to be dilinquents either to Majesty or yourselves.

We subscribe your humble servants,

Portsmo. 13th }  
 July 1665. }  
 Selectmen, }

JOHN CUTT,  
 RICHARD CUTT,  
 ELIAS STILEMAN,  
 NATH. FRYER.

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1665, Aug. 1. Vol. 4, pt. 2.

*Thomas Danforth, Eleazer Lusher & Major Gen<sup>l</sup> Jno. Leverett, Esqrs. are appointed for the settling of the easterne parts, whose comission is as followeth:—*

The Generall Court of the Massachusetts jurisdiction in New England, to Thomas Danforth, Eliazer Lusher, & John Leverett, Esq.

You or any two of you are hereby fully authorized & impowered to repair in person to the Counties of Norfolk, Piscataqua, Isle of Shoals & York & to call before you any or every person or persons that have or shall act in the disturbance or reviling of the government there settled according to his majesty's

Royal Charter to this Colony, under the broad seal of England & to proceed against them according to their Demerits & the laws here established, & to do any act for the settling the peace of the said places by declaration or otherwise according to your good & sound discretion, appointing of Constables & associates for the Courts & keeping of the same, according to the articles of agreement made with the said people of the said Counties respectively and for the better enabling you herein, all officers military & civil & all others the inhabitants of this jurisdiction are required to be aiding and assisting to you for the ends aforesaid as you shall see meet to require. And in case you shall find it more expedient, you may send for any delinquents as abovesaid, by warrant, directed to any of the officers of this jurisdiction, or such others as you shall appoint for the apprehending of their persons, & causing them to appear before you in such places as you shall appoint, where, after examination, you shall further proceed as the matter shall require, & what you shall do herein to make return to the next General Court &c.

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The 18th of July, '65, John Foulsham sen. of Exeter being at Hampton, did produce certain writings to the view of some then in his company. \*

One of which was directed to the Kings majesty & entitled to bee the petition of Dover, Portsmouth, Exeter & Hampton. The contents of the said Pet. wear first a manifestation of great joy & raised expectations that they had upon his majesties sending over of Commissioners into these pts.

2ly. Sorrow that the said commissioners were so evilly entertained by the Bay Government, & themselves so much disappointed of that good which they hoped to receive by their meanes. By way of request that the King would take them into his immediate protection. That they might be governed by the knowne laws of England.

That they might enjoy both the sacraments which they say they have bin too long deprived of. They concluded with desire of all temporal blessing &c.

The subscribers.

Francis Champanoo,  
Abraham Corbit  
Henry Sherborn  
James Johnson  
John Pickerin sen.  
Francis Drake  
Robert Burnam  
Edward Hilton  
John Foulsham.

This was the substance of the Petition & the names of most of the subscribers attests Samuel Dalton, & may be further evidenced by Henry Deering, John Sanborn, Abraham Perkins sen. Thomas Marston.

To our Trusty & well Beloved Col. Rich. Nichols & the rest of the Commissioners for visiting our Colony of N. E.

I hereby testife I doe freely forgive & acquit Mr Richard Cutt of Piscataqua River concerning any injury which hee might be supposed to have done mee by some words, which hee was accused to have spoken against the King's Commissioners (about having a dagger put in to their bellyes or gutts), & if the said Richard Cutt never molest Thomas Wigin of Dover or Doctor Greenland of Newbury for giving in evidence against him, or for reportinge him to be the author of such words, I promise never to produce those evidences which they have sworn to, before me, to his hurt or damage. In witness hearof I set to my hand & seale this 17th day of July 1665 at Strawberry Bank.

GEORGE CARTWRIGHT. [L. s.]

Whereas there is a report given out that I should returne the name of Mr Richard Cutt unto my Lord Chancellor among those which I conceive to be rebellions, I confess on his being accused for some words tendinge that way I intended soe to have done, but on better information and consideration, I see noe just cause for it nor have I done it. witness my hand July 24th 1665.

SAMUEL MAVERICKE. [L. s.]

Wee doe heareby testife, that wee doe freely forgive & acquitt Mr Richard Cutt of Portsmouth on Piscataqua River,



concerninge any Injurie which hee might bee supposed to have done us by some words which he was accused to have spoken against the Kings Commissioners (aboute havinge a dagger put into their bellyes or gutts) or words to the like purpose. And if the said Cutt never molest Thomas Wiggin of Dover, or Doctor Greenland of Newbury for giveinge in evidense against him, or for reportinge him to bee the author of such words wee promise never to produce those wrightings & evidences which they have sworn to before us to his hurt or damage. In witness hearof I have heareunto set my hand & seal this 24th day of July 1665.

ROBERT CARR, [L. s.]

SAMUEL MAVERICKE. [L. s.]

Thes three Copies as is abovewritten, I have compared with the originall y<sup>t</sup> the gentlemen as is above named sett to ther hands & seales & is the true Copies thereof as is attested by me.

JOHN CUTT, Com<sup>r</sup>.

Portsmouth 29 (12 mo) 1671-72.

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The following is without date or caption & is lettered thus on the back, "Testimonies from the selectmen of Dover, Portsmouth, Hampton, concerning several delinquents in the townes aforesaid, viz. Hen. Sherborne, Abraham Corbitt, John Fulsham, Edward Hilton, Robert Burnham & others. thatt y<sup>e</sup> Commissioners have taken upon them to exercise Government in those townes on the north of Merrimack River & informe the people that they will take them of from the Bay Government, as is proved by their warrants to the severall townes & their Lett. to the Councell, their expressions to the Marshalls when they were at Portsmouth, & to the people at a publick meeting at Portsmouth.

2. y<sup>t</sup> at the meeting at Portsmouth one Henry Sherborne being a freeman (when it was demanded who would be under the Immediate government of the King & Renounce the Masachuset) the sayd Henry Sherbon sayd "one and all" or in words to the Like effect.

3. thatt one Abraham Corbitt of Portsmouth doth there keep a house of public entertainment by stilling & selling strong liquors without license and takes his opportunity to

present petitions to persons & to endeavour to draw them off from the Bay Government under a pretence of subjecting to the King's immediate Government &c. & suffereth great disorders in his house.

4. Severall persons about Pasettaqua have gone about with Pettitions to procure hands to be taken of from the Bay Government, the principal actors in which petition are here underwritten. Abraham Corbitt, Robert Burnham, Edward Hilton and John Foulsham Sen<sup>r</sup>.

The premises considered the Inhabitants of Dover & Portsmouth doe desire of this Court that some speedy Course may be taken to settle these places & to suppress that have bin the fomenters of strife & division amongst them.

RICHARD WALDERNE,  
RICHARD COOKE.

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*To the Constable of Portsmouth.*

Whereas complaints have been made that Abraham Corbett of the towne of Portsmouth hath in a disorderly manner stirred up sundry of the inhabitants to signe a petition or remonstrance against his Majesties Government here settled & in a contemptuous manner in sundry other respects hath demeaned himselfe. In his Majesties name you are required to warne ye said Corbitt that he appear before the Generall Court to be held at Boston the 11th of this instant & of what you shall do herein you are to make a true returne speedily to the Court or Secretary under your hand & not to faile at your perill.

Dated in Portsmouth  
10, 8, '65.

THOMAS DANFORTH,  
ELIZ. LUSHER,  
WM. LEVERETT.

You may inform him that the Generall Court begins to sitt the 11th day, & he must appear as soon as time will permitt after notice by this summons & in the name of the Court before the Governor.

Indorsed, "Mr. Abraham Corbitt was summoned to appear before the General Court or the Governor the 20th of October 1665, by me.

THOMAS DENES, Consta."

Received the 7th of Nov. *per* Woodman Sumner.

*King's Commissioners.*

Here follows a further account of the Kings Commissioners in the Eastern parts. The inhabitants of those parts being by the threats and calumniations of the Kings Commissioners against the Massachusetts Government so terrified & amased that they did not well know what to do, such of them as were more peaceably minded when they plainly saw the sad effects thereof, that is the reducing of them to a former if not a worse estate than that they were in before the Massachusetts extended their Government over them, viz. destitute of an able ministry & liberty for those that were bold in sin & wickedness to rant it amongst them at a high rate, the consideration hereof filled their eyes with tears & their hearts with sorrow, for, to express themselves in opposition to the Kings Commissioners &c. It was rendered no less than treason in a high degree. Amongst others, take this one instance being the expression of Sir Robert Carr, who in a high & resolute manner before sundry persons said that "If the rest of the Commissioners would have joined with him he would have hanged a poor old man at the next tree, and being asked by some gentlemen that were present, what the man's fault was, Himself confest it was only disrespect to them in forbidding his grand-child that was servant to one of his neighbors to open the doors to them, his master and mistress being then from home, for he said what disrespect was put upon them he looked at as put on his Majesty. And those of Portsmouth & Dover being informed that some persons maliciously bent against the order and government which had been for sundry years a restraint to their licentious Courses, secretly & most perfidiously had drawn a Petition to be presented by Col. Cartwright at his return to his majesty in the name of Dover & Portsmouth & Exeter & Hampton four towns situate on the south side of Piscataqua River & had carried the matter so secretly that none but those that were of their Council could have the knowledge either of the actors or of the thing acted. The sad & uncomfortable event whereof they were very sensible & therefore earnestly applied themselves to the General Court of the Massachusetts that in some orderly way they might have an oppor-

tunity put into their hands to clear themselves of so great & unjust aspersion, as were hereby cast upon the Government under which they were orderly settled & also manifest their sense of such perfidious actings, lest by their silence they should be concluded as being of the same mind with the Petitioners. On whose motion the General Court nominated three gentlemen & gave them a commission to act in the said matter for the settling of the peace of those places, as to them might seem most meet. The result whereof in the return made under the hands of the Commissioners with Copies of petitions from the inhabitants of Dover & Portsmouth & evidences in the Case here followeth with the copy of a letter directed to them from Sir Robert Carr countermanding the commissioners in the execution of their trust committed to them by the General Court.

✦ We whose names are subscribed being commissioned by the General Court in August last to repair to the Plantations on Piscataqua River On the 5th of this instant, we repaired to Portsmouth in the County of Norfolk, & upon the 9th of the same instant by summons directed to the Constable we assembled the inhabitants of the said town, unto whom we caused the Commission granted us by this Court to be read, & signified to them that we were informed that a petition had been exhibited to the Kings Commissioners in the name of Portsmouth, Dover, Hampton & Exeter, subscribed by sundry hands containing a Complaint or Remonstrance against the government under which they were orderly settled by his Majesty's Royal Charter to the Massachusetts the grounds whereof we did desire to know & for that end we called them together that in case they had any of them any just greivance upon their minds, they might freely acquaint us with the same, & we should faithfully report the matter to the Court that sent us & in like manner upon the tenth of the same month we assembled the inhabitants of Dover, unto whom we also caused the Commission granted us aforesaid to be read & signified to them also what information we had received as is above recited, on hearing whereof the inhabitants of both the said townes respectively protested against the said Remonstrance or Petition, that was exhibited in their names to the

Commissioners, & freely professed themselves fully satisfied with the Government under which they are orderly settled as themselves acknowledged & tendered freely to acknowledge the same by presenting their petition to the Hon<sup>d</sup> General Court as their Remonstrance against the perfidious actings of such persons as had so injuriously acted against the peace of the place & whose names they said were the most of them unknown, only some of them informed us that one Abraham Corbet of Portsmouth had been very active in drawing up & promoting the subscription of the said Remonstrance, & that in other respects the said Corbet was an occasion of their great disturbance, & is a nourisher of much vice & wickedness by giving irregular entertainment of loose persons in his house, against whom we granted an attachment for his appearance before us, but the Marshall returning that he was not to be found, we left a warrant with the Constable of Portsmouth to summons the said Corbet to appear before this Hon<sup>d</sup> Court, a copy of which Petition, from the several towns abovesaid together with the evidences tendered us on oath against the said Corbet as also a letter from Sir Robert Carr sent unto us by a man when we were at Portsmouth whereby he essayes peremptorily to countermand the Commission & power granted to us by the Hon<sup>d</sup> Court, we do herewith present to this Hon<sup>d</sup> Court.

Further we may inform this Hon<sup>d</sup> Court that the inhabitants when met at the aforesaid towns respectively informed us that sundry of their neighbours were prevented by the Providence of God, so as that they could not attend the meetings but they know that many more that were absent were of the same mind with themselves. Also upon inquiry concerning the other two towns viz. Hampton & Exeter, we were informed by the most knowing & publick persons of the places, that the people of the said towns had not acted in or consented unto the said Remonstrance, a Certificate in the behalf of Exeter we herewith also present, & in the behalf of Hampton also the like Certificate we conceive may be obtained in case this Court shall desire it.

THOMAS DANFORTH.

ELEAZER LUSHER.

JOHN LEVERETT.

Boston, 10 Oct. 1665.

*To the Hon'ed Gener. Court of the Massachusetts in Boston, these presents show this tenth of October, 1665.*

May it please the Honored Court.

Whereas we the inhabitants of Dover have received Creditable information that the inhabitants of some of the townes bordering upon y<sup>e</sup> River of Pascataqua have petitioned his Majesty o[u]r Dread Sovereign with respect to wrongs and usurpations they sustain in the Present Government under which they reside, for an alteration to be made amongst them in the Government as his Majesty please to order the same: We thought it necessary being assembled in a Townes meetinge to cleare orselves for or owne part by these presents from having any hand in any such Petition or Remonstrance, and in case any such act hath passed we looke at it as unworthy misrepresentation of us the Inhabitants of Dover to his Majesty as being without any either consent or Meetinge for Congnissance of the Towne or the Major part thereof. Furthermore as its o[u]r bounden Duty so upon this occasion we profess the same, that God assistinge we shall continue in o[u]r faith and Allegience to his Majtie, by adhering to the present Government established by his Roial charter in the Colony of the Massachusetts according to the Articles of Agreement. We beseech the Lord for his presence in the midst of you, and his blessinge upon all your publick and weighty occasion and humbly take leave.

RICHARD WALDERNE,	} Selectmen.
WILLIAM WENTWORTH,	
JOHN ROBERTS,	
JOHN DAVIS,	

It was voted at a publick townes meetinge October 10, 1665, that the contents hereof be presented to y<sup>e</sup> Gen. Court as the Townes act, and that it be presented to all the rest of o[u]r neighbors to subscribe their hand as any willinge.

John Reyner	Thomas Downs
Peter Coffin	× Richard Cater
× Henry Tibbuts	× Charles Adams
William ffurber	× William Laiton
Thomas Nock	Steven Jones
Jeremiah Tibbuts	John Loveringe

× Roberd Evenes  
 Hate-evil Nutter  
 John Woodman  
 × John Heard  
 × Thomas Canny  
 John Dam  
 John Hall

John Bickford  
 × Richard Roe  
 John ffrost  
 John Chirch  
 × Thomas Layton  
 × William Beard.

This is a trew Cope Taken from the oridgenall.

Per me, WILLIAM POMFRETT,  
JOHN CLARKE.

Dover Town Rec., No. 100. A. H. Q.

*Portsmouth Petition or Subscription.*

To the Hon'd Gen'l Court of Massachusetts :

May it please you—

That whereas there is a bruite and fame of a petition drawne up by us the inhabitants of Portsmouth, and sent us his Majesty, the contents of which is to charge the government of the Massachusetts with usurpation upon us and to supplicate an alteration of Government & governors that his Majesty hath at present established by his Royal Charter among us, Wee the selectmen for the prudentiall affairs of the said town, & sundry others, the Inhabitants, doe Certify the Honored Court that we are inocent & cleare of any such act, & doe disclaime the same as any of our Towne act, and doe account ourselves abused by any that have fathered such a thing upon us. In testimony whereof we subscribe our names the 9th of October 1665.

Selectmen, { Richard Cutt,  
Nath. Frier,  
John Cutt,  
Elias Stileman.

John Hart,  
 Richard Tucker,  
 John Brewster,  
 Charles Gleeden,  
 Edward Bickford,  
 Francis Rann,

Richard Comins,  
 Jno. Moses,  
 James Pendleton,  
 Leonard Weeks,  
 Rich. Goss [Jose],  
 Robert Townsend,

Walter Neale,  
 John Westbrooke,  
 Richard Jackson,  
 Joseph Moss,  
 Anthony Ellery, (?)  
 John Lewis,  
 William Seavey,

Samuel Haynes,  
 Joseph Walker,  
 John Amenseen,  
 Philip Lewis,  
 Stephen Grassam,  
 Thomas Denness,  
 James Cate.

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This may certify whom it may concern, that concerning the Question that is in hand, whether the town of Exeter hath subscribed to that petition sent to his Majesty for the taking of Portsmouth, Dover, Hampton & Exeter under his immediate Government, I do affirm to my best apprehension & that by more than probable conjecture that the town of Exeter hath no hand in that petition directly or indirectly.

Witness my hand, 10, 8, '65.

SAMUEL DUDLEY.

Henry Sherburne aged about 53 years. This deponent saith that being at his owne house one morninge there came some of our neighbours as they were going up to Strawberrie bank, they asked me if I would go with them & I refused, & with much importunitie they persuaded me & when I came up there were people together to set their hands to a petition, & I this deponent hearing it read did refuse to set my hand to it, & further saith because as I did understand by what was read to the people there was in the petition some words concerning the usurping of power over the people here by the Massachusetts government, & this said petition was read by Mr Corbet to the people in his house, the number of them there present might be as I did apprehend about 18 or 20 persons or thereabout, & whether the Petition was directed to his Majesty immediately or to his hon<sup>d</sup> Commissioners, I am not certain. But to one of them it was, & some then present set their hands to it, And further saith not. The time when this was acted some-time like this last summer.

HENRY SHERBURN.

Portsmouth, 9: 8. '65.

Sworn before me.

THOMAS DANFORTH.



Robert Purrington aged about 30 years being sworne doth say, that sometime this last Summer about May or June, Abraham Corbet of Portsmouth came to me in the woods, & spake to me about a petition from the Kings Commissioners, to which set three hands, viz. the said Corbets', Francis Drake & Wm Cotton, & in the said petition was contained sundry complaints against the government & the laws & he desired me to speak unto others to put their hands to it, & at another time at his own house he (that is the said Corbet) persuaded sundry that were present to the number of 20 more or less that they would put their hands to a petition to the same effect as the former, sundry did put their hands to this last petition at Corbets' house & some refused, & he said unto me in the woods that Mr. Moodey's prayers were but babblings, also when we were at his house he told us that he had taken the names of sundry at Dover, for whom he drew a petition as I understood him. Taken upon oath before us.

THO. DANFORTH.

E. LUSHER.

Jno. Joanes aged about 50 years, inhabitant of Portsmouth on Pascattaqua River in New-England, being sworne, on his examination doth say, that in or about July last, Sir Robert Carr, Kt. George Cartwright Esq<sup>r</sup> Samuel Mavericke Esq<sup>r</sup> calling the inhabitants of the said towne together. Hee the said Jones was present among some others to the number of about 100 people more or less as he judgeth & at the head of the Company Sir Robert Carr there & then said openly to the people that they would release them from the Government of the Bay, & that the Bay government should come no further than the bound house. Also the said Joanes do testify that he was present at the house of Abraham Corbet of Portsmouth where was mett sundry persons together, & the said Corbett did draw up a petition, unto which sundry hands were putt, which he understood was to be delivered to the Commissioners & the time when this petition was drawn was when the gentlemen Commissioners abovenamed were in Portsmouth, & the purport or scope of the petition was that they might be released from the Government of the Bay.

Taken upon oath, Before us, THOMAS DANFORTH.  
the 7th of Oct. 1665.

*Carr's Letter to Maj. Gen. Leverett, &c.*

Gentlemen :

Hearing of your being at Strawberry Bank & being informed of your strict Course you intend against those that have supplicated his Majesty for their freedom & liberty, I could not do less than in his Majesty's name to request you to take notice of this inclosed which is a true Copy of a letter sent to the Governor & Council of Boston, and in his Majesties name I do again desire and require you would forbear troubling or molesting such person or persons in Strawberry Bank, Dover or Exeter as have petitioned his Majesty, until his Majesty's gracious pleasure be further known. This is all at present but that I am

Gentlemen, your friend & servant

ROBERT CARR.

Dated at Kittery 10. Oct. 1665.

& was superscribed, "For Major General Leverett & the rest of the Commissioners from Boston at Strawberry Bank. These."

C. Rec., v. 4, p. 549.

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The Court having seriously & duly weighed several things which have been acted by his Majesties Honorable Commissioners at the Eastward, since the last session of the Court, tending to the disturbance of the Peace of his majesties good subjects there, judge meet forthwith to send to the aforesaid gentlemen to desire a conference with them concerning their actings abovementioned that this Court may be satisfied concerning the same.

On Sir Robert Carr's answers to the Secretary made known to the whole Court: It was put to the Question, whether the Court would proceed any further at this time in that business. It was resolved on the Negative. C. Rec., vol. 4, p. 553.

The whole court meeting together, Ordered that the Secretary forthwith issue out an attachment from this court & direct it to the Marshalls of Dover & Portsmouth, to apprehend & seize the peson of Abraham Corbet, & him safely convey to Boston & bring him before the Governor or Magistrates at Boston, to answer for his tumultuous & seditious practises against this Government, to be proceeded with as in their wisdom they shall find cause. C. Rec., vol. 4, p. 561.

*Capt. Willard & Capt. Johnson's Oath about the North line.*

Vol. 4, pt. 2, p. 242.

Whereas the Generall Court of the Massachusetts, in the yeare 1652, appointed us, whose names are undersubscribed, to lay out the northern line of our patent, & now being called to give testimony of what wee did therein, to this wee say as follow<sup>th</sup>: Besids our returne in the Court Book, p. 103, wee indented w<sup>th</sup> two Indians, well acquainted with Merremak River & the great lake to which wee went, borne & bred all their days thereupon, the one named Pontauhun, the other Ponbakin, very intelligent as any in all those parts, as wee conceive. We covenanted w<sup>th</sup> them to leade us up Merremake River so far as the river was Merrimake River. When wee came short of the lake about sixty miles,\* then came two rivers into, one from the westward of the north, & the other from the northward of the east. The westerly river to me, as I then thought, was bigger then the other; but taking notice of both these rivers, & knowing wee must make use but of one, I called the Indians to informe us which was Merremake River; their answer was, the river which was next unto us, that came from the easterly point, which river wee followed unto the lake. Witness our hands this 17th of the 3d month, 1665.

SYMON WILLARD,  
EDWARD JOHNSON.

Attested on oath before the Gov'nor & Magistrates, assembled in General Court. As attests.

THOMAS DANFORTH, p. order.

This is a true copie compared with the original on file. As attests.

EDW: RAWSON, Secret.

\* This must be an error. From the junction of the Pemigewasset and Winnepesaukee river at Franklin, the distance to the "great lake" is scarcely *twenty miles*. At this day the Merrimack bears that name distinctively only to the junction in Franklin. Thence the Pemigewasset on the one side, and the Winnepesaukee on the other, are spoken of by their names, as *branches* of the Merrimack. ED.

*Richard Walderne's oath about Merrimack River.*

Vol. 4, pt. 2, p. 242.

I, Richard Waldern, being called by the Generall Court to give in evidence of what I know about the name of Merremack River, testify & say that about thirty years since, having some comerce or trade w<sup>th</sup> the Indians at Pascataqua, and many others both of Paucatuek & Winnipicioket, did inquire what they called the river at Pennicooke. They said it is Merremake & inquiring why there were other names upon that river, the answer was, such names referred to the places of land where Indians live upon the river, not the river itself; but the river beareth the name of Merremack, not only in that branch which runneth from Winnipicioket, but the other branch which runneth more westerly; also, likewise about six years since, being sent for by Passaconaway & severall other sagamores, where there was a great many Indians at Pennecooke, & being then at the fort which was by the rivers side, & enquiring concerning the name of the river, received the like answer as is above expressed. 17, 3 m., 1665.

Attested on oath before the Governor and Richard Waldern, magistrates in Generall Court. As attests.

THOMAS DANFORTH, per order.

This is a true copie compared with the original left on file. As attests. EDW. RAWSON, Secret.

Vol. 4, pt. 2, p. 243.

*Peter Weares Oath, ad idem.*

Being called by the Generall Court to an give accompt of what my knowledg was concerning the extent of Merremack River, having oftentimes travailed the country, some of the natives always w<sup>th</sup> me, which hath from time to time affirmed that the lake called Winnipaseket issues into the river of Merremake, & having some Indians w<sup>th</sup> me upon the north side of the s<sup>d</sup> lake upon a great mountaine, did see the said lake which the Indians did affirm issues into the aforesaid river, having this report by them for the space of twenty-seven years.

PETER WEARE.

May 17, 1665. Attested on oath before the Govno<sup>r</sup> & Magistrates, in generall court. As attests.

THOMAS DANFORTH, p. order.

This is a true copie compared with the originall on file. Attests.

EDWARD RAWSON, Secret.

At a Generall Court of Election held at Boston May 23, 1666, Capt. Richard Waldron was chosen speaker for the session.\*

On the request of the Deputies of the County of Norfolk, Major Simon Willard is appointed by this Court to keep the County Courts at Hampton & Salisbury for the year ensuing.

Mr Abraham Corbet being bound over to this Court to answer to what should be laid against him &c. at last, after default was made by his non-appearance, He appearing, The Court read the Commissioners Return, & hearing his answers to the evidence produced proceeded :

Whereas Abraham Corbet of Portsmouth stands convicted of a seditious practice, stirring up sundry of the inhabitants of the place where he lives to discontent against the government & laws here established, entertaining in his house such

\*At a meeting of the Selectmen [of Dover] the 29th 2d mo. 1665.

Orders for Capt. Walldern Debety for the Genarl Courtt.

1. Ordered that wold stand to mayntayn our preveledge by vertu of our articlees of agrement, and to bring the proseding of the Court in writing.

2. That you move the general Courtt that our County Court may be altered for time of it untell September.

3. That we desire thankfulness may be Returned unto the Court for the caer and Government under his Majesty.

4. That whereas we ar informed that several persons have made som writing in way of complaynt against us or som of our prosedengs, we know noe case they have so to doe, and doe desier you to make all the Defence you can against them.

5. And that whear as our parts ar soe fer distant from boston and the lawe doth Injoine all that will be made freemen to appeir at boston that you wold peteshon the Court that those that are Capabel to be made free may be at our Countey Courte. Dover Town Rec., No. 42. A. H. Q.

persons as are his Complices in these his proceedings, & by the information of our Commissioners late sent upon the place to inquire of the proceedings of sundry malecontents, the said Corbet is rendered to be in his Course & practice the cause of much trouble to the peace of his neighbors & contrary to the law, by keeping a house of comon entertainment is a seminary of much vice and wickedness. This Court doeth therefore order that the said Corbet shall give 100 pounds Bond with sufficient security for his peaceable Demeanour, for the future & observance of the law, prohibiting his irregular practises by retailing of Beer, Cider, Wine or Licquors, & that he shall also be disabled from bearing any office in the town where he lives or in the Commonwealth & all during the pleasure of this Court, & that he also pay a fine of £20, & costs £5 for his apprehension and bringing down.

Abraham Corbet came into the Court and acknowledged himself as Principal bound in £100, & Capt. Thomas Breedon, & Edmund Downs his sureties in £50 apeece, acknowledged themselves, their heirs, executors &c. bound respectively in the sums abovementioned to Richard Russell Esq<sup>r</sup> Treasurer of this jurisdiction, on this Condition, that the said Abraham Corbet shall observe & keep & perform the sentence of the Court in all respects.

In Answer to the motion & request of Mr. Nathaniel Fryer, Deputy for Portsmouth, The Court judgeth it meet to desire & appoint the Hon<sup>d</sup> Deputy Governor & Major General John Leverett, or either of them to keep the next County Court at Portsmouth in June next. C. Rec., vol. 4, p. 563.

And it is ordered that the Hon<sup>d</sup> Deputy Governor & Major General on the place, consult with Capt. Richard Waldron, Mr John Cutts, Mr Richard Cutts, Mr James Pendleton, Mr Elias Stileman, Mr Nathaniel Fryer & Mr Peter Coffin,\* and view the

\* By the Sselectmen [of Dover] the 15th, 2d mo. (65).

Ordered, That Mr. Peter Coffin shall be Impowered by this meeting to Agree with some workman to Build a Terrett upon the meeting house for to hang the Bell which wee have bought of Capt. Waldern, and what it

convenientest place for erecting necessary fortifications for the welfare & safety of the place & what the said magistrates or either of them with any five of the said gentlemen shall determine to be done for the ends aforesaid, shall be with the greatest expedition managed and carryed an end by such person or persons as they shall order & appoint & that, when the Fortification is made or is in such a Readiness as to receive great guns, this Court will not be wanting to such as are in power. C. Rec., vol. 4, p. 569.

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1665, 1 August. P. 274.

It being put to the question whether a present addresse & application shall be made by this Court to his majesty, that so his majesty may understand the grounds and reasons of this Courts transactions with his hon<sup>ble</sup> commissioners, it was resolved on the affirmative.

And accordingly the court proceeded, and agreed upon this addresse :

Cost to pay out of what credit the Neck of land hathe in your hand, and if cost moor, wee doe ingage to pay you upon the Towne acompt.

RICHARD WALDERNE,  
WILL. WENTWORTH,  
JOHN ROBERDS.

Dover Town Rec., No. 42. A. H. Q.

By the selectmen [of Dover] the 25: 10: 1665.

Ordered that wheras thear ar several Deffrinces apprehended to be betwixt the Inhabetants of Dover and are principally with our naboers at Oyster River, thes are therfoer to desire all our naboers that have anie Greivances to meitt together and to propound what matter of deffarance thear is and to stat the Case Against the next Publick Towne meiting is apoynted the third Monday in March wch is the 19th day therof at the meeting house in Dover Neck thear to Discorce the sayd defrences for the settlinge of peace amongst us, or if it cannot be ther agreed then to chuse some others to heir and determine the same, and the Constables of the Towne are heirby ordred to give notes [notice] to all the Nabors in thear Respective places to meet for the end afoersayd. Dover Town Rec., No. 43. A. H. Q.

*To the Kings most excellent Majesty, The humble Petition of the General Court of the Massachusetts Colony in New-England.*

Dread Sovereigne :—

Let it not be displeasing to your majesty that your poore subjects do againe prostrate themselves at your royall feete to beg pardon for what error or weaknes hath unwittingly slipt from us in our last addresse, wherwi<sup>th</sup> your Majesty (as wee are informed by your Secretary) was displeased for (God knows) it was farr from our intention to give any occasion of offence. Wee desire plainly and affectionately to spread the case of yo<sup>r</sup> subjects here before the common father and prinnee, who, being placed in so high a sphere, & at so great a distance might possibly want a right understanding of the greivances. But wee confess that what wee then presented was our feares of what wee did then rather foresee than feele; but now, to our grieffe and great sorrow of heart, wee find (& wee hope your majesty in due time will see) that the gentlemen sent hither in the capacitie of commissioners, especially three of them (for Colonel Nieholls, we must acknowledge, had not his hand in many things that are greivous to us, and wee thinke would not; whereas the commission seems to import, that w<sup>th</sup>out him no valid act can be done) who have steered a course so different from, if not contrary to, your majesties gracious expressions & limitations in your royall letters & instructions, and we believe very much against your gracious disposition & inclination, that those good ends of yo<sup>r</sup> majesties sending them hither, expressed in your letters, are, as much as in them lies, made void & frustrate; and instead thereof, your poore subjects threatned with ruine, reproached w<sup>th</sup> the names of rebels, and your government, established by charter, & our priviledges, violated & undermined; causeless complaints from Indians received and countenanced, in so much that the very carriage and deportment of many of the heathen is changed towards us; our injurious & licentious neighbors animated against us, a notorious malefactor protected from justice, some of your faithfull subjects dispossessed of the lands & goods without hearing them speake in their cases, the unity of the English Colonyes (which is the wall & bulworke, under God, against the heathen) discountenanced, reproached & under-



mined, our bounds & limits clipt & shortened, severall townes in our north border already (so farr as in them lies) taken from us, they declining to heare our just pleas therein, though offered to them. The particulars of these things & other of like nature, they have acted, w<sup>ch</sup> are collected, with due prooffe of them and transmitted to be humbly presented.

We have ground to believe that these gentlemen will represent our cases in another dresse, & as here, by tongue & pen, so there to your majesty & others, will labor to render us as vile as imaginable, & will not be wanting in endeavors to stirr up your majesty to wrath & indignation against us; but wee believe your majesties wisdome & goodness will not over hastily receive such impressions.

But wee beseech yow, royall Sr, that you will thinke, & expect, & believe other and better things concerning youre poore suppliants, a just dependance upon & allegiance unto your majestie, according to the charter wee have & doe possesse & practise, & have by our oathes of allegiance to your majesty confirmed; but to be placed upon the sandy foundations of a blinde obedience unto that arbitrary, absolute & unlimited power which these gentlemen would impose upon us, who, in their actings towards us have carried it, not as indifferent persons towards us, this, as it is contrary to your majesties gracious expressions, and the liberties of Englishmen, so wee can see [no ?] reason to submitt thereto.

If these your colonies should be set into the flame of contention and confusion either among themselves, or by the heathen, which seems to be the design of some, rather than not to have their wills, wee cannot conceive what profit or honor is like thereby to redound unto our lord the king.

Wee hope there is nothing can be objected against us either by English or Indians, wherein wee are not able to cleare our innocency (human frailties excepted) & have manifested ourselves always ready to give a rationally account of all our actions; but if the quality of many, if not most of the complaints (as Indians, Quakers, libertines & malefactors) were known as it is to all knowing men here & it would not be thought that those complaints should be accompted considerable.

But we must conclude, & comitt our cause unto the Lord God, & under him to your royall selfe, casting ourselves in all humilitie before your majesty, beseeching the god of heaven to incline your heart to extend benignity, favour & a gracious aspect towards us, which of all outward things we most highly prize, and that wee desire no longer to enjoy than while wee shall continue to pray for your temporall and eternall happiness & approve ourselves to be

Your majesties most loyall subjects & suppliants.

RI: BELLINGHAM, Gov<sup>r</sup> in y<sup>e</sup> name,  
& by order of y<sup>e</sup> Generall Court.

1st August, 1665.

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*Copy of a Letter from King Charles the 2d to the Massachusetts Colony, in 1666.*

[Copied from Hutchinson's History of Mass., App., No. 19.]

CHARLES, R.

His Majesty having received a full information from his commissioners who were sent by him into New England, of their reception and treatment in the severall colonies and provinces of that plantation, in all which they have received great satisfaction, but only that of the Massachusetts; and he having likewise been fully informed of the accompt sent hither by the Counsell of the Massachusetts, under the hand of the present governor, of all the passages and proceedings which have been there between the said commissioners and them from the time of their first coming over; upon all which it is very evident to his Majesty, notwithstanding many expressions of great affection and duty, that those who govern the Collony of the Massachusetts doe beleive, that the commission given by his Majesty to these commissioners, upon so many and waighty reasons, and after so long a deliberation, is an apparent violation of their charter, and tending to the dissolution of it, and that in truth they doe, upon the matter, beleive that his Majesty hath noe jurisdiction over them, but that all persons must acquiesse in ther judgments and determinations how unjust soever, and cannot appeal to his Majesty, which would be a matter of such a high consequence as every man discernes where it must end. His Majesty therefore, upon due

consideration of the whole matter, thinks fit to recall his sayd commissioners, which he hath at this present done, to the end hee may receive from them a more particular account of the state and condition of those his plantations, and of the particular differences and debates they have had with those of the Massachusets, that so his Majesty may pass his final judgment and determination thereupon. His Majesty's express command, and charge is, that the governor and councill of the Massachusets doe forthwith make choice of five or four persons to attend upon his Majesty, whereof Mr Richard Bellingham and Major Hathorn are to be two, both which his Majesty commands upon their allegiance to attend, the other three or two to be such as the councill shall make choice of; and if the said Mr Bellingham be the present governor, another fitt person is to be deputed to that office till his return, and his Majesty will then, in person hear all the allegations, suggestions, or pretences to right or favour that can be made on the behalf of the sayd colony; and will there make it appear how farr hee is from the least thought of invading or infringing, in the least degree, the royall charter granted to the said colony; and his Majesty expects the appearance of the sayd persons as soon as they can possibly repair hither, after they have notice of this his Majesty's pleasure; and his further command is that there may bee noe alterations with reference to the government of the province of Mayne, till his Majesty hath heard what is alledged on all sides, but that the same continue as his Majesty's Commissioners have left the same, untill his Majesty shall further determine; and his Majesty further expressly charges and commands the governor and counsell there, that they immediately set all such persons at liberty, who have been or are imprisoned, only for petitioning or applying themselves to his Majesty's commissioners. And for the better prevention of all differences and disputes upon the bounds and limits of the several colonyes, his Majesty's pleasure is, that all determinations made by his Majesty's said commissioners with reference to the said bounds and limits may still continue to be observed, till upon a full representation of all pretences, his Majesty shall make his own final determination; and particularly the present temporary bounds set by the commissioners between

the colonyes of New-Plymouth and Rhoad-Island, until his Majesty shall find cause to alter the same. And his Majesty expects that full obedience be given to this signification of his pleasure, in all particulars.

Given at the Court at Whitehall, the 10th day of April 1666, in the eighteenth year of his Majesty's reign.

WILL. MORRICE.

23d May, 1666. 4, 2d, p. 296.

Whereas severall townes in this jurisdiction are not under the command of any serjant major, as Dover, Portsmouth &c. as also the townes in the county of Hampshire, it is ordered, that the major generall take care for the regulating of the military affaires of such townes till they are brought under a major, as in other counties, & all military officers of such places are required obedienc to the orders of the major generall from time to time, upon the penalty above mentioned for every defect.\*

10 October 1666. 4, 2d, p. 326.

On certificate that, on the 2d of October instant, the millitary company at Portsmouth had made choice of James Pendleton for captaine, Walter Neale for lieftennant, & Nathaniel Drake for ensigne, the Court allowes & approoves of James Pendleton for Captaine, & orders the persons chosen for leften-

\*At a meeting of the Selectmen [of Dover] the 27th 12th mo. 1666.

Ordered that whearas many inconveniences and damages coming upon the Towne by severall of our Inhabitants taking in severall Parsones boeth men and women, do hierby order that none of our inhabitants shall from henceforth Admitt or Entertaine anie Inmate or sudgeuer or sarvant to be hired or taken into thear houses without Giving notis to the sellectmen or anie one of them within thirty days after the Reeveing of anie such persons in to thear houses, uppon the Penalty of nintine shillings fine To the Towne Besides all other damedges the Towne suffreth By such persons taken in.

Townsmen, { RICHARD WALLDERN,  
JOB CLEMANTS,  
ANTONEY NUTTER.

Dover Town Rec., No. 55. A. H. Q.

ant & ensigne to officiate in those places till they are admitted to the fredome of this country so it be once within twelve months of the date, & that then they have their comissions.

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At a General Court of Election held at Boston 15 May 1667, Capt. Richard Waldron was chosen Speaker.

In answer to the petition of the inhabitants of Exeter humbly craving the favour of this Court to grant an enlargement on the back side of their town, West & by North ten miles & that Mr Wiggin dwelling in Swampseot may contribute to the public maintenance of the ministry here :

It is ordered that Capt Richard Waldern Capt. Robert Pike & Mr Samuel Dalton shall be & hereby are appointed as a Committee to view the land desired by the Petitioners & make their report to the next Court, & as for that part of their petition referring to Squamseot The Court refers them to a former order of this Court.

In answer to the petition of Dover & Portsmouth it is ordered that Capt. Richard Waldern, Mr Richard Cutts & Mr Elias Stileman jointly & severall shall & hereby are impowered with Magistratical power & enabled to act within the bounds & places of the jurisdiction of the Courts of Dover & Portsmouth as matters & cases may present until the next Court of Election.

15 May 1667. 4, 2d, p. 339.

Mr Richard Russell is appointed to keepe the County Court at Portsmouth & Dover for this yeare, which he being not able to attend, but proeuring Major Wm. Hawthorn to supply his place the Court allowed thereof.

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*To the Hon<sup>d</sup> General Court now assembled in Boston May 1667.*

The humble petition of the inhabitants of the two townes of Dover & Portsmouth on Piscataqua River.

Humbly sheweth that whereas your Petitioners both from the necessitie of our naked condition & Injunction by this

Honored Court to erect some fortifications\* for defence on Piscataqua Rivers' mouth, the charge whereof lying only upon the two said townes & the burthen heavier upon us than upon any part of the Countrie considering the number of our inhabitants, as also considering the straitness of our townships especially that of Portsmouth being crowded into a very Narrow, & our Inhabitants growing numerous & wanting accomodations. Humbly desires this Hon<sup>d</sup> Court to grant your petitioners a tract of land in the wilderness upon the head of Dover bounds not yet granted unto any towne, or person, which may be an enlargement to our inhabitants, & an inabling them to carry on & perfecting of the sayd fortifications begun wherein the whole Collony is deeply concerned, farther desiring this Honored Court that they will please that some declaration may be made in the said townes (or otherwise as their wisdoms shall see meete) for the quietting & qualifying our Inhabitants concerning pattents & claimes made by some persons disafected unto this Government.

Moreover Considering that we for present are & still for a time may be without a Majistrate to cohabit among us (which we most earnestly desire) humbly pray this Court for the confirmation of Magistraticall power as formerly, settling of it upon some meete persons whome your wisdomes shall make choice of, especially in the towne of Portsmouth, that sin & wickedness may be Curled [quelled?] which much abounds in these licentious times, the necessity of which urgeth us to beg & we hope will incline you to grant. And that all farmes already granted or to be granted greater or smaller may be

\* By the Sellecktmen [of Dover] the 4th 5th (67.

It is Agreed with left. Coffin to Buld the fort about the metting house on dover neck, one hundred foot square with too sconces of sixteen foot square and all the timber to [be] twelfe inches thick, and the Wall to be eagt foot high with sells [sills] and Braces, and the Sellectmen with the melleterey ofeers have agreed to pay him an hundred pounds in days workes at 2s 6d. p. day and alsoe to all persons Concerned in the worke on[e] day to help Rayse the worke at so many on day as he shall appoynt. Dover Town Rec., No. 56.

NOTE. "The building of this fort is the first intimation we have of the construction of any defences against the Indians." A. H. Q.

long to such of the two towns till this court take further order.

Finally this Hon<sup>d</sup> Court the last yeare<sup>r</sup> were pleased to promise that they would do what might be done for a supply of great guns which is our great want, that if it be possible we may have some lent us until we can buy, or that they would be a meanes we might purchase some for such pay [as] our River doth afford, the grant of all which will oblige us as formerly so still to pray for a happie success to all your most weighty affairs.

*Answer.*

In answer to the petition of Dover and Portsmouth, the Deputies Judg meet to grant them a tract of land of 6 miles square for a towne in some convenient place above Dover bounds not formerly granted, & that all farms that are or shall be layd out there shall belong to the jurisdiction of Dover and Portsmouth and that no person or dweller shall be left without Government to the westward of Dover bounds, or west & by North as said Dover bounds doth run till this Court take further order, And that Capt. Richard Waldron Mr Richard Cutt & Mr Elias Stileman have jointly & severally magistraticall power granted unto them to act within the bounds of either the two said townes as matters & cases may present untill this Court take further order.

And whereas this Court hath been informed that there are some persons by their meetings & consultations, who are disaffected to this Government, apt to disturb the peace of the place by endeavouring to introduce some other government, & this Court doth order that due notice shall be taken of all & every such person & their names returned to authoritie there established, that soe due course may be taken by those that have magistraticall power to suppress & prevent the same & according to the nature of the offence they are required to send such persons to answer here at Boston according to Law.

28. 3d. 1667.

The deputies have past this refference to the Consent of our Honored magistrates hercin.      WILLIAM TORREY, Cleric.

The Magistrates consent not hereto.

EDWARD RAWSON, Secretary.

Yet the magistrates are willing & doe hereby Judge it meete to impower Capt. Richard Walderne, Mr Richard Cutt, & Mr Elias Stileman jointly and severally with magistraticall power enabling them to aet within the bounds of either the said two townes as matters & cases may present until next Court of election, their brethren the deputyes hereto consenting.

28. May '67.

EDW. RAWSON, Sec<sup>ry</sup>.

The Deputyes Consent hereto, so as in the 4th line after the word Townes marked be added & all other places included within the jurisdiction of the Court of Dover & Portsmouth. Our honored majestrates Consenting hereto.

WILLIAM TORREY, Cleric.

Consented to by the Majestrates.

EDW. RAWSON, Secrit.

Endorsed

Portsmouth & Dover petition entered & 10s promised. Read *per curiam*. General Court 1667.

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At a generall Court of Election held at Boston the 28th of April, 1668 :

Major Generall John Leverett & Mr Edward Tyng or either of them are hereby intreated and impowered to keep the next Court to be held at Portsmouth in June next, & that the Major General take care to appoint some meet person to have command of the fortification there for the present, until this Court take further order.

And it is further ordered that Capt Richard Waldron, Mr Elias Stileman & Mr Richard Cutts & either of them, shall and hereby are invested with power, in all cases, to act as any Magistrate may do within the precincts of Portsmouth & Dover for the year ensuing. C. Rec., vol. 4, p. 607.

Mr Samuel Symonds is appointed to keep the County Court in Norfolk for the year ensuing.

We whose names are hereunto subscribed being appointed by the Hon<sup>d</sup> Court to view & consider of the bounds of the Townshipp of Exeter, & to make returne to the next session of the Court two of us having taken a survey of the lands



about the town & other towns adjacent, we whose names are underwritten do judge that the bounds of the town of Exeter shall extend northward to Lampræel River & from the first falls in Lampreel River six miles upon a West & by North line adjoining to Dover bounds as they are laid out & confirmed, & then two miles further upon the same point of the Compass, that to be their North bounds & from the foot of Exeter falls by the present grist mill a mile and a half due South to Hampton bounds, & from that South point to run upon a West & by North line 10 miles unto the woods adjoining to Hampton bounds, that to be their South bounds, & so from the end of that line upon a strait line over the land to meet with the other line on the North that extendeth from Dover bounds. That to be their head line westward, & Quamscot Patent to be their East bounds. Dated the 8th of the 8th mo. 1667. By us.

SAMUEL DALTON,

RICHARD WALDERN.

C. Rec., vol. 4, p. 610.

Though I could not by reason of straitness of time make a full view of all the lands abovementioned, yet from what I do know of it, together with that information that I have had of those that do know well the Quality of the rest of the land, do judge that the bounds abovementioned may be just and reasonable & do Concur in subscription.

ROBERT PIKE.

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In answer to the desire of John Gilman in behalf of the town of Exeter for settling the bounds of their town. It is ordered that Exeter bounds be stated & settled according to the above return of Mr Richard Waldren, Mr Samuel Dalton & Capt Robert Pike, who were appointed a committee by the General Court the 8th of the 8th month 1667, provided that all pine trees fit for masts, which are twenty four inches diameter & upwards within three feet of the ground, that grow above three miles from their meeting house, where it now stands in any place within the bounds of the said town, are hereby reserved for the publick. And that if any person or

persons shall presume to fall down any such Pine tree fit for masts he or they shall forfeit £10 for every tree the one half to the informer & the other half to the publick Treasury of the County, Provided also that this grant unto the town of Exeter shall not infringe Mr Samuel Symonds in his grant of 250 acres of land formerly granted. C. Rec., vol. 4, p. 611.

29 April 1668. 4, pt. 2, p. 364.

For County commissioners, this Court doth nominate & appoint Mr Elias Stileman & Mr Nathaniell Fryer for Portsmouth.

At a second session of the General Court held at Boston 14 Oct. 1668 :

The humble request of Abraham Drake of Hampton, Marshall, for advice from General Court or Hon<sup>d</sup> Majestrates now assembled at Boston, how I may safely act in the execution of my office, referring to the case following.

Having received an execution under the hand of the Clark of Hampton Court, which execution and original writ is here annexed—The defendant with his abettors still hold possession & upon demand after judgment given for the plaintiff refuseth to surrender. I find it a case rarely in use, & so difficult to me. Wherefore according to the direction amongst the precedents, as in the Marshalls oath, I crave advice of this Honored Court, whether in case the defendant or abettors refuse upon demand being first made by me, I ought not by force to dispossess them & give possession to the Plaintiff, that is of the house & milne with appurtenances, viz. Whatsoever belongs to the said farm. That I may more fully be understood, By abettors I intend Robert Wadleigh of whom the defendent holds, (who, with the defendent, have carried on the work & milne upon the Plaintiffs farm) their workmen or any else holding by the same refuted title.

ABRAHAM DRAKE, Marshall.

In answer to the question propounded to this Court by [Abraham Drake] Marshall of Hampton, As the question is propounded to us, The answer of this Court is in the affirmative. The Marshall may take notice that it behoveth him in such cases to carry the matter fairly, by making known to the persons concerned the end of his coming & first to demand free

& peaceable possession. Then if he be denied or meet with opposition in the execution of his office, It is in his power to require sufficient aid to accomplish his work, for after the judgment (without appeals) execution doth follow in Course, else it were in vain to any man to sue for his right, the law being still open for the contrary party to become Plaintiff if he cause so to do.

The Court resolves this question in the affirmative. C. Rec., vol. 4, p. 625.

14 October, 1668. 4, pt. 2, p. 395.

For the better prevention of the breach of the Sabbath, it is enacted by this Court & the authority thereof, that no servile worke shall be done on that day, namely, such as are not works of piety, of charity or of necessity; & when other works are done on that day, the persons so doing upon complaint or presentment being legally convicted thereof before any magistrate or County Court, shall pay for the first offence ten shillings fine, & for every offence after to be doubled, & in case the offence heerin be circumstanced with prophaness or high handed presumption, the penalty is to be augmented at the discretion of the judges.

As an addition to the law for preventing prophaning of the Saboath day by doing servile worke, this Court doth order that whatsoever person in this jurisdiction shall travell upon the Lords day, either on horsebacke or on foote, or by boats from or out of their owne towne to any unlawful assembly or meeting not allowed by law, are hereby declared to be prophaners of the Sabath, & shall be proceeded against as the persons that prophane the Lords day by doing servile worke.

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At a Generall Court of election held at Boston May 19, 1669, Mr Thomas Danforth is appointed to keep the County Courts in Norfolk for the year ensuing.

It is ordered that Capt. Richard Walderne, Capt. Richard Cutts & Mr Elias Stileman, or either of them shall & hereby are invested to act with power in all cases as any one magistrate may do within the precincts of Dover & Portsmouth &c.

It is further ordered that the Commissioners that are chosen to keep small Courts there shall and hereby are impowered at those Courts to try all actions not exceeding £10 for the year ensuing.

This Court do order that the neck of land upon the eastward of the Great Island at Portsmouth shall be sequestered for the use of the Fort planted there, taking in the great Rock, & from thence all the easterly part of the said Island, & this Court do further order the County Court to be held this Summer at Dover, shall hear & determine the Claims of any that may pretend title thereto, & order their just satisfaction out of the Treasury of that County in case any just reason for the same to them do appear.

In answer to the motion of the deputies for the County of York Maj. Gen. John Leverett is desired to keep the County Courts of Dover & Yorkshire in the latter end of this month & beginning of the next, & that Major Brian Pendleton, Mr Francis Neale, Mr Ezekiel Knight & Capt. Charles Frost, shall & hereby are impowered with Majestricall authority to act in that County for the year ensuing as any other Magistrate may do.

The Court on perusal of the articles of agreement between this Colony & the Inhabitants of Dover &c. several of them well remembring that Mr Edward Hilton was one of those that were Commissionated to agree with this Court in behalf of the Inhabitants of Piscataqua, Do declare that Mr Edward Hilton is according to the articles exempted from the Country Rates & that accordingly he be freed from such impositions & that the Treasurer of the County discount Mr Hilton's proportion with the Constable of Exeter upon his account, that was imposed upon him by the last County Commissioners.

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*Portsmouth Address concerning the College.*

To the much Hon<sup>d</sup> the General Court of the Massachusetts assembled at Boston, 20 May 1669—the humble address of the Inhabitants of the town of Portsmouth humbly sheweth that seeing by your means (under God) we enjoy much peace &

quietness & very worthy deeds are done to us by the favorable aspect of the Government of this Colony upon us, we accept it always & in all places with all thankfulness. And tho' we have artiled with yourselves for exemption from publique charges, Yet we never artiled with God & our own consciences for exemption from gratitude which to demonstrate while we were studying, the loud groans of the sinking Colledge in its present low estate came to our ears, The relieving of which we account a good work for the house of our God & needful for the perpetuating of knowledge both religious & Civil among us & our posterity after us, & therefore grateful to yourselves whose care & studdy is to seek the welfare of our Israell. The premises considered we have made a Collection in our town of £60 per annum (& hope to make it more) which said sum is to be paid annually for these seven years ensuing to be improved at the discretion of the Hon<sup>d</sup> Overseers of the Colledge for the behoof of the same & the advancement of good literature there, hoping withal that the example of ourselves (which have been accounted no people) will provoke the rest of the Country to Jealousy (we mean an holy emulation to appear in so good a work) & that this hon<sup>d</sup> Court will in their wisdom see meet vigorously to act for diverting the sad omen to poor New-England; if a Colledge begun and comfortably upheld while we were little, should sine now we are grown great especially after so large and profitable an harvest, that this country & other places have reaped from the same. Your acceptance of our good meaning herein will further obleige us to endeavour the approving ourselves to be your thankful & humble servants.

JOHN CUTT,  
RICHARD CUTT,  
JOSHUA MOODEY,

in the name & behalf of the rest of the subscribers in the towne of Portsmouth.

This address from the inhabitants of the towne of Portsmouth was presented by Mr Richard Cutt & Mr. Joshua Moody, 20 May 1669, & gratefully accepted of; & the Governor in the name of the whole met together, returned them the thanks of this Court for their pious & liberal gift to the Colledge therein.

EDWARD RAWSON, Secty.

*To the Honoured Generall Court of the Massachusetts assembled at Boston May 19, 1669. The humble petition of Oyster River is as followeth :*

The consideration of your prudent & pious care for the carrying the main end of planting this Colonie in the settling religion & promoting the welfare of souls in every part of it subject to your dominion, government, doth imbolden us (who also are in some measure sensible of the great end we came into the world for, the advancement of the glorie of God in our own salvation) to present this humble address unto yourselves. It is not unknown to some of you that the inhabitants of Dover (of whom for the present we are a part) manie years since, taking in consideration the intolerable inconvenience of our travail manie miles, part by land part by water, many times by both, to the publick worship of God, & the necessary stay of manie of us from public worship who cannot undergo the difficulties of travail to it, it was then publickly agreed & concluded that there should be two ministers at Dover, the one in Oyster river, the other at Dover neck\* as appears by a town act, bearing date the fourteenth of the 5th fiftie one (July, 1651) the means of calling & maintaining both which are one, yet while we continue with them there is noe power improved on our behalf to that end nor have we anie of ourselves whereby we have a long time & at present groan under intolerable inconveniences, our ministry being greatly weakened & hazarded thereby, having neither head nor hand to move in order to calling when without, or settling & maintaining when obtained, & it being so difficult for us to attend civill

\* At a Publeck Towne meitting holden the 22th, 5th mo. 1669, Voted, That for Accommodation of the Minestrey on Dover Neck, is set apart forty pounds of mill Rents and a penny Ratt in provition upon the Estates of all the Inhabitants of the town of Dover, excepting Oyster River, and this order to stand for one yeir, the penny Rate to be paid in October or November, or a free contribution what Every man will free give.

At the sam tim voted that there shall be a ministers house built upon dover neck the dementions is as followeth yt is to say 44 f. in length 20 foot wide 14 foot betwine Joist and Joist with a stak of Brick cheimneys and a sellar of 16 foot sqaer, this house to be Buelded at the charg of the hole town in general. Dover Town Rec., No. 63. A. H. Q.

meetings there, that often most of us cannot be there when we are in danger to be neglected or not so taken care of, nor our affairs so well provided for as if we were a township of ourselves, we being in all 220 soules near 50 families, 70 & od souldiers, a considerable number of freemen humbly request this honoured court to grant us that so beneficial a privilege of becoming a township with such bounds as have been already granted us, or shall be thought meet by this Honoured Court, & for this end we have sent John Woodman an inhabitant among us & give him power to join anie with him as he shall see meet for managing this our petition & prosecution of our farther reasons committed to him should this honoured Court, whose care we know extendeth to us among the rest of this Colonie vouchsafe us a favourable answer to our request, whereas as now our hands & hearts are weakened in the work, provision for the ministrie standing at a stay, the old & young in families too much neglected, others of good use who would join with us, discouraged until wee become a township, some readie to leave us, if things stand as they doe, we trust upon your grant you would soon find our number increasing, our hands and hearts strengthened in the work of God, our care more vigorous for an able orthodox minister, our families instructed according to law, ourselves growing in truth & peace to God's glorie, our content & your good, & we shall not cease to pray to God Almighty for a blessing upon you in all your weightie concerns, & subscribe ourselves—

Yours in all humble observance,

John Bickford,  
 Richard Yorke,  
 John Davis,  
 William Beard,  
 Robert Burnam,  
 Philip Chesly,  
 Charles Adams,  
 Steven Jones,  
 Walter Matthews,  
 Nieholas Doe,  
 Vidua Elizabeth Drew,  
 John Woodman,

John Medar,  
 Thomas Willie,  
 John Hill,  
 Thomas Edgerlie,  
 William Perkinson,  
 Benjamin Matthews,  
 Davie Daniell,  
 Thomas Drew,  
 Joseph Field,  
 Zacharias Field,  
 John Goddard,  
 Matthew Williams,

Edward Lethers,  
 William Randall,  
 William Pitman,  
 Teag Royall,  
 Salathiel Denbow,  
 Jas— Stinson,  
 John Smith,

James Smith,  
 James Huckins,  
 Robert Watson,  
 Patricke Jenison,  
 James Thomas,  
 Walter Jacson,  
 Francis Drew.

Having heard the petitioners with what is aleadged by Capt Walderne in the behalfe of Dover, that that towne is not informed of this motion, & by perusing many pages presented in the case together what is granted on both hands, we have grounds to hope there may be an agreement & settlement of things betwixt themselves, which we commend to them Conceiving it best that they shall jointly agree upon tearmes, the which may be most advantageous to each other & for publick good, & for that end deem it meet to report (respit?) till next session of the Court, when what they shall agree upon may be confirmed by this Court, or in case of non agreement, these petitioners to give notice in due season to their neighbours & brethren of their intendments further to prosecute this motion of being a township at the next sessions of this Court that so they may have opportunity to make answer thereto.

JOHN PYNCHON,  
 EDW. JOHNSON,  
 WILLIAM PARKE.

May 25, 1669.

The Deputies approve of the return of this Committee in answer to this petition, our honored Magistrates consenting hereto.

WILLIAM TORREY, Cler.

Consented to by the Magistrates.

EDW. RAWSON, Secry.

Indorsed. A petition from Oyster River inhabitants entered with the Magistrates Read & referred, per Curiam. Ent. 1669.

At the second session of the General Court held at Boston the 18th of October 1669

The Court understanding that there is about 60 soldiers in Exeter, & that no Commission Officer is set over them, John



Gilman is by this Court appointed to be Lieutenant to the Military Company at Exeter & that the Secretary issue out a Commission according to Law, that so he may exercise the Company as the Law requires.

This Court judgeth it meet to appoint John Gerrish to be Quarter Master to the Troop raising in Portsmouth & Dover.

In answer to the Petition of Robert Wadleigh complaining of being illegally dispossessed of a house, mill & other estate by virtue of an Execution on a judgment against Nicholas Leeson at the County Court in Norfolk in April 1668, Henry Roby, Attorney to & for Robert Wadleigh, appeared & publickly engaged himself & his heirs to stand to & satisfy the charge of this Court in & for the hearing of this case. The Court on a full hearing of the case & what hath been alledged by the parties therein, Do judge that the petitioner hath been illegally dispossessed & order that he be repossessed in the said estate & have the cost of this Court fifty-four shillings besides the charge of the court.

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At a General Court of Election held at Boston May 11, 1670.

In answer to the motion of the Deputies of Norfolk, It is ordered that Capt. Daniel Gookin shall and hereby is appointed to keep the County Courts at Hampton and Salisbury with the associates of Norfolk for the year ensuing.

On a motion of the Deputies of Dover and Portsmouth in behalf of most of the freemen there, That whereas they have power in their associate Courts to try any Case under £20, and finding no law where they may appeal but to the Court of assistants, the action many times being very small, and it is at a Charge to come to Boston for every small case, It is their desire that the Court would grant them an order that any person cast or condemned may appeal to the County Court held in Dover or Portsmouth, and that some persons may have magistraticall power in that County as formerly. The Court judgeth it meet to grant their request, And it is ordered that henceforth it shall be in the liberty of Plaintiff and Defendant in all cases triable before the Court of associates in Portsmouth and Dover, to appeal to their next County Court in Dover or Portsmouth, as in other cases any custom or usage to the contrary notwithstanding.

standing. Capt. Richard Waldron, Mr John Cutts, Capt. Richard Cutts & Mr Elias Stilemen & either of them are appointed & impowered with Magistraticall power, as any one magistrate, to act in all cases for the year ensuing in Portsmouth & Dover.

In answer to the petition of the towne of Hampton, humbly desiring the favour of this Court to support them under the great charge of their Causey over the marsh, for divers reasons rendered in their petition, The Court judgeth it meet to declare that they see no cause to grant their request, but leave it to the Court of that County to act therein, & to lay it on the County or leave it on the towne, as they shall see cause. C. Rec., vol. 4, p. 658.

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31 May, 1671. 4, pt. 2, p. 486.

Whereas the law requires every towne consisting of one hundred families or upward to sett up a grammer schoole\* & appointe a master thereof able to instruct youth so as to fitt them for the Colledge, & upon neglect thereof, the said towne is to pay five pounds per anum to the next Lattin schoole untill they shall performe that order the Court upon weighty reasons judge meeete to declare & order that every towne of one hundred families & upwards that shall neglect or omit to keepe a grammer schoole, as is provided in that lawe, such towne shall pay tenn pounds per anum unto the next town schoole that is sett according to that lawe.

\* At a publick towne meeting held the 5, 2 mo., '58, "It was agreed by ye Select men together wth ye Towne, that twenty pounds p. annum shall be yearly raysed for the Mayntenance of a Schoolmaster in the Towne of Dover: that is to say for the teachinge of all the children within the Township of dover, the said Schole Master havinge the priviledges of all strangers out of the Township. The said Master also teach to reid, write, cast a compte, latine, as the parents shall require. Hist. Mem., No. 78. A. H. Q.

At a Publick Towne Meiting holden the 4th first month, '71.

For the better incoredgment of Mr. John Rayner in the ministry, the Towne doth order the forty pounds of mill Rents with the penny Rate to be paid to him yeirly so long as he contineweth minister [of] the Towne of Dover: this penny Rate to be levid on the Inhabitaat of Dover Neck, Cochecho, Bloody Poynt and oyster River according to thear Artekels. Dover Town Rec., No. 81. A. H. Q.

P. 486-7.

The Court, doe order, that henceforth the regimentall meetings shall be in this following order i. e. Norfolke, including the County of Portsmouth & Dover, 1672.

9 June, 1671. 4, 2d, p. 496.

Upon the desire of Symon Bradstreet, Esq to be released from keeping the County Courts at Hampton & Salisbury, alleadging some reason for it, the Court having considered his motion doe appoint Daniel Denison Esq. to keepe the said Courts for this yeare, & Mr Bradstreet is released.

1 Quest. Whither the revenew arising by rate or custome of goods imported, as also powder, paid by shipping, belonging to strangers & brought into the River of Piscataque, is to be returned to the publick treasury of this country? This question is resolved by the whole Court on the affirmative.

2 Que. Whither the mony already collected in Piscataqua River, viz—per custome or rate on goods imported &c. and for powder paid by shipping, that is what hath binn received from straingers & such as are not inhabitants of the said river, is to be returned to the publick tresury of this country?

This question also was resolved on the affirmative by the Court.

3 Quest. Whither the revenew arising by the rate or custome laid on goods imported, belonging to the inhabitants of Piscataqua River, which is brought into the said river is to be paid into the country Treasurer? This question is resolved on the negative by the whole Court.

In answer to the motions of the severall deputies of the county of Yorkshire; As to the first, relating to comissioners for triall of cases at the Isle of Shoales & one of them to give oathes to wittnesses or juries on inquest, the Court judgeth it meete to leave it wholly to the Court of that County to issue & doe as they shall see meete.

To the second, relating to freeholders voating in election of county officers, the Court reffers them to the lawe in that case provided.

To the third, a magistrate is appointed to keepe their Courts as desired.

& to the fourth, Capt Waldern is impowered to sit in all associate Courts there as at Dover & Portsmouth. Also at their request, Mr Elias Stilemans Comission is continued amongst them & invested with magistratticall power.

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15 May, 1672. 4, 2d, p. 516.

It is ordered that all the customes & imposts any wayes raysed or to be raysed in Piscataqua Ryver for goods landed there, or drawing wine & beare, &c. be, by the officer appointed to collect the same, delivered to the Comittee of militia there, to carry and end & support the fortification there, till this Court shall take further order.

Capt. Richard Walderne is apointed & impowered to keepe Courts in the County of Yorkshire with the rest of the associates there, & is also invested with magistratticall power for that county of York for the year ensuing.

In answer to the motion of the deputy of Hampton, Mr Samuel Dalton is appointed & impowred to solemnize marriage of persons (one of whom is resident in that towne), being published according to lawe, and to administer oathes to witnesses as cases may require, & also comissionated to be an associate in the County Courts as the last yeare.

P. 530.

In ansr to the motion of the deputies of Portsmouth, the Court judgeth it meete to order, that the bounds betweene Portsmouth & Hampton, as to their townships, be determined & settled, & that Mr Elias Stileman, John Gilman of Exeter & Mr Samuel Dalton attend this service and make returne of what they shall determine to this Court; and this Court declares, they shalbe willing to grant to Portsmouth, land for a village when they shall declare to this Court the place where they desire it.

11 October, 1672, 4, pt. 2, p. 546.

Laid out to Capt. Richard Walderne, for the use of Capt. Thomas Lake & partners, by virtue of an order of the Generall Court held at Boston, the 21 day of May 1671, one thousand two hundred & eighty acres of land on the southwest side of

the River of Newitchawanacke, & about a mile above the head line of the township of Dover, as followeth, viz. beginning at a certaine elbow of the said river knowne by the name of the Great Eddy, neare to a point of land called Goljabs Neck, & from the said Great Eddy six hundred & forty rods west & by south in the length of the said land; and from the said Great Eddy three hundred rodods north and by west for the breadth of it.

April 26, 1672.

Per me, JOHN WINCOLL.

Y<sup>e</sup> plott on file.

Whereas this Court granted to the inhabitants of Portsmouth land for a village the last session, & having now brought in a platt of a tract of land above Dover bounds, the said land so laid out is hereby confirmed to the inhabitants of Portsmouth, provided a farme of three hundred acres of upland & meadow be laid out in some convenient place for the use of the country by Ensigne Davis of Dover, & Mr Wincoll, as also that the said plat entrench not on any former grants laid out, and that the said land be improved for a village in five yeares, with twenty families, such as shall mainteyne an able & approved ministry, and that this land & village be liable to country rates as other townes in this colony are. Y<sup>e</sup> plat is on file.

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At a Generall Court for Elections held at Boston 7th May, 1673, Capt. Richard Waldron was chosen Speaker for this session.

In answer to the motion of the Deputies for Portsmouth & Yorkshire, It is ordered that Wm. Stoughton Esq<sup>r</sup> shall & hereby is appointed & impowered to keep the County Courts at Dover & in Yorkshire with the associates there for this yeere.

It is further ordered that Capt Richard Walderne, Mr John Cutt, Capt Richard Cutt and Mr Elias Stileman shall & hereby are impowered with magistraticall power in those precincts for this yeere ensuing, ie, York & Dover & at Portsmouth.

It is ordered that Daniel Gookin Esq<sup>r</sup> keepe the County Courts of Norfolk with the associates there for the yeare ensuing.

It is ordered by this Court that Maj. Robert Pike shall have & hereby is invested with magistraticall power in the County of Norfolke & to act in all cases as any one magistrate may doe, & that Capt. Nathaniel Saltonstall & Mr Samuel Dalton shall & hereby are alike impowered. C. Rec., vol. 4, p. 720.

Upon the consideration had of the act of the comittee of the militia for the Ryver of Pascataqua to this Court, it is ordered by the authority of this Court that the souldyers dwelling on the great island at Pascataqua, with the soldjers in Kittery, from Spruce Creek eastward, shall be discharged from the companyes of which they formerly were, & from henceforth shall become a distinct foot company & to belong to the fortification upon — great island aforesaid, to be trayned & exercised there from time to time, & to be ready on all occasions to attend the service thereof for its defence & security. And it is further ordered, that Mr Richard Cutts shall be captaine & comander in chiefe of the said Fort & the foot company now established, Elias Styleman to be leiftenant & Joakim Harvey to be ensigne, & that comission issue of from this Court for the enabling of them to discharge their trust.

10 December, 1673. 4, pt. 2, p. 572.

Itt is hereby ordered by this Court and the authority thereof, that there be forthwith impressed and listed in the regiment of Suffolke one hundred and seventy foote souldjers—in the regiment of Norfolke & Dover, eighty, &c.

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At a General Court for Elections held at Boston in New-England, May 17, 1674.

In answer to the motion and request of the Deputies for the County of Norfolk, it is ordered that Mr Staughton Esq<sup>r</sup> shall & hereby is appointed to keepe the County Courts in that sheire with the associates there for the yeare ensuing.

It is ordered that Major Robert Pike, Capt. Nathaniel Saltonstall & Mr Samuel Dalton certified to this Court & nominated by the freemen of the County of Norfolk, shall be and hereby are appointed & authorized to be Associates for the

County of Norfolk for the year ensuing & each of the said gentlemen are hereby invested with Magistraticall authority in the said County for this yeere.

Major Thomas Clark is appointed to keepe the County Courts at Portsmouth or Dover, as also in Yorkshire for the year ensuing with the associates there respectively. C. Rec., vol. 5, p. 4.

27 May. Vol. 5, pp. 5, 6.

In answer to a motion from the deputys of Dover &c. this Court nominate & appoint Capt Richard Walderne, Mr John Cutts, Capt Richard Cutts & Mr Elias Styleman, to be & hereby are invested with magistraticall power there for the year ensuing.

In answer to the petition of the Selectmen of the towne of Portsmouth, in behalfe of the towne, the Court reffers the consideration thereof to the next session of this Court in order to a cleere & right understanding of it; for the atteyning thereof it is ordered, that the secretary give notice to all parties concerned, i. e. Dover, Portsmouth, Exiter, Hampton, & Mr Andrew Wiggins, to give their attendance at the Generall Court at their next session in October, to give the Court such information as whereby they may give a full and cleere determination thereupon, except they can agree it amongst themselves, and signify the same under their hands to the Court.

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1675, 12 May. 5, pp. 30, 31.

Major Richard Walderne, Capt. Richard Cutts, Mr Elias Styleman & every of them, are appointed Comissioners for Portsmouth for the yeare ensuing as the last yeare, and Major Waldern also is appointed Comissioner in Yorke.

Major Richard Walderne, Major Robert Pike, Capt. Richard Cutt, Capt. Elias Styleman, and Mr Richard Martyn are allowed & approved of to be associates for the County of Dover & Portsmouth, as they were returned by the townes of that county.

1675, 12 May. P. 38.

In ans<sup>r</sup> to the petition of the inhabitants of Oyster River, Phillip Hollet, Jno. Bickford, Robert Burnams, John Woodman and others, it is ordered, That the petitioners shall have liberty yearely to choose three selectmen, who shall have power to make such rate or rates as they shall see the necessity for the maintenance of the ministry, to be collected by the constable according to law.

Oct. 13.

For the better security of the County of Dover & Portsmouth & of Yorkshire & the parts adjacent, it is ordered that there shall be forthwith 40 able men rayseed & sent to Major Waldern to be by him disposed of for the end aforesaid, & not to be called of without the sayd Majors Consent, or else by order of the Gen<sup>l</sup> Court or Council. It is further ordered that the 18 soldiers already sent out of Norfolke & at present under the command of Mr George Broughton, shall be part of this number, & the other 22 shall be rayseed by the Major Generall out of the County of Essex. C. Rec., vol. 5, p. 51.

P. 55 and 56.

This Court having taken into their consideration the great and dayly growing charge of the present warr against the Indians, doe hereby order and enact, that, for the defraying of the charges above said there shall be levyed seven single country rates. The severall townes proportions. Hampton 028.00.00, Exeter 008.08.00.

21 February, 1675-6. 5, p. 72, 73.

Upon consideration of many sculking Indians about our plantations doing much mischief & damage, & that a probable way for their surprisall is by scouting in small parties, for encouragement thereof, this Court doeth order, that every person or persons that shall surprise, slay, or bring in prisoner any such Indian on the south side of Piscataqua River, he or they shall be allowed three pounds per head, or the prisoners so taken, making it appeare to the comittee of militia of that towne to which they are brought.



It is ordered that Leiftenn<sup>t</sup> Elias Styleman doe succeed Captaine Richard Cutts, deceased, in the command as Captaine of the fort on the great island in Piscataqua River.

25 February, 1675-6. 5, p. 76.

It is ordered that the comittees of militia in the townes & county of Dover & Portsmouth shall & hereby are required & impowred to. make nine severall rates on the inhabitants thereof, according to law, towards the responding the charges of the warr, to be collected & speedily payd in to the Tresurer of that county, to answer the end of said comittee, & be disposed of accordingly; and the comittee of militias are by themselves, or their order to audit all accompts of the charges expended in this warr.

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3 May, 1676. 5, p. 79.

“For the preservation of the frontier townes it is ordered, that each of the said townes be by the comittee of militia divided into so many parts, as a meete number may each day by turnes be sent forth upon the scout, with whom a party of Indians at the charge of the country, shall be joined - - - - - and that the frontier townes be accounted — Haverhill, Exetter — and for their further security it is hereby declared to be the duty of every chief commander or officer present in any towne upon notice given him of any assault, or distress of any neighbour town to send forthwith what ayde can be spared with safety at home, for the security of the distressed.”

1676, 5 May. 5, p. 87, 88.

Wm Stoughton Esq. is appointed authorized & impowred to keepe the County Courts in Portsmouth or Dover, and also at Wells in Yorkshire, for this yeare, at the times & daies appointed with the associates there allowed & approved of by this Court for that service in those countyes.

Major Richard Walderne, Capt. Elias Styleman, Mr Richard Martyn & Capt Thomas Daniel were chosen associates for the county of Dover and Portsmouth for the yeare ensuing, which the Court allowed and approved of.

9 August, 1676. 5, p. 101.

There having been an omission at the Court of Elections to constitute persons in majestricall power for the county of Dover & Portsmouth, it is ordered that the present associates in that county for the yeare ensuing invested with magistraticall power, shallbe, Major Richard Waldron, Capt Elias Styleman, Mr Richard Martyn & Capt Thomas Daniel.

12 October, 1676. 5, p. 122, 123.

It is further ordered, that seventy men be impressed out of Essex and sixty out of Middlesex, which shall be sent by land to Piscataqua, whither amnition & provission shall be forthwith sent. The said forces with so many as are already in those parts as may be spared from securing the town, shall, after the recovery of Black Point, be imployed to march towards the ennemys quarters towards Pegwakeck &c. on this side Kennebeck, & these to be conducted by such as the Generall Court or Council shall appoint.

It is ordered, that all those men that came from the deserted places at the eastward, fitt for the country's service, be impressed & imployed therein, and that the Major<sup>s</sup> and comittees of the severall countys & townes doe accordingly impresse & lyst them for this present expedition.

It is ordered that seventy of the most able soldjers, impress- ed in Suffolke for the design intended at Kennebeck, be sent to Piscataqua and are to attend the order of the major gener- all, or such other comandars as the Council shall appoint to mannage the design there against the enemy, and it is further ordered, that one of those vessells appointed for Kennebecke be forthwith sent away with cloathing & other provissions & amnition to Piscataqua.

12 October, 1676. 5, p. 124.

This Court having appointed Major Gen. Denison to repair unto Portsmouth, and there to take care for the improvement of the soldjers now raysed against the incursion of the comon enemy in those easterne plantations and to give his orders accordingly, doe hereby authorize and impower him to take the comand of all the soldjers & places of deffence in those

parts, and all military comanders, officers & souldjers with others that are the inhabitants of those parts, are hereby required to take notice thereof, and to yeeld obedience to him accordingly. And for the better manngement of the said trust to him hereby comitted, he, the abovesaid major generall is hereby authorized & impowered to impresse men, horses, provissions & aminition, as to him shall seeme meet, and to punish by fine, imprisonment, or any other corporall punishment as the law directs, all such as shall neglect or refuse to execute his warrants, or yield obedience to his comands, or be otherwise transgressors of the military lawes established by this court.

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*Copy of Robert Mason's Petition to the King.\**

[Copied from Far. Belknap, Vol. 1; App. 440.]

To the Kings most excellent majesty.

The humble petition of Robert Mason, proprietor of the Province of New-Hampshire, in New-England, sheweth—

That your majestys royal grand father, King James, of ever blessed memory, did by his highness' letters patents under the great seal of England, bearing date at Westminster, the third day of November, in the eighteenth year of his reign, give, grant and confirm unto several of the principal nobility and gentry of this kingdom by the name of the council of New-England their successors and assigns 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 fifth part of all the ore of gold and silver that should at any time be found upon the said lands, as by the said letters pattents doth at large appear.

\* At a public meeting—[Dover, July 1676]

“It is unanimously agreed upon, voted and ordered that our trusty and well beloved Richard Walderne, sarjant Major, do in the name and behalf of our town petition his Maj'te that he would interpose his Royal authority and afford us his wonted favor, that we be not disturbed by said Mason or any other, but continue peaceably in our present just rights under his Maje'tys Massachusetts Bay government.” Hist. Mem., No. 75. A. H. Q.

That John Mason, Esq., your petitioner's grand-father by virtue of several grants, from the said council 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 Naumkeak and Pascataqua and running up into the land westward three score miles, with all the islands lying within five leagues distance of any part thereof, and also the south half of the Isles of Shoals, and also the said John Mason together with Sir Ferdinando Gorges, Knt. was enfeoffed by the aforesaid council of New-England in other lands by the name of Laconia, by their deed bearing 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 and form to all intents and purposes whatsoever as the said council of New-England by virtue of his majestys said letters patents might or ought to hold and enjoy the same, as by the said several grants appears.

Whereupon your petitioner's said grand father 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 plantation.

That in the year 1628 in the fourth year of the reign of your majesty's royal father, some persons did surreptitiously and unknown to the said council, get the seal of the said council affixed to a grant of certain lands, whereof the greatest part were solemnly past unto your petitioner's grand father and others long before, and soon after did the same persons *by their subtil practices* get a confirmation of the said grant under the great seal of England as a corporation by the name of THE CORPORATION of the MASSACHUSETT BAY in New-England, your majesty's royal father being unwitting thereof, and having thus by *fraud* obtained a grant and confirmation, they

compelled the rightful 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 laws, with new methods in religion absolutely contrary to the laws and customs of this your majesty's realm of England, punishing divers 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 ears of your royal father, his majesty caused the whole matter to be examined before his most honorable privy council and all being fully proved, his majesty did command the council 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 council to be guilty thereof.

But the said council of New-England made it plainly to appear to his majesty that they were ignorant of the whole matter and that they had no share in the evils committed and wholly disclaim the same, and the said council finding they had not sufficient means to give redress and rectify what was brought to ruin, they humbly referred it to his majesty to do therein as he pleased, and thereupon the said council of New-England resolved to resign, and did actually resign the great charter of New-England into his majesty's royal hands, 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 council 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 term, 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 remaining twenty-four persons, there did fourteen at several times appear at the kings 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 hands and the body of the governor to be taken into custody for usurping the said liberties, all which appears by the rolls in the crown office, and office of custos brevium for the kings bench of the proceedings in the several terms from the year 1635 to 1637.

That thereupon his said royal majesty on the 3d day of May 1637, did order in council that the attorney general 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 year of his reign declared his royal pleasure for establishing a general government in his territory of New-England for the prevention of the evils that otherwise might ensue for default thereof, thereby declaring Sir Ferdinando Gorges to be governor general of the whole country, and requiring all persons to give their obedience accordingly.

That the wars and troubles immediately ensuing 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 contained themselves for a time within their pretended bounds, but no 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 than 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 sense they

might bear more suitable to their increase of power, they thought fit at length to declare themselves mistaken in what they had done in the year 1631, when they erected bound-houses, and had for so many years confined themselves thereunto, whereas now by the help of an imaginary line, or rather by a new reason of state, there is *a sense imposed by themselves upon their own words*, and they stretch their rights to near 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 lawful 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 own impress, raising the coin 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 no restitution could be obtained without a submission to their authority, and to hold the lands from them, which the petitioner then did refuse and hath always refused, choosing rather to wait for more happy times wherein to expect relief than by a legal resignation of his rights to those who had none at all divest himself of what his ancestors purchased at so dear a rate; Your petitioner having as equal 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 bear while he has the protection of so just and gracious a sovereign to resort to.

Wherefore your petitioner most humbly implores your ma-

jesty to take notice, that (by a plain discovery of what fraud in the beginning and the length of troubled times has helped to conceal) the Bostoners have no patent of incorporation at all, that yet they have under color of right and authority from the crown devoured your petitioner and other proprietors whose titles are by your majesty's learned council allowed as strong as the law can make them.

That all ways have been tried and methods used to obtain justice from the Bostoners, but all have proved ineffectual that your petitioner's losses have been so many and great and his sufferings so 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 restoration, and what daily breaches are by them made upon your majesty's acts of navigation which turns so greatly to the detriment of this kingdom in general these losses and sufferings of a particular subject cannot much be questioned, so that your petitioner humbly hopes that your majesty will think it high time to stretch forth your royal hand of justice to assist your petitioner that he may have the quiet possession of his province, and reparation made him for the losses sustained, in such ways and methods as the importance of the case requires, and your majesty in your royal wisdom shall think most fit.

And your petitioner shall ever pray. ROBT. MASON.

[From a copy in the possession of the Masonian Proprietors.]

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*Answer of Massachusetts to Mason's and Gorges' complaints.*

[Copied from Massachusetts Records.]

Vol. 5, p. 108:

A BRIEF DECLARATION of the right and claime of the Governor and company of the Massachusetts Bay in New-England to the lands now in their possession, but pretended to by Mr. Gorge and Mr. Mason together with an answer to their several pleas and complaint in their petitions exhibited humbly presented and submitted by the said Governor and company to the Kings most excellent majesty as their defence.

In the year of our Lord 1628 in the third year of his late Majesty Charles the First, of happy memory several loyall and



piously disposed gentlemen obteyned of the Great Council of New-England a grant of a certeine tract of land lying in New-England, described and bounded as therein expressed, which was in all respects fairely and openly procured, and with so good an intent of propogating the gospell among the natives, and to advance the honor and dignity of his late majtie, of happie memory, that they were bould to supplicate his said majesty to superadd his royall confirmation thereto, which accordingly in an ample and royall charter, was passed, and remains under the broad seal of England, March the 4th 1629 in the 4th year of his majesty's reigne, with further additions and enlargements well becoming so royall 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 aecomodable parts of those lands conteyned in the said charter, neither time, estate, nor power suffering them speedily to survey the just extent of their limitts. Not many years different in time, several others also of his majestys subjects obteyned other grants and made several settlements in the more northerne and eastern parts of the country, with whom for several yeeares we had neighbourly correspondence, being as they supposed without the limitts of our patent, amongst whom the present claymers and petitioners were. These grants partly by reason of the smalness of some of them, and partly by reason of the dark involved and dubious expression of their limitts brought the inhabitants under many entanglements 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 majestys subjects that were peacable and well disposed amongst them; to remedy which inconvenience they betooke themselves to the way of combynations for government, but by experience found it ineffectuall. In this time ignorance of the northerly running of Merrimack River hindered our actual claime and extension 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 assert 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 ourselves 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, Squampscot and Portsmouth anno 1641; Kittery, York, and Wells anno 1652 and 1653; from which times until the year 1662, when there was a small interruption by a letter of Mr Gorge and afterwards in the year 1665 (when his majesty's commissioners Colonell Nicholls and others came over) the inhabitants of those parts lived well satisfied and uninterrupted under the Massachusetts government; but then the said commissioners neither regarding the Massachusetts just right, nor the claims of Mr Gorge and Mr Mason settled a new forme of government there; but this hardly outlived their departure.

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 & vindication of ourselves from the reproachfull imputation of usurping authority over his majestys subjects in the eastern part pretended to, with other scandalls cast upon us by the petitioners, we humbly present the following pleas by way of demonstration, & argue—

1. That our extension of government to those eastern parts claimed is agreeable to our indubitate patent right. Our patent, according to the express termes therein conteyned without any ambiguity or colour of other interpretation, lyes between two east and west parrallell lines drawne from the

most southerly parte of Charles Ryver and the most northerly part of Merrimacke, with three miles advantage upon each which upon the observation of men of approved and undoubted truth, upon oath, are found distant one degree & 49 minutes north latitude, being to extend in full latitude & breadth from sea to sea (ut interminis) and therefore cannot be bounded by many hundreds of infinite numbers of lines as the River of Merrimacke maketh bends or angles in two hundred miles passage from Winipasekek Lake to the mouth thereof which to imagine as it is irrationall, so would it involve us and any borderer in so many inextricable disputes as are by no ways to be admitted by a prince seeking his subjects peace. Besides were such a construction allowable (which with uttermost streyning, is) yet all favorable interpretation is to be afforded the patentees by the gracious expression of the charter.

Now according to the aforementioned observation (so confirmed) all those eastern plantations challendged by our opponents (ut supra) are comprehended within our northerly lyne. Wee deny not but the artists of ourselves, and if any in question thence arise, wee feare not to submit to tryall to the most exact & rigorous test that may be.

The invincible strength of this our first plea may further appeare by the consideration of the frivolous and insignificant allegations of the petitioners in opposition thereunto viz: 1st The non extension of our line or assertion of our rights to those easteru parts for some years: ignorance, as our case was circumstanced, debarring no man of his just right; neither can it reasonably be supposed that the exact survey of so large a grant in so hideous 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 favorable runing of the river, which none can imagine altered its course by our delay. Wee may as well be deprived of farr more than wee possess or ever saw on our westerne parts to the south sea (which none will deny) because we have not surveyed it, or are soon like to be able, as to be taken from our northern right, so obvious to the meanest artist.

2dly. The possession house in Hampton of so little signifi-

cation, & so long since disused, that Mr Mason hath forgott the name thereof, and calleth it Bound House, rerected to give the world to know that we claimed considerably to the northward of our then habitations upon the Bay, though wee did not know the uttermost extent of our right, our fathers not being so ignorant of the law of the realme to which they did apperteine as to suppose the taking possession of part did debarre them of the remainder, but the contrary.

And wee challenge Mr Mason, or any on his behalf, promising our records shall be open to the most scrutinous search, to prove it, either called or intended, according to his abuse thereof.

3dly. That notorious falsehood of stretching our right to neere fower hundred miles north & south, more than formerly, wee were satisfied with, our whole breadth being but one hundred and nine mile which is not much more than a quarter part of what he would have the world believe our new claime and (as he would insinnate) usurped territory doth conteine, arising (we would in charity beleive) partly from ignorance of the coasting of the country, Mr Mason accounting by the sea side and wee suppose casting 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 wee feare malevolently suggested (as many other things as of little credit) to introduce into his Majesty his royall breast a beleife that wee are unreasonable in our pretentions, and so unworthy of his Majestys favor, which wee hope such unlawfull endeavors will never be so prosperous as to obtaine.

What may be further added to this our first plea maybe supplied from the reasons formerly presented.

Wee urge, secondly, the invalidity of those grants pretended to by the petitioners which are of two sorts: 1st, such as bear date after ours which we see no reason to fear any interruption from; Secondly such as are pretended to bear date before ours, against which wee object that they are not authentick wanting a sufficient numbers of granters to make them so, none of them (as we presume will appear upon tryall) having six hands and seales annexed to them, the said council of New England consisting of forty and his Majesty's grant to them

expressly requiring (as wee are informed) seven at leaste to signe to make any valid act; and indeed Mr Mason's own often unwearied renewall of his grants in 1621, sixteen hundred twenty two, sixteen hundred twenty nine & 1635 (as he saith) tacitly confesseth the same invalidity in the former putting him to charge for the latter, till at last he fell into such a trade of obteyning grants that his last and most considerable was sixe yeares after the grant of our charter from his majesty, and but three days before the said councils declaration of their absolute resolution to resign, and but a few days before their actuall surrender, as he asserts; which of what value and consideration it is from the said council circumstanced under a necessity of resignation of their great charter, procured rather by the clamor of such ill affected persons as the present complainants then 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 fraude or sirraptiousnes in obteyning our charter, which hath most shew of fraude and sirraptitious procuration, a sufficient number of those honorable persons subscribing ours, and fewer his pretended antidated grants is easy to determine; in which assertion is to be observed the high reflection cast upon the memory of his late majesty and ministers of state, groundlessly rendring the councils seale, yea the great seale of England, exposed to fraude and deceitfull clandestine practises; yea, upon his present majestie insinuating himself better acquainted with matters of state then he who allowes and confirms our grant as authentick by his gracious letter of sixteen hundred sixty two, which intollerable bouldness, how unbecoming (not to say more) in a subject it is not easy for us to say; to all which we may add Sir Ferdinando Gorges application to the authority heere to interpose in his affayre which he being one of the great council, would have binn farr from acknowledging, had Mr Masons allegations been founded upon trueth. Secondly. That articles of charge depending upon such illegall and post dated grants cannot take place against us, were there disburse as great as it is affirmed which by eye witnesses upon the place and still living are proved comparatively very inconsiderable.

3. Wee affirme that the whole management of the affaire respecting our government of those eastern parts was in an orderly and peacable way, and not without the reitterated and earnest solicitation of most of the people there inhabitting sufficiently appearing by their several petitions; and we challenge Mr Gorges and Mr Mason by any living evidence or record, to show any sign of a forcible entrance; some magistrates, upon the clearing of our right to them, and acceptance of the tender of themselves to us, being sent thither without any force then each of them a servant to attend them. Indeed some years after, Capt. Bonighton, for mutinous carriage, was seized and brought to justice; concerning which, & many other cases, many inhabitants yett living, & eye witnesses, can give in the most impartiall evidences.

Wee offer—

4ly. To consideration, that the deserted & ungoverned state of the people of those places, had we not had that patent right so clearly evinced, might warrant our actions, especially considering the obligation upon it to secure his majesty's honor & mainteine the publick peace, so hazarded by the totall want of government amongst them, our first exercise of jurisdiction being in the yeare 1641, eight year after Capt Neale agent for Mr Mason, had wholly deserted the improovement of land and the government of the country, which indeed he never used but one yeare; for in the yeare 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 for England, the short time of his tarriance not admitting of settlement of government or improovement. We may hereto subjoyne, 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 Sir Ferdinando Gorges his grant being so meane & uncertainly bounded that he knew not well how to finde, much lesse to improve it to considerable advantage, by his letter bearing date - - - doth devolve the whole charge & care of his pretended province upon the authority heere established.

Lastly. That the exercise of jurisdiction in those easterne parts hath binn and is his majesty's honor, the peoples great benefit, and our charge without profit, which had it not binn the ruine of those parts, would have unavoydeably ensued in the want of all government and their seizure by the French, who ever wayted a fit opportunity for the same.

They have part of them for 35 years & others twenty years (some small interruption intervening producing the stronger inclination & resolution in them to be constant to his majestys 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 faire glozing promises as Mr Mason hath made and published, as it were determining the case before triall 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 trueth that never was any levy layd upon them for the supply of the publick treasury though much hath binn, and is further like to be expended for their security who otherwise will inevitably become an easy prey to the heathen, now in hostility with us, and at this present time raging in those partes.

Vol. 5, p. 113.

Orders and instructions for Wm Stoughton Esq. & Mr Peeter Bulkley, messengers for England to present our defence in reference to the claims of Mr Gorges and Mr Mason.

1. That you take the first opportunity to imbareque yourselves for London, thoroughly & considerately parusing the declaration & defence now delivered unto you, observing the arguments & pointing the evidenees accordingly.

Upon your arrivall there you are to make your application, by one or both of the secretaries of state, to the kings majesty, delivering our addresse and giving his majesty to understand that in obedience to his commands the governor and Generall Court of the Massachusetts colony in New-England have sent you to give his majesty satisfaction touching the rights of our patent, & our actions in the prosecution of that our right in

answer to the pretensions and accusations of Mr Gorges & Mr Mason respecting the same.

2. To all other clamours & accusations you shall answer, you have no order nor instruction being sent only to give his majesty satisfaction in the particular by him required.

3. If therefore any particular person should molest you concerning any pretensions against the country you shall crave his majesty's royall favour & protection that you may be free to attend his majesty according to his command & with his majesty's leave be at liberty to returne to those that sent you.

4. If notwithstanding our present defence and your further argumentations thereon, you shall finde cause you are then humbly to crave his majty's favour for time for a further answer from hence.

5. In case an answer be demanded of you to the memoriall of the Dutch ambassador presented to his majesty a full answer shall be given by the next passage.

6. You are by all conveyances from time to time to give advice to this Court, or to the Governor & Council of your proceedings herein, endeavoring as quick a dispatch & return as the necessity of the affaire will admit.

Was signed by the Governor in October following.

16 Sept. 76.

J. L., Go.

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*Report of the Lord's Chief Justices, and the King's confirmation thereof.*

[Far. Belknap, Vol. 1; App. p. 449.]

At the Court at Whitehall, July 20, 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,
Earle of Northampton,	Mr. Sec'y Williamson,
Earle of Peterborough,	Mr. Chancellor of the Exchequer,
Earle of Stratford,	Master of the ordnance,
E. of Sunderland,	Mr. Speaker.
E. of Bath,	



WHEREAS 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 grand father, 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 claimes to the said lands, it being (in our opinion) improper to judge of any title of land without hearing of the ter-tenants or some other persons on

their behalf, and if there be any course [courts?] 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 waived 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 and every  
"part thereof, and also all and singular the lands and heredita-  
"ments whatsoever lying and being within the space of three  
"English miles to the southernmost part of the said bay called  
"Massachusatts Bay; and all those lands and hereditaments  
"whatsoever which [lie] within the space of three English  
"miles to the northward of the said river called Monomack  
"alias Merrimack, or the northward of any and 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 patent 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<sup>o</sup> Caroli 1mi is invalid. 1. Because there was a precedent  
grant 18<sup>o</sup> Jacobi, of the same thing then in being, which pat-  
ent was surrendered afterwards and before the date of the  
other 15<sup>o</sup> Car. 1mi. 2. The grant of the government can  
extend no farther than the ownership of the soil, the bound-  
aries 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<sup>o</sup> Caroli 1mi is good  
notwithstanding the grant made in the 18<sup>o</sup> Jac: for it appear-  
ed to us by the recital in the patent 4<sup>o</sup> Caroli 1mi 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 neces-  
sary for the king to establish a suitable forme of government  
according to his royal wisdome, which was done by that pat-  
ent, 4 caroli 1mi 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<sup>o</sup> Caroli 1mi extends  
no further than the boundaries expressed in the patent, and  
those boundaries cannot be construed to extend further north-  
wards 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 river which  
make the breadth of the grant, the words describing the  
length to comprehend all the lands from the Atlantic ocean to  
south sea of and in all the breadth aforesaid, do not warrant  
the overreaching those bounds by imaginary lines or bounds  
other exposition would (in our humble opinion) be unreasona-  
ble 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 bound-

aries 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 northly than three English miles from the river Merrimack, the patent of 4<sup>o</sup> Caroli 1mi gives no right to govern there and thereupon the patent of the same 15<sup>o</sup> Car. 1mi 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<sup>o</sup> martis 4<sup>o</sup> Caroli 1mi 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.

RI. 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,  
Ormond,  
Bath,

Craven,  
H. London,  
G. Carteret,

J. Williamson,  
Tho. Chickley,  
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.*

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*Extracts from Edward Randolph's\* Report to the Council of Trade.*

[Copied from Doc. Col. Hist. N. Y., vol. 3, pp. 240-243.]

*Sixth Enquiry.*

“What are the reputed Boundaries and Contents of land?”

“The ancient bounds of the Massachusetts Colony was not above twenty miles upon the sea coast, but the present limits

\* It appears that Edward Randolph came to this country in June 1676. Belknap says [Farm. Belk., p. 86]: “A letter was dispatched, March 10, 1676, 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 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 inquiry into the state of the country. When he arrived, June 10, 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.’

“He then came into New-Hampshire, and as he passed along, freely declared the business on which he was come, and publicly 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 *bonâ fide* purchased their lands of the Indians; recognized their subjection to the government of Massachusetts, under whom they had lived 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 Cutt and Richard Martyn, Esq., Capts. Daniel and Stileman to draught and forward it.”

are as large as that government please to make them, having some years since taken in the two entire provinces of Hampshire and Maine, by them now called after other names and divided into four counties, Norfolk, Suffolk, Middlesex & Yorkshire, besides several considerable towns in the other Colonies of New-Plymouth and Connecticut. For the Massachusetts having the pre-eminency in trade, strength and riches, they take the liberty to claim as far as their convenience or interest directs, never wanting a pretence of right to any place that is commodious for them, declaring they doe not yet know the boundaries of their commonwealth. And although His Maj<sup>ty</sup>s Commissioners in the year 1665, did settle the limits of several Colonies, especially the Provinces of Hampshire and Main and declared to the inhabitants that by His Maj<sup>ty</sup>s commission and authority they were taken off from the government of the Massachusetts to the general satisfaction and rejoicing of the people and did constitute Justices of the Peace and other officers (with the consent and approbation of the Proprietors) to act and governe according to the laws of England, and by such laws of their owne as were not repugnant thereunto, until His Ma<sup>ty</sup>e should take further order therein.

“Whereupon His Ma<sup>ty</sup>e by His Declaration to the Corporation of Boston of the 10th of April, 1666, did approve of the actings and proceedings of his said Commissioners and did require and command that no alteration be made either in the boundaries or government of those Colonies, and that all determinations made by His Maj<sup>ty</sup>s Commissioners should continue and be observed until His Maj<sup>ty</sup>e should make his owne finall determination.

“Yet nevertheless no sooner were His Maj<sup>ties</sup> Commissioners returned for England, but Mr Leveret the present Governor, Mr Ting, Captain Pike and some others, entered those Provinces in a hostile manner, with horse and foot, and subverted the government there settled by the Commissioners, imprisoned several persons and compelled the inhabitants to submit to their usurpation.

“And thus, taking all opportunities and advantages to improve their dominions and authority the jurisdiction of the Massachusetts is swelled into a very large territory.”

*Seventh Enquiry* (p. 241).

“What correspondence doe they keep with their neighbours the French on the North and the government of New-York on the South?”

“The French have held a civil correspondence with the inhabitants of Hampshire, Main and the Duke’s Province, although the government of Boston, upon all occasions is imposing upon the French and encouraging an interloping trade, which causeth jealousies and fears in the inhabitants bordering upon Arcadie, that the French will some time or other suddenly fall upon them, to the breach of the national peace. The government of the Massachusetts hath a perfect hatred for the French, because of their too near neighborhood and loss of their trade and look upon them with an evil eye, beleeving they have had a hand in the late wars with the Indians.

“As for New York there were several things in matter of trade that occasioned a difference between the two governments, which at length rose soe high that it came to a stop of trade:—The Governor of New York not permitting any European goods to be imported into that Colony from Boston that had not a certificate or other sufficient proof to have paid customs in England, which has ever since occasioned a misunderstanding between them.

“In the late Indian Warr, the government of Boston did greatly complaine of Fort Albany, that from thence the Indians were supplied with arms & ammunition, and were encouraged to begin and prosecute the war, but this great outcry is judged by the wiser and sober sort of people to be without any just cause or ground, but rather a report raised out of malice and envy. For the government of the Massachusetts loves no government that is not like their owne, and therefore they were more kind and friendly to the Dutch (even in time of warr) when they were possessed of New York, than they are to their countrymen the English.

“However the Governor of New York hath proved very friendly and serviceable to the Massachusetts in this warr, and had the magistrates of Boston either conferred with or hearkened to the advice of Colonel Andross, the Indian warr had either been diverted or proved less destructive, for he offered

and would have engaged the Mohawks and Maquot Indians to have fallen upon the Sachem Phillip and his confederates; but his friendship, advice and offers were slighted.

“Nevertheless Collonel Andross out of his duty to His Majtie kept the aforesaid Indians from taking any part with the Sachem Phillip.”

*Eighth Enquiry.*

“What hath been the original cause of the present warr with the Indians; what are the advantages or disadvantages arising thereby, and will probably be the final end thereof?”

Various are the reports and conjectures of the causes of the late Indian warr. Some impute it to an imprudent zeal in the magistrates of Boston to Christianize those heathens, before they were civilized and enjoyning them to the strict observation of their laws, which to people soe rude and licentious, hath proved even intolerable; and that the more, for while the magistrates for their profit severely putt the laws in execution against the Indians the people on the other side for lucre and gain intice and provoke the Indians to the breach thereof especially to drunkenness, to which these people are soe generally addicted, that they will strip themselves to the skin to have their fill of rum and brandy.

The Massachusetts government having made a law that every Indian being drunk should pay ten shillings or be whipped according to the discretion of the magistrate, many of those poor people willingly offered their backs to the lash, to save their money.

Whereupon the magistrate finding much trouble and no profit to arise to the government by whipping, did change that punishment of the whipp into a ten days work, for such as would not or could not pay the fine of tenn shillings; which did highly incense the Indians.

Some beleeve that there have been vagrant and jesuitical priests who have made it their business and designe for some years past to goe from Sachem to Sachem to exasperate the Indians against the English and to bring them into a confederacy, and that they were promised supplies from France and other parts, to extirpate the English Nation out of the Continent of America.



Others impute the cause to arise from some injuries offered to the Sachem Phillip, for he being possessed of a tract of land called Mount Hope, a very fertile pleasant and rich soil, some English had a mind to dispossess him thereof, who never wanting some pretence or other to attain their ends, complained of injuries done by Phillip and his Indians to their stocks and cattle.

Whereupon the Sachem Phillip was often summoned to appear before the Magistrates, sometimes imprisoned, and never released but upon parting with a considerable part of his lands.

But the government of the Massachusetts (to give it in their own words) doe declare these are the great & provoking evils which God hath given the barbarous heathen commission to rise against them :—

The wofull breach of the fifth commandment in contempt of their authority, which is a sinn highly provoking to the Lord.

For men wearing long hair and perriwigs made of womens hair.

For women wearing borders of hair and for cutting, curling and laying out their hair and disguising themselves by following strange fashions in their apparel.

For prophaneness of the people in not frequenting their meetings, and others going away before the blessing is pronounced.

For suffering the Quakers to dwell among them, and to sett up their thresholds by God's thresholds, contrary to their old laws and resolutions, with many such reasons.

But whatever was the cause, the English have contributed very much to their misfortunes, for they first taught the Indians the use of arms & admitted them to be present at all their musters and trainings, and shewed them how to handle, mend and fix their musquets and have been constantly furnished with all sorts of arms by permission of the government, soe that the Indians are become excellent fire-men & at Natick a town not far distant from Boston, there was a gathered church of praying Indians who were exercised as trained Bands, under officers of their own. These have been the most barbarous and cruel enemies to the English above any other Indians.

Captaine Tom their leader being lately taken and hanged at Boston, with one other of their chiefs.

That notwithstanding the ancient law of the country made in the year 1633 that no persons should sell any arms or ammunition to any Indian, upon the penalty of ten pound for every gun, five pound for a pound of powder, and fourty shillings for a pound of shot; yet the government of the Massachusetts in the year 1657 (upon designe to monopolize the whole Indian trade to themselves) did publish and declare that the trade of furs and peltry with the Indians within that jurisdiction, did solely and properly belong to their Commonwealth and not to every indifferent person; and did enact that no person should trade with the Indians for any sort of peltry, except such as were authorized by that Court, under the penalty of one hundred pounds for every offence; giving liberty to all such as should have licence from them to sell unto any Indians, guns, swords, powder and shot, paying unto the Treasurer for the same these rates, viz'. Three shillings for each gun; three shillings for a dozen of swords; six pence for a pound of powder, and six pence for every ten pound of shot. By which means the Indians have been abundantly furnished with great store of arms and ammunition, to the utter ruin and undoing of many families in the neighbouring Colonies, for to enrich some few of their relations and Church Members.

No advantages but many disadvantages have risen to the English by this warr, for about six hundred men have been slain and twelve Captains most of them stout and brave persons and of loyal principles, whilst the Church members had liberty to stay at home and not hazard their persons in the wilderness.

The loss to the English in the severall colonies, in their habitations and stocks is reckoned to amount unto one hundred and fifty thousand pounds; there having been about twelve hundred houses burnt, eight thousand head of Cattle great and small, killed, and many thousand bushels of wheat, pease and other grain burnt (of which the Massachusetts Colony hath not been damnified one third part, the great loss falling upon New Plymouth and Connecticut Colonies) and upward of

three thousand Indians, men women and children destroyed, who if well managed would have been very serviceable to the English; which makes all manner of labour dear.

The warr at present is near ended for the Sachem Phillip not being able to support his party or confederates hath left them to make the best terms they can: he himself sculking in the woods with a small party of two or three hundred men: being in dispair of making his peace.

In Plymouth Colony the Indians surrender themselves to the Governor Winslow upon mercy, and bring in all their arms, and are wholly at his disposal, excepting life and transportation; but for all such as have been notoriously cruel to women and children, soe soon as discovered they are to be executed in the sight of their fellow Indians.

The government of Boston have concluded a peace upon these terms:—

1. That ther be from hence forward a firm peace between the English and Indians.

2. That after the publication of the articles of Peace by the Generall Court if any English shall willfully kill an Indian, upon due proof he shall die for the fact; and if an Indian kill an Englishman and escapeth, the Indians are to produce him, and he to pass tryal by the English laws.

3. That the Indians shall not conceal or entertaine any knownemie to the English, but shall discover them and bring them to the English.

4. That upon all occasions the Indians are to aid and assist the English against their enemies, and to be under English command.

5. That all Indians have liberty to sitt downe at their former habitations without any lett or interruption.

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October 12. Mass. Rec., 5, p. 123.

It is hereby ordered, that out of those new levyed souldeirs ordered by this Court to be rayسد for the eastern service, that the Council take care to send away w<sup>th</sup> all speed one hundred

& fifty men w<sup>th</sup> provisions, & aminition, & cloaths, to Capt. Hathorne, for the security of what is remayning in Yorkshire, & if possible to annoy the ennemy in their quarters; and that Capt. Hawthorne attend such orders as he shall receive from the councill or Major Generall Dennison, who is hereby desired & ordered to repaire to Portsmouth, or some of the adjacent townes, to mannage that affaire until it be ended or accomplished, and all other provision designed for that affayre for the present to cease.

P. 125.

It is hereby ordered, That Capt. Tho. Daniel & Mr. Marten of Portsmouth doe impress such vessels as are needful, w<sup>th</sup> aminition & provision, and what may be necessary for the designe, who are to goe to Blacke Point, Winter Harbor,\* &c., for the recovering & securing of those places, and distressing & destroying the ennemy there or elsewhere, and that Mr. Nathaniel Fryer have the comand & disposing of them for the ends aforesaid.

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Honor<sup>ble</sup> Sir :

It is the good pleasure of God still to manifest the tokens of his displeasure against us, by permitting the ennemy in the eastern parts to doe much mischief; who have made their progress as farr as Black Point & Winter Harbo<sup>r</sup>. The English there having left those places & garrisons to the Indians, who now possesse them, wee account it our duty to indeavo<sup>r</sup> by the help of God, to recover them from them, and to use all force against them, wherein we desire & expect yo<sup>r</sup> concurrence w<sup>th</sup> us, & assistance of us w<sup>th</sup> some English, & also some of your Indians, & Capt. Church, whom we have spoken with here, & finde him ready to serve God and the country; request there-

\* "Those places formerly called Black Point, Blue Point, and Stratton's islands, henceforth to be called *Scarborough*." See Coll. Me. Hist. Soc., vol. 1, p. 7.

"*Winter Harbour*." In 1616, Sir F. Gorges sent out a ship under the charge of *Richard Vines*, who passed the winter at the mouth of *Saco* river, from which circumstance (as is supposed) was derived the name of *Winter Harbour*, which it still bears." See Coll. Me. Hist. Soc., vol. 1, p. 9.

fore your speedy sending of him, & such as you shall see meet, so assist in that designe, & so praying for God's presence and blessing on o<sup>r</sup> endevo<sup>rs</sup> w<sup>th</sup> respects to you, are, S<sup>r</sup>,

Your humble servants & confederates,

The Gen. Court of the Massachusetts.

Signed, p. JNO. LEVERETT, Gov.

Dated October 17, 1676.

“To the Governor of Plymouth.”

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At a General Court for Elections held at Boston May 23, 1677.

The County of York with Dover & Portsmouth being behind in their rates in proportion with the rest of the Country, It is ordered by this Court that the Treasurer forthwith issue out his warrants for levying & Collecting all rates laid on the Country which are behind unpayd according as the law provides being in all thirty two single Rates, including the sixe Rates granted this present session. C. Rec., vol. 5, p. 133.

24 May. 5, p. 133.

“For the better putting a restraint & securing offenders that shall any way transgress against the Lawes, title Saboath, either in the meeting house by abusive carriage or misbehaviour, by making any noyse or otherwise, or during the day time, being laid hold on by any of the inhabitants, shall, by the said person appointed to inspect this law, be forthwith carried forth & put into a cage in Boston, which is appointed to be forthwith, by the select men, to be set up in the market place, and in such other townes as y<sup>e</sup> County Courts shall appoint, there to remain till authority shall examine the person offending & give order for his punishment, as the matter may require, according to the lawes relating to the Saboath.”

*Orders as to settling our neighbors, Indians, in four Plantations.\**

May 24, 1677. Vol. 5, p. 126.

“Ordered, That the Indians about Piscataqua shall be settled about Quochecho, as shall be further ordered by the council; and all other lawes and orders relating to the Indians & made since the warre began, as to their confinement to this or that place, or giving liberty to take or kill any . . . them found without the limitts appointed, are hereby repealed and declared void.”

To prevent the inconvenience by Injans traveling the woods with their gunns, Its hereby ordered, that all neighbour Injans & friends—shall & hereby are enjoyned, on the sight of any English person or being called unto, shall immediately lay down his gunne—nor shall any Indian on this side Merrimack River have liberty to travaile the woods with their gunns without a certificate from Major Generall Denison & Major Gookin, or on the other side Merrimack River, without like certificate from Major Richard Waldron.

V, p. 144.

Information being given to this Court of sundry young men and single persons in the eastern countys that are out of employment, & not capable to provide for themselves by reason of the troubles there; to the end they may be the better provided for, & improved for the publique safety, it is hereby ordered that they be forthwith impressed into the countrys service (by eastern countys is to be understood the counties of Yorke, Dover & Portsmouth) provided that there be as many of the soldiers from those parts now in garrison in those townes dismissed as are pressed & taken into the service above mentioned.

\* The Indians in Massachusetts were ordered to be settled in Natick, Punkapung [Houghton], Hassanamesett [Grafton], and Wameset [Tewksbury], and “when once settled a list to be taken of all the men, women & children of the severall companies once a year at least and kept upon record.” The Indian “children and youths to be taught and instructed in the Christian religion until each of them attain the age of 24 years,” &c.

P. 145.

Major Richard Waldron, Capt. Elias Styleman, Mr Richard Martyn & Capt Tho Daniel, returned to this Court as chosen to be associates for the county of Yorks for this yeere, were allowed of by this court.

Mr Samuel Dalton is appointed & was alike impowered with majestratticall authority in Hampton for this yeare ensuing.

Major Richard Waldron for Yorks, Dover & Portsmouth, and Capt Elias Styleman & Mr Richard Martyn for Portsmouth & Dover, wer alike invested with magistratticall authority for the yeare ensuing.

10 October, 1677. 5, p. 156.

It is ordered by this Court and authority thereof, that Capt. Thomas Bratle for Suffolke, Mr Elias Styleman for the county of Dover & Portsmouth shallbe a comittee, and are hereby impowered and authorized by this Court to take the account of the stewards of the new bricke building at the colledge.

The gentlemen of Hampshire, Yorkshire, Dover & Portsmouth may send their account to the gentlemen at their meeting at Cambridge.

22 October. 5, p. 171.

Mr Joseph Dudley being appointed to keepe the Courts at Dover and Yorko, to be held by adjournment the latter end of this October, itt is ordered that the Tresurer supply him with five pounds money for the discharging of necessary expences of himself & his attendants.

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*Letter from Gov. Leverett, to the Lord Chancellor of England.*  
[Extract.]

October 22. Vol. 5, p. 158.

“We doubt not but our messengers, or their council, have declared that after the government of the Province of Maine was deserted by Mr Gorges, and that by the extent of our line, petition & free consent of the inhabitants, they were taken under this gov'ment, and have remayned so for more than twenty years, to the general satisfaction and benefit of the inhabitants, but to our great charge & expence, especially in their late troubles w<sup>th</sup> the Indians, to the value of many thou-

sand pounds; but if, notwithstanding all our pleas and allegations, his maj<sup>tie</sup> and council shall see cause to order that province to belong to Mr Gorges, yet wee humbly implore your hono<sup>r</sup> to mediate in our behalfe with his maj<sup>tie</sup> & council that our line & patent may extend at least to Pascataqua River, taking in those few villages and that small tract of land lying betwixt the two rivers of Merrimack & Pascataqua, w<sup>ch</sup> hath binn under the gov<sup>ment</sup>, the most of them more then forty years, and never under any other orderly government before, nor so much as elaymed by Mr Mason, and that some meete compensation may be allowed as by Mr Gorges towards that vast charge and expence wee have binn at to preserve those townes which remaine in that province from being utterly destroyed by the fury of the enemy; for however our adversaries may falsely suggest our neglect thereof, yet we doe assure your hono<sup>r</sup> in the words of tr<sup>uth</sup>, wee put no difference between those parts and those that were and are undoubtedly & without question within the line of our patent; but such were their scittuation and distance one from another, that much blood was shed & damage done, & many captives taken, almost before wee knew there was an ennemy in those parts, all or the most of whom wee have redeemed or regayned."

"Yr. humble suppliants & servants,

THO. LEVERETT, Gov."

"In the name of the Gen<sup>l</sup> Court,  
Boston, 22d October, 1677."

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Salisbury, 12th 7 mo. 1677.

20 October. 5, p. 180.

Wee, whose names are subscribed, appointed by the hono<sup>ble</sup> Gennerall Court May 23, 1677, upon our repayre to Salisbury, and notice given to all parties to yeild their attendance, a ffull hearing & plea being allowed to Major Pike & the Reverend Mr. Wheelwright, and others of the church concerned, wee finde that though the original fault chardged upon Major Pike was not a matter of plaine immorality & scandall, yet that, in the after management & prosecution of the difference between himself and said Wheelwright, pastor, he hath shewed himselfe too litigious in impeaching him w<sup>th</sup> so many artieles under his hand, thereby procuring great disturbance to the church



& place, and also much contempt of said Whelewrights person & office, in publickely retorting upon him those words in the 7th of Mathew the 5th, 'Cast out the beame,' &c. and of him and the church in his sudden w<sup>th</sup>drawing, and with much contempt refusing their judgment, as proved against him, of all w<sup>ch</sup> wee expect his candid acknowledgment, neither can wee excuse Mr. Whelewright of too much preceptancy in pronouncing a sentence of excommunication against said Pike w<sup>th</sup>out further tryall for repentance, according to the vote of the church, if he repent not, agravated in that the offence was primarily personall, and thereby plainly hazarding the breach of the church, being but eight and seven, which sadly came to passe. Wee cannot but condemne that evil practise of those of the church & towne that did endeavor in their petition to the generall court to eject Mr. Whelewright his ministry, by rendering him to be the cause of the disturbance, and that his ministry had a tendency to the inflaming the minds of people one against another—a practise of so dangerous a consequence that not only the contrivers, but even those that were drawne thereinto ought to reflect upon with selfe condemnation, which wee expect to heare from them.

Wee finde, also, that those brethren, with Major Pike are chargeable for breach of comunion & a tendency to schisme in their so farr espousing that quarrell as to w<sup>th</sup>draw, and those of Amesbury alike faulty for these particular interposing in that matter, which they were not present at the mannagement of, too much espousing a party rather than seeking the churches peace; and therefore doe advise & pray a generall & serious sence of these particulars in the severall parties concerned, & that Mr Whelewright & the church doe, upon the Major's confession as above, receive him again to their comunion, hoping Mr Whelewright & the church will see the error of the former transaction, as intimated above, and that they all agree together to obteyne some other godly and learned person to assist their pastor in the worke of his ministry, not abating his former maintenance amongst them.

Daniel Denison,  
J: Dudley,  
Thomas Savage,

Hugh Mason,  
Daniel Fisher.

To y<sup>e</sup> hono<sup>r</sup>ble the  
Gen<sup>l</sup> Court, now sitting.

*The returne of the Committee appointed to repaire to Salisbury to settle & compose the disensions there.*

Having given notice to the church and persons concerned in Salisbury of our intentions to be there on the 12th of September last, to attend the order and comission given us by the last Court, & accordingly most of us repaying thither, & convening the people, & acquainting them with our comission & signifying to them that their dissentions and the disturbances among them were grievous & scandelous, and accordingly advising them to christian composure & due reflection on their late distempers, they had full liberty to declare their causes.

The pastor begining to declare the grounds of his, & those w<sup>th</sup> him, proceedings, in like manner having heard Major Pike and such other as were with him, to speake freely & fully, wee told them they should soon after understand our minds and sence, w<sup>ch</sup> was delivered to them, whereof the annexed is a true copy. [See preceding article.]

Copies whereof wee gave to both partyes, after read to the assembly, gave them that nights consideration, and in the morning in the open assembly, though w<sup>th</sup> some difficulty, wee obteyned their compliance therein & remission of all offences mutually and Mr Wheelwright & the churches free reception of Major Pike into their fellowship againe, and resolution by Gods help to bury & forget all past miscarreages, & live in love & the feare of God.

Daniel Denison,  
Joseph Dudley,  
Thomas Savage,  
Hugh Mason,  
Daniel Fisher.

30 October.

Major Apleton was present, consented & signed, but is now absent. J. D.

This returne is accepted by the Court.

*Order for the vigorous prosecution of the war against the Eastern Indians.*

24 May. 5, p. 133-4.

This Court considering the necessity of a present vigorous prosecution of the warr ag<sup>st</sup> the insolent Eastern Indians, by invading & assaulting them in their quarters, especially near the sea coast, doe therefore order provisions of all sorts, necessary to - - - made for two hundred men, to be sent to Black Point, to furnish & magazene there for the souldiers to be imployed in those parts, & further, that a light vessel and two shallops be provided to attend the said souldiers, for their transportation over creeks and rivers, and pursuing the Indian canoes; and one hundred and fifty or two hundred stout, active souldiers be rayzed, & put under active & prudent leaders, & be, with all convenient speed, dispatched to Black Point & those parts, to pursue & destroy the enemy, and endeavour the rescue of the English prisoners; & that those forces in Yorkshire under Capt. Frost & Capt. Swaine, so many as shall be judged necessary for the garrisoning the townes, to be, with their commission officers, dismissed, and such of the souldiers as shall be left in garrison to be under the Comand & order of the Committee of militia of the respective places where they shall remaine.

24 May. 5, p. 138.

The Court having agreed to raise forces for the suppressing of the enemy in the east parts, & the late news of their further incursions requiring the hastning thereof, with an additional number to those formerly mentioned, the Court judgeth it meet that our confœderates be forthwith acquainted with the enemies motions & our absolute necessity of a vigorous prosecution of the enemy, & that they be respectively requested to send their proportions of English to the number of one hundred, & of Indians to the number of two hundred, with ammunition & provisions accordingly; & for the more speedy hastning hereof, that meet messengers be sent with letters from this Court.

*Documents relating to Indian troubles at Piscataqua  
and the Eastern parts, from 1675 to 1678.*

*Major Waldron's Letter to the Governor of Massachusetts.*

[The original is in the Massachusetts Archives.\*]

Dover, 25th September, 1675?

Much Hon'rd.

My absence from home (being this week at Eastw'd) hath occasion'd your hearing nothing from mee soe long, but being just now returned this evening, thought it my duty w'th all expedition to give acct of the state of the Place. Since I sent away Capt. *Davis* w'th about 50 men at ye enemies first assault of those places (having further information of their killing and burning) according to your direction raised a Pty of souldiers out of Dover and Portsm'th, and with an addition of some from Kittery I did myself advance eastward for the further succour of those places, but before I came soe ffar of Sawco, Cap. *Davis* being gone to Falm'th where the first damage was done by the enemy; I had Advise of ye enemies marching Westward, falling upon Scarborough and Sawco, killing and burning, on Saturday and Sabbath day last at Scarborough, they killed an old man† [Wakely] and woman and burnt their house, and at Mr. *Foxwells* two young men were killed, being att ye barn about their cattle. The enemy then advanced tow'ds Sawco river which is nott above 4 miles distant from yt part of Scarborough, and there fell to burning of houses: ye People before having Intelligence from an Indian called *Scossaway* of ye time when they would come, deserted their houses, most of them repairing to Maj'r *Pendletons*, but Mr. *Benighten* [Bonighton or Bonethon] and some other families, to Maj'r *Phillips*. On Saturday Morning ye Indians rifled and burnt several houses on ye north side of ye river, among wch Mr. *Bonighten* was one, he being the night before fled to Maj'r *Phillips*. While said houses were burning a Pty of them, judged about 36 Ind'ns came over the river in English canoos, and when come Ashore, cutt holes in ym and turned them Adrift; but all this time finding noe men they went to Maj'r *Phillips* Saw mill &c. so set it goeing, then on fire and burnt it, and afterwards did ye like to his corn mill, it being Judged to be their design thereby to draw them out of ye house, and soe to surprise both them and itt, but Maj'r *Phillips* being forward of their coming made some small defence about his house, having with him of his own ffamilies and neighbors to ye number of 15 men, besides women and children, in all about 50. The bushes being thick within shot of his house, could not at first see an Ind'an, but one of ye men perceiving a stirring among the ffearnes Maj'r *Phillips* looked out of his chamber Window yt way and

\* This copy is made from N. E. Gen. Reg., vol. 7, pp. 93, 94. ED.

† See Hubbard, Indian Wars, p. 16, pt. 2d.

from thence was Imediately shott att and slightly wounded in ye should'r (2 more were alsoe wounded afterw'd, that being all the harm done there). Afterwds ye shott came thick wch was accordingly Answered ffrom within. But noe Indians as yet apeared, but only creeping deckt with ffeernes and boughs, till some time after they gott a pr of old truck wheels and fitted ym up with boards and Slabs ffor a barricadoe to safe guard ye Driver, thereby Endeavouring to burn ye house, having prepared combustible matter as birch rinds, pitchwood, Turpentine and powd'r ffor yt end, but they in ye house Pceiving their Intention Plyed their shott against itt and found afterward their shott went through. A little before they came at ye house there was a little wet ground into wh'ch ye wheels sunk and that obstructed their driving itt forward, they Endeavouring to gett it out of ye dirt again by turning a little on one side, thereby layeing ymselves open to ym in the house, w'ch oportunity they improoved and made them quitt their work and fly, but continued firing at ye house all night, till Sabbath day morning about 9 o'clock, and then saw ye Indians at a distance March away, they Judged between 20 and 30, and some of ym with 2 guns; but before they went, they sett fire on a little out house, and in itt burnt several hogs, since w'ch Maj'r *Phillips* is removed down to Winter harbour to Maj'r *Pendletons*, where I found him. After this, ye same or another Party of Indians, went to Scarborough, to a place called Dunstan, where Lt. *Alger* being abroad with 6 men more, well armed, being about their ocations, mett 14 Ind'ns compleat in Arms in 2 ranks. He retreating a little tow'ds his house, ye Indians Advanced and followed, whereupon he faced ym, ye first rank of ye Ind'ns fired and orderly fell in ye rear of the others. Lt. *Alger* with his men fired and Primed, they struck some of ym whereupon they Imediately fled, they being at a considerable Distance. None of ym Rec'd any harm, but, Notwithstanding all this, neither myself nor Capt *Davis* nor any Pty I sent out, tho' I had ym in those parts 120 souldiers, could ever see an Ind'an. Therefore considering ye weaknesse I left our Pts in, nearer homew'd, by taking soe many thence, and the little hope wee had of meeting w'th ye enemy, who as soon as ever they discovered a Pty of souldiers in one place fled to another, and by reason of ye vast inconvenience attending a March in yt country ocationed by many rivers, Marshes &c., I thought it most prudent to contract ye people into as small a compasse as may be in those towns, and there make some fortifications to defend themselves; having left about 60 souldiers in garrison at Sawco, Scarborough and Falm'th ffor ye defence of those places, and ffor their help in gathering their corn, and securing their provitions, bringing ye Remaining forces back w'th me to their severall towns again; having likewise ordered Wells, York and Kittery, to garrison ymselves for yr our defence, ye Distractions of those places by reason of Psons being forced to ffor sake their Plantations and leave their corn and cattle to ye enemy doth portend

inevitable want, &c. to ensue, unlesse God by his extraordinary providence prevent. Their case being considered, beg yor thoughts and direction about it, w'ch when Rec'd shall be readily attended by

Hon'rd Sir, yor Humble Servt.

RICHARD WALDERN.

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[N. E. Gen. Reg., vol. 3, p. 23.]

*Capt. Frost and Sergnt Neall.*

*Gentlemen*, I thought to have mett with you here at Major Sheply's [Shepleigh] but understanding the guns were herd about Stargeon Creek it is well you tooke your march as you did—my dasier [desire] and order is that you garrison you owne house with 10 men and doe your beste now the snow is upon the grond which will be Advantadge upon their tracks. Your letter I received about garrisoning your house. We have a party of men upon your side comanded by goodman banmore [?] and John Wingut [Wingate?] and Joseph Fild are going out this night: and in case you want men goe to the garrisons above and especially Samon faull and take men for any expedition: and all the Comanders of the garrisons are hereby required to attend your order herein and this shall be your surficant warrant.

dated this 8 number 1675 about 3 o'clock.

your servant RICHARD WALDERN,

Sergent Major,

I intend God willing to be at Nachwanach to morrow morning, therefore would dasier to her from you.

R. W.

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*Letter from Brian Pendleton, Esq., of Saco.*

[Coll. Me. Hist. Soc., vol. 1, pp. 145-146.]

superscribed,

“ffor the Honored Governor and Counsell for the Matacusetts at Boston with all speed:”—

“Honored Governor together with the Counsell”

“I am sorry my pen must bee the messenger of soe great tragedye. On the 11 of this instant wee heard of many killed of our naybors in Fal-mouth or Casco Bay, and on the 12 instant Mr. Joslin sent mee a briefe letter written from under the hand of Mr. Burras [Burroughs], the minister. Hee gives an account of 32 killed and carried away by the Indians. Himself escaped to an island—but I hope Black Point men have fetched him off by this time. 10 men, 6 women, 16 children.”

Yours in all humility to serve in the Lord,

BRIAN PENDLETON.”

Winter Harbour at night the 13th of August 1676.

*Sham Fight with Indians at Dover, September 7, 1676.*

“There were gathered at Cochecho (Sept. 6) some four hundred Indians; for though the war had again broken out on the Kennebec, there was peace on the Piscataqua. Of these, two hundred were refugees, who had fled thither for protection. All of them were on terms of peace with Major Waldron, and considered themselves as perfectly safe. But the Massachusetts government had ordered their troops to seize all southern Indians wherever they might be found. In obedience to these orders Capts. Syll and Hathorne told Major Waldron that they must seize these Indians by force. The Major dissuaded them from this purpose, well knowing the bloodshed that would follow such an attempt, and contrived a stratagem to accomplish the purpose. He proposed to the Indians to have a sham fight, the next day; they agreed to it; the Indians formed one party, and the troops of Waldron (including those under Capt. Frost of Kittery) with the two companies formed the other. In the midst of their fight, the whites suddenly surrounded the whole body of Indians, and made them prisoners, almost without exception, before the Indians were aware of the intended deception. The captives were disarmed immediately; the Southern Indians present were sent to Boston, the others were set at liberty. Of those sent to Boston some five or six were hung for past offences, and the remainder sold into slavery.

This action of Major Waldron has excited different opinions in different persons. \* \* \* \* The Indians never forgave him; they did not understand why they should be punished for acts of open warfare committed in the South when peace had been made at the North. They could not comprehend the policy which treated them as rebels, who were born free; and when some who were sold into slavery escaped, and returned to the woods of the Cochecho, they hoarded up their vengeance until the bloody morning of the 28th of June, 1689.” Hist. Mem., No. 107. A. H. Q.

*Letter relating to the Indians captured in the sham fight.*

Dover, 10 September, 1676.

Much Hond.

The Indians being now on board and coming towards you, wee yt have been so far Impr - - - - - about them thought it convenient to inform how farr they have kept the Peace made with us and who of these are concerned therein, viz. Penicooks, Wonolansets, Waymesists & Piscataq Indians, there being not any belonging further Eastward come in - - nor any other of those belonging to ye south side of Mirimack ever included in our Pease. Those of them that had made ye Pease coming in to comply with itt, the others to get shelter under you, but that they should be all treated alike as here they were wee humbly Conceive no Reeson, wee not being able to charge those yt made ye Pease with any breach of Articles, save only that of entertaining our Southern Enemies, but by yt

meanes we came to surprise soe many of ym. There are several of Piscataq Indns here who before the Pease had been very active Against us, but since have all lived quietly and attended order, but yor Pleasures being to have all sent down to determine their Case at Boston hath been Attended. keeping here about 10 young men of ym to serve in the Army wth their families & some old men & theirs with Wonolansets Relations. yesterday came in 2 squawes informing that one eyd Jno & Jethro were designing ye surprising of Canonicus & bringing in desireing some of our old Men to come to Advise wth him about it, I forthwith sent out there to ffurther ye design. Wee have Information from Jewel's Island yt the former newes is not soe bad being not above 10 in all kill'd and wounded being unexpectedly surprised. If yr be any obs[t]ructions in ye ffurther Prosecution of ye enemy now by ye - - - - - our people will quickly desert their Country. Shall add no more at Prsent.—but remain in much Honr.

yor Humble servnts,

RICHARD WALDERN,  
NIC. SHAPLEIGH,  
THO. DANIEL.

Hist. Mem. No. 107. A. H. Q.

1676, 16th September. 5, p. 115.

“There being many of our Indian enemyes seized, & now in our possession, the Court judgeth it meete to referr the disposal of them to the honoured council, declaring it to be their sence, that such of them as shall appear to have imbrued their hands in English blood should suffer death here, and not be transported into forreigne parts.” Mass. Rec.

[From the Massachusetts Archives.\*]

Portsmouth, 19, 8 r, 1676.

Much Honrd,

Being upon occasion of ye Alarms lately reed from ye Enemy mett together at Portsmo thought meet to give yor Honers our sense of Matts in ys part of ye country in the best manner yt upon ye place in this present Hurry wee are able to get. How things are now at Wells and York wee know not but prsume yourselves will be informed ere ys comes to yor hand P ye Post sent from the Comandr in Chiefe, wch (as was understood) went thro ye Towne this Morning. Only thus much we have learnt yt ye Enemy is Numorous & about those pts having carried all clear before him so far as Wells. That he is proceeding towards us and so on toward yourselves ye Enemy intimates & ye thing itself speaks. What is meet to be

\* Copled from Hist. Mem., No. 107. A. H. Q.



now don is wth yorselves to say rather than for us to suggest, however being so deeply and nextly concerned humbly crave leave to offer to Consider[atio]n whether ye securing of what is left bee not o[u]r next Work rather than ye Attempting to regain wt is lost, unless there were strength enough to doe both. It seemes little available to endeavor ought in ye more Eastern places yt are already conquered, unless there bee several Garrisons made & kept with provision & Ammunition & what may be suitable for a Recruit upon all occasions, weh to do (at least ys winter) cannot say yt ye profit will amend for ye charge. Sure we are yt orselves (yt is the County of Northfolk with Dover & Portsmo.) are so far from being capeable of spareing any fiores for yt Expedition yt wee find ourselves so thinned & weakened by those yt are out already yt there is nothing but ye singular Providence of God hath prevented our being utterly run down. The enemy observes o[u]r Motions and knows or strength (weakness rather) better yn wee are willing hee should & Pbably had been with us ere this had not ye Highest Power ruled him. And that Haver-hill, Exeter, &c. are in like predicament wth Dover &c seems apparent, & hence as incapeable of spareing Men. In true [?] there is an army out in Yorkshire weh will doubtless doe what may bee done, yet there is room enough for ye Enemy to slipp by them unobserved, & if so, what a condition we are in is evident. Our own men are not enough to maintain or own places, if any Assault bee made & yet many of ors are now on the other side of the Pascataq River. Wee expect an onsett in one place or other every day & can expect no Reliefe fro those that are so far fro home. If it should bee thought meet yt all ye Men yt are to come to us & other parts - - from the deserted & unguarded Eastern Country should bee ordered to ye Places that are left on their own side of ye River, that so ors may be recalled to their severall Towns, it might possible be not unavailable to the End. Especially if, withal some Indians might be ordered to those parts to bee upon a perpetuall Scout from place to place. Wee design not a lessening or discouragmt of ye Army, who rather need strengthening & Incouragmt, for we verily think yt if by ye good Hand of Providence ye Army had not been there, all ye parts on ye other side of ye River had been possest by the Enemy prhaps orselves too ere ys Time. But what we aim at is that ourselves also may bee put into a Capacity to defend or selves. Wee are apt to fear wee have been too bold with yor Honors, but wee are sure our Intentions are good, & or condition very bad except ye Lord of Hosts appear for us speedily, & wee would be found in the Use of Meanes, commending or Case to him yt is able to protect in ye Use of Meanes,—commending in order thereunto, & Remain

Much Honrd yor Humble Servts

RICHARD WALDERN,  
JOHN CUTT,  
Tho: DANIEL,  
ROBERT PIKE,  
RICHARD MARTYN,  
WM. VAUGHAN. •

*Another letter relating to the Indians captured in the sham fight.*

[From the Massachusetts Archives.\*]

Cochecho, 2, 9ber, 1676.

Major Gookin.

Hond Sir, I recd yours of 25th 8ber concerning some Indns wch you say it is alledg'd I promis[d] life & liberty to. time Prmits mee not at present to enlarge but for Answer in short you may Please to know I promised neither Peter Jethro, nor any other of yt Compa life or liberty it was not in my power to doe it. all yt I promise[d] was to Peter Jethro, vizt: That if he would use his Endeavor & be Instrumental in ye bringing in one ey'd Jno. &c. I would acquaint ye Govenr wth wh service he had done & Improve my interest in his behalfe that I Acquainted ye Honrd Council with, if it had been their Pleasure to have saved more of ym it would not have trouble[d] mee. As to the Squaw you mention belonging to one of Capt. Hunting's souldiers, there was S[uch] a one left of ye first great Compa of Indns [sent?] down wch Capt. Hunting desir'd might stay here til himselfe & her husband Came back from Eastward wch I consented to, and how she came among yt Compa I know not, I requiring none to goe yr to Boston but those that came in after ye Armies departure, neither knew I a word of it at Boston, wn I disposed ym. Soe yt twas her own fault in not Acquainting mee with it; but if said Squaw be not Sent off I shall be freely willing to re-imburse those Gent wt they Gave mee for her that she may be set at liberty, being wholly Inocent as to wt I'me charg'd wth I intend ere long to be at Boston wn I doubt not but shall give you full Satisfaction there about.

I am Sr, yor humble Servt,

RICHARD WALDERN.

*Letter from Richard Martyn, Esq., of Portsmouth, to Gen. Denison.†*

“Honored Sir—

This serves to cover a letter from Capt Hathorn from Casco Bay, in which you will understand their want of bread, which want I hope is well supplied before this time: for we sent them more than 2 m waight: which I suppose they had last Lord's day night: the boat that brought the letters brings also word yt Saturday night the Indians burnt Mr. Munjoy's house and 7 persons in it, yt is, his house at ye fishing Island. The Sagamore of Pegwackuk is taken and kill'd and one In. Samson by our army; but the enemy is doing mischief apace. On Sabbath day a man and his wife namely one Gouge were shot dead and stript by ye In-

\* Copied from Hist. Mem., No. 108. A. H. Q.

† Coll. Me. Hist. Soc., vol. 1; p. 146.

dians at Wells. yesterday at 2 of the clock Capt Nedick was wholly cut off only 2 men and a woman with 2 or 3 children escaped, so that we expect now to heare of farther mischief every day. They send to us for helpe both Wells and Yorke but we had so many men out of our town yt we know not how to spare any more. Your speciall speedy order for the Impressing some from the shoales will be of use at present. Sir, please to give notice to ye Council yt supply be sent to ye army from ye Bay for they have eaten us out of bread, and here is little wheat to be gotten and lesse money to pay for it. Supplys may as easily be sent ym from Boston as from hence, and should there be another army come among us, as I suppose there must speedily be wee shall be very hard put to it to find bread for them, the Lord direct you and us in ye great concerns that are before us, which dutifull service presented in haste I remain,

Sr your servant

Portsmouth, Sept. 26, 1676.

RICHARD MARTYN.

Directed

To ye Honored Maj. Generall Daniel Dennison these present Hast Post Hast. In Ipswich.

By an Indian that was taken the army was informed yt at Peqwacket there are 20 captives.

D. DENISON."

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[November 9th was appointed as a day of public thanksgiving,—because among other reasons] “God hath made bare his owne arme for our deliverance, by taking away counsell & courage from our ennemies, & giving strange advantage and great success to ourselves & confederates against them, that of those severall tribes & parties that have hitherto risen up against us, which were not a few, there now scarce remaines a name or family of them in their former habitations but are either slayne, captivated or fled into remote parts of this wilderness, or lye hid, despairing of their first intentions against us, at least in these parts; unto which mercy God hath added an abatement of those epidemicall sicknesses that have attended us most part of this summer, & vouchsafe us a liberall portion of the fruites of the earth for our comfortable sustentateon and reliefe.” Mass. Rec., vol. 5, p. 130.

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*Instructions for Major Rich. Waldern.\**

You shal repair to Black point with the 60 soldiers under Capt. Frost that you are authorized by the council to raise in Dover, Portsmouth and Yorkshire, by the 8 Febr. where you are to take under your comand the other forces from Boston & Salem under the comand of Capt. Hunting & Leiftenant Fiske, and other - - - officers, from whence with all

\* Copied from Hist. Mem., No. 108. A. H. Q.

expedition with the advice of your Comanders - - - - you shall advance towards the enemy at Kinnebeck or elsewhere & accordinge to the proposed designe endeavor with all silence & secrecy to surprize them in their quarters, wherein if it please God to succeed you, you shall do your utmost endeavor to save and rescue the English prisoners.

If you fail in this design you shall assay by all means in your power to disturb & destroy the enemy, unless you have such overtures from them as may give some competent assurance that an honorable & safe peace may be concluded with them, wherein you must avoyd all trifling and delays & with all possible speed make a dispatch of the affairs not trusting them without first delivery of all the captives & vessels in their hands.

If you should in conclusion find it necessary to leave a garrison in Kinnebeck wee must leave it to your discretion.

You shall use utmost expedition as winds & other advantages will permit, lest ye season be lost and charges seem without profit.

Praying God to be with you,

E - - - - R, - - - - S.

24 January 1676-7.

[Edward Rawson, Sec.]

*To Major Richard Walden :*

Whereas you are apoynted Co'r in Cheif of the forces now to be raised against the enemy the - - - - in the East for - - - - all have ordered the rendezvous of sd forces at Black point the 8 of Febr. next, hereby ordered and authorized you are to take under your comand and conduct, the sd forces wch you are to require to obey & attend your orders & comands as their Comander in Chief, & you to leade conduct & order the sd forces for the best service of the country against the comon enemy whom you are to endeavor to surprize, kill & destroy by all means in your power & al souldiers, officers &c under you are required to yield obedience - - - - endeavor to recover the English prisoners from out of their possession, you are also to govern the forces under your comand according to the laws enacted by the Generall Ct. to attend all such orders and comands as you shall receive from time to time from the general Court-Council or other Superior authority.

Given in 29 jan. 1676-7. past.

E. R., S.

His. Mem., No. 108. A. H. Q.

Cochecha, 18th : April 1677.

May it Please yor honor :

I have lately Recd some lines from Majr Gooken intimating an order of ye honrd Council for ye sending mee 10 Indns to releive and strengthen ys pts, wch ffvour I gratefully Acknowledge but of the said 10 are but 2 come from Cambridge & 3 from Ipswich, 2 ye latter being old & unfitt for servise wch must dismissee again to save Charges.

Major Gookin hints yt ye Indns aversion to coming hither is not without some Reasons of weight without telling mee what they are, but am since better Informed of their complaints from the Secretary. vizt, of my Improoveing them to labour about my own ocations without any Allowance & their dissatisfaction with my Provisions. ffor ye former I did Employ some of ym, 5 or 6 days but pd ym as our English souldiers use to doe to provide wood to make ymselves a fire. I think some of ym in my absence were ordred to Cutt bushes on ye side of ye Comon Road without weh no Post or other could passe without danger of being cutt of by an unseen enemy.

As to their Provision, know not why they should [complain] unlesse because I did not keepe a Maid to dresse their victuals for ym but ordered ym to do it ymselves. I did not discover any kind of dissatisfaction till Peter Ephraim came & after yt nothing would content ym but they must goe home. Wn I had the 1st intimation of three Indns seen up Mirrimack I had ordred 20 forthwith to have gone out but through the sd Peters means they were grown soe high & ungovernable was fforc't to dismisse them.

Since my last we have been & are almost daily Alarmed by ye Enemy. An Act of ye mischief done yor honrs have already had.

11th inst. 2 men more kill'd at Wells. 12th, 2 men, one woman & 4 children kill'd at York & 2 houses burnt. 13th, a house burnt at Kittery & 2 old people taken Captive by Simon & 3 more, but they gave ym their liberty again without any damage to their psons. 14th, a house surprised on south side Piscatay & 2 young women carried away thence. 16th, a man kill'd at Greenland and his house burnt, another sett on fire but ye Enemy was beaten off & ye fire put out by some of our men who then recovered alsoe one of ye young women taken 2 days before who sts there was but 4 Indians; they run skulking about in small pties like wolves. we have had pties of men after them in all quarters weh have sometimes Recover'd something they have stolen, but can't certainly say they have kil'd any of ym; Capt frost is after ym in Yorkshire. from Black point you will have ye Intelligence of ye Enemies March ffrom Capt Scottow, to whom have sent some letters from - - - - I add noe more at present but Comend you to God's Protection who hath hitherto & is able still to be our Guard.

resting sr, yor very humble Servt

RICHARD WALDERN.

Hist. Mem., No.109. A. H. Q.

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*Instructions for Capt. Charles Frost.\**

You must take notice that the party of souldiers now sent you are designed chiefly for the defense of Yorkshire & the dwellings on the upper

\* Copied from N. E. Gen. Reg., vol. 3, p. 23.

parts of Pascatay. You are therefore principally so to improve them, by your constant marches about the borders of Wells, Yorke, Nochewannick, Cochecho, Exeter, Haverill &c. as you shal have intelligence of the enemies motion, whom you are upon every opportunity without delay to persue & endeavor to take Capteve, kill & destroy.

Having notice of any partie of the enemy at any fishing place or other rendezvous you shall lay hold on such opportunity to assault the enemy.

If you shall understand the enemy to be too numerous for your smal partie you shall advise with Major Walderne and desire his assistance to furnish you with a greater force for a present service, but if you judg the opportunity or advantage may be lost by such a delay you shall for a present service require the inhabitants or garrison souldiers of the place where you are or so many as may be necessary for you & safe for the place immediately to attend you upon such present service for destroying the enemy.

In all your motions and marches, silence & speed will be your advantage & security.

You must supply your present wants of victuals and amunition for your souldiers out of the townes & places where you come, especially from Portsmouth to whom I have writt for that end, & if a larger supply be wanting you shal give notice thereof to my selfe or the Governr & Counsel.

The necessity & distress of those parts & confidence of your courage & industry doe require your utmost activity in the management of this business; without spending needless expensive delays up and be doing & the Lord prosper your endeavors.

You shall from time to time give intelligence of all occurances of moment to Major Walderne & myself, & as much as may be without prejudice of the service advise w<sup>th</sup> Major Walderne & the gentlemen of Portsmouth upon whom you must principally depend for your present supplies.

[Then follows in another hand.]

for CHARLES FROST.

These are the instructions Received from ye Maj<sup>r</sup> Generall at the same time as his Commiss. of April, 1677, & delivered to him the 13th according to order.

Yours,

ROBT. PIKE, Sergt.

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*To Capt. Charles Frost:*

You are Required in his Maj<sup>ties</sup> name to impress six able souldiers either of yr own town or others compleatly fitted w<sup>th</sup> arms & Amunition to attend ye service of ye country in yor Garrison or otherwise as you see meet, & this shall be yor sufficient war<sup>tt</sup> from

RICHARD WALDERN, Serget major.

2 May, 1677.

In the spring of the year 1678, a peace was concluded at Cascoe, Major Shapleigh of Kittery, Captain Francis Champernoon and Mr Fryer of Portsmouth acting for the whites. The following paper has reference to this matter :

“ For Major Waldron & Major Pendleton, from yourselves by several letters we have received information of Squando & the other Indians case their desire further to hear the English of - - - parts for a firm peace & that Major Shapleigh & C. Champernoon are desired to advance in that matter as most acceptable to the Indians, if themselves or any other persons be judged suitable by yourselves for such an occasion be obtained to hear them they may in the name of the Governor & Council promise them a safe conduct coming and returning hither in way of treaty, whether anything concluded or no as they formerly have if otherwise they may take the Indians demands of which ourselves here may consider and give answer. In the mean time advising as the spring cometh on to be upon your watch and guard your own Security.

Not else but remain S - - -

Your friend & servant,

EDWD RAWSON, Secret &

- - - - of the Council.”

Hist. Mem., No. 109. A. H. Q.

28 May, 1679. 5, p. 218.

In answer to the petition of Mrs Francis Reyner—the Court orders, that the select men of Dover doe take effectuall care to settle the acompts betweene the inhabitants of said towne and Mrs. Reynor, administratrix to the estate of the deceased Mr John Reyner, relating to his sallery, and the payment of such arrears as are yet unpayd, & that this be donn at or before the last day of September next.\*

\* Rev. JOHN REYNER, sixth minister of the Church in Dover, was a native of England. He came to America in or near the year 1635, and in 1636 settled in Plymouth, Mass., where he remained for eighteen years. His connexion at Plymouth was dissolved in November, 1654, and he was settled in Dover, 1655. The town gave Mr. Reyner a house and a few acres of land, 1659, which was confirmed to his heirs by vote, May 29, 1671. His house stood near the school house on Dover Neck, and its site is still discernible. In the last few years of his life he was assisted by his son, John Reyner, jun. He died, 22 April, 1669, his will being dated 19 April. FRANCES, his wife, administered on his estate. Of Mr. Reyner, it is said, “He was richly accomplished with such gifts and graces as were befitting his place and calling, being wise, faithful, grave and sober, a

28 May. 5, p. 226.

Major Richard Waldron, Capt Elias Stileman, Mr. Richard Martyn & Capt. Thomas Daniel returned to this Court as chosen to be associates for this yeare for the County Court of Dover, were allowed of by this Court.

Mr Samuel Dalton was appointed & was alike Impowered with Magistraticall authority in Hampton for this yeare ensuing. Maj. Richard Waldren for York, Dover & Portsmouth, & Capt Elias Stileman & Mr Richard Martyn for Portsmouth & Dover were alike invested with magistraticall authority for the ensuing year

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30 May, 1679. 5, p. 231.

It is ordered by this Court, that the County Court next to be held at Dover, doe take effectuall care for the levying of the publicque rates payable & due from the inhabitants of that Court, as well those on the Isle of Shoales as elsewhere, that so the dues belonging to those that have donn service in the late warr, & disbursed their estates for the publicke, may be payd as in equity wee are bound.

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EDWARD COLCORD.

*To the Honoured Governor & Councill now assembled in Boston.*

When Major waldrine went from the Genneral Court of Boston about May last was two yeares, when he returned through Hampton he requested me Edward Colcord to Come to his house, wheare he showed me the complaint yt was put in to his Majesty against the Massathussetts Majestrates wr'in he said Mason had charged the Magestrates some things to this purpose wch I heare relate yt they had taken away the government of the people; and burnt the houses & baneshed severall prsons; upon wch Major waldrine desireing me, being an An-

lover of good men, not greedy of the matters of the world, and armed with much faith, patience, meekness—was an able, faithful, and laborious preacher of the Gospel, and had an excellent habit of training up children in a catechetical way in the grounds of christian religion." [See *Quint's Hist. Mem.*, No 65, with a copy of his will.]—Ed.



tient Inhabitant in these parts, to speak w<sup>h</sup> severall Inhabitants theire yt weire antient Inhabitants to speake to the truth theireof, who gave in or testimonies to the truth for yor Honours vindecation; and to accomplish this it Cost me Eighteen days tyme; & one weeke Cominge heither wch was in the prime of Sumer; for wch I desire satisfaction.

EDWARD COLCORD.

Boston, 6th March 1678-9.

[A marginal note adds,]

I hope yor honours will give me at least tenn pounds for I really desearve it & more; for I was no sunner absent but post was sent after me.\* Hist. Mem., No. 98. A. H. Q.

\* [What further happened to Edward Colcord, appears from the subjoined action of the President and Council of New-Hampshire, two years later.]—ED.

The case of Edward Colcord for abuse offered to his wife att divers times as Doth appear by Evidenc, the President and Council doth order that the sayd Edward Colcord shall continnow in prison till hampton Court next, unless he Gitt baile to the vullue of fortie pounds to keepe the peace towards all persons and special towards his wife and children till the Court take further order Concerning him.

29th June 1681.

Edward Colcord moving the Council (who hath sentenced him to prison, there to be kept can give Security of £40 for his Good Apearing to his wife and family that stands in fear of their lives if he be att liberty) which by reason of his restraint Cannot find what to answer, as if he had some time allowed him to Attaine the same, the Council doth further order thatt he have three weeks or a month's liberty to procure sufficient sureties to the said some of 40£ and if in the mean time he shall Committ any outt Rage or any wise abuse his wife or children upon any of their Complaints to authority made by them, that then he shall forfeit to the Treasurer of this p'vence all that Right he hath or ought to have into all or any part of thatt maintenace the Councill hath allotted him for his support During his life out of whatt Ever Estate he hath or pretendeth to have, and be forthwith Committed to prison without baile or monie prize ther to be kept During the Council's pleasure to be Committed by such of the Council as the Complaint be made unto.

by order of the Councill

30th June, 1681.

SAMLL. DALTON, Recdr.

Hist. Mem., No 98. A. H. Q.

NOTE.—“Ould Edward Colcord died February 10, 1681-2.” Hampton Town Rec.

15 October, 1679. 5, p. 245.

In answer to the petition of Rowley referring to a council for settlement of their differences this Court doth order, that the churches of Ipswich, Newbery, Hampton, Haverill, who were formerly, by their Elders & messengers upon the place, together with the messengers of the three churches of Boston, the church of Salem, Beverly & Portsmouth, be written unto by the Secretary in the name of this Court, to assemble at Rowley on the second Wednesday in November, to give their solemn advice & issue to the said differences, as God shall direct, and make returne to the next Gennerall Court.

P. 252.

Whereas the military company in Hampton is destitute of a leftenant, this Court doth order, that Ensigne John Sanborne be leftenant, and Sarjant Thomas Philbrick be ensigne, & that commissions be granted to them accordingly.

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Feb. 4, 1680.

At a Generall Court specially called by the Gov<sup>r</sup> & assistants at Boston & held there Feb. 4, 1679-1680.

This Court doth hereby declare that all Commissions that have been formerly granted by the Colony of the Massachusetts to any person or persons that lived in the townes of Hampton, Exeter, Portsmouth & Dover are hereby withdrawn, and as to any future act made voyd and of no effect. C. Rec., vol. 5, p. 258.

*Names of Deputies from towns in New-Hampshire, to  
the General Court of Massachusetts, in Boston, from  
1641 to 1679.*

[Copied by the Editor from the printed Records of Mass.]


1641, 7 October.	Willi. Hayward,	Hampton.
1642, 8 September.	Willi. Hayward,	Hampton.
	Mr. Jam: Parker,	Strawberry Bank.
1643, 10 May.	Willi: Haward,	Hampton.
	Edward Starbuck,	Dover.
	James Parker,	Strawberry Bank.
1644, 29 May.	Left. Howard,*	Hampton.
	Will. Eastowe,	"
	Mr. Willm. Hilton,	Dover.
	Mr. Stee. Winthrop,	Strawberry-banke.
1645, 14 May.	Capt. Wiggin,	Dover.
	William Heath,	"
	Left. Howard,	Hampton.
	—————	Strawberry Bank.
1646, 6 May.	Wm. English,	Hampton.
	Wm. Waldron,	Dover.
	Edw. Starbuck,	"
	—————	Strawberry Banke.
1647, 26 May.	Wm. English,	Hampton.
1648, 10 May.	Wm. Estow,	Hampton.
	Wm. Furber,	Dover.
1649, 2 May.	Wm. Eastow,	Hampton.
	—————	Dover.
1650, 22 May.	Jeoffrey Mingay,	Hampton.
	Left. John Baker,	Dover.
1651, 7 May.	Roger Shaw,	Hampton.
1652, 27 May.	Roger Shaw,	Hampton.
	Mr. Valentine Hill,	Dover.

\* This the same as "Hayward."

1653, 18 May.	Mr. Roger Shaw, Mr. Valentine Hill, Mr. Brian Pendleton,	Hampton. Dover. Portsmouth.
1654, 3 May.	Mr. Anthony Stanion, Capt. Richard Walden, Mr. Valentine Hill, Capt. Brian Pendleton,	Hampton. Dover. " Portsmouth.
1655, 23 May.	Henry Dow, Mr. Valentine Hill,	Hampton. Dover.
1656, 14 May.	Henry Dow, Capt. Richard Walderne,	Hampton. Dover.
1657, 6 May.	Robert Page, Capt. Richard Walden, Mr. Vallentine Hill,	Hampton. Dover. "
1658, 19 May.	Left. Christ <sup>r</sup> Hussey, Capt. Richard Waldern, Capt. Brian Pendleton,	Hampton. Dover. Portsmouth.
1659, 11 May.	Left. Christopher Hussye, Capt. Rich. Waldern,	Hampton. Dover.
1660, 30 May.	Left. Christo Hussey, Capt. Rich. Waldderne, Mr. Hen. Sherborn,	Hampton. Dover. Portsmouth.
1660, 19 December.	Left. Christop <sup>r</sup> Hussey, Capt. Rich. Walderne, Capt. Brian Pendleton,	Hampton. Dover. Portsmouth.
1661, 22 May.	Wm. Fuller, Capt. Richard Walderne, Capt. Brian Pendleton,	Hampton. Dover. Portsmouth.
1662, 7 May.	Mr. Samuel Dalton, Capt. Richard Walderne,	Hampton. Dover.
1663, 27 May.	Capt. Wm. Gerrish, Capt. Richard Walderne, Capt. Brian Pendleton,	Hampton. Dover. Portsmouth.
1664, 18 May.	Capt. Wm. Gerrish,	Hampton.
1665, 3 May.	Mr. Samuel Dalton, Capt. Richard Walderne, Mr. Richard Cutt,	Hampton. Dover. Portsmouth.

- 1666, 23 May. Mr. Samuel Dalton, Hampton.  
 Capt. Richard Waldern, Dover.  
 Mr. Nath'l Fryer, Portsmouth.  
 Capt. Richard Walderne was chosen Speaker for the session.
- 1666, 11 September. At a special session, present  
 Mr. Samuel Dalton, Hampton.  
 Capt. Richard Walderne, Dover.  
 Mr. Nath. Fryer, Portsmouth.
- 1667, 15 May. Mr. Wm. Fuller, Hampton.  
 Capt. Richard Walderne, Dover.  
 Mr Elias Stileman, Portsmouth.  
 Capt. Richard Walderne was chosen Speaker for this session.
- 1668, 29 April. Mr. Robert Page, Hampton.  
 Capt. Richard Walderne, Dover.  
 Mr. Elias Styleman, Portsmouth.  
 Capt. Richard Walderne was chosen Speaker for this session.
- 1669, 19 May. Mr. Samuel Dalton, } Hampton.  
 Mr. Josh. Gilman, }  
 Capt Richard Walderne, Dover.  
 Capt. Richard Cutts, Portsmouth.
- 1670, 11 May. Mr. Samuel Dalton, Hampton.  
 Capt. Rich Waldern, } Dover.  
 Left. Rich. Cooke, }  
 Mr. Richard Cutt, Portsmouth.
- 1671, 31 May. Mr. Samuel Dalton, Hampton.  
 Capt. Rich<sup>d</sup> Walderne, } Dover.  
 Left. Rich. Cooke, }  
 Mr. Elias Stileman, Portsmouth.
- 1672, 15 May. Capt Xtoph<sup>r</sup> Hussey, Hampton.  
 Capt. Rich. Waldern, } Dover.  
 Left. Peter Coffin, }  
 Capt. Ri. Cutt, } Portsmouth.  
 Mr. Rich. Martyn, }
- 1673, 7 May. Mr Samuel Dalton, Hampton.  
 Capt. Richard Walderne, } Dover.  
 Left. Peter Coffin, }  
 Mr. Elias Styleman, Portsmouth.  
 Richard Waldron was chosen Speaker.

- 1673, 16 September. At a special general court,  
 Capt. Rich. Waldern, } Dover.  
 Left. Peter Coffin, }  
 Mr. Rich. Martyn, } Portsmouth.  
 Richard Waldron was chosen Speaker.
- 1674, 27 May. Mr. Samuel Dalton, Hampton.  
 Capt. Richard Walderne, } Dover.  
 Mr. Anthony Nutter, }  
 Capt. Richard Cutt, } Portsmouth.  
 Richard Waldron was chosen Speaker.
- 1675, 12 May. Mr. Samuel Dalton 1 S.\* Hampton.  
 Maj. Rich Walderne, Dover.  
 Capt. Rich. Cutt, Portsmouth.  
 Maj. Richard Waldern was chosen Speaker.
- 1676, 3 May. Mr Samuel Dalton, Hampton.  
 Mr. Anthony Nutter, Dover.  
 Mr. Richard Cutt, Portsmouth.
- 1676, 9 August. Mr. Samuel Dalton, Hampton.  
 Mr. Rich. Waldron, Dover.  
 Jn. Cutt, Portsmouth.
- 1677, 23 May. Mr. Tho. Marston, Hampton.  
 Majo. Richard Waldron, Dover.  
 Capt. Elias Styleman, Portsmouth.
- 1678, 8 May. Mr. Sam. Dalton, Hampton.
- 1679, 28 May. Mr. Samuel Dalton, Hampton.  
 Left. Peter Coffin 1 S. Dover.  
 Mr. Richard Martyn, Portsmouth.  
 Maj. Richard Waldron, Kittery.  
 Maj. Richard Waldron was chosen Speaker for the session.

 *The jurisdiction of Massachusetts over New-Hampshire terminated this year.*

\* Probably 1st session.

THE COMMISSION  
CONSTITUTING A  
PRESIDENT AND COUNCIL  
FOR THE  
PROVINCE OF NEW-HAMPSHIRE,  
IN NEW-ENGLAND.\*

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[Council and Assembly Records.]

CHARLES y<sup>e</sup> SECOND To all to whom these Presents shall come,  
GREETING :

WHEREAS, our Colony of y<sup>e</sup> Massachusetts, at Mattathussets Bay, in New-England, in America, have taken upon themselves to organize a government and jurisdiction over y<sup>e</sup> Inhabitants and Planters in y<sup>e</sup> Towns of Portsmouth, Hampton, Dover, Exeter, and all other y<sup>e</sup> Towns and lands in y<sup>e</sup> Province of New-Hampshire, lying and extending from three miles northward of Merrimack River, or any part thereof, into y<sup>e</sup> Province of Maine, not having any legall right or authority so to do; which said jurisdiction, and all further authority thereof, we have thought fit, by the advice of our Privy Council, to inhibit and restrain for the future; And do hereby inhibit and restrain y<sup>e</sup> same. And whereas y<sup>e</sup> Government of y<sup>e</sup> part of the said Province of New-Hampshire, so limited and bounded as afores<sup>d</sup>, hath not yet bin granted unto any person or persons whatsoever, but y<sup>e</sup> same still remains under Our immediate care and protection: To the end, therefore, y<sup>t</sup> Our loving subjects, ye planters Inhabitants within y<sup>e</sup> limits aforesaid, may be protected and defended in their respective rights, liberties and properties, and y<sup>t</sup> due and impartiall justice may be duly administered in all cases, civill and criminall

\* This Commission passed the Great Seal, September 18, 1679, but did not go into effect until the next year. The MS. volume from which it is transcribed is in the office of the Secretary of State.—Ed.

and y<sup>e</sup> all possible care may be taken for y<sup>e</sup> quiet and orderly government of y<sup>e</sup> same, now Know y<sup>e</sup>, that We, by and with y<sup>e</sup> advice of our Privy Council, have thought fit to erect, and by these presents for us, o<sup>r</sup> heirs and successors, do erect, constitute & appoint a President and Council to take care of y<sup>e</sup> said Tract of land called The Province of New-Hampshire, and of the Planters and Inhabitants thereof, and to order, rule and govern y<sup>e</sup> same according to such methods and regulations as are herein after provisi<sup>d</sup> and declared. And for y<sup>e</sup> better execution of Our Royall pleasure in this behalf, We do hereby nominate and appoint Our trusty and well beloved subject, JOHN CUTT, of Portsmouth, Esq., to be y<sup>e</sup> first President of y<sup>e</sup> said Councell, and to continue in y<sup>e</sup> said office for the space of one whole year next ensueing y<sup>e</sup> date of these presents, and so long after, untill We, Our heirs or successors, shall nominate and appoint some other person to succeed him in y<sup>e</sup> same. And we likewise nominate and appoint Our trusty and well beloved subject, Rich: Martin, Esq<sup>r</sup>., William Vaughan, Esq<sup>r</sup>., and Tho. Daniel, Esq<sup>r</sup>., all of Portsmouth, aforesaid; John Gilman, of Exeter, afors<sup>d</sup>, Esq<sup>r</sup>., Christopher Hussey, of Hampton, afrs<sup>d</sup>, Esq<sup>r</sup>., and Rich: Walden,\* of Dover, afores<sup>d</sup>, Esq<sup>r</sup>., to

\* The President, JOHN CUTT, was a principal merchant, of great probity and esteem in Portsmouth; but then 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 Welsh 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. 2: 30. "There lacked of David's servants nineteen men and Asahel." Fitch's Mss.

*John Gilman* was a principal man in Exeter, as was *Christopher Hussey* in Hampton. [Christopher Hussey was born in Darking, in Surry, came to New-England as early as 1634, in which year he was admitted a free-man by the Massachusetts Colony. He settled at Hampton in 1638, and represented that town in the General Court in 1658, 1659 and 1660. In 1685 he was cast away and lost on the coast of Florida. He had three



be of the Councell within y<sup>e</sup> said Province of New-Hampshire : And we do hereby authorize and appoint the said President and Councell to nominate and make choice of three other persons out of y<sup>e</sup> severall parts of the said Province whom they shall judj to be most fitly qualified to be of y<sup>e</sup> said Conncell, and to swear them into y<sup>e</sup> same. And y<sup>t</sup> the said Jo: Cutts, and every succeeding President of y<sup>e</sup> said Councell, shall nominate and appoint any one of the members of the said Councell for y<sup>e</sup> time being to be his deputy, and to preside in his absence.

And y<sup>t</sup> the said President, or his deputy, and any five of the said Councell, shall be a quorum. And our express will and pleasure is that no person shall be admitted to sit or have a vote in the said Councell, until he have taken y<sup>e</sup> oath of allegiance and supremacy, and y<sup>e</sup> oath herein after mentioned, for y<sup>e</sup> one and impartiall execution of justice, and y<sup>e</sup> faithfull discharge of y<sup>e</sup> trust in them reposed. Which oaths we do hereby authorize and direct y<sup>e</sup> said Ric. Martin, W: Vanghan, T: Daniel, Jo: Gilman, Christ: Hussey, R: Waldron, or any three of them first, to administer to y<sup>e</sup> said Jo: Cutt, y<sup>e</sup> present President, and y<sup>e</sup> said Jo: Cutt having taken y<sup>e</sup> said oaths, we do will, authorize and require him, y<sup>e</sup> said Pres., for y<sup>e</sup> time being, to administer y<sup>e</sup> same from time to time to all and every other the members of y<sup>e</sup> said Councell. And we do hereby will, require and comand y<sup>e</sup> said Jo: Cutts R: M: and every of them, to whom this our pleasure shall be made known, that, all excuses whatsoever set aside, y<sup>t</sup> they fail not to assemble and meet together at y<sup>e</sup> s<sup>d</sup> town of Portsmouth in y<sup>e</sup> Prov. of New Hampsh. afors<sup>d</sup> within y<sup>e</sup> space of 20 days next after y<sup>e</sup> arrival of this Commission at Portsm. aforesaid, and there to cause this Our Commission, or Letters pattents, to be read

sons, Stephen, born in 1630, who died in Nantucket in 1718, aged 88; John, who removed to New-Castle, in Delaware, and Joseph, who remained in Hampton, and was the representative in 1672.]

*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. *Farm. Belk.*, p. 90.

[For fuller notices of President Cutt and the above named Councilors, see *Coll. N. H. Hist. Soc.*, 8, pp. 305-340.] *ED.*

before them, or as many of them as shall be there assembled, and having first duly taken the said oaths, to proceed to choose, nominate and appoint such officers and serv<sup>ts</sup> as they shall think fit and necessary for their service. And also to appoint such other time and place for their future meetings as they or y<sup>e</sup> major part of them (whereof y<sup>e</sup> Pres: or his deputy to be one) shall think fit and agree. And Our Will and pleasure is, that Our said Councill shall from time to time have and use such Seal only for y<sup>e</sup> sealing of their acts, orders and proceedings as shall be sent unto them by us, our heirs or successors, for y<sup>t</sup> purpose. And we do by these p<sup>ts</sup>, for us, our heirs and successors, constitute, establish, declare and appoint our said Pres. and Councill, and y<sup>e</sup> Pres: and Councill and their successors for y<sup>e</sup> time being, to be *a constant and settled Court of record, for y<sup>e</sup> administration of justice* to all our subjects *inhabiting within y<sup>e</sup> limits aforesaid*, in all cases, as well criminall as civill, and y<sup>t</sup> y<sup>e</sup> Pres: and any 5 of the Councill for y<sup>e</sup> time being, shall have full power and authority to hold plea in all causes from time to time, as well in pleas of y<sup>e</sup> Crown as in matt<sup>rs</sup> relating to y<sup>e</sup> conservation of y<sup>e</sup> peace, and in punishment of offenders, as in civill suits and actions between parties and parties, or between us and any of our subjects there; whether y<sup>e</sup> same do concern y<sup>e</sup> realty, and relate to a right of freehold and inheritance, or whether y<sup>e</sup> same do concern y<sup>e</sup> personality, and relate to some matter of debt, contract, damage, or other personal injury, and also in all mixt actions w<sup>ch</sup> may concern both realty and person, and therein, after due and orderly proceeding and deliberate hearing on ea. sides, to give judgm<sup>t</sup>, to award execution, as well criminall as in civill cases as aforesaid: so always y<sup>t</sup> y<sup>e</sup> forms of proceeding in such cases and y<sup>e</sup> judgment thereupon to be given, be as consonant and agreeable to y<sup>e</sup> Laws and Statutes of this Our Realm of Eng<sup>d</sup>, as y<sup>e</sup> p<sup>ent</sup> state and condition of our subjects inhabiting within y<sup>e</sup> limits aforesaid, and y<sup>e</sup> circumstances of y<sup>e</sup> place will admit. And y<sup>e</sup> Pres: and Councill for y<sup>e</sup> time being, and every of them respectively, before they be admitted to their severall and respective offices and charges, shall also take this Oath following:

You shall swear well and truly to administer justice to all his Ma<sup>tes</sup> subjects inhabiting within y<sup>e</sup> Province of New Hampsh. under this Government: and also duly and faithfully to discharge and execute the Trust in you reposed, according to the best of your knowledj. You shall spare no person for favour or affection, nor any person grieve for hatred or ill will. So help you God.

*Notwithstanding* it is Our will and pleasure, and so we do hereby expressly declare, y<sup>t</sup> it shall and may be lawfull from time to time to and for all and every person and persons, who shall think himself or themselves aggrieved by any sentence, judgm<sup>t</sup> or decree pronounced, given or made (as afor<sup>d</sup>) in, about or concerning y<sup>e</sup> title of any land, or other reall estate, or in any personall Action, or suit above the value of 50l and not under, to appeal from such Judgm<sup>t</sup>, Sentence and Decree unto us, Our heirs and successors, and our and their Privie Councell. But with and under this caution and limitation: That y<sup>e</sup> Appellant shall first enter into and give good security to pay full costs, in ease no relief shall be obtained upon such decree. And our further will and pleasure is, and so do we hereby declare; That in all criminall cases, where y<sup>e</sup> punishm<sup>t</sup> to be inflicted on y<sup>e</sup> offenders shall extend to loss of life or limb (y<sup>e</sup> case of willfull murder excepted) y<sup>e</sup> psn. convicted shall either be sent over into this Our Kingdom of Eng<sup>d</sup> with a true state of his ease and conviction; or execution shall be respited untill y<sup>e</sup> case shall be here presented unto us, our heirs and successors, in Our and their Privie Councell, and orders sent and returned therein. And for y<sup>e</sup> better defence and security of all our loving subjects within y<sup>e</sup> Province of New Hampshr, and y<sup>e</sup> bounds and limits aforesaid, our further will and pleasure is, and hereby we do authorize, require and command y<sup>e</sup> said Pres: and Councell for y<sup>e</sup> time being, in our name and under the seal by us appointed to be used, to issue, seal and give commissions from time to time to such person and persons, whom they shall judg shall be best qualified for regulating and discipline of y<sup>e</sup> militia of Our said Province; and for y<sup>e</sup> arraying and mustering y<sup>e</sup> Inhabitants thereof, and instructing them how to bear and use their arms, and that care be taken that such good discipline shall be

observed, as by y<sup>e</sup> said Council shall be p<sup>r</sup>cribed; y<sup>t</sup> if any invasion shall at any time be made, or other destruction, detriment, or annoyance made or done by Indians, or others upon or unto our good subjects inhabiting within y<sup>e</sup> said Prov. of New Hamp. We do by these p<sup>r</sup>sents for us, our heirs and successors declare, ordain and grant, that it shall and may be lawfull to and for our said subjects so comissioned by our said Council from time to time, and at all times for their special defense and safety to encounter, expell, repell and resist by force of arms, and all other fitting means whatever, all and every such person and persons as shall at any time hereafter attempt or enterprise y<sup>e</sup> destruction, invasion, detriment, or annoyance of any of our said loving subjects, or their plantations or estates. And above all things, We do by these p<sup>r</sup>sents will, require and comand our said Councell to take all possible care for y<sup>e</sup> discountenancing of vice and encouraging of virtue and good living; and that by such examples y<sup>e</sup> infidel may be invited and desire to partake of y<sup>e</sup> Christian Religion, and for y<sup>e</sup> greater ease and satisfaction of y<sup>e</sup> s<sup>d</sup> loving subjects in matters of religion, We do hereby require and comand y<sup>t</sup> liberty of conscience shall be allowed unto all protestants; y<sup>t</sup> such especially as shall be conformable to y<sup>e</sup> rites of y<sup>e</sup> Church of Eng<sup>d</sup> shall be particularly countenanced and encouraged. And further, We do by these p<sup>r</sup>sents, for us, our heirs and successors give and grant unto y<sup>e</sup> said Councell and their successors for y<sup>e</sup> time being, full and free liberty, power, and authority to hear and Determine all emergencies relating to the care and good Government of our subiects within y<sup>e</sup> s<sup>d</sup> Prov: and also to sumon and convene any person or persons before them, and punish contempts; and cause y<sup>e</sup> Oath of allegiance to be administered to all and every person who shall be admitted to any office, freedom, preferments, and likewise with what convenient speed they can, to cause proclamation to issue out and be made in our name to y<sup>e</sup> Inhabitants of y<sup>e</sup> said Prov. of N. Hamp: thereby signifying that we have taken them into our imediate Governm<sup>t</sup> and gracious protection, and letting them further know that We have written to y<sup>e</sup> Governour and Councell of the Massachusetts Bay, to recall all such commissions as they have granted for exercising any jurisdiction in

y<sup>e</sup> parts aforesaid. And that we have inhibited and restrained them for y<sup>e</sup> future from exercising any further authority or jurisdiction over them. And further, y<sup>t</sup> y<sup>e</sup> s<sup>d</sup> Inhabitants within y<sup>e</sup> said Prov. of N. Hamp<sup>r</sup>. and limits aforesaid, do and shall from henceforth repair for justice and redress unto them y<sup>e</sup> said Pres. and Councill, whom we have constituted and appointed to be a standing Court for administration of justice as aforesaid, and intrusted them with y<sup>e</sup> care of their quiet and orderly Government, and therefore requiring that they give obedience unto them: And our will and pleasure is, that these, with such other generall intimations shall be given unto y<sup>e</sup> people as by y<sup>e</sup> said Pres. and Councill shall be thought necessary. And for supporting the charges of the Government of said Prov. of N. Hamp, Our will and pleasure is, we do by these p<sup>ts</sup> authorize and require the said Pres. and Councill to continue such taxes and impositions as have bin and are now laid and imposed upon the Inhabitants thereof: and y<sup>t</sup> they levy and distribute, or cause the same to be levyed and distributed to those ends, in the best and most equall manner they can, untill a generall assembly of y<sup>e</sup> s<sup>d</sup> Prov. shall be called, and other method for y<sup>t</sup> purpose agreed upon. To which our will and pleasure is, and we do by these p<sup>ts</sup> authorize, require and comand y<sup>e</sup> said Pres. and Councill that they within 3 months after they have bin sworn (as aforesaid) they shall issue forth sumons under y<sup>e</sup> seal by us appointed to be used, y<sup>e</sup> return of writs for y<sup>e</sup> calling a Generall Assembly of the said Prov., using and observing there such rules and methods (as to the persons who are to chuse their Deputies and y<sup>e</sup> time and place of meeting) as they shall judge most convenient. At y<sup>e</sup> meeting of which Gen. Assembly we do hereby will, authorize and require y<sup>e</sup> Pres. of y<sup>e</sup> said Councill to mind them in y<sup>e</sup> generell, what is to be intimated in y<sup>e</sup> proclamation aforesaid.

That he recomend them y<sup>e</sup> making of such Acts, Laws, and Ordinances, as may most tend to y<sup>e</sup> establishing them in obedience to our authority; their own p<sup>r</sup>servation in peace and good Governm<sup>t</sup>, and defend against their enemies, and that they do consider of the fittest ways for raising of taxes, and in such proportion as may be fit for y<sup>e</sup> support of y<sup>e</sup> s<sup>d</sup>

Government. And our will and pleasure is, and we do hereby declare, ordain, and grant, that all and every such Acts, Laws and ordinances, as shall from time to time be made in and by such general Assembly or Assemblies, shall be first approved and allowed by the Pres. and Councell for the time being, and, thereupon shall stand and be in force untill y<sup>e</sup> pleasure of us, our heirs and successors, shall be known, whether y<sup>e</sup> same Laws and ordinances shall receive any change or confirmation or be totally disallowed and discharged.

And therefore, our will and pleasure is, that y<sup>e</sup> Pres. and Councell do, and shall from time to time transmit and send over unto us, our heirs and successors, and our and their Privie Councell for the time being, all and every such Acts, Laws and Ordinances, by the first ship y<sup>t</sup> shall depart thence for Eng<sup>d</sup>, after their making. Also, our will and pleasure is, and We do hereby direct and appoint, that if y<sup>e</sup> said Pres. of y<sup>e</sup> Councell, shall happen to dye, that there from and after y<sup>e</sup> Death of y<sup>e</sup> said Pres., his Deputy shall succeed him in y<sup>e</sup> office of Pres., and shall, and may nominate and choose any one of y<sup>e</sup> said Councell to be his deputy, to preside in his absence; and y<sup>e</sup> said deputy so succeeding shall continue in y<sup>e</sup> said office of Pres. untill our further will and pleasure be known therein, and We shall think fit to nominate and appoint some other to succeed therein. And if any of y<sup>e</sup> members of y<sup>e</sup> said Councell shall happen to die, our will and pleasure is, and We do hereby direct and appoint y<sup>e</sup> remainder of y<sup>e</sup> Councell to select some other person to be a member of y<sup>e</sup> said Councell for the time being, and to send over the name of such person so chosen, and the name of two more whom they shall judg fitly qualified for that s<sup>d</sup> appointment, that we our heirs and successors, may nominate and appoint which of the three shall be y<sup>e</sup> member in y<sup>e</sup> place of such member so dying. And we do hereby declare, that We, our heirs and successors, shall and will observe and continue this method of grace and favor toward our loving subjects, in convening them in their Assembly, in such manner and form as is herein before mentioned and provided, unless, by inconvenience arising from thence, We, our heirs or successors, shall see cause to alter y<sup>e</sup> same.

And whereas y<sup>e</sup> said province of new hampshire, have many of them bin long in possession of severall quantities of lands, and are said to have made considerable improvements there upon, having noe other title for y<sup>e</sup> same than what hath bin derived from y<sup>e</sup> Government of the mattihusetts Bay, in vertue of their Imaginary line, w<sup>ch</sup> titell as it hath by y<sup>e</sup> opinion of our Judges in England, bin altogether set aside, soe y<sup>e</sup> Agents from y<sup>e</sup> saide Colony have consequently disowned any righte, either in the people or government thereof, from the three mile line aforesaid; and it appearing unto us that y<sup>e</sup> ancestors of Robert Mason, esquire, obtained grants from our greate Councill of Plimoth, for y<sup>e</sup> tract of Land aforesaid, and wheare at very greate expence upon y<sup>e</sup> same, until molested and finally driven oute, which hath occasioned a lasting complainte for Justice, by y<sup>e</sup> said Robert Mason, ever since our restoration; how ever, to prevent in this case any unreasonable demands w<sup>ch</sup> might be made by the said Robert Mason, for y<sup>e</sup> right he claimeth in y<sup>e</sup> saide soyle, we have obliged y<sup>e</sup> said Robert Mason, under his hand and seal, to declare that he will demand nothing for y<sup>e</sup> time paste, untill the 12th of June last past, nor molest any in the possession for y<sup>e</sup> time to come, but will make out titles to them and their ayres forever, provided they will pay to him upon a fair agreement, in Lieu of all other Rents, six pence in y<sup>e</sup> pound, according to y<sup>e</sup> Juste and trew yearly value of all houses builte by them, and of all lands, whether gardens, orchards, arribell or pasture, w<sup>ch</sup> have been Improved by them, which he will agree shall be bounded out unto every of y<sup>e</sup> partyes concerned, and that y<sup>e</sup> residue maye remaine unto himself to be disposed of for his best advantage. But notwithstanding this overture from y<sup>e</sup> said Robert Mason, w<sup>ch</sup> semeth to be faire unto us, [if] any of y<sup>e</sup> Inhabitants of y<sup>e</sup> saide province of New Hampshire shall refuse to agree with y<sup>e</sup> Agent of y<sup>e</sup> said Robert Mason, upon y<sup>e</sup> terms aforesaid, our will and pleasure is y<sup>t</sup> y<sup>e</sup> president and Councill of new hampshire aforesaide, for y<sup>e</sup> time being, shall have power and are hereby impowered to Interfere and reconcile all Differences if they can, That shall or maye arise between said Robert Mason and y<sup>e</sup> said Inhabitants; but if they cannot, then we do hereby commande and require the said

president and Councill to send into England such coppies, fairly and Imparsially stated, together w<sup>th</sup> their one opinions upon such cases, that we, our ayres and successors, with y<sup>e</sup> advice of our and their Councill may determine therein according to equity; and lastly, our will and pleasure is, that the said president and Councill for y<sup>e</sup> time being, doe prepare and send to England, such rules and methods for their own proceedings, as may best suite with the constitution of the saide prov. of New Hampshire.

For y<sup>e</sup> better establishing our authority theire and the government thereof, that we and our privie Councill may examine and alter or approve the same, in witness whereof, we have caysed these our letters to be made patent.

Witness our self, at Westminster, the 18th of September, In the one and thirtieth year of our Reigne.

PER IPSUM REGEM, BARKER.

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*Province Laws.*

[Coun. and Assem. Rec.]

The Generall Lawes and Liberties of the Province of New Hampshire, made by the Generall Assembly in Portsm<sup>o</sup> the 16<sup>th</sup> of March, 1678 and aproved by the Presid<sup>t</sup> and Councill.

For as much as it hath pleased our Sovereigne Lord the King, out of his Princely Grace and favour, to take vs, the Inhabitants of New Hampshire, into his imediate Governm<sup>t</sup> and Protection, the w<sup>ch</sup>, as we are ever bound to acknowledge w<sup>th</sup> great thankfulnessse, soe we have great reason to hope and believe y<sup>t</sup> his Majesty will still continue to countenance and incourage vs with y<sup>e</sup> Injoym<sup>t</sup> of such Libertyes, Imunities and pptyes as belong to free borne Englishmen, and whereas his Majesty hath been pleased by his Letters Pattents, sent to vs, to confer such power upon y<sup>e</sup> Generall Assembly as to make such Lawes and ordinances as may best sute w<sup>th</sup> y<sup>e</sup> good Governm<sup>t</sup> and quiet settlem<sup>t</sup> of his Majesties subjects within this Province:

It is therefore ordered and inacted by this Generall Assembly and the authority thereof, that no Act, Imposition, Law or



Ordinance be made or imposed upon us but such as shall be made by the said Assembly and approved by the Presid<sup>t</sup> and Councill from time to time. That Justice and Right be equally and impshally administered vnto all: not sold, denied or causelessly deferred unto any. 9 Hen. 3, 29 Stat.; 2 Edw. 3, 8 Stat.; 5 Edw. 3, 9 Stat.; 14 Edw. 28; Edw. 3, 3 Stat.; 11 R. 2, 10, 17; Caro. 1, 10.

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*Cappitall Laws.*

IDOLLITRY.

1. It is Inacted by y<sup>e</sup> Assembly and y<sup>e</sup> authority thereof, y<sup>t</sup> if any pson having had the knowledge of the true God, openly and manifestly have or worship any other God but the Lord God, he shall be put to death. Ex. 22: 20; Deu. 13: 6 and 10.

BLASPHEMY.

2. If any pson w<sup>th</sup>in y<sup>e</sup> Province professing y<sup>e</sup> true God shall wittingly and willingly presume to blaspheme the wholly name of God, Father, Son or Holy Ghost, w<sup>th</sup> direct, express, presumptuous or high-handed blasphemy, either by willful or obstinate denying y<sup>e</sup> true God or his creation or Governm<sup>t</sup> of y<sup>e</sup> world, or shall curse God, Father, Son, or Holy Ghost, such pson shall be put to death. Levit. 24: 15 and 16.

TREASON.

3. Treason against y<sup>e</sup> pson of our Souereigne, y<sup>e</sup> King, the State, and Comon Wealth of England, shall be punished w<sup>th</sup> death.

PUBLIQUE REBELLION.

4. If any man conspire and attempt any Invasion or insurrection or Publique Rebellion against this his Majesties Province, or shall endeavor to surprise any towne or townes, fort or forts therein, or shall treacherously or pfidiously attempt the alteration and subversion of the fundamental frame of y<sup>e</sup> Government, according to his Majesties constitution by his Letters Pattents, every such pson shall be put to death, or otherwise greveously punished.

## WILFUL MURTHUR.

5. If any pson shall eomitt wilfull murthure by killing any man, woe: or child, upon premeditated malice, hated or cruelty, not in a way of necessary and just defence, nor by casualty against his will, he shall be put to death.

6. If any pson slayeth another pson suddenly, in his anger and cruelty of passion, he shall be put to death.

7. If any pson shall slay another through guile, either by poysoning or other such devilish practice, he shall be put to death.

## WITCHCRAFT.

8. If any Christian, soe called, be a witch, y<sup>t</sup> is, hath or consulted w<sup>th</sup> a familliar spirit, he or they shall be put to death.

## BEASTIALITY.

9. If any man lie w<sup>th</sup> a beast or brute creature by carnall copulation, they shall surely be put to death, and y<sup>e</sup> beast shall be slaine and buried, and not eaten.

## BUGGERY.

10. If any man lieth with mankind as he lieth w<sup>th</sup> a woman, both of them hath committed abomination; they shall be surely put to death, unless the one pty were forced or be vnder 14 years of age; and all other Sodomitical filthiness shall be severally punished according to the nature of it.

## FALSE WITNESS.

11. And if any pson rise up by false witness, and of purpose to take away a man's life, he shall be put to death.

## MAN STEALING.

12. If any man stealeth mankind, he shall be put to death or otherwise grievously punished.

## CURSING PARENTS.

13. If any child or children above 16 years old, of competent understanding, shall curse or smite their natural father or mother, he or they shall be put to death, unless it can be sufficiently testified that the parents have been very unchristianly negligent of y<sup>e</sup> education of such children, or soe provoked them by extreme cruell correction y<sup>t</sup> they have been forced thereunto to preserve themselves from death or maiming.

## A REBELLIOUS SON.

14. If any man have a rebellious or stubborne son of sufficient years and vnderstanding, viz. 16 years of age or upwards, weh shall not obey y<sup>e</sup> voyce of his father or y<sup>e</sup> voyce of his mother, y<sup>t</sup> when they have chastened him will not hearken vnto them, then shall his father and mother, being his naturall parents, bring him before the Majestrates assembled in court, and testifie vnto them that their son is rebelleous and stubborne, and wll not obey their voyce and chastizem<sup>t</sup> but lives in sundry notorious crimes, such son shall be put to death, or otherwise severely punished.

## RAPE.

15. If any man shall ravish a maid or woeman by committing carnal copulation w<sup>th</sup> her, that is above 10 years of age, or if she were vnd<sup>r</sup> 10 years of age, though her will was gained by him, he shall be punished w<sup>th</sup> death, or some other greivous punishm<sup>t</sup> as the fact may be circumstanced.

## WILFUL BURNING.

16. Whosoever shall wilfully or on purpose burn any house, ship, or barque, or any other vessell of considerable vallue, such pson shall be put to death, or otherwise greivously punished, as y<sup>e</sup> case may be circumstanced.

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*Criminall Laws.*

1. It is orderdd by the Assembly and the authority thereof that w<sup>t</sup> pson soever is to answer any criminal offence, whether they be in prison or under baile, his case shall be heard and determined at the court y<sup>t</sup> hath cognizance thereof.

## ADULTERY.

2. It is Inacted by this Assembly that whosoeyer shal comitt Adultery w<sup>th</sup> a married woe: or one betrothed to another man, both of them shall be sevearly punished by whipping two severall times, not exceeding 40 lashes, viz<sup>t</sup>., once when y<sup>e</sup> Court is sitting at weh they were convicted of the fact, and y<sup>e</sup> 2<sup>d</sup> time as the court shall order, and likewise shall ware 2 cappitall letters A. D. cut out in cloth and sowed on their

uppermost garm<sup>ts</sup> on their arms or back, and if at any time they shall be found w<sup>th</sup>out the said letters so worn whilst in this Govern<sup>mt</sup>, to be forthw<sup>th</sup> taken and publicly whiped, and so from time to time as often they are found not to wear them.

#### FORNICATION.

3. It is ordered by this Assembly and the authority thereof that if any man comit Fornication with any single woe: they shall be punished, either by injoyning marriage, or fine or corporall punishm<sup>t</sup>, or all or any of these, as y<sup>e</sup> judges of y<sup>e</sup> court y<sup>t</sup> hath cognizance of y<sup>e</sup> case shall appoint, and if any comitt carnall copulation after contract before marriage, they shall be amerced each of them 50s. and be imprisoned, if the court see reason; and if any cannot and will not pay y<sup>e</sup> fine, then to be punished by whipping. And for y<sup>e</sup> more discountenancing this prevailing evill, the Assembly hath further determined y<sup>t</sup> such as transgress in any of these wayes, and shall be convicted in publique court, their fines shall be paid in money.

#### BURGLARY.

4. For as much as many psons of late years have been and are apt to be injurious to the Lives and Goods of others, notwithstanding all Laws and means to prevent the same, it is therefore ordered by this Assembly and y<sup>e</sup> authority thereof y<sup>t</sup> if any pson shall comitt Burglary by breaking vp any dwelling house or ware house, or shall forceably robb any pson in y<sup>e</sup> field or high wayes, such offenders shall for the first offence be branded on the right hand w<sup>th</sup> y<sup>e</sup> letter B; and if he shall offend in the like kind a 2<sup>d</sup> time he shall be branded on the other and be severally whiped, and if either were comitted on y<sup>e</sup> Lord's day his brand shall be sett on his forehead, and if he shall fall into the like offence the 3<sup>d</sup> time he shall be put to death as being incoragable, or otherwise greivously punished, as y<sup>e</sup> court shall determine.

#### FELONY.

5. And whosoever shall steale or attempt to steale any ship, barque or vessell of burden, or any publique amunition, shall be severally punished according to the nature of such a fact, provided it extends not to Life or Limb.

6. That if any strangers or inhabitants of this Province shall

be legally convicted of stealing or purloyning any horses, chattels, money, or other goods of any kind, he shall be punished by restoring 3 fold to the ptie wronged, and a fine or corporall punishm<sup>t</sup>, as the court or 3 of the Councill shall determine. Provided that such sentence, where not given by y<sup>e</sup> court, it shall be at the liberty of y<sup>e</sup> delinquent to appeale to y<sup>e</sup> next court, putting in due caution there to appeare and abide a Tryall.

#### COUNCIL'S POWER IN CRIMINALS.

7. That any one of y<sup>e</sup> Councill may heare and determine such smaller thefts and pilferings as exceeds not y<sup>e</sup> damage or fine of 40s., or penalty of stocking or whipping not exceeding 10 strypes, or only legall admonition, as he shall see cause, saveing liberty of appeale to the delinquent as afores<sup>d</sup>.

#### SWEARING.

8. It is ordered by this Assembly and the authority thereof y<sup>t</sup> if any pson w<sup>th</sup>in this province shall sweare rashly or vainly by the holy name of God, or other oathes, he shall forfeit to the common Treasury for every such offence 10s., and it shall be in the power of any member of the Councill by warrant to y<sup>e</sup> Constable to call such pson before him, and vpon suffisient profe, to sentence such offenders and to give orders to levy y<sup>e</sup> fine; if such pson be not able or shall refuse the said fine, he shall be comitted to the stocks, there to continue for a time not exceeding 3 hours, nor less than 1 houre; and if any pson shall sweare more oathes than one at a time before they remove out of the roome or company where hee soe sweared, he shall then pay 20s.; the like penalty shall be inflicted for profane and wicked cursings of any pson or creature, and for multiplying the same as it is appoynted for profaine swearing; and in case any pson so offending by multiplying oathes or curses shall not pay his or their fine forthwith, they shall be whipped or comitted to prison till they shall pay the same, at the discretion of y<sup>e</sup> Court or Judges that shall have cognisance thereof.

#### PROFANING THE LORD'S DAY.

9. Upon information of sundry abuses and misdemeanors committed by divers persons on y<sup>e</sup> Lord's Day, It is therefore ordered

and inacted by this Generall Assembly, That w<sup>t</sup> pson soever w<sup>th</sup>in this Governm<sup>t</sup> shall p<sup>f</sup>ane y<sup>e</sup> Lord's Day, by doeing unnecessary servell worke or travell, or by sports or recreations, or by being at ordinarys in time of publike worship, such pson or psons shall forfeite 10s., or be whipt for every such offence, and if it appeares y<sup>t</sup> y<sup>e</sup> sin was proudly or presumptuously, and w<sup>th</sup> a high hand, comitted against the known comand and authority of y<sup>e</sup> Blessed God, such person therein dispising and reproaching y<sup>e</sup> Lord, shall be severally punished, at y<sup>e</sup> Judgm<sup>t</sup> of y<sup>e</sup> Court.

#### CONTEMPT OF GOD'S WORD, OR MINISTERS.

10. It is inacted &c., for as much as y<sup>e</sup> open contempt of God's word and y<sup>e</sup> messengers thereof, is y<sup>e</sup> desolating sin of sevell States and Churchs, It is therefore enacted, that if any Christian, so called, in this Province, shall speak contemptuously of the Holy Scriptures, or of y<sup>e</sup> holy penmen thereof, such pson or psons shall be punished by fine or corporall punishm<sup>t</sup>, as y<sup>e</sup> Court shall see reason, so as it extend not to life or limbe, or shall behave himself contemptuously toward the Word of God preached, or any minister thereof called and faithfully dispensing y<sup>e</sup> same in any congregation, either by manifest interrupting him in his ministeriall dispensations, or falsely or prmtorily charging him with teaching error, to y<sup>e</sup> disparagm<sup>t</sup> and hinderance of y<sup>e</sup> work of Christ in his hands; or manifestly or contemptuously reproach y<sup>e</sup> wayes, churches or ordinances of Christ, being duely convicted thereof, he or they, for the first transgression, be amerced 20s. to the province use, or to sett in y<sup>e</sup> stocks not exceeding 4 hours; but if he or they go on to transgress in y<sup>e</sup> same kind, then to be amerced 40s., or to be whiped for every such transgression.

#### FORCIBLE DETAINING POSSESSION.

11. It is ordered &c., y<sup>t</sup> where a judgement is given in any Court, for any pson, or house, or lands, upon y<sup>e</sup> tryal of the title thereof, or other just cause, if the pson against whome y<sup>e</sup> Judgm<sup>t</sup> is given doth either forceably detain possession thereof, either against the officer impowered to serve an execution thereon, or otherwise after execution served, enter upon it again, and soe retain possession by force, he shall be accounted a high offend<sup>r</sup> against y<sup>e</sup> Law, and breaker of the publike peace;

therefore, speedily to redress such a criminall offence, every of the Councill is impowered, and by his place hath power to give warrant and comand to ye Marshall, officer and other men whome he thinks meet to be employed in the case or business, the Marshall or other officers requiring aid greater or lesser as need require to suppress y<sup>e</sup> force and give possession to y<sup>e</sup> owner, and to imprission such as doe appear to be delinquents and their aiders and abettors, to be forth coming at ye next Court, y<sup>t</sup> did give y<sup>e</sup> Judgm<sup>t</sup> in the case, there to make their answer, and whom the Court doth find guilty, to sett such fine or other punishm<sup>t</sup> upon them, as the merrit of their severall cases doth require.

CONSPIRICIE AGAINST THIS PROVINCE, ETC.

12. It is ordered &c., That whosoever shall disturb or undermine the peace of this Province or Inhabitants thereof, by plotting w<sup>th</sup> others, or by his own tumultuous and offenceive carrage, traducing, quarreling, challinging, or assaulting, or any other way tending to publique disturbance, in w<sup>t</sup> place soever it be done, or shall defame any Court of Justice, or any of his Majesties Councill, or Judges of any Court in this Province, in respect of any act or sentence therein passed, every such offender upon due proof made shall be by y<sup>e</sup> Councill punished by fine, imprisonm<sup>t</sup>, binding to y<sup>e</sup> peace or good behaviour, according to the quality and measure of the offence or disturbance to them, seeming just and eaquall.

And that such as beate, hurt or strike any other person, shall be lyable to pay unto y<sup>e</sup> ptie hurt or stricken, together w<sup>th</sup> such fine to the Province, as, on consideration of the ptie smiting or being smitt, and w<sup>th</sup> w<sup>t</sup> instrument, danger more or less, time, place, pvocation, &c., shall be judged just and reasonable, according to the nature of the offence.

FORGERY OF DEEDS.

13. It is ordered, &c., y<sup>t</sup> if any pson shall forge any deed or conveiance, testim<sup>t</sup>, bond, bill, release, acquittances, letters of attourney, or any writing, to the injury of another, to prevent equity and justice, he shall pay y<sup>e</sup> ptie agreived double damage, and be fined soe much himself, to y<sup>e</sup> Province's vse, and if he cannot pay it, to be publiquely whiped and be branded with a Roman F in y<sup>e</sup> forehead.

## DEFACING RECORDS.

14. Be it also enacted, y<sup>t</sup> if any notary, or keeper of publique records or writings, shall wilfully imbazle or make away any such records or writings of concernm<sup>t</sup> comitted to his keeping and trust, or shall on ppose falsefie or deface them by raceing out, adding to them, or otherwise, such corrupt officer shall loose his office, be disfranceized and burned in the face, according to y<sup>e</sup> circumstances of the case.

## NONE TO ENDEAVOR TO CORRUPT YE OFFICERS.

15. And if any person shall endeavour to corrupt any officer y<sup>t</sup> keepeth such publique records or pap<sup>s</sup> of concernm<sup>t</sup>, to procure him to deface, corrupt, alter, imbazle any of them, he shall be sevearly punished by fine, imprisonm<sup>t</sup> or corporall punishm<sup>t</sup>, as y<sup>e</sup> matter may be circumstanced.

## LYING.

16. It is inacted by this Assembly, &c., That w<sup>t</sup> pson soever, being 16 yeares of age, or upward, shall wittingly or willingly make or publish any lie welch may be tending to y<sup>e</sup> damage or hurt of any pticular pson, or w<sup>th</sup> intent to deceive and abuse the people with false news or reports, shall be fined for every such default 10s., and if y<sup>e</sup> ptie cannot or will not pay y<sup>e</sup> fine, then he shall sit in y<sup>e</sup> stocks as long as the Court shall think meete; and if the offenders shall come to any one of Councill and own his offence, it shall be in the power of any one of y<sup>e</sup> Councill afore<sup>sd</sup> to execute ye law upon him where he liveth, and spare his appearance at y<sup>e</sup> Court, but in case when y<sup>e</sup> lie is greatly prnitious to y<sup>e</sup> comon weale, it shall be more sevearly punished according to the nature of it.

## BURNING FENCES.

17. It is inacted by this Assembly, &c., That if any pson shall willfully, and of sett purpose, burn any man's fence, he shall make good the damage to the ptie wronged, and be amerced 40s. and be bound to the good behavior, if the Court so meete.

## BREAKING DOWN FENCES.

18. It is further ordered, That if any pson shall wilfully and on purpose brake down an other man's fence, gate or bridge, to y<sup>e</sup> anoyance either of a pticular person or a neighborhood, he



shall make up such fence, gate or bridge, at his own charge, pay y<sup>e</sup> damage thereby sustained, and be amersed according to the nature of the offence, sauing the right of him y<sup>t</sup> pulls up a fence sett on his land wi<sup>th</sup> out his approbation.

#### DEFACING LANDMARKS.

19. And whosoever shall willfully pluck up, remove or deface any Landmark or bound betweene ptie and ptie, y<sup>t</sup> hath been or shall be orderly set up by psons thereunto appointed, he or they shall be fined from 20s. to 5 pounds, as the offence may be circumstanced.

#### UNLAWFUL GAMING IN PUBLIQUE HOUSES.

20. Be it inacted by this Assembly, &c., That noe Innholder or publique house keeper shall suffer any unlawfull games, nor any kind of gaming, in or about his house, for money or moneys worth liquors, wine, beer or the like, on forfeit of 40s., to be paid by the master or keeper of such house, and 10s. by each gamester for every such default.

#### LOTTERY.

21. Be it further inacted, y<sup>t</sup> no pson in this Province shall play at cards, dice, or any such unlawful games wherein there is Lottery, at any private house or elsewhere in the Province, on penalty of 10s. fine, to be paid by evry one y<sup>t</sup> soe playeth, and 20s. by the master or head of a family y<sup>t</sup> shall know of and suffer any such gameing where he hath to comand.

#### DRUNKENNESS.

22. For as much as it is observed y<sup>t</sup> y<sup>e</sup> sin of drunkenness doth greatly abound, to the dishonor of God, impoverishing of such as fall into it, and grief of such as are sober minded, for y<sup>e</sup> prevention of y<sup>e</sup> growing and prevailing evill, It is inacted by this Assembly, and y<sup>e</sup> authority thereof, y<sup>t</sup> w<sup>h</sup>soever pson shall be found drunk at any time in any Taverne, ordinary, alehouse, or elsewhere in this Province, and be legally convicted thereof, he or they shall for y<sup>e</sup> first default be fined 5s. to y<sup>e</sup> use of the Province—for the 2d default 10s.; and if he or they will not or can not pay y<sup>e</sup> fine, then to be sett in y<sup>e</sup> Stocks not exceeding 2 houres, and for the 3<sup>d</sup> transgression to be bound to y<sup>e</sup> good behavior; and if he shall transgress a 4<sup>th</sup> time, to pay 5 pounds

or be publickly whipt, and so from time to time as often as they shall be found transgressors in that kind. By drunkenness is to be understood one y<sup>t</sup> lisps or falters in his speech by reason of over much drink, or y<sup>t</sup> staggers in his going, or y<sup>t</sup> vomits by reason of excessive drinking, or that cannot by reason thereof follow his calling.

#### FIREING WOODS.

23. Whereas many have sustained great damage by indiscreet and untimely fireing of the woods, It is ordered, that none shall fire y<sup>e</sup> woods at any time but between y<sup>e</sup> 1<sup>st</sup> of March and y<sup>e</sup> latter end of April; and if any shall unnessesarily fire the woods, or not observe this order, damnifie any, he shall make good the damage and be fined 10s., or sett in the Stocks.

#### COUNCILL'S POWER IN CRIMINALS.

24. It is hereby inacted, y<sup>t</sup> it shall be in y<sup>e</sup> power of any member of the Councill to hear and determine all criminall cases where the fine doth not exceed 40s., or y<sup>e</sup> punishm<sup>t</sup> 10 stripes or committing to stocks, always allowing liberty to the delinquent of appeale to y<sup>e</sup> next Court for tryalls of actions w<sup>th</sup>in y<sup>e</sup> Province; and further, in cases doubtful or difficult, it shall be in y<sup>e</sup> power of y<sup>e</sup> Judge before whom y<sup>e</sup> pson is convicted, to bind them over to the next Court in this Province, to comitt to prison as y<sup>e</sup> fact may deserve, allowing also for entering Judgm<sup>t</sup> and filing evidences 2s. 6d.

#### PRISON KEEPER'S CHARGE.

25. It is ordered by this Assembly and y<sup>e</sup> authority thereof, y<sup>t</sup> no Prison keeper w<sup>th</sup>in this Province shall suffer any pson to goe w<sup>th</sup>out the presinks of the prison, y<sup>t</sup> is delivered unto them for debt, by virtue of any execution, and it is further ordered the houses and yards of the said keepers shall be allowed & accounted the presinks of the s<sup>d</sup> prison, and y<sup>t</sup> it shall be lawful for any officer w<sup>th</sup>in this Province, if he have occation to carry any prisoner to the nearest Prison in the Province, and y<sup>t</sup> if any Prison keeper shall suffer any such prisoner to goe w<sup>th</sup>out the presinks of y<sup>e</sup> s<sup>d</sup> prison, they shall be liable to satisfie the whole debt for w<sup>ch</sup> y<sup>e</sup> s<sup>d</sup> Prisoner was imprisoned, and the s<sup>d</sup> keeper's fees shall be 5s. for turning the key, to be paid by the person imprisoned, before he be set at liberty.

## MARSHALLS.

26. It is ordered by this Assembly and the authority thereof, y<sup>t</sup> it shall be lawful for either of the marshalls in this Province to levy executions, attachm<sup>t</sup> and warrants in any p<sup>t</sup> of y<sup>e</sup> s<sup>d</sup> Province, and y<sup>t</sup> feese for serving attachm<sup>t</sup> w<sup>th</sup>in their owne townes shall be 2s. for evry attachm<sup>ts</sup>, to be paid by them y<sup>t</sup> imploy them before they shall be compelled to serve it, and 2 for a warr<sup>t</sup>: for warr<sup>ts</sup> served upon criminall offenders.

JUDGM<sup>T</sup> AND EXECUTION TO STAND GOOD Y<sup>T</sup> WERE BEFORE Y<sup>B</sup>  
LATE CHANGE.

27. It is ordered by this Generall Assembly and the authority thereof, y<sup>t</sup> all Judm<sup>ts</sup> and Executions granted on any civill or criminall cases by former Courts of Justice w<sup>th</sup>in this Province, or y<sup>e</sup> County Court of Norfolk to any of our Inhabitants within this Province, shall be held as good and vallued for and against any pson as when they were granted by the Court at the time of tryall.

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*General Lawes.*

## TOWNSHIPS, &amp;C., CONFIRMED.

1. To prevent contention that may arise amongst vs by reason of the late change of Governm<sup>t</sup>, it is ordered by this Assembly and the authority thereof y<sup>t</sup> all land, Townships, Town grants, w<sup>th</sup> all other grants lying w<sup>th</sup>in the limitts of this Province, and all other rights and prop<sup>'</sup>ties, shall stand good, and are hereby confirmed to y<sup>e</sup> townes and psons concerned, in the same state and condition as they did before this late alteration.  
33 Ed: 1.

## CONTROVERSIES OF LAND TO BE TRIED BY A JURY.

2. And it is further ordered, y<sup>t</sup> if any difference or controversy shall hereafter arise amongst us about the titles of land w<sup>th</sup>in this Province, it shall not be finally determined but by a Jury of 12 able men, chosen by the freemen of each towne according to law and custome, and sworne at y<sup>e</sup> Quarter Court wch shall take cognisance of the case.

## CONTRACTS TO BE PAID IN SPECIA.

3. For preventing deceite in trade, y<sup>t</sup> all men may be on a certainty in matters of contracts and bargains, It is ordered by this Generall Assembly and the authority thereof, that all contracts, agreem<sup>ts</sup> or covenants for any specia whatsoever shall be paid in the same specia bargained for, any law, vseage or custome to the contrary notwithstanding.

## HORSES.

4. It is ordered by this Assembly and y<sup>e</sup> authority thereof, that y<sup>e</sup> brand markes mentioned in the Law, title horses, to brand horses w<sup>th</sup>, shall be as followeth : for the towne of Portsmouth P, for y<sup>e</sup> towne of Hampton H, for y<sup>e</sup> towne of Dover D, and for the towne of Exeter E.

For the preventing of damage being done by horses w<sup>th</sup>in this Province, by reason of y<sup>e</sup> goeing upon our lands and pastures w<sup>th</sup>out some fettering, it is ordered by this Assembly and y<sup>e</sup> authority thereof y<sup>t</sup> no horse or horse kind shall be suffered to goe vpon any of our lands and pastures w<sup>th</sup>out fence w<sup>th</sup>in this Province, from y<sup>e</sup> 1<sup>st</sup> day of May vnto y<sup>e</sup> 1<sup>st</sup> of Sber, without a sufficient p<sup>r</sup> of iron fetters on his feete, or a clog equivelent, vpon y<sup>e</sup> penalty of evry owner of any such horse or horse kind y<sup>t</sup> shall be taken doeing damage, or w<sup>th</sup>in any man's corne field, meadows or inclosures, paying 5s. in m<sup>o</sup>, besides all damage to y<sup>t</sup> ptie y<sup>t</sup> impounded them; and if they be found doing damage w<sup>th</sup>out y<sup>e</sup> towne brande to wch they belong, y<sup>e</sup> owners of them shall pay 20s. in mony; and it is likewise ordered y<sup>t</sup> evry towne w<sup>th</sup>in this Province shall have a distinct brand marke, wch they shall brand their horses w<sup>th</sup> all y<sup>t</sup> goe in y<sup>e</sup> comons from time to time.

It is further ordered that no horse or horses shall be suffered to goe vpon any of our lands and pastures w<sup>th</sup>out fense w<sup>th</sup>in this Province y<sup>t</sup> is known to be vnruely, w<sup>th</sup>out the approbation of y<sup>e</sup> selectmen, or y<sup>e</sup> major p<sup>t</sup> of them of y<sup>e</sup> severall townes, vnder y<sup>e</sup> penalty of evry owner of such horse paying 10s. in money to y<sup>e</sup> ptie y<sup>t</sup> soe find them contrary to this order, or loose his y<sup>e</sup> s<sup>d</sup> horse soe taken.

## TIME AND PLACE FOR KEEPING COURTS.

5. For the better administration of justice, It is ordered by this Assembly and the authority thereof, y<sup>t</sup> these courts following shall be annually kept w<sup>th</sup>in this Province: A GENERALL ASSEMBLY, to meete at Portsm<sup>o</sup> y<sup>e</sup> 1<sup>st</sup> Tuesday in March, to make and constitute such Lawes and ordinances as may best conduce to y<sup>e</sup> good governm<sup>t</sup> of this his Majesties Province, as also w<sup>th</sup> the Presid<sup>t</sup> and Coun<sup>ll</sup>, to heare and determine all actions of appeale from Inferior Court, whither of civill or criminall nature. Alsoe, there shall be 3 other courts held at time and place hereafter mentioned by y<sup>e</sup> Presid<sup>t</sup> and Coun<sup>ll</sup>, or any 6 of y<sup>e</sup> Coun<sup>ll</sup>, whereof y<sup>e</sup> Presid<sup>t</sup> or his Deputy be one, together w<sup>th</sup> a Jury of 12 honest men, chosen and called as y<sup>e</sup> law directs, for such as desire to be tried by a Jury; evry of weh Courts shall have full power to heare and determine all cases, civill and criminall, allowing one liberty of appeale from such sentance or judgm<sup>t</sup> as shall be passed in s<sup>d</sup> Court or Courts, to y<sup>e</sup> Presid<sup>t</sup> and Coun<sup>ll</sup>, together with the Generall Assembly as above s<sup>d</sup>, provided such appellant give bond to prosecute according to law. The time and place for holding such shall be as followeth:

At Dover y<sup>e</sup> first Tuesday in June; at Hampton y<sup>e</sup> first Tuesday in 7ber.; at Portsm<sup>o</sup> the first Tuesday in 10ber.

## ALL TRYALLS BY JURY.

6. It is further enacted y<sup>t</sup> all tryalls, whether capitall, criminal, or between man and man, both respecting merittine affairs as well as others, be tryed by a Jury of 12 good and lawfull men, according to the good & commendable custome of England, except the ptie or pties concerned doe refer it to the bench, or some express law doth refer it to their judgm<sup>t</sup> and tryall, or the tryall of some other court where jury is not, in w<sup>ch</sup> case any ptie agreived may appeale, and shall have tryall by a jury; and it shall be in y<sup>e</sup> liberty of both plan<sup>t</sup> and defend<sup>t</sup>, or any delinquent y<sup>t</sup> is to be tryed by a jury, to challenge any of y<sup>e</sup> jury, and if y<sup>e</sup> challenge be found just and reasonable by y<sup>e</sup> bench, it shall be allowed him, and others w<sup>th</sup>out just exception shall be impanelled in their roome; and if it be in case

of life and death the prisoner shall have libertye to except against 6 or 8 of y<sup>e</sup> jury w<sup>th</sup>out giving any reason for his exceptions.

CONSTABLES TO CLEAR THEIR RATE IN THE YEAR.

7. For the better clearing of y<sup>e</sup> arrears in the hands of the constables,

It is ordered y<sup>t</sup> if any Constable shall faile to clear vp his rates w<sup>th</sup>in his yeare, he shall be lyable to have his estate distrained by warr<sup>t</sup> from y<sup>e</sup> Treas<sup>r</sup>, directed to y<sup>e</sup> Marshall or Marshalls w<sup>th</sup>in this Province; and for all rates for y<sup>e</sup> ministry and other towne rates, y<sup>e</sup> selectmen shall direct their warr<sup>ts</sup> to ye Constables next chosen, to distraine upon the estates of such Constables as shall faile of their duties therein.

FREEMEN.

8. It is ordered by this Assembly and the authority thereof, y<sup>t</sup> all Englishmen, being Protestants, y<sup>t</sup> are settled Inhabitants and freeholders in any towne of this Province, of y<sup>e</sup> age of 24 years, not viceous in life but of honest and good conversation, and such as have 20*l*. Rateable estate w<sup>th</sup>out heads of persons having also taken the oath of allegiance to his Maj<sup>s</sup>, and no others shall be admitted to y<sup>e</sup> liberty of being freemen of this Province, and to give their votes for the choice of Deputies for the Generall Assembly, Constables, Selectmen, Jurors and other officers and concernes in y<sup>e</sup> townes where they dwell; provided this order give no liberty to any pson or psons to vote in the disposion or distribution of any lands, timber or other properties in y<sup>e</sup> Towne, but such as have reall right thereto; and if any difference arise about s<sup>d</sup> right of voting, it shall be judged and determined by y<sup>e</sup> Presid<sup>t</sup> and Council w<sup>th</sup> the Gen<sup>l</sup> Assembly of this Province.

MARRIAGE.

9. As the ordinance of Marriage is Hon<sup>r</sup>able amongst all, so should it be accordingly solemnized. It is therefore ordered by this Assembly and the authority thereof, that any member of ye Council shall have liberty to joyne any persons together in marriage; and for prevention of unlawfull marriages it is ordered y<sup>t</sup> no pson shall be joyned in marriage before the intention of the pties pceeding therein have been 3 times pub-

lished, at some publique meeting in y<sup>e</sup> townes, where y<sup>e</sup> pties, or either of them doe ordinarily reside, or be sett up in writing upon some post of their meeting house door, in publique view, there to stand soe as it may be easily read, by y<sup>e</sup> space of 14 dayes.

#### MAKING RATES.

10. That thear may be a just and eaquall way of raising means for defraying y<sup>e</sup> publique charge, boath in church and civill affairs, whereof every pson doth or may receive y<sup>e</sup> benefit, their persons and estates shall be asseessed or rated as followeth, viz<sup>t</sup>: to a single rate of a penny in y<sup>e</sup> pound, every male person above the age of 16 yeares, is valled at 1*l.*, and all land within fense, meddow or marsh, mowable, shall be at 5*s.*  $\frac{3}{4}$  acre; all pasture lands without fence, rate free; all oxen 4 yeares old and upward, 3*l.*; steers, cows and heiffers of 3 yeare old, at 40*s.*; steers and heiffers, of 2 yeares old, at 25*s.*; yearlings at 10*s.*; horses and mares of 3 yeares old and upward, at 20*s.*; sheepe above 1 yeare old, at 5*s.*; swine above one yeare old at 10*s.*; and all other estates whatsoever, in y<sup>e</sup> hands of whome it is at y<sup>e</sup> time when it shall be taken, shall be rated by some equall proportion, by y<sup>e</sup> selectmen of each towne, w<sup>th</sup> grate care y<sup>t</sup> pticulars be not wronged; and all ships, ketches, barques, boates, and all other vessells w<sup>ch</sup>soever, shall be rateable, as allso all dwelling houses, ware houses, wharffs, mills, and all handycrafts men, as carpenters, masons, joiners, shoemakers, taylors, tanners, curriers, butchers, bakers, or any other artificers, victuallers, merch<sup>ts</sup> and inn keepers shall be rated by estymation. If any persons be greved at their being over-rated, they shall have liberty to complaine to y<sup>e</sup> next quar<sup>r</sup> Court, who shall give them all just releife.

#### SELECTMEN TAKE ACCOUNTS.

11. For y<sup>e</sup> more eaquall and impshall valling of houses and ships and other estates of m<sup>r</sup>cht<sup>s</sup>, traders, handycraft, wch must necessarily be rated by estymatyon—

Bee it enacted by this Assembly and the authority thereof, y<sup>t</sup> y<sup>e</sup> selectmen of y<sup>e</sup> severall townes shall forthw<sup>th</sup> take an acco<sup>t</sup> of all such estates, w<sup>th</sup> y<sup>e</sup> vullue thereof according to their ordinary way of rating; a list of w<sup>ch</sup> estates, so taken and valled, shall be tranmitted to a committee of 4 men chosen

by this Assembly out of Dover, Portsm<sup>o</sup>, Hampton and Exeter, together w<sup>th</sup> 2 of y<sup>e</sup> Coun<sup>ll</sup>, wch comittee shall examine and compare s<sup>d</sup> list and bring s<sup>d</sup> estates to an equall valluation, having respect to the places where they lie, y<sup>t</sup> no towne or pson be burthened beyond proportion; wch act of said comittee in the valluation of s<sup>d</sup> estates shall stand as a rule, according to which rates and asseasm<sup>ts</sup> shall be made for y<sup>e</sup> future; y<sup>e</sup> psons chosen for this<sup>s</sup> Comittee are Rich<sup>d</sup> Walderne, Esq<sup>r</sup>, Elias Stileman, Esq<sup>r</sup>, Mr. Ro: Elliott, Mr. Anthony Nutter, Mr. Ralph Hall, Mr. Edward Gove, and y<sup>e</sup> time of meeting y<sup>e</sup> 2<sup>d</sup> Tuesday in Aprill in Portsm<sup>o</sup>.

A LIST OF MALES AND ESTATES TO BE TAKEN.

12. It is ordered by this Generall Assembly y<sup>t</sup> warr<sup>ts</sup> be forthwith ishued out to y<sup>e</sup> Selectmen of y<sup>e</sup> severall townes w<sup>thin</sup> this Province, y<sup>t</sup> they doe forthw<sup>th</sup> take a list of all y<sup>e</sup> male psons of 16 yeares old and v<sup>p</sup>ward in their respective townes, w<sup>th</sup> y<sup>e</sup> valluation of all their estates, according to such rules as are past this court; and all psons y<sup>t</sup> are so rated are to be rated by estymatyon and make returns thereof to y<sup>e</sup> comittee appointed for y<sup>t</sup> affaire, at or before the 2<sup>d</sup> Tuesday in Aprill next.

BOUNTY FOR KILLING WOOLFE.

13. It is ordered by this Assembly y<sup>t</sup> evry pson w<sup>thin</sup> this Province y<sup>t</sup> shall, after y<sup>e</sup> date hereof, kill any woolfe w<sup>thin</sup> this Province, they shall forthw<sup>th</sup> carry the head of every such woulfe unto y<sup>e</sup> constable of y<sup>e</sup> same towne, who shall bury or deface the same by cutting the cares off, and y<sup>e</sup> s<sup>d</sup> constable shall give y<sup>e</sup> s<sup>d</sup> ptie a sirtificate, attested under his hand, of y<sup>e</sup> day and y<sup>e</sup> rec<sup>t</sup> thereof; and y<sup>e</sup> s<sup>d</sup> ptie procuring such a sirtificate shall be allowed by y<sup>e</sup> Treasurer of y<sup>e</sup> Province for every woulfe soe killed 40s. out of y<sup>e</sup> next rate made for the Province; but if the ptie be an Indian that killed y<sup>e</sup> woulfe, he shall be allowed but 10s., and the s<sup>d</sup> Indian shall make proof that he killed y<sup>e</sup> s<sup>d</sup> woulfe w<sup>thin</sup> this s<sup>d</sup> Province.

FORMER LAWS TO STAND.

14. For a presant settlem<sup>t</sup> of matters in civill and criminall proceedings, and directions to Courts, Judges and all other officers, it is ordered that those Lawes wch we have fform<sup>ly</sup> been directed and governed by, shall be a rule to vs in all Judi-



ciall proceedings, soe far as they will sute our constitution and be not repugnante to y<sup>e</sup> Laws of England, vntill such acts and ordinances as have beene or shall be made by this assembly and approved by y<sup>e</sup> Hon<sup>d</sup> Presd<sup>t</sup> and Council, may be drawne up and legally published. The like lawes shall be a rule to all the selectmen in each towne for y<sup>e</sup> managm<sup>t</sup> of all their prudenciall affaires, according to the lawdable customs hitherto vsed.

PROVINCE RATE.

15. For defraying of y<sup>e</sup> publike charge of the Province, It is ordered by this Assembly and y<sup>e</sup> authority thereof, y<sup>t</sup> a rate be made of 1½*d.* in y<sup>e</sup> pound, upon all psons and estates (y<sup>e</sup> Presd<sup>t</sup> and Council, ministers and elders of churches excepted), in this Province, according to y<sup>e</sup> valuation made by this Assembly, and y<sup>t</sup> y<sup>e</sup> Selectmen in y<sup>e</sup> severall Towns doe forthw<sup>th</sup> pforme the duty of their places, in y<sup>e</sup> making such rates and comitting them to the respective constables, to be imediately collected, and the same to be transmitted to the Treas<sup>r</sup> of the Province. This rate is to be paid in the speatiales at y<sup>e</sup> prices following, viz<sup>t</sup>:

M<sup>'</sup>ble boards at any mills in Piscataqua Riv<sup>r</sup> at y<sup>e</sup> vsiall place of delivery, at 30s. p. M. M<sup>'</sup>ble w<sup>t</sup> oak pipestaves, at some convenient landing place, where y<sup>e</sup> constable shall apoint,

	at 3 <i>l.</i> p. M.
R: o: p:* Staves p supra,	at 30s. p. M.
R: o: hhd: ditto p supra,	at 25s. p. M.
Indian Corne	at 2½ <i>s.</i> p. bush.
Wheate	at 5 <i>s.</i> p. bush.
Malt	at 4 <i>s.</i>
Fish	at price curr <sup>t</sup> .

And whosoever shall pay their rates in shall be abated ⅓ p<sup>t</sup>.

[There is a marginal note on the section above, as follows: "Not to be transcribed as a law."]

CONSTABLES TO CLEAR THEIR RATES WITHIN THE YEAR.

16. It is inacted by this Assembly and the authority thereof, That whereas y<sup>e</sup> Constables of the severall Townes are enjoyned to cleare their rates, on penalty of making good y<sup>e</sup> same out of their owne Estates—

\*Red oak pipe.

## PENALTY FOR REFUSING TO PAY.

17. It is therefore ordered y<sup>t</sup> if any pson or psons w<sup>th</sup>in this Province, rateable, shall refuse to pay his rate or rates, or discover any estate to the Constable, y<sup>t</sup> the Constable shall have power to seize his person and carry him to the next prison, there to remaine till he pay his s<sup>d</sup> rates, or give good security soe to doe.

## MARSHALLS TO LEVY FINES.

18. It is further ordered, y<sup>t</sup> every marshall in y<sup>e</sup> Province shall diligently and faithfully collect and levey all such fines and sums of money, of every person for w<sup>ch</sup> he shall have warr<sup>t</sup> or execution signed by the Treasurer, or other authority constituted by his Majesty in y<sup>e</sup> Province, and s<sup>d</sup> sums soe leved he shall w<sup>th</sup> all convenient speed deliver to y<sup>e</sup> s<sup>d</sup> Treasurer or ptie, or attorney y<sup>t</sup> obtained y<sup>e</sup> Judgm<sup>t</sup> or execution, and y<sup>e</sup> s<sup>d</sup> marshall shall make returnes of all such warr<sup>ts</sup> or executions w<sup>th</sup> w<sup>t</sup> hee hath done by vertue thereof, vnder his hand, at the next Quar<sup>t</sup> Court, or Sessions in y<sup>e</sup> Province, after y<sup>e</sup> receipt thereof vnto y<sup>e</sup> Treasurer, Sect<sup>y</sup> or Clark y<sup>t</sup> granted y<sup>e</sup> same; to be by him kept, and if y<sup>e</sup> execution or warr<sup>t</sup> be not fully satisfied the s<sup>d</sup> Sect<sup>y</sup>, Clark, or treasurer may grant execution for y<sup>e</sup> remainder.

## MARSHAL'S FEES.

19. And it is hereby ordered y<sup>t</sup> y<sup>e</sup> Marshall's fees shall be as followeth: For all executions and warr<sup>s</sup> leved by them vnder five pound, five shillings; for all executions not exceeding tenn pounds, twelve pence in y<sup>e</sup> pound; for all executions above tenn pounds and not exceeding forty pound, 10s. for y<sup>e</sup> 10l., and six pence in y<sup>e</sup> pound for evry pound more; and for all executions above 40l. and not exceeding 100l. in the above s<sup>d</sup> fees for y<sup>e</sup> 40l., and 3d. in y<sup>e</sup> pound for evry pound above forty, and one penny in y<sup>e</sup> pound for every pound above 100l., out of the estate of y<sup>e</sup> pson the execution is served upon, over and above, besides y<sup>e</sup> execution, and in all cases where y<sup>e</sup> above s<sup>d</sup> fees for levying executions or fines will not answer the Marshall's travell, & other necessary charge, he shall have power to demand 6d. p. mile, and vpon refusall or nonpayment to levy the same, togeather w<sup>th</sup> his other fees.

## MARSHALLS MAY CALL FOR ASSISTANCE.

20. And whereas the s<sup>d</sup> Marshalls have oftentimes need of Assistance in the execution of y<sup>e</sup> office, it is therefore ordered y<sup>t</sup> y<sup>e</sup> Marshall or Constables w<sup>th</sup>in y<sup>s</sup> Province shall and have liberty to charge any pson to assist them in y<sup>e</sup> execution of y<sup>r</sup> office, if they see need; and whosoever shall neglect or refuse to assist them when thereunto required, the ptie soe refusing, complaint being made vnto any member or members of y<sup>e</sup> Councill or Court, he shall pay such a fine in money, vnto y<sup>e</sup> Treasurer of the Province, as Judge or Court y<sup>t</sup> hath cognisance thereof shall determine, according to the nature of the offence.

## WHERE MARSHALS SHALL MAKE DEMANDS.

21. And in all cases of fines and assesm<sup>ts</sup> to be levyed, and upon execution in civil actions, the Marshall or Constable shall make a demand at y<sup>e</sup> place of the pties vsiall abode, if it be knowne, and of the ptie if he be there to be found; if not, the marshall or Constable so employed shall leave at y<sup>e</sup> s<sup>d</sup> house his demand of y<sup>e</sup> same, and lyable to be paid by virtue of s<sup>d</sup> execution, rate or warr<sup>t</sup>, for fine attested under his hand; and upon refusal or nonpaym<sup>t</sup> accordingly, the officer or Marshall shall have power, calling assistance, if they see cause to break open the door of any house, chest or place, where he shall have notice y<sup>t</sup> any goods lyable to such levyes or execution shall be; and if he be to take y<sup>e</sup> pson, he may do y<sup>e</sup> like, if vpon demand he shall refuse to surrender himself. And wtsoever charge the officer shall nessessarily be put vnto vpon any such occasion, he shall have power to levy the same as he doth debt, rate, fine or execution. And where the officer shall levy any such goods vpon execution, y<sup>t</sup> cannot be conveyed to y<sup>e</sup> place where y<sup>e</sup> ptie dwells, for whome such execution shall be levyed (if they be to be there delivered), w<sup>th</sup>out considerable charge, he shall levy y<sup>e</sup> s<sup>d</sup> charge also w<sup>th</sup> y<sup>e</sup> execution, and in no case shall any officer be put to seek out any man or estates, farther y<sup>n</sup> his place of abode; but if y<sup>e</sup> ptie will not discover his estate, the officer may take his pson, and if any officer shall doe injury to any by couller of this office, in this or

any other case, he shall be lyable vpon complaint of the ptie wronged, by action or information, to make full resstitution, and no marshall or constable shall in any case make a deputy.

FINES TO BE PAID FORTHWITH.

22. It is farther ordered y<sup>t</sup> w<sup>h</sup>n any Delinquents are fined to y<sup>e</sup> Province, they shall forthw<sup>th</sup> pay their fines in money, or y<sup>t</sup> wch is equivalent, or give good security to the Treasurer for the same, or y<sup>e</sup> pson shall be secured till they do it.

NEAR RELATIONS NOT TO VOTE.

23. For preventing all occation of ptiallity in Courts of Justice, and avoinding of jellousies, It is ordered y<sup>t</sup> in all civill cases betweene ptie and ptie, where the judges or jurors are neerly related to either ptie, as y<sup>e</sup> relation of ffather and son, either by nature or marriage, brother and broth<sup>rs</sup>, vnkle and nephew, landlord and tennant, y<sup>t</sup> judge or juror soe related shall not vote or give sentence in any case wherein his relations are y<sup>e</sup> pties concerned.

NO IMPRISONMENT BEFORE SENTENCE.

24. Be it farther enacted y<sup>t</sup> no man's pson shall be restrained or imprisoned by any authority w<sup>t</sup>soever before the law hath sentenced him therevnto, if he can and will put in suffisient security, bail or maine price, for his appearance and good behavior in y<sup>e</sup> mean time, vnless it be in crimes captall, or contempt in open Court, but in such cases where some express act of court doth allow it.

LEGAL NOTICE IN CASE OF ATTACHMENT.

25. And it is farther ordered, y<sup>t</sup> in all attachm<sup>ts</sup> of goods and chattells, Land or Heredittem<sup>ts</sup> by ye officer, notice shall be given to the ptie against whom the suite is comenced, either by reading y<sup>e</sup> attachm<sup>t</sup> to him, or leaving a sumons or a copia of y<sup>e</sup> attachm<sup>t</sup>, vnder y<sup>e</sup> hand of y<sup>e</sup> officer, at his house or place of vsiall abode, or else y<sup>e</sup> case shall not proceed; but if y<sup>e</sup> ptie be out of y<sup>e</sup> Province and not like to return before y<sup>e</sup> court, y<sup>e</sup> case shall proceed to triall, but judm<sup>t</sup> shall not be entered, untill a month after, and execution shall not be granted vntil y<sup>e</sup> plaintife have given suffisient security to respond, if y<sup>e</sup> defendant shall reverse y<sup>e</sup> judgment w<sup>th</sup>in the space of one year.

Y<sup>e</sup> FREEMEN OF EACH TOWNE TO CHUSE THEIR OFFICERS AND MAKE ORDERS FOR THEIR TOWNES.—PENALTY FOR OFFENCES.

26. Whereas pticular Townes have many things w<sup>ch</sup> concerne only themselves and y<sup>e</sup> ordering of y<sup>r</sup> owne affairs of disposing of business in their owne Towne, It is therefore ordered y<sup>t</sup> y<sup>e</sup> freemen of every towne shall have power to chuse y<sup>r</sup> owne pticular officers, as Consta: Grand Juror, and Jury of Tryalls, Surveyors for y<sup>e</sup> highways, and like, annually, or otherwais as need requires, and to make such laws and constitutions as may concerne y<sup>e</sup> well fare of y<sup>e</sup> towne; provided they be not of a criminall but of a prudenciall nature, and y<sup>t</sup> the penalty exceed not 20s. for one offence, and that they be not repugnante to y<sup>e</sup> publique laws and orders of this Province; and if any Inhabitant shall neglect or refuse to observe them, they shall have power to levy the appointed penalty by distress; and if any man shall behave himself offencively at any town meeting, y<sup>e</sup> rest y<sup>r</sup> present shall have power to sentence him for such offense, soe as y<sup>e</sup> penalty exceed not 20s.

PRUDENTIAL OFFICERS.

27. And y<sup>e</sup> freemen of every towne shall have power to chuse yearly, or for a less time, a convenient number of fitt men to order y<sup>e</sup> prudenciall affairs of y<sup>e</sup> Towne, provided nothing be done by them contrary to y<sup>e</sup> Lawes and orders of this Province, and y<sup>t</sup> y<sup>e</sup> number doe not exceed 7 for one town; and y<sup>e</sup> selectmen in evry town shall take care from time to time to order and dispose all single psons and inmates w<sup>th</sup>in y<sup>r</sup> townes to service or otherwise; and if any pson be greived at any such order or disposall, they have liberty to appeale to the next court of this Province, y<sup>t</sup> by law hath prop. cognicence thereof.

NONE TO CAST BALLAST INTO THE RIVER.

28. It is ordered y<sup>t</sup> no ship or other vessell shall cast out any ballast in y<sup>e</sup> channel, or other place inconvenient, in any Harbor or River w<sup>th</sup>in this Province, upon y<sup>e</sup> penalty of tenn pounds.

AGE TO MAKE A VALID ACT.

29. It is ordered by the Generall Assembly, &c., That no pson in this Province shall have power to pass away lands,

Herridittam<sup>ts</sup>, or any other estates, or make any legall or vallued act, or be capable of suing or being sued in any of our Courts, in his or her own pson, vntill they attaine vnto y<sup>e</sup> age of 21 years; but any orphan may choose y<sup>r</sup> Gardean, to act for them at y<sup>e</sup> age of 14 years, to secure or Defend y<sup>r</sup> estates During y<sup>e</sup> minority; also y<sup>t</sup> all parents and masters shall have power in all civill cases to prosecute and Defend y<sup>e</sup> Rights of y<sup>r</sup> children or servants during the time of their nonage, and in all criminal cases every person, younger as well as elder, shall be Lyable to answer in y<sup>r</sup> owne person for any misdemeanures charged upon them, and may also Inform against any other person to any Court, member of y<sup>e</sup> Coun<sup>ll</sup>, or Gand Jury man w<sup>th</sup>in this Province.

ANY MEMBER OF Y<sup>E</sup> COUNCIL OR CLARK TO GRANT ATTACAM<sup>TS</sup>,  
AND HOW ATTACHMENTS ARE TO BE SERVED.

30. And it is further ordered, y<sup>r</sup> it shall be in y<sup>e</sup> Power of any member of y<sup>e</sup> Coun<sup>ll</sup> or any Clarke of y<sup>e</sup> writs allowed of by any of our gen. Courts, to grant sumons and attachm<sup>ts</sup> in all civil proceedings.

It is also ordered, y<sup>t</sup> all sumons or attachm<sup>ts</sup> shall be served 6 days inclusively before y<sup>e</sup> court where y<sup>e</sup> case is to be tryed, and y<sup>e</sup> cause or ground of y<sup>e</sup> action shall in y<sup>e</sup> said process be briefly Declared, and w<sup>t</sup> capassity y<sup>e</sup> Plaintiffe seweth, whither in his owne name, or as Attorney, assigne, gardian, execut<sup>r</sup>, Admin<sup>r</sup>, Agent, or such like: or in Defect thereof, if exception be taken before y<sup>e</sup> pties Joyne Ishew, it shall be accompted a Legall barr, and y<sup>e</sup> Plaintiff shall be lyable to pay Cost, but no circumstantiall error in a sumons or attachm<sup>t</sup> where y<sup>e</sup> ptie and case intended may be Rationally understood, shall be taken as a sufficient ground for a nonsuit.

PLANT. OR DEFEND<sup>T</sup> NOT APEARING, TO BE NONSUITED.

31. And if either plaintiff or Defendant doe make default of appearing, having been 3 times distinctly called by y<sup>e</sup> Marshall, or other officer appointed by y<sup>e</sup> court to call, the plaintiff shall be nonsuited and Lyable to pay the Defendant Cost.

Y<sup>E</sup> DEFEND<sup>T</sup> NOT APEARING, Y<sup>E</sup> SURETY OR GOODS ATTACHED  
TO STAND.

32. It is enacted by y<sup>e</sup> General Assembly and authority y<sup>r</sup>of, y<sup>t</sup> if y<sup>e</sup> Defendant faile of his appearance, if it appears by y<sup>e</sup>

process y<sup>t</sup> goods were attached or surety or sureties bound for his appearance after y<sup>e</sup> surety hath been 3 times called, y<sup>e</sup> action shall proceed to tryall, and if y<sup>e</sup> Judgm<sup>t</sup> be granted to y<sup>e</sup> plaintiff, execution shall shew forthe against y<sup>e</sup> Defendant, and y<sup>e</sup> surety or goods attached shall stand good for 1 m<sup>o</sup>th after Judgmt., but if the execution be not extended w<sup>th</sup>in one m<sup>o</sup>th after judgment, y<sup>e</sup> goods attached or suretys bound shall be Released.

NO OFFICER TO BAILE ANY W<sup>TH</sup>OUT GOOD SURETY.

33. And y<sup>t</sup> no pson may Loose or be Defrauded of his Just debt, it is ordered y<sup>t</sup> no Marshall, Constable or other officer shall baile any pson y<sup>t</sup> he hath attached, w<sup>th</sup>out sufficient surety; viz<sup>t</sup>, one or more y<sup>t</sup> is a settled inhabitant w<sup>th</sup>in this province, and y<sup>t</sup> hath a visible Estate to be Responsible, according to y<sup>e</sup> bond Required.

JUDGMENT TO BE ACKNOWLEDGED BEFORE 2 OF Y<sup>E</sup> COUN<sup>LL</sup>, &C.

34. It is further enacted, y<sup>t</sup> any pson y<sup>t</sup> is attached to our gen. Court, and desirous to prevent farther charge, shall have Liberty, upon notice given to y<sup>e</sup> plaintiff or his attorney, to appear before 2 of y<sup>e</sup> members of y<sup>e</sup> Coun<sup>ll</sup> and y<sup>e</sup> Clark or Recorder of any gen. Court w<sup>th</sup>in this province, and acknowledge a Judgment, w<sup>ch</sup> shall stand good and valid in Law, provided y<sup>t</sup> y<sup>e</sup> goods attached or surety bound shall not be Released till a month after y<sup>e</sup> acknowledgm<sup>t</sup> of such Judgm<sup>t</sup>, unless y<sup>e</sup> Cr<sup>r</sup> give under his hand y<sup>t</sup> he is satisfied, and y<sup>t</sup> such psons as Live out of y<sup>e</sup> province, the acknowledgm<sup>t</sup> of a Judgm<sup>t</sup> shall not free ym. unless they shall produce a sufficient surety y<sup>t</sup> is a settled inhabitant w<sup>th</sup>in y<sup>e</sup> Limitts of this province, to Ingage with him or them in ye acknowledgmt of y<sup>e</sup> Judgmt, and y<sup>e</sup> Execution to stand good against y<sup>e</sup> surety for a full month after.

PERSONS NOTIFIED NOT APEARING, Y<sup>E</sup> PENALTY.

35. Be it farther enacted, that if any pson sumoned to answer any presentmt, or for any fact or misdemeanor, do not appear at y<sup>e</sup> time appointed, he or they shall be proceeded against for contempt, except it appears they have been prevented by the hand of God.

PLAINT. MAY W<sup>TH</sup>DRAW HIS ACTION.

36. It is also enacted, y<sup>t</sup> it shall be at y<sup>e</sup> Liberty of the Plaintiff to w<sup>th</sup>draw his action at any time before y<sup>e</sup> Judge or Jury have given in y<sup>r</sup> verdict in y<sup>e</sup> case, in w<sup>ch</sup> case he shall pay full Cost to y<sup>e</sup> Defendant.

## NONE TO PRETEND GREAT DAMAGE TO VEX HIS ADVERSARY.

37. And y<sup>t</sup> no pson, in his suit or plaint against another, shall falsely pretend great damage or debts, to vex or discredit his adversary, and if it appears to y<sup>e</sup> Court y<sup>t</sup> any plaintife hath wittingly wronged y<sup>e</sup> Defendant in vexatious suits or complaints, he shall pay y<sup>e</sup> Defendant double cost, and be fined to y<sup>e</sup> province 40s. or more, according to the demerit of his fact.

## ACTIONS MAY BE REVIEWED.

38. It is further enacted, y<sup>t</sup> it shall be in y<sup>e</sup> liberty of any pson to review any suit or action wherein he hath been plaintife or Defendant in any Court w<sup>th</sup>in this province, but if any ptie be twice Cast upon a Review, and shall still persist in a Course of Law, if he be Cast a 3<sup>d</sup> time his Case shall be Judged vexatious, and shall pay double Cost and such fine as y<sup>e</sup> Court shall award, not exceeding five pounds.

## INNKEEPERS TO SELL NO STRONG DRINKS TO CHILDREN OR SERVANTS.

39. Be it also enacted, y<sup>t</sup> no ordinary or Innkeeper suffer any Servants, or Children vnder family governm<sup>t</sup>, to buy (or to set drinking of) any Liquor, wine or other drink, in their houses or where they have to doe, or to spend their time there, w<sup>th</sup>out y<sup>e</sup> Leave of y<sup>r</sup> parents or Masters, unless it be in Case of necessity, on pain of 10s. forfeiture for every offence,  $\frac{1}{2}$  to y<sup>e</sup> informer and y<sup>e</sup> other to y<sup>e</sup> poore of y<sup>e</sup> towne.

A PERSON BEING 3 M<sup>OS</sup> IN TOWN SHALL BE AN INHABITANT, EXCEPT.

40. Likewise it is further orderrd, y<sup>t</sup> if any pson come into any town w<sup>th</sup>in this province, and be there reced & entertained 3 m<sup>oths</sup>, if such person fall sick or Lame, he shall be relieved by y<sup>t</sup> towne where he was so long entertained, but if y<sup>e</sup> Constable of y<sup>t</sup> Towne, or any of y<sup>e</sup> selectmen, have given warning to such psons w<sup>th</sup>in y<sup>e</sup> space of 3 m<sup>oths</sup> y<sup>t</sup> y<sup>e</sup> towne



will not admit of him, if such pson shall stand in need of Reliefe y<sup>e</sup> towne shall supply his necessity, until y<sup>e</sup> Prest<sup>t</sup> and Coun<sup>ll</sup> can dispose of him, as to y<sup>m</sup> shall seem most just and Equall.

PERSONS SENT FROM OTHER TOWNS, Y<sup>E</sup> TOWNS THEY ARE SENT FROM TO PAY THE CHARGE.

41. It is also ordered, y<sup>t</sup> if any Children or elder pson shall be sent or come from one towne to another, to school, or to nurse, or otherwise to be educated, or to a phisition or Chirurgion, to be cured or healed, if such shall stand in need of Relief they shall be Relieved at the charge of y<sup>e</sup> towne from whence they came or doe belong, and not by y<sup>e</sup> towne to w<sup>ch</sup> they are sent; and in case they be sent from any towne w<sup>thout</sup> y<sup>e</sup> Province, the taker, nurse, phisition or Chirurgion to whome they are sent, shall take good seerity to save y<sup>e</sup> town and Province chargless, or shall be Responceable themselves, for such as need Releife.

PRESIDENT OR DEPUTY TO HAVE CASTING VOTE.

42. It is further ordered, y<sup>t</sup> y<sup>e</sup> Presid<sup>t</sup>, or in his absence his Deputy, shall have a Casting vote, whensoever there shall be an Equivote, either in y<sup>e</sup> General Assembly, gen<sup>l</sup> Courts, or Coun<sup>ll</sup>.

NONE TO BRING IN OR ENTERTAIN STRANGERS W<sup>TH</sup>OUT LEAVE.

43. Be it also enacted y<sup>t</sup> no pson, m<sup>str</sup> of any vessell, or other, do bring into any of our townes w<sup>thin</sup> this Province, any pson or psons, w<sup>thout</sup> y<sup>e</sup> approbation of y<sup>e</sup> Pres<sup>t</sup> or 3 of y<sup>e</sup> Coun<sup>ll</sup>, or y<sup>e</sup> selectmen of each Towne, nor y<sup>t</sup> any Inhabitant w<sup>thin</sup> this Province, doe entertaine in his family any pson y<sup>t</sup> is not soe allowed, for more than one weeke, w<sup>thout</sup> giving notice thereof to 1 of y<sup>e</sup> members of y<sup>e</sup> Coun<sup>ll</sup> or to y<sup>e</sup> Selectmen of y<sup>e</sup> towne to w<sup>ch</sup> they belong, on penalty of forfeiting 5*l.* to y<sup>e</sup> towne, and be lyable to be sued and give bond to free y<sup>e</sup> towne fro Damage. Provided this ord<sup>r</sup> shall not hinder any man from taking of an apprentice or Cov<sup>'ent</sup> servant, for a year or years, y<sup>t</sup> is at present sound and well; and if such servant shall fall sick or Lame he shall be maintained by his Master during y<sup>e</sup> Date of his Indentures or Covenant, and afterwards by y<sup>e</sup> towne, in case of necessity.

CONSTABLES TO WARN FREEMEN'S MEETINGS TO CHOOSE  
DEPUTIES.

44. It is enacted by this assembly and the authority thereof, y<sup>t</sup> y<sup>e</sup> severall constables in each towne of y<sup>e</sup> province doe warne and call together the free men of their Respective townes, on y<sup>e</sup> first Monday in february, annually, and from among themselves to make their election of Deputies for y<sup>e</sup> Gen<sup>l</sup> Assembly, who are to meet at Ports<sup>m<sup>o</sup></sup> on y<sup>e</sup> first Tuesday of March, by 10 of y<sup>e</sup> Clock in y<sup>e</sup> forenoone, and y<sup>e</sup> number of Deputies for each towne to be as followeth, viz<sup>t</sup>: 3 for y<sup>e</sup> towne of Ports<sup>m<sup>o</sup></sup>, 3 for y<sup>e</sup> towne of Dover, 3 for y<sup>e</sup> towne of Hampton, and 2 for y<sup>e</sup> towne of Exeter, whose names, after their election and acceptance, y<sup>e</sup> severall Consa<sup>s</sup> shall make Return of to y<sup>e</sup> Assembly, as above vnder their hands; and if any Constable neglect his Duty in calling the free men together, or making Returns of y<sup>e</sup> names of y<sup>e</sup> Deputies chosen as above, he shall pay y<sup>e</sup> sum of 5*l* to y<sup>e</sup> Treasurer, for y<sup>e</sup> use of y<sup>e</sup> Province, for every such neglect; and if any Deputy, after his Election and acceptance, shall neglect his attendance at y<sup>e</sup> time and place of meeting, or absent himself from y<sup>e</sup> said Assembly w<sup>th</sup>out Leave, he shall pay a fine of 20*s*. to the Province, for Every Dayes absence, and so proportionably for every pr. of a day, vnless some Enevatable providence or such other occasion Hinder, as shall be judged by y<sup>e</sup> Maj<sup>r</sup> p<sup>t</sup> of s<sup>d</sup> Assembly a sufficient excuse for s<sup>d</sup> absence.

PAY FOR ENTRY OF ACTIONS.

45. And it is ordered, that for y<sup>e</sup> entry of all actions of appeale from y<sup>e</sup> q<sup>tr</sup> Courts, shall be paid 20*s*. in money.\*

\* "A body of Laws was enacted in the course of the first year, but, when sent to England for the royal approbation, were disallowed." Holmes' An., vol. 1, p. 395.

*Address to the King.*

*Address of the General Court of New-Hampshire to the King.*

[Farm. Belk., App., p. 455.]

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 we had long found protection, especially in the late war with the barbarous natives, who (this divine protection) proved a heavy scourge to us, and had certainly been the ruin of these poor, weak plantations (being few in number, and otherwise under great disadvantages), if our brethren and neighbors 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, Esquire, upon the first of January last, directing unto and commanding the erecting of a new government in and over these four towns (the government of Massachusetts yielding readier obedience to your Majesty's commands with reference to our relations formerly to them), although deeply sensible of the disadvantages likely to accrue to your Majesty's provinces and ourselves, more especially by the multiplying of small and weak governments, unfit either for offence or defence (the union of these neighbor colonies having been more than a little instrumental in our preservation): we have taken the oaths prescribed us by your Majesty, and administered to your subjects of these four towns the oath of allegiance, and convened a general assembly, for regulating the common affairs of the people, and making of such laws as may be of more peculiar use to ourselves, having special regard to the acts for trade and navigation, set forth in the book of rates commonly

printed and sold, and, if some obstruction occasioned by such as make greater pretences of your Majesty's favor and authority had not hindered, we 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 favor, 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 council, while, beside the known laws of the realm and the undoubted right of English men, we have the favor of a gracious prince to fly to. We do therefore most humbly beg the continuance of your Majesty's royal favor and protection, without which we are daily liable to disturbance if not ruin. And, as in duty bound, shall humbly pray, &c.

March 29, 1680.

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*Letter to the Governor and Council of Massachusetts.*

[Adams' Ann. Ports., pp. 65-67.]

Portsmouth, in y<sup>e</sup> province of New-Hampshire, May 25, 1680.  
*Much Honored—*

The late turne of Providence made amongst us by the all ordering Being, hath given occasion for this present application, wherein we crave leave, as we are in duty bound.

1. Thankfully to acknowledge your great care for us while we dwelt under your shadow, owning ourselves deeply obliged that you were pleased upon our earnest request & supplication to take us under your government & ruled us well whilst we so remayned, so that we cannot give the least countenance to those reflections that have been cast upon you as if you had dealt injuriously with us.

2. That no dissatisfaction with your government, but merely our submission to Divine Providence to his Majesties Commands, to whom we owe allegiance without any seeking of our owne, or desires of change, was the only cause of our

complying with that present separation from you that we are now under, but should have heartily rejoiced if it had seemed good to the Lord & his Majesty to have settled us in the same capacity as formerly.

3. And withal we hold ourselves bound to signify that it is our most unfeigned desire that such a mutual correspondence may be settled betwixt us as may tend to the glory of God, the honor of his Majesty, whose subjects we all are, & the promoting the Common interest & defence against the common enemy, that thereby our hands be strengthened being of ourselves weake & few in Number, & that if there be opportunity to be anywise serviceable unto you, wee may shew how ready we are thankfully to embrace the same.

Thus wishing the presence of God to be with you in all your administrations & craving the benefit of your prayers and endeavours for a blessing upon the heads & hearts of us who are seperated from our brethren, We subscribe

JOHN CUTT, President.

With the Consent of the Council & general Assembly.

Superscribed, "To the Honored Governor & Council of the Massachusetts Colony.

To be communicated to the General Court.

Humbly present

In Boston."

This foregoing letter of the President, Council & General Assembly of New Hampshire so directed to the Massachusetts, was read in General Court May 22d 1680 & ordered to be recorded & kept on file as attests.

EDW. RAWSON, Secy.

*Second Address of the General Court of New-Hampshire to the King.*

[Farm. Belk., App., p. 456.]

*To the King's most excellent Majesty :*

We, the President and Council of your Province of New-Hampshire, having (according to the royal pleasure) given an account of our allegiance 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, we have, with our general assembly, been considering of such laws and orders as do, by divine favor, preserve the peace, and are to the satisfaction of your majesty's good subjects here, in all which we have had a special regard to the statute book your majesty was pleased to honor us with, for which, together with the seal of your province, we return most humble and hearty thanks; but such has been the hurry of our necessary occasions, and such is the shortness of the summer (the only season to prepare for a long winter), that we have not been capable of sitting so long as to frame and finish aught that we judge worthy to be presented to your royal view; but shall, as in duty bound, give as speedy a despatch to the affair as we may. In the mean time 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 clemency and equity will guard us from injury by: and, considering the purchase of our lands from the heathen—the natural proprietors thereof—and our long quiet possession, not interrupted by any legal claim, our defence of it against the barbarous adversary by our lives and estates, we are encouraged that we shall be maintained in our free enjoyment of the same, without being tenants to those who can show no such title thereunto.

Further, we do gratefully acknowledge the mark of your princely favor in sending us your royal effigies and imperial arms, and lament, when we think that they are, through the loss of the ship, miscarried by the way. And seeing your majesty is graciously pleased to license us to crave what may conduce to the better promoting of our weal and your majesty's authority, we would humbly suggest whether the allowance of appeals, mentioned in the commission, may not prove a great occasion, by means 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, we shall, with like humility, present. Thus craving a favorable construction of what is

above suggested, and praying for your majesty's long and prosperous reign, begging also the continuance of your majesty's favor, out of which, if any of our adversaries, under a pretence of loyalty or zeal for your majesty's interest, should endeavor to eject us, we hope, upon liberty granted us, to speak for ourselves, we shall abundantly demonstrate that we do truly and sincerely subscribe,

Your majesty's most loyal and dutiful subjects,

JOHN CUTT, President,

With the consent of the Council.

Portsmouth, in the Province of New-Hampshire, }  
June 11, 1680. }

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[Province Records, Book 1, p. 40.]

*To all his Majesties good subjects, ye Inhabitants of Portsm<sup>o</sup>, Hampton, Dover & Exeter, in his Majes<sup>ts</sup> Province of New Hampshire, in New England, pr order of y<sup>e</sup> President & Councill assembled at Portsm<sup>o</sup> this 22d Jan'y 1679-80, & in ye thirty first year of his Majesty's Reigne.\**

Be it knowne unto you & every one of you that y<sup>e</sup> President & Councill doth order and declare in his Majes<sup>ts</sup> name, y<sup>t</sup> all comiss<sup>rs</sup>, constables & Mr'eh<sup>ts</sup>, Grand jurymen, & all other officers, civill & military, do keep their respective places & attend y<sup>e</sup> duty & concerns of y<sup>e</sup> trust to them already committed untill further order be taken, - - his Majes<sup>ts</sup> government now here established - - - and y<sup>t</sup> if any trespass be done to any town - - - shire libertyes or Pro - - - officers shall take es - - - restraints y<sup>e</sup> same - - -

[Seal.]

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At a meeting of the dep't president and council, 25th Mar., 1680—

It is ordered by the dep't president and council that if there be any troopers that have formed under the command of Capt.

\* It will be noted that this, with several other articles in the 1st Book of Province Records, is badly mutilated, torn and illegible. Ed.

John Gerrish, or in that troop of Norfolks, they shall be at liberty from serving any longer in that service, provided they list themselves foot soldiers in the towns of their present residence; and all such as are already, or would be troopers in this province, are now to list themselves under Capt. Jno. Gerrish, being qualified according to law to the filling up said troops to the number of 60, besides officers.

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Portsmouth. At a meeting of Council, 10 June, 1680.  
New-Hamp. (Dept. President.)

Whereas his Majesty, by his letters patent sent to the president and council of this town of New-Hampshire, hath given express command for the regulation of the military disciplining, and the arraying and mustering of the soldiers for the defence and safety of his Majesty's province—

It is, therefore, ordered by the president and council, that all the trained soldiers within the bounds of this province, from sixteen years old and upwards, do from time to time obey such orders and commands as shall be given by the officers that are commissioned by this government in the several towns, both respecting arms and amunition, and kinds of exercise, according to the laws and orders that are and shall be made, concerning military affairs.

And that those troopers that were formerly listed under the command of Major Pike, and now inhabitants in this town, shall have liberty to list themselves and horses under the command of Capt. John Gerrish, capt. of the troops in New-Hampshire, and such as do not list under his command are required to attend their duties in the foot companies in the towns where they dwell, upon the same penalty that is provided for neglect in that case. [*Prov. Court Papers.*]



*Witchcraft.*

[Prov. Court Papers, vol. 1, pp. 133-141.]

We, whose names are underwritten, being called by authority to view a dead child of John Godfre's, being about a year old upon the 13th of July, 1680, which was suspected to be murdered, we find grounds of suspicion that the said child was murdered by witchcraft: first, in part by what we saw by the dead corpse; second, something we perceived by the party suspected, which was then present, and was examined by authority; and, third, by what was said by the witness.

The names of the jury of inquest:

Tho. Marston,  
 Willyam Marston,  
 Foreman, Hen. Roby,  
 Abraham Drake,  
 Abraham Perkens,  
 Anthony Taylor,  
 John Smith,  
 Tho. Levet,  
 Aratus Levet,  
 Gershom Elkens,  
 Hen. Derbond,  
 John Sanborne.

This true list was given in upon oath the 13th of July, 1680, before me,

SAMUEL DALTON, of the Council.

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John Fuller owns himself to stand bound in the sum of one hundred pounds unto the Treasurer of the Province of New-Hampshire, that Rachel, his wife, shall appear before the authority of this Province of New-Hampshire, to answer to what shall be charged against her in point of witchcraft, and that she shall abide the order of the court, and not depart without license, and shall appear whenever she is called.

Owned before me, 14th July, 1680.

CHRISTOPHER LUX,  
 SAMUEL DALTON, of the Council

*The deposition of Mary Godfrey, the wife of John Godfrey, and of Sarah Godfrey, her daughter, aged about 16 years.*

These deponents saith that, about three weeks or a month ago, the same day that Mr. Buff went through the town, these deponents took care to save some of the sick child's urine, to show it to Mr. Buff; and they could not save it, for, though we put a pewter dish under the child, yet all its water ran on the floor; and Sarah Godfrey took some embers out of the fire and threw them upon the child's water; and by and by Rachel Fuller came in and looked very strangely, bending, daubed her face with molasses, as she judged it, so as that she had almost daubed up one of her eyes, and the molasses ready to drop off her face; and she sat down by Goodey Godfrey, who had the sick child in her lap, and took the child by the hand; and Goodwife Godfrey, being afraid to see her come in in that manner, put her hand off from the child and wrapt the child's hand in her apron. Then the said Rachel Fuller turned her about, and smote the back of her hands together sundry times, and spat in the fire. Then she, having herbs in her hands, stood and rubbed them in her hand and strewed them about the hearth by the fire. Then she sat her down again, and said, Woman, the child will be well! and then went out of the door. Then she went behind the house; and Mehitable Godfrey told her mother that Goodey Fuller was acting strangely. Then the said Mary Godfrey and Sarah, looking out, saw Rachel Fuller standing with her face towards the house, and beat herself with her arms, as men do in winter to heat their hands, and this she did three times; and stooping down and gathering something off the ground in the interim between the beating of herself, and then she went home.

Sworn the 14th of July, 1680, before me.

SAMUEL DALTON, of the Council.

Owned in Court of Hampton, the 7th Sept., 1680, by the deponent.

ELIAS STILEMAN, Sect.

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*The deposition of Elizabeth Denham and Mary Godfre, who saith that we, being in discourse with Rachel Fuller, she told us how those that were witches did so go abroad a night, they*

did lay their husbands and children asleep, and she said Rachel Fuller told us of several persons that she reckoned for witches and wizzards in this town, to the number of 7 or 8. She said eight women and two men, some of whom she expressed by name, as Eunice Cole, Benjamin Evans' wife and her daughters, Goodwife Coulter and her daughter Prescott, and Goodwife Towle, and one that is now dead.

Sworn the 14th July, 1680, before me,

SAM'L DALTON, of the Council.

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*Mary Godfrey*, the wife of John Godfrey, further saith, that the next day after that Rachel Fuller had been there with her face daubed with molasses, the children told their mother that Rachel Fuller had told them that if they did lay *sweet bays*? under the threshold, it would keep a witch from coming in; and, said one of the girls' mother, I will try, and she laid bays under the threshold of the back door all the way and half way of the breadth of the fore door, and soon after Rachel Fuller came to the house, and she always had formerly come in at the back door, which is next her house, but now she went about to the fore door, and, though the door stood open, yet she crowded in on that side where the bays lay not, and rubbed her back against the post so as that she rubbed off her hat, and then she sat her down and made ugly faces, and nestled about, and would have looked on the child, but I not suffering her, she went out rubbing against the post of the door as she came in, and beat off her hat again, and I never saw her in the house since; and I do further testify that while she was in the house she looked under the door where the bays lay. Mehitable Godfrey, aged about 12 years, affirms to the truth hereof.

Sworn the 14th July, 1680, before me,

SAM'L DALTON, of the Council.

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*The deposition of Nathaniel Smith*, aged about twenty years, who saith, That he, going to the house of John Fuller, as he was coming home with his herd, and the said Fuller's wife

asked him what news there was in the town, and the said Smith said he knew none, and then she told him that the other night there was a great route at Goodman Roby's; this was at the first time when Doctor Reed was at this town; and the said Rachel Fuller told me that they had pulled Doctor Reed out of the bed, and with an enchanted bridle did intend to lead a jaunt, and he got her by the coat, but could not hold her, and I asked her who it was, and she turned from me, and as I thought did laugh.

Sworn the 14th July, 1680, before me,

SAMUEL DALTON, of the Council.

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*The deposition of John Godfrey, aged about 48 years, and his wife, aged about 36 years, who saith that Rachel Fuller, coming into our house about 8 or 9 o'clock in the day, and sitting down by my wife, my wife having the child that was ill in her lap. The child being exceedingly ill, and the said Fuller seeing my wife much troubled and grieved, Rachel Fuller said that this would be the worst day with the child,—to-morrow it will be well. And the said Fuller took the child by the hand, and my wife snatched the hand from her and wrapt it in her apron. Mary Godfrey, the wife of John Godfrey, further saith, that at the same time, I, seeing the said Fuller patting the child's hand, drew the child's hand from her; and then the said Rachel Fuller arose from the place where she did sit, and turned her back to my husband, and did smite the back side of her hands together, and did spit in the fire.*

Sworn the 14th July, 1680, before me :

SAMUEL DALTON, of the Council.

Sworn by the deponent in court at Hampton, 7th Sept., 1680.

ELIAS STILEMAN, Sect.

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*The deposition of Elizabeth Denham, who saith that, about three weeks since, I was at John Fuller's house, and there, she and I being speaking about John Godfrey's child that was then ill, Rachel Fuller was then very inquisitive to know of*

me what I thought ailed the child; and after I told her what I thought, she still continued asking me what I thought was the matter with the child; and she then kept calling her own child Moses, after the name of the sick child.

Sworn the 14th July, 1680, before me,

SAMUEL DALTON, of the Council.

The deponent, in court held in Hampton, 7th Sept. 1680, appeared and owned the above testimony.

ELIAS STILEMAN, Sect.

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*The deposition of Hazen Levit, aged about thirty-six years, testifieth, that as he was riding up to his lot the last Thursday in July last, at night, about sun half an hour high, he saw John Fuller's wife upon her hands and knees, scrabbling to and fro, first one way and then another, and seemed to him to be mighty lazy; but after she espied him she left off that manner of acting, and seemed to take up her apron with one of her hands, and with the other hand to gather up something; and as I drew near her it seemed to me as if she laid something upon a log, and come back and fetched a little child, that stood by her when she was in her former actions, and went through at her own gate, as he thought, the aforesaid log being near to her gate; and when she was in her gate she went toward her garden, and as soon as she was come up to her gate she turned and went toward the door, with a child and a little basket in her hand, as it seemed to your deponent; and your deponent looking on her she gave him a frowning look at first, but as your deponent was passing from her, she laughed on him, as seemed to him; and after your deponent was gone some way thence, she was gotten to the place first mentioned, as near as your deponent can guess, and in the same manner of acting as first named; and your deponent quickly returning again found her still in the same actions; and as soon as I apprehended she discerned him she left off and went away, as before, and presently there came from her gate to the place a thing like a little dog, as to the seeming of your deponent, and went to the place where she was so acting as before; and there, walking to and fro, went back again.*

*Copy of the Mandamus by which Robert Mason, Esq., was admitted to a seat in the Council.*

[Farm. Belk. App., p. 457.]

December 30, 1680. Trusty and well beloved, we greet you well.

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 well beloved subjects, Robert Mason, Esq., as proprietor under us, of that province, by virtue of a grant derived from our royal grand-father, King James, under the great seal of England:\* we 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 value 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 reign. 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 we have esteemed useful to our service, as he is chiefly concerned in the welfare of that our Province, we 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 Council, that, immediately after his arrival, you do admit him one of our Council of our Province of New-Hampshire, he first taking the

\* This must mean the Charter of the Council of Plymouth.

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 willfully 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 reign.

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.

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[Prov. Rec., B. 1, p. 41.]

Boston, 12<sup>th</sup> March, 1680-1.

Hon<sup>d</sup> Sr.

We have rec'd yrs of ye 25<sup>th</sup> of feeb. past touching powder money, wherein you advise us for satisfaction for that taken from ours by yo<sup>r</sup>selves, to do y<sup>e</sup> like for yo<sup>r</sup> ships, when they come into our port; with which we cannot be so satisfied, it not being an equal way & measure of proceeding for o<sup>r</sup> mutual correspondence, peace & good agreement. Nor is it just, in our apprehensions, that a private person should make recompense for a Public act: we judg this may make a flame among yo<sup>r</sup>selves there, whose quiet we tender as our own. We may be told rather, that the money taken from Mr. Harvey, which is but 30s. (a small matter to make a breach) be returned, & all yo<sup>r</sup> shipping and ours pass free, as in the day when we were all under one Law & Government—which best pleases us, altho the advantage to us will be more y<sup>n</sup> would well permit us to concede to the proposition in y<sup>rs</sup> above mentioned. We have communicated y<sup>e</sup> order of y<sup>r</sup> General Court concerning

Judgments & Executions to our Gen. Assembly, who cannot agree thereupon, and therefore it must, of necessity lye dormant for ye present. Thus with our due Respects to yo<sup>r</sup> Hon<sup>d</sup> selves, we remain yo<sup>r</sup> Loving ffrriends & Neighbors,

By order of y<sup>e</sup> Council,  
R. CHAMBERLAIN, Sec.

To ye Hon<sup>ble</sup> Simon Bradstreet,  
ye Gov<sup>r</sup> of ye Massachusetts  
Colony.

To be comunicated to ye  
General Court.

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[Prov. Rec., B. 1, p. 41.]

*To Robert Mason.\**

Sir.

We thought meet to sign  
11<sup>th</sup> instant: & that we de  
our answer thereof at  
as to yours of ye  
we answer joint  
are informed  
some of ye  
the wicked hopes of our Soveraegns sudden death or disturbances y<sup>t</sup> may arise in Eng<sup>d</sup>. That if you know of any such persons, we desire & account it yo<sup>r</sup> duty y<sup>t</sup> they may be brought forth and receiv y<sup>e</sup> demerit of their offence.

Sr your ffrriends & serv<sup>ts</sup>,

Rich: Waldron,  
Rich: Martyn,  
Will. Vaughan,  
Tho: Daniel,  
Jo: Gilman,  
Christ: Hussey,  
El: Stileman,  
Sam. Dalton,  
Job. Clements.

\* The original paper is greatly mutilated. Ed.



*These to Robt. Mason, Esq.*

[Prov. Rec., B. 1, p. 42.]

Portsm. 4th of May, 1681.

Sir—

The Counsel having seen & read sundry of y<sup>r</sup> Declarations,\* that you have set up in places of public concourse within this his Maj<sup>s</sup> Province, as also Letters sent to them in particular: In all which you have charged them highly as great offenders, referring to his majestees royal Commission as derogating from that to y<sup>e</sup> great abusing of his subjects, obstructing them from complying with you, charging several falsities upon the Councill themselves, and sundry things of like nature, which casts great reproach upon his majestees authority in this Province, on which the Councill for their full conviction or - - - - - themselves, desire you to give them a meeting att y<sup>e</sup> House - - - - - ridg on ffriday next about noon, and make all - - - - - thay shall conelude yourself to be y<sup>e</sup> forger and - - - - - a slanderer of y<sup>e</sup> inoeent. And as to that you - - - - - all matters, and lay them before his majestie - - - - - power to deale with you, or others, either - - - - - judge it a mestake, and pray you will be - - - - - they have power to deale in matters of - - - - - comession, as well as in all emergencies - - - - - to you. The Council, hoping you will - - - - - we remaine your Loving ffrriends.

By order of y<sup>e</sup> President & Counsel,

R: CHAMBERLAIN, Secretary.

\* It appears that Mason had posted up certain "Declarations" which were highly offensive to the people; one of which was torn down at Dover by Maj. Richard Waldron, as Mason afterward testified: "That Maj. Richard Waldron did say to this deponent, that no such papers should be set up to amuse the people, and did show unto this deponent one of the aforesd declarations or some part thereof that he had pulled down."

Taken upon oath, 17th October, 1684.

ROBERT MASON.

The Province rate of Hampton, being one single rate and half, according to each man's proportions, this 8th May, 1680 :

[See Court Records, vol. 1, pp. 111-129.]

	s.	d.		s.	d.
Nath'l Bachilder,	13	5	John Tuck,	5	3
Jacob Browne,	6	9	Tho. Thurrtten,	2	3
Tho. Brown,	3	5	Mr. Andrew Wiggin,	14	8
Ben. Browne,	4	11	Mr. Tho. Wiggin,	6	4
Jon. Browne,	3	10	Nath'l Weare,	12	5
Nath'l Boulter, Sen.,	5	5	Tho. Warde,	7	0
John Blake,	5	0 $\frac{1}{2}$	Tho. Webster,	5	9 $\frac{1}{2}$
Nath'l Boulter, Jr.,	4	9	Jonathan Wedgwood,	3	5
Mark Baker,	2	3	David Wedgwood,	2	7
Moses Cocks,	3	7	Ralph Welch,	2	5
Edw. and Sam'l Colcord,	8	3 $\frac{1}{2}$	Nath'l Wright,	2	4
Joseph Cass,	6	5 $\frac{1}{2}$	Tho. Chase,	7	1
Sam'l Cass,	3	7	Rachel Chase,	1	1
Abraham Drake, Sen.,	5	9 $\frac{1}{2}$	James Chase,	4	1 $\frac{1}{2}$
Abraham Drake, Jr.,	4	0	Abra'm Cole,	5	1
Alexander Denham,	5	6	Benj. Cram,	5	2
Gershom Elkins,	5	0 $\frac{1}{2}$	Tho. Cram,	3	10
Will. Fuller,	8	4 $\frac{1}{2}$	John Clifford, Sen.,	5	00
John Fuller,	4	0 $\frac{1}{2}$	John Clifford, Jr.,	5	2
Sam'l Foge,	4	0 $\frac{1}{2}$	Israel Clifford,	3	3
Will. Fifield, Sen.,	6	3	Isaac Cole,	2	3
Ben. Fifield,	8	5	Elias Crichtitt,	2	3
Henry Greene,	15	2 $\frac{1}{2}$	Henry Dow,	11	4
Abra. Greene,	6	3	Jos. Dow,	5	2
Jon. Godfree,	2	5	Daniel Dow,	2	1
Isaac Godfree,	6	8	Godfre Dearborn,	4	1
Edw. Gove,	11	3	Thomas Dearborn,	5	9
Jon. Garland,	6	6 $\frac{1}{2}$	Hen. Dearborn,	6	8 $\frac{1}{2}$
Jacob Garland,	2	11	John Dearborn,	5	2 $\frac{1}{2}$
Isaac Marston,	5	9	John Hussy,	14	0 $\frac{1}{2}$
Jon. Marston,	5	5	Morris Hobs, Sen.,	5	10
Ephelam Marston,	5	0	Jon. Hobs,	5	4
Hen. Moulten,	12	1	Tim. Hilyard,	7	6
Jon. Moulten,	6	2 $\frac{1}{2}$	Morris Hobs, Jr.,	5	5
Jon. Marion,	6	7	Nehemiah Hobs,	2	3
Jon. Masson,	4	5	James Johnson,	7	10 $\frac{1}{2}$
Joseph Mead,	3	4	Francis Jennis,	3	5
Tho. Nud,	6	7	John Knowles,	9	0
Abra. Perkins,	14	4 $\frac{1}{2}$	Tho. Lovitt,	9	10 $\frac{1}{2}$
Isaac Perkins,	10	5	Hizrom Lovitt,	7	8
Francis Page,	8	9 $\frac{1}{2}$	Daniel Lamprey,	9	3
Tho. Page,	10	9	Aretus Lovitt,	3	7
Tho. Philbrook,	7	4	Tho. Marston,	6	7 $\frac{1}{2}$
Christopher Palmer, } with his son's estates, }	7	9	Will Marston,	9	1
James Philbrick,	3	8	James Marston,	4	6
Caleb Perkins,	3	5	Joseph Moulton,	6	10
Jacob Perkins,	3	8	Benj. Moulton,	5	11
Joseph Palmer,	5	3	Samuel Sherborn,	6	5
Jonathan Philbrook,	3	0	Benj. Swett,	3	9
Samuel Philbrick,	3	5	Joseph Swett,	7	0
Henry Roby,	13	3 $\frac{1}{2}$	Anthony Stanyen,	6	10 $\frac{1}{2}$
Jon. Redman, Sen.,	5	8	Jon. Stanyen,	5	3
Jon. Redman, Jr.,	5	6	Robard Smith,	4	3 $\frac{1}{2}$
Tho. Row,	2	3	Jon. Smith, taylor,	4	2 $\frac{1}{2}$
Jon. Sanborne,	9	7 $\frac{1}{2}$	Jon. Smith, cooper,	6	7 $\frac{1}{2}$
Will. Sanborne, Sen.,	7	10	Tho. Sleeper,	4	9
Jon. Sauborn, Jr.,	7	10	Jos. Shaw,	8	7
Richard Sauborn,	5	0	Ben. Shaw,	8	9 $\frac{1}{2}$
Ant. and Jon. Taylor,	8	7 $\frac{1}{2}$	Will. Swane,	6	5 $\frac{1}{2}$
Samuel Tilton,	4	0	Joseph Smith,	3	2
Daniel Tilton,	8	1 $\frac{1}{2}$	Will. Sanborne, Jr.,	1	10
Phillips Towle,	8	7 $\frac{1}{2}$	Jon. Sleeper,	2	3
			George Swete,	2	3

To the Constables of Hampton: You are, in his Majesty's name, required to gather this Province rate of the persons herein assessed, and to pay in the same unto Richard Martyn,

Esq., the treasurer of the Province, according to the order of the last General Assembly; and those that pay in money are to be abated one third part; and if any refuse to pay his proportion, you are to levy it by distress, according to law.

Dated 10th May, 1680, by us—

Samuel Dalton,  
John Sanborne,  
Henry Moulten,  
Nathaniel Weare,  
John Smith,

*Selectmen of Hampton.*

I, being desired by Thomas Dearborne, the late constable of Hampton, that gathered this Province rate, to copy out the same, I have here done accordingly; and this is a true copy of the original rate and the warrant annexed thereunto by the selectmen, taken out and compared this 29th day of April, 1684.

By me :

HENRY DOW.

## The Province rate for 1680, made April 20, for Exeter.

	£	s.	d.		s.	d.
Imp. Gov. Robt Wadlee,	1	2	6	Anthony Goff,	2	4½
Mr. Moses Gillman,	1	2		Charles Gledou,	2	6
Nic Norris,	8	1½		Mr. John Thomas,	2	3
Peter Follsham,	8			Edw'd Sowell,	5	10
Christian Dolhoff,	5	2		Jonathan Smith,	4	9
Sam'l Leavitt,	13	5		Samuel Dudley, Jun'r,	2	4½
David Lawrence,	3	3		Robert Stewart,	2	4½
Moses Leavitt,	7	7½		Humphrey Wilson,	11	8
John Follsham, Jun.,	10	1		Ephraim Follsham,	3	11
Sam Follsham,	3			Robert Powell,	3	5
Edward Gillman,	5	5		Andrew Constable,	8	8
Cornelius Larey,	4			Mr. Barthol'w Pipping,	7	3½
George Jones,	6	6		Mr. Edward Hilton,	11	
Jona'n Robinson,	5	2		Mr. Sam'l Hilton,	4	3
Jeremy Canaugh,	3	9		Major Sharpleigh, for Hillton's mill,	1	10½
Eleazer Elkins,	3	11		Nic Listen,	2	9
Alexander Gorden,	4			John Bean,	8	1
Robt Smart, Sen'r,	7	10½		Tege Drisco,	3	3
John Young,	4	10½		Joel Judkins,	2	6
David Robinson,	4	9		Ephraim Marston,	4	6
Will'm Hilton,	10	2		Theop. Dudley,	2	4½
Sam'l Hall,	5	½		Tho's Mekins,	2	4½
Ralph Hall,	5	1½		Biley Dudley,	2	4½
John Sinckler,	7	6		Robt Smart, Jun'r,	2	7½
William Moore,	6	10		Mr. Rich'd Scamon,	10	2
Phillip Cartey,	4	7½		Rich'd Morgan,	8	
John Wedgewood,	4	10		Major Clark, for his mill,	8	7
John Gillman, Jun'r,	3	1½		Nat Follsham,	2	9
Henry Magoon,	4	2		Tho's Tidman,	2	3
Kinsley Hall,	4	11		John Clark,	4	10½
Jonathan Thing,	9			James Kld,	3	3
Mr. Wiggin's mill,	1	10½		Nad Lad,	2	10½
Joseph Taylor,	2	4½		James Perkins,	2	4

This rate was made Anno 1680, vercissimo April 20, and delivered to the constable to collect, as before specified.

By us,

JOHN GILLMAN, Sen'r, }  
 RALPH HALL, } Trustees for Exeter.  
 EDW'D SMITH, }

## Cochecho Province Rate.

	<i>s.</i>	<i>d.</i>		<i>s.</i>	<i>d.</i>
Major Richard Waldron,	12	9	Mark Goyles,	2	3
Left. Peter Coffin,	12	8	Tho. North,	1	6
Jno. Ham,	4	3	Mr. Jno. Evens,	2	6½
Will Horn,	6	1½	Timothy Hanson,	2	4½
Zacherie Field,	3	3	Mr. Goff,	6	2
Jinkin Jones,	3	3	Jno. Frost,	2	11½
Tho. Downs, Jr.,	2	6	William Kim,	1	7
Benjamin Herd,	4	6	James Stagpoll,	2	1
Ezekill Winford,	2	7	Rich. Ottis, Sen., }		
Sam'l Wentworth,	2	3	Rich. Ottis, Jr., }	7	
Elder Wentworth,	7	4	Harvey Hobbs,	5	2
George Ricker,	2	6	Rich. Nasson,	1	10
Tho. Paine,	7	1	Jno. Ellis,	1	7
Gorshem Wentworth,	2		Rich. Seamon,	1	6
Jno. Heard, Sen.,	8	3	Wm. Yerington,	1	6
John Heard, Jr.,	2	1½	Jno. Knight,	2	8
Will Harford,	1	9	Joseph Sanders,	1	6
Stephen Ottis,	2	½	Maturin Ricker,	1	7
Tho. Hanson,	4	2½	Jno. Windicot,	8	7
Peter Masson,	2	4½	Will. Gifford,	1	7
Robert Evens,	5	1	Will. Tasket,	2	6
Tobias Hanson,	5	2	Jno. Derry,	3	4
Isaac Hanson,	2	½	James Derry,	1	7
Widow Hanson,	1	1½	Phillips Chesley,	6	8
Capt. Jno. Gerrish,	13	2	Tho. Chesley,	6	8
Jonathan Watson,	1	7	Jno. Roberts, Jr.,	3	6
Ralph Fwomley,	7	6	Nath'l Kene,	2	5
Tho. Austyn,	3		Abraham Clarke,	2	2
Humphrey Barney,	5	9	Edward Taylor,	3	1½
Mr. Will. Partridge,	6	6½	Jno. Michill,	1	7
Tho. Douns, Sen.,	1	11	Edward Eayers,	1	7
Nathan'l Stepheus,	4	6	Will. Tomson,	1	6
Jno. Church,	3	8½	James Hawkins,	9	1

## Dover Neck Province Rate.

	<i>s.</i>	<i>d.</i>		<i>s.</i>	<i>d.</i>
Jno. Dam, Sen.,	3	9	Rich. Rich,	2	6
Jno. Cox,	2	0	Job Clements, Esq.,	8	4
Jno. Roberts, Sen.,	9	2	Joseph Beard,	4	
Tho. Roberts, Jr.,	2	6	Joseph Canie,	4	10
Widow Tibets,	1	4	Nathan Hall,	1	8
Jeremy Tibets,	2	5	James Nutt, Sen.,	4	2
Wildrum Dam,	3	4	James Nutt, Jr.,	4	8
Abraham Nutt,	2	6	Edward Allin,	1	10
Phillips Cromwell,	4		Tho. Perkins,	2	2
Tho. Whitehouse,	3	2	Isaac Stockes,	3	6
John Pinkham,	3	4	Tho. Young,	2	2
Will. Willey,	3	2	Tho. Roberts, Sen.,	5	3
John Hall, Jr.,	3	6	Mr. Will. Henderson,	3	9
John Hall, Sen.,	5	6	John Cooke,	2	
John Tuttle,	3		John Meader, Jr.,	3	4

## Bloody Point Province Rate.

	<i>s.</i>	<i>d.</i>		<i>s.</i>	<i>d.</i>
William Furber, Sen.,	5		Michall Brown,	4	9
William Furber, Jr.,	4	2	Henry Longstof,	8	3
Richard Roe,	4		Widd. Trickle,	4	10
Left. Nutter,	8	1	Joseph Trickle,	2	4
Jno. Dam, Jr.,	4	3	Isaac Trickle,	4	6
John Bickford, Jr.,	2		William Shackford,	5	
Samuel Rawlens,	2	7	Nicholas Harris,	3	2
James Rawlens,	2	6	Joseph Hall,	11	1
Iecobad Rawlins,	2	4½	Luke Mallune,	2	
Jno. Hudson,	1	6	William Gray,	2	1
Widd. Cator,	7	10	Benjamin Rawlins,	2	1
Jno. Bickford, Sen.,	4	4	Eframe Trickle,	2	4

Sept. 24, 1681. Province Rate for the Town of Portsmouth.

		£ s. d.			£ s. d.
		17	Jno. Presson,		3
Jno. Cuit,		10	Leo. Drown,		4
Jno. Dennet,		8 6	Wm. Richards,		3 8
Geo. Hunt,		2	Antho. Ellm's estate,		2
Mr. Rich. Walden,		7	Edward Cate,		8
Mr. Otsella Cutt,		7 6	Jno. Shipway,		3
Rich. Watts and Negro,		17	Wm. Vaughan, Esq.,		3
Mr. Jno. Hunckins,		1 5	Ja. Trewoogie,		3
Mrs. Elenor Cutts,		7	Wm. Williams,		4
Wm. Ham,		13 4	Wm. Crafts,		3
Rich. Jackson & Sons,		5 4	Tho. Gill,		6 6
Wm. Earle,		6 9	Tho. Wakan,		4
Jno. Cotton,		16 6	Lodwick Foulr,		3
Ruben Hull,		15 3	Edward Holland,		4 8
Rich. Martyn, Esq.,		7 6	Jno. Seavie,		4 8
Jno. Seward and man,		4 8	Robt. Williams,		4 8
Francis Mercer,		3 6	Wm. Mason,		2
Jno. Hurdy,		10 3	Mr. Moody, for Mary Cutts' land,		5
Sam'l Case,		3 0	Dan'l Wescot,		3 6
Jno. Erenchman, smith,		17	Ephraim Linn,		3
Phil. Severet,		11 6	Jno. Wakan,		4
Obad. Moss,		3 6	Jno. Baker,		7 6
Edward Melcher,		11 6	Jno. Chevalier and man,		4
George Loveis & Son,		6 6	Wm. Rocklief,		4 6
Jno. Fletcher,		2 9 4	Nico. Walden,		4
Jno. Cutt, mariner and man,		12 3	Rich. at Jno. Tucker's,		4 6
Jno. Tucker and three heads,		10 7	Hubertus Matton,		3
Tho. Harvey and man,		6 4	Ditto journeyman,		3
George Snell,		5	Phil. Fonnds,		5
Sam Clark,		5	Ja. Levet,		3
Mat. Nelson,		4	Wm. Roberts,		3 6
Tim. Davis,		17 6	Jno. Muchmore,		4
Jean Jose and Richard,		6 6	Robt. Almonie,		4
Rich. Waterhouse,		19 2	Tho. Daniel,		6 6
Jno. Partridge,		5 6	Jno. Jackson, Sen.,		4 6
Jno. Fabins,		3 6	Jno. Jackson, Jr.,		4 6
George Fabins,		6 5	Rich. Door,		5
Jno. Pickerin,		3	Peter Ball,		0 0
Wm. Sheller,		3 2	Mark Hunckins,		3 8
Jno. Jackson, seaman,		3	Rich. Shortridge,		3 6
Jno. Bartlet,		3	Lewis Williams,		4
Walter Ell,		3	Jno. Brown,		5
Wm. Pittman,		4	Robt. Pudington,		3
Alexander Denet, Jr.,		5	Robt. Lang,		4
Wm. Brookin,		4 6	Hugh Leer,		7 6
Nat. White,		3	Hen. Savage,		3 6
Tho. Stevens,		4 8	Wm. Walker,		3 6
Rich. Monson,		4 3	Wm. Cate,		3
Francis Jones,		3 6	David Griffith,		3 6
Jno. Bandfield,		3	Francis Huckins,		3
Phil. Tucker,		3 6	Jno. Jones,		3 6
Dan. Duggin,		4	Joseph Jewell,		3
Ja. Jones,		11	Roland, at Hunt's,		8
Wm. Cotton,		10	Anthony Furbur,		3
Neh. Partridge and 2 heads,		5 10	Robt. Rousley,		4 6
Rich. Webber,		5	Tho. Pickering,		3
Tho. Ladbrokee,		7	Peter Harvey,		
Tho. Jackson,		5 10			
Geo. Bramhall,		3 6			
Jno. Light,		3			
Hen. Kerch,		4 6			
Sam'l Whidden,		4			
Jno. Whidden,		3			
Tho. Gubbtail,					
					7 19 11
					10 7 2
					18 2 2
					36 09 08

Ellas Stileman,  
Wm. Vaughan,  
Thom. Daniel,  
Robt. Elliot.

*The Order of the Council and General Assembly for a Fast, made in March, 1681, and published under the seal of the Province.*

[Farm. Belk., App., p. 458.]

Upon serious consideration of the manifold sinful provocations among us, as of the sundry tokens of divine displeasure evident to us, both in the present dangerous sickness of the honorable President of the Council for New-Hampshire\*, in the continuance of whose life is wrapt up much blessing, whose death may occasion much trouble; as also in respect of that *awful portentous blazing star*, usually foreboding sore calamity to the beholders thereof; and in regard of the great need that we have of more than ordinary presence of Almighty God with us, in our necessary applications to his royal Majesty, our sovereign lord the King; as also, having a real sympathy with the great thoughts of heart in our brethren and neighbors as they are circumstanced; ever seriously and loyally imploring the divine favor for the continuance of his Majesty's life and prosperous reign, as the protection of God's cause and church, against the Popish party throughout the world; humbly craving covenant mercy to be continued to us, and ours after us in their generations, as also God's crowning the several seasons of the year with suitable goodness: The Council and General Assembly for the Province of New-Hampshire have appointed the next Thursday, being the 17th day of this instant March, a day of public fasting and prayer, to be solemnly kept by all the inhabitants thereof, hereby strictly inhibiting all servile labor thereon. Commending the same to all elders, churches, ministers and people, that they fervently wrestle with the Lord, that he may turn from the fierceness of his anger, and cause his face to shine upon us in all our concerns.

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ROBERT MASON.

Seal. I, Robert Mason, Esq., lord proprietor of the Province of New-Hampshire, do hereby constitute and appoint Richard Otis, senior, of Cachecho, yeoman, to be stew-

\* President Cutt died March 27, 1681, and was succeeded by Richard Waldron, as President of the Council, who held the office until the arrival of Edward Cranfield, Oct. 4, 1682. ED.

ard of my lands lying at Dover, Cachecho, Newichawanoch, Oyster River, and of all lands lying within the present reputed precincts or bounds of Dover; that is, that he demand and receive of every inhabitant the quit rent due to me for the lands improved, according to his Majesty's royal commission, and to agree with every person as to yearly value thereof: And that he do, by himself or by such other persons as he shall appoint, take care of and have the oversight of all the said lands, and to forbid all persons that shall commit any trespass thereupon, to cut and carry away any sort of timber from off the said lands, without license first obtained, and to take account of all timber that shall be cut and carried away by any persons, contrary to my declaration of the 19th day of this instant March, to the end that the offenders may be prosecuted in England, before his Majesty in council.

Dated the 22d of March, 1680, and in the 33d year of the reign of our Sovereign Lord, King Charles the Second.

[C. Pap., Reg. office.]

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*To the Hon'ble the President and Council of the Province of New-Hampshire.*

The humble petition of Edw. Leathers, constable of Dover, sheweth—

That whereas your petitioner, being constable, is, by warrant of the selectmen, charged and required to collect arrears of rates within the precincts thereof, hath bestowed all his care and diligence therein: But it so happens that many persons utterly refuse to pay any rates assessed for the ministry, alleging that they ought to have liberty of conscience by virtue of His Majesty's royal commission, and so not oblige (nor do repair to church), to hear the minister; and consequently not to pay any such duties:

Therefore, your petitioner humbly prays, that in regard to the minister's rates included in the other rates, without expressing how much for one sort, and how much for the other, by reason whereof he cannot make any certain demand; Your honors would please to direct your petitioner how to act in this case and what to demand in certain; and in the



meantime your petitioner may be protected and saved harmless, having done his duty to the best of his power.

Your honors most humble servant.

[C. Pap., Reg. office.]

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At the General Assembly at Portsmouth, March 7, 1681—Thomas Thurton was accused for abusive and contemptuous language against the council (the king's authority in the Province of New-Hampshire): viz., for saying they were rebels against his Majesty, and did deny the king's letter and broad seal; and that they were a parcel of cursed rogues; and that they would deny the king himself, if he were here. Likewise, that he hoped he should see them all hanged before he was very much older.

Thurton, being apprehended, brought before the Council, and examined upon the premises, and the above said particulars (appearing in several depositions on file) proved against him, the council do sentence him to be a prisoner in Hampton jail during one month's space, within which time, if he do not pay twenty pounds for a fine (which he is thereby ordered to do, with cost and fees), he shall be sold by the treasurer, who is hereby impowered to make sale of him for the payment of his said fine, &c. And the said Thurton is to remain in the said jail till the treasurer can dispose of him as aforesaid.

The costs and fees amount to 2*l.* 18*s.* 6*d.*

*Vera copia*, from the Council books.

Teste: RICHARD CHAMBERLAIN, Cl. Council.

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[Prov. Rec., B. 1, p. 42.]

At the General Assembly at Portsmouth, March 7, 1681-2,—It is enacted by the General Assembly that a rate shall forthwith be made and issued out on all the inhabitants within this Province of New-Hampshire, at one penny in the pound on persons and estates, to be paid in money or in the species underwritten. That is to say: Wheat at five shillings per bushel; peas at four shillings; malt at three shillings six pence; Indian corn at three shillings; boards at thirty shillings per

one thousand feet; white-oak pipe staves, three pounds per thousand; fish, two ryals under price current: To be paid at the usual places for delivering rate and pay; and that the selectmen in the several townes do forthwith perform the duty of their places, in the making such rates and committing them to the respective constables, to be immediately collected, and the same to be transmitted to the treasurer of the Province upon the Province charge.

By order,

R. CHAMBERLAIN, Sect.

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*To the much honored Council and President, now assembled at Portsmouth, in the Province of New-Hampshire, this 8th day of March, 1681-2.*

Your poor and very humble petitioner desires and humbly begs that some clemency and mercy may be afforded towards him.\* It hath been his unhappy case to do that for which he is justly called in question, and doth own that justice must be served against all pity. But the end being to knock down vice and to produce virtue, hopeth your petitioner may be a subject of such favor as to be spared so far from the exaction of his demerits as may give him room and time to show himself better. If your honors please to exact the utmost of what he is able to do, he must endure the sentence to his capacity, and not complain. But such a sense he hath of his will and desire to do better, that he hopes your Honors' favor towards him will return with glory to God and his people. To pay the sum required he cannot. To be sold runs him upon extremities. Therefore he begs your Honors' lenity, as far as God may move your hearts.

Your humble petitioner and humble servant,

THOMAS THURTON.

*Vera copia*, from the original on file.

*Teste:*

R. CHAMBERLAIN, *Clerk Council.*

[C. Pap., Reg. office.]

[P. Rec., B. 1, p. 51.]

New-Hampshire,

Whereas it is the constant practice in Jamaica, Barbados and other his Maj<sup>s</sup>. plantations, upon the arrival of every ship or vessell, that the master or commander doth forthwith repair to the Gov<sup>r</sup> and give him an acct. of such matters as shall be demanded of them relating to his Maj<sup>s</sup> service and y<sup>e</sup> good of the place :

It is therefore hereby ordered by the Gov<sup>r</sup> and Council that upon the arrival of every ship or other vessel into this River or other Port in this Province, the master or commander thereof do with all diligence repaire unto the Hon<sup>le</sup>, the Gov<sup>r</sup>. of this Province, to give information of all such matters as may any way relate to his Maj<sup>s</sup>. service and the good peace and security of the Province. And hereof all persons concerned are required to take special notice and conform themselves accordingly as they will answer the contrary. Date the 1682.

R. C., Clk. Coun.

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*Commission of Edward Cranfield.*

[Coun. and Assem. Rec., pp. 41-55.]

CHARLES THE SECOND, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c.\*

*To our trusty and well beloved EDWARD CRANFIELD, Esq.*

Whereas our colony of the Massachusetts alias Massathussets Bay, within our dominion of New-England, in America, hath taken upon themselves to exercise a government and jurisdiction over the inhabitants and planters in the towns of Portsmouth, Hampton, Dover, Exeter, and all other y<sup>e</sup> towns and lands in our Province of New-Hampshire, lying and extending itself from three miles northward of Merrimack river, unto the province of Maine, not having any legal right or authority so to do, which said jurisdiction and all further exercise thereof we have thought fit by the advice of our privy Council, to inhibit and restrain for the future, and do hereby inhibit and restrain y<sup>e</sup>

\* Cranfield's Commission was dated May 9th, 1682; 34 yr. R. Charles II.

same ; and whereas the government of that part of our said Province of New-Hampshire, so limited and founded as aforesaid, now is, and remains under our immediate care and protection ; to the end therefore, that our loving subjects the planters and inhabitants within the limits aforesaid may be protected and defended in their respective rights, liberties and property, and that due and impartial justice may be administered in all cases, civil and criminal, and that all possible care may be taken for the just, quiet and orderly government of the same— Now, Know YE, that we, reposing especial trust and confidence in y<sup>e</sup> prudence, courage and loyalty of you, the said Edward Cranfield, Esq., out of our especial grace, certain knowledge, mere motion, have thought fit to constitute & appoint you our Lieutenant Governor and Commander-in-Chief of all that part of our province of New-Hampshire within our dominions of New-England, in America, lying and extending itself from three miles northward of Merrimack river, or any part thereof, unto our province of Maine ; and we do hereby require and command you to do and execute all things in due manner that shall belong unto your said command and the trust we have reposed in you, according to the several powers and directions granted or appointed you under this present commission, and the instructions herewith given you, or by such further powers and instructions as shall at any time hereafter be granted or appointed you, under our signet and sign manual, and according to such reasonable laws and statutes as now are or hereafter shall be made and agreed upon by you, with y<sup>e</sup> advice and consent of our Council and the Assembly of our said province and plantation, under your government, in such manner and form as is hereafter expressed ; and we do hereby constitute and appoint Robert Mason, Esq., proprietor, Richard Waldron, Thomas Daniell, William Vaughan, Richard Marten, John Gilman, Elias Stileman, Job Clements, Walter Barefoot, and Richard Chamberlain, Esq., be of our Council of our said province of New-Hampshire, during our pleasure, who are to be assisting unto you with their advice in the management of the affairs and concerns of the government of the said Province of New-Hampshire, in relation to our service and the good of our subjects there ; and we do hereby give full power to you, the

said Edward Cranfield, after you shall have first taken an oath for the due execution of the office and trust of our Lieutenant Governor and Commander-in-Chief, in and over our said province of New-Hampshire, which the said Council or any five of them have hereby full power and authority, and are required to administer unto you, to give and administer to each of the members of our said Council, as well y<sup>e</sup> oaths of allegiance and supremacy, and the test mentioned in the act of parliament made in the twenty-fifth year of our reign, intituled an act for preventing danger which may happen from popish recusants, as an oath for the due execution of their places and trust; and we do hereby give and grant unto you full power and authority to suspend any of the members of our said Council from sitting, voting, or assisting therein, if you shall find just cause for so doing, and our will and pleasure is, that if by the death, departure out of the said Province, or suspension of any of our Councillors, there shall happen to be a vacancy in our said Council, any five whereof we do hereby appoint to be a quorum, we do hereby require you to certify us, by the first opportunity, of such vacancy, by the death, departure, suspension of any of our said Councillors, that we may under our signet and sign manual constitute and appoint others in their room; but that our affairs at the distance may not suffer for want of a due number of Councillors, if ever it shall happen that there are less than seven of them residing in our said Province, we do hereby give and grant unto you full power and authority to choose as many persons out of the principal freeholders, inhabitants of our said Province, as will make up the full number of the Council to be seven and no more, which persons, so chosen and appointed by you, shall be to all intents and purposes our Councillors in our said Province, till either they are confirmed by us, or till, by the nomination of other Councillors by us, under our sign manual and signet, the said Council hath above seven persons in it, and our will and pleasure is, that every member of our said Council, suspended by you or displaced by us, shall be incapable during such vacancy, and after being so displaced, to be a member of the General Assembly, and we do hereby give and grant unto you full power and authority, with the advice and consent of our said Council from time to time,

as need shall require, to summon and call General Assemblies of the freeholders within your government, in such manner and form, as, by the advice of our said Council, you shall find most convenient for our service and the good of our said Province, *until our pleasure shall be further known* therein; and our will and pleasure is that the persons thereupon duly elected, by the major part of the freeholders, and being so returned and having before their sitting taken the oaths of allegiance and supremacy, which you shall commission fit persons under the public seal to administer, and without taking which none shall be capable of sitting, though elected, shall be called and held y<sup>e</sup> General Assembly of y<sup>e</sup> Province.

And that you, the said Edward Cranfield, by and with the advice and consent of our said Council and Assembly, or the major part of them respectively, have full power and authority to make, constitute, and ordain laws, statutes and ordinances for the public peace, welfare and good government of our said Province and plantation, and of the people and inhabitants thereof, and such others as shall relate thereto, and for the benefit of us, our heirs and successors, which said laws, statutes and ordinances, are to be near as conveniently may be agreeable unto the laws and statutes of this our kingdom of England: Provided, that all such laws, statutes and ordinances, of what nature and kind soever, be within three months or sooner after the making of the same, transmitted unto us, under the public seal, for our allowance and approbation of them, as also duplicate thereof, by the next conveyance, and in case all or any of them, being not before confirmed by us, shall *at any time* be disallowed and not approved and so signified by us, our heirs and successors under our or their sign manual and signet, or by order of our or their privy council unto you, the said Edward Cranfield, or to the Commander-in-Chief of our said Province for the time being, then such or so many of them as shall be so disallowed and not approved shall from thenceforth cease, determine and be utterly void and of none effect, any thing to the contrary thereof notwithstanding; and to the end nothing may be passed or done by the said Council or Assembly to the prejudice of us, our heirs or successors, we will and ordain that you, the said Edward Cranfield, shall have and enjoy a nega-

tive voice in the making and passing of all laws, statutes and ordinances, as aforesaid, and that you shall, and may, likewise, from time to time, as you shall judge necessary, prorogue and dissolve General Assemblies, as aforesaid; and our will and pleasure is, that you shall and may keep and use the public seal already appointed for that Province; and we do further give and grant unto you, the said Edward Cranfield, full power and authority from time to time, and at any time hereafter, by yourself, or by any other to be authorized by you in that behalf, to administer and give the oaths of allegiance now established within this our realm of England, to all and every such person and persons as you shall think fit, who shall at any time or times pass unto the said Province, or shall be residents or abiding there; and we do hereby give and grant unto you full power and authority to erect, constitute and establish such and so many courts of judicature and public justice within the said province and plantation within your government, as you and they shall 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 of execution thereupon, with all reasonable and necessary powers and authorities, fees and privileges belonging unto them; and we do here authorize and empower you to constitute and appoint judges, justices of the peace, sheriffs, and other necessary officers and ministers in our said Province, for the better administration of justice and putting the laws in execution, and to administer such oath or oaths as you shall find reasonable for the due execution and performance of offices, places and charges, and for the clearing of the truth in judicial causes. And we do hereby give and grant unto you full power and authority, where you shall see cause, and thereupon shall judge any offenders in criminal matters, or for any fine or forfeitures, due unto us fit objects of our mercy, to pardon and remit all such offenders' fines or forfeitures before or after sentence given, treason and wilful murder only excepted, in which causes you shall likewise have power, upon extraordinary occasions, to grant reprieves to the offenders therein, until and to the intent our pleasure may be known therein.

And it is our will and pleasure, and we do hereby expressly declare, that it shall and may be lawful from time to time, and for all and every person and persons who shall think him or themselves aggrieved by any sentence, judgment, or decree pronounced, given, or made within our said Province, in, about, or concerning the title of any land or other real estate, or in any personal action or suit above the value of fifty pounds and not under, to appeal from such judgments, sentence and decree unto us, our heirs and successors, and our or their privy councillors; but with and under this caution and limitation, that the appellants shall first enter into and give good security to pay such costs and charges as shall be awarded by us, in case the first sentence be confirmed; and provided, also, that execution be not suspended by reason of any such appeal unto us. And our further will and pleasure is, and so we do hereby declare, that in all criminal causes where the punishment to be inflicted on offenders shall extend to loss of life or limb, the case of wilful murder only excepted, the party convicted shall either be sent over into this our kingdom of England, with a true state of his case and conviction, or execution shall be respited until the cause shall be here represented unto us, our heirs and successors, in our or their privy council, and orders sent and returned therein; and we do hereby give and grant unto you, the said Edward Cranfield, by yourself, your captains and commanders by you to be authorized, full power and authority to levy armies, muster, command, or employ all persons whatsoever, residing within our said Province of New-Hampshire, and as occasion shall serve them, to transfer from one place to another, for the resisting and withstanding all enemies, pirates and rebels, both at land and sea, and to transport such officers to any of our plantations in America as occasion shall require for the defence of the same, against the invasion or attempt of any of our enemies, and them, if occasion shall require, to pursue and prosecute, in or out of the limits of our said plantations, or any of them; and if it shall please God them to vanquish, apprehend, and take, and being taken, either according to the law of armies, to put to death or to keep and preserve alive, at your discretion, and to execute marshal law in time of invasion, insurrection, or war, and during the continuance of the same,



and to do and execute all and every other thing which to a captain-general doth or ought of right to belong, as fully and amply as any of our captains-general doth or hath usually done. And we do hereby give and grant unto you full power and authority by and with the advice and consent of our said council to erect, raise and build in our Province and plantation aforesaid, or any part of it, such and so many forts, platforms, castles, cities, boroughs, towns and fortifications, as by the advice aforesaid shall be judged necessary, and the same, or any of them, to fortify and furnish with ordnance, ammunition and all sorts of arms, fit and necessary for the security and defence of our said Province, and by the advice aforesaid, the same again or any of them to demolish or dismantle as may be most convenient; and if any invasion shall at any time happen, or other destruction, detriment or annoyance be made or done by Indians or others, upon or unto our good subjects, inhabiting within our said Province of New-Hampshire, we do by these presents, for us, our heirs and successors, declare, ordain and grant that it shall and may be lawful to and for our subjects so commissioned by you, from time to time, and at all times, for their especial defence and safety, to encounter, expel, repel and resist by force of arms and all other fitting ways and means whatsoever, all and every such person or persons as shall at any time hereafter attempt or enterprise the destruction, invasion, detriment or annoyance of any of our said loving subjects or their plantation or estates; and above all things, we do, by these presents, will, require and command you to take all possible care for the discountenance of vice and encouragement of virtue and good living, that by such example the infidels may be incited and desire to partake of the Christian religion; and for the greater ease and satisfaction of our said loving subjects in matters of religion, we do hereby will, require, and command that liberty of conscience shall be allowed unto all Protestants, and that such especially as shall be conformable to the rites of the Church of England, shall particularly be countenanced and encouraged.

And for supporting the charge of the government of our said Province of New-Hampshire our will and pleasure is, and we do, by these presents, authorize and require you and our said

Council to continue such taxes and impositions as have been and are now levied and imposed upon the inhabitants thereof, and the same be levied and distributed to those ends in the best and most equal manner that can be until a General Assembly of our said Province shall have considered and agreed upon the fittest ways for raising of taxes in such proportions as may be requisite for defraying the charge of the government; and it is our further will and pleasure that all public monyes raised or to be raised within our said Province be issued out by warrant from you, by and with the advice and consent of the Council, and disposed by you for the support of government and not otherwise, and you are to exercise all powers belonging to the place and office of vice-admiral of and in all the seas and coasts belonging to your government according to such commission, authority and instruction as you shall receive from our dearest brother the Duke of York, or High Admiral of our foreign plantations, or from our High Admiral or commissioners for executing the office of Lord High Admiral of our foreign plantations for the time being; and we do give you power to appoint fairs and markets according as you, with the advice of the Council, shall think fit, and we do hereby give and grant unto you full power and authority to appoint within our said province and plantation under your government such and so many ports, harbors, bays, havens, and other places for the convenience and security of shipping, and for the better loading and unloading of goods and merchandise, in such and so many places as by you, with the advice and consent of the said Council, shall be thought fit and convenient, and in them or any of them to erect, nominate and appoint custom-houses, warehouses, and officers relating thereunto, and them to alter, change, place or displace from time to time as with the advice aforesaid shall be thought fit; provided, always, that all due obedience be given to the several acts of Parliament made within this our kingdom of England, and to the rules and methods prescribed thereby for the security and encouragement of trade and navigation; and we do hereby require and command all officers and ministers, civil and military, and all other inhabitants of our said province and plantation under your govern-

ment, to be obedient, aiding and assisting unto you the said Edward Cranfield, in the execution of this our commission, and of the powers and authority therein contained.

And we do hereby further give and grant unto you full power to constitute and appoint, and commissionate any fit person to be your deputy within our said Province under your command, whom we do order and appoint to be of our Council, and do hereby grant unto him full power and authority to do and execute whatsoever he shall be by you authorized and appointed to do, in pursuance of and according to the powers and authorities granted unto you in this our commission; and we do likewise authorize and impower you to remove and displace such deputy appointed by you as you shall choose; and in case you shall happen to die, and there be no other person upon the place commissioned by us to be Commander-in-chief, our will and pleasure is that the then present Council of New-Hampshire do take upon them the administration of the government and execute this commission, and the several powers and authorities herein contained, and that such councillor who shall be at the time of your death residing within our Province of New-Hampshire, and nominated in this our commission before any other at that time residing there, do preside in our said Council, with such powers and preheminenses as any former president hath used and enjoyed within our said Province, and if there be no deputy appointed by you or other person upon the place commissioned by us to be commander-in-chief, our will and pleasure is that our said Council shall likewise take upon them the administration of the government until you shall arrive at our said Province.

And whereas several of the inhabitants of the said Province of New-Hampshire have been some time, and now are, in the possession of several quantities of land, and are said to have made considerable improvements thereon, having no title for the same, or such pretended title only as hath been derived from the government of 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 duly empowered by our said colony of the Massachusetts Bay have consequently disowned any right, either in the soil or government thereof,

from the three miles line aforesaid, and it appearing unto us that the ancestors of Robert Mason, Esq., obtained grants from our great Council, established of Plymouth, for the tract of land aforesaid, and were at very great expense 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 said soil, we have obliged the said Robert Mason, under his hand and seal, to declare that he will demand nothing for the time past, until the four-and-twentieth day of June, which was in the year of our Lord God one thousand six hundred seventy and nine, nor molest any in their possession for the time to come, but will make out titles to them and their heirs forever, provided that they will pay unto 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 for his best advantage; but if, notwithstanding the said overture from the said Robert Mason, which seems to be fair unto us, any of the inhabitants of the said Province of New-Hampshire shall refuse to agree with the said Robert Mason or his agents, upon the terms aforesaid, our will and pleasure is, that you shall have power, and you are hereby empowered to interpose and reconcile all differences, if you can, that shall or may arise between the said Robert Mason and the said inhabitants; but if you cannot, then we do hereby command and require you to send into England such causes, fairly and impartially stated, together with your opinion and reasons upon the same, that so we, our heirs and successors, by and with the advice of our and their privy council, may determine therein, according to right; and lastly, we do hereby declare and appoint that you, the said Edward Cranfield, shall and may hold, execute and enjoy, the office and place of our Lieutenant-Governor and Commander-in-Chief, in and over our Province and Plantation of New-Hampshire, together with all and singular the

powers and authorities hereby granted unto you, for and during our pleasure; and we do hereby further declare our will and pleasure to be, that our commission, bearing date the eighteenth day of September, one thousand six hundred seventy-nine, do from thenceforth cease, determine, and become utterly void.

In witness whereof we have caused these our letters to be made patents.

Witness ourself, at Westminster, the ninth day of May, in the four-and-thirtieth year of our reign.

BARKER.

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*Instructions to Edward Cranfield.*

1. You are not to suffer any public money whatsoever to be issued or disposed of otherwise than by a warrant under your hand; but the Assembly may be nevertheless permitted, from time to time, to view and examine the accounts of money or value of money disposed of by virtue of such laws as they shall make, which you are to signify unto us, as occasion shall serve.

2. And you shall observe, in the framing and passing of laws, that no fines, forfeitures and penalties be mentioned therein, to be appointed or become payable, otherwise than to us, our heirs and successors, for the support of the government and to the informer, except in special cases.

3. And it is our express will and pleasure that all laws whatsoever, for the good government and support of our said Province of New-Hampshire, be made indefinite, and without limitation of time, except the same be made for a temporary end, and which shall expire and have its full effect within a certain term.

4. And, therefore, you shall not re-enact any law which shall be once enacted by you, except upon very urgent occasion; but in no case more than once without our express consent.

5. You are, upon calling a meeting of the Assembly, to nominate and appoint a fit person to serve you as your clerk; and you are to take care that he do furnish you with copies of all votes, orders and proceedings of the Assembly, as often

as you shall see cause, which you shall transmit unto us and our committee of trade and plantations by the first opportunity, and duplicates by the next conveyance.

6. And whereas we think it fit, for the better administration of justice, that a law be passed in the Assembly wherein shall be set the value of monyes, estates, either in goods or lands under which they shall not be capable of serving as jurors, our pleasure is, that the first opportunity, you prepare and enact one to the purpose.

16th King Charles the First, in the Statute Book, page 1108, section the 5th:—

Be it likewise declared and enacted by the authority of this present Parliament, that, neither his Majesty nor his Privy Council have, or ought to have, any jurisdiction, power, or authority by English bill, petition, articles, libel, or any other arbitrary way whatsoever, to examine or draw into question, determine, or dispose of the land, tenements, hereditaments, goods, or chattells, or any of the subjects of this kingdom; but that the same ought to be tried and determined in the ordinary course of justice, and by the ordinary course of the law.

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*New-Hampshire.*

LAWS made by the Honorable, the Governor, with the advice and consent of the Council and General Assembly, held at Portsmouth the 14th of November, 1682.

1. *Be it enacted by the Governor, by and with the advice and consent of the Council and Assembly,* and it is hereby enacted by the authority aforesaid, that justice and right be equally and impartially administered unto all men, not sold, denied, or carelessly deferred unto any.

2. *Be it enacted, &c.,* That whosoever shall commit adultery with a married woman, or one betrothed to another man, both of them shall be fined: namely, ten pounds apiece; and shall wear two capital letters; namely, A D, cut out in a cloth and sewed upon their uppermost garments, on their arm or back;

and if, at any time, any person so offending shall appear without the said letters, he or she shall be liable to pay a fine of five pounds as often as the offender shall be so found.

3. *Be it enacted, &c.*, That if any man commit fornication with any single woman, they shall both be punished by paying each a fine not exceeding five pounds; and in case any commit carnal copulation after contract, before marriage, they shall be amerced fifty shillings apiece.

4. Forasmuch as many persons of late years have been and are apt to be injurious to the lives and goods of others, notwithstanding all laws and means to prevent the same, it is therefore enacted, &c., that if any person commit burglary by breaking open any dwelling-house, warehouse, or shall forcibly rob any person in the field or highways, such offenders shall, for the first offence, be branded on the right hand with the letter B, or R; and if he shall offend in the like kind a second time, he shall be put to death, or otherwise grievously punished, as the court shall determine.

5. *Be it enacted, &c.*, That if any person in this Province shall be legally convicted of stealing or purloining horses, cattle, money, or other goods of any kind, he shall be punished by restoring three-fold to the party wronged, and a fine not exceeding twenty shillings, or corporal punishment, to be inflicted as the nature or circumstance of the case may require.

6. *Be it enacted, &c.*, That whosoever shall steal, or attempt to steal, any ship, barkue, or vessel of burden, or any public ammunition, shall be severely punished, according to the nature of such a fact, provide it extend not to life or limb.

7. *Be it enacted, &c.*, That whosoever shall profane the sacred and blessed name of God, by vain swearing or cursing, shall pay a fine of ten shillings, or be set in the stocks an hour.

8. *Be it enacted, &c.*, That if any person, being sixteen years of age or upward, shall wittingly or willingly make or publish any lie, which may tend to the damage or hurt of any particular person, or with intent to deceive or abuse the people with false news or reports, he shall be fined for every such offence ten shillings, or sit an hour in the stocks.

9. *Be it enacted, &c.*, That whosoever shall be found drunk shall pay a fine of ten shillings, or sit an hour in the stocks;

and whosoever shall drink to excess, so as thereby to disguise himself, discovering the same by speech or behavior, he shall pay a fine of three shillings and four pence, or sit in the stocks half an hour.

10. *Be it enacted, &c.*, For prevention of the prophanation of the Lord's day, that whosoever shall, on the Lord's day, be found to do unnecessary servile labor, travel, sports, or frequent ordinaries in time of public worship, or idly straggle abroad, the person so offending shall pay a fine of ten shillings, or be set in the stocks an hour; and for discovery of such persons it is ordered that the constable, with some other meet person whom he shall choose, shall, in the time of public worship, go forth to any suspected place within their precincts, to find out any offender as above, and when found to return their names to some justice of the peace, who shall forthwith send for such offender, and deal with him according to law.

11. *Be it enacted, &c.*, That whosoever shall speak contemptuously of the scriptures, or holy penmen thereof, shall be punished by fine not exceeding five pounds; and whosoever shall behave himself contemptuously toward the word of God preached, or any minister thereof, called and faithfully dispensing the same in any congregation, either by manifest interrupting of him in his ministerial dispensation, or falsely charging him with teaching error; such offender shall pay a fine of 20s., or sit two hours in the stocks.

12. *Be it enacted, &c.*, That if any person do willfully and on purpose, burn down any man's fence, he shall make good the damage to the party wronged, and be amerced forty shillings, and be bound to y<sup>e</sup> good behavior for six months.

13. *Be it enacted, &c.*, That whosoever shall willfully pluck up, remove, or deface any landmarks or bounds, between party or party, that hath been or shall be orderly made or set up, by persons thereunto appointed in the several towns, he or they shall be fined not exceeding five pounds for such offence.

14. Forasmuch as sundry dissolute persons are too ready to run into y<sup>e</sup> transgression of such laws, unto which fines are annexed, and perhaps are so indigent as the paying of fines may be very injurious to themselves and families; be it therefore enacted, that every person so offending, not having five pound



ratable estate, according to the valuation stated by law; or parents, or master or masters under whose government they are, that will forthwith pay the fine, shall be liable to be whipt: viz., for an offence where the fine does not exceed twenty [ten] shillings, 5 stripes; where the fine doth not exceed twenty shillings, ten stripes; where the fine doth not exceed five pound, twenty stripes; and where the fine doth not exceed ten pound, thirty stripes or upward, not exceeding forty stripes.

15. *Be it enacted, &c.*, That if any constable shall fail to clear his Province rates within his year, or such time as shall be limited him by the trustees or overseers of the town, he shall be liable to have his estate distrained, by warrants from the treasurer directed to the marshal of the province, for the sum not gathered, and for all town rates made and committed to the constable, by the trustees or overseers of the town, to be collected within the time limited, the constable failing of his duty herein shall be liable to have his estate distrained, by warrant from the trustees, or overseers, directed to the marshal, for the sum not gathered.

And where the constables of the several towns are enjoined to clear their rates, on penalty of making good the same out of their own estates, it is ordered, that if any person or persons within this Province, rated, shall refuse to pay his rate or rates, and discover his own estate to the constable, he shall have liberty to seize the person and carry him to the next prison, there to remain till he pay the same, or give good security so to do.

16. For defraying the present charges arisen in the several towns, for the support of the ministers of the gospel, as also for payment of the necessary expenses of the Assembly men of each town, during their sitting, and other necessary occasions relating to the town;

17. *Be it enacted, &c.*, That the trustees or overseers, hitherto called selectmen, in the respective towns where they live, do make such rates upon all persons and estates in the several towns, to be forthwith collected by the constable, as may answer the occasions aforesaid, until further orders, that particular care be taken with reference to all arrearages of rates, that the same may be forthwith collected and paid to the person to whom they are due.

18. For defraying the public charges of the Province, *be it enacted*, &c., that a rate be made of four pence in the pound, upon all persons and estates within the Province, according to valuation thereof last set, and that the trustees or overseers in the several towns do forthwith effect it, committing the same into the hands of the respective constables, to be collected and transmitted into the hand of the Province treasurer, in the species at the prices following: viz.

Mer'ble pine boards at any convenient landing place in Piscataqua river,	at 26s. p. M.
Ditto white oak pipe staves, at any convenient landing, where the constable shall appoint,	at 50s. p. M.
Ditto red oak pipe staves, ut supra,	at 35s. p. M.
Beafe,	at 2 <i>d.</i> per lb.
Poarke,	at 3 <i>d.</i> per lb.
Indian corne,	at 3s. per bush'll.
Wheate,	at 5s. per bush'll.
Pease,	at 4s. per bush'll.
Malte,	at 3s. per bush'll.
ffish,	at price current.

19. And whosoever will pay their rates in money shall be abated one third part: The said rate being paid into the treasury, that comes not in money, to be converted into money, and applied to the uses following: viz., a present of two hundred pounds, in money, to our honored Governor, as soon as the said rate can be collected and converted into money, and the remainder to answer any other province [purpose?] that doth and may arise.

20. For bringing plenty of money into the Province, by putting a value on foreign coin, *be it enacted*, &c., that the several sorts of foreign coin herein after named, shall pass here in all payments at the value here set upon them; that is to say, the price of eight ryalls of Spain, or dollars of Seville, Mexico, and pillar and all lesser pieces, provided they be good silver, at six shillings eight pence pr. the ounce, Troy weight, provided that all monyes payable upon former contracts be paid in specie, according to agreement.

21. Whereas a bill was lately passed for regulation of the choice of jurors, assembly men, trustees, or overseers for the respective towns, and it appearing that the manner of choice of jurors therein expressed is absolutely contrary to the known laws and statutes of the kingdom of England, *Be it therefore enacted* by the Honorable Edward Cranfield, Esq., Lieutenant Governor and Commander-in-Chief of his Majesty's Province, with the advice and consent of the Council and General Assembly thereof, and it is hereby enacted by the authority aforesaid, that the clause in the said bill relating to the choice of jurors be repealed, and that for the future, jurymen shall be empaneled by the sheriff or marshal of the Province for the time being, and summoned and returned to the court of pleas, as it is customary in England and all other his Majesty's plantation; and whosoever is legally returned of the jury, and appears not, and this appears by the oath of the marshal, shall pay twenty shillings for this default, unless sickness or other necessity prevent, such as shall give the judge satisfaction.

22. That no person may be a loser through the officer's neglect, *Be it enacted* that no marshal, constable, or other officer, shall bail any person that he hath attached, without sufficient security: viz., one or more that is settled inhabitants in the Province, and that hath a visible estate to be responsible according to the bonds required, provided no man's person be imprisoned that shall tender to the officer sufficient security by his own estate to answer the attachment, unless in such case where the law allows neither bail nor main-prize.

23. *Be it enacted, &c.*, That any person who is plaintiff in any court within this province shall have liberty at any time before verdict given to withdraw his action, in which case he shall pay full costs to the defendant.

24. *Be it enacted, &c.*, That if any person do make default of appearance in any court where he is plaintiff, having been three times distinctly called by the marshal or other officer appointed thereto, he shall be nonsuited and liable to pay the defendant costs; and if the defendant fail to make his appearance, if it appears by the process that goods were attached, or surety or sureties bound for his appearance, after the surety hath been

three times called, the cause shall proceed to trial; and if judgment be given for the plaintiff, execution shall issue forth against the defendant, and the surety or goods attached shall stand good for a month after judgment; but if the execution be not levied within one month after judgment, the goods attached or sureties shall be discharged.

25. *Be it enacted, &c.*, That every justice of the peace in the respective towns where he dwells shall have power hereby to hear and determine any civil action where the debtor's damages exceed not forty shillings, provided attachments and summons are made out or signed by the clerk of the court of pleas for the time being; and it shall be lawful for the party aggrieved by such determination to appeal to the next court of pleas, or to the Governor and Council, giving security to prosecute such appeal, and abide the order therein.

26. *Be it enacted, &c.*, That all summons and attachments shall be served six days before the court where the case is to be tried, and the cause or grounds of the action shall in the said process be briefly declared, and in what capacity the plaintiff sueth, whether in his own name, or as assignee, guardian, executor, administrator, agent, or such like, or in defect thereof, if exception be taken before parties join issue, it shall be counted a legal bar, and the plaintiff shall be liable to pay cost, but no circumstantial errors in a summons or attachment where the person and cause intended may be rationally understood, shall be taken as a sufficient ground for a nonsuit.

27. *Be it enacted, &c.*, That any person attached, desiring to prevent further charge, shall have liberty, at any time before the sitting of the court where he is to answer, upon notice given to the plaintiff or his attorney, to appear before the judge and clerk of the said court and acknowledge judgment, which shall stand good and valid in law, provided that the goods attached or sureties bound shall not be discharged till a month after the acknowledgment of such judgment, unless the creditor give under his hand that he is satisfied; provided, also, such acknowledgment of judgment, by any person or persons not inhabiting within this province, shall not free them unless they produce a sufficient surety that he is a settled inhabitant with-

in the limits of this Province, to engage with him or them in the acknowledgment of the said judgment and execution, to stand good against the surety for a full month after.

*Vera Copia* from the original laws.

Attest:

RICHARD CHAMBERLAIN.

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*The King's order concerning Mason's Claim.*

[Prov. Rec., B. 1, p. 47.]

CHARLES R.

Trusty and well beloved: We greet you well. There having been long depending before me the petition and complaint of our trusty and well beloved subject, Robert Mason, Esq., representing the great hardships and injuries he has for many years suffered by being opposed in the prosecution of his right by our corporation of the Massachusetts Bay, and by them wrongfully kept out of possession of a tract of land lying between the rivers of Naumkeag and Merrimack, and three miles northward thereof, granted unto him by virtue of letters patent from our royal grandfather, of blessed memory; and whereas we have received the opinion of our attorney and solicitor general, that the said Robert Mason, who is grandson and heir of John Mason, has a good and legal title to the lands conveyed to him by the name of the Province of New-Hampshire, whereupon we were pleased to refer the matter in difference between our said corporation and the complainant unto the Lords Chief Justices of our court of King's Bench and Common Pleas, who have presented us with their report, setting forth that all parties appearing before them, William Houghton and Peter Buckley, Esqs., your messengers and agents, had disclaimed title to the lands claimed by the petitioner, and that it appearing to them that the said lands were then in the possession of several other persons, not before them, so they deemed it most proper to direct the parties to have recourse to the judicature settled upon the place for the decision of any question of property, until it should appear that there is just cause of complaint against our courts of justice there, for injustice or grievancy: To the end, therefore, that justice may be administered with the most ease and the least expense to all the said parties who shall see cause to defend



fully determined. And so expecting your ready obedience to our commands, hereby signified unto you, we bid you farewell.

Given at our Court at Whitehall, the 23d day of June, 1682, in the four and thirtieth year of our reign.

By his Majesty's command,

L. JENKINS.

*Vera copia* from the original.

To our trusty and well beloved, the Governor and Company of our Colony of the Massachusetts Bay, in New-England.

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*New-Hampshire in New-England.*

[Prov. Rec., B. 1, p. 77.]

I, Richard Chamberlain, Esq., Justice of the Peace, for his Majesty's said Province, do humbly testify, that Wm. Vaughan, Esq., of Portsmouth, in the said Province, and Richard Waldron, of Portsmouth aforesaid, merchant, on the first day of November instant, came to me to make oath in relation to Mr. Mason's conveyance (to the Governor) of this Province, which I was ready to take, having been appointed thereto by the Governor, according to the letter of the Right Hon'ble the Lords of the Committee for trade and plantations; and the - - - copy is the matter and substance of what they said they would depose; save only the last words (but for what term they do not remember), which, because I told them was necessary to be inserted in their deposition, I having asked them (for y<sup>e</sup> clearing of truth) for what term y<sup>e</sup> conveyance was, and whether absolute or conditional, and they (or one of them) answering he had forgot. They both left the room immediately refusing to be sworn. And notwithstanding I was ready & made it my sole business, both to give the complain<sup>t</sup>s copies of any Records or Papers in my custody, w<sup>t</sup>soever they should desire (and had so done to several of them) as also to take the depositions of many of them summoned and near at hand, yet not one of them offered to be deposed as witnesses, but went away presently with the s<sup>d</sup> Vaughan & Waldron. Besides, they have not since made any complaint to the Gov<sup>r</sup>, nor proceeded to make any other proof. And the Governor ordered me to tell them when they should come to me again,

y<sup>t</sup> they should have copies of the above s<sup>d</sup> conveyance to y<sup>e</sup> Govern<sup>r</sup> from Mr. Mason, for payment of £150 per an. for 7 years toward his allowance, y<sup>e</sup> s<sup>d</sup> deed bearing date y<sup>e</sup> 20th June, 1682. And the Govern<sup>r</sup> doth remember, he told some of them the term for which the s<sup>d</sup> Mason conveyed the s<sup>d</sup> Province, was for one & twenty years.

Indorsed—"Chamberlain's certificate concerning the oath tendered to Wm. Vaughan, &c., relating to Mason's conveyance to the gover<sup>r</sup>, 1683."

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*Fees of Court.*

[Prov. Rec., B. 1, p. 50.]

To the judge, for every action,	4s.
To the assistants, each,	3s.
To the prothonotary, or clerk,	2s. 6d.
To the provost marshal,	1s.
To each juryman,	6d.
To the beadle,	6d.
To every justice of peace for every action before him,	2s.
For every execution thereon,	2d.
To the treasurer, for entering of vessels, ships, sloops, &c.,	1s.
For clearing the same,	1s.
For all monies issued out and received, for every pound,	1s.
For copy of casket,	6d.
To the captain of the fort, per annum,	20l.
For every vessel passing the fort,	1s.
To the auditor of the king's revenue, for every pound audited,	6d.
To the secretary, per annum,	10l.
Upon a fine of a delinquent,	2s. 6d.
Upon admonition,	2s. 6d.
Reasons of appeal,	2s.
Answers to reasons of appeal,	2s.
Judgment conferred,	2s.
For every probate of a will,	1s.



For registering every deed, bill of sale, bond, execution, &c., as formerly Capt. Stileman had.	
For copies (as formerly), every person,	1s.
For every attachment,	1s.
For every summons,	6d.
For every execution,	2s.
For every ordinary petition to the Council or Court,	1s.
For every name more than one,	6d.
For every petition to remit or mitigate a fine, &c.,	2s.
For every evidence filed,	3d.
Attesting before the Council, &c.,	1s.
Order of Council,	1s.
Copy of such order,	1s.
To the provost marshal, for every attachment,	2s.
To the prison keepers, apiece,	4l.
To the provost marshal, for levying execution of 10l. and under, in Portsmouth, per pound,	1s.
From 20l. to 50l., 6d. in the pound, besides the former 10l.,	6d.
And for every pound levied above 50l. and under 100l., for every pound above 50l.,	3d.
And for every 100l. and upwards, for every pound above 100l., he shall take,	1d.
Allowed by the Governor in Council, January 19, 1682-3.	

R. CHAMBERLAIN, Sect.

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BY THE GOVERNOR.

*New-Hampshire.*

For prevention of disturbance by unlawful assemblies and meetings, such as we have too lately experienced, and such as may for the future arise to the terror of his Majesty's subjects within the said Province: *Ordered*, That the trustees or overseers of the respective towns therein, or others, presume not to call any public meeting about any town business, or on other pretence whatsoever, without leave first obtained from the justices or justice of the peace of the said respective towns, upon

just representation of the necessariness of such town or public meeting, on such penalty as the law directs, to be inflicted upon unlawful assemblies.

Dated the 3d day of March, 1682-3.

Superscribed, *To the Constable of Portsmouth. To be published.*

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The deposition of Cobbit, aged about 30 years or thereabout, testifieth : that I, being in the house of my father-in-law, John Lewis, on Saturday night last, about nine or ten of the clock, that then Mr. Joseph Raynes came in to the aforesaid house, who was kindly entreated to sit down, but having, as supposed a design to quarrel, began to abuse my father Lewis, and told him Mr. Mason was coming, and a governor with him, and now he should see Major Waldron and some of the rest turned out, and he hoped to have as much power as any man upon the island ; also, that here was a man come in this ship which would buy the whole island, and our houses over our heads ; at which my father Lewis laughed, and told him he should not take his house from him, nor no man else. To which said Raynes answered that he was a fool, and he had no more to do with his house than he had himself. But my father, not willing to quarrel with him, desired him in loud to go out of his house to his lodgings, and not abuse him in his own house, saying if Mr. Mason was here himself he would scorn to say so much. But Mr. Raynes told him he was a fool and a puppy, and he would not go out of the house for him, nor he would not hold his tongue, and gave him several abusive words ; at which my father went to force him out, but said Raynes took him by the hair of the head and pulled him to the ground. Then I presently stepped in between them to prevent any further mischief, though it happened otherwise, for my wife, being in a fright, held up her hands to defend the blows that were passing, and received a blow which broke the thumb of her right hand, and it is feared by the surgeon that she will lose part of her thumb ; but with much to do I got him out of the house,

and shut the door, though he would have fought himself in again, threatening mischief to those in the house. And further saith not.

3d October, 1682. Abigail Chandler made oath to all above written.

Before me: ELIAS STILEMAN, Deputy President.

The above said deponent, Thomas Cobbit, was sworn to the truth of the abovesaid deposition, before the Council, this 2d October, 1682.

Teste: RICHARD CHAMBERLAIN, Secretary.

[Court Papers, Reg. office.]

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[P. Rec., B. 1, p. 48.]

October 23, 1682.

*Ordered by the Governor*,—That Richard Chamberlain, Esq., have the registering or recovering of all bills and deeds of sale, mortgages and bills, all which are hereby to be so recorded as perquisites and appertaining to his office of law and clerk of council; and also, that he be clerk of all the courts of judicature held within this Province, and have the entry of all actions, appeals, judgments, and the making of all process, writs of attachment, and other writs and executions, and do all other acts relating to the said courts, during the pleasure of the Governor.

*Vera copia* from the Council book.

Teste: R. CHAMBERLAIN, Secretary.

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[Prov. Rec., B. 1, p. 53.]

*To the Right Honorable Edward Cranfield, Esq., his Majesty's Lieutenant and Governor for the Province of New-Hampshire,*

The petition of us, whose names are underwritten :

Humbly sheweth—Whereas, we conceive it is the laudable custom of civil, and much more christian nations, to have tender respect to the decrepit, by age, we, your Honor's humble petitioners, being sundry of us about and above seventy years of age, some of us above eighty, others near ninety, being past our labor and work, do crave that favor, if your Honor see meet, that we may be freed from head money, we being heartily willing our estates should pay their proportion to all public charges, but we humbly crave our heads may be spared, since

our hands can do so little for them. We also humbly suggest that some of us, that lived long in England, remember not that we paid any thing for our heads, though we did for our estates. All which we present to your Honor, craving pardon for our boldness ; and if your Honor, out of your clemency, shall see cause to favor us in our request, we shall not cease heartily to pray for your Honor, and remain,

Your aged and humble suppliants,  
 John Marion,  
 Christopher Hussey,  
 Robert Smith,  
 Henry Roby,  
 Moses Cox,  
 Thomas Masting,  
 Morris Hobes,  
 William Fifield,  
 Godfrey Dearborn,  
 William Fuller,  
 John Redman,  
 Thomas Sleeper,  
 John Drown,  
 Abraham Perkins,  
 Isaiah Perkins,  
 Thomas Leavitt,  
 Anthony Tabor,  
 Anthony Stanyan,  
 John Clifford.

Hampton, March 2d, 1683.

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[P. Rec., B. 1, p. 43.]

*The deposition of William Waldron:* That on y<sup>e</sup> day Mr. Edward Gove was at Dover, he overtook me upon the road and asked of Joseph Beard what my name was. He answered, it was Waldron. He said there was none good of that name. He asked me what we thought the Governor would do with you? I answered, he would make honest men of them. I answered again, I did not know what he would make of him. Going along with him, he discoursed of his design, that he was minded to raise a party of men to stand out against the Governor. He had been at Exeter and Hampton, and he could find but sixteen or seventeen men that would stand out against him, and they would meddle of no side. Then I told him of a

sermon that I heard of, that Mr. Moody preached at Dover, and his text was, "In the time of adversity consider." I told him of a boy that went to an apothecary's shop to buy a penny worth of wit. The apothecary man wrote him a paper: "consider before hand what will come after, and you will never do amiss." He said my counsel was good, but we have considered a fortnight's time already. He informed a man at the spring at the Bank, and when he heard the news he rejoiced at it as if it had been a man risen from the dead, or words to that effect. Afterwards I met with Mr. Peter Coffin at his own gate. He asked what news I heard. I answered him, you heard all the news by the man. He said he heard none. Asked me what I heard? I told him I understood by the man that he was minded to raise a party of men to stand out against the Governor. Mr. Coffin's answer was, Poh! poh! he would not believe it. Afterwards, being examined by Col. Waldron and Mr. Coffin, the colonel asked me why I did not come and inform him. I answered him I did not use to come to his house. Mr. Coffin was the next magistrate and I informed him. Mr. Gove did further say that the old officers should stand good and that the court should be kept at Dover, and other words to that effect.

WILL. WALDRON.

Sworn before the Governor and Council, March 3, 1682-3.

By order:

R. CHAMBERLAIN, Cl.

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*A letter from Edward Gove, in prison, to the Justices of the Court of Sessions.*

[Far. Belk., pp. 99, 100.]

From the Great Island in Portsmouth, in New-Hampshire, 29 January, 1682-3.

To the much hon'd Justices of the Peace, as you call yourselves by your indictment, in which eleven men's names subscribed: namely, Ed. Gove, John Gove, Jo. Wadly, John Wadly, Rob. Wadly, Ed. Smith, Will. Ely, Tho. Rawlins, John Sleeper, Mark Baker, John Young. Gentlemen, excuse me. I cannot petition you as persons in authority, by the name of Justises of the peace, for now I am upon a serious account for

my Life and the Life of those that are with me. Therefore pray consider well and take good advice of persons in Government, from whence you came. I pray God that made the Heavens, the earth, the sease, and all that in them is, to give you wisdom and courage in your places, to discharge such duty as God requires of you; and secondly, I heartily pray God to direct you to do that which our grasious king Charls the Second, of blessed memory, requires of you. Gentlemen, it may be I may be upon a mistake, but, according to what I know and believe, I am falsely indited, and I am abused notwithstanding by another Inditement, by being in irons, by Capt. Barefoot's order, which irons are called bilbose, exceeding large. Pray consider we are men like yourselves, made of the same earth, and I know who made the difference.

And I verily believe that the holy righteous just God will have an account of you for your justis in this matter. Pray consider. When this last change was, I writ to one man in this Province. I tould him we wère a happy people, if all was right in the Bottom. Time was that I said all was right in the bottom. I believed it, but now I see otherwise. Who knows what shall be on the morrow? Though it bee appointed a solemn day of fasting, I know that when it was appointed there was not the election of cries and tears that will appear when the day comes. If ever New-England had need of a Solomon, or David, or Moses, Caleb or Joshua, it is now. My tears are in my eyes. I can hardly see.

Yet will I say I do believe how it will com. You and they with siths and groanes, must outdo the ministry. The Ministry must endeavor to outdo you, but if you and they do any thing in hipocrisy, God will find you out, and deliverance will com some other way.

We have a hard prison, a good keeper, a hard Captain, irons an inch over, five foot and several inches long, two men locked together; yet I had, I thank God for it, a very good night's lodging; better than I had fourteene or fifteene nights before. I pray God direct you and let me hear from you by a messenger that your Honors shall imploy, and consider I am your Honors' humbly servant, in all duty to be commanded.

EDWARD GOVE.

I know those that will have a blessing from God must endeavor to stand in the way of blessing. This doctrin I heard about 32 years ago.

EDWARD GOVE.

Excuse anything wrote amiss, for the Lord's sake. I would you all were as I am, and as fitt to receive reward for innosency. I humbly beg your prayers to God in our behalfe.

EDWARD GOVE.

If anything be amiss in what is written, let the subscriber bear the blame, for the rest are surprized with fear.

EDWARD GOVE.

I humbly and hartily desire some of your Honors would speak to Mister Moody, to pray to God in the behalf of all his poor prisoners, the world over, and espesially for us before named, the men of this Province, who ly under heavy burdens.

EDWARD GOVE.\*

\* One person, *Edward Gove*, a member of the Assembly, from Hampton, endeavored in a half-crazy manner to excite the people to arms, but however much they were dissatisfied with the Government they had no sympathy with Gove's wild proceedings. His attempt failed entirely. He himself was brought to trial on an accusation of high treason. A special court was created 15 Feb'y, 1682-3, of which Waldron was Judge. Gove was convicted, being the first and last man convicted of high treason in the State of New-Hampshire, and the horrible sentence of the law was passed upon him by Major Waldron; it is said that the Judge shed tears as he pronounced the sentence, which was as follows: "That he should be carried back to the place from whence he came, and from thence be drawn to the place of execution, and be there hanged by the neck and cut down alive, and that his entrails be taken out and burnt before his face, and his head cut off, and his body divided into four quarters, and his head and quarters disposed of at the king's pleasure,"

"Gove was not executed, but carried to England and confined in the Tower of London several years, when he was finally pardoned and permitted to return home, and his estate was restored to him. The house in which he lived, or some portion of it, is still standing in Seabrook, formerly a part of Hampton, and a pear tree, which tradition says he brought with him from England, is yet flourishing in a "green old age" on the premises. He did not live many years after his return, and always contended that a slow poison had been administered to him while in prison. His descendants are numerous in Seabrook, Hampton, and other parts of the State." Hist. Mem., No. 110. A. H. Q.

[Prov. Rec., B. 1, p. 58.]

I, Edward Cranfield, in pursuance of the royal commission and instructions, do hereby pardon and remit unto John Gove, of Hampton, in the said Province, laborer, one of the persons convicted of high treason at the said court, held by special commission of oyer and terminer: viz., the first day of February, last past, in the year of our Lord God 1682, all his crime and offence of treasons and conspiracies, and all penalties and forfeitures for the same.

Given under my hand and the seal of the Province, the day of \_\_\_\_\_ in the six-and-thirtieth year of the reign of our sovereign lord, Charles the Second, king of England, &c., A. D. 1683.

The like pardon was granted under the Province seal to John Wadley, *mutatis mutandis*, and to William Holy.

The pardon of John Sleeper was to the same effect, only omitting these words (and all penalties and forfeitures).

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*New-Hampshire.*

*To Capt. Phillip Cromwell.*

Whereas you are commissioned to be captain of the foot company of Dover, you are hereby required and empowered to call together to your muster all such persons as have heretofore mustered in the town of Dover, and all such other persons as you shall think fitting to bear arms, from the age of sixteen years to sixty years, and to distrain upon such as shall make default in neglecting to appear at the said muster upon due notice, according to law and custom. And for so doing this shall be your sufficient warrant.

Given under my hand, at Great Island, the 9th of June, 1683.

By order:

R. CHAMBERLAIN.

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*Deposition of Walter Barefoot.*

[Coll. N. H. Hist. Soc., II., p. 195.]

In the latter end of February last, at which time our honorable Governor, Edward Cranfield, Esq., resided at my house on the Great Island in Portsmouth, in the Province of New-



Hampshire, came William Walderne to my said house, and informed me his uncle Walderne was getting a party of men to come to said Island, and bid me to look to ourselves, by reason of a paper which our Governor had caused to be set up at Dover, concerning Mr. Mason's title. And at another time said William Walderne came as above to my house, and told me it was reported at Dover he had taken an oath against his said uncle, and Mr. Pike came to him, said William, and chid him for so doing; to all which I affirm to be truth. The said William Walderne did informe me all the above. Witness my hand this 30th of July, 1683.

WALTER BAREFOOTE.\*

The above written Walter Barefoot was sworn to the truth of the above written, at the Quarter Sessions of the peace, held at Geat Island the 7th of August, 1683.

R. CHAMBERLAIN, Clerk of the Peace.

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*New-Hampshire.*

[Prov. Rec., B. 1, p. 61.]

By the Governor and Council.

Whereas the Parliament of England hath, for the good and welfare of his Majesty's said kingdom of England, in their wisdom thought fit to make good and wholesome laws for the encouragement of trade and navigation, and the increase of shipping; by the means whereof the wealth, safety and strength of his Majesty's dominions are likewise increased; and for the better observation of these laws, his Majesty, out of his princely wisdom and care of his good subjects, the merchants and mariners, hath, in pursuance thereof, not only directed his royal proclamations to all his government, strictly requiring and commanding them to give due observance to the said laws, but particularly and frequently his letters to the colony of the Massachusetts Bay, for the regulation of the abuses in the premises :

\* This deposition is from the original, in the hand-writing of Walter Barefoot.

Notwithstanding all which the said colony have, instead of discountenancing all persons that have infringed the said laws and acts, protected and encouraged them in their illegal importations, and made their ports places of reception for all foreign prohibited commodities, not only as to what hath been consumed within their own jurisdiction, but by the sloops, under pretence of loading timber (which we find very injurious to the trade in this Province), drawing all the ships to Boston, and thereby supplying all the neighboring colonies, totally to the discouragement of English merchants and mariners; and this by experience we know, having made seizure and condemnation of some prohibited commodities, coming from Boston. Now, forasmuch as the Governor and Council of his Majesty's said Province of New-Hampshire think ourselves in duty bound, not only to observe his Majesty's said laws ourselves, but also to use all the care and diligence to prevent the said abuses and discountenance them in others; we therefore, his Majesty's said Governor and Council, have thought fit, for the said reasons, of the breaking of the said acts of trade, and for the benefit of the same, and the advantages that will accrue to this Province, to restrain, and we do hereby restrain and prohibit the sloops and vessels coming from the colonies to the Massachusetts Bay, under the burthen of one hundred tun (unless allowed and licensed by the Governor, by a writing under his hand), from loading any boards or timber in this Province, under forfeiture of such sloops and vessels, from and after the first day of April next ensuing the date hereof. And for the encouragement of shipping and navigation of the merchants and seamen of England, it is hereby

*Ordered,* That for the space of three years next to come (unless his Majesty shall please to make any alteration hereof), all vessels coming from all other his Majesty's plantations, of what burthen soever, shall have free liberty to load and carry away any boards, timber, or other commodities, to any other his Majesty's plantations, only paying the usual rate for powder, as is and has been usually paid in Barbadoes.

Dated the 22d of October, in the 35th year of the reign of our sovereign lord Charles the Second, king of England, A. D. 1683.

[Prov. Rec., B. 1, p. 54.]

*These are to certify,* That upon my being made Governor of the Province of New-Hampshire, in New-England, his Majesty was graciously pleased, by an order in Council, of the twenty-fifth of January, one thousand six hundred eighty and one, to the Lords Commission<sup>rs</sup> of his Majesty's treasury, to make an augmentation to my allowance as Governor of the said Province; and among other things ordered Sir Robert Sawyer, Kt., his Majesty's attorney-general, and others of his Majesty's council, learned in the law, to settle as well all the fines and forfeitures, and one fifth part of the quit-rents was then surrendered to his Majesty in Council by Robert Mason, Esq., the proprietor of the said Province, by a grant derived from his Majesty's royal grandfather. The surrender was graciously accepted by his Majesty from the said Mr. Mason, as lawful proprietor of the said Province, and the deed was acknowledged and enrolled in his Majesty's high Court of Chancery.

Given under my hand this twenty-fourth day of September, one thousand six hundred eighty-three.

EDWARD CRANFIELD.

*Vera copia* from the original.

Teste: RICHARD CHAMBERLAIN, Secretary.

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*To the Honorable Deputy Governor and Council of the Province of New-Hampshire in New-England.*

Joseph Dow, of Hampton above said, wisheth all happiness, having received certain intelligence, since the last quarter sessions, that a bond formerly obliging me to appear at the Quarter Sessions held in May last, that the said bond was by some means or other continued to the quarter sessions, holden in August, and at the court declared to be forfeited; the which if it be so, it may tend to the utter undoing, both of myself, my wife and nine children; and I, verily believing that you are the persons that I was obliged to make my case known unto, that hereby you might have an opportunity to ease my just grievances, I shall, as briefly as I can, declare in truth and soberness my case, as it is, as followeth :

1. There was a complaint made against me and others at the Court of pleas last in March, as I remember by Edward Randolph, Esq. The said complaint he would not then prosecute, although I declared in court I was ready then to answer it.

2. There was a bond written to bind me to appear at the Quarter Sessions in May, as the Secretary said, but it was not read to me, although I desired it to be read; neither did I own said bond, nor was asked whether I would own it or not, by any body, and this I will affirm, in presence of God and before all men, is truth: Nevertheless, because I would give no occasion of offence, I appeared at the quarter sessions, and when I was called I appeared, and desired I might have a trial. A bond of one hundred pounds was then read, but no man appearing to accuse me, or lay any thing to my charge, I desired I might be discharged or cleared. Answer was made that that should be done which would secure me: that I shall come to no damage; upon which, Mr. Mason desired the secretary to enter, that Joseph Dow appeared at Sessions according to his bond. The Secretary took his pen and did write something. When he had done I desired, if it concerned me, that I might hear it read. The Secretary refused to read it. Then I informed Mr. Mason that I thought I ought to hear it read, upon which Mr. Mason desired him to read what was entered, but it was not done. Mr. Mason told me I should not need trouble myself any more about it; if it were not done he would see it should be done. I might take his word for it. Nevertheless, being a little unsatisfied, I informed Capt. Barefoot, then deputy governor, how it was, who answered me near the very same as Mr. Mason had done before: all which I hope he will well remember. The sum of what I desire you would be pleased to take into your consideration is, *First*: whether I could be obliged, by a bond which I did not hear read nor ever owned, nor was desired so to do. *Secondly*: When I did appear, according to the tenor of said bond, whether I should not then have been condemned or cleared, according to the Province law, page the fifth; "equal justice shall be done to all men," &c. *Thirdly*: Whether the bond

ought to have been continued without my consent or knowledge. *Lastly*: The bond being declared forfeit, if it be so, the consequences that may happen thereupon, which may be the utter ruin of me, my wife and children, it being a matter of such concernment to me and my family. I hope I shall not be accounted an offender for making my grievances known to you. If Almighty God will hear the cry of the poor and afflicted, I hope you will not think much to condescend to do the same, that I shall leave the case to that of God in your consciences, which saith, Do unto all men as you would be done unto; and shall subscribe myself one who wisheth well to all men.

JOSEPH DOW.

The 20th of the 6th month, 1683.

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*New-Hampshire.*

To James Sherlock, gent., Provost Marshal, or his Deputy:

In his Majesty's name you are hereby required to attach the goods, or, for want thereof, the body of Elias Stileman, of Great Island, in the said Province, Esq., and take bond of him of five hundred pound value, with sufficient surety or sureties for his appearance at the Court of pleas, to be held at Great Island aforesaid, on the first Tuesday in November next ensuing the date hereof, then and there to answer to the complaint of his Majesty's attorney-general in an action of trespass, for illegally keeping his Majesty out of possession of certain houses and land in the Great Island aforesaid, commonly called the Fort Point: To his Majesty's damage five hundred pound, or what shall justly appear. Fail not, and make your return according to law.

Dated the 13th of October, 1683.

R. CHAMBERLAIN, Prothon.

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*New-Hampshire.*

To James Sherlock, gent., Provost Marshal, or his Deputy:

In his Majesty's name you are hereby required to attach the goods, or, for want thereof, the body of Richard Waldron, of

Cochecho, in the precincts of Dover, in the said Province, Esq., and take bond of him of three thousand pound value, with sufficient surety or sureties for his appearance at the Court of pleas, to be held at Great Island, in the said Province, on the first Tuesday in November next ensuing the date hereof; then and there to answer to the complaint of Robert Mason, Esq., proprietor of the said Province, in an action of trespass for illegally keeping him out of possession of certain lands and tenements in Cochecho, Dover, and other places in the said Province, and felling his woods, to his damage, three thousand pound, or what shall justly appear. Fail not, and make your return according to law.

Dated the 8th day of October, 1683.

R. CHAMBERLAIN, Prothon.

[Court Papers, Reg. office.]

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*New-Hampshire.*

[Prov. Rec., B. 1, p. 57.]

By the Governor and Council.

Whereas frequent complaints are made by the Merchants, inhabitants of Jamaica, Barbadoes, and Leeward Islands, and other his Majesty's plantations, to which pine boards are exported from this said Province, of the unreasonable thinness and uneven and wavy edge of boards, which, unremedied, may prove of great detriment to the trade of the Provinces, and loss of that trade: It is, therefore, hereby ordered, that from henceforth no pine boards shall be accounted merchantable, or delivered in payment, that are not one full inch in thickness, and square edge. And if any boards go out otherwise, such allowance shall be made unto the buyer or receiver thereof as shall be adjudged reasonable by a sworn surveyor, or collector, to be appointed for that purpose.

Dated the 4th of October, in the 35th year of the reign of our sovereign lord king Charles the Second, A. D. 1683.

R. CHAMBERLAIN, Clerk Council.

*New-Hampshire.*

[Prov. Rec., B. 1, p. 55.]

At the Court of Pleas, held at Great Island, September 25, 1683 :

*Whereas*, by a statute made in the sixth year of the reign of Edward the First, King of England, it is enacted, that the tenant shall have no power to make any waste or estrepement of the land in demand hanging the plea; and *whereas* there is a plea or suit depending before his Majesty between Walter Barefoot, Esq., and Robert Wadley, for certain lands, tenements, and hereditaments, at Exeter, in this Province, the Court therefore, in pursuance of that equitable law, doth hereby prohibit all and every person and persons to cut, fell, or carry away from any the said lands, any timber or logs, to be sawed into boards, or any boards or pipe-staves, or any other sort of timber, except firewood for the said Wadley's dwelling, until his Majesty shall have given his own final determination in the case, now depending upon appeal before his Majesty in council, whereof all persons are hereby required to take notice, and give obedience thereto, as they will answer the contrary.

By order of court;

R. CHAMBERLAIN, Prothon.

To James Sherlock, gent., Prov. Marshal, or his Deputy, to see this injunction served.

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[Prov. Rec., B. 1, p. 38.]

*This indenture*, made the twelfth day of April in the five and thirtieth year of the reign of our sovereign lord Charles the Second, by the grace of God king of England, Scotland, France and Ireland, Defender of the Faith, &c., A. D. 1683: Between Robert Tufton Mason, Esq., proprietor of the Province of New-Hampshire, in New-England, of one part, and George Broughton, of Berwick, in the Province of Maine, gentleman; Richard Otis, of Cochecho, within the present reputed precincts of Dover, in the said Province of New-Hampshire, blacksmith; and James Chadborn, of Berwick aforesaid, carpenter, of the other part—Witnesseth, that whereas the said Robert Tufton Mason, by virtue of a grant from king James, of famous mem-

ory, in the eighteenth year of his reign, is instated in fee of all those lands, islands and rivers, lying between the rivers of Naumkege and Piscataqua, called New-Hampshire, and of all rights, loyalties and pre-eminences within the same: Now this Indenture further witnesseth, that the said Robert Tufton Mason, for divers good reasons and considerations, him thereto especially moving, hath granted, bargained, sold, enfeoffed and confirmed, and hereby doth grant, bargain, sell, enfeoff and confirm to the said George Broughton, Richard Otis and James Chadborn, their heirs and assigns, all that tract of land lying and being at the Salmon Falls, within the precinct of Dover, so reputed, on the west side thereof, to begin below the said falls and adjoining to Edward Taylor's land, and to run in length up the river three hundred and sixty pole, to the north-west, and in breadth one hundred and twelve pole, containing by estimation two hundred and fifty-six acres, excepting out of the premises a convenient path or highway for common use, if it shall be found needful; also excepting and reserving out of this present grant to the said Robert Tufton Mason, his heirs and assigns, all mines and minerals that shall be found or be within the premises hereafter; and all pine trees fitting for masts of ships, of four and thirty inches through, to be measured ten foot from the ground; to have and to hold the said tract of land (except before excepted), to the said George Broughton, Richard Otis and James Chadborn, their heirs and assigns, to the only use and behoof of them, their heirs and assigns forever; yielding and paying therefor yearly and every year forever to the said Robert Tufton Mason, his heirs and assigns, the annual rent of ten shillings of lawful money, current in New-England, and one shilling for every dwelling house (more than four), that is or shall be built upon the premises, on the feast of St. John Baptist, and the nativity of our Lord God, by equal portions, without any abatement or defalcation whatsoever; the first payment to be made on the said feast of St. John Baptist, or the nativity of our Lord God, which shall first happen after the determination of the interest or mill grant, granted the said Robert Tufton Mason to the said Broughton, Otis and Chadborn, by indenture bearing even date herewith; and if it shall happen the said annual rent



of ten shillings and one shilling, or any part thereof, to be behind and unpaid by the space of twenty days next after either day of payment aforesaid being lawfully demanded, that the said George Broughton, Richard Otis and James Chadborn, their heirs and assigns, shall forfeit and pay to the said Robert Tufton Mason, his heirs and assigns, double the money so behind and unpaid. And the said Robert Tufton Mason, for himself, his heirs and assigns, doth hereby covenant with the said George Broughton, Richard Otis and James Chadborn, their heirs and assigns, that he, the said Robert Tufton Mason, his heirs and assigns, the hereby granted premises to the said George Broughton, Richard Otis and James Chadborn, their heirs and assigns, against all persons shall and will warrant and forever hereby defend. And the said George Broughton, Richard Otis and James Chadborn, for themselves and either of them, their and either of their heirs and assigns, do hereby covenant with the said Robert Tufton Mason, his heirs and assigns, that they, the said George Broughton, Richard Otis and James Chadborn, their heirs and assigns, shall and will from time to time preserve and keep the buttals and boundals of and upon any the hereby granted premises; and at the end of every ten years deliver to the said Robert Tufton Mason, his heirs and assigns, a tarrer\* fairly ingrossed, of the said premises, with the most known buttals and boundals of the same.

In witness whereof the parties have hereto interchangeably set their hands and seals, the day and year first above written.

ROBERT TUFTON MASON.

[*Proprietor's Seal.*]

Endorsed thus:

Sealed and delivered in presence of Walter Barefoot, Rich'd Chamberlain.

*Vera copia*: Teste: RICHARD CHAMBERLAIN, Prothon.

October 2, 1683.

\* "Terrar, a register of lands."—*Web.*

*New-Hampshire.*

[Prov. Rec., B. 1, p. 59.]

By the Governor and Council.

*Ordered*, That the respective constables within this Province do forthwith pay to the treasurer thereof all such monies as they have collected upon the Province four penny rate, and to forbear to collect any other rate till the said Province rate be fully levied. Also, it is hereby

*Ordered*, That they give in their accounts of all monies by them collected, as well for the Province as other rates.

Dated the 22d of October, 1683.

R. CHAMBERLAIN, Clerk of Council.

*New-Hampshire.*

[Prov. Rec., B. 1, p. 60.]

*To George Jaffrey, Constable of Portsmouth :*

*Whereas* William Vaughan, Esq., was lately committed to prison for refusing to give security of five hundred pounds, for the peace and good behavior; and the prison-keeper hath erroneously, and contrary to law, taken bond in his own name concerning the premises, whereas it should have been to his Majesty, his heirs and lawful successors, and so consequently suffered the said William Vaughan to escape; these are therefore, in his Majesty's name, to charge and require you, the said George Jaffrey, constable, forthwith to take and apprehend the body of the said William Vaughan, and carry him to the prison of Great Island, and the said prison keeper, viz., Richard Abbott, is hereby required to receive him, and detain in his custody (in prison), till he shall find such security, of five hundred pounds (as above said), to his Majesty's use, for keeping the peace and for good behavior, according to law and the tenor of the former warrant in that behalf.

Given under my hand and seal, the 23d day of October, 1683.

EDWARD CRANFIELD. [L. s.]

This is a true copy of the original warrant, served on the body of William Vaughan, Esq.

Per GEORGE JAFFREY, Constable.

This following order, under the seal of the Province, was published in the four towns, and at Great Island, at Henry Crown's door. [No date.]

*By the Governor.*

[PROVINCE SEAL.] Whereas great inconvenience and damage have arisen to masters, commanders, and owners of ships and vessels, arriving in this said Province, by reason of the seamen absenting themselves and going away from the said ships and vessels, and the service therein, contrary to law and their own agreements,—These are, therefore, in his Majesty's name, to require all and singular the mates and other seamen, that are or shall be within this said Province, not to presume to go from their respective ships and vessels without leave first obtained from their respective commanders, unless they shall have and show a pass, or certificate, under my hand and seal, licensing them thereunto, under penalty of paying all the damages thereby sustained by their respective commanders, owners, or merchants employing them; or imprisonment until they shall pay and satisfy the same; and no sloopman shall presume to transport such mates or other seamen, not showing such pass or certificate as aforesaid, and all justices of peace and constables, within the said Province, are hereby likewise required to make stay of such mates and other seamen, going away as aforesaid. Given under my hand and seal the - - - - -

And it is hereby likewise ordered, that no private house presume to harbor any such mates or seamen, under the severest penalty of the law.

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*New-Hampshire.*

By the Governor.

[PROVINCE SEAL.] These are in his Majesty's name, to require and command you and every one of you, the inhabitants of the south half of the Isle of Shoals, forthwith to yield obedience to his Majesty's government established here in the Province abovesaid, by virtue of his royal commission, bearing date the 29th day of May, 1682; and that all who are of

years qualified for it repair to the house of Nathaniel Fryer, Esq., Deputy Governor, to take the oath of allegiance to be true to our sovereign lord the king, his heirs and lawful successors. And hereof fail not, as you will answer the contrary upon pain of his Majesty's high displeasure. [No date.]

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[Prov. Rec., B. 1, p. 79.]

*To the Hon'ble Robert Mason, Esq., Chancellor, and Walter Barefoot and John Hineks, Assistants of the Court of Chancery.*

The humble petition of Richard Martyn humbly sheweth—

That whereas your petitioner was, by John Cutt, Esq., President, and Richard Waldron, William Vaughan, Thomas Daniel, Elias Stileman, Samuel Dalton, John Gilman, Job Clements and Christopher Hussey, Esqs., members of the Council, who were the former Government of this Province of New-Hampshire, chosen and appointed treasurer of said Province; which said President and Council did order and command your said petitioner to receive all rates and fines which were levied and impressed, or to be levied and impressed by the said Government, upon the inhabitants of said Province, and to dispose of them for the support of said government: In obedience to whose commands your petitioner did receive said rates and fines, and dispose of them according to the order of said President and Council, and have rendered them an account of the same to their satisfaction and approbation. But since the change of government in this Province, the Honorable Edward Cranfield, Esq., the present Governor, and Robert Mason, Esq., have each of them commenced an action against the petitioner, at the Court of pleas, held at Great Island, the first Wednesday in February last past, for the said fines so received and disposed of by your petitioner, and have recovered judgment against him for near eighty pounds, which sum, if it be levied upon your petitioner, will ruin both him and his family. And your petitioner, finding no other way of relief, but by applying himself to a Court of chancery,—

Your petitioner doth therefore humbly request that your Honor would grant him relief in this case, and put him into

a capacity to recover the said sum of money, of the persons above named, or of the Heirs, Execu<sup>trs</sup> or Adminis<sup>trs</sup> of those of them which are deceased, that your petitioner may be capable of said judgment against him, that so the burden thereof may not lay upon himself; and your petitioner shall ever pray, &c.

RICHARD MARTYN.

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*Proposal of the Prop<sup>r</sup> of New-Hampshire.\**

[Prov. Rec., B. 1, p. 62.]

Whereas Robert Mason, Esq., hath obtained judgments against several persons inhabitants of s<sup>d</sup> Province, for lands and tenements therein; and forasmuch as some of the said persons seem dissatisfied with the said judgments, the said Robert Mason did openly in court declare that with every person with whom he had a tryal, he would waive the benefit of the judgment obtained against them, suspend execution and *wait*? a new tryal with each person in any of his Maj<sup>s</sup> courts in Westm<sup>r</sup> Hall, either in Easter or Trinity Terms next ensuing, provided the defend<sup>t</sup> doth give in security to this Court to pay such damages as shall be awarded to him the said Mason by any of his Maj<sup>s</sup> courts aforesaid. And he doth allow one month from this day, being the 15th October? 1683, for giving in such security.

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*New-Hampshire.*

[Prov. Rec., B. 1, p. 65.]

At a Council held at Great Island, January 15, 1683 :

Present, the Governor, Robert Mason, Esq., Proprietor; Walter Barefoot, R. Chamberlain, Nath: Frier, Robert Elliot, John Hinks, Esqs.

*Whereas* the General Assembly refused to pass any bill for supporting the charge of the government, and his Majesty hath, by his royal commission, bearing date the 9th of May, 1682, given power to the Governor and Council to continue †

\* This heading is crossed, and the article has no signature. ED.

such taxes and impositions as have been and are now levied and imposed upon the inhabitants—In pursuance thereof, *Ordered* by the Governor and Council, that a committee of the Council do forthwith inspect former accounts, what monies have been formerly levied and collected for the purposes aforesaid, and to make their report thereof to the Governor in Council, to the end such monies as shall be found necessary may be forthwith raised and committed to the hands of the constables of the respective towns, and paid to the Treasurer of the Province for the time being. Dat. y<sup>e</sup> 15th of January, 1683-4.

R. CHAMBERLAIN, Cl. Coun.

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*New-Hampshire.*

[Prov. Rec., B. 1, p. 85.]

By the Governor.

*Whereas* Robert Mason, Esq., hath made complaint unto me that very few of the inhabitants have come to him to take Deeds of their lands in this Province from him, according to the conditions laid down in his Majesty's royal commission of the 9th of May, 1682, notwithstanding he hath been upon the place for almost five months' time, ready to grant the same upon the terms aforesaid: But now in regard several persons may still expect the same benefit, after the prosecution of his claim, he hath desired me to signify to all persons concerned that they have one month's time, after the date hereof, to make an agreement with himself (if they think fit); otherwise I am desired to certify to his Majesty such their refusal, that the said Mason may be discharged from such obligation.

Given under my hand, and the seal of the Province, the 17th of February, 1683-4.

EDW. CRANFIELD.

*Vera copia* from the orginial;

Teste:

RICH. CHAMBERLAIN, Secretary.

## NEW-HAMPSHIRE, IN NEW-ENGLAND.

*To Joseph Rayn, gent., Sheriff and Provost Marshal, or his Deputy, and to the Keeper of his Majesty's Prison, in Great Island.*

Whereas complaint upon oath hath been made before us, Robert Mason and Walter Barefoot, Esqs., his Majesty's justices of the peace for the said Province, this 18th of February, 1683, by Thomas Thurton, late deputy searcher of his Majesty's customs in the said Province, of his being affronted and beaten by William Vaughan, Esq., of Portsmouth, in the execution of his said office, whereby he, the said William Vaughan, hath incurred the penalty mentioned in the statute of 14th king Charles the Second, our now sovereign lord: These are, therefore, in his Majesty's name, to require you to take the body of the said William Vaughan and carry him to the prison of Great Island; and you, the said prison-keeper, are hereby required to receive the said Will. Vaughan into the said prison, and keep him till the next Quarter Sessions of the peace, to be held for this said Province, then to be prosecuted as the law directs. And for so doing this shall be your sufficient warrant. Given under our hands and seals, this 18th day of February, 1683, and in the 36th year of the reign of our sovereign lord king Charles the Second.

## NEW-HAMPSHIRE.

*To James Sherlock, gent., Sheriff, and Provost Marshal of the said Province, or his Deputy.*

[Prov. Rec., B. 1, p. 69.]

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 at Great Island, and Richard Abbot, the prison-keeper thereof, is hereby required to receive the said Vaughan into the said prison, and there keep him in safe custody till he shall give good security to our sovereign lord the king, his heirs and successors, for his (the said

Vaughan's) good behavior toward the same, our sovereign lord the king, *he having refused to find security for his said good behavior.*

The sixth day of February, 1683. Given under my hand and seal, the said sixth day of February, 1683-4.

EDWARD CRANFIELD. [L. S.]

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NEW-HAMPSHIRE IN NEW-ENGLAND.

*The Deposition of Thomas Thurton, aged about thirty-five years, taken before us, Robert Mason and Walter Barefoot, Esqrs., Justices of Peace in the said Province, the eighteenth day of February, 1683, and in the 36th year of the reign of our sovereign lord king Charles the Second.*

This deponent, Thomas Thurton, makes oath that Edward Randolph, Esq., by his Majesty's royal commission under the great seal, bearing date the 15th day of October, in the 33d year of his Majesty's reign, was constituted and appointed collector, surveyor and searcher of his Majesty's customs in New-England, to be executed by him, the said Edward Randolph, or his sufficient deputy or deputies, by virtue whereof the said Edward Randolph, by writing under his hand and seal, dated in Boston, in New-England, the 25th day of January, 1681, did constitute and appoint this deponent deputy-searcher of his Majesty's customs in the Provinces of New-Hampshire, Maine, and the Isle of Shoals, with power to go on board and search all ships and vessels coming into any river or harbor in the said Provinces; and to seize, to his Majesty's use, such as should be found trading contrary to law. In pursuance whereof this deponent, about the beginning of March, 1681, did go on board and search a ketch, in the river of Piscataqua, which came from Virginia, and there lay at the wharf of William Vaughan, of Portsmouth, Esq., then one of the Council of the said Province of New-Hampshire; and this deponent being come ashore upon the wharf of the said William Vaughan, he, the said William Vaughan, came to him and forced his (this deponent's) staff from him, and therewith struck him ten blows upon the shoulder and arm, whereby this deponent was much bruised, and doth suffer pain thereby





together with the said Hole, in the hall at the table there, the said Mathews had the prisoner, Nath'l Kene, with him, and charged the said Hall to assist him. About an hour after, the said John Pickering being in the kitchen, asked where the said Kene was, and this deponent told him he was in the hall, and the marshal's prisoner, who would not let him go. Then the said John Pickering arose up and went thither into the hall, and this deponent presently after, hearing a rushing and rustling noise therein, went in, desiring the said Anthony Nutter to go in with him, who went part of the way, and went back again into the kitchen; and this deponent found two persons struggling upon the ground in the dark part of the room, and took up the uppermost, to part them, whom this deponent found afterwards by the light at the table to be the said John Pickering, and the said Daniel Mathews coming towards the table, and seeing the blood run down his face, struck the said Pickering one blow with his hand on the side of his head; the said Samuel Hall and Nathan Kene sitting, and the said John Hole standing at the table. And further this deponent saith not.

FRANCIS MERCER, his X mark.

Sworn the day and year above written, before me:

WALTER BAREFOOT.

[Court Papers, Reg. office.]

*Order of the Governor and Council respecting the Currency in New-Hampshire—1683.*

NEW-HAMPSHIRE IN NEW-ENGLAND.

[Prov. Rec., B. 1, p. 56.]

By the Governor and Council:

*Whereas*, there was an Act passed in this Province, in January last, in hopes of bringing plenty of money into this Province, that pieces of eight ryals of Spain, or dollars of Seville, Mexico, and pillar, and all lesser pieces (provided they be good silver), shall pass in payment at six shillings eight pence by the ounce, Troy weight:—which said act, it is found by experience, doth not answer the ends it was intended for: It is, therefore, hereby ordered that the piece of eight ryals of Spain, or dollars of Seville, Mexico, or pillar, shall pass at six

shillings the dollar; at three shillings the half dollar; at one shilling six pence the quarter dollar; at nine pence the ryal; and all other money or bullion of the fineness of the standard of England, at seven shillings the ounce, Troy weight; and the dollar of Peru at five shillings: and so proportionably for lesser coins: All which moneys shall continue to pass current within this said Province till our sovereign lord the king, his heirs or successors, shall think fit to alter and change the same.

Dated the fourth of October, in the thirty-fifth year of the reign of our sovereign lord Charles the Second, king of England, &c., A. D. 1683.

*Vera copia* from the Council book.

*Teste* :

R. CHAMBERLAIN, Clerk of Council.

#### NEW-HAMPSHIRE IN NEW-ENGLAND.

*Robert Mason's Deposition—1684.*

[Coll. N. H. Hist. Soc., vol. 1, p. 265.]

I, Robert Mason, Esq., proprietor of the province of New-Hampshire, and of his Majesty's Council there, do make oath that I did first propose to the Governor and Council the putting a value upon Spanish money, as it is worth in his Majesty's mint in the town of London; and to that end I drew up a paper that Spanish dollars of Seville and Mexico should pass at six shillings the piece, Massachusetts money, which is four shillings six pence English money; or at seven shillings the ounce, Troy weight; which is five shillings three pence, English money. To which the Council agreed, and afterwards it was approved by the honorable Edward Cranfield, Esq., Governor of the said Province into an order of Council.

ROBERT MASON.

Taken upon oath, the 28th of October, 1684, before me :

R. CHAMBERLAIN, Justice Peace.

*Vera copia* from the original.

*Teste* :

R. CHAMBERLAIN, Justice Peace.

Robert Mason, Esq., Proprietor of the Province of New-Hampshire, maketh oath, That the writing hereunto annexed\* is a true copy of the Declaracon which he caused to be set up at the usuall places in the several Towns of the s<sup>d</sup> Province. And that Major Richard Waldron did say to this deponent, That no such papers should be set up to amuse the People, and did show unto this Deponent one of the afore<sup>sd</sup> Declaracions, or some part thereof, that he had pulled down.

ROBERT MASON.

Taken upon oath the 17th day of October, 1684, before me :

R. CHAMBERLAIN, Justice Peacc.

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REV. JOSHUA MOODEY.

[Prov. Rec., B. 1, pp. 71-72.]

*To Walter Barefoot, Esq., Judge of y<sup>e</sup> Court of Pleas now sitting at Great Island in y<sup>e</sup> Province of New-Hampshire; and to Nathaniel Frier and Henry Green, Esqs., Assistants.*

WHEREAS it is enacted by the statute made in the first year of the late Queen Elizabeth, that if any manner of Parson, vicar, or other whatsoever Minister that ought or should sing or say Common Prayer mentioned in the s<sup>d</sup> Book, or minister the sacraments from & after the Feast of the Nativity of St. John Baptist (then) next coming, refuse to use the s<sup>d</sup> common Prayer, or to minister the Sacraments in such Cathedral or Parish church, or other places as he should use to administer, in such order and form as they be mentioned and set forth in the s<sup>d</sup> Book, or shall willfully, or obstinately, standing in the same, use any other Rite, ceremony, order, form or manner of celebrating y<sup>e</sup> Lord's supper, openly or privily, or mattens, Evensong, Administration of the Sacraments, or other open Prayers then is mentioned and set forth in y<sup>e</sup> s<sup>d</sup> Book, &c. And shall be thereof lawfully convicted according to the Laws of this Realm by verdict of twelve men, or by his own confession, or by y<sup>e</sup> notorious evidence of the fact; shall lose or forfeit to y<sup>e</sup> Queen's Highness, her heirs & successors for his first offence, the profit of all his spiritual benefices or promotions coming or arising in one whole year next after his conviction;

\* The writing referred to can not now be found. Ed.

And also y<sup>t</sup> the person so convicted shall for y<sup>e</sup> same offence, suffer imprisonment for y<sup>e</sup> space of six months without bail or main-prize.

And whereas by a statute - - - - -

That all & singular ministers in any Cathedral or Parish Church or other place within the realm of England, Wales & y<sup>e</sup> Marches of y<sup>e</sup> same or other the Queen's Dominions, shall from & after the Feast of the Nativity of St. Jo: Baptist then next coming, be bounden to say and use y<sup>e</sup> mattens, evensong, celebration of y<sup>e</sup> Lord's supper & Administration of each of y<sup>e</sup> sacraments and all the common & open Prayer in such order & form as is mentioned in y<sup>e</sup> said Book so authorized by Parliament, in y<sup>e</sup> said 5) 6) year of y<sup>e</sup> Reign of K. Edward y<sup>e</sup> 6th, with one alteration or addition [of] certain lessons to be used on every Sunday in y<sup>e</sup> year & y<sup>e</sup> form of y<sup>e</sup> Letany altered & converted, & 2 sentences only added in the delivery of y<sup>e</sup> sacraments to y<sup>e</sup> communicants; and none other or otherwise.

That the said Joshua Moody being the present Minister of the Town of Portsmouth in the Province of New-Hampshire, in New-England and within the dominions of our - - - - - lord Charles of England, by the duty of his place, is by Laws and Statutes of the said Realm of England, required & commanded to administer the sacrament of the Lord's Supper in such manner and form as is set forth in the Book of Common Prayer and administration of sacraments and other rites and ceremonies in the church of England, and shall use no other manner or form than is mentioned and set forth in the said Book.

Whereas the said Joshua Moodey, in contempt of the said Laws and Statutes, hath willfully and obstinately refused to administer the sacrament of the Lord's Supper according to the manner and form set forth in the s<sup>d</sup> Book of common Prayer under the Hon<sup>e</sup> E. C. Gov<sup>r</sup> of his Maj. in the Province of N. H. and others of his Maj<sup>s</sup> Council of the said Province; and doth willfully & obstinately use some other form than is by the said statutes ordained :

Therefore the said Joseph Rayne, in behalf of the Sov<sup>n</sup> Lord & King, doth pray that the said Joshua Moodey, being therefor convicted according to the Law, may suffer such penalties as by the said statutes are made and provided.

*Copy of Cranfield's Order for the Administration of the Sacraments, according to the Mode of the Church of England.*

[Far. Belk., App., p. 467.]

At a Council held at Great Island, December 10, 1683, by the Governor and Council.

NEW-HAMPSHIRE.

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 vicious and scandalous in their lives, unto the blessed sacrament of the Lord's Supper, and their children unto the 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 liturgy 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 thereunto 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 Council.

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*Copy of the Information against Rev. Joshua Moodey, 1683.*

[Prov. Rec., B. 1, p. 73.]

NEW-HAMPSHIRE IN NEW-ENGLAND.

To Walter Barefoot, Esq., judge of the court of pleas of the crown, &c., now sitting at Great Island, and to Nathaniel Fryer and Henry Green, Esqs., assistants :

The information of Joseph Ryan, his Majesty's Attorney-General for the said Province of New-Hampshire, against Joshua Moodey, of Portsmouth, in the said Province, clerk in his said Majesty's behalf.

The said Joseph Ryan informeth, that the above said Joshua Moodey, being the present minister of the town 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 realm of England, viz., the statutes made in the fifth and sixth of king Edward the Sixth, and the statute 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 a manner and form as is set forth in the book of common prayer and administration of the sacrament, and other rites and ceremonies of the church of England, and shall use no other manner or form than is mentioned and set forth in the said book. Nevertheless, the said Joshua Moodey, in contempt of the said law and statutes, hath willfully and obstinately refused to administer the sacrament of the Lord's supper according to the manner and form set forth in the said book of common prayer, unto the honorable 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 willfully use some other form than is by the said statutes ordained, contrary to the form thereof: Therefore the said Joseph Rayn, in behalf of our sovereign lord the king, doth pray that the said Joshua Moodey, being thereof convicted according to law, may suffer such penalties as by the said statute are made and provided in that case.

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*Copy of a second Information against the Same.*

[Prov. Rec., B. 1, p. 74.]

NEW-HAMPSHIRE IN NEW-ENGLAND.

To the honorable Walter Barefoot, Esq., judge of the court of pleas of the crown, and other civil pleas, held at Great Island, and now sitting, this 6th February, 1683-4, &c.

The information of Joseph Rayn, his Majesty's Attorney-General for the said Province, in his Majesty's behalf, against Joshua Moodey, of Portsmouth, clerk.

*Whereas* the said Joshua Moodey hath, in open court of the quarter sessions of the peace, held at Great 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 offense 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 honorable court, against the said Joshua Moodey, 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 willfully and obstinately refused to administer the sacraments according to the rites of the church of England, hath administered the sacrament 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 Courts judgment, and that the said Joshua Moodey may suffer the penalties by the said statute in this case made and provided.

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*Warrant and Mittimus against the same.*

[Prov. Rec., B. 1, p. 75.]

To James Sherlock, gent., Provost 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 Moodey, of Portsmouth, in the said Province, clerk, and carry him to the prison at Great Island, in the said Province; and the prison-keeper, Richard Abbott, is hereby required to receive him, the said Joshua Moodey, and keep him in safe custody in the said prison, he having been 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 main-prize. Fail not.

Dated the 6th day of February, 1683-4.

Walt. Barefoot, [SEAL.]

Peter Coffin, [SEAL.]

Hen. Green, [SEAL.]

Hen. Roby. [SEAL.]

*Vera copia:*      *Teste:*      RICHARD CHAMBERLAIN, *Clerc. P.*

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NEW-HAMPSHIRE.

*The Examination of Robert Elliot, of Great Island, Esq.*

[Prov. Rec., B. 1, p. 117.]

The examinee being asked who were the persons that were at the meeting of Mr. Joshua Moodey, at Newbury, saith, that all supped at Mrs. White's. There were Richard Waldron, Esq., and Mr. Richard Waldron, his son, Elias Stileman, Esq., Reuben Hill, Henry Penny, Mr. Pike, the minister of Dover, John Fletcher, and Thomas Roberts.

Then, being asked how he durst advise Eli Nichols to go away when he was at anchor within bow shot of the port, this examinee answered that he did advise him to ride at the Isles of Shoals, to tarry there till he got his loading of fish, but denied that he advised the said Nichols to go away.

ROBERT ELLIOT.

Taken upon oath the 6th of September, 1684, before

Walter Barefoot,	} Justices of the Peace.
Richard Chamberlain,	
James Sherlock,	

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In the Records of the Quarter Sessions, in the hand writing of Richard Chamberlain, Clerk of the court, is the substance of the debate of the court, which was in private, on the case of Mr. Moodey. "It was debated among the Justices; and Henry Roby, Justice, did declare his opinion, that he was very

clear that the statutes are clear against the said Moodey, if the commission that gives liberty of conscience doth not take away the force thereof.

“Just. Edgerly—that since his Majesty has been pleased to grant liberty of conscience to all Protestants here, the said Moodey is not liable to the penalty of the statutes for refusing to administer the sacraments according to the form thereof.

“Henry Green, Justice, was of opinion that the said Moodey is guilty of the breach of the laws, if the clause in the King’s commission giving liberty of conscience doth not excuse him.

“Nath. Frier, Justice, did affirm his opinion to be, that whereas his gracious Majesty hath been pleased to grant liberty of conscience to all Protestants in his royal commission, Mr. Moodey being a Protestant is not liable to the penalty of the acts of Parliament of the first Queen Elizabeth, and the 13th and 14th of K. Charles the Second.

“Peter Coffin, Justice, did hold that the said Moodey is guilty of the breach of the said statutes.

“Walter Barefoot, Esquire, was of opinion that the said Joshua Moodey had broken the said laws, and is liable to the penalty thereof.” *Farm. Belk.*, p. 106, 7. *Note.*

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*Copy of Cranfield’s Order for raising Money without an Assembly.*

NEW-HAMPSHIRE.

[Prov. Rec., B. 1, p. 70.]

At a Council held at Great Island, Feb. 14, 1683-4.

*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 Caseo of a sudden rising and onset intended by the Indians upon the English at the eastward; and whereas the assembly have been lately tendered 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 9th 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 soldiers, as also for such emergencies as a war will 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 into the treasury.

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*A List of those that were warned for Jurymen, for the Trial of Edward Gove and his Accomplices.*

[Prov. Rec., B. 1, pp. 134–136.]

*Portsmouth*—Oba. Morse, Sam'l Clarke (by order left at his house), Tho. Jackson, John Feabens, George Feabens, Richard Webber, Jno. Seward, Leonard Weeks, Sam. Haynes, Mathias Haynes, Jno. Sherburne, Sen., Richard Sloper.

*Great Island*—Robert Elliot, Jno. Hinks, Sam'l Wintworth, Hen. Crowne, Jno. Lewis, Will. Haskins.

*Hampton*—John Redman, Sen., Natha. Bachelder, Francis Page, Jno. Tucke, Tho. Page, Joseph Smith, Hen. Roby, Tho. Marston, Hen. Molton, Sen., Hen. Dow, Jno. Molton, Morris Hobbs, Sen., Will. Sanborne, Sen.

*Exeter*—Humphrey Willson, Peter Folsom, Dan. Gilman, Leut. Hall, Moses Gilman, Sen., Ensign More, Edward Gilman.

*Dover*—Job Clements, Phil. Cromell, Jno. Tuttle, Jos. Kenny, Joseph Beard, Jno. Hall, Jr., Jno. Robert, Peter Mason, Edwd. Allin.

*New-Hampshire.*

[Prov. Rec., B. 1, p. 97.]

By the Governor and Council.

Whereas his Maj<sup>t</sup> hath bin pleased for y<sup>e</sup> the support of the charge of this his Maj<sup>ts</sup> Government of New-Hampshire, to authorize & require us the governor & council to continue such taxes & impositions as have bin levied upon the Inhabitants before the arrival of his Maj<sup>ts</sup> Royal Commission of the 9th of May 1682; And that the same be levied and distributed to those ends in the best and most equal manner that can be, until a General Assembly of y<sup>e</sup> said Province shall have considered and agreed of the fittest ways for raising of Taxes in such proportion as may be requisite for defraying the charge of the government: These are therefore in his Maj<sup>ts</sup> name straightly to require and command you, Anthony Nutter, constable, forthwith to levy & collect the within written Province Rate, within the space of three months next ensuing, and to pay the same to the Treasurer of y<sup>e</sup> s<sup>d</sup> Province, for supporting the honour of his Maj<sup>ts</sup> Government and defraying the emergent & necessary charges of y<sup>e</sup> same: fail not as you will answer the contrary, & the Penalties that were in such case inflicted upon constables so making default; by the former government. And for so doing this shall be your warrant. Given under our hands & the seal of the Province, the tenth day of May, 1684.

Mer<sup>ble</sup> pine boards at any convenient land-

ing place,	at 26s. per M.
Ditto white oak pipe staves, &c.,	at 50s.
Ditto red oak pipe staves, &c.,	at 35s.
Beef,	at 2d. per lb.
Pork,	at 3d.
Ind. corn,	at 3s. per bush.
Wheat,	at 5s.
Pease,	at 4s.
Malt,	at 3s.
Fish,	at price current.

And whosoever shall pay the Rates in money shall be abated one third part.

To Anthony Nutter, Cons<sup>ble</sup>.

Edward Cranfield,  
Robert Mason,  
Walter Barefoote,  
Rich. Chamberlain,  
John Hinckes,  
James Sherlock.

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*Edward Randolph's Letter to the Lords of Trade and Plantations, giving an Account of the Rebellion in New-Hampshire, 1683.*

[Far. Belk., App., p. 463.]

To the right honorable the lords of his Majesty's most honorable privy council, appointed a committee for trade and plantations: A short narrative of the late transactions and rebellion in the Province of New-Hampshire, in New-England, humbly presented by Edward Randolph, collector of his Majesty's customs there:

His Majesty, having thought fit to establish his royal authority more immediately in New-England, was pleased, by his commission under the great seal, to appoint Edward Cranfield, Esq., to be governor of that Province, who arrived in New-England upon one of his Majesty's frigates about the beginning of October, 1682.

The countenance, with his indulgence to the people, obtained his easy admission into the government, in which he was very obliging to all, but especially to the late ruling party; but, withal, made it his business to put the fort, which commandeth the mouth of the harbor and militia, into safe hands, and put good men into places of civil administration; and likewise provided as well as he could, during the short time the frigate lay there, for the future quiet and settlement of that government. Upon the fourteenth of November following, a general assembly of the Province was called, wherein, after several warm debates, some laws were made and passed by the governor, and adjourned that assembly till the 9th of January following, being at that time unwilling to break with them, in

hopes they would better understand for the future. Some time in December following, the governor, with Major Waldron, late president of the Province, Mr. Moodey, minister, and other chief men amongst them, go to Boston, where he is civilly entertained. But his main design in that journey was to feel the temper of that government, and the rather because he found they had such an influence upon the people of this Province that they advised and adhered to them in the conduct of all their public and private affairs, which, in a little time, began to discover itself; for, no sooner had Governor Cranfield openly discoursed with me, in Boston, about my prosecuting a seizure made by me, at Portsmouth, in October last, of a Scotch vessel belonging to one Jeffreys, a Scotchman, a church member and inhabitant of that Province, but it discomposed the whole party; and it was contrived, in their return home, that I might have no better success in his Majesty's immediate government than in my former trials at Boston; to which end Mr. Hammond, candidate for a magistrate the ensuing year in that colony, and brother-in-law to Mr. Moodey, comes in extremity of bad weather, upon the 19th December, to Portsmouth (although two or three days before he had declared he would not go thither till spring). Governor Cranfield, being returned from Boston, appoints a special court for a trial of the Scotch vessel, and I went to Portsmouth to attend to it; but the party, believing the governor to be wholly their own, and one of the chief of them openly saying, "whatever came out of the ketch should never come into my hands," so continued the matter, that she was carried by the fort out of the river at Piscataqua in the day time, although Major Stileman, one of the committee, was commander of the fort, had express order from the governor to stop her; whereupon the governor put him out of all office, and made Capt. Barefoot, one of the present council, captain of the fort, and of the foot company belonging to the Great Island, upon which the fort is built. Now, the better to color this matter, it was presently given out, and by many believed, that the master and sailors aboard, without consent or knowledge of the owner, had run away with the ketch, as Jeffreys, upon his oath, voluntarily did avouch, taken before the governor. The party,

hoping by this means to persuade the governor to take no further notice of it, the rather because the frigate was then gone out of the river. But I had certain advice that one of Jeffreys' servants was privately sent out of the way, harbored in a very obscure place in the Province of Maine; upon which Mr. Martin, by his letter, desired the justices of the peace there to send their constables with a warrant to bring Jeffreys' servant before the governor to be examined, what they knew concerning [ ] away the Scotch ketch. They conferred and deposed that Mr. Jeffreys, the owner, employed them, and, being upon the place, stood by, gave orders and directions when and how the ketch should be carried away, so that the governor, by this means, finding it out to be a mere continuance advised me to continue my prosecution on his Majesty's behalf, against the ketch, and all persons concerned in her escape. The party now find no way to avoid the trial. However, it is so ordered that the jury, on which were four leading men, church members, are prevailed upon, that, against clear proof of the breach of the acts of trade, they find against his Majesty's intention to admit them upon the statute made in the 23d of Henry VIII, for preventing perjuries and false verdicts, which so startled them all that some of the council intercede on their behalf, and prayed liberty to amend their verdicts; which, being by the court agreed to, they found for his Majesty, and the ketch was condemned.

*January the 9th.* The assembly being adjourned to that day, meet. The governor recommended to them several good bills that had passed the council, but instead of their concurrence they either rejected or put them into such a disguise as rendered them altogether useless, and afterwards would not take notice of any bills which did not arise from themselves. They likewise peremptorily insisted to have the nomination of judges and the appointing courts of judicature, power solely invested in the governor by commission from his Majesty; and lastly, they had prepared bills repugnant to the laws of England, upon which the governor, finding them to act without any regard to his majesty's service, or benefit of the Province, after he had passed some bills, not knowing where these matters would end, dissolved the assembly. In a short time after,

one Edward Gove, who served for the town of Hampton, a leading man, and a great stickler in the late proceedings of the assembly, made it his business to stir the people up to rebellion, by giving out that the governor, as vice-admiral, acted by his royal highness' commission, who was a Papist, and would bring popery in amongst them: that the governor was a pretended governor, and his commission was signed in Scotland. He endeavored, with a great deal of pains, to make a party, and solicited many of the considerable persons in each town to join with him to recover their liberties, infringed by his Majesty's placing a governor over them; further adding that his sword was drawn, and he would not lay it down till he knew who should hold the government. This he discoursed at Portsmouth, to Mr. Martyn, treasurer, and soon after to Capt. Hull, of Dover, which they discovered to the governor, who immediately dispatched away messengers with warrants to the constables of Hampton and Exeter, to apprehend Gove; and fearing he might get a party too strong for the civil power (as indeed it proved, for justice Weare and a marshal were repulsed), the governor (although much dissuaded) forthwith ordered the militia of the whole Province to be in arms, and understanding by the marshal that Gove could not be apprehended at Hampton, by himself and a constable, but was gone to his party at Exeter, from whence he suddenly returned with twelve men, belonging to that town, mounted and armed with swords, pistols and guns, a trumpet sounding, and Gove with his sword drawn, riding into Hampton at the head of them, was taking horse, and with a part of the troops intended to take Gove and his company; but the governor was prevented by a messenger from Hampton, who brought word that they were met withal, and taken by the militia of that town, and secured with a guard; the trumpeter, forcing his way, escaped, after whom a hue and cry was sent to all parts, but as yet he is not taken. This rising was, unexpectedly to the party, made up on the 21st day of January last. It is generally believed many considerable persons, at whose houses Gove then either sent or called to come out and stand up for their liberties, would have joined with him, had he not discovered his designs, or appeared in arms at that time. For, upon the 30th day of



January, being appointed by the governor a day of public humiliation, they designed to cut off the governor, Mr. Mason, and some others whom they affected not. The governor sent a strong party of horse to guard the prisoner, then in irons, from Hampton to Portsmouth. They were brought and examined before the governor and council, where Gove behaved himself very insolently. They were all committed to custody, and Capt. Barefoot, having the trained band of Great Island then in arms, was ordered to take care of the prisoners, and keep a strict watch upon them, in regard the prison was out of repair. All this while the governor was at great charge and expense in suppressing this rebellion and keeping up guards to secure the peace of the Province. We therefore judged it necessary to bring them to a speedy trial; and to that end directed a commission of oyer and terminer to Richard Waldron, Thomas Daniel, and William Vaughan, Esqrs., for their trial, to be had upon the first day of February next, at which time Gove and the other prisoners were brought to the court then holden at Portsmouth in the said Province. The grand jury found the bill. The next day they were all arraigned and indicted upon the 13th of the king, for levying war against his Majesty. Gove pleaded to the indictment, not guilty; then Mr. Martyn, treasurer of the Province, and Capt. Hull, both of Portsmouth, with two justices of the peace and a lieutenant of the foot company at Hampton, who was at the taking of them, were all sworn in court. Then Gove owned the matter of fact; and to justify his taking up of arms, pleaded against the governor's power, that he was only a pretended governor, by reason his commission, as he said, was sealed in Scotland; likewise that the governor had, by his proclamation appointed the 30th January to be annually observed and kept a day of humiliation, and obliged the ministers to preach that day. That the governor had at his house discoursed to Gove and showed him, out of the 10th chapter of St. Mark, the necessity of children's baptism. This he urged to be a great imposing upon the ministry. The other prisoners pleaded not guilty, but had little to say in defence for themselves, further than they were drawn in by Gove. The jury, after long consideration, found Gove guilty of high

treason upon the indictment, and all the rest in arms; upon which the court proceeded to give judgment, and passed the sentence of condemnation upon Gove; but in regard to the other prisoners were specially found. The governor ordered the court to respite their judgment till his Majesty's pleasure should be known therein; most of them being young men, and altogether unacquainted with the laws of England. Herewith I humbly present your lordships a particular account of their trial.

Signed by Richard Waldron, Esq., judge of that court, and passed under the seal of the Province.

[The foregoing was copied from the Massachusetts colony files, and communicated by Mr. Joshua Coffin, S. H. S. Mass., to the late John Farmer, Esq.]

*New-Hampshire.*

[Prov. Rec., B. 1, p. 111.]

*¶* Whereas Richard Waldron, of Cochecho, in the precincts of Dover, Esq., hath refused to pay the rate continued by virtue of his Majesty's royal commission, bearing date of the 9th of May, 1682, as appears by the oath of John Gerrish, a constable of Dover; These are, therefore, in his Majesty's name, to require you forthwith to apprehend the body of the said Richard Waldron, and convey him to the prison of Great Island, if he do not immediately discover some part of his estate to satisfy the said rate; and the prison-keeper is hereby required to receive him and safely keep him till he shall pay the said rate, or give security so to do, according to an act of this Province, made the 14th of November, 1682, and this shall be your sufficient warrant. Fail not, as you will answer the contrary at your peril. [Compare this with pp. 467-8.]

Given under our hands and seals, at Great Island, the first day of September, in the 36th year of the reign of our sovereign lord Charles the Second, king of England, &c., A. D. 1684.

WALTER BAREFOOT,  
RICHARD CHAMBERLAIN, } Justices of the Peace.

*To John Gerrish, one of the Constables of Dover:* You are hereby required to take one shilling for this warrant and two shillings for serving it.

JAMES SHERLOCK, Justice of the Peace. [L. s.]

*New-Hampshire in New-England.*

I, Richard Chamberlain, Esq., Secretary of the said Province, and prothonotary of the court of pleas there, do hereby certify that, about the 13th of November, 1682, upon an information exhibited by Edward Randolph, Esq., then attorney-general for the said Province, for riotous meeting and contemptuous behavior against Joseph Dow, of Hampton, and others; the others submitting to the court were discharged; but the said Dow persisting in his said contemptuous carriage, refusing to take the oath of allegiance, according to the methods and known practice of the laws of England, was bound over by recognizances to answer the premises at the next quarter sessions of the peace, and was not committed to prison, but, since that, is gone out of the Province.

All which I humbly certify the 29th of November, 1684.

R. CHAMBERLAIN, Sec., &c.

*New-Hampshire.*

*Memorandum.*—That the 19th day of December, in the 36th year of the reign of our sovereign lord Charles the Second, king of England, &c., came before me, Richard Chamberlain, Esq., one of his Majesty's justices of the peace for the said Province, George Snell, of Portsmouth, in the said Province, master of the ship Richard, and acknowledged, by way of recognizance, to be indebted the sum of five hundred pounds, of lawful money of New-England, to be paid to our sovereign lord the king, his heirs and successors, upon condition that he shall not carry any person in the said ship out of this Province, but such as those whose names shall first be entered in the Secretary's office before the departure of said ship.

R. CHAMBERLAIN, Justice of the Peace.

[Prov. Rec., B. 1, p. 144.]

*Gentlemen:*—You, whose names are underwritten, being listed in the troop under my command, you and each of you are, in his Majesty's name, hereby strictly charged and required to meet me upon Friday next, by nine of the clock in

the forenoon, at the house of John Sherborn, sen., at the Plains, with horse, sword, pistols, powder and shot, and hereof you are not to fail, as you and each of you will answer it at your peril.

Given under my hand the sixth day of January, 1684.

ROBERT MASON, Captain.

Reuben Hull,  
Thomas Graffort,  
Richard Waldron,  
Henry Penney,  
John Hunkins,  
Richard Jose,

Samuel Clark,  
Ant. Hutton,  
Joseph Hall,  
Pheasant Eastwick,  
William Cotton,

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[Prov. Rec., B. 1, p. 150.]

*Joseph Rayn, gentleman, maketh oath :*

That he, having received a summons from Robert Mason, Esq., captain of the horse of the Province of New-Hampshire, dated the 6th day of January last, directed unto Reuben Hull, Thomas Graffort, Richard Waldron, Henry Penney, John Hunkins, Richard Jose, and several others, requiring and charging them, and every one of them, in his Majesty's name, to meet upon Friday, the 9th instant, by nine of the clock, completely armed, at the house of John Sherborn; this deponent did go to the house of Reuben Hull, Thomas Graffort, John Hunkins, and Richard Jose, and did read the said warrant or summons at their respective houses, and that none of the parties were to be found, and that this deponent was informed that they were not at home, and that this deponent did read the said warrant publicly at the house of Samuel Wentworth, or declared the substance thereof unto him, the said Wentworth, who keeps a public ordinary at Portsmouth, who is neighbor unto the said persons; and that this deponent was at the house of Richard Waldron aforesaid, to give him a notice of the premises.

JOSEPH RAYN.

Upon oath, the 28th of January, 1684,

Before us :

Walter Barefoot, }  
R. Chamberlain, } Justices of Peace.

[Prov. Rec., B. 1, p. 76.]

*New-Hampshire.—By the Governor and Council.*

Ordered, That the meeting-house at Dover be immediately fortified, and a line drawn about it, which meeting-house shall be the main garrison for defending the inhabitants against the attacks of the enemy; also that the house, formerly called the Watch House, be a by-guard; likewise, that the houses of Peter Coffin, Esq., and Richard Otis, be by-garrisons for Cochecho, for securing the inhabitants that dwell thereabout.

R. CHAMBERLAIN, Clerk Council.

Dated 13th March, 1683-4.

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*Employment of Seneca and Mohawk Indians.*

[Coll. N. H. Hist. Soc., 2, p. 199.]

NEW-HAMPSHIRE IN NEW-ENGLAND.

By his Majesty's Council:

[SEAL OF THE PROVINCE.] There being an appearance of an Insurrection of the Indians, in this and other his Majesty's Colonies of New-England, with an intent to destroy his Majesty's subjects: It is therefore humbly desired by us of his Majesty's Council, that the honorable Edward Cranfield, Esq., the Governor and Captain General of this said Province, will be pleased to take upon him the trouble to go to the honorable Colonel T. Dungans, governor [illegible] and treat with him for procuring such a number of Mohawk, Seneca, or other Indians, to march into the said Province, for defence and security thereof, as the honorable governor shall think needful, and to make such capitulations and agreement for their pay as his Honor shall find reasonable, and what his Honor shall do therein we shall agree unto it, and that the said Mohawk, Seneca, or other Indians, be paid out of such monies as shall be raised in the said Province, in pursuance of the powers granted by his Majesty's royal commission; and his Majesty's said Council do engage ourselves to see the Mohawks, Senecas, or other Indians (as his Honor shall judge

fit to be employed), paid out of the public monies that are now raising for that purpose.

Given under our hands and the seal of the Province, the one-and-twentieth day of March, 1683-4, and in the 36th year of his Majesty's reign.

ROBERT MASON,  
W. BAREFOOT,  
R. CHAMBERLAIN,  
R. ELLIOT,  
JO. HINKS.

*Note.*—The name of Mason seems to be in his own hand-writing, while the other names are evidently written by one hand. In place of the seal are the the words, "Seal of the Province." The body of the paper was written by R. Chamberlain, clerk of the council. Possibly the whole is but a copy or draft of the original.

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*Copy of a Letter from the Council to Governor Dongan.*

[Far. Belk., App., p. 470.]

Province of New-Hampshire, March 21, 1683-4.

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 judged 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 neighboring 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 honorable 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 Mahignas, 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 Honor, your most humble servants,

ROBERT MASON,  
WALTER BAREFOOT,  
R. CHAMBERLAIN,  
ROBERT ELLIOT,  
JOHN HINKS.

To the Hon. Col. Thomas Dongan, governor of his Royal Highness' colony of New-York, and the territories thereto belonging, humbly present.

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*New-Hampshire.*

[Prov. Rec., B. 1, p. 101.]

By the Governor:

*Whereas* I have received an order of council, bearing date at Whitehall, the 27th of August last, wherein his Majesty doth strictly command and require all governors in his Majesty's respective plantations, to cause a law forthwith to be enacted within their said jurisdictions and governments, entitled an act for the restraining and punishing of privateers and pirates, in such method and form as was passed and agreed upon by the Governor, Council and Assembly of Jamaica, for the punishing of the aforesaid offenders, and the preservation of his Majesty's subjects, and all others who are in amity and peace with the crown of England: In obedience to the said command from his sacred Majesty, Edward Cranfield, Esq., his Majesty's lieutenant governor and commander-in-chief of this said Province, do, in his Majesty's name, hereby command and require you to call together the freeholders of the town of Hampton, and the said freeholders are hereby required and impowered to meet on Monday next, being the 19th of May

instant, to elect and make choice of able and loyal freeholders to serve in the General Assembly for the said town of Hampton, in order to their convening at Great Island, at the house late in the possession of George Jaffrey, on Tuesday, the twenty-seventh of May instant, for the passing the said acts, and doing such other further matters as may tend to the support and honor of his Majesty's government.

Given under my hand and the seal of the Province, the sixteenth day of May, 1684, and in the 36th year of his Majesty's reign.

To Mr. Daniel Mathews, Sheriff, or his Deputy.

The like was sent to the three other towus in said Province.

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*New-Hampshire.*

[Prov. Rec., B. 1, p. 100.]

*Whereas* the Honorable Edward Cranfield, Esq., Governor of this, his Majesty's said Province, and Robert Mason, Esq., proprietor of the same, did in February last obtain judgments, against Richard Martin, of Portsmouth, in the said Province, Esq., late treasurer thereof, for the respective sums of twelve pound two shillings, and fifty-nine pound fourteen shillings, with costs of court respectively, being for so much by him received for fines and forfeitures: viz., from January, 1679, to May, 1682, legally due to the said Robert Mason, and from May aforesaid to October following, legally due the said Edward Cranfield: And *whereas* the said Richard Martin hath petitioned the said Robert Mason as chancellor of the said Province, and Walter Barefoot and John Hinks, Esqrs., assistants of the court of chancery, therein setting forth that he did receive the aforesaid sums of money, and disposed thereof by order and command of the late President and Council, that the whole sum may not be levied solely upon him, but that the Council then in being may make contribution and draw equal proportion thereof: This court, therefore, taking into consideration the equity of the said Richard Martin's case, doth hereby order Richard Waldron, of Cochecho, in Dover, Esq.; William Vaughan, of Portsmouth, Esq.; John Gilman, of Exeter, Esq.; Christopher Hussey, of Hampton, Esq.; and Elias Stileman,



of Great Island, Esq., late members of this said Council; as also Reuben Hull, guardian to John Cutt, executor of John Cutt, Esq., late President, deceased; Bridget Daniel, executrix of Thomas Daniel, Esq., late of the said Council, deceased, and Mehitable Dalton, executrix of Samuel Dalton, Esq., late of the said Council, deceased, and Job Clements, executor of Job Clements, late of the said Council, deceased, To be and appear at Great Island, before the said Robert Mason, Chancellor, and Walter Barefoot and John Hinks, assistants, on the 19th of this present month of May: there to show cause why they shall not be equally charged with the said Richard Martin to pay their proportions of the said suit, and costs sustained thereby.

Dated the twelfth day of May, 1684.

By order: R. CHAMBERLAIN, Clerk per Council.

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*New-Hampshire in New-England.*

[Prov. Rec., B. 1, p. 127.]

*Walter Barefoot*, Esq., one of His Mat<sup>e</sup> Council in the Province of New-Hampshire, & Judg of y<sup>e</sup> Court of Pleas, maketh oath, That at the trial had between Robert Mason, Esq., Proprietor of the s<sup>d</sup> Province, and Richard Waldron, Esq., for title of land, the s<sup>d</sup> Waldron, to avoid the Trial, did except against the whole Jury that was impaneled. And when the court told him he had liberty to except against any persons, showing cause, as they came to be sworn, the s<sup>d</sup> Waldron answered he had nothing to object against any particular person, but he excepted against the whole Jury as being persons that lived in the Province and owned Mr. Mason to be Proprietor. Whereupon the Court, that all reasonable satisfaction might be given, did administer an oath to every person of the Jury, who severally did make oath, that he was not concerned in the Lands in Question; and that he should neither gain nor loose by y<sup>e</sup> cause. Whereupon the s<sup>d</sup> Waldron did speak aloud in the face of the Court, to y<sup>e</sup> people then present, these words: That his case was the case of them all, and that his case did concern the whole Province, and that if he were cast it would be a leading case, & then they must all of them become Tenants to Mr. Mason,

& that they all of them being persons concerned they should not be of the Jury; for which words he was bound to y<sup>e</sup> good behavior, and at the next Quarter Sessions of the Peace, a Bill was found against him by the Grand Jury, and he fined five pounds. Nor did the same Waldron make out any title to the lands in question, or produce any evidence, though often required by the court, if he had any, that he would put it in, that the Jury might hear it; and in all the trials the Proprietor hath had, not any one man hath produced any Deed, Evidence or Record to make a title of land.

And this deponent further maketh oath, That the s<sup>d</sup> Richard Waldron and three or four more, who at that time were sued by the Proprietor, whereof Nathaniel Wear was one, did severally say that they did appeal from the verdict of the Jury to his Maj<sup>ty</sup> in Council, which appeal the Court did allow of, provided they gave security according to his Maj<sup>ty</sup> Royal Commission to prosecute the Appeal, & to pay such damages as shall be awarded against them, if the first judgment should be confirmed. But neither the s<sup>d</sup> Waldron nor any other person appeared to give the security which was ordered to be done in open Court. And at several Courts since, wherein the Proprietor had any Trials, he caused it publicly to be declared, That if any person would appeal from the Judgment then, or formerly given, the Proprietor would come to a new trial, either before his Ma<sup>ty</sup> and most Hon<sup>ble</sup> Privy Council, or in any of his Ma<sup>ty</sup> Courts of Westminster; And that in the meantime he would suspend execution, but not any one man hath since desired to appeal.

And this Deponent further maketh oath, That the Bills of costs allowed by the Court to the Proprietor for his expences and charges in prosecuting the several actions hath bin rather too little than otherwise. And much more was given against Edward Randolph, Esq., when the s<sup>d</sup> Waldron, William Vaughan & Richard Martyn did sit as Judges, & set the costs, tho' in an action for his Maj<sup>ty</sup>.

WALTER BAREFOOTE.

Taken upon oath the 6<sup>th</sup> Nov., 1684,

Before me:

R. Chamberlain, Jus<sup>t</sup> P.

*Vera copia* from the original.

Teste:

R. Chamberlain, Jus<sup>t</sup> P.

*An Act for the restraining and punishing Privateers and Pirates.*

[Prov. Rec., B. 1, p. 108.]

*Whereas*, nothing can more contribute to His Sacred Ma'ts Honor, than that such articles as are concluded & agreed on in all Treaties of Peace, should by all his Ma'ts subjects, according to their duty, be most inviolably preserved & kept in & over all His Ma'ts Dominions & Territories: And whereas not only against such Treaties of Peace made by his Ma'ty with his Allies, but also contrary to His Ma'ts Royal Proclamations, several of his subjects have and do continually go off from this Province into foreign Princes services, and sail under their commissions contrary to their duty & good allegiance, & by fair means cannot be restrained from so doing;—

*Be it, therefore, Enacted*, by the Hon'ble Edward Cranfield, Esq., Governor of the Province of New-Hampshire, by and with the advice and consent of the Council & General Assembly thereof. And it is hereby enacted by the authority of the same, that from & after publication hereof it shall be felony for any person which now doth, or within four years last past heretofore hath, or hereafter shall inhabit or belong to this Province, to serv in America in an hostile manner, under any forraigne Prince, State or Potentate, or any employed under any of them against any other forraign Prince, State or Potentate, in amity with his Ma'ty, without special license for so doing under the hand and seal of the governor or commander-in-chief of this Province for ye time being: And that all and every such offender or offenders contrary to the true intent of this Act, being thereof duly convicted in any of his Ma'ts Courts of Judicature within this Province, to which Courts authority is hereby given to hear & determine the same, as other cases of felony, shall suffer pains of death without benefit of clergy.

*Provided, nevertheless*, That this Act nor any thing therein contained, shall extend to any person or persons which now or have bin in the service or employment of any forraign Prince, State or Potentate whatsoever, that shall return to this Province, & leav & desert such service & employment before the 22d day of October next ensuing, rendering themselves to the Governor or Commander-in-chief for the time being, and giving him such security as he shall appoint for their future good behaviour, & also that they shall not depart this Province without the Governor's leave.

And for the better & more speedy execution of Justice upon such, who having committed Treasons, Piracies, Felonies and other offences upon the sea, shall be apprehended in, or brought prisoners to this Province: *Be it further Enacted* by the Authority aforesaid, that all Treasons, Felonies, Piracies, Robberies, Murthers or Confederacies committed or that hereafter shall be committed upon the sea, in any Haven, Creek or Bay, shall be inquired, tried, heard, determined and judged within this Province in such like form as if such offence had bin committed in & upon the land: And to that end and purpose, Commissions shall be had under the King's Great

Seal of this Province directed to the Judge or Judges of the Admiralty of this Province, for the time being, and to such other substantial persons, as by his Ma'ts Gover'r or Commander-in-chief of the Province, for the time being, shall be named or appointed; which said eommission'rs or such a Quorum of them as shall by such commission be thereunto authorized, shall have full power to do all things in & about the Inquiry, Hearing, Determining & Judging & Punishing of any of the crimes & offences aforesaid, as any Commission'rs to be appointed by Commission under the Great Seal of England, by virtue of a statute made in the 2d year of the Reign of King Henry the Eighth, are impowered to do & execute within the kingdom of England; and the sd offenders which are or shall be apprehended in, or brought prisoners to, this Province, shall be liable to such order, process, judgment & execution by virtue of such commission to be grounded upon this Act, as might be awarded or given against them, if they were proceeded against within the Realm of England by virtue of any Commission grounded upon ye sd statute.

And all trials heretofore had against such criminal or criminals, before any Judge or Judges by virtue of such Commission or authority at any time heretofore granted, & all proceedings thereupon are hereby ratified, confirmed & adjudged lawful; And all such judges, with all & every the inferior officers that have acted thereby, are hereby' indemnified to all intents & purposes whatsoever: And in case they or any of them shall at any time hereafter be sued, vexed, molested or troubled for any such their proceedings as afores'd, he or they so sued, vexed, or molested, shall plead the general issue & give this Act in evidence, any Law, Statute, custom or usage to ye contrary in any wise notwithstanding.

*And be it further Enacted*, by the authority afores'd, that all & every person or persons that shall any way knowingly entertain, harbour, conceal, trade or hold any correspondence by letter or otherwise, with any person or persons that shall be deemed or adjudged to be Privateers, Pirates or other offenders within ye construction of this Act, and that shall not readily endeavor to the best of his or their power, to apprehend or cause to be apprehended such offender or offenders, shall be liable to be prosecuted as accessories & confederates, & to suffer such pains & penalties as in such case by law is provided. And for ye better & more effectual execution of this Act,

*Be it further enacted*, by the authority afors'd, that all commiss'n officers in their several precincts within this Province are hereby required & impowered, upon his or their knowledg or notice given, that any Privateers, Pirates or other persons suspected to be upon any unlawful design, are in any place within yr respective precincts, to raise and levy such a number of well-armed men as he or they shall think needful for ye raising, apprehending & carrying to Goal all & every such person or persons: And in case of any resistance or refusal to yield obedience to His Ma'ts authority, it shall be lawful to kill or destroy such person or persons, & all & every

person or persons, that shall oppose, resist, by striking or firing upon any of ye comanded parties shall be deemed, taken & adjudged, as felons without benefit of the clergy. And every such officer that shall omit or neglect his duty herein, shall forfeit fifty pounds currant money of this Province for every such offence, to be recovered in any of his Ma'ts Courts of Record within this Province, by Bill, Plaint or Information, wherein no essoyn, wager of law, or protection shall be allowed; one moiety thereof to be to our Sovereign Lord the king, his heirs & successors, for & towards the support of the government of this Province, & ye contingent charges thereof, and the other moiety to the Informer. And all & every person or persons, that upon orders given him or them, shall refuse to repair immediately with his or their arms well fixed and ammunition, to such place or places as shall be appointed by the sd officers, and not readily obey his commands in the execution of the premises shall be liable to such fine or corporal punishment, as by a Regimental Court Marshal shall be thought fit.

Passed by ye Gover'r, Council and Assembly, ye 22d day of July, 1684.

R. CHAMBERLAIN, Cl. Council.

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[Prov. Rec., B. 1, p. 120.]

*The examination of Capt. Michael Park, Commander of the Black Cork, taken upon oath before his Ma'ts Justices of Peace, at Gr<sup>t</sup> Island, ye 15th September, 1684.*

This examinee, being duly examined, Saith:—That he heard Mr. William Vaughan say, That he had written letters to S<sup>r</sup> Josiah Child, who had promised the s<sup>d</sup> Vaughan to be his friend; & that y<sup>e</sup> s<sup>d</sup> Vaughan said also, that he doubted not the s<sup>d</sup> Sir Josiah Child\* would stand his friend & get him out of prison; And that Mr. Richard Waldron & Reuben Hull, both of Portsmouth, in y<sup>e</sup> s<sup>d</sup> Province, were present. This was about y<sup>e</sup> sixth of September instant, at y<sup>e</sup> port & prison there upon Great Island afores<sup>d</sup>.

Taken upon oath, y<sup>e</sup> day & year above written, before us:

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\* Sir Josiah Child, of London, seems to have been the patron and friend of Vaughan from his youth. See page 374.

*New-Hampshire.*

[Prov. Rec., B. 1, p. 135.]

*The deposition of Thomas Thurton, Provost Marshal of the s<sup>d</sup> Province.*

This Deponent testifieth, That on Thursday last, he being at Strawberry Bank, at John Pickering's house, doing his office in collecting the Rates, the wife of William Cotton said to him, That he was a Rogue & a Rascall, & all that he was concerned with were Rogues and Rascalls; And she threatened to scald him with hot water when he came to their house. And likewise y<sup>e</sup> wife of Nehemiah Partridge at her house dore called this Depon<sup>t</sup> Rogue and Rascall, & said that they were a parcel of Rogues that this Depon<sup>t</sup> was concerned withall; And threatend to scald him, & s<sup>d</sup> she would do his business at once, & he should not be troubled to come any more.

THOMAS THURTON.

Taken upon oath y<sup>e</sup> 8th December, 1684, before me:

R. Chamberlain, Just. P.

*Deposition of Mary Rann.*

[Farm. Belk., p. 115.]

"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. Seavey before he spoke; the said Hog also said that it was well the said Seavey'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 honor? 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 centented to

\* This name is Hodg in the records of the Quarter Sessions.

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. CHAMBERLAIN, Prothon.

*Documents in relation to Cranfield's and Mason's Claims.*

*Answer of Elias Stileman to Mason's Claim.*

[Far. Belk., App., p. 461.]

The answer of Elias Stileman to the summons from the Hon. Edward Cranfield, Esq., Governor of his Majesty's Province of New-Hampshire, in New-England, in pursuance of the method which his Majesty hath been graciously pleased to prescribe in his Commission.

Portsmouth, 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 follows :

1. 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 claim for at least these fifty years, upon which I have built, at my own charge, without any interruption, and am in the possession thereof, as my own. As to what is said in the commission concerning Mr. Mason's proprietors, with all due submission to his Majesty, I conceive it implies rather his claim than a positive determination of his title.

2. 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 favor of an English subject therein, that it may be first tried 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.

3. Should Mr. Mason obtain his demands, myself and the rest of the inhabitants would be undone forever, for then all his, granted to him, which he calls commons, being out of fence, which yet hath been bounded out by the several towns, and possessed by them for these fifty years, and improved for the maintenance of their cattle both winter and summer, and for timber and firewood, 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.

4. The said Mason speaks of many thousand 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 years' labor, since their first sitting down upon it, when they found it an howling wilderness, and *vacuum domicilium*, besides a great expense of blood and estate, to defend it in the late Indian war; nor can they to this day make both ends meet, by all their labor and frugality, and, therefore, must needs sink under the exaction of such a proprietor.

5. The land which Mr. Mason claims as proprietor is the land on which vast expense hath been laid out by his grandfather, Capt. John Mason, for the peopling of it, and the land from whence his said grandfather's servants were violently driven out, or expelled by the inhabitants of the Massachusetts, but upon this land there was no such expense laid out by his grandfather, Capt. 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 claim. He hath mistaken his province, and may endeavor to find it some other where, for here is no such place.

6. If Mr. Mason had a patent here, why did he not take possession in the day thereof? If he were in possession why did he not keep it still? None ever drove him out, as he informs. Had he been once settled, he might to this day have kept it, as the rest of the inhabitants have done, without the least molestation; but I am humbly of opinion that if he, the said Mason, or any of his heirs, came hither, they only came as



many ships did to Newfoundland, and to this country, to make a fishing voyage or beaver trade, and, that being at an end, departed, and left their room to the next taker.

This is the sum of what I have at present to answer, humbly requesting of your Honor the stating of the case, with your opinion thereupon, 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 neighboring province (and possibly Mr. Mason may think not attainable in this province, wherein all persons are concerned), as he hath been pleased to do by that part of Mr. Mason's claim which lies under his Majesty's government of Massachusetts, I hope to be able, upon these and other grounds, so far to make out my title as to be held unblamable, before God and man, for not complying with his demands. Or, if I should see cause to appeal to his Majesty and honorable Council, that I shall be put beyond all need of paying quit-rent to the pretended proprietor. Thus begging your Honor's favor, I subscribe,

Sir, your humble servant,

E. S.

*Answer to the Claim made by Mr. Mason to the House and Lands of New-Hampshire.*

[In Mr. Weare's hand-writing, but without date or signature.]

[Far. Belk., App., p. 459.]

It does not legally appear that Mr. Mason can lay any just claim to any of the lands in New-Hampshire, for what right he pretends is either derived from Capt. John 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. John 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 patent or deed from the Council of Plymouth, which he brings over, without attestation of public notary. Besides, in said

copy there is not the least intimation of any hand or seal to the original, and there is two men that swear this is a true copy of the original, which plainly demonstrates that the original is but a blank ; 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 claim ; but, having nothing but blank copies, he could bring no better than he had, which cannot be looked upon as authentic, in any court.

2. If it should be supposed that ever Capt. John Mason had a right by patent, yet it does not appear how Robert Tufton Mason (as the plaintiff calls himself), derives a title from him, either as his heir, executor, or administrator, or by deed of gift. All that we can hear in court is, that the plaintiff calls himself Capt. Mason's heir.

3. If the plaintiff, or his ancestors, ever had a title to the lands he claims, by patent from Council 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 highness' patent to the great Council of Plymouth, which was by peopling of the land, enlarging the king's domains, propagating the gospel, conversion of the heathen—the native proprietors, &c. Now, the plaintiff nor his 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, the vast expense of above fifty 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 claims not only what poor people have purchased and labored hard upon, but also conquered or relieved from cruel attempt of the barbarous heathen ; and we conceive we are 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 Council of Plymouth to the making of Capt. Mason's deed,

according to the patent granted to the great Council of Plymouth, which renders his claim invalid, 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. John Mason; and that his Majesty's commission does neither give nor confirm any title to the lands claimed, we prove:

1. We humbly conceive that his royal Majesty, who is so prudent a prince, and so solicitous for the peace of his subjects, would not have left that matter doubtful 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 communication, and if his Majesty had (which we can not believe he would), we should crave the benefit of the statute in the 17 of Charles the First, which says no king and council can alienate lands but by due course of law. But we were never yet heard, and when it comes to legal trial we presume the law of possession will confirm our land to us, seeing we have had peaceable possession fifty years.

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 can not, then to send the case, fairly stated, to England, that his Majesty and privy council might determine according to right;" which we humbly conceive puts a bar 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 one, 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 claims;" which claim may prove good or bad, when it comes to trial. We understand to claim and to have are different things.

4. His Majesty intimates, in his royal commission, by what title Mr. Mason does claim: viz., by a grant to his ancestors,

“which improved and possessed the Province with great expense, until molested and finally driven out.” But this Province can not be concluded to be the place he claims, until he makes these circumstances appear, which we are sure he never can do.

Now, Mr. Mason, not producing any original deed for any of the lands of this province, nor authentic copies, the inhabitants can not make any compliance with him, both because we see no right he ever had, or believing, if ever any was, he hath mortgaged it already in England, and so alienated what right he had. Although, upon the former grounds, we have good plea against Mr. Mason’s claims, 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 picked for espousing Mr. Mason’s interest, by the Governor’s order, who has a mortgage for twenty-one years from Mr. Mason, for all the lands in the Province; but also because we were willing to attend the methods prescribed by his Majesty in his royal commission.\*

\* *Law-suits with Waldron.*—Mason 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 Mason, and all of them having 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 of Mason; and that all persons in the province being interested, none of them could legally be of the jury.”

The cause however went on; but he made no defence, asserted no title and gave no evidence. Judgment was given against him, and at the next court of sessions he was fined for “mutinous and seditious words.”

Suits were instituted against many other land-owners, and decided in the same summary manner. In Dover, beside Waldron, there were John Heard, Sen., William Horne, Jenkin Jones, William Furbur, Jr., John Hall, Jr., Joseph Field, Nathaniel Hill, James Huckins, William Tasket, Zachary Field, Philip Chesley, Jr., Thomas Chesley, Robert Burnham, Anthony Nutter, William Furbur, Sen., Thomas Paine, Charles Adams,

*Copy of Nath'l Weare's first Complaint against Cranfield.*

[Farm. Belk., p. 488.]

To the king's most excellent Majesty, and the lords of his most honorable privy council: The humble representation of

Thomas Edgerly, Henry Longstaff, Thomas Stevenson, John Meader, John Woodman, John Windiet, John Davis, Sen., Joseph Beard, John Robert, Joseph Stevenson, Samuel Hill, Phillip Lewis, John Gerrish, John Hill, Joseph Hall, Thomas Roberts, Sen., and perhaps others, who were thus declared dispossessed. From seven to twelve cases were dispatched each day. Some executions were levied; but the officers could neither retain possession, nor find purchasers, so that the property soon reverted to its owners.

These matters went on until the representations of Nathaniel Weare so influenced the Board of Trade that they ordered Cranfield to suspend the suits. Executions, however, were issued after this; the success which they met with may be learned from an incident which occurred in Dover: Certain officers, attempting to levy an execution, were driven off; they returned on the Sabbath, with warrants to apprehend the rioters; a tumult ensued, which was ended by a young girl, knocking down one of the officers with her bible; such a spirit was useless to resist.

The suits were suspended, however, and were not resumed until long after Waldron's death. It is unnecessary for us, therefore, to say more than that, in the final decisions, the rights of the Colonists were fully preserved. Hist. Mem., No. 110. A. H. Q.

To the foregoing the Editor adds the following from a "Representation of the *Laws of Trade* to king George II, respecting New-Hampshire, 1753." Copied from *Papers in the Secretary's office*.

"In 1702, Col. Allen brought an appeal to her Majesty in Council from a verdict and judgment given against him in the Superior Court of Judicature in New-Hampshire, the 13th of August, 1700, in favor of Richard Waldron, who, at that time possessed the largest quantity of land in New-Hampshire, which said judgment was, upon an hearing of all parties, affirmed. But, in regard the judgment was not final in its nature, the order directed that the defendants should be left at liberty to bring a new action in *ejectment* in the courts in New-Hampshire, in order to try his title to the propriety of the lands in question, or certain *quit rents* payable out of the same, and that in case, upon such trial, any doubt in law should arise, the Jury be directed to find the matter specially, that is, what title the appellant and defendant do severally make out to the said lands in question, and that the points in law should be reserved to the court before which the same shall be tried."

"While this appeal was depending before her Majesty in Council, Mr. Allen presented a petition praying to be put in possession of the wastes and unimproved lands in the said Province; and on the 28th of January,

Nathaniel 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 honorable 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 set him,

1702-3, his petition was referred to the Attorney-General for his opinion. 1st, Whether Mr. Mason [Allen ?] had a right to the waste lands in the Province of New-Hampshire, &c., &c. ? [These questions were decided in the affirmative, but if disputed might be tried in the courts of the Province, and the *title* be found by the Juries.]

"On the 3d of May, 1705, the inhabitants and *Terre-tenants* of the Province, at a general meeting held at Portsmouth, came to the following Resolutions with respect to Mr. Allen's title" [to the waste and unimproved lands, conceding his right thereto].

"These propositions having been finally settled and agreed to, were ordered to be presented to Mr. Allen for his acceptance; but his death, which had happened on the next day, prevented it."

"Upon the death of Col. Allen, his son, Thomas Allen, petitioned the Crown that an appeal brought by his father to the Governor and Council against a judgment given in the inferior courts in favor of Waldron might be received, which petition, having been referred to the Attorney-General for his opinion, whether it might be proper for her Majesty to grant the prayer thereof, the Attorney-General, on the 23d of March, 1705-6, reported his opinion that by the Plaintiff's death, the writ of error was abated and *could not be revived.*"

"Upon Mr. Allen's suing *for writs of ejectment in his own name*, he was cast with costs, whereupon he appealed to her Majesty in Council, but died before the appeal was determined, having first by deed of sale, dated the 23d of August, 1706, conveyed one half of his lands to Sir Charles Hobby, of Boston in New-England."

"Upon the death of Mr. Allen the half of New-Hampshire which remained unsold, devolved to two infant sons, but it does not appear that any application was ever made since that time, by them or any one in their behalf, or any claiming under them to be put in possessions, and in the year 1746 Colonel Shute was appointed Governor of New-England," &c., &c.

[The matter was never settled in law.]

and to engross the whole power of erecting courts, with all necessary fees, powers and authorities thereto, into his own hands, exclusive of the general assembly there. The said Mr. Cranfield, at the first general assembly there, when the words of his commission ran, "And we do hereby give and grant unto you full power and authority to erect or constitute and establish such and so many courts of jurisdiction and public justice within the said Province and plantation, within your government, as you and they shall think fit and necessary for the hearing and determining all causes, as well criminal as civil, according to law and equity, and for awarding execution thereupon, with all reasonable and necessary powers, authorities, fees and privileges belonging unto them," caused his commission to be entered in the council books 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 trials there to his own advantage, as will appear 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 colony and Mr. Robert 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 opinions and reasons on the same, that your Majesty, with advice of your privy council, might hear 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—bath, by purchase or mortgage from Mr. Mason, made himself owner of the Province. And, the better to come by what he hath so purchased, he hath, under color of the authority of your Majesty's commission, made courts whereof both judges and jurors have agreed with Mason for their own lands, and some of them have taken grants from Mason of other men's lands: That, nevertheless, this jury is continued from month

to month, and kept for this service: That Mr. Mason has east 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.

3. That the charge of every action is raised from 20s. to 6*l.*, 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 6*l.*

4. That the said Mr. Cranfield, under color of trying actions, has, by setting the fees so extraordinary, forced several to quit their claims for want of money to carry on the suit.

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 6s.

6. That the said governor, without good and lawful cause, hath taken upon him to commit several men to prison, particularly Wm. Vaughan, until bonds given for their appearances and good behavior, 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 successlessly endeavored to procure warrants or summons from the secretary, to summon their witnesses to be sworn (which can not otherwise be so), the seeking of such summons has occasioned being bound to the good behavior, so as the complaining of a wrong done one, does, under Mr. Cranfield's management, but draw a new punishment on the afflicted, but no manner of redress.

All which the said Nath. Weare humbly lays at your Majesty's feet, imploring your Majesty's present hearing what your petitioner is able to make out of the premises, and ordering some commission to examine the truth of the residūe 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 relief as to your princely wisdom shall seem meet; and that, in the meantime, Mr. Cranfield be admonished not to exceed the bounds of his commission.

And your petitioner shall ever pray, &c.

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*Reference of the same to the Lords of Trade, at 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 honorable Privy Council.

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 behalf of himself and others, his Majesty's loyal subjects, and inhabitants and planters there, whose names are subscribed to the four petitions thereto annexed, 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 honorable, the lords committees of this board for trade and foreign plantations, who are to consider thereof, and to report to his Majesty at this board their opinion thereupon, and then his Majesty will declare his further pleasure.

A true copy :

PHILIP LOYD.

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*A Letter from William Vaughan, Esq., containing a Journal of Transactions during his Imprisonment, &c., to Nathaniel Weare, Esq., Agent in London.*

Portsmouth, 4th of February, 1683-4.

Mr. Nathaniel Weare: *Sir*,—These serve to give covert to the enclosed, which were unhappily mislaid, and so brought to Portsmouth, instead of being carried by you to London, though on the other hand you carried many papers to London, which ought to have been at Portsmouth. There were several papers in the bundle which were very important unto your

business, and the transporting of them very prejudicial to some here. Your especial care about them is expected, yet may be safely returned with you, if not transmitted by you before your return. We are now a doing about getting evidences sworn, which you shall have a further account by the first, though retarded much by having no copies of them, as we expected. Since your departure much ado has been made: many executions extended: viz., upon Messrs. Cutt, Daniel, myself, Mr. Fletcher, Moody, Hunking, Earl, Pickering, Booth, &c. I went to prison, but was redeemed with money. Several doors were broken open by Matthews, the marshal's deputy; chests, also, and trunks, and carried out of the houses till redeemed with money.

John Partridge and William Cotton are in prison, and have been sundry days. No pay (as fish, sheep, horses, &c.), would be taken for their execution, so their bodies were levied upon, and there they lie. Our minister, for refusing to administer the sacrament to the governor, is bound over to the Quarter Sessions, to sit to-morrow. The issue we know not, but six months' imprisonment threatened. Your wife and family well. Great bluster at Hampton about the petition; some weaklings were wheedled into a confession, and they discovered the persons that carried the petition, who were, by justices G. and R., bound over to the Quarter Sessions: but last Saturday night (on what ground know not), Mr. Green burnt their bonds and only told them they must appear when called for. Charles Hilton is lately dead. As other news arrives shall hand it to you by all occasions, and do you the like by us.

5th. Quarter Sessions are come, and there Capt. Barefoot, Messrs. Fryer, Coffin, Green, Roby and Edgerly, were justices. Raines was attorney. It was brought in as a plea of the crown. Mr. Moody pleaded his not being ordained, having no maintenance according to statute, and therefore not obliged to do that work which the statute required. Besides, these statutes were not made for these places; the known end of their removal hither being that they might enjoy liberty in these foreign plantations, which they could not have by virtue of the statutes at home, and were allowed to have here, especially our commission granting liberty of conscience. These things

were pleaded, but to no purpose. After a short pleading, and that not without many interruptions and smiles by the pragmatic, busy, impertinent attorney, he was committed to the marshal (viz., Long Matthews), and held in custody that night, though permitted to lodge at Capt. Stileman's. The justices debated a little: four of them entered their dissent: viz., Messrs. Fryer, Green, Roby, Edgerly; but Capt. Barefoot and Coffin were for his condemnation. Judgment of the case every man's was entered by secretary over night, but, being deferred till next morning, information was given to somebody, who came in and threatened and hectorred after such a rate that Green and Roby also consented, as you see by the enclosed, and he was committed to prison. Petition was by him made to the court, and afterwards to the governor, that he might step up at night to his family and settle matters there, and that he might not go into the dismal place—the common prison. The court could not, the governor would not of first, though in fine gave leave to the marshal to drop him at Capt. Stileman's, where he is confined to his chamber, though not without leave to go down stairs, or into the back side, and this was done 6th instant. At night, I having moved for the taking of evidences, which was in words owned, went to the secretary for summonses, intending to begin with Lieut. Hall and Thomas Wiggin. He refused to give summonses, but first (I suppose) must inform some body I was sent for by the marshal, huffed and hectorred strangely, threatened, &c.; in fine, must give bonds to the good behavior. I refused: thereupon he made and signed my mittimus to the prison, though, by the way, I know not how, was also dropped at and confined to Mr. Moodey's chamber, where we have been these two nights, very cheerful together.

Poor Wadleigh, who was left to the governor's mercy, is come out upon security for forty pounds money, and your Gove for a like sum; only William Partridge is to do it in work—building, fencing, &c. The actions go on, and are turned off hand apace, *twelve at a clap*, after the old manner. Roby, though a justice, is still of the jury. A new trick is on foot. Several of us that were executed upon and paid our money the first suit, are sued again for illegally withholding

possession, though the marshal (who was, by execution, required to give possession, never came to demand it); the issue of which we know not, matters being yet depending.

9th. The prisoners, Vaughan and Mr. Moodey, were fetched out of prison to plead their cases at the court. Messrs. Cutt, Daniel, John Partridge, myself, and Mr. Moodey, were sued and all cast but the last, who had something particularly to say; and so he cast Mr. Mason, though we thought we all said enough to cast him: namely, that he had an execution for the land sued for; and, when he levied his execution, might have taken the land also, with many other things,—enough of, we thought, to have turned the case against him before any indifferent judges and jurors. But thus we are treated.

But, above all, our minister lies in prison, and a famine of the word of God is coming upon us. No public worship, no preaching of the Word. What ignorance, profaneness and misery must needs ensue! By the premises, you see what need there is you should be vigorous and speedy as you may about your business, to do what may be to the preventing of utter ruin.

My imprisonment is a present stop to the getting what evidence is needful; and it is like we shall not make any further attempt here, but with what convenient expedition will be done what is needful and necessary. Mr. Martin was sued at the court in two actions: one by Mr. Mason, for fines and forfeitures, collected and received by him as treasurer, from seventy-nine to eighty-two; and another action, by the governor, for fines, &c., from April, eighty-two. He is cast in both actions to the value of about seventy pounds, although he pleaded that what he received was disposed by order of the authority which made him treasurer, and had as good commission from his Majesty as that was in being. Neither did it legally appear that either Mr. Mason or the governor have any right to fines and forfeitures,—the king appointing all public money to be disposed, or improved, for the support of the government. However, it is but ask and have. Their demands, in any case, have the force of an execution.

10th. The Sabbath is come, but no preaching at the Bank, nor any allowed to come to us. We had none but the family

with us—the poor people wanting for lack of bread. Motions have been made that Mr. Moodey may go up and preach on the Lord's day, though he come down to prison at night; or that neighbor ministers might be permitted to come and preach; or that the people might come down to the prison and hear, as many as could. But nothing will do; an unparalleled example amongst christians to have a minister put out, and no other way found to supply his place by one means or other. Mr. Fryer was severely threatened for refusing to subscribe Mr. Moodey's commitment, but hath obtained fairly a dismissal from all public offices. Justice Edgerly also cashiered, and bound over to the Quarter Sessions.\* It is said that Justice Green is much afflicted for what he has done, but Roby not. Peter Coffin can scarce show his head in any company.†

14th. News came from the fort at Casco that there was great danger of the Indians rising, which hath occasioned a meeting of the council and some discourse, but hear no more since, and hope it may vanish.

15th. Good Mrs. Martin was buried, being not able to live above one Sabbath after the shutting up of the doors of the sanctuary. Somebody has said that the imprisoning of the minister is none of his work,—he did but constitute the court; they did it themselves; though also hath said he would have done it himself if they had not.

17th. Another sad Sabbath.

18th. Came Messrs. Mason, Barefoot, our secretary, with Thurton, who swore against me a false oath, of which I have

\* Tho. Edgerly was, by the governor's order, of the sessson, discharged from being justice of the peace, and of being in any other public employment.—*Records of Court of Q. S.*

† Mr. Moodey, in the church records, remarks thus on his judges: "Not long after, Green repented, and made his acknowledgment to the pastor, who frankly forgave him. Roby 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 carcass. Barefoot 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."

enclosed a copy. Thurton said he was sent for on purpose to give in his testimony against me. They went away; and soon after came the enclosed *mittimus*, directed to Mr. Raines, who is sheriff and marshal in Mr. Sherlock's room, that have been out of favor of late, though now it is said in favor, but not in place again. Mr. Estwick is also put out of all office. Note: That when I went to him for taking oaths, he said all oaths should be taken before the governor and council, but now could send to justices to do it. We had for some nights our key taken away from the chamber door, about 8 or 9 at night, but have since left off that trade. Sewall, of Exeter, is dead.\* Several overtures were made this week to John Partridge and William Cotton, by Raines, to come out of prison, he giving them three month's time to provide money, or any other current pay, though they tendered fish, planks, &c. Before they were put in they refused to accept.

24th. This Sabbath our wives, children and servants came down and spent the day with us in our chamber, and we yet hear nothing said against it.

25th. The marshal goes and levys upon John the Greek's† sheep and cattle, for the execution, for which he had lain about three weeks in prison, and then came and ordered him to go about his business; fifteen sheep, sundry lambs, and two heifers, seized for six pounds, odd money. This day also Mr. Jaffrey, having had sundry warnings the week before to clear his house, because Mr. Mason would come and take possession of it, went, nevertheless, to the Bank upon business. Meanwhile came Mr. Mason with the marshal, and turned all his servants out of doors, set another lock on the door, and at night, when his servants came home wet, they would not suffer them to come in, but there lodged Matthews and Thurton all night. Mr. Mason said, while about this work, that he was sorry Weare had no more of this news to carry home with him. The governor having sent to Mr. Cotton,‡ that

\* Probably Edward Sewall, who died in 1684.

† This person is called in the Records of the Court of Quarter Sessions, John Greek, *alias* Amazeen.

‡ Rev. Seaborn Cotton, of Hampton.

when he had prepared his soul, he would come and demand the sacrament of him, as he had done at Portsmouth already. Mr. Cotton, the latter end of the week before last, went to Boston and has been out two Lord's days already. All is well with yours there, as far as I can learn. I can not go to see, else might have given them a visit. One word more about my business. I am under imprisonment about Thurton's business, being seized by the marshal, and committed, when in prison before, for not giving bond for the good behavior, though nothing charged upon me, any more than before, which you well know. I know nothing but they intend to keep me here endlessly. It is said I must pay one hundred pounds for striking one of the king's officers, and must have my name returned into the exchequer, and must lie in prison till the money be paid, and I am discharged from the exchequer. The design, you may easily see, is to seize me, and how vain my pleas will be you may easily guess.

Though I have many things to say: namely, that Thurton was either no officer, or at least not known to be so, however not sworn, nor did I strike him in the highway, as he swears, nor is there any proof but his own single testimony, which, how far it avails in such a case, would be considered. It is also worthy of inquiry whether ever that law was intended for us here, being no customs to be gathered, no exchequer to be applied to, and therefore how these methods can be observed is not intelligible. You may easily imagine how things will be if I am forced to comply with their humors. Pray consult, consider, and see if something may not be done to put a stop to such arbitrary proceedings. A trial on the place, by indifferent, unconcerned judges and jurors, if at least there can any such be found, who will not be forced into what some will have done; but I shall not need to instruct you. There you have better counsel than I can give you, and of your fidelity to inquire and remit by the first, what is needful on this account, I doubt not.

I have given you but a taste. We that see it know more than can possibly be understood by those that only hear. In

a word, such is the height of their heat and rage, that there is no living for us long in this condition. But we hope God will be seen in the Mount.

I should have inserted what fell out after the dissolving of the rebellious assembly. There was discourse of constables, and instead of the freemen choosing as formerly, they took a short and cheaper course, and at the Quarter Sessions constables were chosen; and to begin with Mr. Speaker,\* he has the honor to be constable for Portsmouth; Capt. Gerrish, Lieut. Anthony Nutter, and John Woodman, for Dover; John Smith, the cooper, for Hampton; John Foulson, at Exeter. Whether Mr. Speaker shall sue or fine, is not yet determined. And now I am speaking of the General Assembly, must hint what was formerly forgotten: namely, that they convened on the Monday, and the choice of the speaker (their old one), in words highly approved, and he complimented *alamode*. Then a bill was sent them down (of which, if I can get it, being now in prison, shall enclose a copy), which they talked a little of, and then broke up for the night and went up to the Bank to lodge, (the tide serving very well to go and come), the report of which highly disgusted, and the next morning the answer to the bill vehemently urged, which was in fine a negative. Hereupon, in a great rage, telling them they had been up to consult with Moodey, an utter enemy to church and commonwealth, with much of like nature, he dissolved them, which was done on the Tuesday, after which he came up to the Bank, and gave order for a sacrament on the next Lord's day, as you have heard, and since the assembly-men pricked for constable.

By the premises you will see how the governor is making good his word. *He came for money, and money he will get*, and if he gets it you know who must lose it, and how miserable must our condition quickly be, if there be no remedy quickly provided. He contrives and cuts out work, and finds civil instruments to make it up, and these same among ourselves. Thus we are cloven by our own limbs.

\* Richard Waldron, who, it appears from the records of the Court of Quarter Sessions, was appointed constable for Portsmouth, February 5, 1683-4, but refused to serve.



28th. Since Mr. Jaffrey was dispossessed, Raines offered him five shillings per annum quit-rent to Mr. Mason, he should have his house again, provided he would own him proprietor; but, he refusing, it is said he shall never have it again. The talk is that his house must be court-house and prison both; and standing so near the governor it is judged suitable, for both those ends, that he may have the shorter journey to court, and the prisoners may be always under his eye.

29th. John the Greek having lain some weeks in prison upon execution, his goods having been levied upon (as above), was by Raines locked out of the prison, and bidden to be gone; but he would not; keeps his quarters still with the other two. This day his goods were sold by the marshal, and bought by Thurton.

Mr. Cotton\* is come home from Boston. Great offence taken here at a sermon he preached in Boston, on Acts xii. v., though pleasing to the hearers.

March 2d. This day Mr. Jaffrey's goods were all turned out of doors by the sheriff, &c.; his man received and disposed of them. Against Jaffrey there are two oaths taken; single oaths, but, being for the king, will pass, and orders are given for warrants to apprehend him. He appears not.

5th. It is said that they are going this day to Major Waldron's, to serve him as they have done Mr. Jaffrey, and it is given out that the rest will be treated in like manner. The court was adjourned yesterday to the next month; probably that they might levy the executions that are in bank before they cut out any more work. Justice Green seems something troubled for sending the minister to prison, and saith he will never do such a thing again; but Peter Coffin saith it is a nine days' wonder and will soon be forgotten, but others think otherwise. If they go on thus we are utterly ruined; must go away or starve, if at least we be not so confined that we can not go away neither. I question whether any age can parallel such actions. In my last I sent you a letter to Sir Josiah Child, my master, of which also you have another copy herewith. My design is that you carry the letter yourself, wait

\* Rev. Seaborn Cotton, of Hampton.

on him while he reads it, and if he will please to hear you (as I hope he may), that you amplify matters, inform him what further intelligence you have, and attend his directions, if God move his heart to do aught for us. This day the governor sent us word by the marshal that he must remove to Mr. Jaffrey's house to-morrow, which house is made the prison. We hope the news of the rising of the Indians will fall to nothing.

*Ditto 5th.* Thus far was sent you by way of Barbadoes. It follows. The governor did say to a Salem man that Moodey might go out of the prison, if he would go out of the Province, but we hear no more since. James Robinson, under great wrath and in much danger only for speaking something to Thurton (of his being a pitiful fellow, &c.), while said Thurton was active in turning out Mr. Jaffrey's goods.

*6th.* Matthews and Thurton hunted for Mr. Jaffrey; searched in Mrs. Cutt's house; went into every room above and below stairs; searched under her bed, where she lay sick in it, but found him not. They carried it very rudely and basely in their work. Matthews said he would catch him, or have his heart's blood, but he was not there. Mr. Jaffrey's goods were carried to the other side by night.

It is said that our imprisonment hath much alarmed the whole country, and made them more fond of their liberties. This night Matthews was beaten at Mercer's;\* (some fuddling about it, it is like;) but it is made a mighty thing on; said to be a deep plot,—deeper than Gove's,—managed by strong heads and abundance of that nature, and because the persons concerned were under the influence of Vaughan and Moodey they should suffer for it, for not teaching them better. Though we know no more of it than you, nor is there aught in it worth notice, but thus we are treated. The governor went up to the Bank and made great inquiries about it. Capt. Pickering and others that were in the fray, are bound over.

*7th.* They had six pounds five shillings of Obadiah Morse by way of execution. Raines was discarded, being put out of being sheriff, &c., though he had his commission under the

\* Francis Mercer, who was an ale-house keeper.

seal but the other day. Matthews is made provost marshal (at least) in his room, and Thurton marshal's deputy. Good birds for such offices! Lord, have mercy upon us! They had also eighteen shillings from Samuel Case.† The rest is deferred, and he has put away his goods, and intends to remove or go to prison, and so we must all.

11th. The Indian news occasioned an order to the trustees to get ammunition. They came down and pleaded their time was up. It was said, You shall keep in during my pleasure. They said they had no money of the towns in their hands, nor could any be raised without a General Assembly. "Then lay out your own money, or else woe to you;" and this they are fain to comply with. He said and swore that if Mason would not acknowledge a judgment next court, of six hundred pounds, he would take all his business from him, and sue in his own name. He swore he would turn out that rogue Ellet, who is as bad as any other.

Mr. Waldron, being sent for by warrant to come before the justices to take the constable's oath, appeared before Mr. Mason and Capt. Barefoot; but excusing it, and giving good reason, was dismissed upon paying five pounds; but poor Capt. Barefoot was most fearfully rated at for his labor; many oaths sworn that Waldron should either take the oath or either take up with a goal. The next day (though the justices, whose business it is) had fairly dismissed him, he was convented again, the oath tendered, he threatened with a prison immediately, but told them he knew the law better than so. They then took his own bond to answer it at quarter sessions; and so far of that matter as yet. Another constable is chosen: namely, Capt. Pickering, though he has as yet waived the oath, having lately served in that place, and pleading his being bound to good behavior for that last fray. He talks much of frigates to scare the poor people.

14th. Council sat, and could not agree about raising money, which highly provoked somebody. They said the General Assembly only could raise money. The governor told Mr.

† Probably Cass.

Jeffrey's negro he might go from his master—he would clear him under hand and seal; so the fellow no more attends his master's concerns.

15th. This day the secretary was, in a great rage, turned out of all offices, except secretary to the council (an empty name, little profit), and the books sent for out of his hands. He is much concerned and dejected.

I am credibly informed, and you may believe it, that the governor did, in the open council yesterday, say and swear dreadfully, that he would put the Province into the greatest confusion and distraction he could possibly, and then go away and leave them so, and then the devil take them all. He also then said that Mr. Mason said he would drive them into a second rebellion, but himself would do it before, and I wonder he has not; such actings are the ready way, but God hath kept us hitherto, and I hope he will do so still. He also said and swore that any person that should have any manner of converse with us, or any of our mind, he would count them his utter enemies and carry toward them as such.

17. The governor having formerly prohibited the prisoners from making shingles, went himself this day to the prison, and prohibited John Partridge from making shoes; bade the marshal throw them into the sea.

This day Raines, being not willing to give up a warrant that he had executed during the short time of being sheriff, was sent for by the governor, and, not appearing, the governor came to his chamber, and did beat him dreadfully, and bade the marshal carry the rogue to jail. He remains out of favor still. The governor also went over to Capt. Hooke's and got him to give warrants to the constables on the other side, to search all houses for Mr. Jaffrey, and bring him over, but they found him not, nor is he yet found, though proclamation was made at Wells' court for his seizure, though not yet done.

March 18. This morning came Mattbews to our chamber, and said the governor sent him to carry me to prison, where I am, where I still lie; being put in only for Thurton's action, and kept in, though I offered security to respond it. I think they have let fall the other about the good behavior, seeing

they can make nothing of it, and before my coming in, John the Greek's bed, &c., was turned out of prison, and he forced away, who would not depart before.

21. Mr. Martyn came to discourse about the money he was cast for, which they have not yet levied upon him, but intend to lay it upon all the old council equally, that each may bear his share. At the same time, the governor told Mr. Martyn that he would send his execution. Said Mr. Martyn, You know it is not my due to pay the money. No matter (said he), *I want money, and will have it. But I have none*, said he; then I will take your house. He added also, to Mr. Martyn, that he was a church member, and he would watch him and all such, and be sure to pay them off if he could catch them.

22d. The sorest storm and the highest tide that ever was known. Many thousands of pounds damage in Boston, and much here. The bridge to the Great Island broken off in the middle, to the great joy of many.

24th. The governor went to Boston in Fox's sloop, intending thence to New-York, pretending to discourse Colonel Dungan, and bring down two hundred Mohawks to kill the eastward Indians. What is at the bottom, or will be the issue, God knows. He had a cold treat at Boston; staid not a night in town. Since his going, we have had little news worthy of your notice, but all things have been very quiet hitherto.

I have not enlarged upon these particulars to my master Child, but if he will take any notice of the thing, and be concerned about it, he will then give you opportunity of discoursing him, and you may inform what is further needful.

31st. This month passed out and the other came in without any noise, unless the great joy that was at the Bank, by Mr. Moodey's going up thither, and my going once or twice after, with our keepers, by Mr. Mason's permission, who presides in the governor's absence: but we soon returned to the place from whence we came.

*April 8th.* Nathaniel Fox, who married Mrs. Stileman's daughter, sent Matthews to arrest Capt. Stileman for his wife's portion (though it was often tendered him in such pay as the court ordered it, but he would have it in money).

Capt. Stileman gave his own house, and all that was in it, for security to answer the action ; but Matthews, bringing Thurton with him at his instigation, who was terribly insolent, they arrested the woman—Mrs. Stileman—and carried her to prison with much violence and course usage, though her husband had given security. She was carried in the evening. Capt. Stileman wrote to Mr. Mason : He protested against it, and wrote to the marshal it would not do. He went again, and Mr. Mason wrote again, but to no purpose. They kept her there till the next morning ; a thing not to be paralleled in the English nation ! Complaint hath been made, but no remedy. Abbot being up at the Bank with me, Thurton took the key of the prison, and, when Abbot came, would not permit him to go in, but turned him away. Brave doings ! No tongue can tell the horrible imperiousness and domineering carriage of that wretch. The next morning Mr. Mason (much ado) got Mrs. Stileman out, and the jailer into his place again.

Mr. Mason gave leave for any minister to come and preach at the Bank, so that we got Mr. Phillips\* for two Lord's days : namely, thirteenth and twentieth, having been nine Lord's days without a sermon.

14th. Came H. Greene to Mr. Moodey's chamber, and made a confession of his fault, and begged his pardon for putting him in prison, and said he would get him out Quarter Sessions, &c. Good words, but——. Capt. Barefoot went to the prison and told John Partridge that if he would give an order to allow so much as his charges came to, out of what the Provinces owed him about Gove, for the soldiers, &c., he should come out of prison, and they would pay him the remainder, the whole being about thirty pounds ; but he was not forward lest he should in so doing quit them of false imprisoning him ; but if they would do it themselves, stop so they might. Nothing is done in it.

15th. Matthews and Thurton were sent to Hampton to levy execution and serve attachments, and warn jurymen for the court in May. They arrested seven, among which Capt. Sherburne was one, warned the old jurymen, executed upon

\* Rev. Samuel Phillips, of Rowley.

William Sanborn, took four oxen, which were redeemed by money, drove away seven cows from Nathaniel Bachiler, went to your house, met your son Peter going with his four oxen into the woods, commanded him to turn the oxen home; he would not; they cursed, swore, drew upon him, threatened to run him through, beat him, but he did not strike again. They came to your house, were shut out, your wife fearfully scared for fear of her son who was out with them. At length she let them in, laid three pounds on the table which they took, and then levied on several young cattle, but released and left them. Your son came hither to advise, but complaining is bootless, such a dismal case are we in. They took away two beds from old Perkins, but his son offered his person, and they took it, and quitted the other. What more they did there we as yet hear not. Capt. Gerrish, John Woodman, Lieut. Nutter and Nathaniel Bachiler are sworn constables.

17th. I went to Mr. Mason, at Capt. Barefoot's house, and had several witnesses with me, and desired him to take depositions, that I might send them home, about my case, and the rest of the cases, but he refused. The governor had put me in prison when I asked him, and now in his absence, the deputy governor denies to grant them. I hope this will be matter of just complaint, that we should be hindered from applying to his Majesty for relief under our oppressions. You will have evidence of his denial sent home, sworn before some of the Bay magistrates. We can do no more unless the Bay should assist us, which they are loath to do, and we are loath to put them upon, as matters are circumstanced with them; but we think it should be taken very heinously by all that love justice and are willing to administer it, that his Majesty's subjects should be thus treated. Surely they are afraid or ashamed of their actions (and they may be both), else they would not be so shy of having them known. This is what offers here; what more needful, cousin Waldron will advise from Boston.

With due respects remain your assured friend and servant.  
For Mr. Nathaniel Weare, in London.

*A Discourse with the Governor about my Imprisonment, May, 1684, subjoined to the foregoing Letter.*

At a sessions held the 6th of May, 1684, I was denied counsel, and to have witnesses sworn. Mr. Waldron, Captain Stileman and Captain Frost were presented.

10th. The governor was with me in prison. Mr. Chamberlain, Mr. Hinks, and Mr. Sherlock with him. The governor proffered me (that, whereas I was fined by the justices in Thurton's case, I might think they had not done me right) that, if I would prosecute it (giving security so to do) in the king's bench, at Westminster, the exchequer, or before king and council, I should; though, by his commission, he could not do it. My answer was, Unless I could have security given me that, in case I should recover, I might have my charge and damage made me good, it would be no benefit to me. He said there was no reason for that, because it was for the king; though it was his, because Mr. Mason had resigned up to the king all fines and forfeitures, and the king had given it to him. But he said if I would deposit a valuable sum he would do the like, and would give bond and have it tried as above said. My answer was, I thought the forty pounds was enough, and that I expected execution would come out at the time, and should endeavor, by the time, to provide enough for it, but, withal, told the governor it was at his liberty to remit it, if he pleased, by virtue of his commission. Also for my being in prison for not giving bond for my good behavior. When the sessions came I was not brought up to my trial for that, but remanded to prison again. At ditto time the governor told me he had put me in prison on that account, and he would abide by it till I would give two hundred pounds bond. My answer was, I had rather lay in prison than give bond to tempt such a fellow as Thurton (or such others), that had sworn against me already, and falsely; and judged it might be no scruple to him to do the like again. And withal told him that if his Honor pleased to let me out of prison, I would engage myself, by bond, to live out of the Province, though that would be very detrimental to my concerns, and by that I hoped he would have no thoughts of my misbehav-



ing myself that would be detrimental to the king's government here, or himself. Not that I scrupled giving bond for my good behavior, though not accused for any thing, but for laying a temptation to some base minded person or persons to forswear themselves, as one had done before, in another case, relating to me.

12th. Was informed that whereas Thurton had a commission to be prison-keeper (and, withal, had vapored, and said the prison was too good for Vaughan, and the room that he had fitted up did intend to keep it himself, and that Vaughan should take his quarters where he would assign it, and that the prisoners should not be waited on as Abbott had done, for he would keep them locked up, only come morning and evening), lost his pocket-book, wherein was his commission and sundry papers of concernment.

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*A Brief of Cranfield's Commission, and of the Evidences in support of the Complaint, and against it.*

NEW-HAMPSHIRE IN NEW-ENGLAND.

1. IX no. Maii. XXXIII to Car. 2 di. The king by letters patent, under the great seal of England, constitutes Edward Cranfield, Esq., lieutenant-governor and commander-in-chief of all that part of New-Hampshire Province, in New-England, extending from three miles northward of all or any part of Merrimack river unto the Province of Maine. To execute all things belonging to his commission, as per instructions therewith, or such further powers and instructions as, under his Majesty's sign manual, shall be sent, and according to the reasonable laws in being there, and such other as shall be made and agreed on by him, with the advice and consent of the council and assembly there, as hereafter.

2. Robert Mason, Richard Waldron, Thomas Daniel, William Vaughan, Richard Martyn, John Gilman, Elias Stileman, Job Clements, Walter Barefoot, and Richard Chamberlain, Esqrs., to be of his Majesty's council there, and to assist in the government. Cranfield to take an oath for the due execution of his office and trust, to be administered by any five of the said council; and he to give the oaths of allegiance and supremacy,

and the test in the act for the prevention of dangers from popish recusants, and the oath for due execution of their places and trusts.

3. Power of suspending members in just cause, five to be a quorum. To certify vacancies, by death, departure or suspension, that now may be appointed under his Majesty's sign manual. Power to Cranfield, out of the principal householders, to fill up the council, when less than seven on the place, and not more till they are confirmed, or others made under the sign manual.

4. *Suspended or displaced Members not to be of the General Assembly.* Power to call assemblies of freeholders, with consent of the council, till further pleasure signified, which assemblies are to take the oaths of allegiance and supremacy, or be incapacitated. And the governor and assembly to make laws, agreeable as near as may be to those of England, to be allowed or disallowed by his Majesty under the sign manual.

5. Governor to have a negative voice in making laws, with power to dissolve and prorogue general assemblies at pleasure, and to use the public seal. Power to give the oath of allegiance by himself, or others, to whom he pleases. Power to himself to erect what courts he thinks necessary for law and equity in matters both civil and criminal. To make judges, justices of the peace, sheriffs, and other necessary officers, and to administer necessary oaths to them. Power to pardon criminals (except in treason and willful murder), and to reprieve therein also, until his Majesty's pleasure be known; and to remit fines, &c.

6. Appeals to the king and his council, in all actions, real and personal, of above £50 value, and not under, the appellant giving good bail, to answer costs and charges, which shall be awarded by his Majesty here, and execution not to be suspended by the appeal.

In cases of life or limb (willful murder excepted), the party convicted either to be sent to England, or his case, and execution respited until orders therein returned by the king or his council. Power to levy men and transfer them from one place to another in America.

7. To execute the office of captain-general, and martial law

in time of war. The governor, with consent of the council, to erect forts, platforms, castles, cities, boroughs, towns, and fortifications necessary, and the same to fortify or dismantle. Invasion to be repelled by force of arms. To discourage vice and encourage virtue. Liberty of conscience to all Protestants, and those of the church of England to be principally encouraged.

8. The present taxes to be continued until the general assembly fix others. Public money to be issued by the governor's warrant, with consent of the council, and to be used for support of the government, and not otherwise. The governor to be vice-admiral of all the seas and coasts belonging to his government, and to receive instructions therein from the D. of Y., lord high admiral there. Power to appoint fairs, marts, and markets, with advice of the council. The like for ports, harbors, havens, &c., for shipping, &c., and custom-houses and officers for the same, and those to alter and displace, following the rules of the acts of trade and navigation.

9. All officers and inhabitants to be aiding to the governor in execution of the said powers. Power to appoint and displace a deputy governor, who is to be of the council. The council to govern on the death of the governor, and in his absence, when no deputy appointed.

10. Recites that the land in New-Hampshire was held and improved by several under title from the Massachusetts, since evicted, and Mr. Robert Mason's claim thereto; for prevention of whose, being unreasonable in his demands, his Majesty had obliged him, under hand and seal, to demand nothing for the time past, until the 24th June, 1679, nor molest any for the time to come, but make them titles forever, paying 6*d.* per pound for the true yearly value of all houses built, and of all lands, whether gardens, orchards, herbal or pasture, improved by them, which shall be bounded to them, provided Mason have the residue to make the best of.

11. On non-agreement between the inhabitants and Mason, the governor to interpose, who, if he cannot end the differences between them, is to transmit to England such cases, impartially stated, with his opinion, and reasons on the same, that his Majesty, his heirs and successors; with advice of the

Privy Council, may hear and determine the same. The governor to hold his office and said powers during his Majesty's pleasure. The commission of 18th September, 1679, to be void.

William Vaughan will depose that at a court on Great Island, 6 November, 1683, Walter Barefoot, deputy governor, Nathaniel Fryer and H. Greene, judges, Robert Mason, plaintiff, W. Vaughan, R. Waldron, N. Weare, and Eleanor Cutt, widow, defendants, concerning title of lands, judgment was given for the plaintiff, from which the defendants appealed, and their appeals were admitted. And the 16th following Mr. Mason promised to attend at Mr. Vaughan's house, to take the security, when the appellants and security attended, but no Mr. Mason nor secretary. But appellants and security went and found out the secretary, to whom they tendered security, who said he had no orders to take it, and refused taking it, whereby the seizin and appeal lost.

That, in order for the trials of Mr. Mason's land: 1. There is a standing jury kept from month to month. 2. That, by report, those jurymen have agreed with Mason for their lands. 3. That several pleas have been refused, and the defendants told by the judges they would not make record for them by entering their pleas. 4. That the courts refused reading the stat. 27 Eliz., c. 6, sec. 2; *Coke's Inst.*, lib. 2, cap. 12, p. 156, and other statutes.

17th February, 1682. The governor, Mr. Cranfield, by note affixed on the church doors, gave notice that, if the inhabitants of that Province came not in within a month, to take leases from Mr. Mason, pursuant to his Majesty's commission, he would certify the refusal to his Majesty, that Mr. Mason might be discharged from his obligation to grant such.

Signed: ED. CRANFIELD.

4th January, 1683. Joshua Moodey will depose that Gov. Cranfield, about December, 1682, showed the deponent writings, under the hand and seal of Robert Mason, conveying his right to New-Hampshire Province to Mr. Cranfield.

4th Jan. 1683. William Vaughan and Richard Waldron, Jr., will depose the same.

4th Jan. 1683. Reuben Hull will depose that, in December last, Mr. Cranfield said Mason had given him deeds for his

Province, which he had shown to Mr. Vaughan and Mr. Waldron, and intended suing Mason at the next court for the same. William Fifield, Jr., Richard Sanborn and Nathaniel Sanborn will depose that, in October, 1683, being at J. Sanborn, senior's house, when Robert Mason, Sherlock the marshal, and James Leach, came to give Mason possession, when Sanborn, not opening the door, Leach, by the marshal's order, broke it open, and gave Mason possession, and Sherlock took Sanborn prisoner; when Mason openly told the people, "This is what you shall all come to."

13th April, 1683. Thomas Wiggin swears, that in March last he and Robert Mason and Robert Hall, being at deputy governor Barefoot's house, Mason said he would seize Major Waldron's, Joshua Moodey's, John Partridge's and Capt. Tippen's lands, who should not have one foot in the Province, and that he would live on Andrew Wiggin's farm, being a good one: That the people had been in one rebellion, and he would force them into a second, and then hang them: That, shortly, there would be a frigate there with soldiers, whom he would quarter in the Province at the people's cost, and that then they would rebel: That, let Wadleigh go for England if he would, —New-England had now no friends in the council or committee, but formerly they had the lord privy seal: That he and his two sons would fight any six there for the Province, at sharps.

Sworn before WM. VAUGHAN, *Justice of the Peace.*

18th April, 1683. Lieut. Robert Hall, justice of the peace there, swears the same before justice Vaughan.

14th April, 1683. Shadrach Walton swears that, about three weeks before, he heard Mason say that he looked for a frigate with soldiers, and would quarter ten at each house, till they eat up all the people's cattle and sheep, and beggar them; and that then he would see what they would do: And, upon inquiring of the reason why, said it was because they would not comply with him according to his Majesty's order: Said he would speedily seize Major Waldron's, Mr. Moodey's and J. Partridge's estates; and bade deponent tell Lieut. Nuttger his estate was going after the rest.

Sworn before W. VAUGHAN.

*27th September, 1683.* Against us, R. Mason, R. Chamberlain and Joseph Rayne swear that, 25th September, 1683, in a trial between Mason and R. Waldron, the defendant excepted against the whole jury, and openly told the people they were all concerned; that his would be a leading case, and that they must all be Mason's tenants; and that they, being all parties, could not be of the jury: That Barefoot, being the judge there, would have committed him for the words as mutinous: That the said Waldron, in March, 1680, said they were not the more bound to believe the king's letter because the king had writ it. Thomas Philbrick speaks of some discourse between him and Henry Greene, Esq., about Henry Roby and Nathaniel Boulter—two standing jurymen—having had land from Mason, which was worth £100 above the 2*d* per acre to be paid. Note: H. Greene is one of the judges. Henry Dow can testify that the 11th October, 1683, Henry Roby had land measured out to him of one hundred acres, upland and marsh, appointed him by Mason; and Nathaniel Boulter, Sen., and his sons, had twenty acres, which he said was too little, in that Mason promised him thirty; and Robert Smith had a piece of marsh land, he claiming the same from Mason: That these grounds were part of the unfenced pasture, where the milch cows of Hampton inhabitants used to feed, the loss whereof is of great prejudice to the town. Ephraim Marston says the same.

*17th July, 1683.* R. Waldron, John Windeat and Thomas Roberts certify that, upon the governor's summons of the 17th February, 1682, above, within the time set, attended the governor to know his pleasure therein, who bade them agree with Mason; on discourse with whom, in another room, the governor, overhearing, came in and told Col. Waldron that they should not hector so in his house, and bade them begone; that they propounded to Mason to refer the matter to the governor, or otherwise that the governor should state the case to his Majesty, according to the commission; which Mason refused, saying, that unless they owned his title, he would have nothing to do with them.

Richard Waldron, Sen., fined £5 for mutinous words spoke at a trial, between him and Mason, and fined £10 for words

spoken to the dishonor and contempt of his Majesty, from which sentences he desired leave to appeal.

Certified by RICHARD CHAMBERLAIN, *Prothon.*

11th *Sept.*, 1683. Warrant to James Sherlock, marshal or deputy, to attach the goods, or, for want thereof, the body of R. Waldron, and take bond with sureties of £4000 for his appearance in trespass for lands held and woods felled to £4000 value, ad. s., R. Mason, *Sept.* 19, 1683. The warrant served on part of the defendant's goods in the name of the whole, 6th *Nov.* 1683.—Judgment for the plaintiff, 10s. damages, and £5 8s. costs. The defendant appeals, which allowed £200 security before the 16th to pay the cost of the appeal, and to prosecute it in six months. 23d *Nov.*, 1683.—Warrant for costs.

10th *Dec.*, 1683. The governor and council commanded the ministers there to admit all persons, not scandalous, to the sacrament, and their children to baptism: That if any desire the sacrament or baptism, according to the liturgy of England, it be done pursuant to the laws of England and his Majesty's command to the Massachusetts; ministers refusing, being duly required, to incur the penalty of the State, and the inhabitants freed from paying tithes or other duties to such minister. And the governor ordered Joshua Moodey, minister of Portsmouth, personally to read that order at his meeting-house the next Lord's day.

4th *Dec.* 1683. The governor and council ordered all the ministers in New-Hampshire to attend, the Monday following, to give their reasons why they did not administer the sacrament according to his Majesty's letters sent the Massachusetts, and the statute in that case.

15th *Jan.* 1683-4. James Sherlock gives Moodey notice in writing, that Cranfield, Barefoot, Chamberlain and Hincks would receive the sacrament, according to the liturgy of the church of England, the next Sunday.

*April*, 33 *Car.* 2, *di.* 1681. By indenture between Robert Mason and Richard Rich, Mason, in consideration of 20s., bargains, sells, enfeoffs, &c., to Rich and his heirs, a house and orchard at Dover, a field of eight acres, two acres on the common; another field of three acres and a half, and six acres of

land at Hilton's Point of twenty acres; three acres marsh land, ten acres upland, leaving highways, with liberty of feeding cattle and cutting necessary woods, excepting mines and minerals, and pine trees of twenty-four inches and more diameter. Habend. to Rich and his heirs as parcel of *Dover manor*, reddend 25s. per annum, with a clause of distress. Covenant for the grantees building two houses in two years, at Hilton's Point, and to pay 2s. per annum rent for each to Mason and his heirs. Covenant for quiet enjoyment under the said rents, and against incumbrances. Covenant for the grantees' payment of said rents, and preservation of the boundaries. The grantees, &c., at every ten years to deliver engrost terrars of the premises.

ROBERT MASON.

24th May, 1681. Robert Mason, by writing, made Nicholas Shapleigh his attorney, with power to make deeds to the inhabitants for the lands they now possess, and what other they had occasion for, which he obliged himself and heirs to ratify. Gave notice he would return from England the next spring, and by his Majesty's grace ease them of the heavy taxes then imposed.

ROBERT MASON.

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[Prov. Rec., B. 1, p. 110.]

*To the worshipful Walter Barefoot, Esq., President, and the rest of the Justices of ye Peace, now sittinge at the Great Island, at a Quarter Sessions holden for the Province of New-Hampshire, in New-England.*

The humble request of William Vaughan, Augs<sup>t</sup> 5th, 1684.  
*May it Please your Worships:—*

The circumstances I have for some time bin under, necessitates me to make Applycation to our Honorable Governor, wherein begs that at this quarter sessions I might have the liberty of appearinge, to answer to what may be objected against mee. And if found criminal might suffer the penalty of the law; if otherways, may be freed from my confinement.

Therefore humbly beg of your worships to give me a *Habeas Corpus* to be brought before you for the ends aforesaid, accord-



ing to the statute commonly called y<sup>e</sup> Habeas Corpus Act, made Anno tricesimo primo Caroli Secundi Regi, chap. 2, section 10: and your petitioner shall pray. Who am

Your Worship's humble serv<sup>t</sup>,

WM. VAUGHAN.\*

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*By the Governor and Council.*

[Prov. Rec., B. 1, p. 132.]

NEW-HAMPSHIRE.

Whereas there have been warrants to the several Constables of the towns in the s<sup>d</sup> Province, bearing date y<sup>e</sup> 10th May last, for collecting a rate continued by the Governor and Council by virtue of his Ma<sup>ts</sup> Royal Commis<sup>n</sup>, bearing date the 9th May 1682, and the s<sup>d</sup> Constables seem to be in a combination not to collect the s<sup>d</sup> rate, nor have done their duty according to their oaths, nor collected any considerable part of the same, notwithstanding they have had (under the hands of the Gov. & Council, and under the seals as they were forming) the lists of the s<sup>d</sup> Rates in their hands near six months: These are therefore in his Ma<sup>ts</sup> Name to impower & require you, Tho. Thurton, Prov. Marshal of the s<sup>d</sup> Province, - - - forthwith to collect the s<sup>d</sup> Rate continued as aforesaid. -

- - - And all the s<sup>d</sup> Constables are hereby likewise required and commanded to be at all times, provided it be between sun rising and sun setting, aiding and assisting to the s<sup>d</sup> Tho. Thurton, Prov. Marshal, in the premises, & in forcing open any doores, for the better and more effectual getting in of the s<sup>d</sup> Rate, & for the prservation of his Ma<sup>ts</sup> Peace.

Given under our hands & seals of the Province, y<sup>e</sup> 24th Nov., '84, & in the 36th of y<sup>e</sup> Reign of our Sov. Ld. Ch: the Sec<sup>d</sup>, K of England.†

E. CRANF:	R. MASON
W. BAREF:	R. CHAMBERLN.
JO. HINKS,	JA. SHERLOCK.

\* This petition is in the hand-writing of Mr. Vaughan. ED.

† The foregoing paper seems to be a first draft of the order, and is without seals.

## DEPOSITION OF JOHN FOULLSAM—1684.

*The deposition of John Foullsam, constable for the town of Exeter, in the Province of New-Hampshire in New-England.*

This deponent testifieth and saith, that about mid-summer, last past, there came to my hands a list of the names of the several inhabitants in Exeter, with a certain sum annexed to each name, which sums, being in the whole about fifty pounds, I was required by a warrant under the hands of the governor and council, with a seal of the Province, to gather up and carry in to the Treasurer of the said Province; whereupon I demanded the same, but was answered by almost all of them that the commission directed the taxes should be raised by the General Assembly; but these being done by the Governor and Council only, they would not pay, which answer I gave to the Governor and Council: and they then took the seal out of my hands and delivered it to Thomas Thurton, provost marshal, so got in, and I was ordered by a warrant from the secretary to assist him.

JOHN FOULLSAM.

Plymouth, in his Majesty's Colony of New-Plymouth, in New-England.

Jurat. 11 die Decemb., 1684, Cor.

Tho. Hinckley, *Governor.*

Will. Bradford, *Deputy Governor.*

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*Copy of a Letter from the Governor and Council to the Lords of Trade.*

Province of New-Hampshire, May 23, 1684.

May it please your Lordships,—Since Robert Wadleigh 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 Majesty's commands in execution, or any ways govern them. And, though notwithstanding, in obedience to your lordship's 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 hatched at the time the Assembly sat. And it looks more like a design, they having those four constables into the Assembly, that the king's peace may not be preserved (the whole number of the assembly being eleven), this Wadleigh 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 lordships' further order, all the other offenders being pardoned. Major Waldron's son is constantly of the Assembly and speaker (this being the third that hath been called). I wish his Majesty's 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 presidents Cutt and Waldron, we have, according to his Majesty's royal commission, continued; but do not think it safe to publish it, unless we had strength to countenance our proceedings.

This we conceive it our duty to inform your lordships, and are,

May it please your lordships,

Your most humble and obedient servants,

EDWARD CRANFIELD,

ROBERT MASON,

WALTER BAREFOOT,

R. CHAMBERLAIN.

JOHN HINKS,

JAMES SHERLOCK.

The appellants claim by grant from Mr. Mason: and as for Wadleigh, he hath been these sixteen days in the country, and though I have heard much of him, I have not yet seen him.

To the right honorable the Lords of the Committee of Trade and Plantations, at Whitehall.

\* 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.

*Copy of a Letter from Cranfield to Sir Leoline Jenkins, of the same date.*

May it please your Honor,—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 honor and interest of his Majesty here, without a small frigate to second his Majesty's broad seal and other his royal commands. As to the pirates, your Honor 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 Honor,

Your Honor's most humble and most obedient servant,

EDWARD CRANFIELD.

I most humbly beseech your Honor, by the first opportunity, to send the king's letter to give me liberty to go off to Jamaica or Barbadoes, for my health; finding so great a weakness in my legs, which indisposition hath been contracted by the severity of the cold.

To the Right Honorable Sir Leoline Jenkins, one of his Majesty's principal secretaries of state, at Whitehall.

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*Order of Governor Cranfield.*

[Coll. N. H. Hist. Soc., 2, p. 200.]

NEW-HAMPSHIRE—By the Governor.

[SEAL.] Whereas there hath been a petition and complaint lately preferred to his Majesty against me, Edward Cranfield, Esq., and Robert Mason, Esq., wherein it is alleged among other things, that several persons have been imprisoned out of design to obstruct proofs for the making out of certain misdemeanors that we and others have been charged withal; and Colonel Richard Waldron and William Vaughan, Esqrs., are principally concerned in the said charge, who now stand committed by his Majesty's justices of peace for this province, for several misdemeanors: Therefore, to take away all ground of such false allegations as aforesaid, and to give them the better

opportunity to make out their charge against us, I have thought fit to set at liberty the said Richard Waldron and William Vaughan, that they may bring their witnesses before Richard Chamberlain, Esq., one of his Majesty's Council, and Justice of the Peace, to be deposed in order to making out their charge; and he hath order from myself to give them copies of such affidavits or other records and papers, to the end to give his Majesty and the lords of the committee of trade and plantations due satisfaction. And they, the said Richard Waldron and William Vaughan, have hereby full and free liberty to go at large immediately, and farther for the space of two months from the arrival of his Majesty's original letter, which is to direct in the premises; and then they are to return to prison, unless they shall be discharged at the next Quarter Session of the peace, or goal delivery by due course of law. And Richard Abbott, prison keeper of Great Island, and John Sonter, prison keeper of Hampton, are hereby required and commanded to take notice of this order, and forthwith to give obedience thereunto, and set the said Richard Waldron and William Vaughan at liberty accordingly; and for so doing this shall be their sufficient warrant.

Given under my hand and seal at Great Island, the sixteenth day of October, in the six and thirtieth year of the reign of our sovereign lord Charles the Second, king of England, &c., A. D. 1684.

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*Courts erected by Gov. Cranfield.*

[Prov. Rec., B. 1, p. 131.]

NEW-HAMPSHIRE — By the Governor.

Being charged in the petition of Nathaniel Weare (among other things), for erecting courts separate from the Assembly: and their lordships to whom his Majesty hath referred the consideration of the said Weare's petition, having required me to give a speedy answer to the several charges therein expressed, which I have already done by Capt. Bolston; I thought myself bound in modesty and duty, both to his Majesty and their lordships, to suspend executions in Mr. Mason's concerns, or my own, until such time as his Majesty and their lordships' pleasure be signified, whether the courts be legally constituted,

which, if they are not, the proceedings had thereupon must consequently be illegal: The major part of the inhabitants of the said Province remaining of an opinion that the Assembly ought to be joined with myself in the constituting of courts.

Given under my hand and seal at Great Island, the 10th day of November, 1684.

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*Governor Cranfield's Order.*

[Coll. N. H. Hist. Soc., 2, p. 202.]

NEW-HAMPSHIRE — By the Governor.

William Vaughan, Esq., of Portsmouth, pretending (as I am informed) that one of his witnesses, whom he desires may be deposed in relation to the complaint of Nathaniel Weare, is sick and can not come to Great Island for that end and purpose: And there being no directions in the letter from the right honorable the lords of the committee of trade and plantations, but only for one of the council or one justice of peace, to take such depositions: I have, for the giving the complainants the better opportunity to make out their charge, directed the following order:

*Whereas*, it hath been represented to Richard Chamberlain, Esq., whom I have appointed to take depositions (according to the letter of the right honorable the lords of the committee of trade and plantations) against myself, Mr. Mason, or for any matter relating to the Province: That some of the witnesses are sick, and incapable of coming down to the habitation of the said Richard Chamberlain; to the intent that the persons concerned may not be disappointed by the infirmity of any intended witness, in making out any of their allegations: These are, therefore, to impower any justice of the town or place where such witness, so being sick, doth reside, to take the depositions of the said witnesses, the complainant first making oath of such witness' being sick, or otherwise unable to travel, or come to be deposed before the person appointed.

Given under my hand the first November, 1684.

EDW. CRANFIELD.

To be published at the several meeting-houses throughout the said Province, by the minister.

*New-Hampshire in New-England.*

[Prov. Rec., B. 1, p. 142.]

HENRY ROBY, of Hampton, in the Province of New-Hampshire, and one of his Majesty's justices of the peace, maketh oath, that on Friday, the second of this instant January, Samuel Levett and Moses Gilman, both of the town of Exeter, in the aforesaid Province, husbandmen, came to the house of the deponent about twelve of the clock at noon, and this deponent did speak to the said persons about their ill usage, which some of Exeter and Hampton had done to Thomas Thurton, provost marshal, and his deputy, in the execution of his office. Samuel Levett asked the deponent what the ill usage was. The deponent told him that the provost marshal had complained to this deponent that some persons had beaten and much bruised him, and a great company standing about him with their clubs had jostled him in a very rude manner against the walls of the house, and other places, and took his deputy's sword from him, and endeavored to break it, and cut their bridles and turned their horses loose, and said that the provost marshal was a rogue, and had no power; and when the marshal told them he had his power from the Governor and Council—they should say that if the Governor came himself they would not obey him. Then Levett said to this deponent that he had spoke those words, and said again to this deponent that he was the same mind still, and that if any power came from the Governor and Council to take away their goods, we would oppose it—(meaning himself and the rest, that had beaten the marshal and his deputy). Upon hearing of these words, this deponent, according to the duty of his place, did make a mittimus for committing the said Samuel Levett to prison, and did in his Majesty's name charge the bystanders to assist him, the marshal and his deputy being then present, who did lay hold of the said Levett to carry him to prison. The said Levett called the marshal and his deputy a couple of rogues, and that they had no power, and said he would not obey them, and did strike the marshal in the presence of this deponent, several blows, and two of the persons that this deponent had charged to be assisting, to wit, Moses Gilman and Henry Lamprill. The said Moses Gilman did suddenly rise up, and said that Samuel

Levett should not go to prison ; thereupon he, the said Gilman, did strike this deponent several blows, and also this deponent's son, and caught this deponent by the neck-cloths, saying, Was this deponent a justice of peace, and suffer men to be run through with a sword in his presence ? Whereas there was no sword drawn, nor any offered to draw any. And this deponent, to hinder the said Levett from striking the said provost marshal, did endeavor to hold the hand of the said Levett, but one Samuel Sherborn being also present, did violently pull this deponent away in order to rescue the said Levett. This deponent did also make a warrant for committing of Moses Gilman, which he delivered to the marshal. The said Levett and Gilman said they would not obey it. At the same time a little boy, the son of Samuel Sherborn, came to the house of this deponent to speak with Moses Gilman and Samuel Levett ; and having whispered something to them, the said Gilman and Levett presently both said that they would obey the warrant, and go to prison ; upon which they went from the house of this deponent with three keepers, to wit, the marshal's deputy, Ichabod Roby and Henry Lamprell. At about two hours after, the said three persons came to this deponent, telling him that the said Moses Gilman and Samuel Levett went very quietly when they came to Samuel Sherborn's gate, and then said they would go into that house, and would not go to prison, and that three or four persons came out of that house and rescued the said Gilman and Levett, and knocked the deputy marshal down : That about twelve of the clock at night the said Moses Gilman, with four club men, came to the house of this deponent, and Gilman commanded this deponent to open the door, or else he would break it open. The said Gilman did stay about the house of this deponent about five hours, and struck violently at his doors, to get in, at three several times, there being about one hour's space between each attempt to open the door ; at which this deponent did bid the said Gilman not to strike any more at his door ; if he did, this deponent would fire a gun at them ; whereupon they ceased, and this deponent, upon discourse with Moses Gilman, he, the said Gilman, did say, that there was a paper writing to which he had



set his hand, which imported that they would oppose the government, and pay no rates but such as accorded with the laws.

HENRY ROBY.

Taken upon oath, the 5th January, 1684, before us, his Majesty's justices of peace for the said Province.

Robert Mason,  
R. Chamberlain,  
James Sherlock.

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*New-Hampshire in New-England.*

[Prov. Rec., B. 1, p. 138.]

Thomas Thurton, provost marshal of the Province of New-Hampshire, maketh oath—That he, this deponent, being at Exeter upon Monday, the 29th December last, in the execution of his office, demanding a fine of fifty shillings, set by the justices of the peace at the Quarter Sessions in November last, upon John Foulsum, constable of the said town of Exeter, for neglecting the duty of his office: The said constable said to this deponent that if he came to levy any execution at his house he should meet with a red hot spit and scalding water, and that he did not value any warrant from the Governor, Council, or Justices of Peace, and that this deponent might go like a rogue as he was: That this deponent being at the house of Edward Gilman, in Exeter, aforesaid, there came thither the wife of John Gilman, sen., of Exeter, and told this deponent that she had provided a kettle of scalding water for him if he came to her house to demand any rates, notwithstanding none were then demanded; and the wife of Moses Gilman did say that she had provided a kettle of scalding water for him, if he came to her house, which had been over the fire two days: That Abraham Drake, junior, Joseph Cass, Samuel Cass, Jacob Perkins, Ebenezer Perkins, Joseph Swett, Daniel Clements, Samuel Calcot, John Sanborn, junior, and Aaron Sleeper, all of the town of Hampton, in the said Province, husbandmen, did follow this deponent and John Mason, of Hampton, husbandman, deputy marshal, from the town of Hampton, all on horseback, unto Exeter, being armed with clubs, unto the house of Edward Gilman, in Exeter aforesaid, and there came

to the said company John Cotton, minister of Exeter, with a club in his hand, and the said company did push this deponent and his deputy up and down the house, asking them what they did wear at their sides, laughing at this deponent and his deputy for having swords. From thence this deponent and his deputy went to the house of one widow Sewell, to refresh themselves and their horses, and the aforesaid company followed thither after them, and did abuse this deponent and his deputy, by thrusting them about the house with bad language, calling them rogues, and turned their horses loose, taking away their bridles; and this deponent and his deputy going to look after their horses, the said company followed this deponent out of the house and encompassed him, and one of the company did strike him with a club over the head, hands, and other parts of the body, so that he was stunned and bruised thereby. From thence this deponent and his deputy went to the house of Jonathan Thing, in the said town, to serve an attachment for his appearance at the court of pleas; and the same company still continuing to pursue them, and did say to this deponent that he should do no business relating to the execution of his office, and did question whether the governor had any power or no, and that they were all rogues; upon which this deponent said that the governor had his power from the king, by his royal commission, and that this deponent had this commission from the governor to be provost marshal. Whereupon some of the company said, "You rogue, let us see your commission!" Upon which this deponent said if they would go before any justice of peace they should see his commission,—he having it about him, but would not show it there, lest they should take it from this deponent. They said his commission signified nothing by law, for they knew the law of England as well as any of the rogues (meaning the governor and council), and that some of the company said that they would set all things right according to law and equity, and that they were all as one man. Upon Friday following, this deponent went to Hampton, to the house of Samuel Sherborn, to demand payment of a fine of five pounds, set upon him, the said Sherborn, by the justice of the peace at the Quarter Sessions in November last, for breach of his Majesty's peace, in beating,

wounding and drawing blood from Richard Hooper, chirurgon, in and upon the highway in the town of Hampton aforesaid. And this deponent demanding the payment of the fine aforesaid of the said Sherborn, he answered that he had nothing to pay; whereupon this deponent took the body of the said Sherborn in execution, and carried him to the house of Henry Roby, Esq., one of his Majesty's justices of the peace; and being in the said house where Moses Gilman, Samuel Levett and Henry Lamprell fell upon this deponent, and did beat him, and also did strike the aforesaid Henry Roby; and during which time the said Sherborn did make his escape; and this deponent, missing the said Sherborn, he went immediately to the house of the said Sherborn, where he found the said Sherborn in company of between twenty and thirty persons, armed with clubs. This deponent told the said Sherborn that he had been very unkind to him in thus going away, and if he did not then make an end there, that he must go with him; all which the said Sherborn answered, "He had no business with this deponent, nor did he owe any money, nor did know upon what account it was, nor would he pay any thing;" and so hastily went out of the room; and this deponent following him, he took hold of the said Sherborn, telling him that he should pay him or else go with him; when, presently, a great company laid hold of this deponent, and did very much beat, wound and bruise this deponent, and they put a rope about his neck with intent to strangle him, and had so done, but this deponent, putting his hands between his neck and the cord, his hands were cut by the rope, by their hard drawing thereof. Then the said persons, who had disguised themselves by handkerchiefs over their faces, threw this deponent upon the ground, and tied his hands and legs, and took away his sword, and about four pounds in money, and afterward hauled him out of the house by the rope that tied his hands, about half a quarter of a mile, and then untied his legs, and two persons did drive him before them about a mile and a half, one pulling him by the rope that tied his hands, while the other did beat him forward with a eudgel. Then this deponent, being unable to go farther, he fell down on the snow, at which the said two persons, to wit, Joseph Perkins and Jacob Barefoot, *alias* Cor-

retuck, forced this deponent along; but being unable to go any farther, the said persons did grievously beat him, upon which this deponent cried murder in the hearing and seeing of several persons on horseback, about nine at night, inhabitants of the said town of Hampton, but not any one did rescue him out of their hands. Then a person coming from the town of Hampton, supposed to be a stranger, upon a horse, the aforesaid Perkins and Barefoot said, "Stand, you dog—come not near at your peril!" Then one of them, to wit, Perkins, went to that man, seemingly to whisper to him, and then the stranger and Perkins came up to this deponent, and Perkins and Barefoot said, "We press your horse for his Majesty's service, and we have a commission for it;" at which the stranger said, "What hath this man done?" Perkins and the other replied, "He was a rogue and thief, and would not go." And then, his hands and legs being tied, they flung him, this deponent, across the horse, and in that manner carried him about a quarter of a mile. And this deponent, being in extreme pain and near death, it being, beside, a very cold, frosty night, he did pray those persons, for the sake of God, to let him ride upon the horse, and then let them carry him where they pleased. Afterward, they untied his legs and let him ride upon their horse, his legs tied under the horse's belly, and carried him out of the Province, there being two other persons that followed on horseback some distance all the way, and kept him in custody at the house of one Smith, belonging to the town of Salisbury, under the jurisdiction of the Massachusetts government, about forty hours, and then left him; and that the next day, being Saturday, about eight in the morning, he did see Samuel Sherborn and Jonathan Wedgwood, in the town of Salisbury, riding by the house of the said Smith.

THOMAS THURTON.

Taken upon oath the 6th of January, 1684, by us, his Majesty's justices of peace.

Robert Mason,  
R. Chamberlain,  
James Sherlock.

*Vera copia* from the original.

*Teste:*

R. CHAMBERLAIN.

[Prov. Rec., B. 1, p. 145.]

NEW-HAMPSHIRE.—*By the Council.*

Forasmuch as a fifth part of the rents and revenues of the said Province were assigned by Robert Mason, Esq., proprietor, to his most excellent Majesty, our sovereign lord Charles the Second, king of England, &c., for the use and benefit of the governor of the said Province, for and toward his better support and maintenance during his abode in his government; and whereas, through the perverse obstinacy of the most part of the inhabitants who have opposed the said proprietor, the said rents and revenues have been so inconsiderable that the said governor hath had no benefit or advantage by the said assignments; and for that the Honorable Edward Cranfield, Esq., governor of the said Province, did in March last make a voyage to New-York, at the desire of his Majesty's council of the said Province, to treat with the Honorable Colonel Thomas Dongan, in order to secure the peace of this said Province against the attempts of the Indians, who then threatened a general insurrection, which he successfully effected at his own great charge and expense of upward of forty pounds—

We, therefore, his Majesty's said Council of the said Province of New-Hampshire, for the reasons above said, do give and hereby allow to the said Honorable Edward Cranfield, Esq., the present governor of the said Province, £100 per annum, from the time of his first arrival, to be paid, together with the £40 expense of his journey to New-York, out of the present rate now collecting by virtue and authority of his Majesty's royal commission, bearing date the ninth of May, 1682; and that the residue of the said rate be disposed of for and toward the payment of salaries to the several officers, and discharging the public debts of the said Province, which have been contracted since the arrival of the said Governor.

Given under our hands, and the seal of the said Province, the 2d of January, 1684, and in the thirty-sixth year of his said Majesty's reign.

*Articles of Complaint against Lieutenant-Governor Cranfield—*  
1685.

[Coll. N. H. Hist. Soc., I, p. 267.]

1. That at the first session of the General Assembly, Mr. Cranfield challenged the power of legislature and settlement of affairs to himself against the words of his commission, which are (you and they, &c.), meaning the General Assembly, shall, &c., which words (and they) he affirmed were put in by mistake of the clerk in engrossing his commission, and so entered it in the council books, and desired the assembly to make like entry, and delivered a copy of his commission without those words (and they).

2. He hath, by purchase or mortgage from Robert Mason, made himself owner of the Province, and so is not likely to act impartially between Mason and the inhabitants.

3. He hath made courts whereof both judges and jurors have agreed with Mason for their own lands, and some taken deeds from him of other men's lands, so as they are engaged in interest to set up Mr. Mason's title.

4. That Mason has sued forty persons and cast all, and the governor's interposal to state the cases, as by his commission he is directed, was refused, though desired: That the defendants' pleas, grounded on the laws and statutes of England, were rejected.

5. That they can not reconcile the verdict with the attachment, nor the execution with the verdict, nor their practice under color of execution with either.

6. That the charge of every action is £6, though nothing done in court but part of the commission read, and some blank grants without hand or seal, and those not read for one case in time.

7. The court charges are exacted in money, which many have not, who, though they tender cattle, are imprisoned for them.

8. The ministers, contrary to his Majesty's commission, which grants liberty of conscience to all Protestants, have their dues withheld from them, even those due before Mr. Cranfield came, and are threatened with six months' imprison-

ment for not administering the sacrament according to the liturgy of the church of England.

9. That though the General Assembly agreed Spanish money should pass according to weight, the governor and council have ordered pieces of eight shall pass at £6, each thousand light.

10. That men are commonly compelled to enter into bonds of great penalty to appear and answer what shall be objected, when no crime is signified.

11. That they have few laws but those made by the Governor and Council, when his commission [directed] the General Assembly should make laws.

12. That the courts are kept in a remote corner of the Province, and the sheriff, a stranger and of no visible estate, and so not responsible for jailers.

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*Address and Petition of the Inhabitants of Exeter, Hampton, Portsmouth, and Dover, against Cranfield.*

[Far. Belk., App., p. 471.]

To the king's most excellent Majesty :

The humble address and petition of sundry of your Majesty's loyal subjects, the freeholders and inhabitants of your Majesty's Province of New-Hampshire, in New-England, most humbly sheweth, That your petitioners' predecessors, having, under the encouragement of your Majesty's royal ancestors, by their letters patent 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 ; namely, the glory of God, the enlarging his Majesty's dominions, and spreading the gospel among the heathen ; and, in order thereunto, either found the lands 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 sat down in the peaceable possession of the same for the space of above fifty years ; hoping that, as we had attained the ends, so we should have shared in the privileges, of these royal patents above mentioned, and thereupon did the more patiently bear and cheerfully grapple with those

innumerable evils and difficulties that must necessarily accompany the settlers of new plantations, especially in such climates as these, besides the calamities of the late Indian war, to the loss of many of our lives and the great impoverishment of the survivors. We were also further encouraged, 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 good living, and to keep us in a due obedience to your Majesty's authority and continuance of our just liberties and properties, together with liberties of conscience in matters of worship, and all in order to our living in all godliness and honesty, fearing God and honoring the king, which we profess to be our desire to do.

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, we are in a far worse condition than any other your Majesty's plantations, 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 relief:

Your poor, distressed and oppressed petitioners do therefore most humbly supplicate your most gracious Majesty that you will vouchsafe to give leave unto one of ourselves, Mr. Nathaniel Weare, whom we have sent for that end, to spread before your sacred Majesty, and your most honorable Privy Council, our deplorable estate, the beholding of which we doubt not will move compassion towards, and your Majesty's propensity to justice will incline to, the using such means 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.



[The following names having been derived from copies, not originals, there occurred a number of mistakes in the former editions, which I have endeavored to correct.]—*John Farmer.*

*Petition from Exeter.*

Andrew Wiggin,	James Sinkler,
Thomas Wiggin, Sen.,	Christian Dolhoff,
Thomas Wiggin, Jr.,	Philip Charte,
Robert Smart, Sen.,	Jeremiah Low,
John Young,	Ralph Hall,
John Foulsham,	Samuel Hall,
Edward Smith,	John Sinkler,
Peter Foulsham,	John Wadleigh,
Theophilus Durdly,*	Samuel Foulsham, †
Richard Morgan,	Eleazer Elkins,
Samuel Leavitt,	Ephraim Foulsham,
John Cotton, Jr.,	Moses Leavitt,
John Gilman, Sen.,	Jonathan Robinson,
Edward Gilman,	Thomas Rawlins,
David Robinson,	Humphrey Wilson,
Kinsley Hall,	Nathaniel Foulsham,
Bily Dudley,	Jonathan Thing.

The like petition from the town of Hampton, in said Province, signed by—

Nathaniel Bachiler, ‡	Morris Hobbs, Sen.,
John Marston,	Joseph Moulton,
James Philbrick,	Benjamin Moulton,
John Tucke,	Thomas Leavitt,
John Smith,	Thomas Dearborne,
Thomas Page,	John Leavitt,
Jacob Browne,	Henry Dearborne,
Thomas Browne,	Aratus Leavitt,
Henry Lamper,	Christopher Hussey,
Jonathan Wedgwood,	Philip Towle,
Henry Moulton,	Josiah Sanbourne,
John Moulton,	William Sanbourne, Sen.,
Joseph Smith,	Ruth Johnson, widow,
David Wedgwood,	Benjamin Lauyre, §
James Cheuse,	William Fuller,
James Perkins,	John Sanbourne,

\* Probably Theophilus Dudley, son of Rev. Samuel Dudley.

† This name is now written Folsom.

‡ Son of Rev. Stephen Bachiler, died January 2, 1710, aged 80.

§ Perhaps Benjamin Lavers.

Hesron Leavitt,  
 Samuel Sherborne,  
 Francis Page,  
 Peter Weare,  
 Benjamin Browne,  
 Thomas Philbrick,  
 Timothy Blake,  
 Jacob Perkins,  
 Jonathan Philbrick,  
 Ebenezer Perkins,  
 Caleb Perkins,  
 Joseph Perkins,  
 Joseph Dow,  
 John Clifford, Sen.,  
 Samuel Philbrick,  
 Joseph Shaw,  
 John Clifford,  
 Benjamin Shaw,

Samuel Cogg, [Fogg ?]  
 Timothy Hilliard,  
 Anthony Stanyan,  
 John Stanyan,  
 Joseph Sanbourne,  
 Isaac Perkins,  
 Moses Swett,  
 Joseph Swett,  
 Richard Sanbourne,  
 Thomas Walker,  
 Isaac Godfrey,  
 Humphrey Perkins,  
 David Lamprey,  
 Joseph Cass,  
 Duel Clemens,  
 Samuel Cass,  
 John Sanbourne, Sen.

The like petition from Portsmouth, in said Province, signed  
 by—

George Hunt,  
 Peter Ball,  
 John Sherburne, Sen.,  
 Samuel Wentworth,  
 Splan Lovell,  
 Richard Webber,  
 Richard Waterhouse,  
 William Davell,  
 John Cotton,  
 Colomart Mashawes,\*  
 John Barsham,  
 John Shipway,  
 John Johnson,  
 John Light,  
 William Pitman,  
 James Jones,  
 William Cotton,  
 James Levitt,  
 Jethro Furber,  
 Edward Ball,  
 Thomas Cotton,

Daniel Duggen,  
 Francis Jones,  
 John Patridge,  
 Robert Purinton,  
 Nehemiah Partridge,  
 John Sherburne, Jr.,  
 Thomas Pickering,  
 Thomas Walcombe,  
 Obadiah Mors,  
 Nicholas Morrill,  
 Samuel Keats,  
 John Dennett,  
 John Tooke,  
 Edward Melcher,  
 George Lavers,  
 Jacob Lavers,  
 John Brackett,  
 Matthias Haines,  
 Samuel Haines,  
 Samuel Haines, Jr.,  
 William Fifield, Sen.,

\* Probably Matthews.

Walter Neal,  
Jonathan Lewis,  
Anthony Brackett,  
Leonard Weeks,  
Nathaniel Drake,  
John Hunking,  
Richard Jose,  
Jane Jose,  
John Fletcher,

Richard Martyn,  
Ph. Suret,  
Richard Waldron,  
Ben. Hull,\*  
John Cutt,  
William Vaughan,  
George Jaffrey,  
John Pickering,  
John Bruster.

The like petition from the town of Dover, signed by—

Job Clements,  
Thomas Roberts,  
Edward Allen,  
William Furber, Sen.,  
Henry Senter,  
John Winget,  
John Gerrish,  
William Wentworth,  
John Heard,  
John Roberts,  
Richard Rowes,  
Anthony Nutter,  
John Dam,†  
William Furber, Jr.,  
John Dam, Jr.,  
John Nutter,  
Thomas Row,  
Edward Row,  
John Meadow,‡  
Philip Chesley,  
Joseph Stevenson,  
Thomas Chesley,  
Joseph Kinneder,||  
Stephen Jones,  
Edward Small,  
Nathaniel (Lomax ?),§  
James Huckings,  
Gatharias Jerlld,  
Ezekiel Wentworth,

Paul Wentworth,  
Gerard Gyner,  
Jenkins Jones,  
Joseph Canne,  
Richard Waldron,  
John Hall, Jr.,  
Robert Burnham,  
Samuel Burnham,  
Jeremiah Burnham,  
Samuel Hill,  
Ralph Wormley,  
William Horn,  
Peter Mason,  
John Woodman, Sen.,  
John Woodman, Jr.,  
Jonathan Woodman,  
John Davis, Sen.,  
John Davis, Jr.,  
Joseph Fields,  
John Bickford,  
Thomas Bickford,  
Thomas Edgerly,  
John Hill,  
Charles Adams,  
Samuel Adams,  
William Parkinson,  
Joseph Hill,  
Nathaniel Hill,  
John Roberts.

\* This name appears to be Rheuben in contemporary records.

† Now spelled Dame.

‡ Probably John Meader, who was of Dover.

§ Perhaps Joseph Kennedy.

¶ A Nathaniel Lomax, or Lummus, from Ipswich, was of Dover about this time.

*Letter from the Lords of Trade to Edward Cranfield.*

[Farm. Belk., App., p. 491.]

After our hearty commendations to you, his Majesty, having received the petitions and complaints of divers of his subjects, inhabitants and planters of New-Hampshire, against you for certain irregular proceedings alleged by them to be had by you in the execution of your commission and administration of justice; and it being ordered in council that the said petitions and complaints be examined and considered by us, that we may report to his Majesty our opinions, to the end his Majesty's further pleasure may be signified thereupon: We 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 we may the better distinguish the truth of what is alleged or complained of, and of such defense as you shall be able to make. We do think fit that all persons whatsoever have full liberty to depose upon oath what they know, and to take copies of all records, in these or any other cases relating to yourself or the said depositions, taken in writing by any member of the council or justice of the peace in that colony whom you are duly to authorize thereunto; and as we cannot believe that you will put any restriction or discouragement whatsoever upon the taking and transmitting of all necessary proofs and records, attested by the proper officers, for the clearing of truth in the matters complained of, so we think it requisite that copies of all affidavits be interchangeably delivered to each party concerned, as soon as they shall be taken; and so, not doubting of your compliance herein, we bid you heartily farewell.

From the council chamber in Whitehall, this 23d day of July, 1684.

Your very loving friends,

Radnov,	Guilford, C. S.,	Halifax, C. P. S.
Craven,	Rochester,	Ernle, Godolphin,
		L. Jenkins.

To our very loving friend, Edward Cranfield, Esq., Lieutenant-Governor and Commander-in-Chief of his Majesty's Province of New-Hampshire in New-England.

A true copy :

WILLIAM BLATHWAYT.

*The Deposition of Peter Coffin relating to Cranfield's conduct toward William Vaughan.*

[Far. Belk., App., p. 474.]

The deposition of Peter Coffin, Esq., one of his Majesty's justices of the peace for New-Hampshire, being sworn, saith that, some time 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. Edward 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 inquired of him what affidavits those were he had that day desired to be taken. The said Vaughan answered, Those that concern 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 Honor to be sworn. And then the Governor break 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 own business. Then the Governor said he went to carry a mutinous petition to be sent to England by Weare, and asked him what vessel 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 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 haul 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 behavior. 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, *Justice of the Peace.*

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*A Brief, containing the Substance of the Affidavits, Objections and Replies at the Hearing before the Lords Committee of the Council of Trade and Plantations, 10th of March, 1684-5.*

[Farm. Belk., App., p. 492.]

To the first article of the complaint, Anthony Nutter and John Woodman depose: That Mr. Cranfield declared in the Assembly that the words [and they] were inserted in his commission by mistake, and del. a copy without those words: That Mr. Cranfield accordingly made Capt. Barefoot a judge of the pleas and chief justice of the Province, without the Council's advice, and appointed a court once in every month: That the fees for trying all actions were first set at 20s. A former bill of costs in the like case but £1 1s.; another but £1 10s. But now there is added to that 20s., by the said judge £5 1s. 2d., in Mr. Mason's case.

*Note.*—The costs are signed by the judge and not by the governor.

*Note.*—The witnesses in Mason's cases were always some of the jury.

*1st Objection.* That the assembly were of opinion that the governor alone had the power of erecting courts of judicature.

*Answer.* That in November, 1682, the assembly then disputed this matter, and the order produced has no date. Besides, Tipping signs the assembly's acts, and this is only signed by Chamberlain.

*2d Objection.* Mason swears that the governor gave copies of his commission, with the words [and they] inserted. Mr. Elliott swears the same, and that the council set the fees, which the governor afterward allowed.

*Answer.* The council were at the governor's pleasure.

*3d Objection.* Walter Barefoot, the judge, swears that the late president and council took 20s. for every action, before it should be called, and there is now no more taken; and the plaintiff's or defendant's costs or charge, were, as now, taxed by the court, and are very reasonable. That Waldron, when

judge, made Randolph pay £8 2s. 6d. costs, in a trial for the king, besides damages.

*Answer* 1. That the fact is otherwise, as will appear, costs being now altered; £3 to Mr. Mason, in every action, and twelve of them in a day tried.

2. That Randolph's costs were for a special court for that one trial.

To the second, Reuben Hull deposes, that Mr. Cranfield owned he had bought the province of Mr. Mason. William Vaughan and Richard Waldron, that he shewed his deeds from Mason, of purchase of that Province, to the deponents. Nathaniel Foulsham proves possession given Mason of Capt. Gilman's house and lands. Benjamin Moulton and William Fifield the like of Sanborn's house and lands, and the imprisoning of Sanborn. No more turned out of possession, but execution granted against several.

To the third. The raising of the costs from 20s. to £6 is proved in the first. Nathaniel Weare, to prove that costs were, before, always taken in goods and not in ready money, and that, where goods to be had, the persons never taken.

John Pickering and William Cotton: That for Cotton's costs to Mason, plank or other goods would not be taken, but for want of money Cotton was imprisoned.

Christopher Noble: The same fully.

H. Axwell, John Partridge, William Cotton and Richard Nicholas: That Partridge's costs, goods tendered as before, but refused and Partridge imprisoned; that he was forbid to work in prison, and forced to live upon his friends' charity.

John Geare and Walter Windsor: The same to Thomas Pickering.

John Smith: The same to Christopher Hussey. Mr. Weare knows him to be eighty-six years old.\*

To the fourth. Jacob Perkins and Timothy Hilliard. That seeing how others were dealt with, by Mr. Mason, by imprisonment for want of money to pay court charges, they were forced to yield to Mason's demands.

\* Captain Christopher Hussey died the sxt day of March, 1685, or 1686, being about 90 years of age, entred [interred] the 8th of March, 1685 or 1686."—*Hamp. Town Rec.*

To the fifth. 14 *November*, 1682. The general assembly ordered pieces of eight rials and dollars, to pass at 6s. 8d. per ounce, Troy weight.

4 *October*, 1683. Mr. Cranfield and his council reciting an act of January, then last, but must intend that above, of November, order those pieces should go at 6s. apiece, without respect to the weight, so that some dollars, not worth 3s. by weight, pass at 6s.

*Note.*—That at first, Mr. Cranfield gave public notice that all persons might come in and agree with Mr. Mason. But John Winget, Thomas Rogers, and Elias Stileman, deponents, came in, and the governor would not intermeddle.

William Sanborn swears he lost 16s. in receiving £5 Spanish money, by reason of the order above.

Jacob Browne—That he lost a sixth part of £5, Spanish money, by reason as before.

*Objection.* Mason swears that he first proposed to the governor and council putting a value on Spanish money, as it is in London, his Majesty's mint. That the council agreed thereto, and the governor approved it. Walter Barefoot and Robert Elliott swear the same.

*Answer* 1. It is pretty bold swearing; he first proposed it.  
2. His proposing it does not make it lawful for the governor and council to do it without the assembly.

To the sixth. The mittimus for sending Mr. Vaughan to prison until £500 bail to the peace. *October* 22, 1683. No crime alleged, nor particular breach of the peace. Upon this commitment the jailer took Mr. Elliott's and Mr. Daniel's bond for his appearance. The same day Mr. Vaughan was discharged from being of the council.

The next day the governor, by a new warrant, taking notice of the bond taken by the jailer, and that the taking such was an escape in the jailer, orders his commitment anew, until he gave £500 security for the peace and good behavior.

25 *October*, 1683. Mr. Vaughan and Mr. Daniel gave the governor a recognizance of £500, conditioned for Vaughan's being of good behavior and keeping the peace, and should appear at the next Quarter Sessions, to answer what should be objected against him.



6 November, 1683. At the next Quarter Sessions Mr. Vaughan appeared, but, there being no prosecution, he and his bail were discharged.

*Objection.* 24 October, 1684. Thurton swears that in September, 1683, he desired Mr. Cranfield to bind Mr. Vaughan to his good behavior expressly to said Thurton, which he did not.

*February, 1683.* One Joseph Dow, and other jurymen, passing by the governor's house, were invited in and friendly received. But on asking the question whether they might not, when they were sworn (as before they had done), hold up their hands instead of kissing the book, the governor fell into a rage, and asked them how they came there? To whom Dow replied, "at your honor's invitation;" that Mr. Cranfield, complaining of this matter to the next court as a riot, Dow was forced to give £100 bond, for his appearance next sessions. When Dow appeared, nothing being alleged against him, he was discharged and his arms restored. But at another session after, Dow was called again on the same bond, and penalty was estreated against him, and he forced to fly out of the Province, with his wife and nine children, leaving his house and grounds, with the corn in the ground, to the governor. This Mr. Vaughan and Mr. Weare can also prove.

*February 6, 1683-4.* The governor again committed Mr. Vaughan for want of security for his good behavior. Upon which Mr. Vaughan lay in prison nine months.

Peter Coffin swears, February, 1683, that Vaughan demeaned himself civilly to the governor, and offered to give security to the peace, if the governor could give one instance wherein he had broken the law. But the governor, in great heat, charged him with having gone to Boston, with a mutinous petition to his Majesty, and said he would make a good hand of it, and get £100 of every man that had signed that petition, and then ordered his commitment as above.

*August 5, 1684.* Mr. Vaughan petitioned the president, Barefoot and the rest of the justices, at the then Quarter Sessions, that he might be brought by *habeas corpus*, to answer to what should be objected, and so be either acquitted or condemned.

*August 5, 1684.* Mr. Cranfield writes to that court, and instances many crimes, in general, against Mr. Vaughan, as pro-

moting tumultuous petitions, &c., and then requires their binding him over to the next sessions; and then concludes, not doubting of their care, that he wholly left the determination of it to them, urging that, if he denied the matter, he had evidence to prove it. The same day the court continued him in custody accordingly.

*September 16, 1684.* Mr. Barefoot and the other justices, when the governor was present, committed Vaughan to Hampton prison until he gave good security for his good behavior, and for his appearance next sessions, to answer misdemeanors objected against him on his Majesty's behalf.

*October 18, 1684.* After two Quarter Sessions past, and nothing objected against Mr. Vaughan, when his Majesty's letter came over on Mr. Weare's complaint, Mr. Vaughan was released by the governor's warrant, but to return to prison in two months.

*September 12. 35 Car. 2.* Mr. Joshua Moody, being to take a journey out of the Province, was forced to give a recognizance of £200 to return in three weeks, if alive and well.

To the seventh. *December 22, 1683.* The governor and council order sale of goods taken on execution to be sold by outcry in fourteen days; that they impose taxes on the inhabitants to £500, without the general assembly; that the justice empowered the marshals, by warrant, to levy the same on the constables refusing; that the justices fined the constables for not collecting the rates, and that the marshals levied these taxes.

*October 22, 1683.* The governor and comp. order no vessels or sloops should come from any other colonies, unless licensed by him, which is in effect setting up a license office, whereby the governor got as follows:

*7 November, 1684.* Daniel Gent, master of a sloop of Boston, swears that he paid 2*d.* per M for 100,000 feet of boards, landed at Broad Island in Gov. Cranfield's time, and never any thing before.

*8 November, 1684.* John Usher proves the same paid for the like, though Mr. Cranfield had, by letter, promised they should go free.

6 *November*, 1684. William Ardel proves the same for the like.

To the eighth. William Vaughan and John Pickering prove that in February, 1683, the secretary denied to swear their witnesses, or to attend the governor therein, or grant any summons for witnesses to prove that the governor's secretary would not grant summons to bring in witnesses, to be sworn, to make out Mr. Weare's complaint, nor swear any that came in without summons, unless his secretary might have the modeling of their evidence as he pleased; though his Majesty had commanded affidavits should be taken indifferently.

6 *November*, 1684. Thomas Wiggin and Thomas Graffort prove the denial of swearing twenty-eight persons in the matters in question. And Mr. Vaughan was committed the same day, as appears by commitment before, for desiring the same.

11th *December*, 1684. John Foulsham and Nathaniel Bachelor swear that in July last the governor said he would fine all the petitioners £100 each, and that it should be the best toll that ever came to his mill.

11th *December*, 1684. John Partridge and Nehemiah Partridge swear that the secretary denied them copies of several records; the governor in March, 1682-3, having ordered the contrary.

*Objection.* James Sherlock swears that the 16th of October, 1684, Mr. Cranfield offered Major Waldron to call a council, and swear his evidences before Weare went to England. Walter Barefoot, the same, and that the governor offered him what copies of records he desired.

*Answer.* This is true in fact. The offer was made, but, when it was desired, Vaughan was committed.

Found among Weare's MSS.

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*Report of the Lords of Trade against Cranfield, and the King's Order.*

[*Far. Belk., App., p. 502.*]

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 honorable privy council:

Upon reading a report from the right honorable the lords of

the committee of trade and plantations, in the words following:—

*“ May it please your Majesty,—*

“ Having received an order in council, dated the 11th day 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 himself and others, your Majesty’s subjects and planters there, against Edward Cranfield, Esq., your Majesty’s governor of that Province, whereby we were directed to report our opinions upon the said complaint: We did accordingly transmit a copy thereof to the said Edward Cranfield, and, upon receiving his answer, and hearing what the complainants could allege and make out against him, we find that the said Edward Cranfield has not pursued his instructions, in reference to the propriety of soil which Robert Mason, Esq., claims 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 endeavor 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 Majesty’s determination; 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 allowed, 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, we are most humbly of opinion that although it be your Majesty’s undoubted prerogative to set and determine the price and value of coins 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 we 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. We further offer, that William Vaughan, one of the complainants 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 appeal, that all proceedings at law relating to the said title may forthwith cease, until your Majesty's further pleasure be known.

All which is nevertheless most humbly submitted :

Rochester,	Arlington,
Halifax, P.,	Oxford,
Clarendon, C. P. S.,	Chesterfield.
Beaufort,	

Council Chamber, 27th 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 also *Ordered*,—That Mr. William Vaughan be allowed to appeal 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 :

W<sup>m</sup>. BRIDGEMAN.

*The king's Order for hearing Vaughan's Appeal.*

[*Far. Belk., App., p. 503.*]

At the court at Whitehall, the 29th of April, 1685—Present, the king's most excellent Majesty in council.

Upon the petition of William Vaughan and Nathaniel Weare, of New-Hampshire, in New-England, setting forth among other things that in obedience to a late order of council, the petitioner, William Vaughan, hath appealed against several verdicts and judgments, one fine and one decree, given, entered up, imposed and ordered against him, in New-Hampshire, as in the petition is at large set forth, it is this day ordered that copies of the said petition and appeal be sent to the right honorable the lords of the committee for trade and plantations, who are to examine the allegations thereof, and to report to this board how they find the same, together with their lordships' opinion thereupon.

PHIL. MUSGRAVE.

*Letter from the Lords of Trade to Cranfield.*

[Far. Belk. App., p. 503.]

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 behalf of himself and others of his Majesty's subjects and planters there; and having likewise heard what the said Weare could bring in evidence of the said complaints, and thereupon reported our opinions to his Majesty, we are commanded hereby to signify unto you that you have not pursued your instructions in reference to the propriety of the soil which Robert Mason, Esquire, claims 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 endeavor to reconcile all differences, which, if you could not bring to effect, you were then to send to his Majesty such cases, fairly and impartially stated, together with your opinion, for his Majesty's determination; instead whereof you have caused courts to be held in New-Hampshire, and permitted titles of lands 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 coin within his Majesty's dominions, you have not done well in directing any alterations therein without his Majesty's special order. In both which you have been wanting in your duty to his Majesty. But, that the chief occasion of dispute in that Province may be removed, we are further directed to acquaint you, that, as to the differences depending between the said Robert Mason and the planters, his Majesty hath been graciously pleased, by his order in council, dated the 8th of this instant April, to permit William Vaughan, one of the complainants attending this board, to appeal to his Majesty within a fortnight from the date of the said order, from all the verdicts and judgments 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 Robert Mason to that part of the Province of New-Hampshire. And his Majesty

doth likewise think fit, that, upon bringing the said appeal, by the said William Vaughan, all proceedings at law, relating to the said title, do forthwith cease, until his Majesty's pleasure be known. Whereof you are to take notice, and to govern yourself accordingly. And so we bid you very heartily farewell.

From the council chamber at Whitehall, the 29th day of April, 1685.

Your loving friends,

(Signed) W. Cant,	Arlington,
Guilford, C. S.,	Huntington,
Bridgewater,	Sunderland,
Chesterfield,	Craven,
Rochester,	Alesbury,
Halifax,	Middleton,
Clarendon, C. P. S.,	Godolphin,
Beaufort,	J. Ernle,
Lindshy,	Geo. Jaffrey.

Directed, "To our loving friend, Edward Cranfield, Esq., Lieutenant-Governor and Commander-in-Chief of his Majesty's Province of New-Hampshire in New-England."

*Copy of the Decision of King James II against William Vaughan.*

[Far. Belk., App., p. 507.]

At the court at Whitehall, the 19th of November, 1686—

[L. s.] Present—The king's most excellent Majesty.

Lord Chancellor,	Earl of Plymouth,
Lord Treasurer,	Earl of Morray,
Lord President,	Earl of Middleton,
Duke of Ormond,	Earl of Melford,
Duke of Albemarle,	Earl of Tyrconnel,
Duke of Beaufort,	Viscount Strauronberg,
Lord Chamberlain,	Viscount Preston,
Earl of Oxford,	Lord Bishop of Durham,
Earl of Huntington,	Lord Arundel of Wardour,
Earl of Peterborough,	Lord Dartmouth,
Earl of Craven,	Lord Dover,
Earl of Powis,	Mr. Chancellor of the Excheq'r,
Earl of Nottingham,	Mr. Chancellor of the Dutchy.

Upon reading this day at the board a report from the honor-

able 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 William 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 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 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 said Province, be ratified and affirmed, and they are hereby ratified and affirmed accordingly.

WILLIAM BRIDGEMAN.

*Vera copia*, per

Richard Partridge, *Clerk*.

Copy as on file in the case, *Allen vs. Waldron*.

Exam. per

George Jaffrey, *Clerk*.

*Letter from the same to the same, respecting Vaughan's Appeal.*

[*Far. Belk., App., p. 505.*]

After our hearty commendation, his Majesty hath received the petition and appeal of William Vaughan, an inhabitant of New-Hampshire, from several 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 allegation thereof, and make report of the same, with an opinion thereupon, we have accordingly appointed to hear all parties concerned in the several cases therein contained, on the first Tuesday after midsummer day, which shall be in the year 1686. To which end we herewith



send you a copy of the said petition and appeal, which you are to communicate unto Robert Mason, Esq., and to all others whom 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 appeal, and to submit to such judgment hereupon as by his Majesty in council shall be thought fit. And you are likewise to permit all persons to have free access to and take copies of all records within 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 hindrance or discouragement whatsoever, in order to be transmitted unto us for the clearing of truth in that appeal. And so we bid you heartily farewell.

From the council chamber in Whitehall, the 22d day of May, 1685.

Your loving friends,

Guilford, C. S.,	Rochester,
Halifax, Pr.,	Clarendon, C. P. S.,
Ormond,	Sunderland.

Lieut. Governor of New-Hampshire, or Commander-in-Chief for the time being.

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*Copy of the Petition of the Inhabitants against Mason.*

[Far. Belk., App., p. 505.]

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 years 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 labor reduced the same to a tolerable support of ourselves and families, and lately maintained the

same, with a vast expense 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, we accounted ourselves happy for that therein we were, by his said Majesty's grace and favor, 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 favor, put us into a 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 several suits 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 assign 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 above said : 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 ter-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 great 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 we are apt to fear), was early complied with by Mr. Mason, for all the lands in his own possession formerly, with addition of several other lands, to his own 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. Walter Barefoot, who was left deputy governor, 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. Wm. Vaughan, one of the principal inhabitants and merchants in this Province, to take his appeal to your Majesty in council, for relief against several oppressive judgments, one whereof refers to the title of his lands within this Province, holden in the same form with the rest of his Majesty's good subjects here; we do, with all humble gratitude, acknowledge your Majesty's justice and favor herein; and for that the pursuance and issue of the said appeal will therefore necessarily affect the whole Province, and be introductory to the determination of all Mr. Mason's challenge, we have judged it our duty, in most humble manner, to prostrate ourselves at your Majesty's feet, and have therefore entrusted and fully empowered 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 condition of your Majesty's poor and distressed subjects in this Province, who is fully intrusted humbly to represent the same, and the arbitrary and severe oppressions we have labored under, from which we are well assured of relief 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 we may henceforward have our perfect and immediate depend-

ance upon your Majesty and the crown 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 crown, which we 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 we shall ever pray, &c.

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NEW-HAMPSHIRE.

In his Majesty's name you are hereby required to bring before us the body of Anthony Nutter, of Welshman's Cove, yeoman, to answer for his abetting and aiding Thomas Wiggins, of Swampscott, yeoman, in assaulting and wounding Walter Barefoot, Esq., deputy governor, and Robert Mason, Esq., proprietor of the said Province (as we are credibly informed he did), to the high contempt and defiance of his Majesty's royal authority, and for so doing this shall be your sufficient warrant.

Given under our hands and seals, the 25th January, 1685, and in the fourth year of the reign of our sovereign lord James the Second, king of England, &c.

R. Chamberlain, *Justice Peace.*

To Tho. Thurton and Will Godso, marshals, or their deputies, and to all the constables in the said Province, who are straightly required to give their special assistance.

J. Sherlock, *Justice Peace.*

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[Coll. N. H. Hist. Soc., 2, p. 198.]

Joan Carter, wife of Edward Carter, and Wilmot Martin, wife of John Martin, of Great Island, do make oath, that they, hearing Mr. Mason's servant maid crying out that her master would be murdered, did run into Capt. Barefoot's house, and did see Thomas Wiggins, Capt. Barefoot and Mr. Mason fighting, and a tall, big man, called Anthony Nutter, was walking about the room in a laughing manner; that the deponent Carter did say to Nutter, "For God's sake, part them; will

you stand by and see men murdered? pray, put Wiggins out of the room." Nutter said to the deponent, Carter, "Will you save me harmless, then?" But the said Nutter did not give any assistance to the deputy governor, nor did endeavor to part them, and the deponent Carter did take up Capt. Barefoot's velvet cap which lay behind the fire.

The mark of Joan × Carter.

Taken upon oath the 9th of March, 1686.

Before me: R. Chamberlain, *Justice Peace.*

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[Coll. N. H. Hist. Soc., 2, p. 198.]

Prudence Gatch, aged sixteen years, servant to Robert Mason, Esq., maketh oath, that Thomas Wiggins and Anthony Nutter, being in her master's kitchen, Thomas Wiggins did give her master ill language; that her master bid Thomas Wiggins several times to be gone out of the house, and one Mrs. Hall, who was then present, did beg of Thomas Wiggins to go out, but he would not; that she, seeing Thomas Wiggins laying hold of her master by the cravat and hair, did run forth to call the neighbors, crying out that her master would be murdered, and when she came back into the kitchen she did see fire sticking to her master's clothes, and his periwig burned. And she did also see Thomas Wiggins fighting with the deputy governor, who was thrown down upon the floor; that at that same time Anthony Nutter did walk about the room in a laughing manner.

The mark of Prudence + Gatch.

Taken upon oath the 9th of March, 1686.

Before me: R. Chamberlain, *Justice Peace.*

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[Coll. N. H. Hist. Soc., 2, p. 197.]

I, Walter Barefoot, Esq., Deputy Governor of the Province of New-Hampshire, do make oath that upon the 30th of December last, Thomas Wiggins and Anthony Nutter, yeoman, being at my house, Wiggins did give Robert Mason, Esq., proprietor of the Province, very provoking language, so that Mr. Mason bid him several times to go out of the house, and I did also intreat the said Wiggins to be gone, fearing some mischief might also

ensue; telling him that Mr. Mason had the use of the house during his stay in the country, and the servants were his; but Wiggins would not go out, being encouraged to stay by the said Nutter, who did speak to Wiggins not to go, but to stay. Then Mr. Mason opened the door, and took Thomas Wiggins by the arm, bidding him be gone, for that he should not stay there. Thereupon Thomas Wiggins laid hands upon Mr. Mason, and threw him upon the fire, and by force kept him down, so that I had great difficulty to pluck him off; and I do verily believe Mr. Mason had been murdered had it not been for me. And Thomas Wiggins did also assault me, and threw me into the same fire, and fell upon me, so that two of my ribs were broken, and one of my teeth came out.

WALTER BAREFOOT.

Taken upon oath the 8th of March, 1686.

Before me :

R. Chamberlain, *Justice Peace.*

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[Coll. N. H. Hist. Soc., 2, p. 195.]

I, Robert Mason, Esq., proprietor of the Province of New-Hampshire, do make oath, that upon the 30th day of December last, being in my lodgings at the house of Walter Barefoot, Esq., deputy governor, and seeing Thomas Wiggins and Anthony Nutter, of the said Province, yeoman, talking with the deputy governor, I bid them welcome, and invited them to stay to supper. After supper, upon some discourse, Wiggins said he and others had read the papers I had set up, but they did not regard them or value them at a rush, for I had nothing to do in the Province, nor had one foot of land therein, nor ever should have, and withal did give very abusive and provoking language, so that I commanded Wiggins to go out of the room, which he did not, but asked the deputy governor whose the house was, Barefoot's or Mason's. The deputy governor told him that the house and servants were mine, and entreated him to be gone and not to make a disturbance. I then opened the door, and took Wiggins by the arm to put him forth, saying he should not stay there to affront me in my own house. Whereupon Wiggins took hold of my cravat, and being a big, strong

man, pulled me to the chimney and threw me upon the fire, and lay upon me, and did endeavor to strangle me by grasping my windpipe, that I could hardly breathe. My left foot was much scorched and swelled, my coat, periwig and stockings were burnt, and had it not been for the deputy governor, who was all that time endeavoring to pluck Wiggins off from me, I do verily believe I had been murdered. I was no sooner got out of the fire but the said Wiggins laid hands on the deputy governor, threw him into the fire, and fell upon him so that two of the deputy governor's ribs were broke. I did with much difficulty pull Wiggins off the deputy governor. Wiggins being risen upon his feet did again assault me and the deputy governor, and threw the deputy governor down; thereupon I called to a maid servant to fetch my sword, saying the villain would murder the deputy governor. The servant coming with my sword in the scabbard, I took hold thereof, but it was snatched out of my hands by Anthony Nutter, who was present in the room, and did see the assault made both upon the deputy governor and myself, and hindered me from relieving the deputy governor. Nor did the said Nutter give any help or assistance to the deputy governor.

ROBERT MASON.

Taken upon the 8th of March, 1686.

Before me: R. Chamberlain, *Justice Peace.*

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NEW-HAMPSHIRE.

March 9, 1685.

Joseph Ryan, gentleman, attorney general for our sovereign lord James the Second, by the grace of God king of England, Scotland, France, Ireland, &c., doth exhibit this information against Thomas Wiggins, of Swamscott, yeoman, that whereas Walter Barefoot, Esq., being, by virtue of his Majesty's commission, Deputy Governor of this Province, and Robert Mason, Esq., proprietor, being one of his Majesty's Council in the said Province, the said Thomas Wiggins, upon the 30th day of December last, did wilfully and maliciously make an assault upon the said Walter Barefoot and Robert Mason, in the

dwelling house of the said Walter Barefoot and Robert Mason, and them, the said Walter Barefoot and Robert Mason, he, the said Thomas Wiggins, did throw into the fire, whereby two of the said Walter Barefoot's ribs were broken, and one of his teeth came out, and the foot of the said Robert Mason was much scorched and swelled, his periwig and clothes burned; and that he, the said Wiggins, did endeavor to strangle the said Robert Mason, by grasping his wind-pipe, in high contempt of his Majesty's royal authority, and against the peace of our sovereign lord the king, his crown and dignity, &c., therefore pray judgment in behalf of his Majesty.

JOSEPH RAYN, *Attorney General.*

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A PROCLAMATION—NO DATE.

[Prov. Rec., B. I, p. 162.]

Whereas it hath pleased Almighty God to call to his mercy our late sovereign lord king Charles the Second, of most blessed memory, by whose decease\* the imperial crowns of England, Scotland, France and Ireland, as also the supreme dominion and sovereign right of the plantation and colony of New-Hampshire, in New-England, and all his late Majesty's territories and dominions in America, are solely and rightfully come to the high and mighty prince, James, Duke of York and Albany, his Majesty's only brother and heir: We, therefore, his Majesty's governor and council, with the principal officers and inhabitants of the plantation and colony aforesaid, do now hereby, with one full voice and consent of tongue and heart, publish and proclaim, that the high and mighty prince, James the Second, is now, by the death of our late sovereign, of happy memory, become our only lawful, lineal and rightful liege lord, James the Second, by the grace of God King of England, Scotland, France and Ireland, and defender of the faith, supreme lord of the plantation and colony of New-Hampshire, in New-England, and all other his late Majesty's territories and dominions in America, &c.: To whom we do acknowledge all faith and constant obedience, with all hearty

\* Charles II died February 6, 1685.



and humble affection; beseeching God, by whom kings do reign, to bless the Royal King, James the Second, with long and happy years to reign over us. God save King James the Second.

*Vera copia*, from the original.

*Teste*:

R. Chamberlain, *Sect.*

*Letters or petitions from John Hogkins, commonly called Hawkins, one of the Sachems of the Penacook Indians.*

[Copied from the original, Prov. Rec., B. I, pp. 155-157.]

(No. I.)

May 15th, 1685.

Honour Governor my friend, you my friend I desire your worship and your power Because I hope you can do som great matters this once I am poor and naked and I have no men at my place because I afraid allways 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 Malamake Revir called Panukkog and Natukkog I will submit your worship and your power and now I want powder and such allminishon shott 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 Betogkom\*

Joseph + traske

King + hary

Sam + linis

wapeguanat + Taguachuwashat

old Robin +

mamanosques + andwa

peter + Robin

Mr. Gorge + Roddunonukgus

mr. hope + hoth

John + Toneh

John + Canowa

John + owamosimmin

Natonill + Indian

\* Both Belknap and Farmer have written this "*Detogkom*." The original is somewhat obscure, but the same name more plainly written, appears in the next letter "*Betogkom*." Hon. C. E. Potter, *Hist. of Manchester*, pp. 84-85, has the name correct.—ED.

(No. II.)

May 15<sup>th</sup>, 1685.

Honour mr Governor 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

John + hawkins Sagomor

Simon Betogkom

Joseph + traske

king + hary his

Sam + linis

wapeguanat X Taguachuashat

old Robin +

mamosques X andwa

peter X Robin

Gorge X Roddunnonukgus

Hope X hoth

John X Tonceh

next

John + Canowa

John + owamosimmin

Natonill X Indian

(No. III.)

please your worship I will intreat your matther you my friend now (then?) this if my Indians he do you long pray you no put your law because som my Indins fooll som men much love drunk then he no know what he do may be he do mischif when he drunk if so pray you must let me know what

\* Doubtful. It may be "hef" for *have*, or "chef" for *chief*.

he done because I will ponis him what he have done you you  
my friend if you desire any business then sent me I will help  
you if I can

Mr. John hogkins

---

(No. IV.)

mr mason pray I want speake you a few words if your wor-  
ship when please because I com parfas [purpose] I will 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,

John hogkins, Indian Sogmon.

May 16<sup>th</sup>, 1685.

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*Letter from Captain Francis Hooke, advising of danger from the  
Indians.*

[Prov. Rec., B. I, p. 158.]

Capt. Barefoot, Sir :—

This is to inform yon that just now there came to me a post,  
wherein I am fully informed that there is just ground to fear  
that the heathen have a sudden design against us: they hav-  
ing lately about Saco affronted our English inhabitants there  
by threatening of them, as also by killing their dogs; but  
more particularly in that on Friday, Saturday and Lord's day  
last, they have gathered all their corn, and are removed, both  
pack and package. A word to the wise is enough. The old  
proverb is, "forewarned, forearmed." Myself and rest in com-  
mission with us are forthwith setting ourselves in a posture,

\* This letter fixes the *time* when Cranfield left the Province. It is dated  
May 16, 1685. The letter says, "this governor"—i. e. Cranfield, say "*he go  
away last night*," which would be the 15th of May. Belknap says Cran-  
field 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," 25th of May, 1686.

and to-morrow our council meet for to consider what is needful to be done. Nothing else, being in great haste, but remain, sir, your obliged servant,

FRANCIS HOOKE.

Kittery, 13 August, 1685.

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*Report of Persons sent to inquire into the above Matter.*

[Prov. Rec., B. I, p. 159.]

(No date or signature.)

To the Honorable Walter Barefoot, Esq., and the Council of Great Island:

*Gentlemen,*—According to your command and order to me, bearing 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 morning my orders were read, which were very kindly received by them, and the reasons why they deserted the places where they usually abode among the English were:—

1. That four Indians came from fort Albany to the fort at Penacook, and informed them that all the Mohawks did declare they would kill all Indians from Uncas, at Mount Hope, to the eastward as far as Pegypscot.

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 Penacook.

3. Natombamat, sagamore of Saco, is gone to carry the Indians down to the same place, where they were before departing from us, on Sunday morning, and desired Captain Hooke to meet him at Saco five days after.

4. Both sagamores of Penacook, viz., Wonalanset and Mesandowit, the latter of which is come down, did then declare they had no intention of war, neither indeed are they in any posture for war, being about twenty-four men, besides squaws and papooses.

5. Asking the reason why they did not come among the English, as formerly, they answered they thought if the Mo-

hawks came and fought them, they should fly for succor to the English; that then the Mohawks would kill all the English for harboring them.

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REV. SEABORN COTTON.

[Coll. N. H. Hist. Soc., 2, p. 204.]

*To the Honorable, his Majesty's Council for the Province of New-Hampshire, the Petition of Seaborn Cotton, of Hampton, in the Province abovesaid, humbly sheweth,—*

That whereas, by an act of his Majesty's Council, in this Province, bearing date, as I conceive, December 10, 1683, the people in the several towns were left at their liberty, whether they would pay their ministers or no, after the first of January ensuing that act, unless their ministers would administer Baptism and the Lord's Supper to such as desired it, according to his Majesty's letter to the Massachusetts, which was never denied by me, to any that orderly asked it; yet too many people have taken occasion thereby, both to withhold what was my due before that act, for the year 1683, as also for the year 1684, and are likely to do so for the year 1685, except this Honorable Council see cause to pass an act and order to the trustees of Hampton, that I may have my due, according to the town's compact upon record, and their agreement with myself many years since. The time also drawing nigh when for this instant year I should have my rate made, doth hasten me to present this address, and to request your Honors' favor therein. If your Honors send an order to our trustees, your Honors may possibly see cause to omit the naming myself as requesting it, all which I leave to your Honors' generous acceptance; and am your Honors' humbly devoted

SEABORN COTTON.

*Hampton, September 5, 1685.* In answer to this petition, the Council order that the petitioner be left to the law to have his remedy against the persons he contracted with.

R. CHAMBERLAIN, Cl. Council.

*Articles of Peace with the Indians inhabiting New-Hampshire and  
Maine.*

[Prov. Rec., B. I, p. 160.]

Articles of Peace, agreed upon the 8th 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 an injury to an Indian, upon complaint made to any justice of 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 design any mischief or harm 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 down by the English near any of their plantations.

Robert Mason,	Walter Barefoot,
Robert Elliot,	Henry Green,
John Davis,	Francis Hooke.

The mark ( of Mesandowit ;

The mark ☞ of Wahowah, *alias* Hopehood ;

The mark ⚡ of Tecamorisick, *alias* Josias ;

The mark ∞ of John Nomony, *alias* Upsawah ;

The mark W of Umbesnowah, *alias* Robin.

We, whose names are hereunto written, do freely consent and engage to comply and perform the within written articles,

as our neighbors 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 design war with the English, and do hereby declare that the peace is broken ; and it shall and may be lawful to and for the English, or any on their behalf, 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 Netambomet, sagam of Saco ;

The mark  $\sphericalangle$  of Wahowah, *alias* Hopehood ;

The mark ) of Ned Higgon ;

The mark O of Neweome ;

Kancamagus, *alias* John Hawkins, sagamon ;

Signed this instrument, 19 7ber, 1685 ; his  
C mark ;

Bagesson, *alias* Joseph Traske, his O mark ;

And agreed to all within written.

*Teste :*

JOS. RAYN.

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[Prov. Rec., B. I, p. 166.]

NEW-HAMPSH :

*By the Dep. Governor and Council.*

Ordered, That a thanksgiving be celebrated for the happy victory of our sovereign lord King James the Second, over

the Rebels the Duke of Monmouth and his accomplices, on Sunday sevensnight, being the first day of November next.

Dat. the 20th October, 1685.

R. CHAMBERLAIN, *Cl. Court.*

“To be published by the Minister  
of Hampton on Sunday next, y<sup>e</sup>  
25<sup>th</sup> October instant.”

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*Hon. Joseph Dudley's\* Administration, as President  
of his Majesty's Territory and Dominion in  
New-England.*

[Of President Dudley's administration in New-Hampshire, very few original Papers or Records are to be found. *Ed.*]

COMMISSION.

*James the Second's Commission, constituting a President and  
Council for Massachusetts Bay, Narragansett Country, &c.*

[Coll. Mass. Hist. Soc., 1st series, vol. 5, pp. 244-6.]

“JAMES the Second, by the grace of God King of England, Scotland, France, and Ireland, defender of the faith, &c., to all to whom these presents shall come, greeting :

Whereas a writ of scire facias hath been issued out of our high court of chancery against the late governor and company of that colony and members thereof, is now in our hands, and

\* “JOSEPH DUDLEY, son of Thomas Dudley, Governor of Massachusetts, was born in 1647, and graduated at Harvard College in 1665. He was agent of the Massachusetts Colony in England in 1682; president in 1685; one of Andros' council in 1689, when he, with other obnoxious persons, was imprisoned by the people of Boston. In 1691 he was a member of Governor Slaughter's Council, and Chief Justice of the Province of New-York, in which latter capacity he tried and condemned Governor Leisler and his Secretary Milborn, to the reversal of whose attainder he subsequently offered strenuous opposition. He next became a member of the British Parliament, Lieutenant Governor of the Isle of Wight, and in 1702 was appointed Governor of Massachusetts and New-Hampshire, the affairs of which he administered until 1715. After a life chequered with vicissitudes, he died in 1720 at the age of 72 years.” [See *Hutchinson's Hist. of Mass., Allen's Biog. Dic., and Col. Hist. of N. Y., 3, p. 364.*]



we being minded to give all protection and encouragement to our good subjects therein, and to provide in the most effectual manner, that due and impartial justice may be administered in all cases, civil and criminal, and that all possible care may be taken for the just, quiet and orderly government of the same; *Know ye*, therefore, that we, by and with the advice of our privy council, have thought fit to erect and constitute, and by these presents, for us, our heirs, and successors, do erect, constitute, and appoint a President and Council, do take care of all that our territories and dominions of New-England, in America, commonly called and known by the name of our Colony of Massachusetts Bay, and our Province of New-Hampshire and Maine, and the Narraganset Country, otherwise called the King's Province, with all the islands, rights, and members thereunto appertaining, and to order, rule, and govern the same according to such methods and regulations as are herein after specified and declared, until our chief governor shall arrive within our said colonies.

“And for the better executing of our royal pleasure in this behalf, we do hereby nominate and appoint our trusty and well beloved subject, JOSEPH DUDLEY, Esq., to be the first President of the said Council, and to continue in the said office until we, our heirs or successors, shall otherwise direct.

And we do likewise nominate and appoint our trusty and well beloved subjects, Simon Bradstreet, William Stoughton, Peter Bulkley, John Pynchon, Robert Mason, Richard Whar-ton, Waite Winthrop, Nathaniel Saltenstall, Bartholomew Gedney, Jonathan Tyng, John Usher, Dudley Bradstreet, John Hincks\*, Francis Champenoone, Edward Tyng, John Fits Winthrop, and Edward Randolph, Esqrs., to be of our council within our said territory and colony; and that the said Joseph Dudley, and every succeeding president of the said council, shall and may nominate and appoint any one of the members of the said council, for the time being, to be his deputy, and to preside in his absence; or the said president, or his deputy, and any seven of the said council, shall be a quorum. And our express will and pleasure is, that no person shall be ad-

\* John Hincks was the only one belonging to New-Hampshire. ED.

mitted to set, or have a vote in the said council, until he hath taken the oath of allegiance, and the oath hereafter mentioned, for the due and impartial execution of justice, and the faithful discharge in them reposed."

The above written is part of the commission of charter granted to Colonel Dudley, that concerns [New-Hampshire]; the rest is general instruction for the government of the whole, and, concluded in these words following :

"In witness whereof, we have caused these our letters to be made patent. Witness ourself at Westminster, the 8<sup>th</sup> day of October, in the first year of our reign."

*A true copy.*

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*Communication to President Dudley and Council by the Massachusetts General Court.*

[Mass. Rec., vol. 5, pp. 515, 516.]

May 20, 1686.

Gent<sup>a</sup>.

We have perused what you left with us as a true copy of his Maj<sup>ties</sup> commission, showed to us the 17<sup>th</sup> instant, empowering you for the governing of his maj<sup>ties</sup> subjects inhabiting this colony, and other places therein mentioned.

You then applied yourselves to us, not as a Gov<sup>no<sup>r</sup></sup> & Company, but (as you were pleased to terme us) some of the principall gentlemen and chiefe of the inhabitants of the severall townes of the Massachusetts, amongst other discourse saying it concerned us to consider what there might be thought hard and uneasy.

1. Upon perusal whereof wee finde, as we conceive, first, that there is no certeine determinate rule for your administration of justice, and that which is, seems to be too arbitrary.

2<sup>ly</sup>. That the subjects are abridged of their liberty as Englishmen, both in the matter of legislation and in the laying of taxes, and indeed the whole unquestioned privilege of the subject transferred upon yourselves, there being not the least mention of an assembly in the comission.

And therefore we think it highly concerns you to consider whither such a comission be safe, either for you or us; but if you are so satisfied therein as that you hold yourselves obliged thereby, and do take upon you the government of this people, although wee cannot give our assent thereto, yet hope shall demeane ourselves as true and loyal subjects to his maj<sup>ty</sup>, and humbly make our addresses unto God, & in due time, to our gracious prince, for our relief.

Past by the whole Court, *nemine contradicente*.

By order, EDW<sup>d</sup> RAWSON, Sect.

Superscribed—

These for Joseph Dudley, Esq., and the rest of the gent<sup>n</sup> named in his maj<sup>ties</sup> comission.

Belknap says\*:

“The new form of government took place on the twenty-fifth day of May, 1686, 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.”

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[SEAL.]

*By the President and Council of his Majesties Territory and Dominion of New-England in America.*

AN ORDER† FOR THE HOLDING OF COURTS AND EXECUTION OF JUSTICE,

Published the 10<sup>th</sup> of June, 1686.

[Prov. Rec., B. I, p. 169.]

To the end that *justice* may be equally distributed within this his Majesties Territory and Dominion, and criminal offenders against his Majesties laws duely punished, It is *ordered* by the PRESIDENT and *Council*, that in each several County and Province within this government, there shall be erected, and settled, and by the authority aforesaid there is hereby erected, appointed and settled a COUNTY COURT, to be held and kept as

\* Far. Belk., p. 118.

† This order is printed.

a *Court of Pleas*, and of *General Session of the Peace*, within each County and Province aforesaid. The times, places & order of which County Court are as followeth, (viz.)

*For the County of Suffolk*: to be held at Boston, four Courts in the year:—the first on the last Tuesday in July next; the second on the last Tuesday in October following; the third on the last Tuesday in January; the fourth on the last Tuesday in April. And so on the same days annually.

*For the County of Middlesex*: the first at Cambridge, on the first Tuesday in October; the second at Charlestown, on the third Tuesday in December; the third at Concord, on the first Tuesday in April; the fourth at Charlestown, on the third Tuesday in June; and so on the same days annually.

*For the County of Essex*: the first at Ipswich on the last Tuesday of September; the second at Salem, on the last Tuesday in November; the third at Ipswich, on the last Tuesday in March; the fourth at Salem, on the last Tuesday in June; and so annually.

*For the County of Hampshire*: The first at Springfield, on the last Tuesday in September; the second at Northampton, on the last Tuesday in March; and so annually.

*For the Province of New-Hampshire*: The first at Great Island, the first Tuesday in October; the second at Portsmouth, the first Tuesday in April.

*For the Province of Maine*: The first at York, the second Tuesday in October; the second at Wells, the second Tuesday in April.

And for the more regular and certain keeping of the aforesaid Courts, *It is ordered*, that they shall consist of such member or members of the council in each county and province as shall be therein resident (not excluding any others of the council who shall think fit to be present), together with such justices of the peace as (when need is) shall be particularly commissioned thereunto: so that the number in each County Court be always three at least, and one of them a member of the Council; who, being assembled at the times and places appointed, have full power and authority to open and hold the said County Courts, and to proceed to the hearing, trying, and issuing of all civil causes and pleas whatever, and of all

criminals not extending to life and limb; and, upon judgment given, to award execution, making such adjournments as to them shall seem fit, and punishing all contempts, as unto such a court of right doth belong; from which County Courts, and the judgment in them given in all civil cases, there shall an appeal lie, to be orderly made and brought to the president and council, at their next court to be held for that end, as hereafter is appointed, unto which court of appeals the appellant shall bring the appellant and defendant, and both shall have further liberty of all such additional evidences and pleas to be brought as doth not alter the issue that hath been between them.

It is further ordered, declared and appointed, that there shall be held by the president, or, in his absence, the deputy president and council, a stated superior court of grand assize and general goal delivery, for this his Majesty's whole territory and dominion, to be kept thrice in the year, at Boston, that is, on each first Tuesday in the months of November, March and July, and so annually. In which superior court so to be held shall be here tried and finally issued, all cases of appeal, all capital cases, and all such pleas of the crown, and all matters of greater concernment as are above the cognizance of inferior courts, and proper thereto to be determined, saving always unto all persons liberty of appeal unto his Majesty in council, as in and by his Majesty's royal commission is granted, limited and appointed. And for the more ready dispatch of small causes, where the damage besides cost shall not exceed the sum of forty shillings, it is ordered and declared that the president and each member of the council hath power to hold plea of, and to give judgment and to award execution in all such causes as heretofore hath been in use. The like power have any two of the justices joining together, and from the sentence and judgment in these cases to be given there shall be an appeal to the next court of the county, and no higher.

It is also further ordered by the authority aforesaid, that in all legal process within this, his Majesty's territory and dominion, to be allowed and accounted valid, in the several courts now constituted, the original writ shall always be under the hand and seal of the president, or of some member of the

council, or of the clerks of the county courts within their several precincts; and in small actions, under the hand and seal of such as are to try them. And all such writs as shall be above twenty pounds value shall also be stamped with the seal of the secretary's office; all which original writs above-said, and all executions upon judgment given, shall be directed to be served by the provost marshal, county marshal, or their deputies, and no other, except in final cases, when the constable of the town shall be sufficient; and where the cause is to be tried in the county court, every original writ shall be served fourteen days before the sitting of the said court, and pursuant thereunto a declaration of the plaintiff shall be also entered with the clerk of the court, seven days before its sitting, and the same time (of seven days) is given for the entrance of the reasons of appeal with the secretary, in all cases of appeal to the supreme court.

It is further ordered, that the acknowledgment of all deeds or other legal instruments that are to be entered upon record, shall be made before and signed by the president, or some member of the council, and no other.

Further: that the office for the probate of wills and granting administrations be holden by the president for the time being, and his clerk, at the council house, on Thursdays, at ten of the clock in the morning, and in the other Provinces and remote countries by such judge and clerks as the said president, under his hand and seal, shall authorize; and at such times as shall be appointed, taking fees according to the statutes, the said clerks being accounted as deputies to the secretary and register, and from him to take deputation accordingly.

Further: That such as from time to time shall be allowed and sworn attorneys by the council and county courts (and they only to receive fees and plead in any of his Majesty's courts), and no other presume to offer pleading save that every man is allowed to plead his own case:

That no affidavit, or testimony, is in any civil case to be taken out of the court where the trial is holden, except before some members of the council where the witness is at a great distance from the court, or incapable of coming, or bound to

sea before the trial, and there, in presence of the opposite party, if he may be had, and seasonable notice be given to him thereof; and all witnesses in criminal cases to give their evidence in open court :

That where judgment hath passed in any former court within this territory and dominion, and execution hath not been taken out and levied, the party for whom judgment hath passed shall have a writ of *scire facias* from the secretary or clerk of the court, whence a new execution should proceed to the adverse party, to appear before the court that hath proper cognizance thereof, and show cause why execution should not go out; and in case of non-appearance, or that sufficient cause be not shown to the court for arrest of judgment, judgment shall be affirmed, and execution granted accordingly: That the county courts shall appoint in every town a fitting person for clerk, to take the accounts of births and burials (unto which office Mr. Richard Buckley is appointed for Boston), which shall be quarterly brought in to the clerks of the county courts, for which such clerk shall receive three pence for each name, and pay one penny for every name, to the clerk of the county court; and every person next related or concerned is hereby ordered to give notice and make payment, as above said, within the space of one week, upon the penalty of five shillings; and that the several ministers and justices do in like manner, at every county court, make return of the marriages by them severally solemnized, and pay to the clerk three pence for every couple :

That licenses for holding of taverns, inns, strong-water houses, and retailers, in and without doors, and public victualers, be granted by the county courts of the several shires and Provinces, to which the several inn-holders shall give bond and pay accustomed fees and duties, as hath been in use; and the treasurer and such others as shall be from time to time appointed, have hereby power granted them to agree with the duties excise; and no person licensed shall presume to draw until he hath made such agreement with the treasurer as above said. And it is ordered, that none presume to draw drink without license, upon the penalty of five pounds for every conviction (according to the late usage), to be made

before some member of the council, or any two of the justices within the county, and the fine to be levied by writ from such member of the council, or justices, and the same to be divided, one half to his Majesty, and returned to his treasury here, and the other half to the informer.

For the orderly and equal appearance of juries to serve in courts, *It is ordered*, That the constables and selectmen in the several towns within this, his Majesty's territories and dominion, do, before the first day of July next, give in to the several marshals of the counties in which the towns severally lie, a full and true list of all the freeholders and inhabitants meet to serve on juries; and that the marshals thereupon, in their several counties, with the assistance of one of the justices thereto appointed, shall prick the panel or panels for the grand or petty jurors, who shall be summoned by the marshal fourteen days before the court, and the panel delivered to the clerk of the courts, under the marshal's hand, that they may serve accordingly: That the fees to be paid in all trials and issues at law shall in no case pass the particular orders of the president and council.

*In the trial of small cases : namely,*

	£	s.	d.
For the attachment or summons,	0	1	0
A subpœna to summon witness,	0	0	3
Entrance,	0	3	4
Filing the papers, each paper,	0	0	2
Judgment,	0	0	6
Confessing judgment,	0	1	0
Execution,	0	2	0
Affidavit out of court,	0	1	0
Acknowledgement of deeds and other instruments,	0	2	6
If the deed be above a hundred pounds,	0	5	0

*In trials of the County Court.*

For stamping the writ in the Secretary's office,	0	0	4
Attachments, if above a hundred pounds,	0	2	0
The juries, for every verdict,	0	6	0
Entrance of the action,	0	10	0
Confessing judgment,	0	2	0



Additional entrance of judgment above £20,	0	10	0
License to keep public houses,	0	5	0
Judgment,	0	2	0
Execution,	0	2	6

## COURT PROBATE.

*Settlement of Fees.—Officers' Names.*

Probate of a will and administration, copies of the will, attestation and inventory,	0	6	0
If the estate be above two hundred pounds,	0	7	0

*In all Appeals before the President and Council.*

Entrance,	1	0	0
Judgment,	0	5	0
For serving executions, accustomed fees.			
Return of a proclamation,	0	1	0
Serving a replevin,	0	1	6
Release of a felon,	0	1	6

besides accustomed fee for travel.

The keeper's fees, in all cases, as are accustomed.

*The Coroner's Fees.*

For the inquisition of untimely death, and of the goods of the deceased,	1	0	0
Besides allowance for travel;			
And where <i>no goods</i> from the country,	0	13	4

## OFFICERS FOR THE SEVERAL COURTS.

*For Suffolk.*Mr. Daniel Allin, Mr. Thomas Dudley, *Clerks.*Mr. John Winchcombe, Mr. Nathaniel Page, *Marshals.*Mr. John Blake, *Coroner.**For Middlesex.*Capt. Laurence Hammond, *Clerk.*Mr. John Green, *Marshal.*Mr. Samuel Gookin, *Coroner.**For Essex.*Mr. Stephen Sewal, *Clerk.*Lieut. Jeremiah Neal, *Marshal.*Mr. Samuel Gardiner, *Coroner.*

*For Hampshire.*

Mr. John Holiok, Mr. Samuel Patrick, *Clerks.*

Mr. Samuel Marshfield, *Marshal.*

Mr. Joseph Hawley, *Coroner.*

*For the Province of New-Hampshire.*

Richard Chamberlain, Esq., *Clerk.*

Mr. Pheasant Eastwick, *Coroner.*

Who shall all be sworn to the faithful discharge of their trust.

*An Order for the Encouragement of Surveyors of Ships and Vessels, &c.*

Whereas, in the several counties and seaport towns, there have been appointed meet persons for the surveying of ships (either which are building or defective) and damnified goods,

*It is hereby declared,* That the said persons are continued in that service, and for their satisfaction shall receive, each of them, from the employers, four shillings for every survey made and returned under their hands.

*Bounds and Power of Towns, &c.*

*It is ordered and declared,* That the bounds of all townships shall be and continue as heretofore settled, and that they shall be run between town and town for time and manner as hath been formerly required and used; and that each town have the same liberty and power of choosing and instructing their selectmen, constables, and other officers for the management of their own affairs, as they have used and exercised; and all such elections to be made by the freeholders in every town.

*It is also ordered,* That all contracts, agreements and orders, regularly made in any town, respecting either their ministers or school masters, as to their maintenance, or any other person concerned for the public benefit of the town, shall remain good and valid for the whole time that they were made for, and shall accordingly be pursued, put in execution, and fulfilled. And for the future raising and defraying of all such public charges in towns as shall be needful,

*It is ordered,* That whatsoever sum or sums shall be granted by the inhabitants for that end, in any of their town meetings

regularly assembled, shall be by the selectmen first presented to two of the next justices of the peace within the same county, or to one of the members of the council therein resident, to be by him or them allowed and underwritten; which, being so obtained, the selectmen or such raters as shall be specially chosen by the town for that service, shall assess the said sums upon each particular inhabitant that is within their town (the members of his Majesty's council excepted), in due proportion to their known abilities and estates, and thereof shall make a distinct and perfect list, under their hands, setting down every man's name and particular proportion, with which list, so perfected, the selectmen shall apply themselves to one of the justices of the peace for that county, or to any member of the council who shall make his warrant thereupon, under his hand and seal, directed to the constables of each town respectively, for the speedy levying and collecting of all such assessments within a fitting time prefixed, with power of distress in case of refusal or neglect of payment by any one, as formerly; and all sums so collected shall be by the constables carefully and duly paid in, according as the selectmen shall appoint; and if any constable shall neglect to perform his duty in the premises, he shall be liable to respond all such sums as through his default shall not be collected and paid in.

And further, *It is ordered*, That whereas there are several small towns and villages by the late government put under the direction of several committees, the said committees are hereby continued in their full power until the President and Council shall take further order.

The Narragansett country, called the King's Province, having hitherto been unsettled, is not to be understood to be intended in this order, or any thing contained therein.



#### ERRATA.

- Page 55, for title "Dover and Swampscott patents," read Piscataqua settlement.
- " 136, to supply an omission in Mr. Wheelright's affidavits, see Index, name "Run-  
awit,"—note.
- " 169, 17th line from top, for Gov. "Wentworth," read Winthrop.
- " 217, 16th line from top, for pp. "225-227," read pp. 255-257.
- " 219, 20th line from top, for "Walton," read Walford.
- " 280, 9th line from bottom, for "Wm." Leverett, read John.
- " 289, 5th line from bottom, for "river," read rivers.
- " 307, 3d line from bottom, after "whole," insert Court.
- " 341, for page "441," read 341.
- " 350, 16th line from bottom, for "Tho." Leverett, read Jno.
- " 458, for Anthony "Tabor," read Talor.
- " 515, 19th line from bottom, for "Laws" of Trade, read Lords.



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\* To the affidavit of Wheelwright, p. 136, I add the following, cited by Hon. C. E. Potter, Hist. Manchester, pp. 13, 19: "This deponent testifies, that himself with some others, who were to sit down at Exeter, did employ Edward Colcord to purchase for them, as he remembers, a certain tract of land, from Oyster River to Merrimack, of the Indians, for which they gave him ten or twelve pounds in money, and had a grant thereof signed by some Sagmons, with their marks upon it, of which Runawit was one. Sworn before the court at Hampton, ye 13 of ye 8 mo., 1663."

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† The elder Thomas Wiggan is believed to have died in 1667. If so, the references which follow must relate to "Thomas, dwelling in Swampscot," called "sen.," and a son, "jun."

‡ By error "Wentworth."

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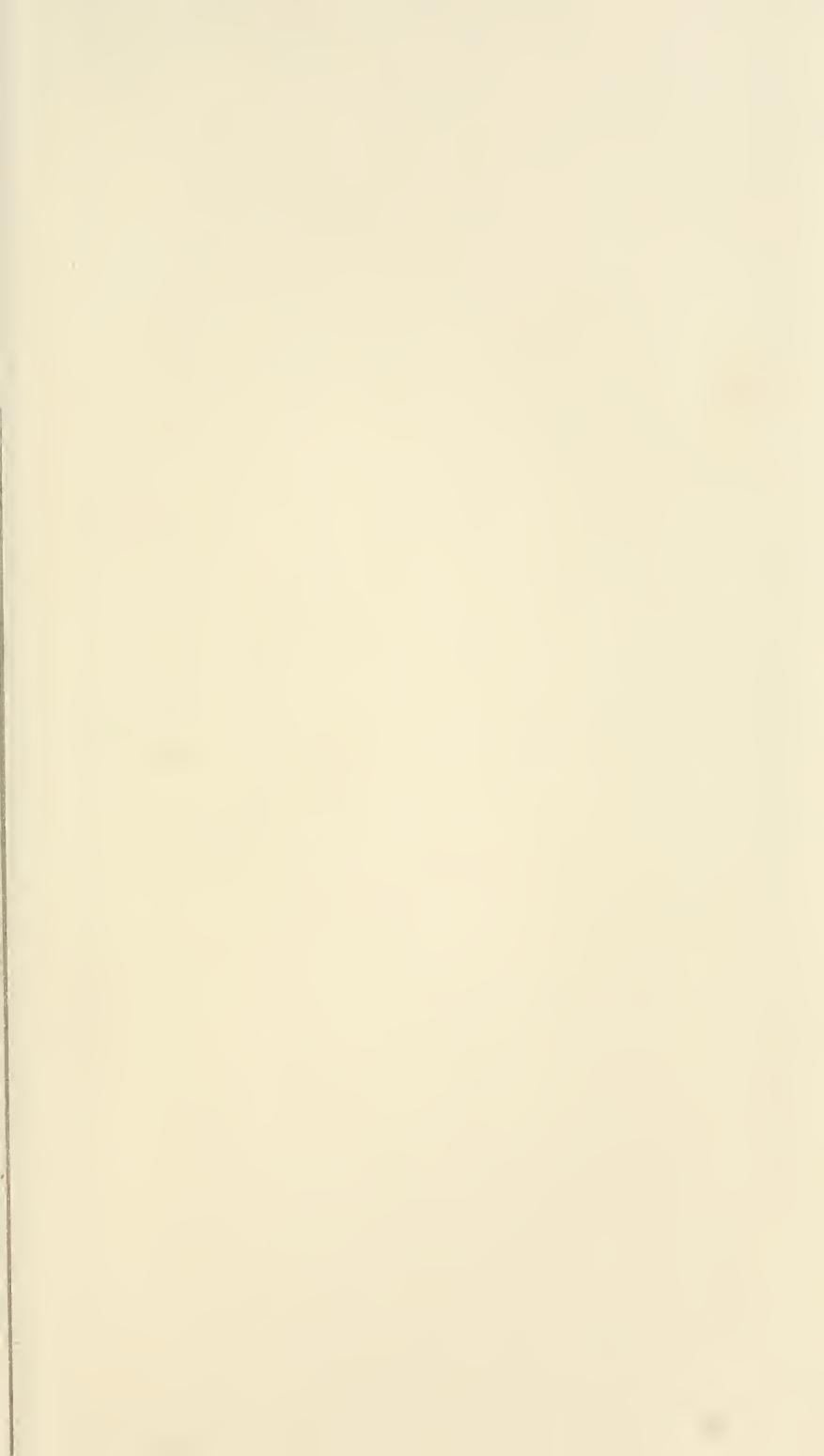
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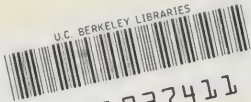
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