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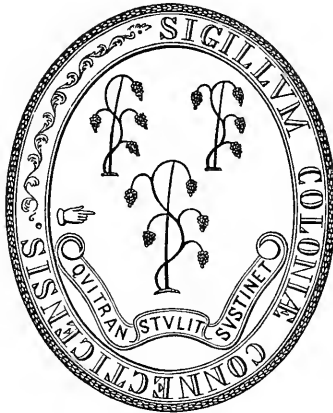
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THE
PUBLIC RECORDS
OF THE
COLONY OF CONNECTICUT,

FROM MAY, 1717, TO OCTOBER, 1725,

WITH THE COUNCIL JOURNAL FROM MAY, 1717, TO APRIL, 1726.

TRANSCRIBED AND EDITED, IN ACCORDANCE WITH A RESOLUTION OF THE
GENERAL ASSEMBLY.



BY CHARLES J. HOADLY,

LIBRARIAN OF THE STATE LIBRARY.

HARTFORD:

PRESS OF CASE, LOCKWOOD & BRAINARD.

1872.

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PREFACE.

THIS volume, the sixth of the series, continues the publication of the fifth volume of the manuscript Records of the Colony of Connecticut, from page 66 to page 514, inclusive, embracing the period between May 1717 and the close of the October session of the General Assembly in 1725. It contains also the record of the acts of the Governor and Council from May 1717 to April 1726, as comprised within pages 96 to 259, inclusive, of a book containing those records from 1712-3 to 1727-8.

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Conn. Hist. Soc.

The Seal represented on the title page is the new stamp which the Governor and Council ordered to be made October 25th, 1711.* The legend around the circumference reads, *Sigillum Coloniae Connecticutensis*, instead of *Connecticutensis*. In October 1747, the General Assembly ordered the inscription to be corrected: but it was not done, the same seal continuing in use until 1784.

In compliance with directions in a letter from the Board of Trade, dated August 7th, 1719,† the General Assembly desired the Governor and Council to provide a Map of the Colony to be prepared and sent to the King.‡ John Copp, of Norwalk, was employed to make the survey of the coast and to draw the map, in which service he spent a little more than six weeks.§ The map was sent to the Board of Trade, September 14th, 1720, and received by them the 7th of February following: the draught of the letter which accompanied it, with some other correspondence on the subject, may be seen in the places indicated in the note.||

* Vol. V, 290. † *Foreign Correspondence*, I, 140. ‡ *Post*, pages 186, 196.

§ *Trade & Maritime Affairs*, I, 82. ¶ *Colonial Boundaries*, I, 212; *Foreign Correspondence*, II, 112, 113, 115.

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The map still remains in the Public Record Office in London, though much injured through age and neglect. Proposing to have it engraved to illustrate this volume, I sent for, and obtained, a tracing: but, upon receiving it, finding that the map had so little on it to shew the state of the settlement of the Colony, or its boundaries, in 1720, I abandoned the design.

The map is about six by three feet in size, and represents little more than the coast line and the Connecticut River, the Housatonic, and the Hudson. Towns or counties are not indicated. Governor Saltonstall, in his letter to the Board of Trade, speaks of the northern boundary as noted with red lines: but they are now entirely obliterated. The Colony is bounded on the east by the Narragansett Bay; while on the west, the line had not been surveyed, but was put down as being a line parallel to Hudson's River and at twenty miles distance from it.

C. J. H.

STATE LIBRARY, HARTFORD,
September 25, 1872.

THE PUBLIC RECORDS
OF THE
COLONY OF CONNECTICUT.

[VOLUME V. PAGE 66.]

CONNECTICUT
COLONY.

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS
MAJESTIES COLONY OF CONNECTICUT, IN NEW ENGLAND, ON
THURSDAY THE 9TH DAY OF MAY, IN THE THIRD YEAR OF
THE REIGN OF OUR SOVEREIGN LORD GEORGE, KING OF GREAT
BRITAIN, &C. ANNOQUE DOM. 1717.*

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq^r, Gov^r.

The Honourable Nathan Gold, Esq^r, Dep^t Gov^r.

John Hamlin, Esq ^r ,	William Pitkin, Esq ^r ,
Peter Burr, Esq ^r ,	Samuel Eells, Esq ^r ,
Mathew Allyn, Esq ^r ,	Joseph Talcott, Esq ^r , <i>Assistants.</i>
Abram Fowler, Esq ^r ,	John Sherman, Esq ^r ,
Roger Wolcott, Esq ^r ,	Jonathan Law, Esq ^r , who was chosen at this Assembly.

*Representatives or Deputies that were returned to attend at this
Assembly, are as followeth, viz:*

Col^o W^m Whiting, Capt. Aaron Cook, for Hartford.
Capt. James Rogers, Mr. John Richards, for New London.
Mr. Abram Brunson, Mr. William Minor, for Lyme.
Mr. Dan^l Cady, Mr. Sam^l Addams, for Canterbury.
Capt. Dan^l Brewster, Capt. W^m Billings, for Preston.

* The Journal of the Upper House at this session is not found.

Mr. Joseph Cary, Capt. John Fitch, for Windham.
 Capt. Thomas Williams, Mr. Joshua Whitney, for Plainfield.
 Capt. James Wadsworth, Mr. Caleb Seward, for Durham.
 Capt. Richard Bushnell, Mr. Solomon Tracy, for Norwich.
 Capt. Joseph Doolittle, Mr. Thomas Curtice, for Wallingsford.
 Mr. Caleb Knapp, Mr. Thomas Marshall, for Greenwich.
 Capt. Sam^l Tompson, Mr. Nath^l Yale, for New Haven.
 Major John Burr, Capt. Joseph Wakeman, for Fairfield.
 Capt. Manasseh Minor, Mr. William Gallop, for Stonington.
 Mr. Joseph Rockwell, Mr. Samuel Hall, for Midletown.
 Mr. John Wadsworth, Mr. Anthony Judd, for Farmington.
 Capt. Nath^l Harrisson, Mr. Edward Barker, for Brandford.
 Mr. John Elliott, Mr. Henry Wolcott, for Windsor.
 Mr. Francis Barnham, Mr. [Abraham] Wildman, for Danbury.
 Col^o Ebenezer Johnson, Mr. John Riggs, for Derby.
 Mr. Samuel Clark, for Milford.*
 Mr. Samuel Hide, for Lebanon.
 [67] Mr. John Lane, Mr. Josiah Stevens, for Killingsworth.
 Mr. Hez. Brainerd, for West Haddam.
 Mr. William Spencer, for East Haddam.
 Mr. Ambrose Tompson, Mr. John Wells, for Stratford.
 Mr. Caleb Leet, Capt. Janna Meigs, for Guilford.
 Mr. Thomas Kimberly, Mr. John Hubbard, for Glassenbury.
 Mr. Joseph Phelps, Mr. Joseph Case, for Symsbury.
 Capt. David Goodrich, Capt. Joshua Robbins, for Weathersfield.
 Mr. Jonathan Bell, Mr. John Hoyte, for Stamford.
 Major John Clark, Mr. Dan^l Buckingham, for Seybrook.
 Capt. Thomas Judd, Mr. Ephraim Warner, for Waterbury.
 Capt. James Newton, Mr. Eben^z Colman, for Colchester.
 Mr. Joseph Minor, Mr. William Preston, for Woodbury.
 Mr. William Hall, Mr. John Royce, for Mansfield.
 Mr. James Avery, Mr. James Packer, for Groton.

Capt. Richard Bushnell, Speaker, } of the House of Repre-
 Capt. James Wadsworth, Clerk, } sentatives.

This day being appointed by charter and the laws of this Colony for the election of the publick officers of this corporation, viz: Governour, Dep^t. Governour, Assistants, Treasurer and Secretary, proclamation was now made in court by order of the Governour and Company, and the freemen proceeded to give in their votes to persons chosen and appointed by the Governour and Company to receive and sort them.

The persons so chosen and appointed are John Hamlin, Esq^r, Peter Burr, Esq^r, Samuel Eells, Esq^r, Mathew Allyn, Esq^r, Joseph Talcott, Esq^r, Roger Wolcott, Esq^r, Mr. Jonathan

* Jonathan Law was also chosen a Deputy for Milford. *Civil Officers, &c. I. 189.*

Law, Capt. James Wadsworth, Capt. Aaron Cook, Mr. Henry Wolcott, Major John Burr, Capt. Janna Meigs; who were all sworn truly and faithfully to receive, sort and count the said votes. And the votes of the freemen being bro^t in, sorted and counted,

The Honourable Gurdon Saltonstall, Esq^r, was chosen Governour of this Colony for the year insuing; and the Governours oath was administred to him by the Honourable Deputy Governour.

The Honourable Nathan Gold, Esq^r. was chosen Deputy Governour of this Colony for the year insuing; and the Deputy Governour's oath was administred to him by the Honourable the Governour.

John Hamlin, Esq^r, William Pitkin, Esq^r, Joseph Curtice, Esq^r, Richard Christophers, Esq^r, Peter Burr, Esq^r, Samuel Eells, Esq^r, Mathew Allyn, Esq^r, Joseph Talcott, Esq^r, Abram Fowler, Esq^r, John Sherman, Esq^r, Roger Wolcott, Esq^r, Jonathan Law, Esq^r, were chosen Assistants for the year insuing; and the Assistant's oath was administred to the said John Hamlin, Peter Burr, Samuel Eells, Mathew Allyn, Joseph Talcott, Abram Fowler, John Sherman, Roger Wolcott, and Jonathan Law, Esq^{rs}, in the presence of this Assembly.

[68] Capt. Joseph Whiting was chosen Treasurer of this Colony for the year insuing.

Hez: Wyllys was chosen Secretary of this Colony for the year insuing, and sworn to that office and trust before this Assembly.

This Assembly appoint Peter Burr, Samuel Eells, Jonathan Law, Esq^{ts}, Major John Clark, and Major John Burr, to return the thanks of this Assembly unto the Revernd Mr. Timothy Cutlar for the great pains he took in the sermon he preached yesterday, and to desire a copy that the same may be printed.

This Assembly appoint Mathew Allyn, Esq^r, Roger Wolcott, Esq^r, Major John Burr, and Mr. John Wadsworth, to audit the Colony's accounts with the Treasurer, and to make return to this Assembly.

This Assembly do establish and confirm Mr. Benjamin Fayrweather to be Cornet of the Troop in the county of Fairfield.

This Assembly do establish and confirm Mr. John Taylor to be Quarter-Master of the Troop in the county of Fairfield.

This Assembly do establish and confirm Mr. Thomas Lee of Lyme to be Ensign of the 2d company or trainband in the town of Lyme aforesaid.

This Assembly do establish and confirm Mr. John Marsh of Hartford to be Lieutenant of the north company or trainband in the town of Hartford aforesaid, and Mr. Nath^l Stanly, Ensign of the same company.

This Assembly do establish and confirm Mr. John Dean of Groton to be Ensign of the north company or trainband in the town of Groton aforesaid.

This Assembly do establish and confirm Mr. Thomas Benedict of Norwalk to be Ensign of the north company or trainband in the town of Norwalk aforesaid.

This Assembly do establish and appoint Mr. Janna Meigs of Guilford to be Captain of the company or trainband at the village of East Guilford, in the town of Guilford aforesaid.

This Assembly do establish and confirm Mr. Thomas Crittendon of Guilford to be Lieutenant of the company or trainband at the village of East Guilford, in the town of Guilford aforesaid.

This Assembly do establish and confirm Mr. John Scranton to be Ensign of the company or trainband at the village of East Guilford, in the town of Guilford aforesaid.

[69] The printer, Mr. Timothy Green, having proposed to this Assembly his readiness to serve the publick, and that he will add a hundred copies to each publick print more than formerly without any advance of his former salary: Resolved by this Assembly, that the printer be continued in his former service for the space of four years next coming; the said printer to print four hundred copies of all publick orders in each and every of said years, and transmit them to the several county clerks in proportion according to the lists of the county; and the said printer shall have fifty pounds per year for said service for the space of said four years.

Upon consideration of the petition of the inhabitants on the north-east part of Windham, praying that they may be a distinct parish or society for the carrying on the worship of God there: This Assembly do grant the same, and order and establish that the said society within said town at the north-east part of the same shall be bounded with a line beginning at Canterbury line, to run westerly in the south line of Thomas Lassall's lot and so a direct course to Merrick's brock, and then the said brook to be the line until it intersect the present road that leads from said town to the burnt cedar swamp, and from thence a straight line to the brook that emptieth itself into Nausaug river about the middle of Six Mile meadow at the place where Mansfield line crosseth the said brook; provided that

the petitioners annually levy and pay a tax among themselves equal in proportion with what the rest of the town pay towards the support of the ministry until the said parish now granted have a settled ministry amongst themselves, which tax shall be paid in unto Capt. John Fitch, of Windham, and by his advice laid out towards providing for and support of the ministry in said new parish.

This Assembly do establish and confirm Mr. Ebenezar Steel of Farmington to be Captain of the second or north company or trainband in the town of Farmington aforesaid.

This Assembly do establish and confirm Mr. Joseph Hawley of Farmington to be Lieutenant of the second or north company or trainband in the town of Farmington aforesaid.

This Assembly do establish and confirm Mr. Isaac Cowles of Farmington to be Ensign of the second or north company or trainband in the town of Farmington aforesaid.

This Assembly do establish and confirm Mr. Timothy Porter to be Lieutenant of the first company or trainband in the town of Farmington aforesaid:

[70] This Assembly do establish and confirm Mr. John Hart of Farmington to be Ensign of the first company or trainband in the town of Farmington aforesaid.

This Assembly do establish and confirm Mr. Samuel Hall of Middletown to be Lieutenant of the company or trainband on the east side of Connecticut river, in the town of Middletown aforesaid.

This Assembly do establish and confirm Mr. Ebenezar Smith of Middletown to be Ensign of the company or trainband on the east side of Connecticut river, in the town of Middletown aforesaid.

Upon the petition of the northern farmers in Branford: This Assembly appoint Abram Fowler, Esqr, Capt. James Wadsworth, and Mr. Caleb Leet, a committee to inquire into the state of the northern farmers in Branford, respecting their ability to support the ministry amongst them; and if the said committee shall think the said farmers able to support a minister amongst themselves, then they shall endeavour a dividend line between the town parish in Branford and the said farmers: but if the committee cannot attain an agreement between the two parishes, then they shall themselves state the line and make report of what they shall do in the premises, (to be at the charge of the petitioners,) to the Assembly in October next for their approbation.

Upon the petition of some of the inhabitants of the town of

Preston respecting the place for the setting the meeting house for the north society: This Assembly do appoint that, at the charge of the petitioners, Capt. Richard Bushnell, Mr. Christopher Huntington, and Mr. Joshua Whitney, do endeavour to persuade the inhabitants in the said society to an accommodation; and in case that cant be obtained by them, they shall and are hereby impowred to determine where the said meeting house shall be placed; and what any two of them shall do in the premises it shall be conclusive.

Upon a list of four fold assessments exhibited from the listers of Symsbury: This Assembly being informed that William More and Sam^l Phelps were under great difficulty in their families by reason of sickness when they should have given in their lists, therefore: Resolved, that the said More and Phelps shall be abated the country's part of the said fourfold assessment.

[71] An Act in Addition to the Law, Title Rates, in the Paragraph respecting Peculiars.

It is provided by this Assembly and the authority thereof, That the said peculiars shall in all respects whatsoever which have reference to country and ministers rates be in the same circumstances and liable to the like assessments and power of the same officers which the towns are, where the said peculiars are by the said law ordered to be rated.

Upon the petition of John Rogers, of New London, jun., *contra* Joshua Wheelar: Resolved by this Assembly, that John Rogers the petitioner shall have the liberty of another tryal at the next superiour court at New London; provided he be at the charge thereof, and of the jury's going upon the spot, if upon the tryal any matter should fall within the province of a jury and either party should desire the jury might view the land in controversy.

Upon the petition of the town of Rye, *contra* the town of Greenwich: Resolved by this Assembly, that the bounds between them is already well settled, and that a parallel line with the line dividing between Stanford and Greenwich, beginning one quarter of a mile above the great stone lying in the path by Byram river, according to their patents given in 1696 and in 1697, and by each party rested in to this time, shall remain, be construed and understood to be a good and sufficient partition of the common lands mentioned in the return of the committee in 1673.

Resolved by this Assembly: That the lands lying within this Colony, eastward of the towns of Woodstock, Kellingly, and

Plainfield, shall be annexed and is hereby annexed to the county of New London.

Upon the request of Mr. Abram Brunson, Lieutenant of the first company in Lyme, praying that he may be discharged of that post: considering the great age of the said Lieut. Brunson, Resolved by this Assembly, that he be discharged from said post.

This Assembly do establish and confirm Mr. William Pratt of Seybrook to be Captain of the first company or trainband in the town of Seybrook aforesaid.

This Assembly do establish and confirm Mr. Nathaniel Pratt of Seybrook to be Lieutenant of the first company or trainband in the town of Seybrook aforesaid with this addition: that whereas Major John Clark by his summons, sometime in April last, required the chief officer of said company to assemble his company, which he neglected to do: Ordered, that the said Major demand of the said officer the reason of the said neglect, and if he judges them not sufficient, the Major shall report them to the Governour or commander in chief, or General Assembly, that further order may be taken therein.

[72] Upon the petition of the proprietors of Waterbury, *contra* Wallingsford: This Assembly appoint Col. Ebenezar Johnson, Mr. John Wadsworth, and Mr. Nathaniel Burnham, upon the charge of Waterbury proprietors, to go upon the spot and measure the controverted lines, and after due inquiry and search into the matter to set down stations where they shall conclude the bounds between the said towns ought to be, and make report thereof to this Assembly in October next, that the matter may be further considered by said Assembly; always provided, that the town of Wallingsford be notified when the said committee attend said work.

This Assembly do establish and confirm Mr. William Savage of Middletown to be Lieutenant of the north company or trainband in the town of Middletown aforesaid; whereof Mr. John Savage is Captain.

This Assembly do establish and confirm Mr. Joseph Rockwell of Middletown to be Captain of the north company or trainband on the south side the ferry river in the town of Middletown aforesaid.

This Assembly do establish and confirm Mr. Andrew Warner of Middletown to be Lieutenant of the north company or trainband on the south side the ferry river in the town of Middletown aforesaid.

This Assembly do establish and confirm Mr. Thomas Stow

of Middletown to be Ensign of the north company or trainband on the south side the ferry river in the town of Middletown aforesaid.

Upon consideration of the petition of the farmers inhabiting the northern parts of the town of Stratford: This Assembly do now grant to the said farmers the liberty and privilege of a parish and society by and of themselves within the said town of Stratford, for the settling, upholding and maintaining of the publick worship of God amongst them, with all such liberties, powers and privileges, as other societies and congregations in this Colony generally have and do enjoy by law; and that the bounds of the said parish or society shall be as follows, viz: to begin at the mouth of the Farr Mill river, and from thence the line to run to a Six Mile bound, near Mr. Stiles' mill, and from thence to a Six Mile bound near Thomas Beardsley's house, and from thence westward as far as Peter Burr, Esq., Capt. Joseph Wakeman, and Lieut. Richard Hubbell, upon their view of the circumstances of the land, shall think is necessary for the said parish; and that all the lands northward of the aforesaid line within the bounds of said town of [73] Stratford || shall be one entire parish until this Assembly shall see meet to divide the said lands into two distinct parishes. Provided always, that no person who is owner of any lands northward of the aforesaid line and doth not dwell there, shall or may be taxed or rated for his said lands for or towards defraying the charge of the said society.

Upon the petition of Jonathan Wells, praying that a certain parcel of land lying in the south meadow in Hartford, containing two acres, one rood, and fifteen rods, bounded east with the land of Mr. Ichabod Wells, west on the land of Thomas Wells, north with the lands of Joseph Webster, William Webster and the heirs of Nathaniel Cole, deceased, south with the land of James Bidwell, may be confirmed to said Wells by the administrator that hath been appointed by the probate upon Thomas Bidwell's estate: This Assembly having been duly certified that the said Bidwell sold the said land to said Wells, and that he paid the price thereof agreed upon, and that the said Wells was seized thereof sometime before said Bidwell's death, and also that by order of said Bidwell there was an instrument drawn for the confirmation of the premises: Resolved by this Assembly, that Richard Seymour, the said administrator, shall give and pass unto the said Wells a sufficient instrument, duly executed, confirming the said land unto said Wells, his heirs and assigns forever.

Resolved by this Assembly, Upon the desire of Mr. John

Sloss, that he shall have lent to him two hundred pounds in current bills, on sufficient security given to the treasurer of the Colony for the time being, for the space of one year, and then to be repaid to the said treasurer again, without interest.

It is ordered and enacted by this Assembly, That the brand for horses in the town of Mansfield shall be this following figure, viz: MM.

Upon the desire of the Colony treasurer, this Assembly appoint Joseph Talcott, Esq., and Capt. Hez: Wyllys to account with the said treasurer for the sums of money delivered to him upon the use of the Colony, and to give proper discharge to said treasurer for all moneys by him paid out according to law.

Upon the petition of Mathew Allyn, Esq., Mr. John Williams, Henry Wolcott, and Joseph Newbury, shewing that there was granted by this Assembly, held at Hartford, August 28th, 1661, unto Mathew Allyn, Esq., sometime of Windsor, deceased, five hundred acres of land, which has been in part taken up, and that the petitioners are descendants from the [74] said Mathew Allyn, deceased, and that the said lands || do of right belong unto them, praying that so much of the said five hundred acres granted as aforesaid may be laid out to the petitioners as remains yet unsurveyed: Ordered by this Assembly, that the surveyour for the county of Hartford survey and lay out to the above petitioners three hundred acres of land in one intire piece, of the lands belonging to this Colony, upon the charge of the petitioners.

An Act for Emitting Bills of Credit for Paying the Publick Debts of this Colony.

It is ordered and enacted by the Governour, Council and Representatives in General Court assembled, and by the authority of the same, That there be forthwith emitted a certain number of bills of credit on this Colony, from two shillings to five pounds, which in the whole shall amount to the sum of one hundred sixty-nine pounds, fifteen shillings, to be of the bills of credit drawn into the treasury by the rate Anno Dom. 1713. And William Pitkin, and Joseph Talcott, Esqrs, are hereby ordered and impowred to deliver the said bills to the value of one hundred sixty-nine pounds, fifteen shillings, to the treasurer of this Colony, taking his receipt for them.

And be it further enacted by the authority aforesaid, That the said treasurer be and is hereby ordered and impowred to issue forth and emit the said bills towards the payment of the publick debts of this Colony, and the further necessary charge thereof, according to such orders as shall be given him from time to time according to law. And the said bills shall pass

out of the treasury at the value expressed in the same equivalent to money, and shall be taken and accepted in all publick payments at the advance of twelve pence on the pound more.

And be it further enacted by the authority aforesaid, That as a fund or security for the repayment and drawing in of the said bills to the treasury again, this Assembly grants a tax or rate of one hundred and eighty pounds, to be levied on polls and all the rateable estate within this Colony, and to be paid into the treasury at or before the last day of May, 1724; which said rate shall be paid in the bills of credit of this Colony, or in money as it passeth generally current in the country at the time of payment, and in no other manner.

This Assembly do establish and confirm Mr. Joseph Marsh of Lebanon to be Lieutenant of the first company or trainband in the town of Lebanon aforesaid.

[75] This Assembly do establish and confirm Mr. Daniel Shilton of Stratford to be Lieutenant of the company or trainband at the village of the northern parts of the town of Stratford aforesaid.

This Assembly do establish and confirm Mr. Abram Worster of Stratford to be Ensign of the company or trainband at the village of the northern parts of the town of Stratford aforesaid.

An Act in Addition to the Law concerning Schools.

Resolved by this Assembly, That every society or parish within the Colony shall be obliged to keep a school, where there are seventy families in any parish, the school shall be there kept at least eleven months in a year; and where there is a less number of families not less than half the year; and the major part of the householders in any parish or society shall have full power to grant rates for the support of any such school, and choose a collector to gather said rates; and what the major part of the householders in any parish shall enact and agree to, respecting the encouragement and support of the school amongst themselves, shall be obliging to the whole parish.

Upon the petition of Mary Bate, complaining that John Bate, sen., of West Haddam, with others, did in a riotous manner, on the first day of May instant, pull down the house where she dwelt, and take away from her almost all the goods that were in the house, leaving her destitute, &c.: Upon consideration whereof, it is Resolved by this Assembly, that the county court in the county of Hartford do, as soon as may be, enquire into the wrong complained of, and do justice thereon; and that in the mean time the town of Haddam take care of

the petitioner, Mary Bate, according to the direction of the law concerning the poor of the town.

Upon the petition of Thomas Ranny, praying liberty to sell a parcel of unimproved land lying on the east side of Connecticut river in Middletown, that was given to his mother by her father Hubbard: This Assembly gives liberty to said Thomas Ranny, with his two brethren, John Ranny and Joseph Ranny, to sell the said parcel of land; and do order the produce of the same be improved for the maintenance of their mother, the widow of Thomas Ranny, deceased.

[76] Upon the application of Hannah Bate, administratrix on the estate of Samuel Bate, late of Seybrook, deceased, shewing that there is a debt of fifteen pounds, fifteen shillings, and eight pence, due to Daniel Bate, younger brother of the petitioner, on account of his part of the real estate of his father, deceased, and praying liberty and power from this Assembly to pay the said debt out of the real estate of her deceased husband, Samuel Bate: This Assembly grants the petition; always provided the petitioner shall not act in the premises without the approbation of Mr. Nathaniel Chapman, and Mr. Daniel Buckingham.

This Assembly appoint the Hon^{ble} Nathan Gold, Esq., to be Chief Judge of the Superiour Courts for the year ensuing; and John Hamlin, Esq., Richard Christophers, Esq., Samuel Eells, Esq., and Jonathan Law, Esq., are appointed Judges to assist said chief judge in holding said courts. Also it is resolved that the said court be under the same regulations this year as it was last.

This Assembly appoint Mathew Allyn, Esq., Judge of the County Courts in the county of Hartford for the ensuing year.

This Assembly appoint Thomas Hart, Esq., John Hooker, Esq., Aaron Cook, Esq., to be Justices of the Peace and Quorum for the county of Hartford.

This Assembly appoint Mr. John More, Capt. Joshua Robbins, Capt. David Goodrich, Mr. Samuel Humphreys, Capt. Thomas Ward, Capt. Thomas Judd, Capt. James Wells, Capt. Thomas Gates, Mr. Michael Tainter, Mr. Joshua Ripley, Capt. Thomas Huntington, to be Justices of the Peace for the county of Hartford.

This Assembly appoint Jonathan Law, Esq. to be Judge of the County Court in the county of New Haven for the insuing year.

This Assembly appoint Ebenezar Johnson, Esq., Joseph Treat, Esq., Abraham Bradly, Esqr., Warham Mather, Esq.,

James Wadsworth, Esq., Samuel Bishop, Esq., to be Justices of the Peace and Quorum for said county for the insuing year.

This Assembly appoint Capt. Thomas Yale, Mr. Nathaniel [77] || Harrisson, Mr. Edward Barker, Mr. James Hooker, Capt. John Hall, Capt. Andrew Ward, to be Justices of the Peace for said county in the insuing year.

This Assembly appoint Richard Christophers, Esq., to be Judge of the County Courts in the county of New London the insuing year.

This Assembly appoint Nehemiah Smith, Esq., Richard Bushnell, Esq., Daniel Taylor, Esq., Nathaniel Cheesebrough, Esq., William Clark, Esq., to be Justices of the Peace and Quorum in the county of New London the year insuing.

This Assembly appoint Mr. Samuel Buel, Mr. Abraham Peirson, Mr. Daniel Buckingham, Mr. Moses Noyes, Mr. Daniel Palmer, Capt. Thomas Williams, Capt. Daniel Brewster, Mr. John Brown, to be Justices of the Peace for the county of New London the insuing year.

This Assembly appoint Peter Burr, Esq., to be Judge of the County Courts for the county of Fairfield the ensuing year.

This Assembly appoint John Burr, Esq., James Bennet, Esq., John Edwards, Esq., James Judson, Esq., Joseph Bishop, Esq., to be Justices of the Peace and Quorum in the county of Fairfield the year insuing.

This Assembly appoint Capt. John Minor, Capt. James Olmstead, Capt. Joseph Platt, Mr. Samuel Peck, Mr. Ebenezar Mead, Capt. James Beebe, Mr. John Gregory, Mr. Richard Osborn, to be Justices of the Peace for the county of Fairfield the year insuing.

This Assembly being informed that Mr. Samuel Howard, late of Hartford, deceased, did in his life time with his brother, John Howard, sell unto William Johnson, the 39th allotment in Coventry, and since the said sale the said Johnson is deceased, leaving one daughter, and yet no lawful instrument hath been executed confirming the said land unto the said Johnson or his surviving child: Whereupon, at the prayer of Susannah Howard, executrix upon the last will and testament of the said Samuel Howard, this Assembly grant liberty and full power unto the said executrix, with said John Howard, to give and pass a deed of sale of the said 39th allotment unto the said child, confirming the same unto her and heirs and assigns forever.

This Assembly do appoint Joseph Talcott, Esq., to be Judge of the Court of Probate in the county of Hartford the year insuing.

[78] This Assembly appoint Warham Mather, Esq., to be Judge of the Court of Probate in the county of New Haven the year insuing.

This Assembly appoint Richard Christophers, Esq., to be Judge of the Court of Probate in the county of New London the year insuing.

This Assembly appoint the Hon^{ble} Nathan Gold, Esq., to be Judge of the Court of Probate in the county of Fairfield the year insuing.

Whereas this Assembly are certainly informed that Richard Christophers, Esq., will not officiate in the office of Judge of the County Court in the county of New London: It is thereupon considered and resolved, that Richard Bushnell, Esq., be Judge of the said County Court for the year insuing.

This Assembly, observing many difficulties and perplexities arising in this government by reason of many purchases of land made of Indian titles without the preceding allowance or subsequent approbation of this Assembly: which to remove,

It is hereby enacted and declared by this Assembly and the authority thereof, That all lands in this government are holden of the King of Great Britain as the lord of the fee; and that no title to any lands in this Colony can accrue by any purchase made of Indians on pretence of their being native proprietors thereof, without the allowance or approbation of this Assembly.

So it is hereby resolved, That no conveyance of native right or Indian title, without the allowance or approbation of this Assembly as aforesaid, shall be given in evidence of any man's title, or pleadable in any court.

And further it is resolved, That inasmuch as many such purchases have been made, and the persons who have so made them or those who claim under them may think they have hard measures if they may not retain some considerable proportion thereof or other lands in lieu thereof assigned to them, that John Hamlin, Esq., Mr. John Hooker, and Capt. James Wadsworth, shall be a committee, or any two of them, by such ways and means as they shall think fit, to inquire into and gain a true understanding of all the claims aforesaid and lay the true circumstances of all the said claims before the Assembly in October next, with what they may understand may be to the satisfaction of the claimers, either within the bounds of any town with the con-[79] sent of the proprietors or elsewhere within || the ungranted lands of this Colony, together with their opinion thereon, to this end that the said Assembly may settle this whole affair, and proceed to the settlement of all the undisposed lands in this Colony in such manner as shall then be deter-

mined, that all future troubles about our settlements may be avoided.*

This Assembly grant unto Mr. Speaker, for his good service this session, the sum of thirty shillings out of the publick treasury.

This Assembly grant unto Mr. James Wadsworth, for his good service in the office of a Clerk this session, the sum of twenty-five shillings out of the publick treasury.

This Assembly allow unto John Pratt and Richard Seymor, constables, for their attendance this Assembly, three shillings p^r [day] out of the publick treasury.

This Assembly grant unto the Judges of the Superiour Court, as their salary for the insuing year, one hundred and twenty pounds; and what the fees of said court shall fall short of said sum shall be advanced out of the publick treasury unto said judges.

This Assembly grant unto the Clerk of the Superiour Court four pounds, for all his services as clerk the insuing year, including drawing and sending jury writs, and posting the books, and whatsoever depends upon his office as clerk; and the said clerk may also receive the fees allowed by law that ought to be paid by controverting parties in the court unto said clerk.

This Assembly being informed that several persons at Windsor and their whole estates are left out of the lists taken in the year 1716, and the time for assessing persons being expired so that both persons and estates are like to escape from paying any tax this current year: in consideration thereof, It is resolved, that the listers of said town of Windsor do, sometime in the month of June next, demand a true list of the said persons for their polls and estates rateable by law when the list should have been given in 1716, and if the said persons shall not deliver a true list of their polls and estates rateable as aforesaid to the listers, the said listers shall assess the said persons for their polls and rateable estate to such sums as they shall adjudge they ought to have entered them on the list, and to transmit the said list or assessments to the Secretary, to be entered; and the said persons shall pay all just dues arising upon the same.

[80] Upon consideration of the matter in reference to Mr. Sloss, the Assembly are of opinion and do resolve, that the Hon^{ble} the Governour and Council proceed according to the order of this Assembly already given them to effect; and further, that the like sum of money which Mr. Sloss has by the prosecution

* The proceedings of the committee are found in *Indians*, I, 84.

in New York being deprived of, *forasmuch* [or so much]* as he shall desire and the Assembly shall be willing to lend him [be lent to him]* upon his giving good and sufficient security to repay the same again into the treasury. And further as to matters of fact two things are remarkable: first, the proceedings of the Governour and Council (if any have been) are not shewn to the committee, whence they cant say whether Mr. Sloss has attended their direction. (2dly.) Mr. Sloss did neglect to appoint any gentlemen at New York as his attorney to represent him from the last Tuesday of November, and that the judgment passed not till the 18th day of March following, which omission by seasonable care might have been avoided. William Pitkin, Jonathan Law, William Whiting, James Rogers, Committee. The Assembly agree to the opinion of the committee above.

Samuel Higley of Symsbury having produced to this Assembly authentick testimonials of the progress he hath made in the theory and practice in chirurgery and physick: Whereupon this Assembly do grant licence to said Samuel Higley to practice in both.

This Assembly do establish and confirm Mr. Moses Ventruss of Haddam to be Ensign of the company or trainband on the west side Connecticut river in Haddam aforesaid.

This Assembly do fully impower and authorize the Governour, and in his absence the Deputy Governour, with a Council consisting of as many assistants as can conveniently be called and judicious freemen, not less than five in number, to manage the publick affairs of this Colony according to charter in the intervals of the General Assembly; provided that the Governour and Council are not hereby impowred to raise money or send men out of the government.

[81] *Resolved by this Assembly*, That the business || of gospelizing the Indians be referred to the sessions of this Assembly in October next, and that the Hon^{ble} the Governour and Council in the mean time be desired to consider and draw up what they judge may be most proper and effectual for that end.

Cost allowed to the proprietors of the town of Greenwich, for their attendance at this Assembly to answer the petition of the proprietors of the town of Rye, the sum of two pounds seven shillings and sixpence. *Execution granted May 30th, 1717.*

Cost allowed to Capt. James Rogers, for his attendance at this Assembly to answer the petition of John Rogers, is two pounds seven shillings and one penny. *Execution granted May 30th, 1717.*

* Original bill. *Civil Office's, &c., I, 179.*

Cost allowed to Capt. Thomas Williams, for his attendance at this Assembly to answer the petition of Samuel Lothrop, is seventeen shillings and nine pence.

Be it enacted by this Assembly, That the Courts of Probates in this Colony shall for the year ensuing be holden by one judge and clerk in each county; and that so oft as any difficult and disputable matter shall happen before any of the said judges, such judge where it shall so happen hath hereby power to call unto his assistance any two of the justices of the quorum; and that the judges of the probate shall take but the one half of the fees allowed by law to the judges of probate.

The whole record of the several acts, grants and orders of this Assembly, as they stand entered in the pages of this book next preceed[ing] were read in the presence of both Houses, ordered to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Sec'y.

This Court is adjourned till the Governour or Deputy Governour shall see cause to call them to meet again.

[96] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, MAY 30TH, 1717.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

William Pitkin,

Joseph Talcott,

Peter Burr,

Roger Woolcott,

Mathew Allyn,

} Esq's, Assistants.

The Assembly holden on the ninth of this month having left it with this board, to prosecute the affair of turpentine of John Sloss of Fairfield, seized and condemned at New York; according to an act of this Assembly in October 13th, 1715,

It is thereupon resolved, That the papers relating to that case be prepared and sent to our agent, Jeremiah Dummer, Esq., with a letter of attorney to him signed by Mr. Sloss, enabling him to prosecute that affair in Mr. Sloss's name.

That the government be desired to take care that the said letter and papers be sent our agent, with direction that the relief desired be moved for, in such manner as he shall think most proper, and at the charge of the government.

That fifty pound sterling be on this occasion sent our agent, and that an order be drawn on the treasurer to deliver to William Pitkin, Esq., the sum of one hundred pounds; and that the said Mr. Pitkin [97] purchase therewith the sum of fifty pound sterling, or as much as he can under that sum, made payable to the Governour or his

order, who is desired to send it over to the agent by the same opportunity by which he sends the papers of this case. And that if the said fifty pounds sterling can be purchased for less, the residue be reserved in Mr. Pitkin's hands for the Colony's use.

That, in case Mr. Pitkin can't purchase a bill of exchange as above, that he deliver the said hundred pound to the Governour, who is desired, as he has been used, to procure the fifty pound sterling for the government.

Resolved, That an order be drawn on the treasurer for the sum of one hundred and eight pounds ten shillings and ten pence, for paying of William Pitkin, Joseph Talcott, John Eliot, William Whiting, and Hezekiah Wyllys, Esq's, and the executors of John Haynes, Esq., which is due to them for signing twenty thousand pounds of bills of publick credit per order of court, and according to the proportion of the allowance formerly made for the like service.

Resolved, That the Governours account of expences for the Colony, from May, 1716, to May 27th, 1717, amounting to the sum of twenty-one pound seventeen shillings, according to the particulars examined, be allowed, and that an order be drawn upon the treasurer for the payment of it accordingly, by order of the Governour and Council.

[98] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, THE 7TH OF SEPTEMBER, 1717.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Daniel Wetherell,	} Esq's.	Capt. Robert Lattimore,
Jonathan Prentis,		Mr. John Pickett.
John Plumbe,		

Whereas, the government of the Province of Massachusetts Bay have appointed Samuel Porter, Samuel Thaxter, and John Chandler, Esq's, Commissioners in behalf of that Province, to joyn with Commissioners of this Colony in running and continuing the divisional line between this Colony and the said Province, and setting up sufficient durable marks and monuments, until they shall have pas-ed five miles to the westward of Housotunnuck river:

And whereas, by an act of the Governour, Council and Representatives in General Court assembled, it has been concluded and ordered, that the said line should be run and stated according to the late agreement concerning the same, made by commissioners with full power from each government, which has accordingly been begun and carried on, till it has been brought up, due west, as far as to the westward bounds of Symsbury, in this Colony, and Westfield in that Province, and which still remains to be continued on a like due west line, till it comes to the westward bounds of this Colony:

It is thereupon hereby appointed and ordered, That William Pitkin, Mathew Allyn, Roger Woolcott, and William Whiting, Esq's, and Mr. Nathaniel Burnham, be Commissioners fully impowered in behalf of this government, they or any three of them, to joyn with the said

commissioners of the said Province, or any others fully impowered in the behalf of the said Province, and to act in that affair as aforesaid, [99] || taking for their direction therein the late agreement or agreements of the commissioners of each government, relating to the fixing, running and stating the said line, as also such further instructions as they may receive from the Governour and Council, or General Assembly of this Colony.

Instructions to William Pitkin, Mathew Allyn, Roger Woolcott, and William Whiting, Esq'srs, and Mr. Nathaniel Burnham, Commissioners for continuing and running the dividend lines between this Colony and the Province of Massachusetts, in conjunction with the Commissioners of that Province; agreed in Council.

1. You are to begin where the commissioners formerly appointed for this service ended their proceeding therein, and not to allow any variation from the grounds they concluded and went upon.

2. You are to proceed in carrying on and continuing the line due west, not only 'till you have passed five miles to the westward of Housotunnuck river, as is particularly directed the commissioners of the Massachusetts Province, but also further westward, if they will be persuaded to proceed with you, and 'till you come within twenty miles of Hudsons river, since that is the western boundary of this Colony, and puts a conclusion to the dividend line between this Colony and the Province of Massachusetts.

[82] CONNECTICUT }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN, IN HIS MAJESTIES COLONY OF CONNECTICUT IN NEW ENGLAND, ON THE 10TH DAY OF OCTOBER, IN THE FOURTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, KING OF GREAT BRITAIN, &C., ANNOQUE DOM., 1717; AND CONTINUED BY SEVERAL ADJOURNMENTS TO THE [1ST] DAY OF [NOVEMBER.]

Present at this Assembly were,

The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin, Esq.,	Mathew Allyn, Esq.,
William Pitkin, Esq.,	Joseph Talcott, Esq.,
Joseph Curtice, Esq.,	Abram Fowler, Esq.,
Richard Christophers, Esq.,	John Sherman, Esq.,
Peter Burr, Esq.,	Roger Wolcott, Esq.,
Samuel Eells, Esq.,	Jonathan Law, Esq.

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz.

Col. William Whiting, Capt. Aaron Cook, for Hartford.

Capt. James Rogers, Lt. John Richards, for New London.

Capt. John Hall, Mr. Thomas Curtice, for Wallingsford.
 Mr. John Kelsey, Mr. David Buell, for Kellingsworth.
 Mr. John Wadsworth, Mr. John Hart, for Farmington.
 Capt. David Goodrich, Mr. Elisha Williams, for Weathersfield.
 Capt. Thomas Judd, Mr. John Hopkins, for Waterbury.
 Mr. Nicholas Street, Mr. Joshua Bill, for Groton.
 Mr. Daniel Cady, Mr. Joseph Addams, for Canterbury.
 Mr. Thomas Kimberly, Mr. John Hubbard, for Glassenbury.
 Major John Clark, Lt. Daniel Buckingham, for Seybrook.
 Mr. Nathaniel Yale, Capt. Samuel Thompson, for New Haven.
 Capt. Joseph Wakeman, Mr. Richard Hubbell, for Fairfield.
 Mr. John Elliott, Mr. Henry Wolcott, for Windsor.
 Lt. Abram Brunson, Mr. Thomas Lee, for Lyme.
 Capt. John Fitch, Lt. Jonathan Crane, for Windham.
 Capt. Thomas Huntington, Mr. Thomas Storrs, for Mansfield.
 Capt. Richard Bushnell, Lt. Joseph Bacchus, for Norwich.
 Lt. James Lewis, Mr. John Porter, for Stratford.
 Capt. Andrew Ward, Mr. Caleb Leet, for Guilford.
 Mr. John Fellowes, Lt. Timothy Peirce, for Plainfield.
 Capt. Mannasseh Minor, Mr. Thomas Noyes, for Stonington.
 [83] Mr. John Freeman, Mr. John Brown, for Preston.
 Capt. William Clark, Capt. Jeremiah Fitch, for Lebanon.
 Mr. John Gregory, Mr. Richard Barnum, for Danbury.
 Mr. John Hoyt, Mr. John Stone, for Stanford.
 Capt. James Wadsworth, Mr. Samuel Fairchild, for Durham.
 Mr. John Read, Mr. Samuel Hanford, for Norwalk.
 Capt. James Newton, Mr. Ebenezer Colman, for Colchester.
 Mr. Peter Aspinwell, for Kellingly.
 Mr. Joseph Phelps, Mr. Joseph Case, for Symsbury.
 Mr. Edward Barker, Capt. Nathaniel Harrisson, for Brandford.
 Lt. Samuel Gunn, Ens: Samuel Clark, for Milford.
 Mr. Azariah Whetmore, Mr. John Sage, for Middletown.
 Mr. Joseph Minor, Mr. John Curtice, for Woodbury.
 Mr. Caleb Knapp, Mr. Joshua Reynolds, for Greenwich.
 Col. Ebenezer Johnson, Mr. John Riggs, for Derby.
 Mr. Hez: Brainerd, for West Haddam.
 Mr. William Spencer, for East Haddam.

Capt. James Wadsworth, Speaker, } of the House of Repre-
 Mr. Elisha Williams, Clerk, } sentatives.

Ordered by this Assembly, That William Pitkin and Joseph Talcott, Esq's, Major John Clark, Capt. Aaron Cook, Capt. John Hall, and Mr. Richard Hubbell, be a committee to receive of the treasurer what bills of credit of this Colony are now in his hands, which have been drawn in either by rates or by exchange, pursuant to the acts for that end made, and

that the said committee do receive such of the said bills as have been drawn in by rates, and such of them as has been drawn in by exchange, giving distinct receipts of the same; which receipt shall be the treasurers discharge for the sums so received by the said committee, and credit given him accordingly in his accounts with the Colony.

Ordered, That the treasurer be directed to attend as soon as may be the next week the said committee at New Haven with the said bills of credit so to be received by them and deliver them accordingly.

Ordered, That the said committee lay before this Assembly an account of the said bills of credit which they shall receive of the treasurer as aforesaid, to receive the further direction and order of this Assembly concerning them.

Ordered, That the said committee before they proceed in this service be sworn before the Governour and Council to a faithful discharge of the same.

This Assembly do establish and confirm Mr. Thomas Stephens of Plainfield to be Ensign of the company or trainband in the town of Plainfield aforesaid.

This Assembly do establish and confirm Mr. James Lewis of Stratford to be Captain of the second company or trainband in the town of Stratford aforesaid.

This Assembly do establish and confirm Mr. Josiah Stephens of Killingsworth to be Captain of the company or trainband in the town of Killingsworth aforesaid.

[84] Capt. Aaron Cook is dismissed by this Assembly from the committee appointed to receive the bills of credit from the treasurer, and Mr. John Wadsworth is appointed in his room.

The names of the gentlemen that by the votes of the freemen are to stand in nomination for election in May next are as followeth:

The Honourable Gurdon Saltonstall, Esq., the Honourable Nathan Gold, Esq., John Hamlin, Esq., William Pitkin, Esq., Joseph Curtice, Esq., Richard Christophers, Esq., Peter Burr, Esq., Samuel Eells, Esq., Mathew Allyn, Esq., Joseph Talcott, Esq., Abram Fowler, Esq., John Sherman, Esq., Roger Wolcott, Esq., Jonathan Law, Esq., Capt. James Wadsworth, Mr. John Hooker, Capt. Joseph Wakeman, Capt. Richard Bushnell, Mr. Warham Mather, Capt. James Rogers.

Upon the petition of Ebenezer Richardson, administrator to the estate of Nathaniel Richardson, late of Waterbury, deceased, praying for liberty to sell some lands belonging to the said Richardson, deceased, to pay a debt of £5 00s. 5d. due

from the estate of the aforesaid Richardson, deceased: This Assembly grants liberty and fully impowers said administrator to sell so much land of said estate as will be sufficient to pay the said debt of £5 00s. 5d., with the direction and advice of Capt. Thomas Judd and Lt. John Hopkins of Waterbury.

Upon the petition of Thomas Judd of Waterbury, and John Lee of Farmington, administrators to the estate of Thomas Judd of Farmington, deceased, praying for liberty to sell some lands belonging to the said Judd, deceased, to pay a debt of £9 11s. 5d. due from the estate of the aforesaid Judd, deceased: This Assembly grants liberty and fully impowers said administrators to sell so much land of said estate as will be sufficient to pay said debt of £9 11s. 5d. according to the direction of the court of probates of the county of Hartford.

This Assembly do establish and confirm Mr. John Colt of Lyme to be Lieutenant of the company or trainband in the town of Lyme aforesaid.

Resolved by this Assembly, That for the future all persons that shall be appointed to distribute any intestate estate by order of the court of probate in the several respective counties shall take the following oath: You swear by the ever living God that you will according to your best judgment and discre- [85] tion faithfully || and equally divide the estate of A. B. according to the order of court now given you: So help you God.

Whereas the law requiring listers in each town to transmit their lists respectively to the General Court in October annually. p. 300.*

Resolved, That for the future the listers in the several towns, being sworn to a faithful discharge of their work, shall return the sum total of the list unto the General Court in October annually, with a certificate from the assistant, justice of the peace or town clerk before whom the said listers were sworn, that they were sworn to a faithful discharge of their work; and said return of the sum total shall be accepted as a sufficient return of their list, any law, usage or custom to the contrary notwithstanding.

And it is hereby further enacted, That for the future every of the aforesaid listers that shall be negligent and fail of sending of the sum total as aforesaid, or the certificate as aforesaid, shall forfeit and pay to the treasury of the Colony, the sum of ten pounds, and that if no sum total of the list be returned from any town, or not with such certificate, such town shall be doomed by the Assembly, and that for the future all listers

* So in the record and in the original bill: but the page of the printed acts is 200.

shall be obliged to take the oath made and provided for fence viewers, clerks of trainbands, &c., *mutatis mutandis*.

Upon the petition of Thankfull Silliman of Fairfield, administratrix on the estate of Daniel Silliman, late of said Fairfield, deceased, showing that the moveable part of said estate is not sufficient to discharge the just debts of the said deceased: This Assembly do grant liberty to the said administratrix to sell so much land of the said Daniel Silliman, deceased, as may be sufficient to pay the sum of £51 3s. 2d. due from the estate of the deceased, with the approbation and direction of Capt. Joseph Wakeman and Mr. Samuel Gold.

An Act in Addition to an Act intituled An Act concerning Small Causes.

It is enacted by the Governour, Council and Representatives in General Court assembled, and by the authority of the same, That all causes wherein title of land is not concerned, and [86] wherein the debt, damage || or other matter doth not exceed forty shillings, shall be first brought before some assistant or justice of the peace, and not at the county court; any law, usage or custom to the contrary notwithstanding. And that upon the tryal of all such causes, wherein the debt, damage or other matter does not exceed ten shillings, there shall be no appeal allowed from the judgment. Provided that this act continue in force only for three years next coming.

A List of the estate of the several Towns in this Colony, delivered in to this Assembly as followeth, viz:

	l.	s.	d.		l.	s.	d.
Hartford,	22353	17	00	New Haven,	24141	19	00
New London,	13222	13	00	Fairfield,	20022	00	02
Weathersfield,	16173	14	02	Norwich,	14134	05	03
Stauford,	10119	05	08	Seybrook,	08992	04	11
Guilford,	15989	01	09	Greenwich,	06550	00	00
Groton,	09231	11	00	Midletown,	14050	07	00
Colchester,	06016	13	06	Glassenbury,	04347	16	00
Stonington,	10665	16	00	Windsor,	16426	19	00
Killingsworth,	04568	00	10	Derby,	03667	15	00
Norwalk,	09660	18	09	Canterbury,	03601	07	00
West Haddam,	03540	06	03	East Haddam,	05726	03	02
Mansfield,	02578	00	00	Lyme,	08634	19	06
Branford,	08742	09	00	Windham,	05524	10	02
Farmington,	11374	17	01	Durham,	03948	14	00
Wallingsford,	10742	02	06	Stratford,	17073	08	05½
Killingly,	02026	00	00	Waterbury,	02414	10	00
Plainfield,	03386	10	00	Danbury,	04522	06	06
Woodbury,	05500	19	00	Preston,	05916	16	00
Milford,	16809	11	10	Lebanon,	08467	10	06
Symsbury,	06043	00	00				

An Act in Addition to an Act concerning Free Trade.

Whereas by an act of this government intituled An Act concerning Free Trade, it is enacted by the Governour, Council and Representatives in General Court assembled, and by the authority of the same, that all persons that come to trade in this Colony that are not inhabitants, before sale of any goods by them brought or imported into any town, shall pay [87] twelve shillings and six pence per cent. || for every hundred pounds worth of goods brought by them to trade according to the invoice thereof made, where they were last bought and exported, and so proportionably for all greater and lesser quantities.

It is now further enacted by the authority aforesaid, That for the future all such persons, coming to trade as aforesaid, shall give oath before the assistant or justice to whom they are by said act to present their invoice, that the invoice so presented is a true invoice of all the goods then imported by them and of the cost thereof, at the place where they were last bought and exported, and shall then pay to the said assistant or justice the aforesaid duty or impost, under the penalty of the forfeiture of all such goods as in the said act is provided. And all assistants or justices of the peace, receiving the duty of goods imported as aforesaid, shall give a certificate thereof to the person importing the same, who shall be obliged to shew the said certificate to any other assistant or justice of the peace that may question whether he hath complied with this act; and if he refuse to shew the same, he shall be liable to pay all charges that may arise upon any information and prosecution against him for not complying therewith.

Upon the petition, Abram Waterus, jun., of Seybrook, administrator on the estate of Capt. John Prentts, late of New London, deceased, shewing that the said estate is insolvent and insufficient to answer the debts due therefrom: This Assembly do grant power to the said administrator to make sale of so much of the land of the said deceased as may be necessary to pay the debts due from the estate of the deceased, with the direction and approbation of the court of probate in the county of New London.

Be it enacted by the Governour, Council and Representatives in General Court assembled, and by the authority of the same, That from and after the last day of December next, every hawker, pedlar, petty chapman, or other trading person, going from town to town travelling either on foot, or with horse or horses, carrying to sell any goods, wares or merchandises, shall in the first town into which they shall enter within this Colony, before they expose any goods to sale, go to some

assistant or justice of the peace, and present, and make oath unto a true and full invoice of all their goods, wares or merchandise, and shall pay unto the said assistant or justice of the peace after the rate of twenty shillings for every hundred [88] pounds worth of goods, whether in greater || or lesser quantities, (one fifth part of which shall be to said assistant, or justice of the peace, for their trouble, and the remaining part shall by the said assistant or justice of the peace be paid into the publick treasury,) upon which such person may have a certificate thereof, from under the hand of such assistant or justice; which certificate the person or persons shall be obliged to shew to any person, that shall demand a sight of it, and his refusal to shew it, shall be warrant sufficient for any person or persons, to inform against and prosecute such offender, and all charges of such prosecution to be born by such person or persons that shall refuse as aforesaid to shew his or their certificate. And if any person as aforesaid shall presume to expose to sale any such goods, wares, as aforesaid, without certificate first had and obtained, from some assistant or justice as aforesaid, all such goods as shall be so found in the hands of such pedlar, petty chapman, &c., shall be forfeited, one moiety thereof to be to his Majesty, to and for the support of this his Majesty's Colony, to be paid into the publick treasury, and the other moiety to such person or persons, that shall inform of, and prosecute to effect any such offender.

Resolved by this Assembly, That after the rising of this court all swine, that are in any of the towns west of Stratford river and east of the west bounds of this government, shall have liberty to go at large in any part of the aforesaid bounds, and shall not be adjudged damage feasant, nor liable to be impounded, except said swine are found in some common field or particular inclosure sufficiently fenced; any law, usage or custom to the contrary notwithstanding. Always provided, that this law have force but two years.

Resolved by this Assembly, That for the future all horses or cattle that are impounded out of any particular inclosure and the owner not known, such horse, horse-kind or creatures, shall be cried by the constable in that town where such creature is impounded, and the constables of the two next towns, with the age and colour of said horse or creature, and all his marks natural and artificial; and if no owner appear within twenty days, after the setting up said cries, and the fence about the inclosure out of which said horse or creature was impounded, do well pass the view, and found to be sufficient by two fence viewers under oath, then said horse or horse-kind

[89] or creature || may be sold, and the overplus returned, as by law already expressed. Always provided, that every person owning any of the aforesaid horses or creatures, and coming within twenty days, shall be obliged to pay for the viewing of said fence and other damages, which by law is due. And all horses taken up as aforesaid shall be cried in the town where the brand belongs, that is upon such horse; provided, said brand belong to any town in this Colony.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all proprietors fields now settled, reputed or used as common fields, shall be deemed legally stated, till by the vote of the major part of the said proprietors, collected according to law, it shall be otherwise determined.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future, the respective proprietors of any common fields shall have full power to choose a clerk, and hereby sufficient power is granted to them to choose a clerk, to enter all the acts and votes of the said proprietors, relating to the good management of the said common fields, which clerk shall be sworn to a faithful discharge of his office.

This Assembly do establish and confirm Mr. William Harriſs of Midleton to be Captain of the south company or trainband in the town of Midletown aforesaid.

This Assembly do establish and confirm Mr. James Tappin of Midletown to be Lieutenant of the south company or trainband in the town of Midletown aforesaid.

Upon consideration of the petition of Sarah Peck of Lyme, showing that her husband, Joseph Peck, is *non compos mentis*, whereby he is incapable to manage his own estate or to empower any person legally to represent him: This Assembly do empower the said Sarah Peck, and Samuel Peck, and Joseph Peck, sons to the said Joseph Peck, to be attorneys to the said Joseph Peck, and to substitute others under them, in his name and stead, to sue for, implead, prosecute and defend, any [90] cause, action or matter respecting the estate || of the said Joseph Peck, against any person or persons whatsoever, as fully as the said Joseph Peck might or could have done, if of sound mind, and that in all tryals the book of the said Joseph Peck shall be received to be as good evidence as if the said Joseph Peck was dead.

Upon the petition of Edward Hinman of Stratford, praying liberty and a commission to make molasses of Indian corn stalks, in the county of Fairfield: This Assembly grant the

liberty prayed for to the petitioner within the county of Fairfield, and that if any person or persons within said county shall, within the space of ten years next coming, presume to set up any works for the making molasses of corn stalks, without the allowance of the said Edward Hinman, shall pay and forfeit unto the said Hinman the sum of five pounds a month; always provided the said Hinman make as good molasses and as cheap as comes from the West Indies.

Upon the petition of David Sherman and John Andruss of Fairfield, guardians for the children of Benajah Strong, late of said Fairfield, deceased, and Sarah Strong, widow and relict of said Benajah Strong, shewing that said Strong left a house and about half an acre of land, valued at ninety-five pounds in his inventory, which might be sold much for the advantage of said widow and children: This Assembly considering the circumstances of the said estate, and that the children are small, do grant liberty and full power to the said guardians and widow to sell the said house and land at their discretion, for the best benefit of said widow and children, and that the said guardians shall lay out the money they shall receive for the children's part of said house and land, in other land for the said children; each of said guardians to take a deed or deeds for the land they shall so purchase, in the name of the child they are guardians for; and that the widow shall only have the use of a third part of what said house and lot shall be sold for, during her natural life, she first giving good security to the guardians of the minors that the said third part shall be equally distributed at her decease unto the said children or their heirs.

Mr. John Whiting of Hartford is by this Assembly appointed to be Treasurer of this Colony, and accordingly sworn.*

This Assembly grant to Richard Barnham of Danbury the sum of forty shillings to be paid him out of the publick treasury.

[91] An Act against Poligamy and Unchastity.

Whereas the violation of the marriage covenant is contrary to the command of God, and destructive to the peace of families,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,

* Capt. Joseph Whiting, the late Treasurer, was born in Hartford, Oct. 2, 1645. He was first elected to the office of Treasurer in May, 1678, and held the office till his death, which occurred at New Haven while attending at this session, suddenly, on or about October 19th. John Whiting, his son and successor, was born in Hartford, Dec. 15th, 1693. In the Lower House at this time he received 39 out of 63 votes, and he was annually re-elected Treasurer by the freemen till May, 1749, inclusive, when he declined longer to serve.

That if any person or persons in this Colony, being married, or who shall hereafter marry, do at any time presume to marry any other person, the former husband or wife being alive, or shall continue to live together so married, that then every such offender shall suffer, and be punished as in case of adultery, and such marriage shall be and is hereby declared to be null and void, to be heard and tried in the county where such person or persons are apprehended.

Always provided, That this act, or any thing therein contained, shall not extend to any person or persons whose husband or wife shall be continually remaining beyond the seas by the space of seven years together, or whose husband or wife shall absent him or herself, the one from the other, by the space of seven years together, in any part within his Majesty's dominions or elsewhere, the one of them not knowing the other to be living within that time.

Provided also, That this act, or any thing therein contained, shall not extend to any person or persons whose husband or wife has lately, or shall hereafter go to sea, in any ship or other vessel bound from one port to another, where the passage is usually made in three months time, and such ship or other vessel has not been or shall not be heard of within the space of three full years next after their putting to sea, from such port, or shall only be heard of under such circumstances as may rather confirm the opinion commonly received of the whole company's being utterly lost, but every such case, the matter being laid before the superiour court, and made to appear, the person whose husband or wife is in this manner parted from her or him, may be esteemed single and unmarried, and upon such declaration thereof, [and] liberty obtained from the said superiour court, may lawfully marry again, any law, usage or custom to the contrary notwithstanding.

Provided also, That this act, or any thing therein contained, shall not extend to any person or persons that are or shall be, at the time of such marriage, divorced by any sentence had, or hereafter to be had, as the law of this Colony has in that case provided, or to any person or persons where the former marriage has been, or hereafter shall be by such sentence had, declared to be void, and of no effect, nor to any person or persons for or by reason of any former marriage had or made, or hereafter to be had or made, within the age of consent, that is to say, the man fourteen years of age, the woman twelve.

And it is further enacted by the authority aforesaid, That if [92] any man be found in bed || with another man's wife, the man and woman so offending, being thereof convicted, shall be severely whipt, not exceeding thirty stripes; unless it ap-

pear upon tryal that one party was surprized, and did not consent, which shall excuse such party from the punishment.*

Upon the petition of Capt. Joseph Whiting, administrator on the estate of John Whiting, late of Hartford, deceased, shewing that the debts due from the estate of the deceased surmounts both the real and personal estate of the said deceased, praying that the real part thereof might be confirmed to him : This Assembly do establish and confirm the whole of the real estate of the above mentioned deceased John Whiting on the petitioner, he paying all the debts due from the said estate.

An Act in Addition to an Act intituled An Act for the better Preservation and Increase of Deer within this Colony.

Whereas in an act intituled An Act for the better preservation and increase of deer within this Colony it is provided, that if any venison, skin or skins of any buck, doe, or fawn, newly killed, shall at any time within the months wherein the killing any buck, doe or fawn, are by said act prohibited, be found with or in the possession of any person or persons whatsoever, such person or persons shall be held and accounted guilty of killing deer contrary to the intent of the said act, as fully as if it was proved against such persons by sufficient witnesses *viva voce*, unless such person or persons do bring forth or make proof who was the person or persons that sold or killed the same.

It is now enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if the said person or persons, in whose possession any venison, skin or skins of any buck, doe or fawn, newly killed as aforesaid, shall be found, can satisfy the judge before whom the case is tried, that he or they were not the killers, but that the said venison, skin or skins, were thrust into his or their custody or possession by some other person to ensnare him or them, that then they shall not incur the penalty of said [93] act ; and it shall and may be lawful for any person || on just cause of suspicion of the breach of the said act, by killing any buck, doe or fawn as aforesaid, to take out a search, from the next assistant or justice of the peace, as in ordinary cases of lost goods or the like, to search for such venison or skins. And the grand jury men and constables in the respective towns are hereby strictly required to make diligent enquiry after and make presentment of or information against any breaches of the said act.

And it is further enacted by the authority aforesaid, That if

* This section was copied from an Act passed in Massachusetts, in June, 1694. *Acts and Resolves of the Province of the Massachusetts Bay*, I. 171.

any person whatsoever shall presume to kill deer contrary to the act aforesaid, he shall be adjudged guilty of first, second or third offence, according to the number of deer so killed by him, although killed in one day, or at one place, or before presentation of the first offence had; any former law, usage or custom to the contrary notwithstanding.

This Assembly do order and appoint Thomas Kimberly, surveyor of lands in the county of Hartford, to survey and lay out three hundred acres of land, in the ungranted lands of this Colony, to Mr. Josiah Wolcott of Salem, Mathew Allyn, Esq., the heirs of Sarah Wolcott, alias Chauncey, sometime of Stratfield, deceased, John Wolcott, Charles Wolcott, and Samuel Wolcott, all heirs of Henry Wolcott, late of Windsor, Esq., deceased, pursuant to a grant of so much land made by this Assembly, October 14th, 1669, to the said Henry Wolcott, deceased.

This Assembly having granted in May last, to the farmers inhabiting the northern parts of the town of Stratford, the liberty and privilege of a parish and society, by and of themselves, for the settling, upholding and maintaining the publick worship of God amongst them, with all such liberties, powers and privileges as other societies and congregations in this Colony generally have and do enjoy by law: Upon consideration of the petition of the said farmers now presented, praying they may be enabled, by allowing them their country rates for four years, to pay parish charges: This Assembly grant that the inhabitants of said parish shall be and are hereby discharged from paying country rates during the time of four years next; provided they pay the like sums as their country rates shall amount to, unto Mr. Benjamin Curtice and Mr. Daniel Shilton of Stratford, to be disposed of towards the promoting and settling the publick worship of God within the said parish; and that the said parish be called and known by the name of Repton.

[94] This Assembly doth now order and appoint William Pitkin and Joseph Talcott, Esq's, with the rest of the committee appointed at the first opening of this Assembly for the receiving of the treasurer what bills of credit of this Colony were then in his hands and drawn in, either by rates or exchange, to consume and burn the said bills so drawn in, (except the sum of £651 4s. 0d., which this Assembly has since revived and emitted,) and also give the said treasurer a receipt or acquittance for half the sum of the bills that were found in his hands counterfeited and taken off false plates; and the said committee are to take an exact account of what num-

ber of the said bills which shall by them be so consumed, and lay the same before this Assembly.

A Question being put, whether under the present circumstances of the affairs of the collegiate school, the reverend trustees be advised to proceed in that affair and finish the house they have built in New Haven for the entertainment of the scholars belonging to the collegiate school: Resolved in the affirmative.*

An Act to prevent Damage by Counterfeiting the
Bills of Credit.

Whereas by one act made and passed in the General Assembly holden at Hartford, May the 14th, 1713, the treasurer was impowred, at any time within one year and a half after the said 14th of May, 1713, to receive any of the bills of credit of this Colony bearing date July the 12th, 1709 only, and give in exchange for them the bills of credit of this Colony bearing the additional date of May, 1713; and whereas by one other act made and passed in the General Assembly, holden at New Haven the 14th day of October, in the year 1714, the said treasurer was further impowred to make the exchange aforesaid until the first day of June, in the year 1715, and no longer; by which means it was hoped that the said bills of credit bearing date the 12th day of July, 1709 only, which have been imitated by several false and counterfeit bills to the damage of divers persons, might be drawn in, and all such [95] frauds for the future prevented; and whereas, notwithstanding || the provision made as aforesaid, for the drawing in the said bills of credit by exchange, several persons have been negligent to bring them in, and have them exchanged as aforesaid, by which means opportunity has been given to evil-minded persons, to practice the said cheats and forgeries by false plates and otherwise, which has proved and may still prove a great damage: for the prevention whereof,

* This passed in the Lower House in the affirmative by 36 voices. Two days previously the representatives had resolved to settle the college at Middletown, by a vote of 35 for that place to 32 for New Haven. At the session of May, 1717, they had voted that it might be most for the public good and the health of the collegiate school, to have it settled in some place at or near the Connecticut river. In May, 1718, the House "considering the great dissatisfaction of the country in general, do conclude, that in order to [the college] flourishing and having the support of this government, it must be settled somewhere near Connecticut river, and that for the present and until it be so settled, the hundred pounds granted to the tutors shall be divided between the tutors at Wethersfield, Saybrook, and New Haven, according to the proportion of scholars under their tuition; and that it be recommended to the reverend trustees, that the commencements be interchangeably one year at Wethersfield and one at New Haven, till it be further settled to the satisfaction of the Assembly." This was passed by 35 voices against 21 voices. *Journals, L. H. 1717-1718.*

The journals shew that the affair of the location of the college took up much of the time of the Assembly for several sessions, and that there was much feeling with regard to it. The earliest reference to the use of the *previous question* in our House of Representatives occurs in connection with the debates on the subject. *Journal of the Upper House, October 30th, 1717.*

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the treasurer be, and he is hereby impowred to receive any of the said bills of credit, of the date of July the 12th, 1709 only, and give in exchange for them to their value, the said bills of credit bearing the same with the additional date of May, 1713, at any time before the 15th day of May next, and no longer.

And it is hereby further enacted, That from and after the said 15th day of May next, no creditor shall be obliged to receive in payment the said bills of credit, bearing the date of the 12th of July, 1709 only; and that a proclamation of the tenour with this act shall be published.

Whereas, pursuant to an act of the Assembly holden at Hartford the 9th day of May, in this present year, 1717, the Governour and Council have laid before this Assembly several measures for bringing the Indians in this Colony to the knowledge of the gospel, which was the avowed design of those that obtained the patent for this corporation, to hold the land and government of the Colony: Upon consideration of which measures, the Governour and Company of this his Majesties Colony in General Court assembled, desirous of pursuing in the best manner the solemn profession of our predecessors, have enacted and,

It is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and the authority of the same, That care be taken annually, by the authority of each town, to convene the Indians inhabiting in each town and acquaint them with the laws of the government for punishing such immoralities as they shall be guilty of, and make them sensible that no exemption from the penalties of such laws lies for them any more than for other his Majesties subjects.

And forasmuch as drunkenness and idleness may well be looked upon as among the strongest chains that hold them fast, in their ignorance of and prejudices against the religion of the gospel,

Be it therefore enacted by the authority aforesaid, That whosoever shall be convicted of selling any Indian strong drink [96] || by the testimony of any one witness, with other strong circumstances, or by the accusation of any Indian, (unless such accused person shall acquit himself by oath,) shall incur the penalty of twenty shillings; any assistant or justice of the peace to hear and determine the same. And in case the said person so convict shall appeal to the county court, there upon tryal had, and judgment given against the appellant, from

which no appeal shall be allowed, the said appellant shall incur a further penalty, not exceeding forty shillings, nor under twenty shillings, to be laid by the said court; and the penalties so incurred shall be one half to the prosecutor or informer, whether an Englishman or an Indian, and the other half to the treasury of the county where such person shall be convicted. And all grand jury men shall take diligent care to make presentment of any person or persons, whom they shall know, or upon good grounds have reason to suspect, have sold drink to any Indian contrary to this or any other act provided against the same.

And it is further provided, That nothing in this act shall be taken to excuse any person whatsoever, from any penalty whatsoever, which he may incur by virtue of any other law prohibiting selling of drink without licence.

And forasmuch as idleness appears to be a great obstruction to the Indians receiving the gospel of truth, and it might very much conduce to their reformation in that particular if they were, by easy and agreeable methods, brought off from their pagan manner of living, and encouraged to make settlements in convenient places, in villages after the English manner,

It is hereby resolved, That measures shall be used to form villages of the natives, wherein the several families of them should have suitable portions of land appropriated to them, so that the said portions should descend from the father to his children, the more to encourage them to apply themselves to husbandry and good diligence therein for their support.

And there being a considerable tract of land in the township of New London, which is said to be suitable, and sufficient to make such a village, and upon which there are now living the largest number of Indians that live together in any one place in our government,

Be it therefore enacted, That the judges of the superiour [97] court || or any two or more of them, (the Worshipful Mr. Christophers be excepted out of the number of the judges,*) do make a view of the said tract of land, visit the Indians living on it, take account of the number of their families and persons, of the quantity and quality of said land, with other circumstances thereof, in respect of any claims made thereto or possessions held thereon, and lay a plan of the same before the General Court for their further direction, and that they may be the better enabled to proceed in forming a village of the said Indians there, and bringing them to such

* See *post*, p. 40.

civil order, cohabitation and industry, as may facilitate the setting up of the gospel ministry among them; and that they view and make report of all the land formerly sequestered to said Indians.

An Act to emit Bills of Credit.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith emitted a certain number of bills of credit on this Colony, from two shillings to five pounds, which in the whole shall amount to the sum of twelve hundred pounds; six hundred fifty-one pounds four shillings being of the dead stock received from the treasurer by William Pitkin and Joseph Talcott, Esqrs, and Major Clark, Capt. John Hall, Mr. Richard Hubbell and Mr. John Wadsworth, a committee appointed by this Assembly to receive the same, which said committee are hereby ordered and impowred to deliver the said sum of six hundred fifty-one pounds four shillings to the treasurer of this Colony, taking his receipt for the same; and the remaining part of the said twelve hundred pounds, which is five hundred forty-eight pounds sixteen shillings, shall be out of the twenty thousand pounds ordered to be put into the treasury May 14th, 1713.

And it is further enacted by the authority aforesaid, That the said treasurer be and is hereby ordered and impowred to issue forth and emit the said bills, towards the payment of the publick debts of this Colony and the further necessary charges thereof, according to such orders as shall be given him from time to time according to law. And the said bills shall pass out of the treasury at the value expressed in the same equivalent to money, and shall be taken and accepted in all publick payments at the advance of twelve pence on the pound more.

And be it further enacted by the authority aforesaid, That as a fund or security for the repayment and drawing in of the [98] said bills to the treasury again, || this Assembly grants a tax or rate of twelve hundred and sixty pounds, to be levied on polls and all the rateable estate within this Colony, and to be paid into the treasury of this Colony at or before the last day of October, 1726; which said rate shall be paid in bills of credit of this Colony, or in money as it passes generally current in the country at the time of payment, and in no other manner.

An Act for the better Ordering and Regulating
Parishes or Societies, and for their Supporting
the Ministry and Schools there.

It is ordered by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,

That the settled and approved inhabitants in each respective parish or society within this Colony, shall annually meet together in December, at some time and place, according to the notice thereof to be given them at least five days before such meeting, by the committee for ordering the affairs of the society, or, for want of such committee, by the clerk of the same. And the said inhabitants thus met and convened together are hereby fully impowred by their major vote, to choose a clerk for their society and three or more discreet, able inhabitants to be a committee to order the affairs of the society for the year ensuing. And also the said inhabitants assembled as above, or the major part of them, shall have power to grant and levy such rates and taxes on the inhabitants for the advancing such sum or sums of money for the support of the ministry and school there as the law directs, and to appoint a collector or collectors for gathering thereof, who are hereby ordered and impowred to proceed in collecting the same, according to the direction of the law to collectors chosen for gathering the town and ministers rates. And in case the collector or collectors shall not perform the trust hereby committed to him or them, he or they shall be accountable for such arrearages by him or them neglected to be gathered, to the committee of such society, who are impowred to demand or distrain for the same, according to the direction of said law.

We the subscribers, being appointed by the General Assembly in May last to inspect into the state of the northern farmers in Branford, give our opinion as followeth: Considering the small number of said farmers it will be very difficult, if not impracticable, for said farmers (as things are now with [99] them) || to support the ministry amongst them: yet it is very troublesome for said farmers (especially in the winter,) to attend the publick worship in the town. Therefore it is humbly proposed that the said farmers at their own charge maintain an orthodox ministry among themselves only for four months by the year, for the space of three years next coming; and for the encouragement of said farmers, that they pay to the support of the ministry in Branford, during the said space of three years, only one third part in proportion with the inhabitants of Branford, and that at the end of the said three years the said farmers make their application to the General Assembly for their further direction. We further propose that the bounds of said farmers to whom this privilege is granted be accounted to be the same mentioned in their petition presented to the Assembly in May last, and that all persons inhabiting or that shall inhabit during said three years within

said bounds shall pay to the support of the ministry in the said farms; always provided, if the said farmers do fail of maintaining the ministry amongst themselves as abovesaid, then they shall pay to the ministry in the town as heretofore.

New Haven, October 16th, 1717. Abram Fowler, James Wadsworth, Caleb Leet.

The above report approved and established by this Assembly.

Upon application made to this Assembly by John Mixer, of Ashford, for and in behalf of the said town of Ashford, for leave to gather a church and ordain an orthodox minister amongst them: It is hereby granted to them.

An Act for Levying a Tax on Polls, &c.

Whereas by an act passed by the General Assembly of the Colony holden at Hartford May the 10th, 1711, intituled An Act for making and emitting of bills of publick credit, the sum of four thousand pounds of the said bills was emitted, which hath been since paid out of the treasury for the satisfying the debts of the Colony: And whereas the said Assembly, for the repayment and drawing in the said bills into the treasury again, by their act did grant a tax or rate of four thousand and five hundred pounds as money, to be levied on polls and all rateable estate within this Colony, within the space of nine years next ensuing the date of the said act, and so much [100] || in each of the said nine years as this Assembly shall after order and appoint,

It is now ordered and enacted by this Assembly, That for the drawing in the remaining part of said bills into the treasury of this Colony, there shall be levied, as the remaining part of said tax granted as aforesaid, the sum of two pence on the pound on the polls and all the rateable estate within this Colony, to be levied in the said bills of credit or in money as it shall generally pass in New England at the time of payment, as is provided in an act passed by the General Assembly of this Colony, holden at New Haven, August the 4th, 1710, intituled An Act in addition unto and for repealing one clause or paragraph in the law made and passed by the General Assembly of this Colony, begun and held at Hartford, May the 11th, 1710, intituled An Act for the better regulating and giving a more effectual currency to the bills of Publick Credit.

This Assembly do allow of and grant liberty unto Mr. Benjamin Hulls of Wallingsford to practice physick.

Whereas it appears very necessary that convenient houses for the sitting of the Assembly, and other courts, should be provided,

It is therefore enacted, That a quantity of the ungranted lands in this Colony shall be sold to procure the sum of fifteen hundred and fifty pounds, six hundred fifty pounds of which shall be improved towards a state house in Hartford, three hundred to be improved towards a court house in New Haven, three hundred to be improved towards a court house in New London, and three hundred to Fairfield county; and for the finishing their court house, there be one hundred for that use, and two hundred to be divided to the several townes in the county, according to their lists, for their schools.*

An Act in Addition to and Emendation of An Act made and passed at this Assembly, Octo: 14th Anno Dom: 1708, intituled An Act in Addition to and for Emendation of the Act passed in the General Assembly holden at Hartford, May the 13th, 1708, intituled An Act for Excise and Impost.

It is enacted and ordained by the Governour, Council and Representatives, in General Court assembled, and by || the authority of the same, That all masters of vessels importing any wine, rum or other liquors, specified in the said act and made liable to the payment of the duty or impost therein mentioned, shall before landing any such liquors enter them with the officer that is or shall be appointed for the receiving of such duty or impost, and give bond sufficient to the said officer to pay to him (before his departure out of the port where the said entry is made,) the several sums hereafter mentioned, that is to say: thirty shillings in current money of this Colony, for every pipe of wine, and fifty shillings like money for every hogshead of rum or other distilled liquors so imported, and *pro rata* for other cask, of any of the aforesaid liquors.

Always provided and excepting only, Such wine or liquors as shall be imported directly from the place of their making or growth, and in vessels part owned by one or more inhabitants of this Colony; in which case the said master shall pay for each pipe of wine fifteen shillings, and for each hogshead of rum or other distilled liquors the sum of twenty shillings like money, and no more, and *pro rata* for other cask of said liquors; any former law, usage or custom to the contrary notwithstanding. And this law to be in force for two years and no more.

* No provision was made for carrying this act into effect: but a bill for that purpose, which does not appear to have been acted on by either House, is found in *Civil Officers, &c.*, I. 228.

The Upper House had at first passed an act for selling ten miles square of land, to be erected into a manor, for the procuring £1,000, whereof £800 was to be applied for the erecting a fitting house for holding the Assembly and other courts in Hartford, and £200 for finishing the house for the collegiate school at New Haven. *College and Schools*, I. 200.

This Assembly do grant to Capt. John Munson, of New Haven, that in consideration he hath first been at the cost and charge to set up a waggon, to pass and transport passengers and goods between Hartford and New Haven, which may be of great benefit and advantage to the Colony in general: that he, said John Munson, shall have and enjoy to him, his executors, administrators and assigns, the sole and only privilege of transporting persons and goods between the towns aforesaid, during the space of seven years next coming; provided that it shall and may be lawful for any person to transport his own goods or any of his family in his own waggon, any thing in this grant to the contrary thereof notwithstanding. Provided also, that the said John Munson, his executors, administrators or assigns, shall annually during the term aforesaid, at least on the first Monday of every month, excepting December, January, February and March, set forth with the said waggon from New Haven, and with all convenient despatch drive up to Hartford, and thence in the same week return to New Haven, bad weather and extraordinary casualties excepted, on penalty of ten shillings each neglect. And it is further declared and enacted that whosoever shall infringe upon the said privilege, by transporting themselves or goods in any other waggon than the said John Munson's, excepting their own, shall forfeit the sum of forty shillings to the said John Munson for each infringement of this privilege, to be recovered by action of debt before any justice of the peace or assistant.*

Cost allowed to John Holly and Joseph Holly, for attendance at this Assembly to answer the petition of Daniel Holly, the sum of eighteen shillings and ten pence. *Execution granted May 20th, 1718.*

Whereas the commissioners appointed at this sessions to deliver to the treasurer £651 4s. 0d. out of the dead stock which they received of the late treasurer, by mistake burned £40 12s. 0d. of the said bills, and have delivered to the present treasurer only the sum of £610 12s. 0d., whereby the sum of bills, viz. £1200, ordered by this Assembly to be emitted for payment of debts, falls short the sum of £40 12s. 0d.: It is therefore hereby ordered, that the sum of £40 12s. 0d. shall be made up out of the bills of credit lodged in the treasury for drawing in the old bills of credit by exchange.

Ordered, That William Pitkin and Joseph Talcott, Esq's, in

* In a vote of the inhabitants of Hartford, in December, 1716, expressing their dissatisfaction at the settlement of the Collegiate School at New Haven, they speak of the latter place as "being so very remote, and the transporting any thing by water thither being so uncertain, there being but little communication between these counties [Hartford and New London] and New Haven." *Hartford Town Votes, I. 244.*

behalf of the government, receive from the executors or administrators of the late treasurer, what bills of credit on this Colony belong to the government, and give them a discharge for the same ; which bills, so received, they, the said William Pitkin and Joseph Talcott, shall deliver to the present treasurer, taking his receipt for the same.

This Assembly allow unto the Reverend Trustees sent for by this Assembly five shillings *per diem* during their attendance.

The consideration of the petition of the town of Waterbury *contra* the town of Wallingsford is referred to the session of this Assembly in May next.

The consideration of the petition of James Birchard, *contra* Phillip Pain is deferred until the session of this Assembly in May next.

The consideration of the petition of Samuel Beebe is deferred until May next.

Whereas this Assembly has not had opportunity to hear the error complained of in the petition of Lovis Lyron *contra* John [103] Edwards || particularly argued : Ordered, that the consideration thereof be referred to the Assembly in May next, which the parties are to take notice of, and prepare to offer what argument on either side they judge proper.

Resolved by this Assembly, That in lieu of one hundred and twenty pounds in pay formerly granted by this court for the encouragement of the collegiate school, and to be drawn out of the publick treasury, there shall be the sum of one hundred pounds in bills of publick credit distributed among those that have instructed the scholars belonging to the collegiate school, the year past, both at Weathersfield, New Haven and Seybrook, in proportion, according to the number of scholars taught by them.

This Assembly grant unto Mr. James Wadsworth, Speaker, for his good service this sessions, the sum of one pound ten shillings out of the publick treasury.

This Assembly grant unto Mr. Elisha Williams, Clerk, for his good service this sessions, the sum of one pound five shillings.

This Assembly grant to the constables for their attendance at this Assembly 3s. *per diem* twenty days, the sum of three pounds, and to Mr. Trobridge, for a quire of paper, the sum of two shillings out of the publick treasury.

This Assembly grant to Mr. Sage the sum of five shillings, to Capt. Minor the sum of ten shillings, to Mr. Reynolds

the sum of five shillings, for travel to carry message to the trustees.

This Assembly grant to the Honourable the Governour his salary for this current year the sum of two hundred pounds, to be drawn out of the publick treasury.

This Assembly grant to the Honourable the Deputy Governour his salary for this current year the sum of fifty pounds, to be drawn out of the publick treasury.

This Assembly grant to Hez: Wyllys, Secretary, his salary for service this current year, to be drawn out of the publick treasury, the sum of eight pounds.

The whole records of the acts of the Assembly, as they stand entered in the pages next preceding, were read in the presence of both Houses and ordered to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secretary.

This Court is adjourned till the Governour or Deputy Governour shall see cause to call them to meet again.

[100] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN, OCTOBER, 17TH, 1717.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
The Honourable Nathan Gold, Esq., Deputy Governour.

William Pittkin,	} Esq'rs, Assist'rs.	Joseph Talcot,	} Esq'rs, Assistants.
Joseph Curtis,		Abraham Fowler,	
Richard Christophers,		John Sherman,	
Peter Burr,		Roger Woolcot.	
Samuel Eells,			

An account being presented to this board by Mr. John Sloss, of four pound four shillings and nine pence, for sundry copies procured by him at New York, relating to the case about the turpentine, which is allowed, and the secretary is directed to give the said Sloss an order on the treasurer for the said sum.

Whereas there was some disbursements in New London in May last, occasioned by the coming in of two sloops fitted out of Rhoad Island to go in search of the pyrates then on our coast: It is ordered by this board, that such necessary disbursements as were at that time in behalf of the government expended, on the commanders and officers belonging to said sloops, shall be paid out of the publick treasury, the account thereof being signed and allowed according to law.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN,
NOVEMBER 2D, 1717.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

John Hamlin,	} Esq'rs, <i>Assist'nts</i> .	Samuel Eells,	} Esq'rs, <i>Assist'nts</i> .
William Pitkin,		Joseph Talcot,	
Peter Burr,		Jonathan Law,	

Ordered, That Timothy Green, printer, be paid half his salary for the current year, which began the first of May last, which half is twenty-five pounds.

[101] An account of incident charges for writing dispatches to our Agent to England, charge of carrying council books and papers to and from court, &c., which amounts to thirteen pounds ten shillings six pence, is hereby ordered to be paid by the treasurer.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON,
DECEMBER 14TH, 1717.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Jonathan Prentts,	} Esq'rs,	Christopher Christophers,
John Plumbe,		Mr. John Picket.

Upon consideration of the abstract of a certain law made and passed in the Assembly in October last, relating to the gospelizing of the Indians, and transmitted by the secretary to the press; and particularly upon consideration of the following clause therein:

Be it therefore enacted, that the judges of the superiour court, or any two or more of them (the Worshipful Mr. Christophers be excepted out of the number of the judges,) do make a view, &c., the sense whereof not being in true and proper phrase expressed,

Resolved, That the printer be directed to express the same clause in the following manner, more agreeable to the true intent of the same, and the said act, viz.

Be it therefore enacted, that Nathan Gold, Esq., John Hamlin, Esq., Samuel Eells, Esq., and Jonathan Law, Esq., judges of the superiour court, or any two or more of them, do make a view, &c.

[104] *CONNECTICUT*
COLONY.

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTIES COLONY OF CONNECTICUT, IN NEW ENGLAND, ON THURSDAY THE 8TH DAY OF MAY, IN THE FOURTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, KING OF GREAT BRITAIN, &C., ANNOQUE DOM. 1718.

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esqr, Governour.

The Honourable Nathan Gold, Esqr, Deputy Governour.

John Hamlin, Esqr,	Joseph Talcott, Esqr,	} <i>Assistants.</i>
William Pitkin, Esqr,	Abram Fowler, Esqr,	
Richard Christophers, Esqr,	John Sherman, Esqr,	
Peter Burr, Esqr,	Jonathan Law, Esqr,	
Mathew Allyn, Esqr,	James Wadsworth, Esqr,	
Samuel Eells, Esqr,		

Representatives or Deputies that were returned to attend at this Assembly, are as followeth, viz:

Col^o W^m Whiting, Capt. Aaron Cook, for Hartford.
 Capt. James Rogers, Mr. Joshua Hempsted, for New London.
 Capt. David Goodrich, Mr. Elisha Williams, for Weathersfield.
 Capt. William Clark, Lt. Samuel Hide, for Lebanon.
 Mr. Azariah Whetmor, Mr. William Savage, for Middletown.
 Mr. Samuel Marvin, Mr. John Bartlet, for Norwalk.
 Capt. Richard Bushnell, Lt. Joseph Bechus, for Norwich.
 Mr. Hez: Brainerd, for West } Haddam.
 Mr. William Spencer, for East }
 Mr. Theophilus Munson, Mr. Isaac Dickerman, for New Haven.
 Capt. Joseph Wakeman, Mr. John Edwards, for Fairfield.
 Capt. James Judson, Mr. John Tompson, for Stratford.
 Mr. John Lane, Mr. Peter Ward, for Killingsworth.
 Mr. Benjamin Howard, Mr. Thomas Storrs, for Mansfield.
 Mr. Michael Tainter, Capt. James Newton, for Colchester.
 Lt. Jonathan Crane, Mr. Joseph Crary, for Windham.
 Mr. John Elliott, Mr. Ebenezer Fitch, for Windsor.
 [105] Mr. Abraham Brunson, Mr. Reinold Marvin, for Lyme.
 Mr. Samuel Weed, Mr. Jonas Wead, for Stanford.
 Mr. Ebenezer Brown, Lt. Joseph Addams, for Canterbury.
 Col. Ebenezer Johnson, Lt. John Riggs, for Derby.
 Lt. Henry Craue, for Durham.*
 Mr. Caleb Knapp, Mr. Samuel Miles, for Greenwich.

* Capt. James Wadsworth was also elected a Deputy for Durham.

Capt. John Hall, Mr. Thomas Curtice, for Wallingsford.
 Capt. Mannasseh Minor, Lt. William Gallopp, for Stonington.
 Mr. Joseph Minor, Mr. Stephen Curtice, for Woodbury.
 Mr. Joseph Phelps, Mr. Joseph Case, for Symsbury.
 Mr. Thomas Kimberly, Mr. Samuel Smith, Jun., for Glassen-
 bury.
 Mr. John Freeman, Mr. John Ames, for Preston.
 Mr. James Avery, Mr. Nehemiah Smith, for Groton.
 Mr. Caleb Leet, Capt. Janna Meigs, for Guilford.
 Capt. Thomas Judd, Mr. John Hopkius, for Waterbury.
 Mr. Eleazar Palmer, for Kellingly.
 Capt. Nathaniel Harrison, Lt. Jonath: Howd, for Brandford.
 Mr. John Hooker, Capt. William Wadsworth, for Farmington.
 Lt. Timothy Peirce, Mr. John Fellows, for Plainfield.
 Mr. Samuel Clark, Mr. Zachariah Baldwin, for Milford.
 Mr. Nathaniel Chapman, Mr. Stephen Whiteley, for Seybrook.
 Mr. John Hooker, Speaker, } of the House of Representa-
 Mr. Elisha Williams, Clerk, } tives.

This day being appointed by charter and the laws of this
 Colony for the election of the publick officers of this corporation,
 viz: the Governour, Deputy Governour, Assistants, Treasurer
 and Secretary, proclamation being now made, the freemen pro-
 ceeded to give in their votes to persons chosen and appointed
 by the Governour, Council and Representatives, to receive and
 sort them.

The persons so chosen and appointed are John Hamblin,
 Esqr, Richard Christophers, Esq., Peter Burr, Esq., Joseph
 Talcott, Esqr, Roger Wolcott, Esqr, Jonathan Law, Esqr, Capt.
 Aaron Cook, Mr. Elisha Williams, Capt. David Goodrich,
 Capt. John Hall, Mr. John Edwards, Mr. Joshua Hempstead,
 who were all sworn truly and faithfully to view, sort and count
 the said votes. And the votes of the freemen being brought
 in, sorted and counted,

The Honourable Gurdon Saltonstall, Esqr, was chosen Gov-
 ernour for this Colony for the year insuing. The Governour's
 oath, and likewise the oath respecting trade and navigation
 required to be taken by acts of Parliament, was administred
 to him by the Honourable the Deputy Governour, in the
 presence of this Assembly.

[106] The Honourable Nathan Gold, Esqr. was chosen Deputy
 Governour for this Colony for the year insuing. And the Dep-
 uty Governour's oath was administred to him by the Honoura-
 ble the Governour, before this Assembly.

John Hamlin, Esqr, William Pitkin, Esqr, Joseph Curtice,
 Esqr, Richard Christophers, Esqr, Peter Burr, Esqr, Samuel

Eells, Esq^r, Mathew Allyn, Esq^r, Joseph Talcott, Esq^r, Abram Fowler, Esq^r, John Sherman, Esq^r, Jonathan Law, Esq^r, James Wadsworth, Esq^r, were chosen Assistants of this Colony for the year insuing, and the Assistant's oath was administered to them in court.

Mr. John Whiting was chosen Treasurer of this Colony for the year insuing.

Hez: Wyllys was chosen Secretary of this Colony for the year insuing, and accordingly sworn to that office and trust in the presence of this Assembly.

Voted, That the Deputies of the town of Canterbury return the thanks of this Assembly to the Reverend Mr. Easterbrook, for the sermon he preached to us on the day of our election on the 8th instant, and desire him to send a copy of his sermon to the Governour, that it may be printed.

This Assembly appoint Richard Christophers, Esq^r, Peter Burr, Esq^r, Mr. Samuel Clark, and Mr. Ebenezar Fitch, to audit the Colony's accounts with the Treasurer, and to make return to this Assembly.

This Assembly appoint Col. Mathew Allyn, Judge of the County Courts for the county of Hartford.

This Assembly appoint Joseph Talcott, Esq., to be Judge of the Court of Probate for the county of Hartford.

This Assembly appoint Mr. John Hooker, [and] Capt. Aaron Cook, to be Justice of Peace and Quorum for the county of Hartford.

This Assembly appoint Capt. Thomas Hart, Capt. David Goodrich, Capt. Joshua Robbins, Lt. Samuel Humphreys, Capt. Thomas Ward, Capt. Thomas Gates, Mr. Michael Tainter, Mr. Thomas Judd, and Capt. James Wells, to be Justices of the Peace for the county of Hartford.

[107] This Assembly do appoint Jonathan Law, Esq., || to be Judge of the County Courts for the county of New Haven.

This Assembly appoint Col. Ebenezar Johnson, Capt. Joseph Treat, Mr. Warham Mather, Mr. Abraham Bradly, and Mr. Samuel Bishop, to be Justices of the Peace and Quorum for the county of New Haven.

This Assembly appoint Capt. Thomas Yale, Capt. John Hall, Mr. James Hooker, Capt. Nathaniel Harrisson, Mr. Edward Barker, and Capt. Andrew Ward, to be Justices of the Peace for the county of New Haven.

This Assembly appoint Peter Burr, Esq., to be Judge of the County Courts for the county of Fairfield.

This Assembly appoint Mr. John Edwards, Capt. James Judson, Lt. James Bennitt, Capt. James Olmstead, Capt. Joseph Bishop, and Major John Burr, to be Justices of the Peace and Quorum in the county of Fairfield.

This Assembly appoint Capt. John Minor, Capt. James Beebe, sen., Capt. Joseph Platt, Mr. John Gregory, Mr. Ebenezer Mead, and Mr. Richard Osborn, to be Justices of the Peace for the county of Fairfield.

This Assembly appoint the Honourable Nathan Gold, Esq., to be Judge of the Court of Probate for the county of Fairfield.

This Assembly appoint Capt. Richard Bushnell to be Justice of the Peace and Judge of the County Courts for the county of New London.

This Assembly appoint Mr. Nehemiah Smith, Mr. Daniel Taylor, Capt. Nathaniel Cheesebrough, and Capt. William Clark, to be Justices of the Peace and Quorum for the county of New London.

This Assembly appoint Mr. Daniel Buckingham, Mr. Moses Noyes, jun., Mr. Daniel Palmer, Mr. Samuel Buell, and Mr. John Brown, to be Justices of the Peace for the county of New London.

This Assembly appoint Richard Christophers, Esq., to be Judge of the Court of Probate for the county of New London.

This Assembly appoint the Honourable Nathan Gold, Esq., to be Chief Judge of the Superiour Courts of this Colony for the year insuing.

This Assembly appoint John Hamlin, Esq., Richard Christophers, Esq., Samuel Eells, Esq., and Jonathan Law, Esq., to be Judges of the Superiour Courts of this Colony for the year insuing.

This Assembly do establish and confirm Mr. Reinald Marvin to be Captain of the first company or trainband in the town of Lyme.

This Assembly do establish and confirm Mr. Daniel Starlin of Lyme to be Ensign of the first trainband in the town of Lyme aforesaid.

[108] This Assembly do establish and confirm Mr. Joseph Kelsey of Killingsworth to be Lieutenant of the first company or trainband in the town of Killingsworth aforesaid.

This Assembly do establish and confirm Mr. Peter Ward of Killingsworth to be Ensign of the first company or trainband in the town of Killingsworth aforesaid.

This Assembly do establish and confirm Mr. Benjamin Huitt

of Stonington to be Ensign of the second company or trainband in the town of Stonington aforesaid.

This Assembly do establish and confirm Mr. Allyn Ball of New Haven to be Captain of the company or trainband at the village of East Haven, in the town of New Haven aforesaid.

This Assembly do establish and confirm Mr. Thomas Smith of New Haven to be Lieutenant of the company or trainband at the village of East Haven, in the town of New Haven aforesaid.

This Assembly do establish and confirm Mr. Theophilus Allyn of New Haven to be Ensign of the company or trainband at the village of East Haven, in the town of New Haven aforesaid.

This Assembly do establish and confirm Mr. Joseph Beach of Stratford to be Lieutenant of the north company or trainband in the town of Stratford aforesaid.

Upon consideration of the petition of the farmers inhabiting between the rivers Quinabaug and Shoutuckett on the north easterly part of the town of Norwich: This Assembly do now grant to the said farmers the liberty and privilege of a parish and society by and of themselves within the said town of Norwich, for the settling, upholding and maintaining the publick worship of God amongst them, with all such liberties, powers and privileges, as other societies and congregations in this Colony generally have and do enjoy by law; always provided, that the said farmers bear their proportionable charges in the town until they have procured an orthodox minister among them.

Ordered by this Assembly, That Mr. John Copp, surveyor for the county of Fairfield, do lay out the two hundred acres of land (granted unto Capt. John Beard, by the Assembly *Anno Dom: 1687*, unto Mr. Samuel Clark of Milford, according to the tenour of said grant made to Capt. Beard.) Provided it has not been already laid out, and it be done at the charge of the said Mr. Clark.

Liberty is by this Assembly granted to the inhabitants [109] || of that part of Norwich which is called or known by the name of the West Farms, to imbody themselves into church estate, with the approbation of the neighboring churches.

Whereas the General Assembly at their sessions at Hartford May 10th, 1716, did grant to the inhabitants of the north west part of Lebanon, called the Crank, the liberty and privilege of being a parish or society, with all such liberties, powers and privileges as other parishes in this Colony generally have and

do enjoy; and whereas the lands of said society as bounded in the act of said Assembly are part in the county of New London, and part in Hartford county, it comes since to pass that no justice of peace can give out, nor any constable execute, any writ that shall run throughout the limits of said society:

It is therefore enacted and resolved by this Assembly, That the justice or justices of the peace, and constable or constables, of the town of Lebanon shall be and are hereby impowred to perform and execute their respective offices, in all respects throughout the bounds of said parish, or society, in as full and ample manner as in any part of their respective precincts already assigned them by law; any former law, usage or custom to the contrary notwithstanding.

Upon the prayer of Edward Foster, administrator on the estate of Thomas Hill, jun., late of Hartford, deceased, that liberty may be granted him by this Assembly to sell so much land as shall be necessary for the payment of debts due from the said estate, which as is certified by the clerk of the court of probate is amounting to the sum of £39 1s. 7d. more than there is personal estate to answer: This Assembly, having considered the circumstances of the case, that there remains only a house and five roods of land, a part thereof being sold, would render the remaining part almost wholly useless, and of small value, do appoint Mr. Daniel Merrell and Mr. Obadiah Spencer, and they are hereby impowred, to make sale of the house and land to the best advantage; and after the debts are paid, the surplusage to be reserved and laid out immediately for land, for the use and benefit of the two children of the deceased, according to the direction of the court of probate in the county of Hartford; always provided, that the relict of Thomas Hill the elder, late of Hartford, deceased, be secured in her dowry or part in the said house, according to the will of her deceased husband.

This Assembly grant to Thomas Marshall of Windsor, one hundred acres of land,* to be taken up, if it may be found, so as shall not be to the prejudice of any former grant.

This Assembly do establish and confirm Mr. Samuel Meakins of Hartford to be Ensign of the company or trainband on the east side of Connecticut in the town of Hartford aforesaid. [110] Granted by this Assembly, that Robert Sanford and Sarah Bunce, of Hartford, administrators on the estate of Jonathan Bunce, late of Hartford, deceased, shall have power with the direction of the court of probate in the county of

* On account of the services of his father, Capt. Samuel Marshall, who was killed at the Narragansett Fort fight.

Hartford, to sell so much of the lands of the deceased as may produce money sufficient to pay such debts as now appears due from said estate, as the moveable part of said estate will not suffice for.

This Assembly grant unto Martin Kellogg, of Weathersfield, one hundred acres of land; provided he take it up where it shall prejudice no former grant.

Upon the petition of Salmon Treat, of Preston, representing that there was granted by this Assembly, May, 1679, to his father, James Treat, deceased, two hundred acres of land, that he procured the same to be laid out by the road, going from Glassenbury to New London, accounting the place to be free from any claim or former grant; that the said James Treat by his last will gave to the petitioner the aforesaid tract, and that the said tract now appears to be comprehended within the bounds of Colchester, and the same is allotted to particular persons of that town; praying liberty to take the same quantity of land elsewhere: Granted by this Assembly, that the petitioner, Salmon Treat, shall have liberty to lay out said two hundred acres of land where it shall not prejudice any former grant.

Upon the petition of Edward More *v.* Samuel Allyn: Resolved by this Assembly, that the petitioner shall have a tryal of his action at the superiour court to be held at Hartford in September next, and that a copy of this act shall be a sufficient notification to the said Samuel Allyn.

This Assembly grants liberty unto the inhabitants of the northeast society or parish in the town of New Haven, to imbody themselves into church estate, with the approbation of the neighbouring churches.

Upon consideration of the petition of Stephen Post, of Hebron, representing that the petitioner as a claimer of land in Hebron was ordered by an act of this Assembly to pay a tax according to what he claimed, which he hath done yearly, and that this Assembly about two years after did set off a part of the land claimed by him into a parish called the Crank, by which he is obliged to pay a double tax, contrary to the intent [111] of the acts of this Assembly; praying || for redress: Ordered by this Assembly, that what of the lands or estate of the petitioner lieth within the parish, called the Crank, shall be taxed to the said parish, and only the remaining part to Hebron.

Upon consideration of the petition of several inhabitants, now dwelling near the northwest corner of the town of Middle-

town, within one mile and half square from said corner, praying they may be released from parish charges arising within the township of Middletown and be annexed to the parish commonly known by the name of the Great Swamp: Ordered by this Assembly, that all those who inhabit or shall personally inhabit on the abovementioned mile and half square shall be freed from paying ministers rates in the town of Middletown, and shall pay rates to the Great Swamp society, so long as it shall be the pleasure of this Assembly.

Resolved by this Assembly, That Richard Christophers, Esq., be desired and impowred to make sale of a chest of drugs and surgeons instruments now in his hands belonging to the country, and return the produce thereof unto the treasurer.

This Assembly appoint William Pitkin; Major Burr, and Major Talcott, Esq's, Mr. John Edwards, and Mr. Ebenezer Fitch, to be a committee to receive the dead stock that is in [the] hands of the administrators on the estate of the late treasurer, deceased, or in the hands of the present treasurer, and to make report to the Assembly, what bills are of the old impression, and what of the new.

This Assembly do establish and confirm Mr. Samuel Clark, of Milford; to be Lieutenant of the first company or trainband in the town of Milford aforesaid.

This Assembly do establish and confirm Mr. John Woodruff, of Milford, to be Ensign of the first company or trainband in the town of Milford aforesaid.

This Assembly do establish and confirm Mr. Samuel St. John, to be Lieutenant of the company or trainband in the town of Ridgefield.

This Assembly do establish and confirm Mr. James Benidict, of Ridgefield, to be Ensign of the company or trainband in the town of Ridgefield aforesaid.

Whereas it appears to this court that Capt. Cyprian Nickols, Dea. Thomas Richards, and Sergeant James Ensign, are appointed by the town of Hartford, a committee to take the estate of Ebenezar Benton, son of Andrew Benton, late of Hartford, deceased, an impotent person, into their custody, for the support of the said Ebenezar Benton, and the said Capt. Nickols, Thomas Richards and James Ensign applied themselves to this court for power to enable some suitable person to sell the land of the said Ebenezar Benton, for his necessary support and maintenance: It appearing to the satisfaction of this court that the said Ebenezar Benton is impotent both in body and mind, do empower the said Capt. Cyprian Nickols,

Dea. Thomas Richards, and Sergeant James Ensign, to sell the lands of the said Ebenezar Benton, for his support and maintenance for the future, with the direction and allowance of the county court in the county of Hartford.

Upon consideration of the petition of Andrew Palmes, of New London, *contra* James Rogers, John Richards, and Jeremiah Chapman, selectmen of New London aforesaid: Resolved by this Assembly, that the petitioner shall have a tryal of his action at the superiour court to be held at New London in September next, and that a copy of this act shall be a sufficient notification to the selectmen mentioned in the aforesaid petition.

Upon consideration of the petition of Jonathan Jagers *v.* John Sloss, shewing that the said Sloss had recovered a judgment against the said Jagers for the sum of £2 11s. 6d., praying the same may be reversed: Resolved by this Assembly, that the said judgment be reverst, and that the said Sloss return the said sum of £2 11s. 6d. recovered by the aforesaid judgment, unto the said Jagers, and pay him his cost and damages, which is £6 19s. 1d. *Execution granted Octo. 12th, 1718.*

Upon consideration of the petition of the inhabitants of the West Farms of the town of Wallingsford: Resolved by this Assembly, that James Wadsworth, Esq., of Durham, Mr. Nathaniel Yale, and Mr. Samuel Bishop, of New Haven, be a committee to view and consider the circumstances of said farmers, as to number of persons and estates, how capable they be of being a parish, and what limits may be most suitable for said parish, and make report to this Assembly in October next.

Upon consideration of the petition of the town of Windsor *v.* the town of Hartford: Resolved by this Assembly, that James Wadsworth, Esq., and Mr. John Hooker, be a committee to view the dividant line between the said towns of Windsor and Hartford, on the east side of Connecticut River, and to endeavour by the best ways or means to find out the circumstances of said line, whether it has been orderly laid, and monuments made in the same, to be done at the charge of the petitioners, and make report of what they find to the Assembly in October next.

[113] Upon the petition of John Andrews and Sarah Andrews, administrators on the estate of John Hioll, late of Milford, deceased, shewing that the moveable estate of the deceased is not sufficient to pay the debts due therefrom, praying for liberty to sell of the real estate of the deceased, to pay the sum

of £11 11s. 6d. : This Assembly grant liberty and fully authorize the said administrators to make sale of so much of the real estate of the deceased as may be sufficient to pay the sum of £11 11s. 6d. aforesaid, according as the court of probates in the county of New Haven shall direct.

Upon consideration of the petition of William Cornwall, of Middletown, shewing that he did purchase about twelve acres of land, of Capt. John Hall as administrator on the estate of Thomas Cornwall, of aforesaid Middletown, deceased, and did pay said administrator the full sum agreed upon for said lands, but said Capt. Hall died before he could obtain a deed for securing said lands, praying this Assembly to enable Daniel Hall, son and executor to the last will of the said Capt. Hall, to make and execute a legal conveyance of said lands to him : This Assembly do authorize and fully empower the above-mentioned Daniel Hall to execute a good and lawful deed of sale unto the petitioner, William Cornwall, of the abovesaid twelve acres of land.

Whereas the General Assembly, held at Hartford, May 11th, 1699, did give liberty and full power unto Elizabeth Baldwin, of Milford, widow, to make confirmation according to law of a certain parcel of land unto the purchaser, which was sold by her husband in his life time to a neighbour of his, and for which he received a good part of the pay, and no mention made in the records of said grant that the said Elizabeth was widow of Theophilus Baldwin, of said Milford, nor that said neighbour was John Newton ; and it appearing to this court that said Elizabeth did make a deed for said land in her own name, without reference unto the said order of court, unto the widow of said Newton, which land in the settlement of said Newton's estate is set out to his son, John Newton : Now, to prevent all disputes that might hereafter arise concerning the said John Newton's title to the land, this court do grant liberty and full power to the said Elizabeth, as administrator to the said Theophilus Baldwin, to give a quit claim for the said land unto the said John Newton.

Upon consideration of the petition of the inhabitants within the parish on the north east part of Windham : It is ordered by this Assembly, that all the unimproved lands lying within the limits of said parish shall be taxed at the rate of ten shillings per hundred acres, to defray parish charges ; and that the petitioners shall be freed from paying country rates during the term of four years, for the better enabling them to support the ministry ; and also they have liberty granted of being a mili-

tary company within said parish, and to have such officers as are allowed by law.

Upon hearing the petition of the inhabitants of the south part of the town of Weathersfield, respecting the setting up a [114] school for || the education of their children: Resolved by this Assembly, that Capt. John Hamlin, Major Joseph Talcott, and Mr. Azariah Whetmore, be appointed a committee, and that they do, upon the motion of the petitioners and at their charge, repair unto the place, taking a view thereof, enquire into the circumstances of the case, especially as to the bounds or limits of the precinct, and place most proper for setting of the school house, for the best accommodation of the inhabitants, they or any two of them acting herein, and report their doings thereon to the General Court in October next.

Upon the petition of the town of Newtown *v.* proprietors of Stratford, New Milford, Newtown, and the farms in Newtown: Considered by this Assembly, on the part of Stratford, that the bounds of Stratford have been anciently settled by a committee appointed, and a return thereof made to this Assembly, accepted and recorded, therefore negatived on that part. Also considered, on the part of the proprietors of New Milford, that the plea offered of their not being legally cited is sufficient to abate the petition on that part. And upon that part of the petition that a tax may be laid upon the land in said town: Resolved by this Assembly, that a tax of one penny per acre shall be paid yearly for the term of four years by the proprietors of lands in said town. The proprietors of farms to pay at that rate for so many acres, as they have by grant, and every proprietor of a right to pay for four hundred acres, and proportionably for any part of a right, and all that have purchased any quantity of land in said town to pay according to the number of acres exprest in their deeds; all the money to be raised by this tax to be improved for building a meeting house. The selectmen of the town of New Town for the time being, annually, are impowred to collect and dispose of the money so raised by tax for the end intended by this act. And, that the said tax be duly levied and improved to the end aforesaid: Be it enacted, that whensoever and so often as any proprietor or proprietors from [whom] any part of said tax may become due shall refuse or neglect to make payment thereof, the said selectmen or any of them, may apply themselves to the next assistant or justice of the peace, who shall grant forth a writ for the levying said tax, directing the same to the sheriff or other officer proper for the executing said writ, which sheriff or other officer shall, pursuant to said writ, levy said tax, returning the same to said selectmen, taking only his just fees therefor.

Upon the memorial of Col. William Whiting, shewing that he had obtained a grant from the General Assembly of the Massachusetts Bay, *Anno Dom: 1700*, for a thousand acres of land, to be laid out in the ungranted lands within that Province, which was accordingly done, returned and accepted by [115] said Assembly: || but upon the adjustment of the line between that Province and this Colony, the said thousand acres of land fell to the southward of the said line, for which that Province allowed an equivalent, and that it is found upon a second survey of the said land there is wanting fifty acres; praying an order of this Assembly to some person to lay out the said fifty acres: Granted by this Assembly to the said Col. William Whiting, fifty acres of land, to be laid out near to the aforesaid thousand acres, if it may be found in the ungranted lands, and Mr. John Chandler, jun., of New Roxbury, is desired and impowred to lay out said lands, making return thereof under oath to this Assembly.

Upon the prayer of Jonathan Bingham, that a deed executed by Ralph Whelock, guardian to the orphans of Elisha Smith, deceased, conveying some of the land of the said deceased to him, said Bingham, may be confirmed: Resolved by this Assembly, that inasmuch as the orphans' lands are redeemed from the mortgage to Mrs. Wilson, and that the lands sold by Ralph Whelock to said Bingham have been sold without fraud, and to the full value of them at the time when they were sold, that the seller and buyer being appointed jointly to make the sale shall not prejudice the sale; and this Assembly now approve of and confirm the same unto the said Bingham, according to the tenour of his deed dated the 5th of this instant May, and now produced before this Assembly.

This Assembly, upon consideration of the petition of the inhabitants of Tolland, do resolve, that the town of Coventry shall be laid out as followeth: bounded east with Willamantick river, the south line already run to be the south line of said town; from which line to extend north six miles and twenty-two rods, and no more; the north line to be parallel with said south line, and both lines to extend so far west as to make the quantity of six miles square. The committee appointed to lay out said town, according to this act, are Mr. John Hooker, and Mr. Nathaniel Burnham, to be at the charge of the town of Tolland. This act not to be construed so as to alter any man's property.

An Act for Emitting Bills of Credit.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith emitted a certain number of bills of

credit on this Colony, from two shillings to five pounds, which in the whole shall amount to the sum of nine hundred fifty-eight pounds six shillings, the sum of thirty-eight pounds two shilling being in the hands of Major Talcott, as appears on the last audit, May 16th, 1718; seven hundred sixteen pounds seven shillings and six pence being of the dead stock received from the treasurer by William Pitkin, Peter Burr and Joseph Talcott, Esq'srs, Mr. John Edwards, Capt. Aaron Cook, Mr. Samuel Clark, and Mr. Ebenezar Fitch, a committee appointed by this Assembly to receive the same, which committee, or any two of them, are hereby ordered and impowred to deliver the said sums, amounting to seven hundred fifty four pounds nine shillings and six pence, to the treasurer of this Colony, taking his receipt for the same; and the remaining part of the said nine hundred fifty-eight pounds six shillings, which is two hundred and three pounds sixteen shillings and sixpence, shall be out [116] || of the twenty thousand pounds ordered to be put into the treasury, May, 1713. Also the said committee is hereby impowred to deliver unto the treasurer the sum of three hundred forty-one pounds fourteen shillings of bills of credit on the Province of the Massachusetts and Rhode Island, paid into the treasury, and now in the hands of Major Talcott.

And it is further enacted by the authority aforesaid, That the said treasurer be and is hereby ordered and impowred to issue forth and emit the said bills, towards the payment of the publick debts of this Colony, and the further necessary charges thereof, according to such orders as shall be given him from time to time according to law.

And the said bills shall pass out of the treasury at the value exprest in the same equivalent to money, and shall be taken and accepted in all publick payments, (excepting the sum of three hundred forty-one pounds fourteen shillings abovesaid,) at the advance of twelve pence on the pound more.

And be it further enacted, That as a fund or security for the repayment and drawing in of the said bills on this Colony into the treasury again, this Assembly grant a tax or rate of one thousand and six pounds four shillings, be levied on polls and all the rateable estate within this Colony, and to be paid into the treasury of this Colony at or before the last day of October *Anno Dom;* 1727; which said rate shall be paid in bills of credit of this Colony, or in money as it passes generally current in the country at the time of payment, and in no other manner.

Upon the petition of John Hubbard, of Middletown, against Samuel Bow, sen. of said town, complaining that a judgment

was obtained against him by the said Bow, at a superiour court holden at Hartford, upon the third Tuesday of September *Anno Dom: 1714*, for an acre and a half of land, and four pounds ten shillings and three pence cost, being fully set forth in the petition, and praying that he may have one more hearing in the next superiour court to be holden in the county: This Assembly orders that there shall be another tryal in the said case at the superiour court to be holden at Hartford upon the third Tuesday of September next, and that the whole cost of the suit shall be determined with the said tryal; and a copy of this act being seasonably left at the house of said Bow by some sworn officer, shall be a sufficient notification for the said Bow's appearance at said court.

This Assembly, being sensible that the publick charge is much increased by a multiplicity of petitions for things of less value than the charge of deciding them, and the publick affairs also thereby further obstructed: Which to prevent,

It is Resolved by this Court and the authority thereof, That [117] *for the future || no petition shall be preferred to this Assembly, wherein the value of the debt, damage, or other matter or thing about which the controversy did arise, does not exceed the sum of fifteen pounds.*

And further it is resolved, That for the tryal of each petition, shall be paid the sum of three pounds. And this law to be of force for the space of two years next, and no longer.

An Act in Addition to the Law intituled An Act concerning Petitions to the General Assembly.

This Assembly, observing that there is sometimes occasion for the preferring petitions to this Assembly, against persons out of this government, and no provision made to oblige them, at the peril of the case depending, to appear and answer, as is provided in the inferior courts, whence the process is obstructed: Wherefore it is now resolved, that upon the return of any of our officers, that they have read in their hearing, or left at the usual place of their abode, a copy of a notification under the hand of some assistant in this Colony, signifying the time and place when and where the petition is intended to be preferred, with the description of the petitioner and petitionee, as also an attested copy of the petition, then the petitioner shall have equal claim to be heard in his petition with them, who have attended the directions of the said law, with respect to persons in the government.

Resolved by this Assembly, That when and so often as the county surveyors shall be employed in the laying out of any grants of lands, or renewing any boundaries that are lost, and there be occasion for the carrying the chain to measure the

lines, that the men improved therein shall have the following oath: You A. B. and C. D., being desired to assist T. C., surveyor, in carrying the chain, do swear by the ever-living God, that you will faithfully assist the said surveyor in his service, and that you will keep a true account of all lines or measures by you taken, and the same give up to said surveyor, at his desire, according to your best skill and ability. So help you God.

Resolved by this Assembly, That whensoever any justice of the peace shall give judgment in any small cause, wherein he hath by law authority to grant execution, he shall grant forth execution, pursuant to said judgment, directing the same to the sheriff, or any of the constables that belong to the county within their respective precinct where the person liveth upon whom the execution is to be served, whether in the county where the said justice doth inhabit, or any other county in the Colony; which sheriff or constable shall faithfully levy said execution, and return the same to such justice, according to directions in the law formerly provided for the serving and returning executions; any law, custom or usage, to the contrary notwithstanding.

Upon the petition of the inhabitants of the town of Ridgefield, shewing that this Assembly, in October 9th, 1712, did grant that all the lands in said town should be taxed in proportion for four years towards the settling and maintaining [118] || the ministry there, and some of the proprietors of lands in said town are dead since said act, and left no moveable estate to pay said tax, and others removed out of said town, and no provision made in said act how the said town may recover of such the said tax; thereupon praying for power to sell so much of the lands of such deceased and removed as may be sufficient to pay what is due according to said act: It is resolved, that the collector of the taxes made in the said town of Ridgefield pursuant to the said act, shall make demand of what is due from the estate of any deceased person in the said tax of the executors or administrators of such deceased, or the guardians of the children of said deceased, and also make demand of what is due in the said tax from any person or persons that are not inhabitants in said town; and upon non-payment of such due to the said collector within one month after such demand, and the same being certified by the said collector under oath, before any assistant or justice of the peace, so much of the lands of the said deceased in said town, and of such as are not inhabitants in said town, as shall be necessary to pay their just due in said taxes and necessary charges, shall

be sold for paying the same in manner following, viz: the land of such deceased, by such person or persons as the judge of the probates in the county of Fairfield shall direct to, and the lands of such as are not inhabitants in said town, by the selectmen of said town; the said selectmen, or persons appointed by the judge of the probate, to set up a certification in writing under their hands upon the sign posts in said town, and in the town where the executors, administrators, or guardians of the children of such deceased live, and in the town where such proprietors of land in said town, (as inhabitants there,) do reside, if within this Colony, of the time and place appointed for the sale of such lands, at least twenty days before the sale thereof.

An Act in Addition to and for Explanation of an Act made and passed by the Assembly at New Haven, October 13th, 1713, for the better Regulating and Accommodating those Persons who do or shall hereafter live upon the Lands within the West Division in Weathersfield West Society, &c.

Resolved by this Assembly, That that part of Weathersfield West Society, annexed unto the Great Swamp Society, by said act, shall pay all parish charges with the said Great Swamp Society in Farmington, and they shall be free from all parish or ministerial charges in any or either parish in Weathersfield aforesaid, excepting what they or any of them are obliged to do by the first mentioned act, including as well the answering of the bond therein mentioned as their helping Weathersfield West Society, finish their meeting house.

An Act for Perfecting the Running of the Line between this Colony and the Province of New York.

Whereas, by virtue of a commission from this government [119] || bearing date May 8th, 1684, Nathan Gold, Jonathan Seleck, Daniel Sherman, John Harriman, Esq's, commissioners for this government, together with John Youngs, John Bell, Phillip Wells, Robert Vortlain,* commissioners for the Province of New York, did, on the 13th day of October, in the year aforesaid, sign to a survey, which, by consent and order of each of the governments aforesaid, they made of the line dividing between the said Colony and Province, according to an agreement made between the said governments, bearing date November 28th, 1683; whereby it appears they begun the said line at the mouth of Byram river, and carried it, as that river runs, to a great stone at the wading place, where the road cuts the said river, and thence north north-west six miles and a half, and there marked three white oak trees; and from the said trees, at eight miles distance, run a parallel line to the Sound,

* Vanquellin.

which was allowed to be east north-east, twelve miles, and further on the same course one mile and sixty-three rods, and then further on the same course, viz., east north-east, three hundred and five rods more: Whereas it remains that the said line be perfected by running a line from the last mentioned station to the south line of the Massachusetts Province, which line is to be run parallel to Hudson's River,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That William Pitkin, Jonathan Law, and Roger Wolcott, Esq's, and Capt. Joseph Wakeman, be Commissioners for and in behalf of this Colony, they or any three of them, taking with them such assistance as they shall think fit, to meet with such commissioners as are or shall be in like manner appointed for and in the behalf of the said Province of New York, and with them to proceed in carrying on the line parallel to Hudson's river, and erecting proper monuments thereon.

And it is enacted, That the said line so to be finished and completed, when it shall be perfected and finished in such manner, shall forever be and remain the dividend line between this Colony and that Province.

A List of Additional Estate returned to this Assembly to be transmitted to the Treasurer, and added to the List of Estates delivered in to this Assembly in October last.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Addition to Stanford list,	77	12	00
Fourfold assessments in Guilford, .	124	00	00
Addition to New London,	244	00	00
Addition to Lebanon,	1580	00	00
Fourfold assessments in Wallingsford,	118	10	00
Fourfold assessments in Lebanon,	507	05	00
Fourfold assessments in Windham,	365	16	00
Fourfold assessments in Killingsworth,	328	00	00
Fourfold assessments in Milford,	470	08	00
Fourfold assessments in Greenwich,	1189	00	00
Addition to Windsor,	554	00	00
Addition to Stratford list,	126	10	09
Fourfold assessments in Stratford,	85	10	00
Fourfold assessments in New London,	1644	10	00
Addition to Wallingsford,	504	10	00
Addition to Danbury,	60	00	00
Fourfold assessments in Seybrook,	608	10	00
Addition to Killingsworth,	126	17	06
Fourfold assessments in Midletown,	342	02	00

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Addition to Milford,	123	10	00
Fourfold assessments in Colchester,	730	00	00
Fourfold assessments in Farmington,	648	00	00

[120] Whereas, notwithstanding the proclamation for drawing into the treasury the bills of credit, of the date 1709, many of said bills are yet out and not yet exchanged: This Assembly therefore, for the drawing in said bills, do hereby continue and prolong the time for drawing in and exchanging said bills till the first of July next, till which time every person shall have the like liberty of exchanging said bills as they had by the proclamation put forth by this Assembly for this end in October last.

Upon the prayer of John Reymond of Norwalk, shewing that he had of late informed Peter Burr, Esq., Assistant, that a certain person named William Barker, had counterfeited a twenty shilling bill emitted by the Colony of Rhode Island, &c., and that the said Barker was prosecuted therefor and found guilty thereof: This Assembly grants unto the said Reymond twenty pounds, to be paid out of the Colony treasury, for his said information and doings respecting the premises.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the courts of probate for the several counties in this Colony, shall for the year insuing be holden by one judge and clerk in each county; and that so oft as any difficult and disputable matter shall happen before any of the said judges, such judge where it shall so happen hath hereby power to call into his assistance any two of the justices of the quorum; and that the judges of the probate shall take but the one-half of the fees allowed by law, to the judges of the probate.

Upon the complaint of Samuel Mills and Joseph Close, concerning the resistance and abuse they met with in the execution of their offices: This Assembly do order that the county court in the county of Fairfield do give proper directions for the prosecution of the persons who were concerned therein within the said county, according to law. And this Assembly do order, that Jonathan Law, Esq., be a council assigned the said Mills and Close, for their defence at the court at Westchester, in the Province of New York, against those persons who have occasioned their being obliged there to appear and answer for what shall be alleged against them by said persons, at the charge of the Colony; and that the said Mills and Close shall be allowed out of the Colony treasury, so much as their advocate shall find hath been exacted from them by the person

or persons who seized them; also their necessary expenses; also that the said Mills be now allowed seven pounds out of the treasury, and he do just the accounts in the whole affair with Mr. Law.

[121] Upon the petition of Joseph King: It is considered and resolved, that the said Joseph King, present husband to Mary King, late wife to David Jesse, formerly Mary Wilson, shall for his remedy have liberty to enter a review or appeal from a certain decree of the court of probate at Hartford, in the county of Hartford, on the 16th of February, 1707-8, determining and admitting the present defendant to be Nathaniel Wilson, who by a former determination of the same court was concluded to be dead, that the new evidences may be also heard, in order to the affirming or denying and reversing the last decree aforesaid.

This Assembly do establish and confirm Mr. Caleb Bushnell to be Captain of the troop raised in the county of New London.

This Assembly do establish and confirm Mr. Joseph Trumble Lieutenant of the troop raised in the county of New London.

This Assembly do establish and confirm Mr. John Leffingwell to be Cornet of the troop raised in the county of New London.

This Assembly do establish and confirm Mr. Benjamin Brewster to be Quartermaster of the troop raised in the county of New London.

This Assembly orders that William Pitkin, Peter Burr, and Joseph Talcott, Esq'rs, shall inspect the audit of the Colony's accounts, so far back as they judge necessary, in order to rectify some mistakes which are found or supposed to be therein, and make report to the Assembly in October next.

Upon the petition of John Merriman, requesting the opinion of the superiour court upon application made by him, said Merriman, unto said court, praying a bill of divorcement to be allowed him, for that his wife had wilfully deserted him as was by him asserted: Resolved by this Assembly, to recommend the rehearing and consideration of the case again to the honourable superiour court to be holden in New Haven, in September next, and thereupon to give judgment as it shall appear to them on the consideration of the case again.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the time for holding the county court at Hartford in November: is hereby altered from the third Tuesday to the first,

and at Fairfield from the first Tuesday of the same month to the third Tuesday.

An Act for the Preservation of Timber and preventing Trespasses relating thereunto.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whatsoever person or persons shall hereafter cut down or fell any [122] tree, || on the land which appears to be the property of any other person or persons, and hath been formerly bounded out, and the lines between corner and corner marked out or renewed within four years next before the felling of such tree, without leave first obtained from such owner or owners, under his or their hands, and be thereof convict, before any assistant or justice of the peace, by confession, evidence or otherways, shall pay to the proprietor or proprietors of the said land, for each tree or stadle under one foot over at the stub, five shillings; for each tree which is one foot and under two foot, ten shillings, and for each tree two foot over or more at the stub, twenty shillings, over and above the value of the trees so felled; to be judged by two freeholders under oath to be administred for that end before said assistant or justice, who are hereby impowred to administer the same, and give judgment and execution for the said several sums to be recovered upon any conviction had before them. And the said person who shall be so convicted hath hereby liberty granted him of an appeal to the next county court and no further tryal. Provided, that if at the said county court he shall not obtain a reversion of the judgment obtained against him, he shall be adjudged to pay to the party injured double damages and costs.

Provided always, and be it enacted, That this act, or any thing therein contained, shall in no wise alter or make void any particular agreement upon record of any town or towns in this Colony respecting their timber or wood for fuel, but that the same agreements, votes or grants of the said towns shall be in the same force and state as before the making of this act; any thing in this act to the contrary notwithstanding.

This Assembly allow that the administrators of the late treasurer shall have credit for what remains not paid nor formerly allowed by this Assembly of the rate that should have been collected by Thomas Olcott, constable of Hartford in the year 1710-11, and also for eight pounds nine shillings and six pence due from the constable of East Haven.

Upon the petition of Daniel Stocking of Midletown, praying liberty to sell a house and piece of land lying in Hartford, containing about four acres, being bounded north on the street or highway, south on the land of Paul Peck, west on the lands

of the heirs of James Steel, deceased, east with the land of John Bunce, belonging to John Stocking, an idiot or distracted person, who by the county court in the county of Hartford was committed to the care of the said Daniel Stocking: This Assembly grants liberty and full power unto the said Daniel Stocking to sell said house and land, and the money to be improved according to the direction of said county court for the support of the said distracted person, including as well the charges already arisen respecting the premises being already allowed by said county court, or any future charges that may be hereafter allowed as abovesaid.

[123] Upon the petition of Middletown: Ordered by this Assembly, that where the ancient bounds of any lots, formerly laid out in said town of Middletown, are to be found, the proprietors of such lots shall hold their said lots according to said bounds, by straight lines to run from boundary to boundary; and all other lots lying in the same tier or range of lots where the ancient bounds are lost shall hold by parallel lines, although such lines do not exactly agree with the points of compass expressed in the records of such lots.

This Assembly do adjudge Mr. Timothy Stephens to pay to Joseph Smith the sum of one pound one shilling and eleven pence, for his attendance at this Assembly to answer the petition of said Stephens.

This Assembly do adjudge James Hannisson to pay unto John Grave the sum of eighteen shillings, for attendance at this Assembly to answer the petition of said Hannisson.

This Assembly do adjudge Solomon Coit and the rest of the heirs of Mrs. Martha Coit, deceased, to pay to Patience Markham and the rest of the heirs of William Harriss the sum of one pound and six pence, for attendance on the said Coit's petition.

This Assembly order that John Howard and Joseph Barnard pay unto Susannah and Samuel Howard the sum of one pound six shillings eight pence, for attendance to answer the petition of the said Howard and Barnard.

This Assembly order that the proprietors of Waterbury pay unto the proprietors of Wallingsford the sum of four pounds three shillings and six pence, for attendance to answer the petition of said Waterbury proprietors. *Execution granted September 13th, 1718.*

This Assembly order Nehemiah Palmer to pay unto Samuel Huisstead the sum of one pound thirteen shillings and eight pence, for attendance to answer the petition of said Palmer.

This Assembly order Nehemiah Palmer to pay unto Jonathan Jagers the sum of one pound thirteen shillings and eight pence, for attendance to answer the petition of said Palmer.

This Assembly, considering the great mischief suffered both by the publick and by particular persons, by reason of the many altered, false and counterfeit bills that are passing among the people, notwithstanding the great care which has been taken to suppress all evil practices upon the said bills,

It is further provided by this Assembly and the authority thereof, That when and so often as it shall happen that any such false, altered or counterfeit bills shall be brought to the treasurer of this Colony, or offered to him in payment of rates or to be exchanged, he shall secure them, and he is hereby authorized to seize and retain them, entering the name of the person in whose possession the bill or bills were, on the back side thereof. And further, every assistant and justice of the peace in [124] this Colony are hereby also authorized and impowred || to seize or take into their custody every such bill as aforesaid, which they shall see, observe or have cognizance of, and the same to retain, entering on the backside thereof the name of him from whom they take the said bill, and at his discretion, to administer an oath to him to declare the person of whom he received it, and to send forth his precept, or otherways to cause the person to come before him to be examined in the premises, and to proceed in his inquiries after the author of this mischief as far as his discretion will guide him.

This Assembly order that the inhabitants of Egunk Hill shall pay unto the town of Plainfield the sum of one pound eleven shillings and nine pence, for attendance on the petition of the said inhabitants at this Assembly.

This Assembly order that the town of Preston shall pay unto the town of Stonington the sum of one pound four shillings, for attendance to answer the petition of the town of Preston aforesaid.

Resolved by this Assembly, That the salary for the Judges of the Superiour Court for the year insuing, and for the Clerk of the said Court, shall be and remain for the present year according to the last establishment relating to that matter.

Whereas, there hath been divers claims laid unto certain parcels of land in the eastwardly part of this government, when by an undoubted right, the greater part thereof hath and doth belong to the Governour and Company: and to the end that it may be publickly known that the said Governour and Company hath and doth exert their said right, and that the said lands may be quietly settled,

Be it enacted, That a town be forthwith, or as soon as may be, laid out, of the contents of seven mile square, to be laid out eastward of Enfield; and that there be laid out in said town suitable allotments for the reception of fifty families, each of said settlers to have two hundred acres for his accommodation in said town; and likewise there shall be a sufficient quantity of land laid out for pious uses in said town. And this Assembly appoints Mr. John Hamlin, Capt. James Wadsworth, Mr. John Hooker, Capt. John Hall, and Mr. Hez. Brainerd, to be a committee, to procure said town to be laid out by some artist; and the said committee shall procure said allotments to be laid out, and thereupon shall put to sale the said allotments to honest and well minded inhabitants, who shall be obliged to settle upon the same; and the said committee are directed to take care and inquire into some light claims made to said town by [125] William Pitkin, Joseph Talcott, Esq'rs, Mr. Timothy Woodbridge, Colo. William Whiting, Mr. John Elliott, Mr. Samuel Whiting, and Mr. Joseph Bradford, and Major James Fitch, and, if the said committee can, take off said claims with part of the money that shall be paid by said settlers, or by some farm or farms that may be laid out in said town for said persons: yet never to be understood that the said persons shall be allowed so large a part of the money or land to defeat the government of their right, but it shall only be some small part allowed by said committee to said persons claimers. But, provided the said committee cannot make such agreement with said claimers, then they are directed and impowred to sell and settle the whole township, only allowing sufficient highways and commons; and what money may be received by said committee of such purchasers shall be delivered into the publick treasury, unless any small part thereof be given upon agreement as aforesaid: only the committee shall be paid for their trouble out of said money, and their accounts to be allowed and signed as other accounts as are by law allowed and passed.

Whereas there is a tract of land lying westward of Coventry and Tolland, and eastward of the towns upon the river, which lands this Assembly hath in some degree suffered and allowed the legatees of Joshua, Indian sachem, deceased, to claim, yet always with such limitation that this Assembly did reserve the settlement thereof to themselves, provided the said persons, legatees, did not settle the same to the mind of this Assembly, which they have not done: *Be it therefore enacted*, that the said land be and remain to be an entire town. And to the end that the same may be well settled with good inhabitants and all quarrels prevented, the said John Hamlin, James Wadsworth, John Hooker, John Hall, and Hez. Brainerd, be

also appointed a committee for the settlement of said town, and to take care that there be suitable allotments laid out therein, for the reception of inhabitants who they shall admit into said town, with full power to ascertain and determine what the legatees shall have and be allowed to them for their right to said land, by any that may be allowed by said committee to settle thereon. And whereas this Assembly is informed that there are several persons settled upon said lands without the approbation or consent of this Assembly, or the knowledge of said legatees, the said committee are directed and ordered to take effectual care of that matter. And provided that the said committee shall think it best to remove said inhabitants from said lands they shall take care and order that the legatees or settlers next to be admitted pay back unto such persons so removed so much as the land is made better by their improvement; always provided, that such settler or settlers shall peaceably remove upon warning given to them by said committee. But if said committee shall judge it best to continue any of said settlers upon the land settled as aforesaid, [126] the said committee are to take care that || they have a suitable accommodation in land laid out to them, and also determine what sum or sums of money shall be by them paid unto said legatees for the same. All charges to be borne and paid out of said lands.

And this Assembly do further declare, that they will take further care from time to time for asserting their right unto all land belonging to the Colony and not by this Assembly allowed to be settled upon, that thereby growing disputes respecting the title of the same, as well as litigious and doubtful lawsuits thereupon, may be prevented, and that the country may be peaceably and regularly settled. This committee or any three of them shall have full power to act in the affairs abovementioned.

This Assembly do appoint Capt. William Wadsworth to be Justice of the Peace for the county of Hartford.

This Assembly do fully authorize and empower the Governour, and in his absence the Deputy Governour, with a Council consisting of as many Assistants as can conveniently be called, and judicious freemen not less than five in number, to manage the publick affairs of this Colony according to charter, in the intervals of the General Assembly. Provided that the Governour and Council are not hereby impowred to raise money or send men out of the government.

This Assembly grant unto Mr. John Hooker, Speaker, for his good service this session, the sum of one pound ten shilling, to be paid him out of the Colony treasury.

This Assembly grant unto Mr. Elisha Williams, for his good service as Clerk this sessions, the sum of one pound five shillings out of the Colony treasury.

This Assembly allows the constable of Glassenbury for returning the proxies on the election day, the deputies necessarily detained and not being able to make return thereof, the sum of four shillings out of the Colony treasury.

This Assembly allows the constables for their attendance this sessions three shillings *per diem*, being twenty days, out of the Colony treasury.

Upon the complaint of Samuel Mills and Joseph Close, concerning the resistance and abuse they met with in the execution of their offices of constable and collector, and the obligation they were under for their appearance before the court at West Chester in the Province of New York, to answer their doings, which appears to be in the execution of their offices within the limits of this Colony: This Assembly do authorize [127] and appoint Jonathan Law, Esq., || to be of council for the said officers, and in the name of this corporation to do whatsoever may be proper to be done at the said court, for the defence of said officers in all matters and things they have lawfully done as officers in the service of this government.

This Assembly do appoint Capt. Thomas Williams to be a Justice of the Peace for the county of New London.

This Assembly do establish and confirm Mr. Samuel Mather of Windsor to be Captain of the north company or trainband in the town of Windsor aforesaid.

This Assembly do appoint Mr. Joshua Ripley, Capt. John Fitch, and Mr. Samuel Mather, to be Justices of the Peace for the county of Hartford.

Upon the petition of the town of Waterbury *v.* town of Wallingsford: Resolved by this Assembly, that not finding Wallingsford in their claims to the three chesnut trees, called the Three Sisters, infringeth on any grants made to Waterbury, therefore eject the said petition.

The whole records of the acts of this Assembly, as they stand entered in the pages next preceding, were read in the presence of both Houses and ordered to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secretary.

This Court is adjourned till the Governour or Deputy Governour shall see cause to call them to meet again.

[102] AT A MEETING OF THE GOVERNOUR AND COUNCIL AT GUILFORD, JULY 1^o, ANNO DOMINI 1718.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

William Pitkin,	} Esq'srs, Assist' ts.	Abraham Fowler,	} Esq'srs, Assistants.
Richard Christophers,		Jonathan Law,	
Samuel Eells,		James Wadsworth,	
Mathew Allyn,			

Mr. Agent Dummer having sent an inhibition from the Court of Admiralty in Mr. Sloss's case, to be served on divers in New York, which has been read at this board: Ordered thereupon, that the said inhibition with the copies of it be transmitted to the Deputy Governour and Major Burr at Fairfield, together with the directions that came with it, about the manner of serving it, with desire that they would forthwith furnish Mr. Sloss with them, that without delay he may go to New York, and there get the inhibition served according to those directions, and cause it to be returned when served, as soon as possibly can be, to the Governour.

The following Proclamation is ordered by this board to be printed:

Whereas upon great and urgent occasions, and at several times, bills of credit on this his Majesties Colony have by acts of the General Assembly been emitted for the payment of the publick debts, and by the same acts it has been provided and strictly engaged that in a certain number of years the said bills of credit so emitted should be drawn into the treasury again, or current money of New-England (as it shall then pass,) to their value instead of them: And whereas also, for the preventing of frauds practised by some evil minded persons on the said bills of credit, of the first edition, and of the date of 1709 only, [103] by falsifying and || altering them, from lesser to greater sums, care has been taken by the Assembly, that they should be returned to the treasury, and other bills of a new edition, which could not be so easily falsified, given in exchange for them; whereupon divers proclamations have been issued out, directing the exchanging of them by the treasurer, and divers times successively set for his so doing; notwithstanding which, several of the said bills of credit of the said first edition are still outstanding:

And forasmuch as the time last set for the treasurer to proceed in taking in the said bills of the first edition by exchange is expired, by which means several scruples have arisen concerning the currency of the said bills, as if neither the treasurer nor constables were to receive them in the payment of rates, which may prove a great damage to the publick, as well as particular persons:

I have, therefore, thought good, by and with the advice and consent of the Council, to signifie, and do hereby signifie to all persons concerned, that the treasurer of this Colony, and the constables of each town within the same, and all other officers appointed to receive publick debts, are obliged, and they are hereby strictly commanded, to receive in the payment of rates and all publick debts, any of the bills of credit of this Colony; as well those of the former as of the last edition;

and at the advance allowed by law, viz. of twelve pence in each pound, and *pro rata*.

And whereas some persons have surmised, as if the government designed that the aforesaid bills of credit on this Colony, viz. of the date of 1709 only, should not be received, at any time whatsoever, according to the publick credit given them: It is hereby declared, that there is not the least ground for any such unjust aspersion, but that they shall at all times be received according to the engagement of the government declared both by the tenour of the bills themselves, and by the acts for the emission of them.

Given at Guilford, the first day of July, 1718.

[104] *Resolved*, That the printing of the order, last Assembly, entituled An Act concerning petitions to the General Assembly, be deferred till after the Assembly in October next.

Resolved, That the printing of an order to a committee of the Assembly to put into the treasurer's hands the sum of three hundred forty one pounds fourteen shillings of bills of credit on the Province of the Massachusetts and Rhoad Island paid into the treasury and now in the hands of Major Talcot, which happens to be incerted in the body of an act made at the last Assembly for emitting bills of credit on this Colony, be deferred till after the next General Court in October.

Resolved, That the order of the last General Assembly concerning a committee to regulate claims in certain parcels of land, to the eastward of Hartford and Windsor, is for the particular direction of the committee and those concerned in it, and not to be printed with the publick laws.

CONNECTICUTT }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN, IN HIS MAJESTIES COLONY OF CONNECTICUTT IN NEW ENGLAND, ON THE 9TH DAY OF OCTOBER, IN THE FIFTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, KING OF GREAT BRITAIN, &c., ANNOQUE DOM., 1718.

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin,	} Esq'rs.	Mathew Allyn,	} Esq'rs*.
William Pitkin,		Joseph Talcott,	
Joseph Curtice,		Abram Fowler,	
Richard Christophers,		John Sherman,	
Peter Burr,		Jonathan Law,	
Samuel Eells,		James Wadsworth.	

* The Upper House sat at this session in the room prepared for the Library in the College. The Assembly was opened with prayer by Mr. Johnson.

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz.

Colo. William Whiting, Capt. Aaron Cook, for Hartford.
 Capt. James Rogers, Lt. John Richards, for New London.
 Capt. John Hall, Mr. Howkins Hart, for Wallingsford.
 Mr. Izraiah Whetmore, Mr. William Savage, for Middletown.
 Mr. William Spencer, for East Haddam.
 Mr. Hez: Brainerd, for West Haddam.
 Lt. Abram Brunson, Mr. John Colt, for Lyme.
 Mr. Roger Wolcott, Capt. Timo. Thrall, for Windsor.
 Capt. John Fitch, Mr. Joseph Cary, for Windham.
 Mr. John Hooker, Capt. Wm. Wadsworth, for Farmington.
 Mr. Isaac Dickerman, Mr. Theophilus Munson, for New Haven.
 Major John Burr, Capt. Joseph Wakeman, for Fairfield.
 Mr. John Sprauge, Mr. Samuel Hide, for Lebanon.
 Mr. David Buell, Mr. John Kelsey, for Killingsworth.
 Mr. Michael Taintor, Capt. James Newton, for Colchester.
 Capt. Samuel Avery, Mr. John Seabury, for Groton.
 Mr. Benjamin Howard, Mr. Thomas Storrs, for Mansfield.
 Capt. Manasseh Minor, Mr. John Noyes, for Stonington.
 Mr. Zac: Baldwin, Mr. Joseph Peck, for Milford.
 [129] || Mr. John Curtice, Mr. Ephraim Minor, for Woodbury.
 Mr. Timothy Peirce, Mr. Joseph Fellows, for Plainfield.
 Mr. Caleb Leet, Mr. Benjamin Hand, for Guilford.
 Capt. Thomas Judd, Mr. Timothy Stanly, for Waterbury.
 Mr. Nath^l Chapman, Mr. Steph: Whitlesey, for Seybrook.
 Mr. John Porter, Mr. John Levensworth, for Stratford.
 Mr. Tho: Kimberly, Mr. John Hubbard, for Glassenbury.
 Mr. Joseph Platt, Mr. John Copp, for Norwalk.
 Capt. David Goodrich, Mr. Jonath: Belding, for Wethersfield.
 Capt. Daniel Brewster, Mr. Joseph Kenny, for Preston.
 Capt. Nathan^l Harrisson, Mr. John Russell, for Branford.
 Mr. James Beebe, Mr. John Gregory, for Danbury.
 Mr. John Stone, Mr. Jonas Weed, for Stamford.
 Mr. Caleb Seward, Mr. Henry Crane, for Durham.
 Capt. Richard Bushnell, Lt. Joseph Bacchus, for Norwich.
 Mr. Joseph Phelps, Mr. Joseph Case, for Symsbury.
 Col^o Ebenezar Johnson, Mr. John Riggs, for Derby.
 Lt. Joseph Addams, for Canterbury.
 Mr. Caleb Knapp, Mr. Joshua Reignolds, for Greenwich.
 Mr. John Hooker, Speaker, } of the House of Represent-
 Mr. Thomas Kimberly, Clerk, } atives.

The gentlemen nominated by the votes of the freemen bro't into this Assembly, to stand for election in May next, are as followeth :

The Honourable Gurdon Saltonstall, Esq., the Honourable Nathan Gold, Esq., John Hamlin, Esq., William Pitkin, Esq., Joseph Curtice, Esq., Richard Christophers, Esq., Peter Burr, Esq., Samuel Eals, Esq., Mathew Allyn, Esq., Joseph Talcott, Esq., Abram Fowler, Esq., John Sherman, Esq., Jonathan Law, Esq., James Wadsworth, Esq., Mr. Roger Wolcott, Mr. John Hooker, Capt. Joseph Wakeman, Capt. Richard Bushnell, Capt. Christopher Christophers, Mr. Warham Mather.

This Assembly do establish and confirm Mr. Samuel Buell to be Captain of the west company or trainband in the town of Killingsworth.

This Assembly do establish and confirm Mr. Joseph Wilcoxson of Killingsworth to be Lieutenant of the west company or trainband in the town of Killingsworth aforesaid.

[130] This Assembly do establish and confirm Mr. Gershom Palmer of Killingsworth, to be Ensign of the west company or trainband in the town of Killingsworth aforesaid.

Upon consideration of the petition of Elizabeth Lee of Guilford, informing that her son, Daniel Lee, being attended with the falling sickness and thereby rendered incapable of doing any thing for his maintenance, praying that this Assembly would order some persons to make sale of his lands, that so he may be provided for: This Assembly grant liberty and full power to John Fowler, Benjamin Hand, and John French, of said Guilford, or any two of them, from time to time as they by their discretion shall judge reasonable, to sell so much of the lands of the said Daniel Lee, to the highest bidder, as may be needful for his subsistence and supportment.

Whereas Mercy Benton of Guilford having set forth in her prayer to this Assembly that John Benton of said Guilford, deceased, her late husband, did in his life time sell to Samuel Scranton, of said Guilford, two small pieces of land lying in said Guilford, at or near a place called the Little Meadow, one of which containeth by estimation ten acres, being butted eastwardly by a highway and every way else by common land; and the other of which pieces of land lyeth near adjacent, on the opposite of the said highway, containing four acres and three quarters of an acre, being butted westwardly by the highway, southwardly by land belonging to James Benton, eastwardly and northwardly by common land; for which pieces of land said Benton received of said Scranton one piece of land containing twenty-seven acres and one quarter, lying in said Guilford, at the Neck River, westward of a place called Wapporass; bounded westward on the land of Daniel Evarts, northwardly on the land of James Evarts, eastwardly and

southwardly on the highways, which piece of land said John Benton entered upon and was before his death at the desire of the said Scranton seized thereof, and had done much labour thereon, and yet no instruments were executed by either of said parties for the confirmation of said sales: and forasmuch as the said Mercy Benton hath laid before this Assembly the great damage that will happen to the minors, the children of the said deceased, if the said land be not confirmed to them [131] the said minors, || the which the said Scranton is ready to do, provided he may have said two pieces confirmed to him: Whereupon this Assembly do grant liberty and full power unto the said Mercy Benton, to grant and pass over said two pieces of land unto the said Scranton, his heirs and assigns forever, by making and executing a lawful deed of sale unto the said Scranton, his heirs and assigns forever; always provided, that the said Scranton shall by a good, sufficient and lawful instrument, grant and confirm said twenty-seven acres and a quarter of land unto the said Mercy Benton, to be holden by her in trust, until the heirs of the said John Benton shall attain to be of full age to receive their portions, then to be unto them; the heirs of the said John Benton, and their heirs and assigns forever.

This Assembly grants liberty and full power unto Abigail Kelsey of Windsor, widow, administratrix on the estate of Thomas Kelsey, late of Windsor, deceased, to sell so much of the land belonging to that estate, to the highest bidder, as may produce the sum of twenty-seven pounds seven shillings and nine pence, to pay the just debts due from that estate; provided the said administratrix shall observe the direction of the court of probate in the county of Hartford therein.

This Assembly do establish and confirm Mr. Henry Crane of Durham to be Captain of the company or trainband in the town of Durham aforesaid.

This Assembly do establish and confirm Mr. Samuel Fairchild of Durham to be Lieutenant of the company or trainband in the town of Durham aforesaid.

This Assembly do establish and confirm Mr. Robert Coe of Durham to be Ensign of the company or trainband in the town of Durham aforesaid.

This Assembly do establish and confirm Mr. Joseph Ives of New Haven to be Captain of the company or trainband in the north-east society in the town of *Hartford* [New Haven.]

This Assembly do establish and confirm Mr. John Granniss of New Haven to be Lieutenant of the company or trainband in the north-east society in the town of New Haven aforesaid.

This Assembly do establish and confirm Mr. Samuel Ives of New Haven to be Ensign of the company or trainband in the north-east society in the town of New Haven aforesaid.

[132] The Governour having represented that his Excellency Governour Hunter has desired a meeting of some commissioners from this Colony, with such as he shall appoint from that government, at Rye, or Westchester, to consider what method may be best taken to compleat the running of the line between that Province of New York and this Colony, according to agreement formerly made, and confirmed by his late Majesty, King William, in Council,

Ordered by this Assembly, That Peter Burr, Samuel Eells, and Jonathan Law, Esq'rs, or any two of them, be Commissioners on the part of this government, to attend at the aforesaid town of Rye to join with the gentlemen from New York, to perambulate the line where it has been already run, for the quieting the complaints and disorders of the borderers, and to consider what methods may be used for the proceeding with the dividant line between the governments according to the said agreement, and to conclude on some certain time for the performance of it.

This Assembly grant liberty and full power to Samuel Betts, Samuel Marvin, Samuel Cumstock, Samuel Kellogg, and Samuel Raymont, of Norwalk, or any three of them, to sell so much of the lands of Mathew Canfield, of said Norwalk, an idiot and impotent child, as from time to time they in their discretion shall judge necessary for the said child's subsistence and supportment.

This Assembly grant liberty and full power unto Mr. James Hooker and John Grave of Guilford, to sell so much of the lands late of Joseph Grave of Guilford, deceased, as may be sufficient to produce the sum of twenty pounds eighteen shillings and five pence, to pay the just debts of said deceased.

Upon consideration of the petition of Jonathan Sturgiss, Peter Sturgiss, and David Sturgiss, of Fairfield: Resolved by this Assembly, that Capt. David Sherman, Lt. James Bennitt, and Mr. Richard Hubbell, or any two of them, be commissioners, at the cost of the petitioners, to enquire what benefit has accrued to Mr. Murwin in his meadow, by what the petitioners have done in making and maintaining the dam referred to, and for which the petitioners have received no satisfaction of said Murwin, and make report of what they find therein to the next General Court.

[133] This Assembly having considered the good service of Capt. Nathaniel Seely, formerly of Fairfield, who lost his life

in the service of the country, do now grant to the heirs of the said Seely two hundred acres of land ; provided they take it up in the ungranted lands in the counties of Fairfield or New Haven.

This Assembly do establish and confirm Mr. John Taylor to be Lieutenant of the troop of horse in the county of Fairfield.

This Assembly do establish and confirm Mr. Gershom Bulkley to be Quarter-master of the troop of horse in the county of Fairfield.

This Assembly grant unto John Pratt the sum of fifteen pounds, to be paid him out of the Colony treasury, to pay for the cure of his lameness, the original whereof he received in the service of this government.

Whereas, notwithstanding the several acts that have been made for the drawing into the treasury by exchange the bills of credit of the date of 1709 only, and the proclamations that have been put forth for that end, yet many of the said bills are not yet brought in : This Assembly have therefore thought fit once more to order an exchange of such of the said bills as are outstanding ; and the treasurer is hereby ordered accordingly to receive any of the said bills of credit of the date of July the 12th, 1709 only, and give in exchange for them, to their value, the bills of credit bearing the same, with the additional date of May, 1713, at any time before the 25th day of May next, and no longer ; and that proclamation of the tenour of this act shall be published.

Ordered by this Assembly, That Richard Christophers, Peter Burr, and Roger Wolcott, Esq^{rs}, and Mr. John Copp, shall inspect the audit of the Colony's accounts so far back as they judge needful, in order to rectify some mistakes which are supposed to be therein, and to make report thereof to this Assembly as soon as may be ; which gentlemen are also appointed to receive of the treasurer what bills of credit of this Colony are now in his hands, which have been drawn in either by rates or exchange, pursuant to the acts of this Assembly || for that end made ; and that the said gentlemen do receive such of said bills as have been drawn in by rates, and such as have been drawn in by exchange, giving the treasurer distinct receipts for the same, which receipts shall be the said treasurer's discharge for the sums so received, and credit given him accordingly in his accounts with the Colony ; and that they lay before this Assembly an account of the said bills which they shall so receive, to receive the further directions and orders of this Assembly concerning them.

This Assembly grants liberty and full power unto Nathaniel Goodyer of New Haven, administrator on the several estates of Abigail Goodyer, late of said New Haven, deceased, and of Stephen Goodyer, late of said New Haven, deceased, to sell so much of the lands of the said Abigail, to the highest bidder, as may produce the sum of thirty-nine pounds four shillings and six pence, and of the lands of said Stephen as may produce the sum of fifteen pounds eighteen shillings and eleven pence, to pay the remaining debts due from those estates respectively, in the proportion abovesaid; provided that the lands to be sold be by the direction of the court of probate in the county of New Haven.

Ordered by this Assembly, That Richard Christophers, Peter Burr, Esq's, Mr. Roger Wolcott, and Mr. John Copp, who were appointed to receive of the treasurer the bills brought into the treasury by rates or exchange, shall burn and consume the said bills so brought in and now in their hands.

Whereas, upon the petition of the inhabitants within the parish on the north-east part of Windham, preferred to this Assembly in May last, it was ordered by said Assembly that all the unimproved lands lying within the limits of said parish shall be taxed at the rate of ten shillings per hundred acres, to defray parish charges: and whereas said act mentions no term of time for the continuance of said tax: It is now, therefore, resolved by this Assembly, that said tax shall continue [135] at ten shillings *per annum* || for every hundred acres unimproved as aforesaid, for the term of four years from the time of making said act in May last.

Upon the petition of John Collins and Samuel Hill of Guilford, who were listers for that town in the year 1716, shewing that divers persons did neglect to put in their estates as the law directs, whom they assessed at fourfold, which in the whole did amount to the sum of £336 12s. 0d.; that the authority of that town with the selectmen did give a bill of abatement to said persons so assessed, so that the said listers as well as the Colony are defeated of their just due upon the said assessment, and without remedy: This Assembly do now declare that the judgment and decree of the authority and selectmen that granted said bill of abatement shall and hereby is reversed and made void, and the said assessments shall be collected and paid by the constable and collectors of said year, as by law is directed.

An Act for emitting Bills of Credit for paying the
Publick Debts of this Colony.

Whereas by an act passed by the General Assembly of this Colony, holden at Hartford, May the 14th, 1713, entitled An

Act for emitting bills of credit, the sum of twenty thousand pounds was ordered forthwith to be emitted and delivered to the treasurer by a committee appointed,

It is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the treasurer be and is hereby impowred to issue forth and emit one thousand two hundred pounds of the said bills, towards the payment of the publick debts of this Colony, and the further necessary charges thereof, according to such orders as shall be given him from time to time, according to law.

And be it further enacted by the authority aforesaid, That as a fund or security for the repayment and drawing in of the said bills into the treasury again, this Assembly grants a tax or rate of one thousand two hundred and sixty pounds, to be levied on polls and all other rateable estate within this Colony, [136] and to be paid into the treasury at || or before the last day of May one thousand seven hundred twenty-two; which said rate shall be paid in bills of credit of this Colony, or in money as it passeth generally in the country at the time of payment.

Whereas, by reason of the great scarcity of money and the want of other adequate media for the necessary support and carrying on the affairs of the government, the government did several years since project and order the making and emitting of bills of publick credit, to be accepted and received in all publick payments equivalent to money, with the advance of five pounds per cent. thereon, upon good and sufficient funds granted for the calling in and answering of the same; which bills have likewise obtained a universal currency throughout the government in all private trade and dealing, and are found beneficial and serviceable for facilitating of the same; the whole course of trade from the year 1709 having been generally managed and regulated thereby, and all debts since made and contracted (where there has been no special agreement and contract otherwise) generally understood to be contracted for the said bills: Now, that encouragement may be given to the said bills in the way of private commerce and dealings, and to prevent oppression by a rigorous exaction of money, (which cannot be procured but with great difficulty,) for debts contracted with the real intent both of debtor and creditor to be paid in bills, though not expressly mentioned,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of November now next ensuing, no debtor for any debt made or contracted since

the 12th day of July, 1709, or that shall be made and contracted before the twelfth day of July, which will be in the year of our Lord 1727, (express contracts in writing for current silver money or some specialty always excepted,) that shall tender satisfaction and payment of his full debt in good and lawful bills of credit on this Colony, shall be liable to [137] have execution served and levied upon his estate || or person, or be imprisoned upon any recovery of judgment to be granted against him for such debt; any law, usage, or custom to the contrary notwithstanding.

An Act for the Preventing Unlawful Entries upon, and Alienations of the Vacant Lands.

Forasmuch as divers persons have presumed to enter upon, improve, dispose, and make sale of divers tracts of land, within the bounds of this Colony, and belonging to the Governour and Company of the same by grant from the crown of Great Britain, under pretence of their having a right and property in the said lands, without any legal conveyance thereof first obtained from this corporation, whereby many persons have been greatly defrauded, great disorders occasioned, divers quarrels excited, very considerable charge has been and more is like to be brought upon the government, and the orderly settlement of plantations frustrated; which mischiefs are likely to continue and increase, unless sufficient remedy be provided.

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whatsoever person or persons shall, under any pretence, enter upon any part of the said land, claiming right, or improve, dispose of and alienate any tract or parcel thereof, before he or they shall obtain a legal conveyance from this corporation of the same, shall incur the penalty of ten pounds for every such offence, to be recovered in any of the courts of common pleas within this Colony; one moiety of which penalty shall be to the treasury of the Colony, and the other moiety to him or them who shall prosecute the same to effect. And whatsoever person or persons have entered claiming, and improved any part or parcel of such land, and shall continue so to do, at any time after one year next insuing the end of the present sessions of this Assembly shall be expired, shall incur the like penalty for every such offence, to be recovered and disposed of in like manner, and so, as often as any of the said offences shall be committed.

And it is hereby further declared and enacted, That no person or persons shall be taken or esteemed by any entry or possession [138] || whatsoever, to make to him or them a title to any publick lands, or such as have not been legally conveyed by

the Governour and Company of this Colony; always provided nothing in this act be construed to respect any lands in any township within this Colony, except in the township of Ashford.

Upon the petition of Voluntown: This Assembly appoint Capt. Daniel Brewster, Lt. Joseph Becchus, and Mr. John Sprange, to be a committee, or any two of them, at the charge of the petitioners, to view and consider the circumstances of Voluntown and the land lying eastward of Plainfield not yet annexed to any township, and observe those inhabiting there, how capable they are to uphold and maintain the publick worship of God amongst them, and make report of what they find to this Assembly in May next; provided that seasonable notice of the coming of said committee to view said town, &c., be given to the neighbouring towns to be present.

Forasmuch as, notwithstanding the law intituled An Act in addition to the law made May 8th, 1712, &c., this Assembly being informed, that in sundry towns in this Colony the lands put into the list are accounted and accepted by the listers according to their original grants or records, and not according to their true and real content or quantity within fence or improvement, as the law directs, whereby the end of the law is not attained, nor the taxes equally laid on the inhabitants: which to prevent,

It is now enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all lands, liable by the law to be put into the list, shall be entered in the list according to their real quantity within fence or improvement, as the law directs.

Whereas the different methods practiced in the several towns in this Colony in dividing the lands in their said towns to the several proprietors and inhabitants, and some various apprehensions about the manner of holding said townships from this Assembly, has occasioned much dispute in this Assembly and tends to weaken our titles, render our properties [139] uncertain, and prevent the making of due laws for confirming and ascertaining the same, and preventing inroachments on the ungranted lands of this government: It is therefore recommended by this Assembly to such towns in this Colony as shall judge their affairs of this kind not sufficiently settled, to lay the state of their towns in these respects before this Assembly in May next, that so they may then receive such confirmation as reason and justice will allow. And it is further resolved by this Assembly, that if any neglect so to do, it shall be no let to this Assembly in making general laws and

resolves in the cases aforesaid; and that the representatives in this Assembly give notice thereof in the respective towns they belong to.

Resolved by this Assembly, That the secretary draw out a copy of the charter of this government and transmit the same, as soon as he can, to the printer, who is ordered to imprint the same and take off at least two hundred copies thereof, for the use of the inhabitants of this Colony.

Upon consideration of the petition of Samuel Hait and Sarah Webster, administrators on the estate of John Webster, late of Stanford, deceased, shewing that the said John Webster in his life time did bargain and exchange two parcels of land with his brother, David Webster, for other lands, viz: one piece containing six acres, near a place called Ambler's Ridge, which said David hath had some considerable time inclosed with other lands of his; and also the half of a twelve acre right, which was laid out to them, the aforesaid John and David, together, upon Elbow Plain, so called; both which parcels of land are in the township of Stanford aforesaid, and deeds for the same omitted to be executed: This Assembly do empower the said Samuel Hait to give a deed of conveyance of said lands unto the said David Webster, and to his heirs and assigns forever. Provided, the said David Webster do execute lawful instruments to pass the lands mentioned in the petition said to be bargained for, by said John Webster, deceased, to said Samuel Hait, to have and to hold the same to him and his heirs, to the only use of the heirs of said John Webster, deceased, until they attain to the age of twenty-one years. and then to be to them and to their heirs forever.

This Assembly do empower Richard Ayres, John Bell, and Samuel Weed, all of Stanford, to make sale of the real estate of Lawrance Ayres, late of Stanford, deceased, in order to a distribution of the same, by order of the court of probates in the county of Fairfield, to the creditors, as the law directs; said estate being an insolvent estate.

[140] Whereas the commissioners appointed by this Assembly to view the state of the Indians living at Mohegan, in the township of New London, and of the land they live upon, in order to this Assembly's taking proper measures for civilizing them, and acquainting them with the truths of the gospel, have in a report by them made, together with a draught of the said land, represented to this Assembly the number of the said Indians to be upward of two hundred, and that the land is sufficient for their comfortable subsistence, and that the said Indians have complained to them of several claims and entries

made upon the said land, and damage sustained by them in their fields, and prayed that they would recommend them to the care and protection of the said court.

This Court have thereupon considered and enacted, and it is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That James Wadsworth, Esqr, Mr. John Hooker, and Capt. John Hall, be commissioners, in the name of this government, to inspect thereinto, as also into that whole tract of land lying between the ancient bounds of New London and Norwich, commonly called Sequestered Lands. And the said commissioners, or any two of them, are hereby impowred to do and act therein for the removal of all forcible entries or detainers committed on the said land or lands so sequestred, as justices of the peace in this Colony might or could have done by virtue of an act entituled Forcible Entries in the former law-book, page 39, (which is hereby revived, and put in force for the special uses of this present act,) without being obstructed therein by any pretence whatsoever of deeds, bargains, leases, feoffments in trust, or any other writings of any kind, or possessions for any time had, or pretended to be had, thereon, without the grant or lawful conveyance of this court first had and obtained. And in case of any pretence of right made by any person or persons to hold any part of the said lands, called sequestred, against the said Indians, the said commissioners, or any two of them, are hereby impowred to take cognizance of every such title or claim, and report the same to this General Assembly, for their further order thereon. And the said commissioners are hereby impowred to make such directions and give such orders, from time to time, as they shall judge convenient, for protecting and securing the said Indians in their lands aforesaid, and in the quiet possession and improve-
[141] ment of them. || And the said commissioners shall from time to time lay before this Assembly their proceedings, by virtue of this act, in and about the said whole tract of lands called sequestred, that such further order may be taken as shall be judged necessary to the doing of justice, relating to the ordering of the said affairs, without exposing the said Indians to the charge of suits in the common pleas for securing to them their said lands anciently called the Sequestred Lands, and the improvements upon them; the power of the said commissioners to continue during the pleasure of this Court, who shall be satisfied for their care and trouble in this affair out of the profits of the said lands.

This Assembly grant to Mr. Timothy Green the sum of fifty pounds, being his salary for this present year.

Forasmuch as by the result of the audit of the treasurer's accounts brought into this Assembly, it appears that there are considerable sums due from the estate of Mr. Joseph Whiting, deceased, late treasurer of this Colony, and also that there are some particular articles of account between the said late treasurer and this Colony, not yet adjusted and made up: now, for a full perfecting and settlement of that affair, It is ordered, and this Assembly do hereby fully appoint, authorize and empower, William Pitkin, Richard Christophers, and Roger Wolcott, Esq^{rs}, or any two of them, (Richard Christophers, Esq^r, to be always one,) to be committee in the name, place, and stead of this Court or Assembly, to finish, conclude and perfect, the publick accounts of this Colony with Mrs. Anna Whiting and John Whiting, administrators on the estate of the said Mr. Joseph Whiting, deceased, and to ask, demand, sue for, recover and receive of them, the said Mrs. Anna Whiting and John Whiting, administrators as aforesaid, all such sum or sums of money, goods, merchandizes, or bills of publick credit, as are due, owing and payable to this Colony from the estate of the said Joseph Whiting, deceased. And the said committee are hereby ordered and impowred, ample discharges and acquittances to give, in the name of this Colony, to the said administrators, for all such sum or sums as they shall receive of them as aforesaid; and all such sum or sums as they shall receive as aforesaid they shall put into the hands of Mr. John Whiting, treasurer of this Colony, taking his receipt for the same. And the said committee are ordered to give an account of their doings therein to this Assembly in May next.

[142] Whereas Samuel Leffingwell, ferryman of Norwich, having set before this Assembly that the fare provided by law for said ferry is insufficient for the defraying the charges thereof, and praying further allowance in the premises: Be it therefore enacted, that for the future the fare of said ferry shall be six pence money, for a man, horse and load, and for a single man, or a single horse, three pence.

At the humble suit of John Prout, jun^r, gent, Moses Mansfield, mariner, and Jeremiah Attwater, brazier, and for their encouragement to set up a mill and other necessary furniture to improve the flax-seed of this Colony, for the extracting and producing of linseed oyl: This Court hath therefore granted, and doth hereby grant, to the said John Prout, Moses Mansfield and Jeremiah Attwater, the sole and whole privilege of making linseed oyl within this Colony, and that no other person or persons shall set up any mill or other engines for that purpose within the county of New Haven during the space of

twenty years next coming, nor in any other part of this Colony without the special leave asked of this Court, whereof the parties above named shall be seasonably notified, within the twenty years above mentioned, (*upon the penalty*

Note.—The penalty of this act is ordered to be rased.

of fifty pounds to be recovered by the said John Prout, Moses Mansfield and Jeremiah Attwater, their heirs, executors, administrators or assigns, by action of debt, bill, plaint or information, in any court of record.)

Provided the said John Prout, Moses Mansfield and Jeremiah Attwater, shall set up such mill, and all needful furniture for the use aforesaid, in New Haven within the space of two years next coming, and keep the same in good repair at all times till the expiration of the said twenty years.

Whereas this Assembly did formerly grant a parish, to be partly in the north-west parts of the town of Lebanon and partly in the adjoining lands not heretofore in any town bounds, whereby said parish affairs became very difficult, which this Assembly (at the desire of sundry of the inhabitants of said parish) hath considered, and do therefore resolve, that that part of the parish allowed on the north of Lebanon, which lies out of the bounds of the said town, be annexed and it is hereby annexed to the town of Lebanon.

[143] This Assembly grants to Jemima Woodbridge, widow of the Reverend Mr. John Woodbridge, late of Springfield, deceased, one hundred acres of land, to be taken up in the ungranted lands of the country, for the use of the last will of the said John Woodbridge, and to go with the rest of his estate; and to Joshua Parmele fifty acres of the ungranted lands of this Colony; to make up what they have lost of a certain grant of country lands to the Rev^d Mr. John Woodbridge, formerly of Wethersfield, deceased, which had been taken up within and near the bounds of Durham, infringing on a grant of land formerly laid out to Samuel Wyllys, Esq.

Whereas it appears evident to this Assembly that Isaac Worden, late of Stonington, deceased, did bargain and sell unto his brother, Thomas Worden, a certain parcel of land lying in said Stonington, in quantity about sixty acres, in part of a hundred acres his father bought of Mr. James Noyes: said sixty acres of land beginneth at a walnut marked on four sides, thence south and by west to a red oak marked on four sides, thence west to Richard Partelows land, and so south to a red oak marked on four sides by Partelows land, and thence to a stake, thence south to a walnut marked on two sides, and so on south to the south end of the said hundred acres, and so to the tree first mentioned; and although a considerable part of

the purchase money was paid by the said Thomas Worden unto the said Isaac Worden, yet no deed of conveyance was executed by the said Isaac : Therefore, upon application made by Rebekah Worden, the widow of the said deceased, this Assembly grants liberty and full power unto the said Rebekah Worden, to make sale and execute unto the said Thomas Worden a good, sufficient and lawful instrument of the said sixty acres of land, so that the same may be holden unto the said Thomas Worden, his heirs and assigns forever ; always provided, that the said Thomas Worden pay unto the said Rebekah Worden, the administratrix upon the estate of the said deceased, the full remaining part of the purchase money, and that the same shall be accounted as part of the estate of the said deceased.

This Assembly grant to the Honourable the Governour two hundred pounds for his salary this present year.

This Assembly do grant his Honour the Deputy Governour fifty pounds for his salary this present year.

[144] This Assembly do grant Mr. John Hooker, for his services as Speaker for this present sessions, thirty shillings.

This Assembly grant Mr. Thomas Kimberly, for his service as Clerk of the Lower House this sessions, twenty and five shillings.

Upon consideration of the petition of the town of Windsor, praying that this Assembly would appoint a committee to run and settle the boundary line between the said town of Windsor and the town of Hartford, on the east side of Connecticut river, according to the orders of this Assembly mentioned in said petition : This Assembly do appoint Capt. James Wadsworth, Mr. John Hooker, and Mr. Elisha Williams, a committee to settle and ascertain the bounds between the said towns, and make report thereof to this Assembly in May next.

Whereas the General Assembly in May last did by their act alter the time of holding the county court in the county of Hartford from the third Tuesday to the first Tuesday of November, and in the county of Fairfield from the first Tuesday of November to the third Tuesday of November ; and whereas there are many reviews, whereby the reviewers in each respective court are bound by their bonds to prosecute their reviews at the former set times of holding their respective county courts in the aforesaid counties, and many suits have been and are commenced to be heard at the aforesaid courts : It is now enacted, that all reviews, suits, or appeals from the trials of any assistant or justice of the peace, and any person bound

over for his misdemeanour to the county court in the county of Fairfield on the first Tuesday in November, or to the county court in the county of Hartford on the third Tuesday in November, shall be heard and tried in each of the aforesaid counties at the time set in the act passed by this Assembly in May last.

Whereas by application made to this court by the committees of the towns of Hartford and Glassenbury, in May, 1717, for settling the dividing line between the said towns, a vote of the Upper House then passed to confirm the said line, but not then passed in the Lower House, by reason of the objections [145] made by some of the proprietors of the lands within the said towns, which could not then be fully heard and understood: This Court do now appoint Joseph Talcott, Esq^r, Capt. Aaron Cook, and Capt. David Goodrich, a committee, to hear the reasons and view the different lines of the said proprietors in the said towns, and make report to this Court in May next, that a settlement may be made of the said dividing line; provided that there be no charge thereby arising to the Colony, and that notice of the attendance of said committee upon that affair be given to the parties concerned therein.

Whereas idle persons, vagabonds and sturdy beggars, have been of late, and still are, much increasing within this government, and likely more to increase if timely remedy be not provided; and for the more effectual prevention and punishment whereof,

Be it enacted, and it is by this Assembly enacted and ordained, That from and after the publication hereof, if any idle person, vagabond or sturdy beggar, shall be found wandering up and down in any town or parish in this Colony, begging, idling away his or their time, or that practice unlawful games, set up and practice common plays, interludes, or other crafty science, &c., such person or persons shall be taken, adjudged and deemed rogues, and shall sustain such pains and punishments as by this present act in such case is provided.

And be it further enacted by the authority aforesaid, That such person or persons that are declared by this present act to be a rogue, vagabond, or sturdy beggar, [and] hereafter shall be found begging, wandering, or misordering him or themselves, using unlawful games, or shall set up and practice any common plays, interludes, or other crafty science, within any town or parish within this Colony, shall upon his or their apprehension, by appointment of any one assistant or justice of the peace, be stripped naked from the middle upward, and shall be openly whipt on his or their naked body, not exceed-

ing the number of fifteen stripes, and [such assistant or justice of the peace shall] give such person so punished a testimonial of their punishment, and order them forthwith to depart the town or parish; and if such person or persons so punished shall continue in any other place or town in this Colony, more than twenty-four hours after warning of any one of the selectmen of said town to depart the said town, the next assistant or justice of the peace are hereby impowred to punish him or them as aforesaid.

Whereas, upon the petition of the inhabitants of the south part of Weathersfield, this Assembly did in May last appoint [146] John Hamlin || and Joseph Talcott, Esq^{rs}, and Mr. Izahiah Whetmore, a committee, to enquire what limits might be most convenient for the bounds of a school precinct, and what place might be most proper to set up a school house there, for the accommodating that precinct, and to report the same to this Assembly, which they having done: This Assembly, for divers good causes, do now appoint the foresaid committee to go once more to said place, at the charge of said inhabitants, and do hereby fully impower said committee fully to determine both the bounds and limits of the precinct, and the place or places for erecting a school-house or school-houses there, according to their best discretion; which said inhabitants shall be obliged to abide by, and to bear their rateable part of the charge of erecting such house or houses, and of maintaining a school master there, according to law, and according to the determination of said committee.

Whereas the towns of Kellingly and Pomfrett have neglected to send to this Assembly a list of their estates, as the law requires, as well for them as other towns: Therefore, this Assembly have considered and resolved, that the said towns of Kellingly and Pomfrett be set, doomed or assessed, at four thousand pounds each; and the treasurer of this Colony is hereby ordered to send out his writs, to the said towns respectively, for gathering the rates arising thereupon accordingly; unless the said towns shall transmit a list of all their polls and rateable estate as the law directs to the secretary on or before the last of December next.

An Act for the Encouragement of Yale College.

Whereas some difficulty and misunderstanding hapned in this Colony upon the fixing the Collegiate School and building the house for it at New Haven: therefore, for a final conclusion of said differences and misunderstandings, and for preventing the unhappy consequences that might ensue, and for the introducing a good and happy agreement in this, as well as

in all our publick affairs : It is resolved by this Assembly, that the following proposals be concluded upon as an expedient for those ends, and it is hereby agreed and enacted,

1. That the annual salary allowed out of the publick treasury to said collegiate school for the year past shall be distributed to the tutors at New Haven, Weathersfield, and Seybrook, in proportion to the scholars under their tuition.

[147] 2ly. That the scholars who performed their exercise at Weathersfield shall have their degree at New Haven, without further examination ; and all scholars entered in the school at Weathersfield shall be admitted to the same standing in the school at New Haven.

3ly. That there shall be five hundred pounds allowed for the building of a State House at Hartford : which money shall be procured by the sale of lands belonging to this Colony, and put into the hands of such committee as this Assembly shall appoint for that use. And it is ordered, that the scholars at Weathersfield come down to the school at New Haven.

4ly. That fifty pounds be procured by the sale of such lands as abovesaid, and given to the town of Seybrook, for the use of the school in said town.

5ly. That the Governour and Council be desired to give (at the desire of the said trustees of said college,) such orders as they think proper, for removing the books belonging to the said college, left at Seybrook, to the library provided for the placing them in Yale College at New Haven.

6ly. That the several particulars abovementioned that relate to the said college be recommended, by the Governour and Council in the name of this Assembly, to the trustees of the said school, for their observation, and that said college be carried on, promoted and encouraged at New Haven, and all due care taken for its flourishing.*

An Act to promote the Improvement of the Copper Mines within this Colony.

Forasmuch as the copper mines within this Colony, by the orderly and effectual management of them, may in time to come be of great use and advantage, not only to the immediate proprietors and undertakers therein, but also to this and the neighbouring Provinces in general, although at the present they be of small advantage to any body, and a fruitless expence of money to the proprietors and undertakers: therefore, to remedy the same, and for the more orderly and effectual man-

* A letter in behalf of the Governour and Company, to be sent to Mr. Yale, rendering him thanks for his generous donation for the college, was concurred in by both Houses. *Journals.*

agement of the said copper mines, and to encourage, countenance and gratify the undertakers therein,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as there is and shall be any copper mine or mines discovered in any town within this Colony, it shall [148] be in the power || of any three of the proprietors of any such copper mine, by a notification under their hands set up on the sign-post of the town where the said copper mines is, on the twenty-fifth day of March yearly, to appoint a meeting of the proprietors of the said mine, to be held within the said town on the third Tuesday of April then next following, when and where the proprietors of the said mine that have the immediate interest of the same in possession, or the major part of them, which shall be then and there assembled, (which majority shall arise by the major part of interest,) shall have power to choose a clerk, to be sworn by the next justice of the peace, to register the acts, votes, deeds and agreements of the said proprietors, and of all other persons concerned in the management of the said mine, of and about the said mine and the management thereof; which clerk shall continue in the said office during the pleasure of the said proprietors. And that by and with the advice and consent of the said clerk, and with such other notification as the said clerk shall in his discretion think proper, besides what is abovementioned, a special meeting of the said proprietors shall and may be appointed and held, at any other time and place, as emergent occasions by their discretion may require. And furthermore, that the said proprietors, in any of their meetings aforesaid, or the major part of them to be accounted as aforesaid, by vote, shall have power to make all such reasonable votes, agreements and orders, as they shall think most conducive and profitable to the whole, for the best management of the said affair of the copper mine, for the common good of all the said proprietors; particularly, to direct the work that shall be done, the proportion of money to be levied, the men that shall be employed, the times, the places, and all other circumstances that shall be requisite to be determined concerning the same, as also all and every other matter and thing proper to be done by the said proprietors as occasion may discover, for the management and improvement of the said copper mine to be the best advantage of the said proprietors as well as of the publick weal. Moreover, also, that the said proprietors in any of their meetings aforesaid, or the major part of them, to be accounted as aforesaid, shall by their vote have power to make such rules, orders and by-laws, as they shall judge necessary for the better

management and ordering of the said copper mines, miners, [149] partners, proprietors, undertakers, || and all other things and persons touching the premises, annexing penalties to the same not exceeding the sum of forty shillings for any one offence, to be recovered before the commissioners hereafter to be appointed for such copper mine; provided none of the said rules or orders that shall be contrary to the laws of this Colony shall be of any force or value. As also to appoint committee or committees, trustees or agents, for the doing or management of any matter or thing in behalf of the said proprietors, any ways touching or concerning the premises or any of them, whatsoever or wheresoever.

And be it further enacted by the authority aforesaid, That if any of the proprietors of the said mine in possession, or undertakers in the management of the same for the time being, shall at any time neglect or refuse to improve and carry on his or their part and proportion in the management of any such copper mine, according to the rules and orders thereof made, had and agreed upon as aforesaid, then it shall be in the power of the said proprietors, or the major part of them, to be accounted as aforesaid, by themselves in their meeting, or by their standing committee to this end impowred, to agree with any other or others of the said proprietors, or upon their refusal with any other of his Majesties good subjects, when they shall see cause, to enter upon and improve the part or proportion of the said copper mine and all things touching the same, belonging to the person so neglecting, during the space of one year then next coming, and till the next annual meeting in April, and thenceforward from year to year till from the profits thereof he or they shall be repaid fourfold all the charge and expence he or they shall be at in managing and carrying on the said part; the same rule shall also be attended in the case of orphans whose guardians shall refuse or neglect to improve and carry on their wards parts and proportion as aforesaid in the affair of the copper mine aforesaid.

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the proprietors of any such mine, to take out from the General Court of this Colony from time to time, as they have occasion, or shall desire it, a commission under the seal of this Colony to such three commissioners as this court shall from time to time appoint, to continue during pleasure, impowring the said commissioners, or any two of them, from time to time to appoint and swear their clerk, and [150] at such times and places as they shall think meet || to appoint by their discretion according to law, to hear and determine all such controversies, quarrels and suits, that may

arise and happen between the proprietors, undertakers, partners, miners, refiners, labourers aforesaid, or their servants, or any of them, or between any of them and any other persons, any ways touching or concerning the said copper mines, or any of the rights, properties, agreements, covenants, votes, rules, orders, penalties, matters or things concerning or any ways relating to the management and improvement of the said copper mines as aforesaid. And all sheriffs and other inferiour officers are hereby required to give their attendance upon the said commissioners, to execute and fulfill their precepts and writs, and yield all other obedience to their lawful commands, as unto other his Majesty's courts within this Colony. And the fees of said commissioners and officers shall be the same as is by law allowed in the county courts.

Provided nevertheless, That it shall and may be lawful for any person or persons entering special bail with sufficient sureties before the said court of the commissioners, [*to appeal?*] to the Governour and Council in the next sessions of the General Assembly, for a final issue of any of the quarrels, controversies, or suits aforesaid, wherein the property of the said mine shall be in question, or where the matter or thing in demand shall exceed the value of five pounds, in which case execution shall be suspended till the matter is issued, and that in such case also, such fees shall be paid as in the superiour court. Provided also, that the said copper mines, and all persons and things touching the same, shall be under such regulation, order and direction, as this court from time to time shall judge further needful for the management thereof, for the best advantage, as well of the Colony in general as of the proprietors and undertakers in particular.

And further, This Court doth appoint Mathew Allyn, Joseph Talcott, Esq^{rs}, and Mr. John Hooker, to be commissioners as aforesaid for the company of the miners at Symsbury copper mines, and John Hamlin, James Wadsworth, Esq^{rs}, and Capt. John Hall, to be commissioners aforesaid for the company of miners at Wallingsford copper mines, to continue during the pleasure of this Court; and the proprietors and undertakers respectively may at their request have the said commissions made out under the seal of this Colony, signed by the Governour and Secretary. This act to continue and be in force for two years and no longer.

[151] A List of Estates brought in to this Assembly from the several Towns in this Government.

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford,	22246	: 05	: 06	New Haven,	26236	: 11	: 02½
New London,	14893	: 13	: 00	Fairfield,	19421	: 15	: 02
Norwich,	14060	: 12	: 08	Woodbury,	5817	: 05	: 00
Milford,	17866	: 12	: 09	Derby,	3823	: 03	: 03
Stratford,	17389	: 00	: 11	Groton,	10031	: 17	: 00
Haddam East,	6081	: 00	: 00	Branford,	8949	: 16	: 03
Stonington,	10860	: 10	: 06	Wallingsford,	11644	: 00	: 00
Preston,	6107	: 02	: 06	Danbury,	4679	: 19	: 00
Wethersfield,	16413	: 18	: 01	Plainfield,	5289	: 10	: 00
Stanford,	10858	: 06	: 10½	Windham,	5819	: 18	: 00
Canterbury,	4005	: 06	: 00	Lyme,	9149	: 12	: 00
Haddam West,	3522	: 18	: 06	Waterbury,	2599	: 11	: 00
Norwalk,	10099	: 13	: 00	Mansfield,	2831	: 00	: 00
Farmington,	11928	: 08	: 00	Windsor,	17552	: 13	: 00
Seybrook,	9579	: 18	: 08	Colchester,	6900	: 07	: 06
Durham,	3620	: 00	: 06	Lebanon,	11985	: 00	: 00
Midletown,	12884	: 15	: 00	Glassenbury,	4553	: 17	: 06
Symsbury,	6202	: 08	: 06	Killingsworth,	5007	: 17	: 06
Guilford,	15877	: 12	: 11	Greenwich,	6479	: 01	: 00
Killingly,	2050	: 00	: 00	Pomfrett,			

Cost allowed by this Assembly unto Thomas Lake of Stratford, for his attendance at this Assembly to answer the petition of Richard Hubbell of Stratfield, the sum of twelve shillings and two pence.

Cost allowed Edward Bromfield, Esqr, of Boston, for attendance by his attorney at this Assembly, to answer the petition of Richard Seymor, the sum of one pound thirteen shillings and ten pence.

Cost allowed the town of Weathersfield, for their attendance at this Assembly to answer the petition of the town of Farmington, the sum [of] three pounds two shillings and eleven pence.

The petitions of James Harriss *contra* Jonathan Hill; James Welsh *contra* Ebenz Harriss; Samuel Huistead *contra* Nehemiah Palmer; Sam^l Huistead *contra* Jonathan Jaggers, all in the nature of writs of error, which have been heard at this Court, remain undecided.

[152] *Ordered by this Assembly*, That a bill of cost allowed in this Assembly in May last unto Jonathan Jaggers against John Sloss, amounting to three pounds eleven shillings and ten pence, (although the same was not entered in the records

of said Assembly,) shall now be entered into the records, and execution shall go forth accordingly including said £3 11s. 10d.

Cost allowed Samuel Couch of Fairfield, for his attendance at this Assembly to answer the petition of Edward Jessup of said Fairfield, the sum of fourteen shillings and five pence. *Execution granted June 12th, 1719.*

This Assembly grant to Hez. Wylls, Secretary, eight pounds for his salary this present year.

Cost allowed to Jonathan Jagers, for his attendance at this Assembly to answer the petition of John Sloss, the sum of fifteen shillings and eleven pence. *Execution granted November 13th, 1718.*

Richard Christophers, Peter Burr, Esq^{rs}, Mr. Roger Wolcott, and Mr. John Copp, being appointed by this Assembly to burn the sum of seven hundred ninety-two pounds seven shillings and three pence of the bills of credit of this Colony, which by order they had received of the treasurer, made return under their hands that they had accordingly burned and utterly destroyed them.

The petition of Peter Barber *contra* Quintin Crawford heard at this Assembly remains undecided.

This Court is adjourned till the Governour or Deputy Governour shall see cause to call them to meet again.

[104] AT A COUNCIL HELD AT NEW HAVEN, OCTOBER 27TH, 1718.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin,	}	Esq ^{rs} ,	Mathew Allin,	}	Esq ^{rs} ,
William Pitkin,			Joseph Talcot,		
Joseph Curtis,			Abraham Fowler,		
Richard Christophers,			John Sherman,		
Peter Burr,			Jonathan Law,		
Samuel Eells,			James Wadsworth,		
		<i>Assist^{nts}.</i>			<i>Assistants.</i>

The petition of Thomas Wheeler, Joseph Platt, &c., the major part of the proprietors of Carpen Meadow, in Milford, was read, moving [105] for a commission to be granted || for commissioners of sewers, pursuant to an act of the Assembly; which petition was allowed.

The petition of the proprietors of the salt meadows lying upon the Pine creek, above the new dam, and of the meadows called the Wolf swamp, and Reed ponds and low meadows adjoining, in Fairfield, was read before the Council, moving for a commission to be granted for commissioners of sewers, pursuant to an act of the Assembly; which

petition was allowed, and a commission given accordingly to Capt. Joseph Wakeman and Capt. Moses Dimond.

Ordered, That there be paid by the treasurer out of the publick treasury, the sum of thirty pounds unto Peter Burr, Samuel Eells, and Jonathan Law, Esq's, to bear their expences in the Colonies service in going to Rye to meet the commissioners from New York about the dividing line between the two governments; and what of it shall not be expended in that service, they must be accountable for.

AT A COUNCIL HELD AT NEW HAVEN, OCTOBER 28TH, 1718.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin,	} Esq's, Assistants.	Joseph Talcot,	} Esq's, Assistants.
William Pitkin,		Abraham Fowler,	
Joseph Curtis,		John Sherman,	
Mathew Allin,		James Wadsworth,	

Whereas information has been given to this board against David Robbinson, of Durham, in the county of New Haven, that the said Robbinson, supposed by some to be distracted, has for a considerable [106] time behaved || himself in a very evil, and oftentimes in an outrageous manner, to the great disturbance of the quiet of his Majesties subjects in the said town, divers of whom are very much terrified with his threatnings, and are in danger of suffering great harm by him, and, as is apprehended, are in peril of their lives,

Ordered, That a warrant be forthwith issued to the sheriff of the county of New Haven, or his deputy, to apprehend the said Robbinson and have him before the Hon. Deputy Governour Nathan Gold, Esq., and Peter Burr, Esq., Assistant, in the town of Fairfield, that if, upon examination had before them, the said Robbinson be found such a dangerous person, either by reason of his distraction or by any other means, he may be committed to the goal of the county of Fairfield, (there being no sufficient goal at this time in the said county of New Haven, for the securing of the said person,) and be held, ruled and governed there as the law provides in case of such disorderly persons. And all the charges that shall arise on the prosecuting of this order, both before and after he shall be so committed, shall be taken out of the estate of the said Robbinson, as the law directs.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN, OCTOBER 28TH, 1718.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

William Pitkin,	} Esq's, Assistants.	Abraham Fowler,	} Esq's, Assistants.
Joseph Curtis,		James Wadsworth,	
Joseph Talcot,			

Ordered, That the secretary draw out the act passed in this Assembly for encouraging the proceedings in Yale College in this town, and [107] inclose it in a ¶ letter to the Reverend Mr. Andrew, rector of the said school, recommending to him the observation of those proposals in that act, which, at the motion of the Lower House, have been concluded.

Whereas the late treasurer has been by mistake allowed in his account the sum of one hundred pounds as paid to the trustees of Yale College for the year 1716, which said hundred pound was not paid to them, or their order; and the administrator of the said treasurer, sensible of the mistake, has charged the estate of the late treasurer with the said hundred pound, so that that error is corrected:

Ordered, That the present treasurer of this Colony do pay the said sum to the treasurer of the said Yale College, Mr. John Prout, as the trustees of the said college have desired.

Resolved, That there be an order from this board upon the treasurer of the Colony for the payment of the sum of one hundred pound to the treasurer of Yale College, or any other order of the trustees of the same, which is for the year 1718, ending this present month, and to be applied particularly in such manner as this Assembly has, by their act for the encouragement of Yale College, directed and recommended to the trustees.

Ordered, That the secretary write an order on Mr. Daniel Buckingham of Say Brook, requiring him to deliver to the rector of Yale College, or his order, the books and papers belonging to that college, which were by direction of the trustees of the same left in his house, when the said college was removed to N. Haven, and which he has held in his keeping since that time; and that the said order be inclosed in the forementioned letter to the rector.

Ordered, That William Pitkin, Esq., Joseph Talcot, Esq., and Capt. Aaron Cook, be a committee to provide what may be procured before the next General Assembly, for the building of a State House in [108] ¶ Hartford, pursuant to an act passed in the Assembly holden the 9th of this present month of October; and that the commissioners for the selling of the land of the plantation or new town, called Stafford, put what money shall be coming to the treasury by the sale of the said lands into the hands of the said committee, to be improved in the service committed to them.

John Andross of Milford, in the custody of the goaler of the goal of New Haven county, shewing to this board that when he was suspected of making and putting false bills, [he] did humbly confess the whole fact that he was guilty of, which he supposeth could by no means else have been discovered, had produced several false plates to make false money, and the judges of the superiour court, in his favour, shewing that he had been induced to make all the discoveries abovementioned by their promises to represent the same to all possible advantage in his favour; and thereupon the said John Andross praying that he might have some release of the penalties set upon him, according to the course of the common law: all which being heard and considered at this board, It is thereupon ordered, that the said John Andross shall be released from

his imprisonment the remainder of the six months of his imprisonment he was adjudged to suffer, for his crimes aforesaid. Provided he give sufficient security, with sufficient sureties, to the goaler aforesaid, to pay thirty pounds of his fine, and costs of prosecution put upon him by the superiour court, into the hands of, the superiour court. in March next, in New Haven; and that the secretary do send an order to the said goaler to release the said John Andross of his custody, on the condition aforesaid.

[109] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN SAY BROOK, DECEMBER 2^o, 1718.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

John Hamlin,	} Esq's, Assist's.	Samuel Eells,	} Esq's, Assistants.
William Pitkin,		Joseph Talcot,	
Joseph Curtis,		Abraham Fowler,	
Richard Christophers,		James Wadsworth,	
Peter Burr,			

The Governour communicated to the board the return made by the Reverend Mr. Samuel Russell and Mr. Thomas Rugles, of the order made by this board October the 28th, 1718, pursuant to the act of the General Assembly holden in New Haven the 9th day of October last, entituled An Act for the encouragement of Yale College, which said order was directed to Mr. Daniel Buckingham of Say Brook, requiring him to deliver the books and papers belonging to Yale College at New Haven, which he the said Buckingham had in his house and custody in Saybrook, to the Rev. Mr. Samuel Andrew, rector of the said college, or to his order; which said order was by the said rector indorsed to the said Mr. Russell and Mr. Ruggles, or either of them, who were appointed by him to receive them. And their said return thereupon sheweth, that on the 11th day of November, they by virtue of said order demanded the said books and papers, and that the said Buckingham did refuse to deliver them, declaring he did not know that he had any books belonging to Yale College, but when he did, and should receive authentick orders, he would deliver them.

Upon consideration of this matter: Resolved by this board, that the said Buckingham refusing to deliver the said books and papers upon the said order given pursuant to the said act of the Assembly, has a [110] manifest appearance of great misdemeanour || and contempt of authority; and that a precept be issued to the sheriff of the county of New London, signed by Capt. Christopher Christophers, clerk of the Council, by order of this board, commanding him in his Majesties name to arrest the said Daniel Buckingham, and have him before the Governour and Council, to-morrow morning at ten of the clock, at the house of Major John Clark in Saybrook, to be examined concerning his said misdemeanour and contempt, and dealt with as the law directs.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN SAYBROOK,
DECEMBER 3D, 1718.

Present, The Honourable Gurdon Salton-stall, Governour.

John Hamlin,	} Esq'srs, Assist'ts.	Samuel Eells,	} Esq'srs. Assistants.
William Pitkin,		Joseph Talcot,	
Joseph Curtis,		Abraham Fowler,	
Richard Christophers,		James Wadsworth,	
Peter Burr,			

Whereas, upon view of the records of the last Assembly, it appears that there is a mistake in the entry made of certain petitions brought to the said court, in the nature of writs of error, which were there heard and remain undecided, by leaving out the names of some of the petitioners and misplacing others: viz. where it is said James Welch *contra* Samuel Huestead, it should be James Welsh *contra* Ebenezer Harris; and Nehemiah Palmer *contra* Samuel Huestead: Ordered, that the secretary do amend the said entry, and make it correspond with the true names of the said petitioners, as they appear by the petitions on file.

[111] This day the sheriff of the county of New London, by virtue of the precept given him and dated yesterday, brought Mr. Daniel Buckingham before this board. The precept was read in his hearing, and the order of the Council, dated October 28th, 1718, directed to the said Buckingham, to render the books of Yale College in his custody to the Rev. Mr. Samuel Andrew, rector of the said college, or his order, together with the rectors order thereupon to the said Buckingham, dated November 7th, 1718, to deliver the said books and papers to the Rev. Mr. Samuel Russell or Mr. Thomas Rugles, two of the said trustees of the said college, and the return of the said Mr. Russell and Mr. Rugles, dated November 11th, 1718, declaring that the said Buckingham had refused to deliver the said books according to said order, saying that he did not know he had any books belonging to Yale College, but when he did, and should receive authentick orders, he would deliver them. And the act of the late Assembly, intituled An Act for the encouragement of Yale College, was also read to him. And the said Buckingham was thereupon asked what he had to say, in defence of his refusal to render the said books according to order, and for his treating the order of this board and the act of the Assembly with such contempt,—answered, that he could only say as he had done, and as was declared in the abovesaid return.

It was thereupon declared to him, that the collegiate school to which the books and papers demanded did belong, was erected by this government; that they had put the said school into the care of divers trustees, and had settled and approved of their carrying on the affairs of the said school at New Haven, as also of the name of Yale College, [112] given to the said collegiate school; and had not only directed the trustees in the removal of the books and papers belonging to it, to the room prepared for them in Yale College at New Haven, but had provided particularly that the necessary orders for the removal of them should be given by the Governour and Council; and that since he had

accepted the charge or keeping of the said books and papers, he was thereby an under officer or servant of the said school, in the nature of a library keeper, and was absolutely under the will of the trustees or masters of the said school, to render the said books to their order and to the use of the said school, as there should be occasion or as they should be required of him by order of the government; and that its unaccountable for any one intrusted in like manner to keep the said books from the use of the said school.

And this board, pursuant to the aforesaid act of Assembly, did moreover require of him the said Buckingham, as intrusted with the keeping of the said books, now to deliver them to this board, that they might give order for the safe conveyance of them to the library in Yale College; which he, the said Buckingham, refused to do, still saying that he did not know he had any books belonging to Yale College.

And it appearing to this board that the books and papers belonging to Yale College are at this present time in the dwelling house of the said Daniel Buckingham, in a chamber of the said house, where they were brought by order of the trustees with consent of said Buckingham, to be kept safe for the use of the said college; and that the said Buckingham in contempt of the aforesaid order for the rendering of them, designing to hold them from said school, and prevent the said [113] trustees of said college, and students || therein, from the use of the said books and papers, whereby the declared resolution of the General Assembly to encourage the said school, and the aforesaid act will be greatly defeated, and the orders they have given for that end become ineffectual,

Ordered, That a precept be made to the sheriff of the county of New London, requiring him to demand the said books, and upon his refusal, to enter into the said house and chamber, and deliver and cause them to be delivered to the rector of the said college, Mr. Samuel Andrew, or to either of the gentlemen, vizt. Mr. Samuel Russell of Branford, or Mr. Thomas Rugles of Guilford, by him appointed to receive them.

Ordered, That the said Buckingham do give bond with sureties, in the sum of one hundred pound, to the publick treasury of this Colony, for his appearance at the General Court to be holden at Hartford in May next, to answer for his misdemeanour and contempt, in refusing to deliver the said books and papers, according to the aforesaid act of Assembly, and also for his good behaviour in the mean time, and that he stand committed until he give bond as aforesaid.

And the said Daniel Buckingham as principal, and Nathaniel Chapman and Joseph Dudley as sureties, acknowledge themselves bound joynly and severally to the publick treasury of this Colony, in a recognizance of one hundred pounds, that the said Daniel Buckingham shall appear at the General Court to be holden at Hartford in May next, to answer for his aforesaid misdemeanour and contempt, and that he shall be of good behaviour in the mean time.

Acknowledged before the Governour and Council.

Test.

C. CHRISTOPHERS, *Clerk.*

[114] The following Address was read in Council and agreed upon:

To his Most Excellent Majestie, George, King of Great Britain, &c.

The Governour and Company of your Majesties English Colony of Connecticut in America, beg leave humbly to represent,

That the antient Ports, in this your Majesties Colony, by charter confirm'd to us, and which have been from the beginning supplied not only with naval officers but also for the most part with collectors or their deputies, have of late been rendered useless, *to the great prejudice of this your Majesties Colony*, by the collectors neglecting all but that one where he resides himself, and obliging all vessels employed in our coasting trade, to enter and clear at that one port of his residence, and refusing to allow of those entries that are made with the naval officers, as formerly, in any other ports.

By combination with the collectors in other your Majesties American plantations, he has carried on the design so far, that several vessels, with lawful clearings from the naval officers residing in the ports of this Colony from whence they sailed, have been threatned by the officers in the said plantations to be seized, with their ladings, only for the masters not going with their vessels to the port of the collectors residence and not taking their clearings from him; and some have been seized and condemned with their ladings, to the great discouragement of that small trade which is carried on with much difficulty for the support of your Majesties subjects here.

We have acquainted herewith your Majesties Commissioners of the Customs in London; they have declined to give direction to the collector they have placed here, that he should supply the several ports with his deputies, as other collectors have done. And he continues [115] in || the same imposition upon the coasters, thereby designing to shut up all the ports but that where he resides, to the great damage of this Colony.

We are thereupon constrained, for the continuation of this ancient privilege, thus humbly to address your Majestie, and beg your Majestie would be graciously pleased to order, that the collectors, which are or may be appointed here, do conform themselves as those that were before them have done to the established ports.

And, while we are thus admitted to your Majesties presence, we most humbly beg leave to congratulate your Majestie on the late happy success of your Fleet under the command of your Admiral Sir George Bing; from whence the nations of Europe may learn how firm a security is given, by your Majesties wisdom and power, to their common peace and tranquility.

We heartily ^{PRAY}_{WISH} your Majesties reign may be long, and for ever glorious, and are

May it please your Majestie,

Your Majesties most loyal, most humble and obedient subjects,
GURDON SALTONSTALL, Governour.

Signed per order of the Council and Assembly,

H. WYLLYS, Secretary.

Whereas there are several difficulties arisen, which have hitherto prevented the execution of the order of the Assembly, for running out the line of division between this government and the Province of New York :

For the removal thereof, it is ordered, that Jonathan Law and Joseph Wakem-an, Esq's, two of the commissioners appointed by this government for running out the said line, do as soon as may be, taking a surveyor with them, and what other help shall be necessary, and particularly John Cross of Windsor, who was present at the running that part of the line already stated, and that they make tryal of the said line, as [116] it was || so run and stated by agreement of the said governments, from Lyons Point at the mouth of Biram River, to a great rock at the Wading Place, where the great path passes over the said river, and from thence to the three oak trees, at eight miles distance from the said Lyons Point, and from the said trees twelve miles east north east, together with the addition to that line of twelve miles of one mile and sixty-four rods, and three hundred and five rods, according as is expressed in the said agreement and survey thereon; endeavouring to find out the trees and monuments of the said line that were made at the time of the said survey, and make report of what they shall find, to the Governour and Council.

Whereas the sheriff of the county of New London has certified this board, that this evening, in the execution of a special warrant from this board dated this day, to enter into the house of Daniel Buckingham of Saybrook, and take and deliver the books and papers belonging to Yale College, in New Haven, to the rector of the said school, or his order, pursuant to an act of the General Assembly holden in New Haven on the ninth day of October last, Abraham Chalker of the said Saybrook resisted him at the door of the said house, by threatening him, that if he came into the said house it should be upon his peril, contrary to the peace of our sovereign lord the King, and the law in such case provided.

Ordered, That a precept be directed to the said sheriff, commanding him in his Majesties name to arrest the said Abraham Chalker, and have him before the Governour and Council to-morrow morning at nine of the clock, at the house of Major Clark in said Saybrook, there to answer for the said breach of peace and high misdemeanour.

[117] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN SAYBROOK, DECEMBER 4TH, 1718.

Present, The Honourable Gardon Saltonstall, Esq., Governour.

John Hamlin,	} Esq's, Assist'ts.	Samuel Eells,	} Esq's, Assistants.
William Pitkin,		Joseph Talcot,	
Joseph Curtis,		Abraham Fowler,	
Richard Christophers,		James Wadsworth,	
Peter Burr,			

The sheriff of the county of New London made return, that by the warrant of this board, dated yesterday, he had entered into the house of Mr. Daniel Buckingham of Saybrook, and in the chamber of the said house found several books belonging to Yale College, in New Haven, and was ready to deliver them to the Rev. Mr. Thomas Rugles, as directed by said warrant.

Ordered, That the sheriff have a precept given him, enabling and commanding him to impress men, and carts, and oxen, as shall be sufficient for conveying the said books safely to Guilford, and at the house of Capt. Janna Meggs in the said town, to deliver them to Mr. Ruggles, who pursuant to an act of the last Assembly, intituled An Act for the encouragement of Yale College, has been appointed by the rector of the said college to receive them, taking his receipt of them, and make return to this board.

Resolved, That a Proclamation be emitted, pursuant to An act of the last Assembly, intituled An Act for the encouragement of Yale College, requiring all persons who have in their custody any books belonging to the Collegiate School in this Colony, now named Yale College, which was formerly at Saybrook, do forthwith cause them to be [118] returned to the library || provided for their reception in the said college.

Resolved, That a Proclamation be emitted, to require all persons in authority, who have taken and secured in their hands any counterfeit or false bills of credit, cause them to be returned to the treasurer of the Colony at or before the day of May next, that the General Assembly may give such order concerning them as they shall judge meet.

Ordered, That Capt. Christopher Christophers, naval officer in the port of New London, pay, out of the impost money in his hands, the charge arising on the occasion of the Governour and Councils convening at this town.

Two orders signed by the Governour, directed to the major of the county of New London, were this day read in Council and approved of.

Whereas Edward Lay of Lyme, and Samuel Chapman of Saybrook, were brought before this board to be examined of threatening words spoken this day to the sheriff of the county of New London, relating to the executing of his office, in which he was then employed, as may more fully appear by the sheriffs complaint sworn to in Council; and the persons being examined: It is resolved, that the said Lay and Chapman become bound, each of them, with sufficient sureties, in a recognizance of fifty pounds, to appear at the county court to be holden at N. London on the first Tuesday of June next, to answer for the said threatening words wherewith they are respectively charged in the said complaint, and for their keeping his Majesties peace, and for their good behaviour towards all his Majesties subjects, and especially to all his officers, in the mean time, and to stand committed until they shall give bond as aforesaid.

[119] And Edward Lay, as principal, and Richard Brockway and Joseph Way as sureties, acknowledge themselves jointly and severally bound to the treasurer of the county of New London in the re-

cognizance of fifty pound, that the said Lay shall appear at the county court to be holden at New London on the first Tuesday of June next, to answer for the threatenng words wherewith he is charged in the aforesaid complaint, and that he shall keep his Majesties peace, and be of good behaviour towards all his Majesties subjects, and especially to all his officers, in the mean time.

Acknowledged before the Governour and Council,

Test. C. CHRISTOPHERS, *Clerk.*

Samuel Chapman as principal, and Samuel Clark and Robert Bates of Say Brook as sureties, acknowledged themselves joyntly and severally bound to the treasurer of the county of New London in the recognizance of fifty pound, that the said Samuel Chapman shall appear at the county court to be holden at New London on the first Tuesday of June next, to answer for the threatenng words wherewith he is charged in the aforesaid complaint, and that he shall keep his Majesties peace, and be of good behaviour towards all his Majesties subjects, and especially to all his officers, in the mean time.

Acknowledged before the Governour and Council,

Test. C. CHRISTOPHERS, *Clerk.*

[120] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN, ON WEDNESDAY MARCH THE 11TH, ANNO R. R^s. Gth QUIN-TO, ANNOQUE DOMINI 171³.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

John Hamlin,	} Esq ^r s,	Samuel Eells,	} Esq ^r s,	
William Pitkin,		Joseph Talcot,		
Richard Christophers,		Jonathan Law,		} Assistants.
Peter Burr,		James Wadsworth,		

The Governour communicated to this board a letter from Mr. Agent Dummer, dated Sept. 3d, 1718, together with Sir William Thompson, the King's Solicitor General's opinion, upon the state of the case about the entring and clearing vessels with a collector or naval officer; which were read.

A letter from Mr. Secretary Willard, to the Governour, relating to the badness of the post road and the bridges in the eastern part of this government, and desiring that proper measures might be taken for the repairing of them, was also read.

The Governour signified to the Council, that he had desired their convening at this time, to visit the trustees of Yale College, and to enquire into the state of it, and particularly into the occasion of several students lately deserting, or refusing to attend order there, said to be returned to Weathersfield, from whence, by especial order of the Assembly, they removed to the said college:

That he had given notice hereof to the rector and trustees of the said college, who were several of them attending for that end, in the said college; and that he had received account that the Rev. Mr's.

Noyes of Stonington and Lyme, trustees, &c. were prevented by their age and indisposition.

[121] William Pitkin, Esq., acquainted this board, that he had communicated to the Rev. Mr. Timothy Woodbridge and Mr. Thomas Buckingham, of Hartford, trustees, &c., the Governour appointing this time for a meeting of the said trustees and the gentlemen of the Council in this place, and read the paragraph of the Governour's letter for that end to them, wherein he signifies to them that, as he had to the rest, so he desired of them to attend at New Haven this meeting, and should accordingly expect them; and that the said Mr. Woodbridge declined going to New Haven, saying he had not advised the scholars in their going to or coming from New Haven, and therefore should not concern himself in that business, and declined going to said Council and meeting of the trustees.

Joseph Talcot, Esq., acquainted this board, that the Rev. Mr. Thomas Buckingham aforesaid, upon reading the Governour's letter to Mr. Pitkin, did say that he had long ago declared to the trustees, that he would never contend any more with them in the affairs of the college, and therefore did not intend any more to concern himself as a trustee in that affair, and thought he should not attend the meeting proposed, with the trustees.

Also Mr. Pitkin acquainted this board that the said scholars were at Weathersfield, and said to be under the tuition of Mr. Elisha Williams, &c.

The Governour, and Council thereupon proceeded from the Council chamber to Yale College hall, where they were received by the Rev. Mr. Samuel Andrew, rector, and the Rev. Mr. Samuel Russell, and Mr. Thomas Ruggles, trustees of the said college; several other of the said trustees being not yet come into town, but expected.

The Governour acquainted the rector, that the government which had with great satisfaction founded the said college at first by their [122] charter, and had lately professed, with such solemnity, their desire and firm resolution to contribute to its prosperity, could not but take notice of what had lately happened, in the desertion of such a number of the students, in so uncommon a manner; and that he had no other information of it than by common fame, yet that was grown so loud, and was by many evil minded persons industriously spread abroad, both to the injury of this college and to the great disturbance of peace and good order in the government, that he judged it necessary on that occasion to appoint this meeting, that having a right understanding of the management of the said deserters, which had occasioned so much disorder, proper measures might be taken to redress what should be found amiss, and prevent the like for the future, and particularly all needful support and encouragement given to the said college.

To which the rev. Rector made a brief reply, wherein he took suitable notice of the care the government took for the prosperity of the college; and added that the only pretended cause, which he knew of, of the forementioned desertion, was the insufficiency of one of the tutors: but he doubted not it would be found, upon enquiry, most unreasona-

ble. That they were in expectation of several of their number, and would send to meet them by express, when they should be in readiness to attend what might be further necessary in this affair.

Mr. Pitkin further acquainted this board, that upon his receipt of the Governour's letter he went with it to Weathersfield and shewed it to four of the elder scholars there, and gave them notice to be present at the Council, to shew their grievance, in order to their being redrest; and their answer to him was, that they understood that Mr. Woodbridge and Mr. Buckingham would not be there, and could not tell whether they should be there or not.

[123] The Council adjourned 'till to morrow morning, nine of the clock, and then met. And

The Governour communicated to this board a proclamation for a general fast, to be religiously observed throughout this government on Wednesday the 8th day of April next; which was read and approved of.

Ordered, That the account of Nathan Bradly, of what he lost at Say Brook in the countrys service, in fetching the books from thence to the library in Yale College at New Haven, laid before this board, be referred to Abraham Fowler, Esq., to be examined by him, in order to be laid before the General Assembly in May next.

Whereas information has been given to this board that David Robbinson of Durham, who was released from his confinement at Fairfield, hath since returned home, and goes armed, and behaves himself in an outrageous manner, to the great terrour and disturbance of his Majesties good subjects: *Ordered*, that James Wadsworth, Esq., do enquire into that affair; and if, upon examination, the said Robbinson be found to behave himself in such a dangerous manner, he take suitable care that he may be kept in good order and proper confinement by his friends; and upon their refusal, he issue forth his warrant directed to the sheriff of the county, or the constable of the said town, to apprehend the said Robbinson and commit him to the goal in the county of Fairfield, there to be restrained and regulated, as the law provides in such cases.

[124] The Council adjourned till Fryday morning, nine of the clock. Fryday morning, nine of the clock, the Council met, the same members present that were in Council yesterday and the day before, and,

Upon consideration had of the state of the college, the trustees present did declare, that Mr. Johnson, against whose learning it has been reputed that the deserting scholars had objected, had been for some years improved as a tutor in the said college, and was well known to be a gentleman of sufficient learning; and that they cannot but look upon it as a very unworthy part in them, if any of those that have deserted the college have endeavoured to scandalize a gentleman in such a manner, whom much more competent judges highly esteem as a man of good learning, and in that respect very well accomplished for the charge he is in.

And further they declared, that they had been endeavouring to procure a rector to reside at the college, tho' their endeavours had hitherto been unsuccessful; and were of the opinion that it was highly neces-

sary to procure immediately some gentleman to be resident there, as a rector *pro tempore*, till the latter end of May next, who should take the charge of the college, with a tutor under him, to assist in the tuition of the students; which they hoped would put the affairs of the college into a desirable state, and give entire satisfaction to all that wished for the prosperity of it.

And the gentlemen of the Council, being unanimously of opinion that no expedient could conduce more to the benefit of the college and satisfaction of all, recommended it to the trustees that they would proceed to make choice of a person to reside in the college as a rector *pro tempore*; that he might be as soon as possible obtained.

[125] The Rev. Rector, Mr. Samuel Andrew, Mr. Samuel Russell, and Mr. Thomas Ruggles, trustees, &c., personally communicated to this board, that according to the recommendation made them from hence, to consider of some fitting person who might be obtained to reside as a rector in Yale College, they had considered that matter, and resolved that the Rev. Mr. Timothy Cutler, minister of Stratford, was a person of those qualifications that they could not but think him very proper to take charge of the tuition and government of the students in Yale College, from this present time to the last Wednesday of May or the first Wednesday of June next, in the quality of a rector to reside there; and that they had pitched upon him for that end, and designed to procure his residence there forthwith. To which the Rev. Mr. Davenport added particularly for himself, that he did with the rest of the gentlemen beforementioned fully concur in his opinion of Mr. Cutler's qualifications for that service, but had some scruple of removing him from the church, which he doubted might be attended with unhappy consequences, as to the affairs of that church and town in particular; wherefore he could not tell how to concur with them in their election of him to this service, unless it be considered strictly as under the limitation to that time set, *vizt.* the last Wednesday in May, or first of June.

And the gentlemen thereupon desired the advice of this board.

Who, after consideration had, did advise them, that if the trustees could by any means obtain the Rev. Mr. Cutler to come and reside in Yale College, and take the charge of a rector upon him for the time [126] limited, it would prove an expedient universally acceptable to the Colony, as it was to this board, and to all persons who have been under any uneasiness respecting the state of that college, and prove a good means to put an end to the contentions, which are unhappily arisen, for want of such a person residing there.

And that altho' the church and town of Stratford must be allowed to be unwilling altogether to part with their reverend pastor, who is worthy of their great respect and honour, yet for so short a time, and for so great and general advantage, as its hoped his residing at Yale College may prove, we can't but think they'll be perswaded to deny themselves, and be satisfied with that provision to supply his desk which you may be able to make for them.

And we cannot but add our assurance, that if you may be succeeded so far as to gain him to attend the proposed service, it will give a particular satisfaction to the Assembly; and they will be encouraged to

come into the consideration of, and favour the measures which, after that, may be thought best to supply the college with an acceptable resident rector for the future.

The Worshipfull Mr. Pitkin and Major Talcot shewing to this board that the Assembly in October granting five hundred pound to be raised by the sale of the Colonies land, for the building a State House at Hartford, desire the opinion of this board concerning the dimensions of a house which may well answer the expectations of the Assembly in making a grant in favour of that part of this government.

This board are of opinion, that a house of seventy two feet long, thirty broad, twenty-four between joints, with a range of pillars under the middle of the beams of the chamber floor, a door on each side, and at each end, a staircase at the south-west and another at the south-[127] east corner, two chambers || of thirty foot long at each end, one for the Council and another for Representatives, with a space of twelve foot between the two houses, and a staircase into the garrets, and on the other side a lobby to the Council chamber, will well serve the occasions designed by the Assembly, and answer their expectation in the grant aforesaid. And whereas there is a quantity of timber felled, proportioned to those dimensions, which may suffer if it be not squared, before the heat of summer advances: this board is of opinion and accordingly direct, that the said timber be squared and so remain for the further order of the Assembly.

Whereas, by an order of Council of the third of December last, Jonathan Law, Esq., and Capt. Joseph Wakeman were appointed to proceed upon the business of the line between this government and the Province of New York, and the said Mr. Law being occasionally prevented from joyning with the said Wakeman in that service: It is now ordered, that the said Wakeman do proceed in the business without Mr. Law, according to the direction of the aforesaid order of Council.

The charge of the Governour and Council at this meeting is allowed to be £17 8s. 2d.

Ordered, That the above sum of seventeen pound eight shillings and two pence be paid to the respective persons to whom it is due, out of the countrys money paid in to the superiour court at their sessions in New Haven the 10th instant.

[128] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, APRIL 22D, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

John Plumb, Esq., Christopher Christophers, John Picket,
John Richards, Jeremiah Chapman, Joseph Harris.

Upon the arrival of the sloop Sea Flower, John King, master, from Saltertudas, in this harbour on the 17th instant, advice was brought to the Governour, that one of the men belonging to the said sloop was sick with the small pox; whereupon his Honour immediately issued forth his warrant directed to the sheriff of the county of New London,

to prevent any of the said vessels' company from coming on shoar, or any other persons from going on board the said sloop; and also to provide all such necessaries as might be wanting for the relief of the said company, till further provision should be made for them.

Ordered, That Mr. King and his apprentice be discharged from their confinement on board the said sloop, provided they cleanse themselves thoroughly, and immediately take passage for Long Island where they belong, and do not come on shoar in the town before their departure.

Ordered, That Mr. Jonas Green be forthwith sent on board the said sloop (in case Mr. King accepts of the liberty granted him as above-said,) to take charge of the said sloop and such as shall still remain confined on board; and that he be very carefull to see that those of the said vessels company as shall have liberty from this board to depart, do sufficiently cleanse themselves, by all proper means, from the infection; and that he do strictly observe such directions as from time to time he shall receive from the Governour concerning the same; and that he be allowed, as a meet recompence for his trouble, five shillings per day and his subsistence.

[129] *Ordered*, That such of the said vessels company as have apparently had the distemper formerly, be discharged from their confinement, provided they sufficiently cleanse themselves from the infection.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, APRIL 23TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
 John Plumbe, Esq., Christopher Christophers, John Picket,
 John Richards, Jeremiah Chapman.

Whereas it hath been certified to this board, that George Smith, ———— Marriner, and ———— Harris, three of the company belonging to the sloop that hath the small pox on board in this harbour, have formerly had the said distemper: It is ordered, that Mr. Jonas Green and George Plumbe do repair to the shoar near the said sloop, and see that the aforementioned three men do thoroughly wash and cleanse themselves from the infection, and cut off their hair, and bury their infected cloaths, and cloath themselves with such fresh cloaths as shall be provided for them, and depart the said vessel.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, APRIL 27TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
 Jonathan Prentts, Esq., John Plumbe, Esq.,
 Christopher Christophers, John Richards,
 John Picket, John Gardiner.

Ordered, That Mr. Jonas Green do immediately go on board the [130] sloop Sea Flower now lying in the harbour || of New London infected with the small pox, and take all imaginable care that those of the said vessels company, who have liberty from this board to be discharged from their confinement, do sufficiently cleanse themselves according to the order of Council of the 23th instant; and that he do not suffer any of the men discharged as aforesaid, nor any other person whatsoever, to come on board the said sloop, nor depart out of the said sloop, during his continuance there, unless by special order from the Governour and Council.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, APRIL 30TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
Richard Christophers, Esq., *Assistant,* John Coite,
Jonathan Prentts, Esq., Christopher Christophers.

Ordered, That Mr. John Coite, with all prudent care, do have communication with Mr. Jonas Green, who has the charge of the sloop and men infected with the small pox, so as to know what necessaries shall be wanting for the persons on board the said sloop; and that from time to time he inform the Governour thereof, that suitable provision may be made for their supply.

Ordered, That Mr. Green be directed not to suffer the infected cloaths, which have been buried by order of Council, to be taken up till further order from this board.

[131] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, MAY 7TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
Richard Christophers, Esq., *Assistant,* John Richards,
Jonathan Prentts, } Esq's, Christopher Christophers,
John Plumbe, } John Picket.

Whereas, upon the arrival of the sloop Sea Flower, John King, master, with a person sick of the small pox on board, in the harbour of New London, care has been taken and orders issued out for the relief of the sick on board, and to prevent all such communication with them as might hazard the infecting of the place: and whereas since the arrival of the said sloop, several of the mariners have been taken sick with the said distemper and are now ill of it: and whereas the Governour and Richard Christophers, Esq., are designed to go to the General Court in Hartford the beginning of the next week, so that the town will be left without any person in authority to give such further orders as may be necessary for the preventing of such communication with the said sick persons as may endanger the spreading of the

said distemper, and for causing them to keep on board the said vessel till they have licence to come on shoar, as the law directs: and whereas the law, title An Act providing in case of sickness, provides that in such cases the Governour, with the consent of the Council, may give such further order as they shall judge meet, for preventing the spreading of such sickness,

It is therefore hereby ordered, That till such time as the said sick persons being recovered shall have leave to come on shoar, the clerk of the Council, Capt. Christopher Christophers, with the consent of Lt. Jonathan Prentts, Mr. John Plumbe, and Mr. John Richards, or [132] any two of them, || till further order of this board, shall issue out such warrants as they shall judge necessary, to the sheriff of the county of New London, or constable of said town, or such other person as they shall judge suitable, commanding to impress such persons, and constantly keep such guard as may be effectual, to restrain the said persons on board from coming on shoar, or prevent any other persons from going on board, without licence as aforesaid; and to cause any former orders of this board to be duly executed; which order or precept shall be signed by the said clerk of the Council in the usual form, vizt: By order of the Governour and Council.

Ordered, That Mr. John Picket, upon the refusal of Mr. Coite, be appointed to supply the sick people and others on board the sloop Sea Flower with such necessaries as shall be wanting for their relief.

Ordered, That Mr. Green be directed to allow George Smith, one of the mariners discharged from the said sloop, to take up his cloaths, which were buried, for the preventing the spreading of the infection; provided the said Smith shall carefully wash and cleanse the said cloaths.

[153] *CONNECTICUTT* }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTIES COLONY OF CONNECTICUTT, IN NEW ENGLAND, ON THE 14TH DAY OF MAY, IN THE FIFTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, KING OF GREAT BRITAIN, &C., ANNOQUE DOM. 1719.*

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esqr, Governour.

The Honourable Nathan Gold, Esqr, Deputy Governour.

* The Journals of either House at this session are imperfect: that of the Upper House extends to May 25; that of the Lower House to May 19. The Assembly had not adjourned on the 3d of June.

John Hamlin,	} Esq ^{rs} ,	Samuel Eells,	} Esq ^{rs} ,
William Pitkin,		Mathew Allyn,	
Joseph Curtice,		Joseph Talcott,	
Richard Christophers,		Abram Fowler,	
Peter Burr,		James Wadsworth,	

Representatives or Deputies that were returned to attend at this Assembly, were as followeth, viz:

Mr. Tim^o Woodbridge,* Mr. Thomas Buckingham, for Hartford.

Mr. James Rogers, Mr. Jonathan Hill,† for New London.

Mr. Thomas Lee, Mr. Richard Ely, for Lyme.

Capt. Samuel Avery, Mr. Moses Fish, for Groton.

Capt. Joseph Rockwell, Mr. William Savage, for Middletown.

Lt. Timothy Peirce, Mr. John Fellows, for Plainfield.

Mr. Joseph Addams, Mr. Samuel Butts, for Canterbury.

Mr. John Lane, Mr. David Buell, for Killingsworth.

Mr. Samuel Gunn, Mr. George Clark, for Milford.

Capt. Thomas Judd, Mr. Ephraim Warner, for Waterbury.

Mr. Nathan^l Chapman, Mr. Dan^l Buckingham,† for Seybrook.

Mr. Isaac Dickerman, Mr. Theophilus Munson, for New Haven.

Major John Burr, Capt. Joseph Wakeman, for Fairfield.

Capt. Richard Bushnell, Mr. Joseph Becchus, for Norwich.

Mr. Caleb Seward, Mr. Sam^l Fairchild, for Durham.

Capt. John Hall, Mr. Howkin Hart, for Wallingsford.

Capt. Samuel Mather, Mr. Ebenezer Fitch, for Windsor.

Capt. Thomas Holcomb, Mr. Samuel Humphreys, for Symsbury.

Mr. John Hart, Mr. Anthony Judd, for Farmington.

* Mr. Woodbridge offered prayers at the opening of the Assembly. On the 18th, Capt. Joseph Wakeman, a deputy from Fairfield, made information, that he had heard that Mr. Woodbridge had said, or charged, the Honourable the Governour and Council, in that matter at Saybrook, with the breach of the 6th and 8th commandments; and signified that he supposed that Joseph Talcott, Esq., and Capt. Aaron Cook could testify therein. The next day the House voted that the matters alleged were sufficient to exclude him from taking his seat as a member; and with this vote the portion of the Journal which is preserved ends. But it seems that Mr. Woodbridge presented to the Lower House a paper with his name subscribed, whereupon by a vote of that House, he was acquitted from the charge of defaming his Majesty's government. This vote was not satisfactory to the Upper House, as appears by a message sent down by them May 30th. *Journals, Civil Officers, &c.*, I. 264.

† On the 15th the Governour moved that Jonathan Hill, returned as a member from New London, and Mr. Daniel Buckingham, a member from Saybrook, as being guilty of high misdemeanors, be not admitted as members till the Assembly had considered their cases. The House resolved that the matters alleged against Mr. Hill were not sufficient to exclude him from sitting as a member: whereupon the Upper House sent by the secretary the act passed in May, 1716, *ante*, Vol. V. 552, with a message from the Governour relating thereto. *Crimes & Misdemeanors*, II., 153.

On the 23d, Mr. Daniel Buckingham presented to the Upper House an acknowledgment of his faults respecting his managements before the Governour and Council at Saybrook, about the college books in his custody. The same was read and accepted, and the said Mr. Buckingham thereupon declared to be admitted to sit in this Assembly, and discharged from his recognizance. *Journals*.

Mr. John Buell, Mr. John Sprauge, for Lebanon.
 Colo. Ebenz Johnson, Mr. John Riggs, for Derby.
 Capt. Titus Hinman, Mr. Joseph Minor, for Woodbury.
 [154] Capt. Joseph Platt, Mr. John Copp, for Norwalk.
 Mr. Dan^l Palmer, Mr. Steph. Richardson, for Stonington.
 Capt. David Goodrich, Mr. Elisha Williams, for Wethersfield.
 Mr. William Spencer, for East Haddam.
 Mr. Hez: Brainerd, for West Haddam.
 Mr. Peter Aspinwell, Mr. Symon Bryant, for Kellingly.
 Mr. John Russell, Mr. John Linsley, for Branford.
 Mr. John Royce, Mr. Thomas Storrs, for Mansfield.
 Mr. Jeremy Judson, Mr. Edmund Lewiss, for Stratford.
 Mr. John Gregory, Mr. Israel Curtice, for Danbury.
 Mr. Michael Taintor, Capt. James Newton, for Colchester.
 Mr. Samuel Peck, Mr. Gershom Lockwood, for Greenwich.
 Mr. Caleb Leet, Mr. Joseph Stone, for Guilford.
 Mr. John Hoit, Mr. John Stone, for Stanford.
 Mr. Joshua Riply, Mr. Joseph Crary, for Windham.
 Mr. John Brown, Mr. John Freeman, for Preston.
 Mr. Tho. Kimberly, for Glassenbury.
 Mr. Benja Sabin, for Pomfrett.

Capt. Richard Bushnell, Speaker, } of the House of Repre-
 Mr. Thomas Kimberly, Clerk, } sentatives.

This day being appointed by charter and the laws of this Colony for the election of the publick officers of this corporation, viz: the Governour, Deputy Governour, Assistants, Treasurer and Secretary, proclamation being now made, the freemen proceeded to give in their votes to persons chosen and appointed by the Governour, Council and Representatives, to receive and sort them.

The persons so chosen and appointed were John Hamlin, Esqr, William Pitkin, Esqr, Richard Christophers, Esqr, Peter Burr, Esqr, Joseph Talcott, Esqr, Doctor Samuel Mather, Mr. Elisha Williams, Capt. Joseph Wakeman, Mr. Theophilus Munson, Capt. Richard Bushnell, Capt. Samuel Avery, who were all sworn truly and faithfully to receive, sort and count the said votes,

And the votes of the freemen being now brought in, sorted and counted, the Honourable Gurdon Saltonstall, Esq., was chosen Governour of this Colony for the year ensuing.

The Honourable Nathan Gold, Esq., was chosen Deputy Governour of this Colony for the year ensuing.

The Governour's oath, and likewise the oath respecting trade and navigation, required of the Governour to be taken by acts of Parliament, was administred to him by the Hou-

ourable the Deputy Governour, in the presence of this Assembly. And the Deputy Governour's oath was administred un- [155] to || his Honour the Deputy Governour by the Honourable the Governour before this Assembly.

John Hamlin, Esqr, William Pitkin, Esqr, Joseph Curtice, Esqr, Richard Christophers, Esqr, Peter Burr, Esqr, Samuël Eells, Esqr, Mathew Allyn, Esqr, Joseph Talcott, Esqr, Abram Fowler, Esqr, John Sherman, Esqr, Jonathan Law, Esqr, James Wadsworth, Esqr, were chosen Assistants of this Colony for the year insuing; and the Assistant's oath was administred to them (except Joseph Curtice, Abram Fowler, John Sherman, and Jonathan Law, Esqr^s, who were absent,) in the presence of this Assembly.

Mr. John Whiting was chosen Treasurer of this Colony for the year insuing.

Hez: Wyllys was chosen Secretary of this Colony for the year insuing, and accordingly sworn to that office and trust in the presence of this Assembly.

Ordered by this Assembly, That a copy of the sermon preached yesterday before the General Assembly by the Revernd Mr. Nathaniel Chauncey, minister of the gospel at Durham, be procured as soon as may be, and printed.

Ordered, That the thanks of this Assembly be given to the Revernd Mr. Nathaniel Chauncey, minister of the gospel at Durham, for his seasonable sermon preached in the audience of the General Assembly of this Colony yesterday, and that the Secretary write a letter and return him thanks accordingly in the name of this Assembly, desiring him as soon as conveniently may be to send the Governour a copy of his sermon, that it may be printed.

This Assembly do establish and confirm Mr. Obadiah Smith of Norwich to be Captain of the company or trainband in the west society in the town of Norwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jabez Hide of Norwich to be Lieutenant of the company or trainband in the west society in the town of Norwich aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Kingsbury to be Ensign of the company or trainband in the west society in the town of Norwich, and that he be commissioned accordingly.

[156] This Assembly do establish and confirm Mr. Caleb Knapp of Greenwich to be Captain of the company or train-

band on the west side of Myanos river in the town of Greenwich aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Reignolds of Greenwich to be Lieutenant of the company or trainband on the west side of Myanos river in the said town of Greenwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Lyon, jun^r; of Greenwich to be Ensign of the company or trainband on the west side Myanos river in the town of Greenwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Cumbstock of New London to be Lieutenant of the north company or trainband in the town of New London aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Russell of Branford to be Captain of the second company or trainband in the town of Branford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Houd of Branford to be Lieutenant of the second company or trainband in the town of Branford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Harrison of Branford to be Ensign of the second company or trainband in the town of Branford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Savage of Middletown to be Captain of the north company or trainband in the town of Middletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Warner of Middletown to be Lieutenant of the north company or trainband in the town of Middletown aforesaid, and order that he be commissioned accordingly.

[157] This Assembly do establish Mr. Samuel Frary of Middletown to be Ensign of the north company or trainband in the town of Middletown aforesaid, and order that he be commissioned accordingly.

This Assembly do appoint Richard Christophers and Peter Burr, Esq^{rs}, Capt. John Hall, Mr. Elisha Williams, and Mr. Ebenezar Fitch, to audit the Colony's accounts with the treasurer, and to make report of the state of said accounts to this Assembly as soon as may be; and also to gain an account of

the whole state of the treasury, as well with regard to what money may be in the treasurer's hands, as of the dead stock of bills brought in by rates, and of such as are yet outstanding of the date of 1709 only.

Whereas this Assembly in October last did grant full power to Richard Airs, John Bell and Samuel Weed, all of Stamford, to make sale of the real estate of Lawrence Airs, late of Stamford, deceased, in order to a distribution of the same by order of the court of probates in the county of Fairfield, to the creditors, as the law directs, said estate being an insolvent estate; and whereas the said Richard Aires is since departed this life, and having made sale of said estate: This Assembly do now therefore grant the sole power of making sale of said estate to the two survivors, viz: John Bell and Samuel Weed, which shall be as good and effectual as though it had been sold by those three men in the life time of said Richard Aires.

This Assembly grant liberty and full power unto Gamaliel Northrop of Milford, administrator on the estate of Daniell Northrop, jun^r, late of Milford, aforesaid, deceased, to make sale of the lands of the said deceased, to satisfy and pay the debts due from said estate, according to the advice and direction of the court of probates for the county of New Haven.

This Assembly do establish and confirm Mr. Samuel Clark of Milford to be Captain of the first company or trainband in the town of Milford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Woodruff of Milford to be Lieutenant of the first company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

[158] This Assembly do establish and confirm Mr. Andrew Sanford of Milford to be Ensign of the first company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Hall of Guilford to be Captain of the 2d company or trainband in the town of Guilford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Hill of Guilford to be Lieutenant of the 2d company or trainband in the town of Guilford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Crittendon of Guilford to be Ensign of the 2d company or train-

band in the town of Guilford aforesaid, and order that he be commissioned accordingly.

Upon consideration of the petition of Major John Clark *contra* Daniel Edwards, Jeremiah Fitch and John Hutson: It is resolved by this Assembly, that the said Major Clark shall be admitted to bring his action anew, for recovering of the land demanded of the said Edwards in the former writs referred to in the said petition, and that no proceedings on the said former writ shall be allowed to be pleaded in bar of the said action.

Upon the petition of Mr. John Coit, Mr. Joseph Coit, and Solomon Coit, all dwelling in the county of New London, praying this Assembly that special orders may be by this Assembly given, that the estate of Mr. William Harriss, sometime of Middletown, deceased, grandfather to said petitioners, may be settled by a court of probate as other estates are settled according to law: Resolved by this Assembly, that said estate hath never yet had a legal settlement. And whereas said petitioners have exhibited in this Assembly a covenant of agreement concerning said estate, under the hands and seals of fourteen of the heirs of said estate, bearing date Sept. 17th, 1717, which agreement this Assembly do approve were it perfected, but finding it not to be perfected by reason two or more of the said heirs have not signed and sealed said agreement: It is therefore now hereby resolved and declared, that if said parties shall see cause to come into said covenant, and sign and seal [159] the same as the rest of the heirs have done, || any time before the first day of August next ensuing, then said covenant shall be accounted good and effectual in the law, and shall be duly executed and fulfilled, and shall be the final settlement of said estate. But if said parties shall not see cause to come in as aforesaid, within the forementioned time, then the whole estate of said Mr. William Harriss shall be settled according to law, by the court of probates in the county of Hartford; and said courts at the motion and request of said petitioners shall grant administration and distribution on said estate according to law. Always provided, that if any of the parties concerned in said estate shall be aggrieved with the sentence or determination of the said court of probates, he or they shall have free liberty to remove the case by appeal to the superiour court in the county of Hartford, who shall finally determine thereupon.

This Assembly appoint Richard Christophers and Peter Burr, Esq^{rs}, and Capt. John Hall, Mr. Elisha Williams, and Mr. Ebenezar Fitch, to receive of the treasurer the dead stock of bills now in the treasury that have been brought in by rates

and exchange, and give the said treasurer a receipt for the same; and also lay before this Assembly an account of what number of bills there are, and what quantity there may be of bills not worn so as to render them unfit to be again emitted as this Assembly shall think fit.

This Assembly do establish and confirm Mr. Samuel Miles to be Cornet of the troop of horse in the county of New Haven, and order that he be commissioned accordingly.

This Assembly grant liberty unto Ebenezer Fisk of Milford, administrator on the estate of Doctor John Fisk, late of Milford, deceased, to sell so much of the lands of the said deceased as amounts to the sum of twenty-one pounds two shillings and five pence, to enable said administrator to discharge the debts due from said estate, with the direction of the court of probate in the county of New Haven.

This Assembly having considered the petition of James Lewiss *v.* William Lewiss, &c., the question being put, whether [160] the prayer || of the petition shall be granted: It was resolved in the negative.

An Act for the better Ordering of Idle and Poor Persons, and to enable the Selectmen in the respective Towns to take into their Management the Estate and Credits of such Persons.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the selectmen for the time being in the several towns of this Colony shall, from time to time, diligently inspect into the affairs and managements of all poor or idle persons, whether householders or others; and if they shall find any person or persons that are already reduced to want, or that are likely to be reduced by idleness and bad husbandry unto want, that then such selectmen may with advice of the next authority, and they are hereby with the advice of the next authority impowred, to take care of all such persons and their families, in disposing them to service or otherwise, as may be thought most advantageous for such person or persons; and also such selectmen shall take into their improvement all the estate, lands and credits of such persons, and take effectual care that the same be disposed of and improved for the best good of such person or persons being owners thereof, either by themselves or others; and if any person or persons shall detain or withhold from such selectmen any estate, land or credits belonging to any such poor and idle persons, that such selectmen are hereby impowred to demand and recover the same, by action or otherwise, from time to time. And if any person or persons shall be aggrieved with the doings of any selectmen

in any such case, they may apply themselves unto the next county court in that county for relief, who are hereby impowred to afford such relief as they shall think convenient. Always provided no selectmen shall have liberty to sell the lands of any such poor or idle persons without the order of this Assembly.

Be it further provided and enacted, That no person, whose estate, lands or credits are taken into the hands of the selectmen in any town by virtue of this act, shall have power to alienate, exchange or put away, any such estate, lands or credits, until such time that such person, by his industry and good application unto his business, shall obtain, under the hands of such authority aforesaid and selectmen, that such estate is for the said reasons put again into the improvement [161] of such owner or owners; and || all bargains, sales and contracts, made contrary to this act, shall be and are hereby declared to be null and void.

Upon the petition of the inhabitants on Midletown East side: Resolved by this Assembly, that what said society have already done in preparation to set up the worship of God among them is approved by this Assembly, and each inhabitant there to bear his proportion of that charge; and they are hereby enabled for the future to go on as other societies in this government may lawfully do, in settling an orthodox minister and setting up the worship of God amongst them.

Forasmuch as this Assembly, at their sessions holden at Hartford May 13th, 1686, granted to Mr. Symon Wolcott, late of Windsor, deceased, two hundred acres of land, which was surveyed to the heirs of the said grantee by Mr. Kimberly, surveyor of land, upon the land on the mountains eastward of Hartford; and Roger Wolcott, one of the heirs of the said grantee, purchased the said lands of the rest of the heirs, as appears by their deed lawfully executed, dated September 14th, 1714; and since it has been found that the said survey was disallowed by the committee appointed by this court to settle the lands on said mountains: This Assembly do appoint and empower Lt. Col^o Mathew Allyn to survey and lay out to the said Roger Wolcott the said grant of two hundred acres in the ungranted lands of this Colony, for the sure holding of it to him and his heirs forever, according to the true intent of said grant and purchase.

Upon consideration of the petition of the inhabitants of the northern society in the town of Lebanon, praying that the lands, whether improved or unimproved, within the bounds of said society may be taxed, and the money improved for the

setting up and carrying on the publick worship of God amongst them: This Assembly grant a tax of eight shillings money upon every hundred acres of the land within the bounds of said society, whether improved or not, for the space of four years next ensuing; the money to be improved to the uses prayed for.

Upon the motion and request of Mr. William Addams of Milford: This Assembly do order and appoint Thomas Kimberly, surveyor of land in the county of Hartford, to survey and lay out to the heirs and legal representatives of Mr. Roger [162] Newton, formerly of Milford, deceased, || the quantity of two hundred acres of the ungranted lands of this Colony; the same being a grant of so much land made to the said Mr. Newton by this Assembly, October 13th, 1681.

Upon consideration of the petition of Capt. Joseph Platt &c. concerning the meeting house at Norwalk: This Assembly, having considered the controversy that has arisen in the town on that occasion, and being desirous that all affairs of such a nature should be carried on with Christian love and peace, have thought proper to recommend, and do hereby recommend to the Reverend Mr. Joseph Webb, Mr. John Davenport, and Mr. Seth Shove, ministers of the gospel in that neighbourhood, to visit the inhabitants of the said town of Norwalk, and to endeavour to reconcile the differing opinions among them concerning the same; that with one mind they may proceed together in so good a work, which is much to be desired. And the said reverend ministers are hereby desired to make return of their proceedings and success therein to the General Assembly in October next, for their further order therein as there may be need.

Upon consideration of the petition of Richard Seymor v. Edward Bromfield, Esq^r: The question being put, whether the prayer of the petition shall be granted: It was resolved by this Assembly in the negative.

The Assembly having considered the petition of Benjamin Loomiss v. Sarah Long: The question being put, whether the prayer of the petition shall be granted: It was resolved in the negative.

Whereas the General Assembly in May, 1717, appointed the surveyor of lands for the county of Hartford to lay out in the ungranted lands of this Colony three hundred acres to Col^o Mathew Allyn, Mr. John Williams in right of his wife, Joseph Newbury, Henry and Thomas Wolcotts, descendants to Mathew Allyn, Esq^r, late of Windsor, deceased, to fulfill what is yet unsurveyed of a grant of five hundred acres of land granted to

said deceased, August 28th, 1661, which at the great costs of said descendants was surveyed and lay out by said surveyour, and afterwards found to be within the now bounds of Stafford, and therefore by this Assembly disallowed: This Assembly do [163] appoint the surveyour of a county || to survey and lay out to the said descendants three hundred acres of the ungranted lands of this Colony, for the firm holding the same to them and their heirs forever, according to the true intent of said act.

Upon consideration of the petition of the inhabitants of the south-east part of the town of Lyme, commonly called Niantick Quarter: It is resolved by this Assembly, that the town of Lyme and the petitioners do, either joyntly or severally, lay before this Assembly in October next the state of the said town, and the ministers that are already there, how they are settled and subsisted, and what arrears are or may be due unto either of them, at the time of the said Assembly to be holden in October, that this court may be the better able to resolve what encouragement it may be fit for them to give to the making of a parish at Niantick, according to the prayer of this petition; which this Assembly should readily do, if they thereupon appear in fitting circumstances for the same.

This Assembly grants liberty and full power unto Jonas Worster, administrator on the estate of Benjamin Nickols, late of Stratford, deceased, to sell so much of the lands of said deceased, from time to time, as there may be need, to pay the just debts of the said deceased; the said Jonas Worster to attend the orders and direction of the court of probate in the county of Fairfield in that matter.

Whereas it is found that there is no certain wages stated in the table of fees for the county surveyors in this government, and difficulties and disputes do many times arise thereupon: Which to prevent for the future,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That each and every of the said county surveyors in this government, that shall at any time be called forth to officiate in the said office, shall have six shillings *per diem* and his necessary charges born while he is upon said service, and no more.

That whereas in our law book, page 205, the act to prevent nuisances by hedges, weirs, &c., in the rivers therein mentioned, doth not extend to the several streams that empty themselves into said rivers, whereby the said act comes to be in a great measure useless: Which to prevent, and in addition to said act,

[164] *Be it enacted by the Governour, Council and Representatives, || in General Court assembled, and by the authority of the same,* That all the streams that empty themselves into the said rivers shall come under the regulations of said act, and that the fine mentioned in said act shall be one moiety to the complainer, and the other moiety to the county treasury where the offence is committed, and the said county court shall determine how long the passages in said streams shall be kept open. This act to take place on the first day of April next, and not before.

An Act for Levying a Tax on Polls, &c.

Whereas there was emitted in bills of credit for the payment of the Colony's debts, in May, 1711, the sum of four thousand pounds, which sum is not yet wholly drawn into the treasury by above five hundred pounds: Now for the drawing in of that remainder, and of one thousand pounds emitted in October, 1713, which was to be drawn in in 1721, and also of a part of six thousand pounds emitted June, 1711, to be drawn in in nine years: This Court do now order, that there shall be levied the sum of two pence on the pound on the polls and all the rateable estate in this Colony, to be paid in the bills of credit of this Colony, or in money as it generally passes in New England at the time of payment.

This Assembly having considered the petition of the inhabitants of the West Society in Wethersfield *versus* the inhabitants of the Great Swamp in Farmington: The question being put, whether the prayer of the petition should be granted, it was resolved in the negative.

Upon the petition of Stephen Richardson: This Assembly order the county surveyor of NEW London county do lay out to the heirs of Amos Richardson, deceased, three hundred acres of land formerly granted to said Amos Richardson, and pretended to be surveyed by Capt. Prentice, at the same place where Capt. Prentice pitched, as he calls it, and make return of said survey to the secretary for a record; provided it dont prejudice any former grant.

This Assembly do order and appoint the gentlemen who [165] were at this sessions appointed to receive and sort || the dead stock of bills that are now in the treasury, to burn and consume such of said bills as are so worn and defaced as to render them unfit to be again emitted, and lay an account of those that shall be so burnt before this Assembly.

Upon the petition of Hannah Bull of Seybrook, widow: This Assembly grant liberty and full power to the petitioner, to sell the fifteen acres of land referred to in the petition, and make

and execute ample deeds thereof; provided she attend the advice and consent of Mr. Nathaniel Chapman of Seybrook therein.

This Assembly grants liberty and full power to Joseph Dickingson, administrator on the estate of Thomas Dickingson, late of Glassenbury, deceased, to sell so much of the lands of said deceased as there may be occasion, to pay the just debts of said deceased; provided he attend the order and direction of the court of probate in the county of Hartford therein.

Upon the petition of Joseph Ferriss and Daniel Mead and Joshua Reignolds, a committee from Greenwich: This Assembly grants to the old town society in Greenwich their part of the country rate granted by this Assembly at this session.

This Assembly grants full power to John Mitchell of Woodbury, to sell so much of the lands of Thomas Applebee, deceased, as are necessary to pay his just debts, according to an act of this Assembly made May 12th, 1697. Provided said Mitchell take the direction of the court of probate in the county of Fairfield therein.

An Act for Appointing one Judge and Clerk to hold the Court of Probates in each County in this Colony.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the courts of probates for the several counties in this Colony shall for the year ensuing be holden by one judge and clerk in each county; and that so oft as any difficult or disputable matter shall happen before any of the said judges, such judge, where it shall so happen, hath hereby power to call in to his assistance any two of the justices of the quorum; and that said judges take but one half of the fees allowed by law to the judges of the probate.

We whose names are hereunto subscribed, being a committee appointed by the General Court now sitting in Hartford to [166] receive of || the treasurer the dead stock of bills of credit in his hands brought in by the rate in 1717, and those taken by him in exchange, and to make report to the Court of the sums and what quantity of the rate bills would be fit to be emitted again, and having counted over the said bills with the treasurer, we find that there is of the bills brought in for the said rate the sum of two thousand five hundred and forty pounds ten shillings and four pence, of which there is the sum of one thousand ninety-two pounds one shilling and six pence fit to be emitted again; and of the bills taken in exchange

there is the sum of two thousand five hundred forty-six pounds twelve shillings and four pence.

Richard Christophers, Peter Burr, John Hall, Elisha Williams.

It being moved by the proprietors of and within the town of Kellingsworth, that a deed of release and quit-claim of and in the lands within the said town by them presented to this Assembly may be granted by this Assembly, and signed and sealed by the Honourable the Governour and the Secretary: This Assembly grants that the same be executed accordingly.

A List of Additional Estate returned to this Assembly, to be transmitted to the Treasurer and added to the List of Estates delivered into this Assembly in October last.

	l.	s.	d.
Farmington, - - - - -	198	13	00
Addition to Middletown, - - - - -	343	15	00
Fourfold assessments, Middletown, - - - - -	32	00	00
Addition to New Haven, - - - - -	627	14	03
Fourfold assessments in New Haven, - - - - -	809	10	06
Fourfold assessments in Mansfield, - - - - -	44	00	00
Assessments in Stonington, - - - - -	2937	00	00
Addition to Stratford, - - - - -	358	05	06
Addition to West Haddam, - - - - -	188	00	00
Addition to Fairfield, - - - - -	1325	11	00
Fourfold assessments, Fairfield, - - - - -	1077	09	03
Fourfold assessments, Windham, - - - - -	40	00	00
Addition to Wallingsford, - - - - -	354	00	00
Addition, Derby, - - - - -	04	00	00
Fourfold assessments in Derby, - - - - -	36	00	00
Addition to Milford, - - - - -	22	06	03
Fourfold assessments in Greenwich, - - - - -	1220	00	00
Addition to Weathersfield, - - - - -	449	13	00
Fourfold assessments in Wethersfield, - - - - -	534	00	00
Fourfold assessments in Norwich, - - - - -	38	02	00
Addition to Guilford, - - - - -	109	00	00
Assessments in Guilford, - - - - -	30	14	00
Fourfold assessments, Killingsworth, - - - - -	224	00	00
Fourfold assessments in Plainfield, - - - - -	191	10	00
Addition to Windsor, - - - - -	739	17	00
Addition to Hartford, - - - - -	200	00	00

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all executors to wills within this Colony shall have liberty to have the witnesses to such wills examined and sworn in the usual form before the next assistant or justice of the peace,

which assistant or justice shall enter the oaths of the witnesses on the back side of the will, and attest the same; and the oaths of the witnesses so taken shall be accepted by the court of probate, as if they had been taken before the said court.

[167] Whereas there has been a claim of land on the eastward part of this Colony in the name of the Honourable Samuel Cranston, Esq^r, Governour of his Majesty's Colony of Rhode Island, and William Wanton and Job Green, Esq^{rs}, of the same Colony, laid before this Assembly by the committee appointed by the Assembly in October last to view the lands of Voluntown and those adjacent thereunto, whereby they assert a right to the lands as far as a line of twenty miles extends from a certain station in Warwick: And forasmuch as it is of necessary consequence to the settling of the lands in those parts, that the said line be carefully surveyed and run by surveyors and men under oath to carry the chain: Ordered, that William Pitkin, Esq^r, and the surveyor of the county of New London, with such others to assist in carrying the chain as they shall judge necessary, attend that service in behalf of this government, according to such directions as they shall receive from the Governour and Council, joyning therein with such surveyor and other persons as shall be appointed by the government of Rhode Island to run the said due west line, taking care that such as carry the chain be under oath to carry the said chain faithfully and as exactly as they can; and they shall make report of their doings therein to this Assembly in October next. And the Governour is hereby desired to give notice of this conclusion to the Honourable Samuel Cranston, Esq^r, Governour as aforesaid, desiring the concurrence of the government of the said Colony herewith.

Upon the memorial of Jabez and Sarah Wateruss, as the said Sarah is administratrix of the estate of Obadiah Richards, late of Lyme, deceased, representing to this Assembly that they have been at considerable expense about the keeping and providing for John Richards, late of said Lyme, deceased, being the only child of the said Obadiah, and praying for power to sell of the lands of the said Obadiah sufficient for their satisfaction: It is thereupon ordered by this Assembly, that the said Jabez and Sarah do repair to the court of probate in the county of New London with their accounts of their said expences, and whatsoever the said court of probate or the superior court, (if the matter shall come to their cognizance,) shall see cause to allow to be due to the said Jabez and Sarah, together with their costs in this petition and necessary charges about the settling of the said accounts, the said Jabez and

Sarah are hereby fully impowred, as the said Sarah is administratrix as aforesaid, to sell of the lands of the said Obadiah sufficient for their satisfaction, to the value of what shall be so allowed to be due to them as abovesaid, rendering an account of such sale or sales to the said court of probate.

Whereas, upon the petition of the inhabitants of Voluntown, [168] || this Assembly did in October last appoint Lieut. John Sprauge, Capt. Daniel Brewster and Lieut. Joseph Bacchus, a committee to view said Voluntown and the lands eastward of Plainfield not annexed to any township, and to take notice what number of inhabitants were settled upon said lands, and how capable they were to maintain the worship of God; and said committee having now reported to this Assembly, that neither the bounds of said Voluntown as already granted by this Assembly, nor said lands not annexed as aforesaid, are sufficient alone to make a good parish: but that a good parish may well be there made, consisting partly of both,

It is therefore hereby resolved and enacted by this Assembly, That Lt John Sprauge, Capt. Daniel Brewster and Lt Joseph Bacchus, be a committee, or any two of them shall repair to said place, and by some artist measure out and annex to said Voluntown so much of the lands lying north of the present bounds of said town not yet annexed to any town, viz: eastward of the bounds of Plainfield as surveyed by Mr. John Plumb, (*reserving to Plainfield the right of property as before,**) as in their discretion shall be needful for the making a good parish there for comfortable carrying on the worship of God; which lands so annexed, shall forever after be and be accounted to be within the bounds of said Voluntown. And said committee, or any two of them, are hereby impowred and directed by this Assembly to sell and dispose of the governments right to such of said lands as are not yet by this Assembly granted, to such good inhabitants as shall be willing to settle upon them, for reasonable valuations; and also to take notice what ungranted lands belonging to this government shall yet be left northward of this addition, and to make report of the same, both as to quantity and valuation, as also what lands they shall so annex to said Voluntown, to the General Assembly in October next, that so said addition may be then confirmed and further conclusions taken concerning said lands northward. The money procured by the disposition of these lands, after said committee are thereout paid, to be delivered to the committee appointed for building a state house at Hartford, as part of the five hundred pounds already granted for that use by this Assembly.

* A pen has been drawn through these words.

This Court, having heard and considered the memorials of the town of Ashford on the one part, and of John Cushion and John Chandler, Esq^{rs}, for themselves and partners and others, claimers of certain tracts of land in Ashford, on the other part, with the reasons and allegations of either party [169] thereupon, have, || therefore, resolved, that John Hamlin and James Wadsworth, Esq^{rs}, Mr. John Hooker, Capt. John Hall, and Mr. Hez: Brainerd, they or any three of them, shall be a committee, and are hereby impowred, on the request and at the cost of the said claimers, to repair to the town of Ashford, view the land claimed, and how many inhabitants are thereupon settled, and such of them as are not settled upon the agreements with the said claimers, to determine what accommodations they shall have and the terms upon which; further also, what number the said claimers shall there settle, with the terms and accommodations and within what time the same shall be done, so as that the said claimers may settle reasonable number of the inhabitants of the town proportionably to the quantity and goodness of their land, upon the forfeiture of so many of the said accommodations as shall not within the time prefixed be settled upon unto the town. And the said committee are hereby ordered to make return of their doings in the premises to the General Court in October next, where the said claimers or inhabitants shall be heard and relieved, if in any thing it shall appear to that Court, that the said committee have dealt too hardly by them; and thereupon a patent shall be granted to the said claimers, their heirs and assigns, to hold their claims and lands aforesaid, as also to such other persons as the committee shall settle there as aforesaid.

Upon the petition of the selectmen of New Milford, praying that a tax may be levied upon the lands in said town for and towards the support of the ministry there,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the inhabitants in said town, for the support of the ministry there, shall annually, for the space of four years next ensuing, pay a tax of four pence on the pound, to be levied upon all the polls and rateable stock in said New Milford.

Be it further enacted, That if the abovementioned tax of four pence per pound, and to be paid by the said inhabitants, shall not amount unto the salary already agreed upon, or that may be agreed upon, by said inhabitants, for the support of the ministry in said town, within the said four years, what said four pence per pound shall fall short of such salary shall be

yearly paid and defrayed by all the proprietors of said town ; every right in said town, improved or not improved, shall be equally taxed therefor ; all which taxes shall annually, during [170] said four years, be made and ascertained || by persons that shall be chosen by said town for that end, which persons shall be under an oath for the faithful discharge of said service ; and if any person or persons shall refuse or neglect to make payment of his or their part of said tax, that then the sheriff of the county of New Haven shall, and is hereby required to levy the same, as the law directs constables to levy rates and taxes granted by this Assembly.

This Assembly do appoint Peter Burr, Esq., Capt. John Hall, Mr. Elisha Williams, and Mr. Ebenezer Fitch, to receive of the administrators of the late treasurer, Capt. Joseph Whiting, deceased, such of the dead stock of bills as are in their hands of the arrears of the rates paid in in the life time of said treasurer, and give the said administrators a receipt for so many as they shall receive ; which bills the said gentlemen shall sort, and such of them as are worn and defaced shall burn and consume, and to lay an account of them before this Assembly as soon as may be.

This Court, having considered the report or settlement of James Wadsworth, Esq., Mr. John Hooker, and Mr. Elisha Williams, who were appointed by this Court in October last to settle and ascertain the dividing line between the towns of Hartford and Windsor on the east side of the great river, do approve of the said settlement as run and measured. And it is now enacted, that the said line shall be and remain the dividing line between the said towns, and the ditches made by said committee shall be the lawful bound-marks, and be so kept and renewed by said towns ; and also on the west side said river to run according to the line of ditches, beginning at a bound stone standing at the place where the red oak tree mentioned in Windsor patent, that stood in Thomas Butlar's land in the Neck, to Brick-hill swamp, to a walnut stub and ditch by it, then north half a mile to a heap of stones, still according to the range of ditches, then westerly according to the range of ditches to Farmington bounds.

The sum total we received of the late treasurers administrators, as a part due from said late treasurer of bills drawn in by rates, is seven hundred seventy-three pounds ten shillings and three pence, whereof six hundred fourteen pounds [171] eleven shillings and three pence || we burnt, one hundred fifty-eight pounds nineteen shillings we delivered to the treasurer of the new, and took his receipt therefor.

Peter Burr. Elisha Williams. Ebenezer Fitch.

An Act in Addition to that Law intituled An Act for Regulating of Tanners, Curriers and Cordwainers.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whosoever doth or hereafter shall use the art, trade or mystery of tanning leather, shall not suffer any leather tanned by him to go out of his custody, before said leather be searched and sealed by the sealer of the town in which said tanner dwells, upon the penalty of forfeiting the sum of five pounds for each hide or skin so disposed of before sealing, one-half to the complainer, and the other half to the town treasury where such tanner dwells.

Upon the petition of Moses Wheelar and Jacob Walker, respecting an Indian purchase made by Moses Wheelar, formerly of Stratford, of certain lands lying in said town: It is ordered, for a final issue of the controversy that hath been between the said petitioners and the proprietors of said Stratford, that the petitioners, their heirs and assigns forever, shall have, hold and enjoy, of the land described in the purchase deed, the first mile which adjoyneth to the river. *Cost allowed the petitioners is £8 3s. 6d.*

Upon the prayer of the town of Tolland, shewing their desire of having the gospel encouraged there, and for the better support of the same,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the said town of Tolland shall pay a tax of five shillings per hundred for every hundred acres of land, and so in proportion for lesser quantities, lying within the township of the aforesaid Tolland, for this present year; and the townsmen of the said town of Tolland have hereby power, to levy and collect the same on or before the last day of December next; and after that the said proprietors shall pay a tax of ten shillings per hundred yearly, and so in proportion for lesser quantities, for their lands lying in said township, for the space of four years after the last day of December aforesaid, to be levied and collected by the aforesaid townsmen on or before the last day of December annually; the money so collected to be improved for the promoting and in-[172] couragement of the gospel in the said town. || Provided, and it is hereby intended, that the hundred rods in width at the south end of said Tolland, in which there is eight hundred acre lots, (per each,) laid out, which are bounded south by the highway that bounds said town south, and claimed by Joshua's legatees, be exempted out of this act, and it is hereby exempted.

Be it also enacted, That the brand for the horse kind in said town of Tolland shall be, and is hereby ordered to be, the following figure, viz: **T**.

This Assembly appoint the Honourable Nathan Gold, Esqr, to be Chief Judge of the Superiour Courts in this Colony for the year insuing; and John Hamlin, Esqr, Richard Christophers, Esqr, Samuel Eells, Esqr, and Jonathon Law, Esqr, are appointed Judges to assist said Chief Judge for holding said courts.

This Assembly do appoint Joseph Talcott, Esqr, to be Judge of the Court of Probates in the county of Hartford for the year insuing.

This Assembly do appoint Mathew Allyn, Esqr, to be Judge of the County Courts in the county of Hartford for the year insuing.

This Assembly appoint Mr. John Hooker, Capt. Aaron Cook, and Mr. Roger Wolcott, to be Justices of the Peace and Quorum for the county of Hartford the year insuing.

This Assembly do appoint Mr. Joshua Ripley, Capt. John Fitch, Capt. Samuel Mather, Capt. Joshua Robbins, Capt. David Goodrich, Capt. Thomas Judd, Capt. Thomas Ward, Capt. Thomas Gates, Mr. Michael Taintor, Capt. James Wells, Capt. William Wadsworth, Lt. Samuel Humphrey, and Mr. Samuel Humphreys, son of John Humphreys, to be Justices of the Peace for the county of Hartford the year insuing.

This Assembly do appoint James Wadsworth, Esqr, to be Judge of the County Courts in the county of New Haven for the year insuing.

This Assembly do appoint Mr. Warham Mather Judge of the Court of Probate in the county of New Haven the year insuing.

This Assembly do appoint Colo. Ebenezar Johnson, Capt. Joseph Treat, Mr. Warham Mather, Mr. Samuel Bishop, and Capt. John Hall, Justices of the Peace and Quorum in the county of New Haven the year insuing.

This Assembly do appoint Capt. Thomas Yale, Mr. James Hooker, Capt. Nathaniel Harrison, Mr. Edward Barker, [173] || Capt. Andrew Ward, and Capt. Joseph Whiting, Justices of the Peace in the county of New Haven the year insuing.

This Assembly do appoint Richard Christophers, Esqr, to be Judge of the Court of Probates in the county of New London for the year insuing.

This Assembly do appoint Capt. Richard Bushnell, Judge

of the County Courts in the county of New London for the year insuing.

This Assembly do appoint Capt. Nathaniel Cheeseborough, Capt. William Clark, Mr. Jonathan Prentts, Mr. Daniel Palmer, and Mr. John Brown, Justices of Peace and Quorum in the county of New London for the year insuing.

This Assembly do appoint Mr. Samuel Buell, Mr. Daniel Taylor, Mr. Daniel Buckingham, Mr. Abraham Pierson, Mr. Moses Noyes, jun., Capt. Samuel Avery, Mr. Nehemiah Smith, jun., Capt. Thomas Williams, Mr. Timothy Pierce, and Mr. Joseph Bacchus, Justices of the Peace in the county of New London for the year insuing.

This Assembly do appoint the Honourable Nathan Gold, Esqr, Judge of the Court of the Probates in the county of Fairfield for the year insuing.

This Assembly do appoint Peter Burr, Esqr, Judge of the County Courts in the county of Fairfield for the year insuing.

This Assembly do appoint Capt. James Olmstead, Capt. John Minor, Capt. James Judson, Mr. James Bennett, Capt. Joseph Bishop, Capt. Joseph Platt, Mr. John Edwards and Major John Burr, Justices of the Peace and Quorum in the county of Fairfield for the year insuing.

This assembly do appoint Capt. James Beebe, senr., Mr. Samuel Peck, Mr. John Gregory, Mr. Ebenezar Mead, and Mr. Richard Osborn, Justices of the Peace in the county of Fairfield the year insuing.

This Assembly do authorize and fully impower the Governour, and in his absence the Deputy Governour, with a Council consisting of as many of the Assistants as conveniently may be called and of judicious freemen, not less than five, to manage the publick affairs of this Colony according to charter in the intervals of the General Assembly; provided that the Governour or Deputy Governour and Council are not hereby impowred to raise money or send men out of the government.

[174] *Resolved by this Assembly*, That for the encouragement of Yale College, there be sold, by a committee impowred by this Assembly for that end, so much of the country land as shall amount to the sum of three hundred pounds; which money shall be put into the hands of such commissioners as shall be appointed by this Assembly, who shall pay to the trustees of the college, the sum of forty pounds annually for the space of seven years next. Provided no other income that may happen to appertain to said college be sufficient for the encouragement of said college before the said seven years

be expired. Provided also, that said committee shall not sell any lands in large farms where there is conveniency for a township.

Whereas the line between this Colony and his Majesty's Province of New York, which has been partly run and stated according to the agreement of the governments of the said Colony and Province and approved by his late Majesty King William the 3d in Council the 28th day of March 1700, is not fully compleated: And whereas it is of great consequence to the peace of his Majesty's subjects bordering on the said line, that the said line be carried on, fully run and stated, according to the said agreement,

It is therefore enacted by the Governour, Council, and Representatives, in General Court assembled, and by the authority of the same, That William Pitkin, Peter Burr, Samuel Eells, and Jonathan Law Esq's, and Mr. John Read, or any three of them, be Commissioners on the part of this government, and are hereby fully impowred for and on the behalf of this government, to meet with such commisioners as are or shall be for the same end appointed on the part and behalf of the government of New York, and to agree with them on such preliminaries and conclusions as shall be needful for the carrying on, stating and compleating the said line according to the said agreement, and erecting monuments therein. And the said commissioners on the part of this government, or any three of them, are hereby fully impowred, together with such commissioners on the part of the Province of New York as shall in like manner be fully impowred, to perfect the running of the said line according to the said agreement, and to erect monuments therein.

[175] Upon the petition of Patrick Macknight, Gilbert Livingstone, Thomas Smith, &c., praying that a brief may be granted them for a publick contribution throughout this Colony, to be improved in finishing the building of a meeting house for a Presbyterian congregation in the city of New York: It is granted, that a brief for that end be directed to the several ministers in the Colony, to be published in their respective congregations; and what shall be collected thereby shall be sent to the Honourable the Deputy Governour, who is desired to take care that it be applied to the proposed end.

Upon the petition of Lieut. John Marsh of Hartford and Dea. John Buell of Lebanon, with many others, praying liberty, (under committees appointed by the towns of Hartford and Windsor,) to settle a town westward of Farmington, at a place called Bantam: This Assembly do grant liberty and full

power unto the said John Marsh and John Buell and partners, settlers, being in the whole fifty-seven in number, to settle a town at said Bantam ; the said town to be divided into sixty rights, three whereof are to be improved for pious uses in said town, and the other fifty-seven shall be, as soon as may conveniently be, settled upon by the undertakers, or upon their failure, by others that may be admitted. Said town to be in length east and west eight miles three quarters and twenty-eight rods, and in breadth seven miles and a half, being bounded eastward by Mattatuck river, westward the bigger part upon the most western branch of Shipaug river and partly upon the wilderness, north by the wilderness, and south by Waterbury bounds and a west line from Waterbury corner unto Shipaug river. Said town to be known by the name of Litchfield, and to have the following figure for a brand for their horse kind, viz : 9. And the same powers and privileges that other towns in this Colony do enjoy, are hereby granted unto said town.

And forasmuch as there is a large tract of land that lieth eastward, westward and northwardly of said town ; being bounded eastward by Farmington and Symsbury, and from thence extending northward unto the Massachusetts line, by which line the said tract is bounded north, and westwardly by the Colony line, and southwardly by Waterbury, Litchfield and Woodbury, and from Woodbury town line unto the said Colony line : To the end that the said tract of land may be improved for the good of the Colony, and be regularly settled,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the whole of said tract of land shall lie for the further dispose of this Assembly ; and all surveyors and persons appointed to lay out lands are hereby forbidden to bound or lay out any of said land without the special order of this Assembly.

[176] Upon the petition of Lt. Charles Whiting, praying that an arbitration bond given by said Whiting to Nathaniel Watson, who obtained judgment at the superiour court upon said bond against said Whiting, might be chancered : This Assembly hath considered that the said Watson shall recover by virtue of the judgment of said superiour court given upon said bond, the sum of four pounds seventeen shillings and five pence, and no more, and the said bond is hereby chancered and reduced to said sum. *Ex. granted June 23d, 1719.*

Upon the prayer of Jonathan Crane of Windham, and William Warner of Wethersfield, administrators on the estate of Jacob

Crane of said Wethersfield, who died insolvent: This assembly grants liberty and full power unto the said administrators, to sell the lands of the said deceased to the highest bidder, and render an account thereof to the court of probates in the county of Hartford, that so the debts due from the said insolvent may be paid in such manner and proportion as the law in that case provides.

An Act for emitting Bills of Credit for paying the Publick Debts of the Colony.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith emitted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to the sum of one thousand two hundred fifty-one pounds and six pence, and no more; which shall be of the bills of credit drawn in by rates, and which have now been received of the treasurer by a committee appointed by this Court, which committee are hereby ordered to deliver again to the treasurer the said sum of one thousand two hundred and fifty-one pounds and six pence, taking his receipt for the same; which one thousand two hundred fifty-one pounds and six pence the treasurer is hereby ordered and impowred to issue forth and emit, towards the payment of the publick debts of this Colony and the further necessary charge thereof, attending to such orders as shall be given him from time to time according to law. And the said bills shall pass out of the treasury in value expressed in the same equivalent to money, and shall be taken and accepted in all publick payments at the advance of twelve pence on the pound more.

[177] *And be it enacted by the authority aforesaid,* That || as a fund and security for the repayment and drawing in the said bills to the treasury again, this Assembly grant a tax or rate of one thousand three hundred thirteen pounds eleven shillings and six pence, to be levied on polls and all the rateable estate within this Colony, and to be paid into the treasury at or before the last of August which shall be in the year one thousand seven hundred and twenty-seven; which said rate shall be paid in the bills of credit of this Colony, or in money as it passeth generally current in the country at the time of payment, and in no other manner.

Ordered, That the receipt which the above committee shall take of the treasurer be lodged with the secretary.

An Act for Continuing the Exchange of Bills.

Whereas by one act made and passed in the General Assembly held at Hartford, May 14th, 1713, intituled An Act for emitting bills of credit, it was enacted that, for preventing the damages which might be incurred by the evil practices of divers persons in altering, changing and counterfeiting the bills of credit of this Colony, which were before the said court emitted, there should be forthwith emitted the sum of twenty thousand pounds in bills of credit of a certain form, provided in the said act, and put into the treasurer's hands to exchange and take in value for value the said bills formerly emitted; and whereas it was provided in the said act, that the treasurer should accordingly continue to exchange them at any time within one year and a half after the 14th day of the aforesaid month; and whereas it was afterwards, by several other acts and proclamations, provided and published, that the said treasurer should continue to take in the said bills of credit by exchange as aforesaid for some other times than that limited in the aforesaid act; and whereas by an act of this Assembly in October last, it was provided and published that the treasurer should continue the said exchange to the 25th day of this present May, and all persons were assured that upon their bringing any of the said bills of credit to be drawn in as aforesaid at or before the said 25th of May they should receive new bills in exchange to their value; and whereas divers persons within the said time last limited did, pursuant to the said act in October last, bring divers sums of the aforesaid bills to be exchanged to the treasurer, who, for want of bills in the treasury to exchange them, could not receive them, and give other bills in exchange for them; and whereas there may be still extant several thousand pounds of the said bills to be taken into the treasury by exchange,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of [178] the same, || That there be forthwith imprinted a certain number of bills of credit on this Colony, com two shillings to five pounds, which in the whole shall not amount to more than the sum of four thousand pounds; wch bills shall be indented and stamped with such stamps as the aforesaid sum of twenty thousand pounds were stamped wthal, and be signed by the committee appointed for the signing of the said twenty thousand pounds, or any three of them.

And it is further enacted, That the said bills, so to be imprinted, shall by the said committee be put into the treasurers hands, taking his receipt for them; and the said

treasurer is hereby impowred, at any time before the first day of November next, to exchange the said bills with any persons who shall within the said time offer him any of the aforesaid outstanding bills of this Colony appointed to be exchanged as aforesaid, value for value ; but not to give or dispose of them to any other use or end whatsoever, without the order of this Assembly.

Upon consideration of the petition of the inhabitants of the town of Coventry for the promoting and enabling them to carry on the finishing their meeting house and other ministerial or parish charges amongst them: It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that it is and shall be lawful and in the power of the inhabitants of Coventry, to levy a rate or tax on the owners and proprietors of all lands, divided and undivided, in the said town of Coventry, of fifteen shillings for the two years, viz: 1719-1720 ; and of twelve shillings the two next following years, viz: 1721-1722 ; to be in money, and upon every allotment, and proportionably for lesser parcels, to be paid to the selectmen of the town of Coventry for and toward the finishing the meeting house and other parish charges. And in case that any owner or proprietor of land, divided or undivided, within the said town of Coventry, upon notice and warning given by the said selectmen, or one of them, shall refuse or neglect to pay such rate or tax to be levied as aforesaid, that then it shall be lawful for the said selectmen, or the major part of them, to levy the same with necessary costs on the said land of such owner or proprietor, who shall so neglect or refuse to pay, by warrant from any one assistant of justice of peace within the county of Hartford, who is required to grant the same.

[179] *Ordered by this Assembly*, That the committee appointed for the sale of the land in the town of Staford, or any three of them, be and are hereby impowred to sell the land appointed by this Court to be sold for the encouragement of Yale College, and take care that the money to be made by the said sale, given to the said college, be paid into the treasury of the said college.

Upon consideration of the petition of Peter Aspenwell and Symon Bryant, in behalf of the town of Kellingly, shewing that the said town of Kellingly having, by reason of no demand made of them by the treasurer, not paid their country rates for the year 1717 and 1718, and praying that time may be

given them to pay said rates in : Resolved by this assembly, that the inhabitants of said town shall have allowed them one year from and after the rising of this assembly, to pay said rates in, and no longer.

Ordered by this Assembly, That all the lands lying to the north of Wallingford, and between that town and Farmington, shall belong to and be part of the county of Hartford.

Ordered by this Assembly, That the bill concerning the Moheag lands be continued to the General Assembly to be held at New Haven in October next.

The petition of Lovis Lyron *contra* John Edwards is referred to the General Assembly in October next, by the consent of the parties, and there to be heard.

Ordered by this Assembly, That a hearing and determination upon the petition of the proprietors of the town of New London *contra* the town of New London be continued to the session of this Assembly in October next.

This Assembly do establish and confirm the line agreed upon by the committees of the towns of Hartford and Glassenbury, bearing date March 30th, 1708; which is a straight line from a stone in the land formerly Mr. Wyllys' near Pewterpott brook's mouth, to a pine stub, at about three miles distant eastward, formerly esteemed a bound mark; and from thence an east line by the compass, viz: (Mr. Stanley's,) and run out by him the five miles, shall be the dividing line between the two towns of Hartford and Glassenbury aforesaid.

Forasmuch as the sessions of this Assembly have continued longer than ordinary, and the occasions of the season of the year require a recess: It is hereby ordered, that this Court be adjourned, and it is hereby adjourned to the second Thursday in October next, or to such other time as the Governour, or in his absence the Deputy Governour, shall see cause to call the same. And for the conveniency of several members of this Court who live remote, and that they may have convenient time within the week to retire to their respective homes: It is ordered, that William Pitkin, Joseph Talcott and Mathew Allyn, Esq^{rs}, and such others as the Lower House shall appoint, be a committee, who shall stay after the Court is up and see the entry of the Acts of this Court made in the records.

[132] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, JUNE 3D, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin,	} Esq'rs, Assist'rs.	Mathew Allyn,	} Esq'rs, Assistants.
William Pitkin,		Joseph Talcot,	
Joseph Curtis,		Abraham Fowler,	
Peter Burr,		James Wadsworth,	
Samuel Eells,			

Philip Smith of Hartford made application to this board, for relief [133] against the proceedings of Roger || Woolcot, Esq., Samuel Rockwell, and Samuel Bancroft, commissioners of sewers, who had ordered a ditch to be cut through the said Smith's land in the said town, and had not ordered him a recompence for the damage sustained thereby.

The said complainant and commissioners being heard thereon: It is ordered, that if the said commissioners and said Smith cannot agree upon a meet recompence, to be made him for the damage he has sustained thereby, that then the said Smith choose one person, and the commissioners another, and if those so chosen cannot agree upon the value of said damage, the persons so chosen shall choose a third person to joyn with them, and whatsoever damage the persons so chosen, or any two of them, being under oath, shall declare under their hands the said Smith has sustained by the said ditch, the said commissioners shall cause to be levied on the proprietors of the land to be drained by the said ditch, in proportion to their estate in the said land, and cause it to be paid to the said Smith.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 8TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq.,	<i>Assistant.</i>	John Picket,
John Plumbe, Esq.,		John Richards,
Christopher Christophers,		Jeremiah Chapman.

Whereas Mr. Jonas Green was, by order of this board, appointed to take charge of the sloop Sea Flower in April last, which sloop was infected with the small pox, and to prevent all other persons from having such communication with the people on board the said sloop, [134] || as that whereby the infection might be spread,

Ordered, That the said Mr. Green do see that the mariners on board the said sloop, who are now well recovered from the said distemper, do thoroughly wash and cleanse themselves from the said infection and bury their infected cloaths, if any such remain with them; and upon their cloathing themselves with such elcaths as shall be conveyed them from hence, he give liberty for them to depart the said sloop.

Ordered, That the said Mr. Green be discharged from his service

on board the said sloop, and that he sufficiently cleanse himself from the infection, and put on fresh cloaths from the shoar.

Ordered, That the owners of the said sloop have liberty to bring her up to town and improve her as they shall see cause.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 12TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers,	} Esq'rs, <i>Assist'ts</i> .	Jonathan Prentts,	} Esq'rs.
James Wadsworth,		John Plumbe,	
		Christopher Christophers,	
		John Richards.	

Resolved, That an order be signed to the treasurer of this Colony by the clerk of the Council, directing him to pay out of the publick treasury, to William Pitkin, Esq., (one of the committee appointed to sign the bills of credit of this Colony,) the sum of fifty pounds, [135] || to procure paper, &c., for the printing the four thousand pound ordered by the last Assembly to be emitted and put into the publick treasury, for the exchange of old bills.

Resolved, That two thousand pound of the said bills be taken off the large plate, and the other two thousand pound off the small plate.

Resolved, That his Honour the Governour be desired to procure the plates from Boston, in the best and safest manner.

Ordered, That Mr. Timothy Green be improved to take off the impression of the said four thousand pound in manner as aforesaid.

Ordered, That the said Mr. Green do procure four reem of the best paper for that service.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 23TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

William Pitkin,	} Esq'rs, <i>Assist'ts</i> .	Jonathan Prentts,	} Esq'rs.
Richard Christophers,		John Plumbe,	
		Lt. John Richards.	

Resolved, That William Pitkin, Esq., be desired to go to Boston, as soon as conveniently he can, and wait upon the Honourable William Dummer, Esq., and receive from him the plates engraven with the bills of credit of this Colony, which were left in the possession of his father, Jeremiah Dummer, Esq., deceased, and take care that they be ingraven anew, where it shall be found needful, and cause them to be conveyed safely to the clerk of the council, Capt. Christopher Christophers, at New London, for the use of the government.

[136] *Resolved*, That in case the government of the Province of Massachusetts Bay lodge one thousand pounds of their bills of credit in

the hands of any gentleman in this Colony, to take in by exchange those bills of credit of the said Province which are called in, according to a vote lately passed in the General Assembly there, that five hundred pounds of the bills of credit of this Colony, ordered by the Assembly in May last to be forthwith imprinted, to take in by exchange those bills of this Colony which are in like manner called in, be lodged in the hands of some gentleman in Boston, to be improved by him in taking in the said bills by exchange; and that William Pitkin, Esq., endeavour, when he goes to Boston to take care of our plates according to the resolve of this board, to obtain of the Honourable Coll. Fitch of Boston, or if he declines of some other gentleman in that town, that the said sum of five hundred pound may be lodged in his hand for that end; and make report of his doings therein to this board, that care may be taken accordingly.

Resolved, That William Pitkin, Esq., be instructed, and he is hereby instructed, when he is at Boston to take care of our plates, if there be any opportunity for it, to joyn in the behalf of the government of this Colony with such gentlemen as may be appointed for such end by the government of the Province of Massachusetts Bay, or New Hampshire, or Rhode Island, and to consider with them what methods may by the consent of all or any of the said governments be agreed to, or established, for recovering of the bills of credit of the said governments to their just value in money, in the necessary use to be made of them in the trade of the said governments; and lay before this board what [137] methods may be thought || convenient for that end, in order to their being communicated to the Assembly of this government for their approbation.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 24TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

William Pitkin,	} Esq's, Assistants.	Jonathan Prentts, Esq.,
Richard Christophers,		John Plumbe, Esq.,
Lt. John Richards.		

Ordered, That Capt. Christopher Christophers, naval officer in the port of New London, do deliver out of the impost money in his hands, the sum of ten pounds to William Pitkin, Esq., to be improved towards defraying the charge of his going to Boston and procuring the plates of the publick bills of credit to be new engraved and sent to New London, according to an order of council yesterday, and take his receipt of the same; which shall be the said naval officer's discharge for so much to be delivered by him into the treasury.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 30TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant.* Christopher Christophers,
Jonathan Prentts, } Esq'rs. John Richards,
John Plumbe, } Jeremiah Chapman.

[138] Whereas the sloop Sea Flower arrived in this harbour on the 17th of April last, infected with the small pox, and an order was immediately issued forth by the Governour, directed to the sheriff of the county of New London, to take care that the mariners on board the said sloop should be duly provided for; and whereas Mr. Jonas Green was by order of this board sent on board the said sloop on the 28th day of the said April, with direction to take all imaginable care that such of the said vessels company as had liberty from this board to be discharged should sufficiently cleanse themselves from the said infection, according to the particular order of council in that behalf made, and that he should not suffer the said persons so discharged as aforesaid, nor any other persons whatsoever, to have such communication with the said infected persons during his continuance there as that whereby the said infection might be spread; and whereas the said sloop and men were discharged by order of this board, on the 8th of this instant June, and the said Mr. Green now praying that he may be allowed a meet recompence for his trouble, and presenting an account of his time spent on board the said sloop, being forty-two days:

Ordered, That the said Mr. Green be allowed for one-half of the said time, five shillings per day, and for the other half three shillings per day, (the people being the latter part of the time in a good measure capable of helping themselves, and so not requiring so much of Mr. Green's immediate care as before.)

Ordered, That the said charge be born by Joseph Coite, and the other three persons taken sick after Mr. Green went on board, in the following proportion, vizt:

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Joseph Coite, - - - - -	1	6	3
Ephraim Avery's estate, - - - - -	0	16	3
Jeremiah Wheeler, - - - - -	3	2	9
Elisha Booth, - - - - -	3	2	9
	<hr/>		
	8	8	0

[139] *Ordered,* That the charge of Harris's time, which amounts to fifty shillings, shall be paid by Avery's estate, Wheeler, and Booth, in equal proportion, being sixteen shillings and eight pence apiece.

It is resolved and ordered, That the several sums abovementioned, charged upon the respective mariners on board the sloop Sea Flower, for the care that was taken of them while they were sick of the small pox, and to prevent such a communication with them as might endanger the spreading of that sickness, payable to Jonas Green of New London, who was ordered by the Governour and Council to attend the said service, and who is to receive for it the sum of 8*l.* 8*s.* 0*d.*, of which

	l.	s.	d.
Joseph Coite is ordered to pay the sum of	1	6	3
Ephraim Avery's estate, - - - -	0	16	3
Jeremiah Wheeler, - - - - -	3	02	9
Elisha Booth, - - - - -	3	02	9

as abovesaid. And whereas Mr. John Picket of New London, part owner of the said sloop, and agent for the other owners, has been on this occasion ordered by the Governour in Council to stop in his hands the wages due to the said mariners, that the charges which might arise by the care that was ordered to be taken of them in their sickness might be paid out of the same:

It is hereby ordered, That the said Mr. Picket pay out of the said wages to Mr. Jonas Green the said sums respectively, vizt.

	l.	s.	d.
Out of the wages of Joseph Coite, - - -	1	6	3
Out of Ephraim Avery's, - - - - -	0	16	3
Out of Jeremiah Wheeler's, - - - - -	3	2	9
Out of Elisha Booth's, - - - - -	3	2	9

Resolved, That what Mr. Coite provided and carried to his son be-
[140] fore any other persons were sick shall be born by him, || and that what was provided and carried afterwards shall be born by the three that were sick until Ephraim dyed, and afterwards by the other two, till the sixteenth of May.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JULY 27TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
Richard Christophers, Esq., *Assistant.* Christopher Christophers,
Jonathan Prentts, } Esq's. John Richards.
John Plumbe, }

Resolved, That the clerk of the council do serve Mr. John Picket with a copie of the order of this board of the 30th of June last, for his payment of the sum of eight pound eight shillings unto Mr. Jonas Green out of the wages of the respective persons upon whom the same is charged, according to the several proportions therein mentioned; and that upon the said Picket's refusing or neglecting to pay the same, the said clerk is hereby ordered to grant execution against the said Picket (for the aforesaid sum of eight pound eight shillings,) directed to the sheriff of the county of New London, in the common form. *Execution was accordingly granted August 1^o, 1719.*

[141] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JULY 29TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
John Plumbe, Esq., Ozias Pitkin,
Christopher Christophers, Jonathan Star.
John Picket,

Resolved, That whereas there was an order of this board of the 24th of June last, for the sum of ten pound to be paid out of the impost money in the hands of the naval officer in the port of New London unto William Pitkin, Esq., to be improved towards defraying the charge of his going to Boston and procuring the plates of the publick bills of credit to be new engraved and sent hither; and whereas the said William Pitkin, Esq., received but seven pound of the said ten, there being no more at that time in the said naval office; and the said Pitkin representing to this board that the charge of new engraving the said plates did amount to fourteen pound: It is now ordered, that the said naval officer do pay out of the impost money in his hands the sum of three pound, the residue of the said ten pound, and also the sum of four pound more, to make up the said fourteen pound, unto Capt. Ozias Pitkin, taking his receipt for the same, to be delivered to the said William Pitkin, Esq., which shall be the said naval officers discharge for so much to be by him delivered into the publick treasury of this Colony; and that the other charge and expence of the said William Pitkin, Esq., in the business aforesaid, be referred to a further consideration.

[142] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, AUGUST 19, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

John Plumbe, Esq.,

Christopher Christophers,

John Richards,

Jonathan Star.

The Governour communicated to this board a letter from Capt. Abraham Fowler of Guilford, intimating that upon the information of Nathaniel Norden, Esq., and others of Marblehead, he had caused one Richard Ireson of said town to be apprehended for keeping another woman as his wife, notwithstanding he has a wife and family there; and that upon examination he had thought fit to secure the said Ireson to a tryal at the superiour court at New Haven on the second Tuesday in September next: Wherenpon it is ordered, that the clerk of the council do give advice thereof to the aforesaid gentlemen at Marblehead, and desire that they would take care that evidence in proper form of the said Iresons having a wife with them may be transmitted to the said court, or to the clerk of the said court, before that time, or that living testimony thereof attend at that tryal.

Whereas Mr. Timothy Green has been appointed to take off two thousand pound value off the largest plate, and two thousand pound more off the lesser plate of the bills of credit of this Colony, which will amount to two hundred thirty-six sheets on the larger, and to three thousand two hundred sheets on the lesser: It is ordered, that the said Mr. Timothy Green before he proceed in said work shall have the following oath administered to him, vizt.

You Timothy Green, being appointed to take off from the larger

plate of bills of credit of this Colony, containing bills of five pound, forty shillings, twenty shillings, and ten shillings, to the value of two thousand pound, that is to say, two hundred thirty-six sheets or stamps [143] off the said larger plate, || as also from the lesser plate containing bills of five shillings, three shillings, two shillings and six pence, and two shillings, two thousand pound more, that is to say, three thousand two hundred sheets or stamps off the said smaller plate, do swear that you will not yourself take, nor suffer to be taken by any other person, any greater number than two hundred thirty-six sheets as aforesaid off the said larger plate, nor any greater number than three thousand two hundred sheets off the said lesser plate, until you shall receive further order from the Governour and Council, or from the General Assembly.

Which oath was accordingly administred in Council to the said Mr. Green.

Whereas Mr. Green has produced an account to this board of the cost of the four ream of paper, which he was directed to procure, for taking off the abovementioned bills, which amounts to the sum of fourteen pound four shillings: Ordered, that Capt. Christopher Christophers, naval officer, do deliver to the said Mr. Green, for the said cost, the sum of fourteen pound four shillings out of the impost money in his hands, taking his receipt for the same, which shall be the said naval officers discharge for so much returnable to the treasury.

Ordered, That the clerk of the Council deliver to Mr. Timothy Green the copper plates for bills of credit of this Colony, taking his receipt for the same.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, AUGUST 13TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
Richard Christophers, Esq., *Assistant.* Christopher Christophers,
John Plumbe, Esq., Jeremiah Chapman.

The Governour being informed of sundry disorders committed by several persons belonging to the sloop Three Brothers, Capt. Cracraft, commander, convened the Council to consider of proper measures to prevent the like disorders for the future: Resolved, that the watch, appointed by the Governour the last night, be continued till further order.

[144] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, SEPTEMBER 22TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
John Hamlin, } Esq's, Samuel Eells, } Esq's,
Richard Christophers, } *Assistants.* Jonathan Law, } *Assistants.*

Whereas, upon a message sent to William Pitkin, Esq., one of the committee for signing the bills of credit of this Colony, to come or send a fitting person to receive such as pursuant to an act of the last Assembly are taken off the plates by Mr. Timothy Green, (appointed thereunto in Council,) that they may be signed and put into the treasury for exchange, he has sent Mr. Daniel Dickinson to receive the said bills in his behalf:

Ordered, That Mr. Green deliver to the said Mr. Daniel Dickinson, what bills he has according to order taken off, taking, for such as he shall deliver, a receipt of the said Mr. Dickinson, particularly expressing therein what number of sheets of either plate, vizt. the greater or lesser, he shall deliver to him.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, SEPTEMBER 30TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Jonathan Prentts, }
John Plumbe, } Esq'rs,

Christopher Christophers,
John Richards.

Ordered, That Mr. Green deliver to John Eason of Hartford, [145] what bills he has taken off the plates since those sent || by Mr. Dickinson, taking, for such as he shall deliver, a receipt of the said Eason, (to be delivered to William Pitkin, Esq., at Hartford,) particularly expressing therein what number of sheets he shall deliver to him.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, OCTOBER 3D, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Jonathan Prentts, }
John Plumbe, } Esq'rs,

Christopher Christophers,
Richard Christophers, jun.

Whereas Mr. Timothy Green was ordered to take off two thousand pound value of the largest plate, and two thousand pound more off the lesser plate, of the bills of credit of this Colony, which amounted to two hundred thirty-six sheets on the larger, and three thousand two hundred sheets on the lesser: It is now ordered, that there be taken off the larger plate two hundred eighty-six sheets, which will amount to two thousand four hundred twenty-five pounds, and but two thousand five hundred and twenty sheets off the lesser plate, which will amount but to the sum of one thousand five hundred and seventy-five pound.

[180] CONNECTICUT }
 COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN, IN HIS MAJESTIES COLONY OF CONNECTICUT, IN NEW ENGLAND, ON THE 8TH DAY OF OCTOBER, IN THE SIXTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM. 1719.*

Present at this Assembly.

The Honourable Gurdon Saltonstall, Esq^r, Governour.

The Honourable Nathan Gold, Esq^r, Deputy Governour.

John Hamlin,	} Esq ^{rs} ,	Joseph Talcott,	} Esq ^{rs} ,
William Pitkin,		Abram Fowler,	
Joseph Curtice,		John Sherman,	
Richard Christophers,		Jonathan Law,	
Samuel Eells,		James Wadsworth,	
Mathew Allyn,			

Representatives or Deputies that were returned to attend at this Assembly, are as followeth, viz :

Mr. Thomas Seymour, Mr. James Ensign, for Hartford.

Capt. James Rogers, Lt. John Richards, for New London.

Capt. William Clark, Lt. John Sprauge, for Lebanon.

Capt. Tho. Huntington, Mr. Thomas Storrs, for Mansfield.

Mr. Roger Wolcott, Mr. Ebenz Fitch, for Windsor.

Capt. David Goodrich, Mr. Elisha Williams, for Wethersfield.

Mr. Tho. Kimberly, for Glassenbury.

Mr. Elisha Pain, for Canterbury.

Lt. Nath^l Pratt, Mr. Tho. Buckingham, for Seybrook.

Mr. James Bebee, Mr. John Gregory, for Danbury.

Capt. Thomas Holcomb, Mr. Sam^l Humphreys, for Symsbury.

Mr. Isaac Dickerman, Mr. John Gilbert, for New Haven.

Major John Burr, Capt Joseph Wakeman, for Fairfield.

Capt. Thomas Gates, for East Haddam.

Mr. Hez. Brainerd, for West Haddam.

Capt. Josiah Stephens, Mr. David Buell, for Killingsworth,

Mr. John Hooker, Lt. Joseph Hawley, for Farmington.

Capt. Joseph Rockwell, Capt. William Savage, for Middletown.

Capt. Daniel Brewster, Mr. John Brown, for Preston.

Capt. Nath^l Harrisson, Capt. John Russell, for Branford.

Capt. Thomas Judd, Mr. John Hopkins, for Waterbury.

Mr. Symon Bryant, for Kellingly.

Mr. Ebenz Sabin, for Pomfrett.

[181] Lt. Samuel Rice, Mr. Howkins Hart, for Wallingsford.

* The Journal of the Lower House for this session is not found.

Capt. Joseph Platt, Lt. Sam^l Hanford, for Norwalk.
 Lt. John Colt, Mr. Richard Lord, for Lyme.
 Mr. Michael Taintor, Mr. James Newton, for Colchester.
 Mr. John Judson, Mr. Benj. Hickcock, for Woodbury.
 Col. Eben^z Johnson, Mr. John Riggs, for Derby.
 Capt. James Judson, Capt. John Hawley, for Stratford.
 Capt. Samuel Avery, for Groton.
 Mr. Daniel Tracy, Lt. Joseph Becchus, for Norwich.
 Lt. Timothy Pierce, Mr. John Hall, for Plainfield.
 Mr. Benjamin Hand, Mr. Caleb Leet, for Guilford.
 Mr. William Seward, Mr. Thomas Lyman, for Durham.
 Mr. Joseph Cary, Mr. Jerem. Ripley, for Windham.
 Mr. John Hoit, Mr. John Bell, for Stanford.
 Lt. William Gallop, Mr. Joseph Stanton, for Stonington.
 Mr. Samuel Gunn, Mr. George Clark, for Milford.
 Mr. Joshua Reignolds, Mr. Gershom Lockwood, for Greenwich.
 Mr. Roger Wolcott, Speaker, } of the House of Repre-
 Mr. Elisha Williams, Clerk, } sentatives.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,
 That there shall be a Court of Probate held at Windham, for the townes of Windham, Lebanon, Coventry, Mansfield, W^uterbury, Plainfield, Killingly, Pomfrett, and Ashford, to be held by one judge and clerk, with powers and privileges as the other courts of probate have in this Colony; and in such cases where the law allows liberty of appeal, appeals shall be made to the superiour court in the county of Hartford, where matters in controversy shall happen to be in the county of Hartford; and likewise, where the matter in controversy shall be in the county of New London, appeals shall be made to the superiour court in New London.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,
 That there shall be a Court of Probate held in Guilford, for the townes of Guilford, Killingsworth, Seybrook, Branford, and Durham, to be held by one judge and clerk, with powers and privileges as the other courts of probate have in this Colony; and in such cases where the law allows liberty of appeal, appeals shall be made to the superiour court in the county of New Haven, where matters in controversy shall happen to be in the county of New Haven; and likewise where the matter in controversy shall be in the county of New London, appeals shall be made to the superiour court in New London.*

* A bill for making a new county, to be called Guilford county, and to consist of Saybrook, Killingsworth, Guilford, Durham and Branford, was passed in the Lower House, October 1718. *Journal L. H. Oct. 22, 1718.* The project was revived in October 1728

[182] This Assembly grants liberty to Richard Brunson, administrator on the estate of William Marks deceas'd, to sell so much land of the deceased as shall amount to the sum of fifteen pounds nine shillings, at the discretion and advice of John Sherman, Esq.

The gentlemen nominated to stand for Election in May next, as sent in (by the freemen of this government) to this Assembly, are as follows, viz :

The Honourable Gurdon Saltonstall, Esq., the Honourable Nathan Gold, Esq., John Hamlin, Esq., William Pitkin, Esq., Richard Christophers, Esq., Joseph Curtice, Esq., Peter Burr, Esq., Samuel Eells, Esq., Mathew Allyn, Esq., Abraham Fowler, Esq., John Sherman, Esq., Joseph Talcott, Esq., Jonathan Law, Esq., James Wadsworth, Esq., Mr. John Hooker, Mr. Roger Wolcott, Capt. Christopher Christophers, Capt. Joseph Wakeman, Capt. Richard Bushnell, Capt. John Hall.

This Assembly do appoint Mr. Joseph Minor of Woodbury to be Justice of Peace for the county of Fairfield.

Ordered by this Assembly, That Mr. John Whiting, Treasurer of this Colony, come to this Assembly by Wednesday the 14th of this instant at night : that he come prepared to make up, adjust and ballance the accounts betwixt the Colony and the estate of Mr. Joseph Whiting deceas'd, late treasurer of this Colony ; and that he bring six hundred pounds of the bills of credit ordered by this Assembly to be printed in May last.

This Assembly appoints Mr. James Hooker, Judge of the Court of Probates to be holden in Guilford for the towns of Guilford, Branford, Seybrook, Killingsworth and Durham.

This Assembly appoints Capt. John Fitch of Windham to be Judge of the Court of Probate now ordered to be held at Windham by this Assembly.

This Assembly grants liberty and fully impower Elizabeth Whitney, administratrix on the estate of her husband John Whitney deceas'd, to sell so much of the land of the deceas'd as shall amount to the sum of 48l 17s 04d, for the payment of the debts due from said estate, with the advice and direction of the court of probate in the county of Fairfield.

An Act concerning Witnesses to Wills.

[183] *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of*

and in May 1736, when a bill to erect a new county, composed of the foregoing towns with Haddam, having been largely debated, passed the Lower House. *Journals* 1728, 1736, *Civil Officers*, §c. II, 331. Again, in May 1744, and May 1753, similar bills passed the Lower House. *Civil Officers*, §c. III. 62, 393.

the same, That no wills or testaments, bearing date at any time after the first day of January next ensuing the end of the present sessions of this Assembly, wherein there shall be any devise or devises of real estate, shall be held good and allowed for any such devise or devises, if they are not witnessed by three witnesses, all of them signing in the presence of the testator.

At the humble suit of John Prout, Moses Mansfield, and Jeremiah Attwater, of New Haven, and for their encouragement in making linseed and rape oyl in this Colony: This Court hath therefore granted, and doth hereby grant unto the said John Proutt, Moses Mansfield and Jeremiah Attwater, the whole and sole privilege of making of linseed and rape oyl within this Colony, and that no other person or persons shall or may set up any mill, or any other engines, for that purpose within this Colony during the space of twenty years next coming, upon the penalty of one hundred pounds, to be recovered by the said John Proutt, Moses Mansfield and Jeremiah Attwater, their heirs, executors, administrators, or assigns, by action of debt, plaint or information, in any court of record. Provided the said John Proutt, Moses Mansfield and Jeremiah Attwater, shall set up and keep in repair such mill or mills, with all needful furniture for said use, during said term of twenty years. Provided also, that they, their heirs, executors and administrators, shall improve factors in each county in the Colony for the supply of the Colony, at reasonable rates, with the said linseed and rape oyl.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be a Court of Probate held at Woodbury, for the towns of Woodbury, Waterbury, New Milford, and Litchfield, by one judge and clerk, with powers and privileges as other courts of probate have in this Colony; and in such cases where the law allows liberty of appeal, appeals shall be made to the superiour court in the county of Hartford, where matters in controversie shall happen to be in the county of Hartford; and where the matters in controversie shall be in the county of New Haven, appeals shall be made to the superiour court in New Haven; and likewise where matters in controversy shall be in the county of Fairfield, appeals shall be made to the superiour court in Fairfield.

[184] This Assembly do establish and confirm Mr. Nathaniel Fitch of Lebanon to be Captain of the second company or trainband in the town of Lebanon aforesaid.

This Assembly do establish and confirm Mr. Samuel Hutch-

inson of Lebanon to be Ensign of the second company or trainband in the town of Lebanon aforesaid.

This Assembly having considered the petition of the town of Norwich *versus* the town of Preston: The question being put, whether the prayer of the petition shall be granted, it was resolved in the negative.

Whereas it has been shewn to this Assembly, that travellers meet with great difficulty in passing Seybrook ferry, for want of a wharf built on Seybrook side of the river for the conveniency of entering in and coming out of the ferry boat, and by reason of the uncertainty and alterations frequently made in the road or highway, by which travellers must come to the ferry, on each side of the river, both in Seybrook and Lyme: It is therefore ordered, that John Hamlin and Richard Christophers, Esq^{rs}, be, and they are hereby impowred, to view the said ferry place, and determine and fix both the place where a wharf shall be built on Seybrook side, for the safety and conveniency of travellers going into and coming out of the said ferry boat, as also how and in what manner the said wharf shall be built, and to order where the highway shall run, both on the land adjoining to the ferry on Seybrook side, as also through the neck of land on Lyme side, commonly called Mathers Neck. And it is hereby enacted, that the places which they shall appoint, for the said highways and wharf, shall be and remain to the said uses until this court shall order otherwise.

Whereas the laws of this government have not specially provided for the punishment of the crime known by the laws of England by the name of manslaughter, or the wilful killing another without malice forethought,

Be it enacted and declared by the Governour, Council and Representatives, in Generall Court assembled, and by the authority of the same, That whatsoever persons shall be convicted of the crime aforesaid, by confession or verdict, before any of the superiour courts of this Colony, shall forfeit to the publick treasury of this Colony all their goods and chattels which to [185] them belonged at the time || of their committing the said crime, and be further punished by whipping on the naked body, and stigmatized or burnt on the hand with the letter M on a hot iron, and be forever disinabled in the law from giving verdict or evidence in any of his Majesties courts in this government.

Whereas there was emitted in bills of credit for the payment of the Colony debts, in June 1711, the sum of six thousand pound, to be drawn in in nine years, about one

thousand pound whereof is or will be drawn into the treasury by the rate granted in May last: Now, for the drawing in more of the said six thousand pound, this court do order, that there shall be levied the sum of two pence on the pound on the polls and all the rateable estate in this Colony, to be paid in the bills of credit of this Colony, or in money as it generally passes in New England at the time of payment.

An Act for the Procuring a certain Sum in Bills of Credit to be at the Dispose of this Government.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be a tax of two pence on the pound levied on the polls and rateable estate in this Colony, to be paid in the bills of credit of this Colony at their usual advance, or in the true bills with four signers of the Province of the Massachusetts Bay, or in the true bills of New York, Rhode Island or New Hampshire, without any advance upon them, or in currant silver money; which shall lye in the treasurers hands to be disposed of as the Assembly shall order. Provided, that the several constables in the respective towns in the Colony appointed to collect taxes be not allowed post wages for carrying any more than one tax to the treasurer.

This Assembly do appoint John Sherman, Esq., to be Judge of the Court of Probate which is by this court ordered to be erected and held at Woodbury, and to continue in that office till the sessions of this Assembly in May next.

An Act for the Encouragement of keeping Sheep in the Town of Windsor.

Whereas, in an act intituled An Act concerning sheep and swine, it is ordered that it shall be in the power of the major part of the owners of sheep, in any town or plantation in this [186] Colony, assembled together || for that intent, to order and appoint, that all the sheep in their town or plantation shall be put and kept together in a flock or flocks annually, for such time and season of the year as they shall determine: And whereas the situation of the town of Windsor is such, that the meeting together of the owners of sheep in said town is impracticable: It is now ordered, that the owners of the sheep on the south side of the rivolett in said town, and the owners of the sheep in said town on the north side of the rivolett, and the owners of the sheep on the east side of the great river in said town, may severally meet together for the ordering of their sheep within their respective limits, with the same powers and privileges as is by said act given to the owners of the sheep in any of the towns and plantations in

this Colony; any law, usage or custom to the contrary notwithstanding.

Whereas this Assembly hath passed an act, intituled An Act for the directing the admission of town inhabitants; and, for the better attaining of the good ends proposed in said act, there was by the General Assembly holden at Hartford May 8th 1707, an addition made to one certain paragraph in said act; and, because there is no certain time limited and expressed in said addition, wherein the penalty and punishment therein mentioned may be inflicted, pursuant to said additional act, upon such persons that contrary to the intent of said act shall continue or reside in any town in this Colony, there hath been different understanding of said act, which may tend to a publick mischief: Which to prevent, and that the said act, as well as the said addition thereunto, may be better understood,

It is now resolved, That if any person or persons hath continued or doth continue in any town in this Colony, contrary to said act, and be not, nor hath not been, warned out of such town within one year from his or their coming thereinto, to reside there, then it shall not be lawful to prosecute any such person or persons by virtue of said act, or the addition thereunto.

It is also further resolved, That if any such person shall continue in any town one year after warning given him or [187] them to depart, and be not within || such time prosecuted and sentenced, pursuant to said act, that then every such person may continue in such town, and shall not be prosecuted for the same.

Provided, That it shall be the duty of the selectmen in the respective towns of the Colony to prosecute all such persons as shall continue in any town in this Colony contrary to the true intent and meaning of this act.

Upon the petition of Sarah Rogers of New London, widow and relict of Joseph Rogers late of the same town deceas'd: It is resolved and enacted by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, that the judge of the probates in the county of New London shall, at the request of the said Sarah Rogers, appoint three freeholders, under oath, to set out, by meets and bounds, one third part of all the real estate whereof her late husband Joseph Rogers dyed seized of, and set a reasonable rent on each part which they shall so set out to her, for her dower; and that the charge of setting out her dower aforesaid shall be paid by the children of the said Rogers, in such proportion as the said judge of the probates shall appoint;

and upon their or either of their neglecting or refusing to pay their respective proportion of the said charge, the said judge of the probates may, by a precept to the sheriff, cause the same to be levied and paid. And whereas the children of the said Joseph Rogers, who have for many years been in the possession and improvement of their respective portions in their father's real estate, in which the said Sarah Rogers has right to dower, and have neglected and refused to afford what is just and necessary to be allowed her for her support, thô they have held and improved the land which does of right belong to the said Sarah Rogers as her dower, whereby she has been and is reduced to great want: It is hereby further enacted, that if the said Sarah Rogers shall declare to the said judge of the probate, that she declines to improve her dower in said real estate by leasing it or otherwise, the children who shall continue in their respective portions of the said real estate, set out to them as aforesaid, shall pay to the said Sarah Rogers the rent set as aforesaid by said freeholders, on the dower set out to her therein; and if any of the said children shall neglect to pay the said rent or rents, on complaint made to the said judge of the probates, if upon enquiry thereinto, it appears to him that they have so neglected, he shall thereupon, by a precept to the sheriff, cause the said rent or rents to be levied and paid as aforesaid, together with the necessary costs in levying the same.

[188] Upon the memorial of Samuel Betts, Joseph Platt, &c., in the behalf of the inhabitants of the town of Norwalk that are for a new meeting house &c.: This Assembly appoints James Wadsworth, Esq., Capt. John Hall, Capt. Samuel Clark, a committee, at the charge of said town, to go to the said town of Norwalk, view the place, hear and consider all the pleadings of the parties; and they, or any two of them, agreeing, shall determine the place where the meeting house shall be set, which place so determined shall be the place where the town of Norwalk shall set up their meeting house, unless said committee shall determine the place to be where the old meeting house now stands, then, upon the advise of said committee, the town of Norwalk shall repair said old meeting, or there set up a new meeting house, as the said committee shall advise.

This Assembly orders and appoints Richard Christophers, Esq., Capt. Joseph Wakeman, Capt. Platt, to receive of the treasurer such bills as are in his hands, brought in by rates or otherwise, to sort and bind up distinctly those that are good and fair, and those that are of the old outstanding bills and worn out, and make report thereof to this Assembly.

New Haven, Octo. 19th, 1719.

It being moved by several gentlemen, that they may have leave to print Mr. Cutlars sermon preached yesterday, at their own charge: Resolved, by the Governour, Council and Representatives, in General Court assembled, that the Reverend Mr. Timothy Cutlar, Rector of Yale College, be desired to grant a copy for the press of the sermon he preached yesterday in the audience of the General Assembly on those words in the 92d Psalm and 5th verse,—And his thoughts are very deep, for the gentlemen desirous to have it printed.

An Act for the Lengthning out the Time for Exchanging the Old Bills of Credit of the Dæ e of 1709.

It being evident to the satisfaction of this Assembly, that notwithstanding the several acts and orders that have been made by this Assembly, for the exchanging the old outstanding bills of credit of this Colony of the date above mentioned, [189] yet there are many || of them out, and the time for exchanging them in the act of May last, which was limited to the first of November next, being near expired: This Assembly have therefore thought fit to order, and do hereby order and enact, that the time for exchanging the old outstanding bills of the date aforesaid shall be and is hereby lengthned out until the first day of June *Anno Dom.* 1720. And the treasurer of this Colony is hereby ordered to exchange the said old bills of credit (that are not counterfeit) with any person that shall offer them to him for exchange, so far as he hath or shall have stock put into his hands by this Assembly for that end, until the said first day of June 1720.

This Assembly, having heard the report of James Wadsworth, Esq., and Capt. John Hall, who with Mr. Hooker were appointed Commissioners by an act of the General Assembly in October last, they or any two of them, to inspect the state of the Mohegan Indians in the bounds of New London, and of the lands commonly called Sequestred Lands, lying in the same town, do thereupon order the said committee, or any two of them, to visit the inhabitants living on the said lands, formerly appointed by this Court to be a parish, and advise them in the best manner they can to the settling of the worship of God in that parish, which has been so long wanted, and which might prove a great blessing both to the English and Indians living in said parish. And it is hereby particularly recommended to the said committee, or any two of them, that in the settling of a minister there they endeavour one should be procured, if possible, who may be under the properest qualifications for the conversion of the Indians to the faith of

Christ, and for the civilizing of them. The said committee, or any two of them, are also hereby directed, that in prosecution of the powers granted them by the aforesaid act, they do in the behalf of this Assembly take the said Indians under their guardianship, and endeavour to make such settlement of suitable persons, by leases on the lands reserved for the Indians use for a convenient number of years, as may secure the Indian fields; which leases they shall grant in their own names, as a committee appointed by this Assembly to be guardians of the said Indians; as also in every respect to execute the powers granted them by the aforesaid act, and by the directions and orders thus given them.

Provided nevertheless, That in all these things nothing shall be done that may bring any charge upon the government, but that the whole charge be supported out of the profit of said lands; saving that nothing in this act shall intend to enable [190] said committee to act upon || the law of forcible entry. Also provided, that the said committee, or any two of them, giving notice to the towns of Norwich and New London to attend the said service, do renew the bounds of the said sequestred lands, according to court grants, between the said lands and the said towns. Provided also, that this shall be done without any charge to the government.

An Act for preventing great Inconveniences, which may happen by the Loss or Uncertainty of the Bounds of Land.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when the proprietors of adjoining lands have lost their bounds and cannot agree to the fixing of them, upon application made by one or more of said proprietors to an assistant or justice of the peace, such assistant or justice of the peace, (notice being first given to the proprietors concerned in the said land, that they may be heard if they see cause,) shall appoint three freeholders, being persons disinterested, which freeholders, or any two of them, being first sworn by the said assistant or justice of the peace to act with impartiality therein, shall have power, and are hereby impowred, to set up and fix such bounds between them; and the bounds, which shall be so fixed, shall be entered in the records of the town where such lands lye, and remain the bounds of such lands; and the whole charge that shall arise, by the settling such bounds as aforesaid, shall, (being allowed by such assistant or justice of the peace,) be recovered, if need be, by distress granted by the said assistant or justice against such proprietor or proprietors as shall make application as aforesaid.

Provided nevertheless, That if any such proprietor or proprietors of land be dissatisfied with the bounds so fixed, nothing in this act, or any proceedings thereon, shall be understood to hinder such proprietor from bringing any action whatsoever for the maintaining of his right to, or recovering the possession of, such land, as by the setting up such bounds as aforesaid shall be taken or withheld from him.

Provided also, That when the bounds so set up shall happen to take any land from any proprietor which he has for any time held possession of against the other proprietor, nothing in this act, or anything done therein, shall be taken to disseize such possessor, but whensoever any action is brought [191] against such possessor by the other proprietor, || to recover from him possession of said land, if such possessor shall not prove upon the tryal, that the bounds or line, which he claims to hold to, are the just and true bounds, judgment in the said action shall be given for the said proprietor to recover the possession according to the bounds set up as aforesaid.

And it is further enacted by the authority aforesaid, That the said three freeholders shall take this following oath, viz :

You A. B. and C., being appointed to renew, revive and set up, bounds between the land of D. E. and F. G. at according to the true, real and just right of the said parties : You and each of you do swear by the name of the ever living God, that having heard the pleas of the said parties and evidences given in by them, relating to the said bounds, all prejudice and partiality being laid aside, you will erect the said bounds according to the true and just right of the said parties, by your best skill and judgment. So help you God.

This Assembly do establish and confirm Mr. Theophilus Yale of Wallingsford to be Captain of the west company or trainband in the town of Wallingsford aforesaid.

This Assembly do establish and confirm Mr. John Peck of Wallingsford to be Lieutenant of the west company or trainband in the town of Wallingsford aforesaid.

This Assembly do establish and confirm Mr. Samuel Moss of Wallingsford to be Ensign of the west company or trainband in the town of Wallingsford aforesaid.

An Act appointing certain Commissioners to hear and determine Writs of Error brought against any Final Sentence, Decree or Order of the Superiour Court or any Inferiour Court, in any Matter between Party and Party.

Whereas the number of petitions brought to this Assembly, complaining of erroneous judgments in the courts of common

pleas, hath been much increased, whereby the publick affairs hath been in danger of suffering, and yet there hath not been any remedy otherwise provided in the law whereby errors from the superiour court or inferiour courts might be determined: Now therefore, for the more ease and speedy determining all writs of error, and that the burden thereof may not lye upon this Assembly,

Be it enacted by the Governour, Council and Representatives in General Court assembled, and by the authority of the same it is hereby enacted and ordained, That all errors in any final judgment given in any inferiour or superiour court, from and after the first day of November next, shall be heard, considered and determined, or referred back again to be tryed [192] by a jury, as || is hereafter provided in this act, by ten Commissioners to be appointed and impowred by this Assembly, whereof seven shall make a quorum; who, or any seven of them, shall be commissioners for the hearing, determining and final ending, of all writs of error from the final judgment of the superiour courts or inferiour courts, in the following manner, that is to say: If any person or persons shall think himself wronged by any erroneous proceeding of said court, he or they are hereby allowed liberty to apply themselves to any one of the assistants, and give unto such assistant his or their bill, under his hand, and also under the hand of one or more sworn attorneys, in which bill there shall be full, clear and particular, mention and assignment of all the errors complained of in any such proceeding of said court; shall then take the said bill and take a bond of the complainer or his attorney, with a sufficient surety, to be double the value of the thing or matter in question between the parties, that the said error shall be prosecuted to the reversing of the judgment complained of or to the removing of such case to the superiour court or inferiour, or in defect thereof to pay such damages and charges as the commissioners shall adjudge; and such assistant shall draw out a copy of said bill, and attest the same, and therewith grant out a writ of *scire facias*, and direct them both to the sheriff of the county, or the constable of the town, where the partie liveth that hath obtained the judgment complain'd of; but the original bill shall by such assistant be sent to the commissioners, according to time mentioned in said writ; and the officer that receiveth said writ and copy shall serve such person obtaining the judgment as aforesaid, with an attested copie of said writ, being left at the place of such persons usual abode, and with it the said officer shall leave the said copy of the bill; and the said officer shall return the original writ unto the com-

missioners according to time in said writ mentioned, and thereon certify, under his attest, his whole doings in the premises, which shall be a sufficient citation to all persons concerned; and all persons shall have at least sixty days notice, by leaving said bill and writ at the place of his abode, before he be called to answer before the commissioners. And the said commissioners shall appoint their own clerk, who shall receive all such writs and enter them. And the commissioners shall proceed to hear the errors assigned in any such bill, (and not otherwise,) together with the allegations of the adverse party for the supporting of such judgment, said to be erroneous; and if upon the whole the said commissioners, or the greater number of them, (always to be seven, to make a quorum,) shall find such judgment not to be erroneous, then they shall affirm the former judgment, and order costs to [193] the person to whom the judgment is affirmed; but if the said commissioners shall find such judgment to be erroneous, in matter of law, then they shall declare the same to be void and proceed to make a new decree in such case, and all persons shall be obliged to conform thereunto, and costs shall be awarded by the commissioners accordingly; but if the commissioners shall find the error to be in any matter of fact, then they shall refer the whole matter, with their special direction, together with the additional costs fallen before them, unto the next inferior or superior court, which gave the judgment, in the county, where the matter shall be again heard and tried by a jury.

Be it further enacted by the authority aforesaid, That for the future all petitions of such controversial matters between party and party, or between parties and parties, as heretofore have been determined by this Assembly, shall be heard, determined and concluded, by said commissioners, who are hereby impowred to do the same, and to allow bills of cost accordingly; and in all such controversial matters, the same rule shall be observed by all persons in bringing their petitions before said commissioners, only all petitions shall be entered upon the first of the commissioners sitting, as hath been observed in bringing petitions of the same nature to this Assembly.

Be it further enacted, That there shall be paid to said commissioners three pound for every and each writ, or bill of error, or petition in controversial matters between partie and partie that is brought before them, whereupon they shall proceed to make any sentence, order or decree; which three pound shall be the commissioners fees, and clerks,

whose fees shall be the same with the clerk of the superiour court.

Be it further enacted by the authority aforesaid, That the times and places appointed for the said commissioners to meet in shall be at Hartford, on the Monday next before the General Assembly in May, and at New Haven, upon the Monday next before the General Assembly in October; at which times the said commissioners shall meet to hear and determine all matters brought to them pursuant to this act; and the said commissioners shall, at their discretion, adjourn their meetings from time to time, as there shall be occasion; and the clerk appointed by said commissioners shall grant forth executions from time to time. This act to stand in force and continue for two years, and no longer.

Whereas in an act passed by this Assembly May 1718, for regulating and settling a plantation on the mountain east of Hartford, it is among other things resolved, that if the committee therein appointed should see cause to remove any of those settled on said mountain, they should take care that the legatees or settlers next to be admitted should pay back, to such person so removed, so much as the land was made better [194] for their improvement: || And whereas said committee did remove an inhabitant from an allotment on said mountain which was both originally and also by said committee designed for a ministers lot, whereby they were prevented from making him satisfaction in manner as in said act provided,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the forty-five owners of lots in said plantation, being such as are or shall be admitted to have lots there by said committee, shall each of them, at or before the first day of December next, pay seven shillings and four pence per lot unto William Pitkin, Esq., to be by him delivered to the person so removed from the lot so reserved for a minister as aforesaid. And if any of the persons, so holding lots as aforesaid, shall refuse or neglect to make payment as aforesaid, it shall be lawful for said committee, or any one of them, to take out a warrant for distress, directed to the sheriff of Hartford county, who shall distrain the said sum or sums from the person or persons so refusing or neglecting as aforesaid, in like manner and form as by law provided for distraining country rates, and deliver the same to said William Pitkin, to be disposed of for the end aforesaid.

Whereas Mr. Secretary receives the petition money ordered by this Assembly to be paid at the entering such petitions as

are brought to this Assembly : Ordered, that the said money now in the secretaries hands shall by him be delivered to the treasurer of this Colony, and take his receipt for the same ; and for the future shall in like manner, at the end of each session, pay to the treasurer the money received in the foregoing session, and take his receipt for the same.

An Act for the better enabling the several Constables and Collectors in the respective Towns in this Government to gather the Country and other Rates, which they are by Law obliged to gather; and for preventing Inconveniences and Damages that otherwise may arise to said Officers, by Reason that many Persons in this Government have Estates in divers Parts thereof, and others removing from Place to Place after they are listed, before they have paid their Rates.

Be it enacted by the Governour Council and Representatives, in General Court assembled, and by the authority of the same, That the several constables in the respective towns in this Colony, appointed to gather the country rate, and collectors of other rates in the respective towns in said Colony, every of them shall have the same power and authority in any of the plantations in this government as said officers now have in their own precincts, to gather the respective rates of any person or persons whose polls or estates is in their list, and shall be allowed post wages for their travel ; any law, usage or custom to the contrary notwithstanding.

[195] Whereas in an act passed in this Assembly, May 1718, appointing Capt. John Hamlin Esq. and certain others with him, to lay out a town east of Enfield, it is among other things resolved, that each settler in said town should have two hundred acres of land laid out for his accommodation, the laying out of which large quantitie is found to be very chargeable to the government, as well as burdensome to the said committee: And whereas in said act said committee are directed to agree with certain claimers of land named in said act, by reason whereof a considerable part of said township is not expressly ordered how it shall be disposed of,

It is therefore hereby enacted and resolved by this Assembly, That said whole township (except what is laid out and agreed for with the claimers aforementioned by said committee, and what may be laid out for pious uses,) shall belong in equal parts to fifty-five planters ; and that said committee take care to fill up said town with said number of honest inhabitants as aforesaid, who shall have a patent from this Assembly, for the firm and sure holding said township, (together with the said claimers,) to them, their heirs and successors forever. And said committee are hereby directed and ordered, to lay

out no more but the home lots in said town, and lands for the encouragement of pious uses and mills in said town, leaving the other lands to be divided to and among all the said settlers according to their discretion, who will doubtless be best able to accommodate themselves with divisions of land for their own conveniency.

Forasmuch as many neat cattle straying to towns remote from the towns where the owner lives, by means whereof they are not cryed where the owner lives, whereby they are lost to the owner: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That, for the future, all owners of neat cattle living in any town in this Colony, (to which there is appointed a brand for horses,) are allowed to set such brand on their neat cattle; and every stray beast that is taken up, having such brand on his near shoulder, shall be cryed in the town to which such brand is by law appointed, under the same penalty as is appointed by law for taking up any stray beast and not crying the same.

Whereas it is found to be very difficult, troublesome and burdensome, for the listers of the respective towns in this government to warn the inhabitants to bring in their respective lists, as in the law is required,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, That for the future it shall be sufficient warning to the inhabitants to bring in their lists of their rateable estates, as the law requires, to the listers in the respective towns [196] || in this government, for the listers sometime in the month of July annually to set up a notification in writing, under the hands of said listers, upon the sign post and two or three places where it may be judged most likely to give warning to the inhabitants, to bring in the list of their rateable estate by the twentieth of August, as the law now requires. This law to be read at the annual town meetings, annually, by the clerk of the respective towns. This law to continue in force for two years, and no longer.

This Assembly grants to his Honour the Governour the sum of two hundred pounds in publick bills of credit of this Colony, to be paid out of the publick treasury, for his salary the year currant.

This Assembly grants to his Honour the Deputy Governour the sum of fifty pounds in publick bills of credit of this Colony, to be paid out of the treasury, for his salary the year currant.

An Act for emitting Bills of Credit for paying the Publick Debts of the Colony.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith emitted a certain number of bills of credit on this Colony, from two shillings to five pounds, which in the whole shall amount to the sum of one thousand and four hundred pounds; one hundred and nine pounds seventeen shillings and six pence to be of the dead stock received from the treasurer by Richard Christophers Esq., Capt. Joseph Wakeman and Capt. Joseph Platt, a committee appointed by this Assembly to receive the same, which committee are hereby ordered and impowred to deliver the said sum of one hundred and nine pounds seventeen shillings and six pence to the treasurer of this Colony, taking his receipt for the same; and the remaining part of the said one thousand and four hundred pounds, which is one thousand two hundred and ninety pounds two shillings and six pence, shall be out of the four thousand pounds ordered to be put into the treasury, May 14th, *Anno Dom.* 1719.

And it is further enacted by the authority aforesaid, That the said treasurer be and is hereby ordered to issue forth and emit the said one thousand and four hundred pounds towards payment of the publick debts of this Colony and the further necessary charges thereof, according to such orders as shall [197] be given him from time to time, according to law. || And the said bills shall pass out of the treasury at the value expressed in the same, equivalent to money, and shall be taken and accepted in all publick payments at the advance of twelve pence on the pound more.

And be it further enacted by the authority aforesaid, That as a fund or security for the repayment and drawing in the said bills into the treasury again, and for the defraying the further necessary charge of the Colony, this Assembly grants a tax or rate of one thousand four hundred and seventy pounds to be levied on polls and other rateable estate within this Colony, to be paid into the treasury at or before the first day of October one thousand seven hundred and twenty eight; which said rate shall be paid in the bills of credit of this Colony, or in money as it passeth generally in the country at the time of payment, and in no other manner.

An Act in further Addition to the Law for preventing Tipling and Drunkenness.

Notwithstanding the many acts made by this Assembly for the regulation of licensed houses, and for preventing persons retailing strong drink without licence, yet many persons, very unfit for that employment, have imposed on the

county courts, so as to obtain licence for the keeping houses of publick entertainment, which houses are multiplied much beyond what are necessary, and many other persons adventure to sell strong drink without licence, which practices have a great tendency to the increase of idleness and debauchery: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the civil authority, selectmen, constables and grand jurymen, in the respective towns in this Colony shall, sometime in the month of January annually, nominate the person or persons whom they, or the major part of them, think fit and suitable to keep a house or houses of publick entertainment in the said town for the ensuing year, which nomination shall be sent by them to the next county court in that county, which court shall grant licences to the said persons accordingly for the year ensuing, and to no others: but if the county court think the number nominated in any town too great, they shall have liberty to lessen it; always taking bond of those licenced by them as the law directs; and if it shall so happen [198] that any town be destitute || of civil authority in it at the time of nomination, the said nomination in such town shall be made by the abovesaid town officers.

And it is further enacted by the authority aforesaid, That whatsoever person or persons, who heretofore have been or hereafter shall be presented by the grand jurors to any county court, on suspicion of retailing strong drink without licence, and thereupon brought under recognizance with sureties for their good behaviour and that they shall not retail strong drink without licence, if they shall, after such recognizance given, be again presented as aforesaid, such presentment shall be taken by the court to be sufficient evidence against the person so presented, to convict him or her of the forfeiture of their recognizance, unless he or she shall be acquitted by a jury of twelve lawful men of the neighbourhood, declaring upon their oaths, that they believe said person is not guilty; which jury, at their desire and at their charge, they shall have the liberty of.

Resolved by this Assembly, That William Pitkin and Joseph Talcott, Esq^{rs}, and Capt. Aaron Cook, committee for building the State House at Hartford, do with all convenient speed proceed to carry on said building according to the dimensions given or agreed upon by this Assembly, viz: seventy foot in length, and thirty foot in width, and twenty-four foot between joynts; and that, in pursuance thereof, the said committee are ordered to receive of the committees appointed for the

sale of land the sum of five hundred pounds, which the said committees are hereby ordered to pay to the said committee for building the State House ; and that the county of Hartford shall pay towards the finishing said State House the sum of two hundred and fifty pounds, if it shall be requisite to the finishing said house ; which sum this Assembly empower the judges of the county court of Hartford to levy upon the polls and rateable estate within that county ;* and the constables in the respective towns in said county are hereby obliged, upon receiving a warrant from the county treasurer, to collect the same, and to make payment of the same to the county treasurer, who is hereby ordered to deliver it to the said committee. And what it shall be wanting to finishing said house, the remainder to be drawn out of the publick treasury of this Colony.

[199] This Assembly do establish and confirm Mr. Samuel Hanford of Norwalk to be Captain of the south company or trainband in the town of Norwalk aforesaid.

This Assembly do establish and confirm Mr. Samuel Marvin of Norwalk to be Lieutenant of the south company or trainband in the town of Norwalk aforesaid.

The Lists of the Rateable Estate of the Respective Towns in this Colony.

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Midletown,	13488	16	04	Canterbury,	04423	01	06
Lebanon,	09966	14	00	Fairfield,	21084	02	06
Wallingford,	12453	10	00	Colchester,	06409	11	00
Groton,	09923	13	00	Woodbury,	05980	00	00
Wethersfield,	16546	01	09	Waterbury,	02646	00	00
New London,	14670	04	00	Pomfrett,	03687	00	00
Hartford,	23033	13	06	Durham,	04032	07	04
Danbury,	05017	14	09	Seybrook,	09507	16	06
Mansfield,	03087	04	06	Killingsworth,	05104	06	03
Branford,	09006	07	06	Farmington,	12515	03	09
Milford,	18186	03	11	Killingly,	02486	10	00
Symsbury,	06155	07	00	Windsor,	18182	04	00
Lyme,	08893	16	06	New Haven,	26945	07	02
East Haddam,	06092	01	00	Guilford,	16144	01	04
Derby,	03994	00	03	Greenwich,	06706	14	00
Plainfield,	05057	13	00	Norwich,	14831	04	09
Stonington,	13083	00	00	Stanford,	10995	10	05
Preston,	06129	00	00	Stratford,	17574	14	06
Windham,	06078	12	06	Glassenbury,	04580	15	00
Norwalk,	10958	15	03	West Haddam,	03880	13	06

*In pursuance of this act, the Hartford county court, in February 1719-20, ordered a tax or rate of a half penny on the pound to be laid on all the polls and rateable estate within the county.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Reverend Mr. Timothy Cutlar, Rector of Yale College, shall have all his estate, as well as polls, freed from any taxes in this government while he is in the aforesaid office.

Upon the petition of Loviss Lyron of Milford against John Edwards of Fairfield, praying that a judgment of the superiour court held at New Haven, November, 1715, obtained against said Lyron upon a special verdict, may be reversed, and that he may have another tryal at the superiour court: It is now resolved by this Assembly, that the said judgment obtained upon the special verdict be reversed, and the same is hereby [200] reversed || and made void; and the said Lyron shall have another tryal of his case at the superiour court to be holden in New Haven in March next.

Upon the petition of Edward Yeomans of Groton, against Samuel Borroughs and others of said Groton, complaining that through some mistake in a tryal before the superiour court held at New London in September last, between said Yeomans and Borroughs and others, the jury took a wrong evidence, that had a seeming relation to the matter in tryal between the parties, whereby the jury were induced to give a verdict against the said petitioner, and judgment was entered up by the court accordingly, therefore praying that said judgment may be reversed, and that he may have another tryal at the superiour court in New London, and that the whole costs in the matter depending between the said parties may be at said court ordered according as the case shall be then determined: It is now resolved by this Assembly, that said judgment be reversed, and the said judgment is hereby reversed and made void; and the said Yeomans shall have another tryal of his case at the next superiour court to be holden at New London in March next; and the whole costs of the case shall by said court be allowed to the party that shall then obtain judgment in his favour.

We, whose names are hereunto subscribed, being appointed a committee by the General Court now sitting in New Haven, to enquire of the treasurer how he was prepared to make up the accounts of his deceased father, late treasurer, with the Colony, and to receive of him what he had to pay on that account, and also to receive what he had to pay on his own account, and lay the same before the Court; and having attended the aforesaid service, we now inform the Court, that we have received of him in part of what is due from his father's estate in bills brought in for rates the sum of thirty-eight pounds

thirteen shillings, which he says is all that he can now pay on his father's account, from whose estate, as the accounts now stand, there is still due in rate bills eight hundred eighty-seven pounds seven shillings and nine pence, and in exchange bills the same as in May last, being twelve hundred forty-four pounds seven shillings and eleven pence, out of which must be taken seventy-one pound one shilling and nine pence overpaid in his account of quick stock, as by the result in May last. [201] We have also received of the treasurer || the sum of two hundred pound fourteen shillings and nine pence of the rate ordered in October, 1717, of which sum there is one hundred and nine pound seventeen shillings and six pence in good bills, fit to be emitted again.

We, the within named committee, have, according to the order of the General Court, burnt the bills within mentioned, brought in for rates, vizt. the sum of ninety pounds seventeen shillings and three pence of the rate of 1717, and the sum of thirty-eight pound thirteen shillings received on the late treasurer's account, in part of what is due from his estate in rate bills.

Upon the petition of Thomas Lee and others, in behalf of themselves and many others inhabitants in Niantick Quarter in the town of Lyme, praying that they may be discharged from paying any thing to the support of the ministry in said town, and that said petitioners may be a distinct society for the setting up and supporting the gospel ministry among them,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Niantick Quarter is and shall be of itself a distinct society for the setting up and supporting the gospel ministry there; and the same priviledges is hereby granted unto the people inhabiting in said quarter as is allowed to other societies by this Assembly for the setting up and supporting the gospel ministry. And the inhabitants in said Niantick Quarter shall be discharged from paying anything to the support of the ministry in the old society in said town when there is a gospel minister settled in said quarter.

An Act for Enforcing and due Execution of the Act of this Assembly of October 13th, Anno Dom. 1713, entitled An Act for the more effectual Suppressing of Immorality.

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the town clerk of each respective town in this government shall, at the opening of the publick town meeting for electing town officers in December annually, if the said clerk shall be

present, and if the said clerk shall be absent, then the selectmen for the time being who shall be then present, cause the said act, and every paragraph thereof, to be publickly read in the said meeting.

And it is hereby further enacted by the authority aforesaid, That if the said town clerk, when present as aforesaid, or selectmen present in case of the clerks absence, shall neglect or refuse publickly to cause the said act to be read, according [202] to the above act, then the said clerk or selectmen || so refusing or neglecting, being convicted thereof before any one assistant or justice of peace, shall suffer the penalty of forty shillings each, one-half of which penalty to the complainer that shall prosecute to effect, and the other half to the town treasury; and the grand-jury-men and constables in each town shall make due enquiry after and presentment of every breach of this act.

This Assembly grants liberty and fully empower Mrs. Anna Whiting and Mr. John Whiting, administrators on the estate of Mr. Joseph Whiting, late of Hartford, deceased, to make sale of so much of the deceaseds land as to enable them to make payment of the debts of the said deceased which shall surmount the moveable estate when the true value thereof shall be known, and all at the direction of the judge of the probate in the county of Hartford.

Whereas a considerable sum or sums of money is still due to this government from the estate of Mr. Joseph Whiting, deceased, late treasurer of this Colony; and whereas it is inconvenient for this Assembly by themselves to take the whole management of that affair: Now, for the more speedy and effectual obtaining said arrears into the treasury, it is hereby resolved, that Capt. James Wadsworth, Esq., Capt. John Hall, and Mr. Hez. Brainerd, be a committee in the name of and with full power from this Assembly, to ask, demand, levy, sue for and recover, from Mrs. Anna Whiting and Mr. John Whiting, administrators on the estate of said Mr. Joseph Whiting, such sum or sums of money as are now due to this government from said estate, and also full and ample acquittances, in the name of this Assembly, to give to said administrators on receipt of said sum or sums.

Resolved by this Assembly, That the question put to the Assembly in the petition of the proprietors patentees of the town of New London, being a matter of so great weight and general concern as to affect the generality of the towns in the government: therefore, this Assembly defer the consideration and resolution of it to May next, at which time the Assembly

will determine upon that question, by some general rule that may be best for the towns in the government.

Received of Richard Christophers, Joseph Wakeman, and Joseph Platt, a committee appointed by the General Court now sitting in New Haven, the sum of one hundred and nine [203] pounds seventeen shillings || and six pence, in bills of credit brought in by the rate of 1717, and now emitted again by the General Court in part of fourteen hundred pounds, for the payment of the debts of the Colony. I say, received in New Haven, the 22d day of October, 1719.

per me, John Whiting, Treasurer.

Ordered by this Assembly, That the petition of Samuel Benton be continued unto the session of this Assembly in May next; and the petitioner is to notify the town of Hartford and Joseph King of Suffield, that they appear at said Court to answer the pleas of the petitioner.

This Assembly grants to Mr. Roger Wolcott, the Speaker of the Lower House this sessions, the sum of one pound ten shillings.

This Assembly grants to Mr. Elisha Williams, Clerk of the Lower [House] the sum of one pound five shillings.

This Assembly grant to the constables, who have attended the Lower House this sessions, three shillings *per diem* during their attendance.

This Assembly grant to Mr. Timothy Green, printer to his Honour the Governour and Company, twenty-five pounds, as part of his salary the currant year.

This Assembly grants to the Secretary the sum of eight pounds for his good service.

Mr. John Sprauge and Mr. Joseph Becchus, appointed a committee by the General Court in May last, upon the petition of Voluntown, made report to this Court of what they have done in that matter, and particularly the addition they had made of land to that town and the laying out a part thereof; which report and addition is accepted and confirmed, on condition that the said committee oblige those to whom they have sold or shall sell lots in the said addition, to have a tenantable house and settle themselves within the space of three years, and continue to live there 3 years after such settlement, upon the forfeiture of said purchase, (excepting what is said in said report concerning the mile;) and the said report is to be kept on file. And also that their horse-brand shall be figure U.

The return of the committee respecting Ashford settlement

is accepted and confirmed by this Assembly, and ordered to be kept upon file.

The whole record of the acts of the Assembly, as they stand entered in the pages next preceding, were read in the presence of both Houses and ordered by the Assembly to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secretary.

This Court is adjourn'd till the Governour or Deputy Governour shall see cause to call them to meet again.

[146] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN, OCTOBER 13TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

John Hamlin,	} Esq'rs, Assistants.	Mathew Allin,	} Esq'rs, Assistants.
William Pitkin,		Abraham Fowler,	
Rich ^d Christophers,		John Sherman,	
Joseph Curtice,		Jonathan Law,	
Samuel Eells,			

On the petition of the proprietors of a swamp called Beaver Swamp, in the town of Branford: Ordered that a commission of sewers for draining of said swamp be granted to Nathaniel Johnson, John Lindsley, and Capt. John Russell, of the said town.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN, OCTOBER 19TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin,	} Esq'rs, Assistants.	Mathew Allin,	} Esq'rs, Assistants.
William Pitkin,		Joseph Talcot,	
Joseph Curtice,		Abraham Fowler,	
Richard Christophers,		John Sherman,	
Samuel Eells,		James Wadsworth,	

On the petition of the proprietors of a certain piece of low land or hollow (commonly called Easons Hollow) in Hartford meadow on the east side of Connecticut River: Ordered, that a commission of sewers, for draining of the said low land or hollow, be granted to Capt. Ozias Pitkin, Mr. Nathaniel Stanly, and Mr. John Meakins, of said Hartford.

[147] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, NOVEMBER 3D, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant.* Christopher Christophers,
Jonathan Prentts, } Esq'rs. John Richards,
John Plumbe, }

Ordered, That any one or two of the commissioners appointed by the General Assembly, in May last, for settling the line between this Colony and the government of New York, do, as soon as they can conveniently, with a surveyor and suitable assistance begin at the eastermost known bounds between the said governments, which is commonly called and known by the name of Dukes Tree, and run a parallel line with Hudsons River, from the aforesaid tree, according to the map or chart of the said river which was produced in the said Assembly in May last, until they shall extend the said line above Ridgefield or the northermost towns on that side this government, and erect certain monuments which may be readily found and known.

Ordered, That a suitable person be provided at the publick charge, to wait on his Honour the Governour in his intended journey to Boston.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, NOVEMBER 9TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant.* Christopher Christophers,
Jonathan Prentts, } Esq'rs. John Richards,
John Plumbe, }

[148] Forasmuch as it is found of absolute necessity for the safe keeping of prisoners committed to the goal in the county of New London, and for the well governing of them there, that a good yard be made about the said goal with boards nine or ten feet in height, and about one rod distance from the said goal where the ground will allow it, with a good gate and lock to it; and the insolence of several prisoners now in custody there making it necessary that this care be taken before the convening of the county court: It is therefore ordered. that a yard of such dimensions, with a gate and lock, be forthwith erected, at the charge of the said county; the boards to be feather edged, and a range of nails set up on the top of the fence. And it is ordered that Richard Christophers and Jonathan Prentts, Esq'rs, and Lt. John Richards, or any two of them, do take care to employ workmen and cause the said yard and gate to be set up immediately.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, NOVEMBER 13TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq.,	<i>Assistant.</i>	Christopher Christophers,
Jonathan Prentts, } John Plumbe, }	Esq'rs.	John Richards, John Pickett.

Whereas by an order of Council of the 23d of June last, it was resolved that the sum of five hundred pounds of the bills of credit of this Colony lately imprinted should be lodged in the hands of some gentleman in Boston, to be improved by him in taking in by exchange such bills of this Colony as are called in by an act of the Assembly, in case the government of the Massachusetts Bay should lodge one thousand pounds of their bills in the hands of any gentleman in this Colony, in like manner to take in by exchange such bills of the said Province as [149] are likewise || called in by act of Assembly: And whereas William Pitkin, Esq., was desired to prevail with Col. Fitch of Boston; that the said sum of five hundred pound might be lodged in his hands for the aforesaid service, and the said Pitkin having informed this board that the said Province had put into his hands the sum of five hundred pounds to exchange their bills as aforesaid, and that the said Col. Fitch would undertake the like service for this government: It is therefore ordered, that the treasurer of this Colony do put into the hands of William Pitkin, Esq., the sum of two hundred and fifty pound of the said exchange bills, to be forthwith transmitted to Col. Thomas Fitch in Boston, to be improved by him pursuant to the aforesaid order.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, NOVEMBER 18TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq.,	<i>Assistant.</i>	Christopher Christophers,
Jonathan Prentts, } John Plumbe, }	Esq'rs,	John Richards,

Whereas there is a necessity of making use of the publick money for the building a yard about the prison in the county of New London, pursuant to an order of this board of the 9th instant, there being no money in the treasury of the said county: It is therefore ordered, that the naval officer in the port of New London do supply the gentlemen appointed by the aforesaid order of council to take care of the said work, out of the impost money in his hands, as they shall have occasion for that service, taking their receipt for the same.

[150] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, NOVEMBER 24TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq.,	<i>Assistant.</i>	Daniel Palmer,	} Esq'rs, } <i>Justices.</i>
Richard Bushnell,	} Esq'rs, <i>Justices,</i>	John Brown,	
Jonathan Prentts,		Christopher Christophers.	
William Clarke,			

Upon the information of Mr. Simon Lothrop, that Richard Webber Benjamin Adams, John Blaze, and James Cutler, have run away with the sloop Martha, of about thirty tons, (being on her voyage from Piscataqua to Boston,) having first tendered the master of said vessell that if he would take up arms with them he might, or otherwise he should go on shore, and accordingly set him on shore at this port; and as is concluded, design to practice pyracry, and for that end are at this present time off the harbour of New London, waiting for opportunity to put their wicked design in execution,

Resolved, That the Governour grant a commission to such person as he shall judge suitable, to take a vessell, with a sufficient number* of armed men, to go in pursuit of said vessell, with sufficient power to seize her, with all the said persons on board; and if upon coming up with her any of the said persons on board do oppose their entring on board with force and arms, or do any act of hostility against them, that thereupon they do with force and arms assault and take the said persons and vessell, and bring the said persons with their vessell into some port in this his Majesties government, that they may be proceeded against according to law. Provided, that any persons shall offer themselves to go under such a commission, without bringing any charge on the government

[151] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, NOVEMBER 30TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq.,	<i>Assistant.</i>	Daniel Palmer,	} Esq'rs, } <i>Justices.</i>
Richard Bushnell,	} Esq'rs, <i>Justices.</i>	John Brown,	
Jonathan Prentts,			
William Clarke,			

Whereas there are several persons, vizt. John Rogers, sen., &c. now in custody of the goal in New London, whose riotous and tumultuous proceedings have occasioned great charge to the county of New London: Ordered, that the fines and penalties they have incurred by the misdemeanours they are in custody for, and which may be levyed upon them, shall, being collected by the sheriff, be paid into the hands of Jonathan Prentts, Esq., in order to be applied to the support of the extraordinary charge of the said county which the said prisoners have occasioned, if the General Assembly shall approve of its being improved in that manner.

Whereas there has been an order of council passed at New Haven, March 12th, 1718, for the taking of David Robbinson of Durham and committing or confining him in the goal of the county of Fairfield, which as yet has not been executed: For the preservation of the peace of his Majesties subjects disturbed by the said Robbinsons carrying arms about with him, and threatning the lives of several persons, resolved that the said order be forthwith executed; and the Governour is desired to give order accordingly.

[152] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JANUARY 25TH, 1718.

Present, The Honourable Gurden Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant.*

Jonathan Prentts, }
John Plumbe, } Esq'rs.

Christopher Christophers,

John Richards.

Ordered, That the counterfeit ten shilling bill taken off Greenman's plate, which is in the files of the superiour court and upon which Banks was taken up and prosecuted, be transmitted to Coll. Fitch at Boston, for a pattern to distinguish those bills from the true bills in exchanging the two hundred and fifty pounds committed to his care for that end.

Resolved, That the following minutes, with the bills of credit mentioned to be transmitted with them, be sent to the Honourable Coll. Fitch at Boston, for his direction in giving out by exchange the two hundred and fifty pound in bills of credit of this Colony of the latest emission delivered to him by William Pitkin, Esq., per order of this board, and taking in for them the bills of credit of this Colony of the preceding emissions.

1. The bills of credit of the latest emission, whereof you have to the value of two hundred and fifty pound lodged in your hands, have all of them the form of living creatures on them, by which they are distinguished from all the bills of any former emissions.

They are also distinguished,

By the additional date of May, 1718, set over the names of the signers, which is added to July 12th, 1709, which is set in the body of the other bills.

By the value expressed at large in the flourish on the top of the bill.

By the colour of the large character drawn on the face of all the bills taken off the larger plate, vizt.

On the 10s. bills, of which the character and signing is in green.

On the 20s. bills, of which the character and signing is in yellow.

[153] On the 40s. bills, of which the character and signing is in blue.

On the 5l. bills, of which the character and signing is in red.

Memorand. There were some of the bills of a former emission, from the least to the greatest, which bore the same character in their face, which characters are all of a red colour, and the signers names are in common ink, and not of different or any other colours. But all the

bills of the latest emission taken off the smallest plate, vizt. 2s., 2s. 6d., 3s. and 5s. bills, are without any such large character on their face, and are all signed in black, and differ from those of former emissions by the additional date of May, 1713, and there may be some variation as to the persons signing.

2. The bills of this Colony which are to be taken in, are those of the former emissions, which bear the date of July 12th, 1709 only, without the additional date of May, 1713, set over the names of the signers or committee.

3. All the bills of the former and later emissions are taken from the same plates, so far as concerns the body of the bill and stamps of the seal of the Colony at the bottom. So that those of the two hundred and fifty pounds, which you have by you, being all of the latest emission, and some of every degree or species of bills, will be sufficient to direct you in the tryal of such as may be brought to be exchanged, and proving whether they are true or counterfeit.

4. Yet you have herewith sent you six bills of divers denominations,

1. One true 40s. bill of some of the former emissions.

2. One 40s. bill from a counterfeit plate. The difference between these two is very obvious. This counterfeit plate could never yet be come at, and it is now a considerable time since any of them have been known to be uttered.

[154] 3. One true 10s. bill of the former emissions, and with a || character on its face, by which the false ten shilling bill, taken off from Greenman's plate at Rhode Island, may easily be discovered, which is of a paler ink than the true bill.

There never has been discovered any counterfeits of our bills by false plates, excepting only these two, vizt. the 40s. bill, a pattern of which is inclosed, and the 10s. bill off Greenman's plate.

4. One of the 10s. bills, taken from Greenman's plate.

5. One bill altered, and made 40s. from 3s.

6. One other bill, altered from 5s. to 40s.

There has been no late practice of this kind taken notice of here, nor anything of this nature attempted upon the bills of the later emission, which have the forms of living creatures on them.

5. You will observe that in the two true bills now sent you, vizt. the 40s. and 10s. bills, there is 50s. added to the 250*l.* you have already received.

6. The bills of the later emission, (especially under the 10s. bills,) if they be torn and not fit to pass, may be exchanged.

7. Three-quarters, or one-half of a bill, but no part under half, may be taken in by exchange, and that without any allowance for the part wanting.

Resolved, That David Robbinson of Durham, who of late did dangerously wound and attempt to murder the minister and his brother of said town, and who is now in goal in the county of Fairfield, be put in irons suitable to prevent his breaking goal and committing the like mischief for the future, and so to remain until the General Assembly to be held at Hartford in May next, and that his Honour the Governour be desired to write to the Deputy Governour accordingly.

[155] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, MARCH 22TH, 1719.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, }
 Samuel Eells, } Esq's, *Assistants*. Christopher Christophers.
 Jonathan Law, }

Ordered, That a proclamation be issued out for a publick fast, to be stricktly and religiously observed throughout this Colony, on Wednesday the thirteenth day of April next.

Whereas by order of this board of the 23th of June, 1719, it was ordered that five hundred pound of our bills should be lodged in the hands of Coll. Thomas Fitch of Boston, in order to his taking in by exchange our old bills: And whereas pursuant thereunto and by order of this board of November 13th, 1719, two hundred and fifty pound was accordingly delivered to the said Coll. Fitch: And whereas by a letter from him dated Feb. 29th, 1719, it is certified that he has parted with the said two hundred and fifty pounds in exchange as aforesaid, and has advanced a considerable sum over and above the said two hundred and fifty pounds, in the same service, and taken in our old bills thereby,

Ordered, That the treasurer, out of the bills put into his hands for exchange, deliver to William Pitkin, Esq., the sum of two hundred and fifty pounds, (being the complement of the five hundred pounds formerly orderd to be so improved,) to be sent forthwith to the said Coll. Thomas Fitch in Boston, to be improved by him in taking in our bills by exchange, according to the act of the Assembly and the directions given him; and that Mr. Pitkin take care to send the said two hundred and fifty pounds to Coll. Fitch, causing a receipt of them to be taken of him, to be improved in manner aforesaid.

Whereas it has been proposed that commissioners from this Colony, and from the Provinces of the Massachusetts Bay, N. Hampshire [156] || and Rhode Island, meet at Boston, and consider in what manner the credit of the bills of said governments may be best recovered and supported, and prepare a report to be made thereon to the Assemblies of the said governments.

Resolved, That Mr. John Read, as a commissioner from this government, attend the said meeting, and endeavour with them to prepare such a report, and lay it before the General Assembly of this Colony in May next.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, APRIL 2D, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.
 Christopher Christophers, Richard Christophers, jun.,
 Jonathan Star, Benjamin Star.

Whereas the gentlemen appointed by order of this board of the 3d of November last, to run the line between this Colony and the Province of New York, are indisposed, and incapable to attend that service: It is now ordered, that Samuel Eells and Joseph Plat, Esq's, do with all convenient speed, with a surveyour and suitable assistance, begin at the eastermost known bounds between this government and the said Province, which is known by the name of Dukes Tree, and run a parallel line with Hudsons River from the aforesaid tree, according to the map or chart of the said river which was produced in the General Assembly held at Hartford in May last, until they shall extend the said line above Ridgefield, or the northermost towns on that side this government, and erect certain monuments, which may be readily found and known.

[157] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, APRIL 9TH, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

William Pitkin, } Esq's, *Assistants.* John Plumbe, Esq.,
Richard Christophers, } Christopher Christophers.

Whereas by an act of the Assembly holden at Hartford, May 14th, 1719, William Pitkin, Esq., and the surveyour of the county of New London, (who was at the time of passing said act, and at this present time, Mr. John Plumbe,) were impowered as commissioners from this government, in conjunction with such persons as the government of Rhode Island should for that end impower, to run a due west line from a certain station in Warwick, twenty miles in length: And whereas a time for the attending of the said work, (which has been hitherto providentially hindered,) is now fixed, and the commissioners appointed on both sides to attend the same are to meet for that end in Warwick, at Mr. Carders, the 12th instant, being Tuesday next: And whereas those appointed by the government of this Colony are to follow such directions as they shall receive from the Governour and Council,

It is hereby ordered and directed, That the said commissioners on the part of this government attend at the place and time abovementioned, and joyn with such gentlemen as shall be appointed by the government of Rhode Island to attend the said service, and proceed therein with all convenient speed to the finishing thereof.

That the commissioners propose to, and endeavour with the commissioners of Rhode Island, that the persons employed (being sworn) to carry the chain, should be persons not having any pretence of right in the lands adjoining to said line; and (if it can be obtained) that the persons so improved should be gained from one of the neighbouring towns of the Massachusetts Province, that there may be the less room for any pretence of error in carrying the chain, by reason of interest, or on any such ground whatsoever.

[158] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, MAY 6TH, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq.,	<i>Assistant.</i>	John Picket,
John Plumbe, Esq.,		John Richards,
Christopher Christophers,		John Gardiner.

The sheriff of the county of New London, who is keeper of the goal in said county, complained to this board that in the night between the fourth and fifth instant, the goal of the said county, wherein John Waterhouse was then imprisoned, was broke open, and two doors of the said goal, with the lock and what irons were upon them, were carried away and could not be found, so that he could not detain the said Waterhouse in the said goal; and that another criminal was by mittimus from the justices of peace in Groton brought to the said goal, but that the said goal was in no condition to hold him there; and that lately, at divers times before the said night, great violence had been used upon the door of the said goal, as also upon the yard erected round the same, by persons in the night time:

Considering the absolute necessity of having the said goal put into such a condition that criminals and other prisoners may be secured there; and forasmuch as there is not as yet any provision made for a keeper to live within the limits of the said goal, who might prevent such violence in the night seasons: in order to the securing all disorderly persons and other prisoners there, without which judicial proceedings and sentences against the most criminal persons will be of no force, and it will be impossible that any order should be kept in the [159] county. ¶ It is therefore for the present, and till further care be taken by the General Court, ordered, that the sheriff, or his deputy, cause the breach of the said prison and yard to be repaired, and new doors put to the said goal, and locks and irons necessary provided, at the charge of the said county; and that the said sheriff or deputy sheriff shall impress one man by day, and two by night, to watch and ward the said goal, and prevent all such violence being done thereon, either by such prisoners as shall be within it, or by any of their accomplices without, till further order be given concerning the same.

Ordered, That the said persons so impressed to serve upon watch and ward at the said goal, shall not suffer any persons to have any communication with the said prisoners, without leave under the hand of some person in civil authority, or from Mr. John Plumbe, who lives near to the said goal in the town of New London.

Ordered, That the keeper of the said goal, or in his absence the said persons so impressed, and upon service there, shall by themselves deliver to such prisoners provisions and other necessaries, such as by law ought to be allowed them.

Ordered, That the constable or constables of the town of New London do immediately cause a constables watch to be set and duly kept in the said town; and that the clerk of the council deliver a copy of this order to one of the constables of said town.

Ordered, That the sheriff of the county of New London do wait on his Honour the Governour, to the General Court to be held at Hartford the next week, at the publick charge.

[204] CONNECTICUTT }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTIES COLONY OF CONNECTICUTT, IN NEW ENGLAND, ON THE 12TH DAY OF MAY, IN THE SIXTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM. 1720.*

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esqr, Governour.

The Honourable Nathan Gold, Esqr, Deputy Governour.

John Hamlin,	} Esq ^{rs} .	Joseph Talcott,	} Esq ^{rs} ,		
William Pitkin,		John Sherman,		} Assist-	
Richard Christophers,		Roger Wolcott,			ants.
Samuel Eells,		Jonathan Law,			
Mathew Allyn,		James Wadsworth,			

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz :

Mr. Thomas Seymour, Mr. James Ensign, for Hartford.
 Capt. James Rogers, Mr. Jonathan Hill, for New London.
 Capt. Richard Bushnell, Lt. Jabez Hyde, for Norwich.
 Mr. Elisha Pain, Lt. Joseph Addams, for Canterbury.
 Capt. Samuel Mather, Mr. Ebenezar Fitch, for Windsor.
 Capt. John Russell, Mr. Nath. Johnson, for Brandford.
 Capt. Nathan^l Fitch, Mr. John Sprauge, for Lebanon.
 Mr. Peter Aspinwell, Mr. George Blanchard, for Kellingly.
 Mr. John Gregory, Mr. Israel Curtice, for Danbury.
 Lt. William Gallop, Mr. Eben^z Searles, for Stonington.
 Mr. Caleb Leet, Mr. Joseph Hand, for Guilford.
 Mr. Tho: Kimberly, Lt. Benj^a Talcott, for Glassenbury.
 Mr. Theophilus Munson, Mr. Isaac Dickerman, for New Haven.
 Major John Burr, Capt. Samuel Couch, for Fairfield.
 Mr. Timothy Peirce, Mr. John Fellows, for Plainfield.
 Mr. Thomas Buckingham, Lt. Nathaniel Pratt, for Seybrook.
 Mr. William Spencer, for East Haddam.
 Mr. Hez: Brainerd, for West Haddam.

* The Journal of the Lower House at this session is not found.

Mr. Caleb Seward, Mr. Thomas Lyman, for Durham.
 Lt. Joseph Hawley, Mr. Thomas Bird, for Farmington.
 Capt. Thomas Judd, Mr. Ephraim Warner, for Waterbury.
 Mr. Samuel Peck, Capt. Caleb Knapp, for Greenwich.
 Capt. Reignold Marvin, Lt. Joseph Colt, for Lyme.
 Mr. John Lane, Capt. Josiah Stephens, for Killingsworth.
 Capt. Tho. Huntington, Mr. Thomas Storrs, for Mansfield.
 [205] Capt. Sam^l Hanford, Mr. Sam^l Cumstock, for Norwalk.
 Capt. David Goodrich, Mr. Elisha Williams, for Wethersfield.
 Mr. Joshua Bill, Mr. Eben^z Avery, for Groton.
 Mr. Caleb Fobes, Mr. Thomas Rose, for Preston.
 Mr. John Hoit, Mr. John Stone, for Stamford.
 Mr. Dan^l Waldo, for Pomfrett.
 Capt. William Harriss, Capt. William Savage, for Middletown.
 Capt. John Hawley, for Stratford.
 Mr. George Clark, Mr. Samuel Gunn, for Milford.
 Mr. Nathan^l Holcomb, Capt. Thomas Holcomb, for Symsbury.
 Mr. Joseph Cary, Mr. Jeremiah Ripley, for Windham.
 Mr. Joseph Minor, Mr. Zachariah Walker, for Woodbury.
 Capt. John Hall, Capt. Joseph Doolittle, for Wallingsford.
 Capt. James Newton, Mr. Michael Taintor, for Colchester.
 Lt. John Riggs, for Derby.

Capt. Richard Bushnell, Speaker, } of the House of Repre-
 Mr. Elisha Williams, Clerk, } sentatives.

This day being appointed by charter and the laws of this Colony for the election of the publick officers of this corporation, viz: the Governour, Deputy Governour, Assistants, Treasurer and Secretary,—proclamation was now made in Court by order of the Governour and Council, and the freemen proceeded to give in their votes to persons chosen and appointed by the Governour, Council and Representatives, to receive and sort them.

The persons so chosen and appointed were, John Hamlin, William Pitkin, Richard Christophers, Mathew Allyn, Joseph Talcott, James Wadsworth, Esq^{rs}, Major John Burr, Capt. Samuel Mather, Mr. John Russell, Capt. David Goodrich, Mr. Hez. Brainerd, Mr. George Clark; who were all sworn truly and faithfully to receive, sort and count the said votes. And the votes of the freemen being brought in, sorted and counted,

The Honourable Gurdon Saltonstall, Esq., was chosen Governour of this Colony for the year insuing; and the Governour's oath, and the oath required by acts of Parliament to be taken for the encouragement of navigation and increase of plantation trade, was administred to him by the Honourable Deputy Governour, in the presence of this Assembly.

The Honourable Nathan Gold, Esq., was chosen Deputy Governour of this Colony for the year insuing, and the Deputy Governour's oath was administred to him by the Honourable the Governour, in the presence of this Assembly.

John Hamlin, William Pitkin, Joseph Curtice, Richard Christophers, Peter Burr, Samuel Eells, Mathew Allyn, Joseph Talcott, John Sherman, Roger Wolcott, Jonathan Law, and James Wadsworth, Esq^{rs}, were chosen Assistants for this Colony for the year insuing. And the said John Hamlin, William Pitkin, Richard Christophers, Samuel Eells, Mathew Allyn, Joseph Talcott, John Sherman, and James Wadsworth, Esq^{rs}, had the Assistant's oath administred to them in the presence of this Assembly.

Mr. John Whiting was chosen Treasurer of this Colony for the year insuing.

[206] Hez. Wyllys was chosen Secretary of this Colony for the year insuing, and accordingly sworn to that trust in the presence of this Assembly.

Ordered, That John Hamlin, Esqr, return the thanks of this Assembly to the Reverend Mr. Stephen Hosmer, for the sermon he preached yesterday in the audience of the General Assembly, and desire him to grant a copy of it for the press.

This Assembly do establish and confirm Mr. Ichabod Palmer of Stonington Captain of the third company or trainband in the town of Stonington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Minor of Stonington Lieutenant of the third company or trainband in the town of Stonington aforesaid, and order him to be commissioned accordingly.

This Assembly do establish and confirm Mr. John Breed of Stonington to be Ensign of the third company or trainband in the town of Stonington aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Cary of Windham to be Lieutenant of the company or trainband in Windham aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jeremiah Ripley of Windham to be Ensign of the company or trainband in the town of Windham aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Crittendon of Guilford to be Lieutenant of the second company or

trainband in the town of Guilford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Roseter of Guilford to be Ensign of the second company or trainband in the town of Guilford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jeremiah Judson of Stratford to be Captain of the south company or trainband in the town of Stratford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Uffoot of Stratford to be Lieutenant of the south company or trainband in the town of Stratford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Addams of Canterbury to be Captain of the company or trainband in the town of Canterbury aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Edward Spalding to be Lieutenant of the company or trainband in the town of Canterbury aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Caroe of Canterbury to be Ensign of the company or trainband in the town of Canterbury aforesaid, and order him to be commissioned accordingly.

[207] Upon the petition of Samuel Weed of Stamford, praying this Assembly that he may be impowred to sell and give a deed of sale of a house and home lot of John Weed of Stamford, nephew to said Samuel; which home-lot, on which said house standeth, lying in Stamford, is in quantity about five roods, bounded east by the street, north by the home-lot of Richard Cheshure, west partly by the home lot of said Cheshure and partly by the home lot of Jonathan Weed, and south partly by the home-lot of said Jonathan Weed and partly by the street. The said John Weed is about twenty-two years old, and from a child was and still is *non compos mentis* and wanting of understanding, so that he is not now nor ever is likely to be able to take care of himself; and said house being likely to need considerable of money to be laid out upon it to keep it in repair, which will not be profitable to said John Weed, nor to the town that must take care of him and provide for his maintenance when his estate is spent: Whereupon this Assembly doth impower the said Samuel Weed,

(with the consent and allowance of the selectmen of said town,) to sell said house and home lot, and to give a deed of the same to the person or persons that shall purchase of him; which deed given by Samuel Weed to such person or persons as shall purchase said house and homelot of him, shall be good and effectual in the law for the holding of the same; and the money he, said Samuel Weed, shall sell said house and lot for shall be kept and improved as the law hath already provided such moneys shall be kept and improved for.

This Assembly, upon the prayer of the northwestern inhabitants of the town of Guilford, confirms those bounds to them that which the town of Guilford have granted and set them for a society; and impowers them, by a major vote of the said inhabitants, to levy a tax upon the said inhabitants and their estates, for the building a meeting house and for defraying ministerial charges, and frees them from paying anything towards the ministerial charges in the town of Guilford, when and so long as they shall have a minister of the gospel among them; and that the said inhabitants shall take benefit of all other privileges which the law allows of to societies.

This Assembly appoints Richard Christophers and Jonathan Law, Esqrs, Capt. Samuel Mather, Capt. John Russell, and Major John Burr, to audit the Colony accounts with the treasurer, and to receive of him the dead stock that may be in his hands, and to make report thereof to this Assembly.

This Assembly do establish and confirm Mr. John Porter of Stratford to be Ensign of the south company or trainband in the town of Stratford aforesaid, and order he be commissioned accordingly.

Upon the request of Elizabeth Dart of New London, liberty and full power is given her by this Assembly, to make sale of a small piece of land, about three rod, lying in the said town by the water side, with a frame of a warehouse thereon; which land was given to her husband Thomas Dart, who went to sea in December, 1718, [and] hath not been since heard of; the produce of it to be improved for the payment of what she hath necessarily taken up for herself and child since her husband went away, and towards the further charge of bringing up her child.

[208] This Assembly grants to William Gaylard of New Milford the quantity of one hundred acres of land on the west side of Oussetunnuck River, near the Massachusetts line, already surveyed; provided he make payment of twenty pounds into the hands of the committee appointed for

building the state house at Hartford, as part of the five hundred pounds granted to be improved for that end.

This Assembly grants liberty and impowers Abigail Shepard, widow, relict of John Shepard late of Milford, deceas'd, to sell so much of the deceas'd John Shepard his land as shall be sufficient to pay forty-five pounds and the interest thereof for a year and half, at the direction of Major Samuel Eells and Jonathan Law, Esq^{rs}.

Upon the prayer of Samuel Minor: The Assembly is of opinion that his poll ought to be exempted from the country list according to the law, whilst he is under such circumstances as at present, and free him also from working at the highways whilst he continues lame.

Upon a motion made by Lt. Pratt of Saybrook, in behalf of the first company or trainband in said town: This Assembly are of opinion that it may be best that the said company may be led to the choice of their captain, and therefore desire his Honour the Governour to give order to the major of the county to lead them to it.

Upon consideration of the petition of Jacob Griswold, Stephen Noble and Mabell Griswold, administrators on the estate of John Griswold, late of New Milford, deceased: This Assembly allows and impowers the said Stephen Noble and Mabell Griswold to make and execute a good and lawful deed of conveyance unto the said Jacob Griswold, of a piece of land in Wethersfield, containing five acres and a quarter, with a house standing thereon, upon his paying the remainder of the money due for it by bargain; and the said moneys be improved to pay the purchase of the lands of Jacob Griswold, jun.; and the remainder of the money to be laid out in lands for the benefit of the heirs of said John Griswold. And the said administrators, viz: Jacob Griswold sen^r, Stephen Noble, and Mabell Griswold, are hereby impowred to take of Jacob Griswold jun^r, a deed of conveyance of certain lands at New Milford, in the name and on the behalf of the heirs of the said John Griswold, deceas'd.

This Assembly appoint Joseph Talcott, Esq^r., to be Judge of the Court of Probate in the county of Hartford.

This Assembly do appoint Mathew Allyn, Esq^r., to be Judge of the County Court in the county of Hartford.

This Assembly do appoint Mr. John Hooker, Capt. Aaron Cook and Capt. Samuel Mather, to be Justices of the Peace and Quorum in the county of Hartford.

[209] This Assembly do appoint Capt. Joshua Robbins, Capt. David Goodrich, Lt. Samuel Humphreys, Capt. Thomas Judd, Capt. Thomas Ward, Capt. James Wells, Capt. Thomas Gates, Capt. John Fitch, Mr. Michael Tainter, to be Justices of the Peace in the county of Hartford.

This Assembly do appoint Capt. John Fitch to be Judge of the Court of Probate to be held in Windham.

This Assembly do appoint Mr. Warham Mather to be Judge of the Court of Probate in the county of New Haven.

This Assembly do establish James Wadsworth Esq^r., to be Judge of the County Court in the county of New Haven.

This Assembly do appoint Abram Fowler, Esq^r., Mr. Warham Mather, Mr. Samuel Byshop and Capt. John Hall, to be Justices of the Peace and Quorum in the county of New Haven.

This Assembly do appoint Capt. Thomas Yale, Mr. James Hooker, Capt. Nathaniel Harrisson, Mr. Edward Barker, Capt. Andrew Ward, Capt. Joseph Whiting, and Mr. Samuel Brunson, to be Justices of the Peace in the county of New Haven.

This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate to be held in Guilford.

This Assembly do appoint Richard Christophers, Esq^r., to be Judge of the County Court and Court of Probates in the county of New London.

This Assembly do appoint Capt. Richard Bushnell, Mr. Nathaniel Linde, Mr. Nathaniel Cheesbrough, Mr. William Clark, to be Justices of the Peace and Quorum in the county of New London.

This Assembly do appoint Mr. Samuel Buell, Mr. Abram Pierson, Mr. Daniel Taylor, Mr. Daniel Buckingham, Mr. Moses Noyes, jun^r. Mr. Jonathan Prentts, Mr. Joseph Bacchus, Capt. Samuel Avery, Mr. Nehemiah Smith, jun^r, Mr. Daniel Palmer, Mr. Daniel Brewster, Mr. Timothy Pierce, to be Justices of the Peace in the county of New London.

This Assembly do appoint the Hon^{ble} Nathan Gold, Esq^r., Judge of the Court of Probate in the county of Fairfield.

This Assembly do appoint John Sherman, Esq^r, to be Judge of the Court of Probate to be held in the town of Woodbury.

This Assembly do appoint Capt. James Olmstead, Capt. James Judson, Mr. James Bennitt, Capt. Joseph Bishop, Mr. John Edwards, Major John Burr, Justices of the Peace and Quorum in the county of Fairfield.

This Assembly do appoint Capt. James Beebe sen^r, Mr.

Samuel Peck, Mr. John Gregory, Mr. Richard Osborn, Mr. Tho. Bennit, Mr. Ebenazar Mead, Mr. Joseph Minor, to be Justices of the Peace in the county of Fairfield.

Resolved by this Assembly, That, for the year insuing, no person, being judge of either the county court or courts of [210] probates in any of the counties || of this Colony, shall sit as a judge in the superiour court in the county wherein he is judge in either of the said courts, in any matter wherein he or they have been as judge concerned.

Upon the petition of John Dean : Ordered by this Assembly, that the surveyor of the county of New London, and he only, may lay out to said Dean two hundred acres of land granted to Capt. John Beard, according to said grant.

Upon consideration of the petition of Jemima Woodbridge, praying that one hundred acres of land granted Oct. 9th, 1718, for the use of the last will of John Woodbridge late of Springfield deccas'd, may be laid out by either of the surveyors of Hartford or New London county, in a tract of land lying between the townships of Killingly and Voluntown : Allowed by this Assembly, that the said one hundred acres be laid out by the county surveyor of New London ; provided there be any lands not laid out at said place ; and that it be laid out either upon the bound line of Killingly or of Voluntown.

Upon consideration of the petition of Walter Butler of New London, shewing that his father in law, Mr. George Denisson, sold to him one acre of land in New London, and that he paid him for the same, and the deed for said land by Mr. Denisson was written, but he dyed before it was executed : This Assembly orders and fully impowers Edward Hallam and John Hough, administrators on the estate of the said George Denisson, to make and execute a good and lawful deed of conveyance of the abovementioned one acre of land unto the said Walter Butler, his heirs and assigns.

This Assembly do establish and confirm Mr. Samuel Smith of New Haven to be Captain of the company or trainband at West Haven in the town of New Haven, and order he be commissioned accordingly.

This Assembly do establish Mr. Samuel Brown of New Haven to be Lieutenant of the company or trainband at West Haven in the town of New Haven aforesaid, and order he be commissioned accordingly.

This Assembly do establish Mr. Thomas Painter of New Haven to be Ensign of the company or trainband at West Haven in the town of New Haven aforesaid, and order he be commissioned accordingly.

Upon consideration of the request of John Hart of Farmington : This Assembly is of opinion that the lameness of the said John Hart is such, that his poll ought to be freed from the publick list, and do accordingly free it.

This Assembly impowers the administrators upon the estate of Daniel Mix, late of Wallingsford, to sell so much [211] lands of || the deceas'd as may be sufficient, with the moveable estate, to satisfy the debts of the deceas'd ; with the direction of Capt. John Hall and Capt. Joseph Doolittle.

This Assembly appoints the Honourable Nathan Gold Esq. Chief Judge of the Superiour Court, for the year insuing.

This Assembly do appoint John Hamlin Esqr, Richard Christophers Esqr, Samuel Eells Esqr, Jonathan Law, Esq. Judges of the Superiour Court for the year insuing.

Whereas the Reverend Mr. Nathaniël Chancey and his brother Mr. Isaac Chauncey, both of Durham, have lately been wounded by a person under distraction, as has been generally supposed, viz : David Robbinson of the said Durham, now in custody as a distracted person in the goal of the county of Fairfield, and have been at considerable cost and suffered damage by reason thereof : Ordered by this Assembly, that the superiour court, at any of their succeeding sessions, take cognizance of the same and, upon consideration had thereof, do award such cost and damages as they shall judge meet ; and that the said court give direction in what manner the said cause be brought before them, as also make such orders as they shall judge necessary for the subsistence and safe keeping of the said Robbinson, till he may be recovered to the use of his understanding and without hazard to his Majesties subjects suffered to go at large.

Upon consideration of the petition of the inhabitants dwelling in the northward part of Stonington, praying that a committee may be appointed to settle and establish a line that shall divide Stonington into two societies : Ordered by this Assembly, that Mr. John Plumb of New London, Lt. John Sprauge of Lebanon, Lt. Joseph Bacchus of Norwich, and Lt. Timothy Peirce of Plainfield, or any three of them, be a committee to settle the line desired, and make return of their doings therein to the Assembly in October next ; and that the town of Stonington be at the charge of it.

This Court, considering the turbulent behaviour of divers prisoners which have been of late committed to the goal in the county of New London, and that the said goal has been frequently broke open and the prisoners committed for felony and divers great crimes have made their escape, so that jus-

tice has been obstructed, and great mischief has already hapned and may hereafter happen thereby, and that therefore it is necessary that a convenient house should be erected adjoining to the said goal, or so near that a keeper living therein may probably prevent such violence and disorder for the future: Ordered by this Assembly, that the county court in the said county take immediate care that a suitable house be erected near or adjoining to the said goal, and a keeper of the said goal provided to live therein; and that all such fines and forfeitures as are or shall be recovered in said county at or before the Assembly in May next, and are payable to the treasury of the Colony, be applied by said [212] court || to defray the charges of building the said house and putting the said goal and yard about it in good repair; and that what shall be wanting of such fines and forfeitures for the said service, or to defray the charges of said work, shall be defrayed out of the treasury of the said county; and the said county court is hereby impowred to raise such money as shall be so wanting, by a rate on the inhabitants of the said county; and the said court is hereby ordered to keep an account of the charge they are at in doing said work, and the manner wherein it is defray'd, and lay it before the Assembly in May next.

Ordered by this Assembly, That the county court in the county of New Haven take immediate care that a suitable house be erected near or adjoining to the goal, and a keeper of the said goal provided to live therein; and that all such fines and forfeitures as are or shall be recovered in said county at or before the Assembly in May next, and are payable to the treasury of the Colony, be applied by said court to defray the charges of building the said house and putting the said goal and yard about it in good repair; and that what shall be wanting of such fines and forfeitures, for the said service or to defray the charges of said work, shall be defray'd out of the treasury of the said county; and the said county court is hereby impowred to raise such money as shall be so wanting, by a rate on the inhabitants of the said county; and the said court is hereby ordered to keep an account of the charge they are at in doing said work, and the manner wherein it is defray'd, and lay it before the Assembly in May next.

Upon the petition of Peter Mills: This Assembly orders that Samuel Allyn shall pay the thirty-seven shillings for the quit claim, and sixteen pounds ten shillings for the other land conveyed by said Mills to Allyn; and that the said Allyn refund the three pounds which said Allyn recovered for his

own costs, and pay the costs of this petition; or if said Allyn chooses it, he shall reconvey, upon the demand of said Mills, all that title and claim to the said lands which passed and was derived to him from the said Mills his deed, bearing date the 29th of January, 1719-20, and quit claim bearing date January 29th 1719-20, and refund the three pounds taken for the costs of the action on the arbitrament and also pay the cost of this petition. And if the said Allyn does not reconvey said lands as mentioned in this act, (if it be his election so to do,) on or before the 10th day of June next, or pay the money mentioned in this act by the aforesaid time, then execution shall go forth from the secretary for the money herein mentioned. *Cost allowed on this petition £2. 13s. 3d. Ex. granted for the above sum of £3. 0s. 0d. and costs.*

[213] This Assembly observing that difficulties do or may happen in the superiour and inferiour courts in this government by reason of the absence or legal exception of or against some of the members appointed to hold the same: Which to prevent,

Be it enacted and declared by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as it shall happen, that a sufficient number of the gentlemen appointed to hold any of the said courts shall be wanting, by reason of necessary absence or just exception, that the quorum in the superiour court shall be supplied by any of the assistants of this Colony, and the quorum in the inferiour courts by any of the justices of the peace of that county to which the court belongeth.

This Assembly grants liberty unto Mr. Samuel Porter of Farmington to practice chirurgery.

A List of Additional Estate returned to this Assembly to be transmitted to the Treasurer and added to the List of Estates delivered in to this Assembly in October last.

Woodbury,	51l: 00s: 00d.
Mansfield,	79 : 05 : 00
Farmington,	99 : 11 : 00
Fourfold assessments in Farmington,	198 : 04 : 00
Branford,	420 : 09 : 00
New Haven,	829 : 11 : 10
Fourfold assessments in New Haven,	729 : 18 : 00
Fourfold assessments in Wallingsford,	76 : 10 : 00
Fourfold assessments in Stanford,	23 : 00 : 00
Fourfold assessments in Stonington,	1765 : 03 : 06
Symsbury,	117 : 00 : 00
Derby,	40 : 05 : 00

Greenwich,	443 <i>l</i> : 00 <i>s</i> : 00 <i>d</i> .
Fourfold assessments in Greenwich,	1572 : 00 : 00
Addition to Hartford,	451 : 00 : 00
Wethersfield,	791 : 09 : 00
Fourfold assessm'ts in Wethersfield,	2337 : 06 : 00
Danbury,	43 : 03 : 09
Windsor,	714 : 09 : 00
Fourfold assessm'ts in Killingsworth,	152 : 00 : 00
Fourfold assessments in Plainfield,	145 : 05 : 00
Fairfield,	595 : 19 : 00
Fourfold assessments in Fairfield,	444 : 15 : 00
New London,	146 : 00 : 00
Fourfold assessm'ts in New London,	1983 : 06 : 00
Fourfold assessments in Milford,	88 : 10 : 00
Windham,	32 : 00 : 00
Fourfold assessments in Windham,	970 : 16 : 00
Stratford,	478 : 16 : 01
Guilford,	458 : 01 : 00

Upon consideration of the petition of Bartholomew Foster, shewing that he had built a bridge, and made a causeway to said bridge, over the brook called Pilgrims Harbour, praying that he may have a reasonable satisfaction for his labour about the same: This Assembly appoint and impower James Wadsworth Esq^r and Capt. John Hall, to receive and adjust the account of the petitioner, and make sale of the lands belonging to this Colony northwards of Wallingsford, provided it prejudice not any former grant, for the payment of so much of said account as they shall allow.

This Assembly observing that a misimprovement is made of the law intituled An Act concerning bills or bonds, giving liberty and authority to assign bills and bonds, whereby evil minded persons take advantage for the putting cheats upon others: Which to prevent,—The said law intituled An Act concerning bills or bonds, so far as it concerns the assignment of them, shall be and remain in force for no longer than six months after the session of this Assembly; and that from thenceforward it shall be repealed and made void, and is hereby, after the time aforesaid, repealed and declared to be void and of none effect.

[214] This Assembly appoints and fully impowreth Mrs. Mary Elliott, the widow and relict of Mr. John Elliott, late of Windsor deceased, to sign, seal and execute, a full and ample quitclaim of all the native right that the said John Elliott had in partnership with William Pitkin, Joseph Talcott, Esq^{rs}, Col^o William Whiting, Mr. Timothy Woodbridge, Mr. Samuel Whiting, and Mr. Joseph Bradford, in the townes of Coventry,

Tolland, Stafford, and the town on the mountains, according to the agreement made by said Elliott in his life-time.

This Assembly do appoint Col^o Ebenezar Johnson of Derby to be Justice of the Peace in the county of New Haven.

This Assembly do establish and confirm Mr. Joseph Gillet of Hartford to be Lieutenant of the company or trainband at the West Division in the town of Hartford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Merrells of Hartford to be Ensign of the company or trainband at the West Division in the town of Hartford aforesaid, and order he be commissioned accordingly.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future no indenture made by any Indian shall be accounted good in the law, except it be acknowledged before authority.

This Assembly order, That the precinct for a school on the south part of Wethersfield shall have, for the bringing up their children and maintenance of a school there, the forty shillings on every thousand pounds of their listed estates: provided the school be maintained for such time as the law directs in parishes having the like number of families.

This Assembly appoints Capt. John Hawley of Stratford to be Justice of the Peace in the county of Fairfield the year insuing.

Upon the petition of Samuel Benton of Hartford, preferred to this Assembly in October last, the town of Hartford by the Worshipful William Pitkin and Major Joseph Talcott, Esq^{rs}, and Joseph King for himself, appeared, pursuant to the order of this Assembly in October, and were heard in their arguments wherefore the charge demanded by the petitioner for the keeping a certain man, who was sometime taken for Nathaniel Wilson, otherwhile for John Clements, should not be cast upon them: Whereupon this Assembly, observing that the overtures of Providence in that case were strange, unheard of and unaccountable, the evidence on both sides unusually strong and peremptory, to that degree that the [215] certain truth || is not likely to be gain'd by human testimony, and that final judgments in the law, till reversed, must be accounted among the most infallible human evidence of undoubted truth; and further observing, that the charge demanded did arise for the keeping the said man whilst by judgment of law known by the relations of Nathaniel Wilson, and acquiest in, was declared and pronounced to be Nathaniel

Wilson, agreeable to the concurrent opinion of all men hearing thereof: This Assembly do resolve and order, that the accounts of the charge be examined and adjusted by the judge of the probate in Hartford; that what shall be so adjusted and allowed shall be reimbursed and paid out of the estate of Nathaniel Wilson within three months next coming: and that for want of such payment to be made by the heirs of the said Nathaniel Wilson, it is hereby ordered, that Capt. Aaron Cook, with Mr. Nathaniel Stanly of Hartford, shall pursue the order of this Assembly made on the 12th of May, 1709, wherein full power was granted to Capt. Aaron Cook and Mr. Richard Edwards, to sell so much of the housing and lands belonging to Nathaniel Wilson of Hartford as might be needful for his support, for the payment of the account aforesaid.

This Assembly do appoint Peter Burr Esqr to be Judge of the County Court in the county of Fairfield.

This Assembly appoints Richard Christophers and Jonathan Law, Esqrs, Major John Burr, Capt. Samuel Mather, and Capt. John Russell, to deliver into the Treasurers hands the sum of thirteen hundred and twenty pounds two shillings and six pence, a part of the dead bills bro't in by the rate of 1718, &c., which they have received of the treasurer, taking his receipt for the same; and also to burn the sum of thirteen hundred sixty-nine pounds fourteen shillings and six pence, which they have also received of the treasurer in part of the dead bills bro't in by the rate of 1718; also burn the sum of two hundred sixty-eight pounds twelve shillings and six pence, which they have this day received of said treasurer, and was taken in by him by way of exchange.

This Assembly fully impowers William Alderman, administrator on the estate of William Alderman late of Symsbury deceas'd. to sell so much land of the deceas'd as may be sufficient to pay the debts due from said estate, at the direction of the court of probates in the county of Hartford.

It being moved by the proprietors of and within the town of Derby, that a deed of release and quit claim of and in the lands within the said town, by them presented to this Assembly, may be granted by this Assembly, and be signed and sealed by the Hon^{ble} the Governour and the Secretary: This Assembly grants that the same be executed accordingly.

[216] In reference to the petition of the West Society in Norwich:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,

That all those that are inhabitants in said society, and all the lands within said society improved by inhabitants there, shall be taxed to defray the ministerial and other charges of said society, let the freehold belong to whom it will; and that all those farms which were settled and inhabited within the bounds of said society at the time when it was granted by the Assembly, shall be taxed to defray charges in said society.

This Assembly orders the treasurer of this Colony to deliver to Francis West, in bills of credit, to the sum of five pounds, for a five pound bill partly burnt.

It being moved by the agents of Voluntown, in the behalf of the proprietors of said Voluntown, to this Assembly, that a deed of release and quitclaim to all the lands within the grants of said Voluntown be confirmed to said proprietors by this Assembly, and signed and sealed by the Honourable the Governour and the Secretary: This Assembly grants that the same be executed accordingly.

For the more clear understanding of, and in addition to the law Pleading to issue: It is further declared and provided, that the general issue of Not Guilty, Nil Debet, No Wrong for disseisin, or any other general plea, whereby the whole declaration is put upon proof, according to the nature of the action, may be made by the defendant. And whensoever the general issue is taken, the defendant shall have liberty to give any matter in evidence upon it, excepting only that which he might have fairly pleaded in his justification. And whensoever any person shall suppose that he has missed the plea, whether the general issue or special plea which would have saved him in his just cause, he shall have liberty to alter his plea, and the opposite party shall have a reasonable time assigned him for making answer thereunto. And further it is provided, that if the new plea be found insufficient for the justifying him that made it, reasonable satisfaction shall be awarded to the other party for the greater delay which is made thereby to the other party, according to the interest of money, or rent of the land, or improvement of any other thing recovered by the suit, to be awarded by the court before which the trial is.

[217] We, whose names are hereunto subscribed, have attended the order of this Assembly, having delivered to Mr. John Whiting, Treasurer, the sum of one thousand three hundred and twenty pounds two shillings and six pence, a part of the bills of credit brought in by the rate, 1718 &c., and burnt the sum of one thousand three hundred sixty-nine pound fourteen shillings and six pence, being also a part of said rate &c., together with two hundred sixty-eight pounds twelve

shillings and six pence, which were taken in by exchange. Hartford, May 26th, 1720.

Richard Christophers, John Burr, Samuel Mather, John Russell.

May 26th, 1720. This day we have received of the Treasurer, in part of the dead bills brought in by the rate of 1718, the sum of two thousand six hundred and eighty-nine pounds sixteen shillings and six pence, of which there is thirteen hundred and twenty pounds two shillings and six pence good bills, fit to be emitted again; and we have also received of him two hundred sixty-eight pounds twelve shillings and six pence of old bills taken in by exchange.

Richard Christophers, John Burr, Sam^l Mather, Jⁿo. Russell.

This Report should have entered before order of appointment of delivery.

Hartford, May 26th; 1720. Then received of Richard Christophers, John Burr, Samuel Mather, and John Russell, the sum of one thousand three hundred and twenty pounds two shillings and six pence in bills of credit, for the use of the Colony of Connecticut, and are delivered to me by order of the General Court now sitting in Hartford. I say received per John Whiting, Treasurer.

A true entry of the original. Test. HEZ. WYLLYS, Secretry.

This Assembly impowers Joseph Rockwell, Francis Whetmore and Solomon Coit, administrators on the estate of William Harriss of Middletown deceas'd, to sell so much of the lands of the said deceas'd as shall be sufficient to pay the debts due from said estate, at the direction of the court of probates in the county of Hartford.

Upon the petition of Mercy Chester *contra* Charles Treat: This Assembly orders, that the said Charles Treat shall, within thirty days from the rising of this Assembly, pay unto the said Mercy Chester the sum of one hundred pound, unless the said Treat shall, within said thirty days, reconvey the two acres and a half of land, mentioned in the petition, unto the said Mercy Chester, and also pay to her five pound, and also receive of the said Mercy the said negro mentioned in the petition. And, provided the said Treat shall not, within the said thirty days, comply with this order, then the secretary is hereby directed to grant out execution for the said hundred pounds, to be levied by the sheriff of the county of Hartford upon the estate of the said Charles Treat. *Cost allowed is £1. 6. 11.*

This Assembly desire the Honourable the Governour and

[218] Council || to provide a map or draught of the land granted to this corporation by our patent, and to send the same to his Majesty, and thereupon to address his Majestie for such things as they may judge may occur upon that occasion for our interest.

This Assembly allows unto Park Williams of Lebanon the sum of three pounds eleven shillings and six pence, for his extraordinary charges concerning Katharine Wyer, to be paid him out of the Colony treasury.

An Act to enable Guardians to divide Lands that are holden by several Persons in Partnership, or as Tenants in Common, or in Joynt Tenancy, and to inforce the Wards of any Guardian, when any such Division is made, to be bound by the Same.

Whereas there is many parcels of land in this government which have been and still are held by several persons in partnership, or as tenants in common, or in joynt tenancy, and it hath often so fallen out that one of the partners or tenants have dyed before any division hath been made, and their heirs left to inherit such lands being minors, whereby the surviving partners or tenants are hindered in their improvement: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the guardians of all minors shall and are hereby, with the assistance of such persons as the court of probate shall for that end appoint, fully impowred to make division of any such land with the surviving partners or tenants, as fully and amply as the original partners and tenants might or could have done. And all such minors, their heirs and assignus, shall be firmly bound and concluded by any such division made by their guardian. And the several courts of probate are hereby directed upon the application of any such partner, or tenant, or guardian to any minor, to appoint suitable persons to assist such guardian in making division as aforesaid. And all persons having right in any such land, upon such appointment, shall forthwith come to a division of the same.

Whereas Capt. James Morgan of Groton, deceas'd, and Capt. James Avery of the same town, were appointed guardians of the Pequod Indians living in the said town: Capt. John Morgan of the said Groton is by this Court appointed Guardian of the said Indians, in the room of the said Capt. James Morgan deceas'd.

An Act for forming the Lower House of the General Assembly on the Day of Election, yearly.

Be it enacted by the Governour, Council and Representatives, || *in General Court assembled, and by the authority*

of the same, That for the future the several Deputies, who are returned from the respective towns in this Colony to serve in the General Assembly in May annually, shall meet at the usual place of meeting for said representatives, till such time as the state house shall be fitted for their entertainment, and afterwards at their chamber in said state house, at eight of the clock in the morning on the said day of election, when and where they shall choose a speaker and clerk for their house for that sessions, and do any other matter proper and meet for them to act before the publick service and election on said day.

Upon the petition of the patentees of New London: Resolved by this Assembly, that the patent made and executed by this Assembly to said town did well confirm the lands in said township to each and every proprietor inhabitant then in said town, and to such as had any distinct propriety there thó not dwelling in said town, according to such dispositions as had been by the town before made, or that they had otherwise regularly obtained, both as to particular persons, town commons, or other publick or pious uses, and also all the lands not so granted, divided or disposed, in said township, to hold as tenants in common; all which undivided lands were confirmed to them the said proprietors and their heirs and assigns, so that no person, by becoming an inhabitant afterwards, could have any right to dispose of any land in said town by voting in a town meeting. Excepted always from said English patentees, the land in said township commonly called the Ancient Sequestered Lands, which this Assembly have designed for the Indian natives to live upon, to whom no right of disposition of said lands accrued by virtue of said patent.

Upon the prayer of Thomas Weller, he is allowed liberty by this Assembly, at his own cost and charge, to call out the county surveyour of the county of Hartford, or the county surveyour of the county of Fairfield, to lay out to him fifty acres of land granted to Robt. Rose, May 14th, 1668, according to said grant.

Be it enacted by this Assembly, That the courts of probate in this Colony shall, for the future, be holden by one judge and clerk, in the respective places where they are appointed; and that so oft as any difficult and disputable matter shall happen before any of the said judges, such judge where it shall so happen hath hereby power to call in to his assistance any two or three of the justices of the quorum; and that the judges have but half the fees as usual. And this act to continue in force for two years, and no longer.

[220] This Assembly appoints Mr. Jonathan Prentts Justice of the Peace and Quorum in the county of New London.

An Act for Lengthning out the Time for Exchanging of the Bills of Credit of 1709 only.

It being evident to the satisfaction of this Assembly, that many of the old outstanding bills of credit of this Colony, of the date abovementioned, are not yet brought in, and the time limited for exchanging them being expired,

This Assembly have therefore thought fit to order, and do hereby order and enact, That the time for exchanging the said old outstanding bills shall be and is hereby lengthned out until the first day of June anno Domini 1721; and the treasurer of this Colony is hereby ordered to exchange the said old bills of credit with any person that shall offer them to him for exchange, so far as he hath or shall have stock put into his hands by this Assembly for that end, until the first day of June, 1721.

An Act for emitting Bills of Credit for paying the Publick Debts of the Colony.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the sum of one thousand three hundred and twenty pounds two shillings and six pence in bills of credit, which are a part of those that were bro't in by the rate of 1718, and have been again delivered into the hands of the treasurer by order of this Court, be by him, the said treasurer, issued forth and emitted towards the payment of the publick debts of this Colony and the further necessary charge thereof, according to such orders as shall be given him from time to time according to law.

And be it further enacted by the authority aforesaid, That, as a fund or security for the repayment and drawing in of the said bills into the treasury again, this Assembly grants a tax or rate of one thousand three hundred eighty-six pounds two shillings and eight pence, to be levyed on polls and all other rateable estate within this Colony, to be paid into the treasury at or before the first day of October 1728; which rate shall be paid in bills of credit of this Colony at the advance of twelve pence on the pound, or in money as it passeth generally in the country at the time of payment, and in no other manner.

Whereas in an act intituled An Act directing how officers shall proceed in levying executions, and in that part of the [221] said law that commands the officer to set up the account || of the goods he or they levy execution upon, on the sign post of the town where he shall seize the same, with a declaration that the goods seized are to be sold at that place at an outcry

at the end of twenty days, and the officers therein are strictly commanded to make sale of such goods at the sign post and in no other place: And whereas it is found by experience that, by reason of the sudden rising of the great river, it is many times very difficult, and sometimes next to impossible, for the officers to convey such goods seized to the place where the sign post is erected, and especially in the towns of Windsor, Hartford, Middletown and Haddam: And for relief herein,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be a sign post erected and set up in some convenient place on each side of the said river, in each of the towns aforesaid, and that the officers shall post the goods taken by execution on the sign post on the same side of the river where the goods are seized, and there sell them according to the direction of law in that case provided.

And it is further enacted by the authority aforesaid, That the officers and other persons directed by law may and shall set up or post lost goods as are found, strays, creatures taken damage feasant, and creatures taken in a suffering condition, on the sign post on the same side of the river where the goods are found or creatures taken up as aforesaid, any law or custom to the contrary notwithstanding.

And it is hereby enacted by the authority aforesaid, That the constables in all the respective towns in this Colony, shall keep a book wherein they shall make entry of all such creatures that shall by them be posted as aforesaid, and shall give attested copies thereof to any person demanding the same; and the said officer shall have for every entry so made by them six pence, and six pence for each copy by them given.

Upon the report of the committee appointed to state the place for the erecting a meeting house in Norwalk: This Assembly do enact and order, that the place for the erecting said house in said town shall be upon the rising land in James Stewards lot, near the north corner of said lot, against Thomas Hanford's house, being the same place where the inhabitants of said town have agreed to set their meeting house, and likewise approved of by said committee. And the said inhabitants are hereby ordered to set up their said house and finish the same at said place, to be done with all convenient speed.

Upon the address of Major John Clark, Capt. Josiah Stephens, and Capt. Samuel Buell of Killingsworth, respecting the division of the military companies under the charge of said captains: This Assembly do ratify, confirm and ascertain, the division of said companies as followeth: that all the officers

and souldiers that were then listed in either of the companies at the time of their being divided, so to continue, with their children, apprentices and servants; and that when any so [222] listed || shall be exempted from training, they shall be under the inspection of the officers of that company where they were listed; and that all those persons in Killingsworth, who are already exempted by law from training, shall be under their respective officers, both they and their children, apprentices or servants, in an equal division according to a list taken of them; and that if any persons shall come into the town, who by law are obliged to train or bear arms, shall be equally divided, and that the souldiers and families thus divided shall continue under their respective commission officers and their successors until the General Assembly shall see fit to order otherwise.

This Assembly allows to Timothy Green, for his charges about printing the charter, the sum of four pounds three shillings and eight pence, out of the publick treasury.

This Assembly impowers Peter Pratt, administrator on the estate of Jonathan Arnold, late of Hartford deceas'd, to sell so much of the real estate of the deceas'd as may be sufficient to satisfy the debts due from the said estate, at the direction of the court of probates in the county of Hartford, saving to the widow such dower as the law allows.

Be it enacted by the Governour, Council and Representatives in General Court assembled, and by the authority of the same, That the line run between the towns of Coventry and Tolland and fixed by Messrs. John Hooker and Nathaniel Burnham, shall be the dividing bound line between the towns of Coventry and Tolland; and all the lands by said line falling within Tolland, and claimed by the legatees, is confirmed to the planters, particular inhabitants within Tolland, to whom it is laid out, each paying six pounds for an allotment according to the former act of this Assembly, unless the proprietors of Coventry shall, within seven months next coming, procure their town to be anew laid out, as near as may be agreeable to the grant of said town by this Assembly. And this Assembly appoints and fully impowers Capt. James Wadsworth and Capt. John Hall, and such surveyour as they shall think fit to take, to be a committee to lay out said town pursuant to this order; which committee shall return their doings to the Secretary, who shall enter the same into the publick records, that thereby the bounds and contents of said town may be ascertained and well known; which shall be a final determination of the said bounds.

[223] Upon the request of the Hon^{ble} Nathan Gold, Esq^r: This Assembly grant liberty to him to take up in any of the ungranted lands in this Colony, not prejudicial to any plantation or former grant of this Court, one hundred and twenty acres of land formerly purchased of the natives by Col^o. John Talcott deceas'd, and distributed to the late wife of his Honour aforesaid, and contain'd in a certain patent to said Col^o Talcott.

An Act against Counterfeiting of Coin.

Be it enacted and ordained by the Governour, Assistants and Representatives, in General Court assembled, and by the authority of the same, That whosoever shall stamp or any otherways counterfeit any of the several sorts of coins mentioned in a certain law entituled An Act for ascertaining the value of coins current within this Colony, or any other species or sort of coin, or that shall utter or put off any such counterfeit coin, knowing it to be base, false and counterfeit, and shall be thereof convicted before any of the superiour courts in this Colony, shall be sentenced to suffer six months imprisonment, or such other fine or corporal punishment, (respect being had to the degrees of the crime,) as the said court shall judge meet or inflict; such fines to be to the publick treasury of this Colony.

This Assembly grants to Capt. Caleb Bushnell twenty pounds in bills of credit out of the publick treasury of this Colony, for the service he has done in the sale of the lands lying between the towns of Tolland, Ashford, Coventry and Stafford.

This Assembly appoint and empower Capt. James Wadsworth and Capt. John Hall to be a committee to lay out and settle the west and north bounds of the town of Tolland, according to the grant of this Court.

This Assembly grants liberty unto Joseph Minor, to improve the surveyour of the county of Fairfield to lay out to him one hundred acres of the country lands granted May 12th, 1687, unto Capt. John Minor; that it lye contiguous and adjoining to the town of Woodbury, on the north side thereof.

Upon consideration of the report of Capt. James Wadsworth and Capt. John Hall, a committee appointed by this Court to inspect the affairs of the Indians at Mohegan: It is ordered, that as soon as may be, they, with Capt. W^m. Clark, proceed to settle a place for the meeting house in the north parish of New London within which those Indians live; and that they do in the most suitable manner cause two hundred and fifty acres to be laid out in the most proper place, for a farm, to be

the ministers who shall first be ordained there; and also two [224] hundred and fifty more || for a parsonage; and draw up a scheme to be laid before this Court in October next, in what manner the lands in the said parish may be best taxed to the setting up or support of the worship of God there; provided this shall not bring any charge on the Colony.

Upon the memorial of the inhabitants of Ashford: This Assembly resolve, that the bounds of said town shall run as far westward as the nine mile and a half tree that stands in Mansfield line, and from said tree a line running north nine degrees east to Stafford line shall bound said town; always provided, that if said Stafford line shall take any part of the land contained within the abovesaid line, that then such land so taken off shall be made up to said town of Ashford on the north side of their bounds.

This Assembly do hereby give, grant, bargain, sell and confirm, unto Roger Wolcott Esqr. of Windsor, Major John Burr of Fairfield, John Riggs of Derby, Samuel Gunn and George Clark the third of that name, both of Milford, John Stone of Stanford, Ebenezar Fitch of Windsor aforesaid, and Peter Pratt of Hartford, being all of this Colony, one certain piece or parcel of land, bounded south on Mansfield bounds as stated in the patent to that town dated October the 20th 1703, west upon Willamantick River, north upon Stafford, east upon Ashford, by a line drawn from Ashford nine mile and half tree standing in Mansfield line southerly of a house set up by Obadiah Abbey, then to run from that tree north nine degrees easterly to Stafford bounds; the whole parcel being in estimation about sixteen thousand acres, be it more or less, it being in consideration of the sum of five hundred and ten pounds in current money by instruments well executed in the law secured to be paid to the publick treasury of this Colony by said grantees: To have and to hold the same to them, in equal parts or proportions, saving all grants by this Assembly already made of said lands and regularly laid out and returned. And this Assembly do hereby further order and enact, that a patent, at the request of the said grantees, under the seal of this Colony, signed by the Governour and Secretary, be made of the aforesaid land, to the said Roger Wolcott, John Burr, John Riggs, Samuel Gunn, George Clark, John Stone, Ebenezar Fitch, and Peter Pratt, for the firm holding the premises to them and their heirs forever.

Upon the petition of Stephen Boutenot, in behalf of himself [225] and the rest of the executors of the last will and || testament of Samuel Lambert, late of New Haven, deceas'd,

praying liberty for an appeal from a decree of the court of probate in New Haven, in which decree the said court, as the petitioner says, denied them some charges that they had been at respecting said estate: This Assembly do grant liberty to the said executors to bring their appeal respecting the premises unto the superiour court to be holden at New Haven in September next, that the matter may be then heard and tryed.

Upon the petition of Benjamin Fairwether *vs.* John Marvin, James Brown, &c.: The question being put, whether the petitioner shall have another tryal as petitioned for: Resolved by this Assembly in the negative. *Cost allowed* £1. 4s. 9d.

Upon consideration of the memorial of Anna Whiting &c.: This Assembly appoints Richard Christophers, Esqr. Mr. Hez. Wyllys, Mr. Elisha Williams, Mr. Ebenezar Fitch, upon the desire and at the charge of the memorialist, to audit anew the Colony's accounts with the administrators of the late treasurer, Capt. Joseph Whiting, and to prepare the accounts to be laid before the Assembly in October next, if any error shall be found in said accounts as they have been already stated.

This Assembly allows unto the treasurer, for exchanging of the old outstanding bills, two pence on the pound for the time past.

Upon the petition of Mr. Timothy Woodbridge of Hartford, desiring liberty to sell a parcel of land lying in Wethersfield that was mortgaged by Abram Morriss to Richard Lord Esqr.; late of Hartford deceas'd, which land said Woodbridge hath recovered by virtue of said mortgage from said Morriss, as said Woodbridge is guardian to the minor children of said Lord, considering the circumstances said land is under and that it is not like to be beneficial to said children: Whereupon this Assembly fully impowers the said Mr. Timothy Woodbridge to make sale of the abovementioned land, and to execute good and lawful conveyances of it.

This Assembly remits unto Jacob Griswold, Jacob Griswold junr. and John Camp, of Wethersfield, the countrys part of the fourfold assessments as paid for the year past.

Cost allowed by this Assembly unto John Whiting, Treasurer, for his attendance at this Assembly, to answer the petition of John Wolcott of Windsor, is six shillings. *Ex. granted June 23d, 1720.*

Upon the petition of John Bunce *vs.* the selectmen of Colchester, the same is ordered to be continued till the sessions of this Assembly in October, by the desire of the parties.

[226] *Ordered by this Assembly*, That Capt. W^m. Billings, Joseph Billings, James Rix, John Greenslitt, Thomas Rix, Henry Hodge, shall pay their taxes to Preston until this Court shall order otherwise; but not as fourfold in the list, as the listers of Preston have returned them.

This Assembly allows Mr. Speaker of the Lower House, for his service this sessions, the sum of one pound ten shillings out of the publick treasury.

This Assembly allows unto Mr. Elisha Williams, Clerk of the Lower House, for his services this sessions, out of [the] publick treasury the sum of one pound five shillings.

This Assembly allows to the constables, for their attendance this Assembly, three shillings *per diem* out of the publick treasury.

Forasmuch as the sessions of this Assembly have continued longer than ordinary, and the occasions of the season of the year require a recess: It is hereby ordered, that this Court be adjourned to the 2d Thursday of October next, or to such other time as the Governour, or in his absence the Deputy-Governour, shall see meet to call the same. And for the conveniency of several members of this Court who live remote, and that they may have convenient time within the week to retire to their respective homes: It is ordered, that William Pitkin, Joseph Talcott, Mathew Allyn and Roger Wolcott, Esq^{rs}, and such others as the Lower House shall appoint, [be] a committee who shall stay after the Court is up, and see the entry of the acts of this Court made in the records.

The whole records of the acts of this Assembly, as they stand entered in the pages next preceding, were read before the committee appointed by this Assembly, and by them ordered to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secretty.

[160] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, JUNE 1ST, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

John Hamlin,	} Esq ^{rs} ,	Joseph Talcott,	} Esq ^{rs} ,
William Pitkin,		Roger Wolcott,	
Mathew Allyn,		James Wadsworth,	
	} <i>Assistants</i> .		} <i>Assistants</i> .

Pursuant to an act of the Assembly holden here on the 12th day of the last month, relating to the drawing of a plan of the Colony, &c. in obedience to an order from the Right Honourable the Lords of Trade

and Plantations, to be transmitted to his Majesty, the Governour is desired to employ some suitable person or persons to make observation of the course of the sound and the particular bearings of the remarkable points from Lyons Point in Greenwich on the west, to Point Judah on the east; and from Point Judah in like manner to take the course northerly of the eastern shore of Narragansett Bay up to Kettle Point, and of Narragansett River; from thence running northerly through Providence, commonly called Blackstone; and to procure the best account they can of the distances from point to point.

The Governour is also desired to procure the survey of the dividend line between this Colony and New York, so far as its carry'd on.

Resolved, That on notice from the Governour, when the preceding surveys are procured, William Pitkin, Esq., attend at such place as the Governour shall appoint, with the survey of the north line dividing this Colony from the Province of the Massachusetts.

That thereupon a general plan be drawn in the exactest manner that can be, to be transmitted as aforesaid.

That upon the whole such observations shall be made and address to [161] his Majesty, as shall be thought most ¶ for the interest of this Colony, and especially for obtaining that our bounds, both on the east or west, may be approved and put beyond those disputes which they have laboured under.

That if there shall be occasion, the gentlemen, assistants, do convene, to consult upon the plan; and this to be done either in a general council, or in the several counties by transmitting the plan to them.

That there be three of the plans mentioned drawn, one to be transmitted to the Lords of Trade, one to our agent, Jer. Dummer, Esq., one to be reserved for the Colony.

Whereas Mr. Timothy Green of New London, printer, has not yet been allowed for the charge he was at in getting a rolling press made for the Colony, which press is now in his care for the Colony use: Ordered, that the treasurer pay him for the charge he has been at in getting the said engine made, the sum of six pounds.

Allowed in Council, that John Plumb, Esq., his bill for attending as surveyor, with two men, to run a west line from Warwick Neck twenty miles, the sum of four pounds six shillings; and an order drawn on the treasury accordingly.

Ordered, That John Hamlin, William Pitkin, Math. Allyn, Esq's, procure a map of the course of Connecticutt River, from the mouth of it to the north bounds of this Colony, to be inserted in the plan of the Colony now ordered to be drawn.

Resolved, That the Governour be allowed a man and horse at the Colony charge, to wait upon him in a journey to Boston which he is intending.

[162] AT A MEETING OF THE COUNCIL IN HARTFORD, JUNE 2D,
1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

William Pitkin,	} Esq's,	Joseph Talcott,	} Esq's,
Mathew Allyn,		Assistants.	

Hez. Wyllys.

Whereas Col^o Thomas Fitch of Boston, Esq., has been desired and improved to take in by exchange the bills of credit of this Colony bearing date July the 12th, 1709 only, and for that end has already received the sum of two hundred and fifty pounds in new bills out of the treasury of this Colony, provided for the making of such exchange: And whereas the said Col. Fitch has signified to the honourable the Governour, that he has taken in by exchange 600*l.* of the aforesaid old bills, and desires to be discharged of them:

Ordered, That William Pitkin, Joseph Talcott, and Roger Wolcott, Esq's, or any two of them, take care as soon as may be to receive of the bills put into the treasury for exchange the sum of £350, which sum the treasurer is hereby ordered to deliver them, or any two of them; and those that shall by virtue of this order receive the said £350, as aforesaid, shall take effectual care by some meet person or persons to transmit or deliver the said sum of £350 to the said Col. Fitch, (that sum of £350 being wanting to make up the 250*l.* he has already received equal to the sum of £600, which he has taken in of our aforesaid old bills.) And the same person or persons who shall deliver the said 350*l.* to Col. Fitch, shall also receive from him the aforesaid 600*l.* in said old bills, and discharge him of them in behalf of this government, and them safely convey to the said William Pitkin, Joseph Talcott, and Roger Woolcott, Esq's, or any two of them, to be kept by them, either to be burned, or otherwise disposed of as the Assembly shall order.

Whereas it has been settled and established, that the Governour, in [163] his riding to and during the session || of the Assembly in May and October, should be at his own charge, in consideration of that addition which has been made to his salary above what has been formerly allowed to gentlemen in that post, which establishment has been duly observed: And whereas it has been anciently allowed that one person at least should at the Colonies charge wait upon the Governour in his journey to and from the said sessions and during the same: It is thought convenient and resolved, that the charge of such a person, so attending and waiting, ought not to be lookt upon as a part of the Governours charge which he is to defray himself, but that it be allowed out of the publick treasury, and that accordingly such a person shall be allowed two shillings and sixpence *per diem*.

Ordered in Council, That, according to the practice in like cases of bargain and sale, the executing of a patent for the land sold by order of the Court in May last to Roger Wolcott, Esq., and company, for five hundred and ten pounds, be at the charge of the Colony.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 18TH, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant.* Jonathan Prentts, Esq., *Justice.*

Christopher Christophers, Joseph Bradford,

Thomas Avery, *Interpreter.*

The Governour told the Indians, by the interpreter, that being informed that many of the inhabitants of the town, especially about Mohegan, were very much affrighted by several expressions of [164] || some of their Indians, in-somuch that they thought not themselves safe without being on their guard, and that therefore he had sent for Cesar Sachem, Ben Uncas, and several of their council, (who were then present,) to know of them what they had heard about this matter.

Ben Uncas answered, that they were building a fort at Mohegan, to secure themselves against the Mohawks, (as he had informed the Governour sometime since,) and that some people who had got away their land from them, he believed, might thereupon be afraid, and he knows no other reason of their being afraid, for that the Indians did not design to do them any harm.

The Governour told them, that the General Assembly in May last had taken occasion to declare, that they had alwaies designed their land sequestered in this town for the Indians use, and would take care that no person should injure them.

The Indians being asked, who they are that do intrude on their land, answered, they were Stephen Maples, Jonathan Hill, Ralph Firgoe, Joshua Baker, Alexander Baker, and John Nobles.

Whereupon they were told, that in some convenient time before the next General Court in October, the persons complained of should be sent for before the Council, and required to give an account of what preten-ions they have to be there, in order to lay the matter clearly before the General Court, and that Cesar and council should have notice to be present at that time, and be heard in what they desire to say.

The Indians also complained, that there is a saw mill built on their land by Peter Mason, and now in the hands of Samuel Allyn, by which means their timber is destroyed.

They spake of some land they had on the east side of New London River, and some in Haddam about which they thought themselves wrong'd; and they were directed to take opportunity, at the Council to be called, to lay the matter fully before the same, where they should be heard.

Then the Governour took opportunity to inform them, that (thô he did not now send for them to that end,) yet he would have them understand, that care had been taken to secure Ashcraft in goal, with [165] irons, for killing an Indian, || son of Wampaneag; who should be tryed according to King George's laws, as they also must be, if they should kill an Englishman; and that when he came on his tryal, there would be Indians with the jury, upon the same, and the greatest care

should be taken that justice should be done in that case, wherewith they must be satisfied.

The Governour also told the Indians, that upon the rumour of peoples being so affrighted, he had sent for them to advise and charge the sachem and the council, that they should take the more care of their Indians, that they may not in word or action give any occasion to any of his Majesties subjects to be exercised with any fear or concern of harm from them, or do anything that may interrupt the peace and good understanding, which has alwaies been between the English and them; which he expected they would do; and that they might be assured, the court would take care that they should not be wrong'd.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 21ST, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

John Picket,

Jonathan Prentts, Esq., *Justice*.

Robert Lattimore,

Christopher Christophers.

The rumour concerning the insolence and misbehaviour of the Indians still continuing, and sundry of the inhabitants of this and the neighbouring towns being much terrified thereat, it is thought necessary that a Council should be held in this town to-morrow at twelve of the clock, to consider what farther measures are best to be taken, in order to come at the truth of such reports, and that some of the principal men of Norwich, Groton and Stonington, be sent for, to advise with, upon that occasion, and that the chief of the Mohegan, Pequot and Niantick Indians, be also sent for to attend the said Council.

[166] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 22TH, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Major John Merrit,

Richard Bushnel,

Capt. Chris. Christophers,

Jonathan Prentts,

} Esq'rs,

Capt. John Morgan,

Christopher Huntington,

Capt. Robert Denison,

Capt. James Avery,

Capt. Robert Lattimore,

Capt. Thomas Avery,

Lt. John Richards,

Lt. Solomon Tracy,

Mr. John Picket,

Capt. John Mason,

Mr. Joseph Stanton.

Capt. James Avery, Capt. Thomas Avery, and Mr. Joseph Stanton, were appointed Interpreters in the affair of the Indians, to be considered in Council, and were sworn accordingly.

The interpreters were directed to tell the Indians, that since the sachem and council of Mohegan were spoken with in Council on Sat-

urday last, concerning the fears and concern of several persons, relating to danger they apprehended from the Indians, the Council has been informed that those fears have been encreased, by the unusual firing of guns, in the neighbourhood of several English in the northern part of New London, on Sabbath day last, and last night; and that they were now sent for, to know what they have heard, and what account they can give of that firing.

Ben Uncas answered in behalf of the rest, that they knew nothing of the firing of the guns, neither a Sabbath day, nor last night.

The Governour then ordered such persons as were present and had reported anything that they had heard which might have a tendency to terrify and affright the people, to be called for, and to relate what they had so heard and reported.

Thomas Dodge thereupon appeared, and declared that a Sabbath day [167] last, John Perkins of Groton told him || in the hearing of divers others, that Ben Uncas had bought three pounds worth of powder, very lately of Mr. Christophers, and that the Indians had three barrels of powder in their fort at Mohegan.

The said Perkins being thereupon examined, said that he did not say so of his own knowledge, but that he had heard such a report as that the Indians had bought three pounds worth of powder of Mr. Christophers, and that they designed to make it up three barrels. And being asked who informed him, he answered he could not certainly tell, but thought it was John Allin and Mary Wright he had heard speak of it.

Thomas Grant also appeared, and said that he had heard Samuel Fairbanks's wife say, that Wampaneag told her he had been an Englishman long enough, he would be such an one no longer, but would go to the Mohawks. This the said Wampaneag denied; and the Indians said they believed Fairbanks's wife would not say so, if she were here present.

The question was put to the Pequods and Nianticks, whether they knew anything of the occasion of these rumours, or whether any of their young men had behaved themselves so disorderly as to terrifie the people?

They answered that they knew nothing of it, and that they should readily have informed the authority if they had known of any such thing, and have used their best endeavour to prevent it.

The interpreters were further ordered to say to them, that upon the unhappy accident of a woman at Killingly being shot by an Indian, and soon after that accident Mr. Joseph Bradford came to the Governour from the sachim and council of Mohegan, desiring his advice, how they should behave themselves on that occasion; and the Governour directed to tell them, that they ought to use all fitting means to take the said Indian, that he might be dealt with as in such case his Majesties subjects ought to be, and they would therein shew their good [168] fidelity. || And that as the Council are informed, the Indian who shot that woman has been at Mohegan, and entertained there, and conveyed away, contrary to the advice given by the Governour.

The Indians denied that they had so entertained and conveyed away

the said Indian, and withall said, they knew not what was become of him.

Concluded, That notice be taken to the Indians, what a great trouble, both to them and us, the rumours and fears which have been of late, to the great disturbance of many of his Majesties subjects, have occasioned; and that it concerns them to remove all the occasions of it; and particularly to abstain from drink, which puts men upon saying and doing things that are provoking.

That the Indians at this juncture be charged, that they don't walk with arms, any more than English men, into English houses or settlements.

That the clerk of the Council signifie to the county court, that Major Merrit has affirmed in Council, that in his, and the hearing of Capt. William Clarke of Lebanon, Capt. John Chandler, and John Leffingwell, Capt. Caleb Bushnell on Saturday, the 19th of this present month of June, did declare that speaking with Ben Uncas about a small debt, the said Uncas owed him, the said Uncas declared that he had fifty privateers, who would pay him in a little time with bullets, or words to the same purpose. And that the Council thereupon direct that the said county court take cognizance thereof and enquire thereinto, and that if it be proved against him, and it be found that there was no foundation for any such report, the said Capt. Bushnel be dealt with, for raising such a report or news, as has so great a tendency to disturb the peace of his Majesties subjects.

That whereas John Perkins of Groton has answered in Council upon information exhibited against him for reporting in the hearing of Thomas Dodge, Jonathan Rawbones' wife, and John Welch's wife, that Ben Uncas had very lately paid Richard Christophers, Esq., three pound for powder, and that he had lately seen three barrels of powder in the Indian fort at Mohegan, that he did not say this of his own [169] knowledge, but upon information given him by others: || It is ordered, that the clerk of the Council signifie the same to the county court, that they may proceed in like manner against the said John Perkins.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN,
SEPTEMBER 14TH, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin,	} Esq'rs, Assistants.	Samuel Eells,	} Esq'rs, Assistants.
William Pitkin,		Mathew Allyn,	
Joseph Curtis,		Joseph Talcot,	
Richard Christophers,		Jonathan Law,	
Peter Burr,		James Wadsworth,	

Read in Council a letter from the government of Rhode Island to this government, dated July 7th, 1720, in answer to on^e from us to

them, dated June 1st, 1720. And a second letter from the government of Rhode Island to this government, dated August 18th, 1720, signifying that Coll. Jenckes was in a few days going their agent to the King, on an appeal which they declare they had made to his Majesty, concerning the bounds between us and them.

Read in Council, the copies of two letters wrote by the Governour to our agent on this occasion, the first dated July 14th, 1720, and the second dated August 22d, 1720.

A state of the controversy concerning the said bounds and appeal considered in Council, together with several copies of papers referred to in the state of the said controversy, were ordered to be forthwith transmitted to our agent, Jeremiah Dummer, Esq.

An address to his Majesty on the same occasion was read, and agreed to be sent. Also a letter to our agent, principally concerning the same [170] controversy, was read || and agreed to be sent, dated August 14th, 1720.

Ordered, That a map of the Colony taken in obedience to an order of the Right Honourable the Lords of Trade, and produced in Council, be transmitted to their lordships; as also a duplicate of the same, to be lodged with our agent, as what will be of use to him in the affairs of his agency.

A letter to the Lords of Trade read and approved in Council, bearing date Sept. 14th, 1720.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN,
SEPTEMBER THE 15TH, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

William Pitkin,	} Esq'rs, Assistants.	Mathew Allyn,	} Esq'rs, Assistants.
Joseph Curtis,		Joseph Talcot,	
Richard Christophers,		Jonathan Law,	
Peter Burr,		James Wadsworth,	
Samuel Eells,			

It having been represented to this board, that an Indian living near to Danbury, called Chickens, has lately received two belts of wampompeag from certain remote Indians, as is said to the west of Hudsons River, with a message expressing their desire to come and live in this Colony, which said message is to be communicated by the aforesaid Chickens to the Indians at Potatuck and Wiantinuck and Po-quanuck, in order to obtain their consent, for their coming and inhabiting among them; and that hereupon several of our frontier towns are under considerable apprehensions of danger by the Indians, fearing that the belts may be sent on some bad design:

It is resolved, That Capt. John Sherman of Woodbury, and Major John Burr of Fairfield, taking with them Thomas Minor of Woodbury, or such other interpreter as they shall judge meet, do repair immediately to the said Indians at Po-ta-tuck and Wi-an-ti-nuck, and cause [171] the said Chickens, to whom the belts and message were sent, || to

attend them, and make the best enquiry they can into the truth of the said story, and what may be the design of such message; and as they shall see cause, take proper order that the said Indian with the belts, and the principal or chief of the Potatuck and Wiantinuck Indians, attend the General Court at their next sessions, to receive such orders as may be usefull to direct them, in their behaviour in relation thereunto.

That Major Burr return home by the way of Danbury, that the inhabitants there, and in those western parts, may be quieted as to their apprehensions of danger from the Indians, if upon enquiry they find there is no just ground for them.

Considered in Council and resolved, That the day for hearing the Indians upon their declaring that Stephen Maples, Jonathan Hill, Ralph Firgoe, Joshua Baker, Alexander Baker and John Nobles, intruded on their land, and complaining of them, as entered in the council book June 18th, 1720, be the Monday after the opening of the superiour court in New London, in this present month, and that the English abovementioned be notified accordingly.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, OCTOBER 3D, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin, } Esq's, James Avery, Esq., *Interpreter.*
Richard Christophers, } *Assistants.* Christopher Christophers.

Cesar, Ben Uncas and his Council being present, the persons complained of, vizt. Stephen Maples, Jonathan Hill, Ralph Firgoe, Joshua Baker, Alexander Baker, and John Nobles, appeared; and the said Ben Uncas declared that the land which Jonathan Hill held as coming to him from his father, the said Hill had offered him and Cesar four pound apiece, to be quiet and not complain against him.

Which Jonathan Hill being present said he had offered it only for peace sake.

Upon which the Indians declared that the land was not theirs to dispose of, but it was to descend to their children.

Mr. Hill declined to give any account of the right he had to the [172] land the Indians complained against him for intruding on, because he had formerly given it to the committee of the General Court, vizt. Capt. Wadsworth and Capt. Hall.

Stephen Maples present declared he had shewn his right there to the committee aforesaid, and declined to shew any thing farther.

Ralph Firgoe declared the same.

Joshua and Alexander Baker alledged that they had shewn their titles to the said committee, and the committee made no objection against it.

John Nobles declared that he had shewn his title to the said committee, and that all the lands besides Mr. Hills is leased out by the

said committee to Mr. Bradford, and that therefore the Indians have no reason to complain.

Upon the consideration of the complaint of the Indians and the answers thereunto: the Council considering the care the Assembly have thought it proper to take that the Indians in the Colony should not be wronged in any of their land, and being desirous that the complaint made against the above persons be set before the next Assembly in a clear light, altho the persons complained of declined to lay before this board any thing in favour of their right to this land, because they supposed they had done it sufficiently to the committee appointed by the General Assembly, vizt. Messrs. Wadsworth and Hall; yet least there should be any defect in what they have laid before the committee, this board have thought good to direct the said persons, vizt. Stephen Maples, Jonathan Hill, Ralph Firgoe, &c., that they do by themselves, or by the said committee, or some other person, lay before the said General Assembly a true state of their several claims, that if it appear to the said Assembly they have a just right there, the Indians may be made sensible of it, and they may be quieted in their possessions there.

The Indians complained of two hundred acres of land of Cesars, and one hundred of Bens, sold by them to certain persons, vizt. Tozer, Beebe and Pendall, who having lost their land by judgment in court, demand the money to be repaid, vizt. ten pound from Ben, and twenty pound from Cesar.

That they have never had any consideration for the land in Colchester.

As to the land in Haddam, it was shewn to this board that the land [173] so reserved, vizt. three hundred acres to the Indians, || is not recovered from their vendees, but remains as it was, when they first sold it.

The Indians were told their complaint should be laid before the General Court, and that the persons they had complained against should be required to give the next General Assembly an account of their title to the land, which they had complained that they were injured in by them, and that they may be assured the court would give such order as they saw necessary and just in the case.

Upon the complaint of Simon a Pequod Indian, that young Ben Uncas, with others, did severely whip a Pequod Indian squaw on Fryday last, because she had informed the superiour court that she saw Wampaneags son load a pistol, and heard him speak threatenng words, as if he would kill Ashcraft, lately acquitted on his tryal:

Ordered, That the said squaw and said young Ben attend the superiour court on Wednesday next upon the said complaint, that justice may be done.

Upon the motion of Capt. James Avery in behalf of Menobscus a Pequod Indian, who was one of his men, (and lost a brass kettle, apprized at twelve shillings, when the scout was routed at the Crown Point,) in the first expedition to Wood Creek: Resolved, that the clerk of the Council do make out an order to the treasurer, for the payment of the sum of twelve shillings out of the publick treasury, to the aforesaid Indian, in full satisfaction for his kettle.

Ordered, That the clerk of the Council do write to Richard Bushnel, Esq., to deliver to Benjamin Bigsby of Killingly what estate the said Bushnell has in his hands belonging to the Indian that shot said Bigsby's wife.

[227] *CONNECTICUTT* }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN, IN HIS MAJESTIES COLONY OF CONNECTICUTT IN NEW ENGLAND, ON THE 13TH DAY OF OCTOBER, IN THE SEVENTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM., 1720.*

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esqr, Deputy Governour.

John Hamlin,	} Esq ^{rs} ,	Mathew Allyn,	} Esq ^{rs} .
William Pitkin,		Joseph Talcott,	
Joseph Curtice,		John Sherman,	
Rich ^h Christophers,		Roger Wolcott,	
Peter Burr,		Jonathan Law,	
Samuel Eells,		James Wadsworth,	

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz :

Mr. Thomas Seymor, Mr. James Ensign, for Hartford.
 Capt. James Rogers, Mr. Jonathan Hill, for New London.
 Mr. John Hooker, Mr. Eben^z Steel, for Farmington.
 Mr. Samuel Gunn, Mr. George Clark, for Milford.
 Mr. Samuel Parsons, Capt. Henry Crane, for Durham.
 Mr. Benajah Bushnell, Mr. Jabez Perkins, for Norwich.
 Mr. Tho: Kimberly, Mr. John Hubbard, for Glassenbury.
 Mr. Aaron Huntley, Mr. Thomas Lee, for Lyme.
 Mr. Nath^l Holcomb, Capt. Tho. Holcomb, for Symsbury.
 Mr. Isaac Dickerman, Mr. John Gilbert, for New Haven.
 Capt. Joseph Wakeman, Capt. Samuel Couch, for Fairfield.
 Capt. William Savage, Capt. William Harriss, for Middletown.
 Mr. Eben^z Avery, Mr. John Borroughs, for Groton.
 Major John Clark, Mr. Thomas Buckingham, for Seybrook.
 Mr. Joseph Stanton, Mr. Johu Noyes, for Stonington.
 Mr. John Riggs, for Derby.
 Mr. Joseph Addams, for Canterbury.

* The Journal of the Lower House at this session is not found.

Capt. Nathan^{ll} Harrisson, Mr. Nath^{ll} Johnson, for Branford.
 Mr. John Woodward, Mr. Eben^z West, for Lebanon.
 [228] Capt. Josiah Stephens, Mr. John Lane, for Killingsworth.

Mr. James Hooker, Mr. Benj^a Hand, for Guilford.
 Mr. George Blanchard, Mr. Tho. Wetmore, for Killingly.
 Mr. Sam^{ll} Hall, Mr. Gideon Ives, for Wallingsford.
 Capt. Joseph Platt, Mr. James Brown, for Norwalk.
 Mr. Jerem. Peck, Mr. Eph. Warner, for Waterbury.
 Mr. Caleb Fobes, Mr. Thomas Rose, for Preston.
 Mr. Timo. Peirce, Mr. Eph. Kingsbury, for Plainfield.
 Capt. Sam^{ll} Mather, Mr. Eben^z Fitch, for Windsor.
 Capt. Tho. Gates, for East Haddam.
 Mr. Hez: Brainerd, for West Haddam.
 Mr. Joshua Ripley, Mr. Joseph Cary, for Windham.
 Capt. David Goodrich, Mr. Joshua Robbins, for Wethersfield.
 Capt. John Hawley, Capt. James Lewis, for Stratford.
 Mr. John Gregory, Mr. Abram Wildman, for Danbury.
 Mr. Michael Tainter, Mr. Eben^z Colman, for Colchester.
 Capt. John Sabin, for Pomfrett.
 Capt. Titus Hinman, Lt. Joseph Minor, for Woodbury.
 Capt. Tho. Huntington, Mr. Tho. Storrs, for Mansfield.
 Capt. Caleb Knapp, Mr. Gersh. Lockwood, for Greenwich.
 Mr. John Hooker, Speaker, } of the House of Representa-
 Mr. Hez. Brainerd, Clerk, } tives.

The gentlemen nominated to stand for Election in May next, as sent in by the freemen of this Colony to this Assembly, are as follows, viz: The Honourable Gurdon Saltonstall, Esq^r, the Honourable Nathan Gold, Esq^r, John Hamlin, Esq^r, William Pitkin, Esq^r, Joseph Curtice, Esq^r, Richard Christophers, Esq^r, Peter Burr, Esq^r, Samuel Eells, Esq^r, Mathew Allyn, Esq^r, Joseph Talcott, Esq^r, John Sherman, Esq^r, Roger Wolcott, Esq^r, Jonathan Law, Esq^r, James Wadsworth, Esq^r, Mr. John Hooker, Capt. John Hall, Capt. Christopher Christophers, Capt. Joseph Wakeman, Capt. Richard Bushnell, Mr. Hezekiah Brainerd.

Ordered by this Assembly, That Mr. Treasurer Whiting be sent for to this Assembly as soon as conveniently may be, that he bring with him the sum of five hundred pounds in bills of credit, if he have so much in the treasury of the bills emitted in May last, or of the rate granted in October last, particularly the bills of other governments, if any he have; and if there be not five hundred pounds of the aforementioned bills, the treasurer do make up that sum out of the new exchange bills; and that he come prepared to attend the business of the arrears of

the late treasurer, in any thing the Assembly may judge reasonable to do or inquire concerning said arrears.

Upon the petition of the inhabitants of Stafford: This Assembly do enact and order, that the lotments in said town [229] || shall be taxed, for the space of four years next coming, for the support of the ministry there; and each and every lot in said town is hereby taxed at fifteen shillings per year, for the term and use aforesaid; which tax shall be annually paid, sometime in the months of November or December, to the selectmen of said Stafford for the time being, by the owner of each and every lotment in said town. And all lands in said town allowed by the committee to the claimers, shall and are hereby taxed for the time and use aforesaid by the same proportion, considering the quantity, as the said allotments are herein taxed; always to be understood, that Mr. Ebenezar Fitch his farm in said Stafford be accounted in said tax for two allotments. And if any person or persons, owners of any such lotments or lands in said town, shall neglect to make payment of his or their part or proportion of said tax as herein set, that then said selectmen by a writ signed by some lawful authority shall make distress, in any part of this government, upon the goods or estate of such person or persons so neglecting, and dispose of the same according to law, for the paying said tax, returning the overplus, if any there be, to the owner. And, provided the inhabitants of said town shall find that the aforesaid tax doth not amount to a sum sufficient to support the ministry in said town, that then the inhabitants of said town, by a major vote, shall, and are hereby impowred to levy a tax or rate upon all the polls and rateable estate in said town, so far as may be sufficient for the end aforesaid.

Upon the petition of Henry Brooks: It is resolved by this Assembly, that the judgment of the last superiour court therein shall be reverst, and is hereby reverst; and Ebenz Dart, the defendant in this petition, shall have liberty to prosecute his review to the court in September last, in the superiour court to be holden in March next; and that the whole cost in the common pleas shall go with the cause. Provided, that in case the petitionee neglect to prosecute his review before the said court in March next, that the clerk of the superiour court shall grant execution upon the former judgment in the superiour court, at the prayer of the said petitioner. And in this case it is resolved, that the laws of this government have not limited the time when a writ of *scire facias* shall be bro't upon recognizances, but only on bonds which are not of record. *Cost allowed Henry Brooks is £3 4s. 0d.*

Whereas this Assembly, for the encouragement and support of the ministry in Hebron, did enact and order that all the lands in said town should be taxed: and, to the end that said tax might be ascertained and regularly collected according to each claimers right in said town, it was further provided in the said act of Assembly, that all persons claiming land in said town should cause the same to be entered in a book in said Hebron; and also, that if any persons claiming land, as aforesaid, should neglect to pay his proportion of said tax, that then the selectmen of said town might make sale of such claimers lands in said town, for the raising said tax, and to be employed for the end abovesaid: Whereupon, as this Assembly is now [230] informed || by the petition of Abraham Chalker of Seybrook, Timothy Pheips, Benjamin Skinner, and Hezekiah Gaylord, selectmen of said town, have of late, under colour of said liberty in and by said act granted to them, made sale of eighteen acres of said land claimed by said Chalker in said town, for the payment of a tax due from said Chalker amounting to about thirty shillings, whereby the said Chalker is greatly damnified: In consideration whereof this Assembly doth enact and order, that the said Chalker shall, sometime within thirty days from the rising of this Assembly, pay unto one of the selectmen the sum of fifty shillings, for the defraying the said tax and charges that have arisen upon the same, whereupon the said selectmen, or the person to whom the said land is sold, within one month from such payment so made, shall reconvey said eighteen acres of land unto said Chalker; and in default of such reconveyance, this Assembly doth resolve and declare, that all the land entered as abovesaid and claimed by said Chalker shall be exempted, and is hereby forever exempted from paying any charges or taxes in said town for the support of the ministry in said town, or for defraying any town charges there.

Whereas Roger Wolcott, Esq^r, by order of the Governour and Council, hath received of Thomas Fitch, Esq^r, of Boston, the sum of six hundred pounds of the old and torn bills of publick credit of this Colony, which were taken in by exchange and are now ready to be disposed of according to the order of this Assembly: This Assembly do appoint and empower William Pitkin and Joseph Talcott, Esq^{rs}, Capt. Joseph Wakeman and Capt. Joseph Platt, to be a committee to receive said bills of him, and to burn them, and make report thereof to this Assembly.

Upon consideration of the petition of Jane Sherman, relict of Bezaleel Sherman, late of Stratford deceas'd: This Asses-

bly do appoint and impower Mr. Daniel Mitchell, Mr. Benjamin Sherman, and Jane Sherman aforesaid, all of Stratford, to sell about twenty acres of land lying within the bounds of Newtown, at a place called Sherman's farm, which was set out to the said deceas'd as his part or right in said Newtown; and to execute deeds for the conveyance thereof according to law. The produce of the same to be laid out for the support of the relict and children of the said deceas'd.

This Assembly do establish and confirm Mr. John Vibber of New London to be Ensign of the north company or trainband in the town of New London aforesaid, and that he be commissioned accordingly.

[231] An Act for Reviving and further Continuing the Law entituled An Act for further providing for Small Causes.

Whereas an act concerning small causes was made the 10th of October, 1717, with this proviso, that it should continue in force only for three years:

Now it is enacted by the Governour, Council and Representatives, in General Court assembled, and by [the authority of] the same, That the aforesaid act shall be and remain of full force, in all the intents and constructions thereof, until this Court shall order otherwise.

Upon consideration of the petition of Joseph Borden: Resolved by this Assembly, that the next superiour court in the county of New London shall amend the mistake of the clerk complained of, and that the plaintiff (who is the petitioner here) shall have a tryal, according to his desire, at the said next superiour court to be holden in March next, and that the whole costs of the tryal of the case in the common pleas shall go with the final judgment therein, and that the parties bear their own costs this court.

This Assembly grants liberty and fully impowers Elizabeth De Wolph of Midletown, the widow of Joseph De Wolph, late of said Midletown, deceas'd, to make sale of two acres of boggy meadow swamp in said Midletown, for the paying the just debts remaining due from the estate of the said deceas'd, with the advice of Capt. Joseph Rockwell and John Bacon, both of Midletown aforesaid.

Resolved by this Assembly, That, for the future, the town of Coventry send their list to this Assembly as other towns in this government do, that they may bear their proportion of the publick charge of the Colony; and that Mr. John Read, who dwells between Fairfield and Danbury, be likewise annually listed, as a peculiar to Danbury, for his polls and whole estate and farm or manour at Lonetime there; and the listers in Dan

bury are hereby impowred to demand such list of said Mr. Read, who is ordered to render the same to them upon demand, which if he shall refuse or neglect to do, they are hereby impowred to fourfold him as other persons of their town; and the said listers of Danbury shall warn the said Mr. Read forthwith, (or leave the same at his house,) to give in his list for [232] || this present year 1720, on or before the 15th day of December next; and if he shall neglect the same, then the said listers shall fourfold him as aforesaid; and the like rule to be observed with Isaac Hall, Samuel Hall and Moses Knapp, who dwell near the said Mr. Read, as is provided herein for Mr. Read.

This Assembly taking into consideration the controversy of the north society and the south society in Stonington, with respect to the dividing bounds of said society: It is thereupon ordered by this Assembly, the dividing bounds of said societies shall be a line drawn from the house of Mr. William Wheelar west northwest to Misticke River Brook, and from said house eastward on a direct line to Mr. John Randall's now dwelling-house, and from said Randall's house east to Shenuck River, and by Shenuck River to Paucatuck River; and the said Messrs. Wheelar and Randall and their farms to belong to the south society, and to pay their taxes there.

Upon consideration of the petition of the inhabitants of the north society in Stonington: This Assembly do appoint and empower Capt. Christopher Christophers, Mr. John Plumb, and Capt Daniel Brewster, or any two of them, to hear the allegations of the several persons in said society respecting the place where their first meeting house shall be set up; and upon consideration thereof, to determine the place where the same shall stand. And it is further granted, that the inhabitants in said society shall have the same powers and privileges belonging to other parishes or societies in this Colony; and particularly they are enabled, by their major vote, to levy a tax on the polls and rateable estate in said society, to defray the charges of the Reverend Mr. Richard Treat his preaching to them the last fourteen weeks he was with them.

This Assembly grants liberty unto the inhabitants of the new parish in Lebanon, to imbody into church estate, with the approbation of the neighbouring churches, and to settle an orthodox minister amongst them.

It being moved by the proprietors of and within the town of Waterbury, that a deed of release and quit claim of and in the lands within the said town, by them presented to this Assembly, may be granted by this Assembly, and be signed and

sealed by the Hon^{ble} the Governour and the Secretary : This Assembly grants that the same be executed accordingly.

[233]

New Haven, the 25th, 1720.

We, the subscribers, received of Roger Wolcott, Esq^r, six hundred pounds of old torn bills taken in by exchange of Thomas Fitch, Esq^r, of Boston, by order of the Governour and Council of this Colony, and have burnt and destroyed the whole of the above bills.

William Pitkin.

Joseph Talcott.

Joseph Wakeman.

Joseph Platt.

This Assembly do establish and confirm Mr. Samuel Peck to be Captain of the east company or trainband in the town of Greenwich, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Finch of Greenwich to be Lieutenant of the east company or trainband in the town of Greenwich, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Reignolds of Greenwich to be Ensign of the east company or trainband in the town of Greenwich aforesaid, and that he be commissioned accordingly.

This Assembly taking into consideration the report of John Hamlin and Richard Christophers, Esq^{rs}, a committee appointed to view the ferry place between Seybrook and Lyme, and to consider how the ferry there may be best ordered and improved, and also what has been offered by Mr. Stephen Whittlesey and Mary Dudley concerning the same: It is thereupon ordered and resolved, that the wharf begun by Mary Dudley and her son shall be compleatly finished, and the causeway made and highway laid open from the said wharf and from the said Whittlesey's house, according to the return of the said Hamlin and Christophers; and the one-half of the just cost which the said Mary Dudley and her son have been at, in building the said wharf so far as it is done, shall be allowed and paid unto them by the said Whittlesey; the account of it to be adjusted and determined by Mr. Nathaniel Chapman and Mr. Daniel Buckingham of Seybrook; and the said Whittlesey shall have liberty, if he desires it, to do what remains to be done to the said wharf for the finishing thereof, and also to make the causeway, one-half of the charge whereof shall be allowed him by the said Dudleys in part of his half of the cost they have been at in what they have done to the said wharf as abovesaid; the account of which shall also be adjusted by the aforementioned persons. And the said Whittlesey and Dudley shall keep the said ferry joyntly and together until the

first day of March next, or as now they do; and from the said first day of March next it shall be kept by the said Mary Dudley and her son William for the space of one year, and then the said Stephen Whittlesey shall take it and keep it for the like space; and so it shall be kept by the said Dudleys and Whittlesey, their heirs, &c., by turns, by the year, for the future, until this Court shall otherways determine. And when it is the said Whittlesey's turn, he may, if he will, keep it at the creek on the north side of his house, provided he build a wharf there according to what is mentioned about it in the return of the aforesaid committee.

Upon the motion of the proprietors of a tract of land lying [234] west || of Woodstock, north of Ashford, up to the Colony line, from Woodstock west five miles and twenty rods, which they purchased of James Wadsworth, Esqr, Capt. John Hall and Mr. Hezekiah Brainerd, who were a committee impowred by the General Assembly in May, 1719, to sell the same for the encouragement of Yale College: This Court grant that the said proprietors shall have a patent for said land, executed in due form under the seal of this corporation.

Whereas it has been observed that several persons who have been convicted in the neighbouring Colonies of crimes, which are by the laws of this Colony punishable with corporal punishment, or have made their escape from their prosecution of such crimes there, and come into this Colony designing to take up their abode here, which may prove of bad consequence,

It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whatsoever persons convicted, or making their escape as aforesaid, [or] that at any time hereafter shall be so convicted or make their escape as aforesaid, and come into this Colony and continue there for the space of two months without first having obtained leave of the General Assembly, and shall not depart out of this Colony within one month after they shall be warned so to do, either by an assistant or justice of the peace, or by the selectmen of the town where they shall reside at the time, and shall be thereof convict, either by sufficient evidence or confession before the county court of the county where the said town or place shall lye, shall suffer a fine of ten pounds to the treasury of this Colony, to be recovered as other fines; and in such cause no appeal shall be allowed. And whatsoever persons shall, being convicted, suffer such fine and be thereon discharged, and shall not, within one month next after such discharge, depart out of this Colony as aforesaid, shall be lyable to the like fine, to be recovered in

like manner ; and so *toties quoties*. Provided, that all prosecutions upon this law be within the space of three years next after the time that such persons as aforesaid shall come into this Colony.

Upon the petition of the inhabitants on the east side of Connecticut River in Middletown, for to be rate free from the country for the space of four years in the time of their charge in settling a minister amongst them: It is granted by this Assembly, that the rates for the defraying the publick charge of the Colony, and gathered in that society for the space of two years next ensuing, shall be improved for the settlement and support of the ministry in said society, and shall be paid and put into the hands of Mr. Samuel Hall, Mr. Joseph Warner, and Mr. Nathaniel Savage, who are hereby ordered and directed carefully, according to their best discretion, to improve and lay it out from time to time for the use abovesaid. Always provided, that they have not the benefit of the forty shillings upon the thousand pounds for the support of the schools during said term.

[235] This Assembly grants liberty unto the inhabitants || of the north society in Preston, to imbody into church estate, and to settle an orthodox minister amongst them.

Ordered by this Assembly, That Mr. Treasurer Whiting pay the school money due to the town of Stratford for the year 1720 out of the bills emitted in May last for the payment of publick debts.

This Assembly make sale of one hundred acres of country land to Rebekah Loomiss of Windsor, adjoining to the six-score acres of land laid out to the heirs of Mr. John Porter, September 18th, 1720, near Enfield road, by Mathew Allyn and James Enno ; she paying ten pounds in currant money for the same.

This Assembly do establish and confirm Mr. William Hall of Mansfield to be Captain of the company or trainband of the town of Mansfield aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Storrs of Mansfield to be Lieutenant of the company or trainband in the town of Mansfield, and that he be commissioned accordingly.

This Assembly order and empower the committee appointed May, 1718, to sell of the country lands to the value of three hundred pounds for the encouragement of Yale College, to deliver what part of said money is not yet by them delivered

to the use aforesaid, as soon as conveniently they may, to the treasury of said college, for the uses for which it was granted, taking the treasurer's receipt for the same.

Upon consideration of the petition of the heirs of Jeremiah Addams: Resolved by this Assembly, that the grant made to said Addams by this Assembly, March 13th, 166½, was good for a double portion or allotment in the town of Colchester, notwithstanding those words in said grant, viz. (According to his estate.)

Ordered by this Assembly, That there be paid out of the publick treasury the sum of ten pounds (toward the good repairing of the one-half of the bridge between the towns of Stonington and Westerly,) in such manner and species as the rates of this Colony for defraying the publick charge shall hereafter be paid in; and that the remainder of the charge of the repairing the said half shall be paid by the town of Stonington; and that the selectmen of said town shall take effectual care that the said half part of said bridge be well repaired forthwith. And whereas the town of Stonington are at no great charge about bridges in the country road within their town, in comparison of what many other towns are, 'tis therefore ordered by this Court, that after the said half part of the bridge is well repaired, it shall be always maintained and kept in good repair by the said town, until this Court shall order otherwise.

[236] Upon the petition of Samuel Miles of Milford, respecting Benjamin Simpson: This Court allows that the said Miles shall be paid out of the publick treasury for the time he spent about that matter, according to the account of it which he gave in formerly at the superiour court at Fairfield, being one pound three shillings and two pence; and that there shall also be paid to Joseph Curtice, Esqr, eight shilling, to Joseph Blackledge five shillings and two pence, to Lt. John Clark four shillings, and to constable Nathaniel Curtice ten shillings, for what they did about that matter; all which sums were given in to the said superiour court by the said Miles as the whole charge about the said Simpson, and is in the whole two pounds ten shillings and four pence.

This Assembly grants liberty to Mr. Ebenezar Avery of Groton, to call out the surveyour of the county of Hartford or New London, to survey and lay out a hundred acres of land to himself, which hundred acres is a part of the two hundred acres granted to Mr. Benjamin Woodbridge, May, 1681, which said Avery is hereby impowred to lay out in any publick lands in this Colony not by this Assembly prohibited.

Resolved by this Assembly, That the committee that sold the publick lands in May last shall pay the fifty pounds given to the school at Seybrook by this Assembly Octo. 9th, 1718, to the selectmen of Seybrook, or their order, out of the next money received for said lands, taking their receipt for the same.

Ordered by this Assembly, That James Wadsworth, Esq^r, deliver what money he hath in his hands, which he hath received for publick lands sold at the Assembly in May last, to the committee for building the state house at Hartford; always provided it be a part of the five hundred pounds granted to said state house out of the publick treasury.

An Act for the Name and further Settlement of the
Town of Bolton.

Whereas there is a certain tract of land within this Colony, bounded west upon Hartford and Windsor, north upon a line drawn due west from the south bounds of Meshenupps Pond to Windsor bounds, east upon Tolland and Coventry, south upon Hebron, which by order of this Assembly hath been settled into fifty allotments, saving only about one hundred and fifty acres formerly granted to John Talcott, Esq^r, deceas'd, and the quantity of two hundred acres granted to Mr. Thomas Bull, deceas'd: And whereas the greater part of the proprietors of said lands have moved to this Assembly to || give unto them the power and priviledge of a town, and to levy a tax on said land for the setting up and maintaining the worship of God there:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said tract of land be held and accounted to be a town, and known by the name of Bolton; and the inhabitants and proprietors of said town have full power and priviledge as the other towns in this Colony, to choose their town officers, to make by-laws or orders, and to raise taxes for the defraying the common charge of said town; and all other priviledges common to the towns in this Colony is hereby granted to them; only it is to be understood they have no power to dispose of any land within said township.

And, for the setting up and maintaining the worship of God there, it is further enacted by the authority aforesaid, That a tax or rate of forty-five shillings allotment for forty-nine lots in the whole, being all the lots in said town but that laid out for the minister, shall be paid by the owner or owners thereof, to be paid annually in currant money, or provision as it shall be stated by the Assembly in publick payments, for the space of four years next coming, the first payment to be made on or

before the last Tuesday of September next, and so in each year till four payments be made; and that the owners of farms or lands granted to Messrs. Talcott and Bull as aforesaid, shall pay in manner aforesaid annually *pro rato* forty shillings for one hundred and fifty acres. And this Assembly do appoint William Pitkin and Joseph Talcott, Esq^{rs}, Mr. John Bissell and Timothy Olcott, or any three of them, a committee to receive said money and see that it be prudently laid out for the uses aforesaid, keeping fair accounts of their doings herein. And if any proprietor or proprietors shall refuse or neglect to pay the sum or sums whereat he is assessed as aforesaid, the aforesaid committee, or any two of them, shall have power, by a warrant under some assistant or justice of peace his hand, to distrein for the same, with other just and necessary charge, in such manner as is by law appointed for the collecting town rates; and if the owner of such allotments cannot be found in this Colony, nor his goods, to answer such distress, the said committee are impowred to sell so much of such allotments as will procure the sums set as aforesaid and the necessary charge arising through his neglect. And this Assembly do order and impower William Pitkin, Esq^r; John Bissell and Francis Smith, or any two of them, to lay out the undivided lands in said town, or so much of it as shall be thought suitable, to the fifty allotments; the division so made to be settled severally upon the particular proprietors by lot, or otherwise as they shall agree; all to be done at the charge of the proprietors. And the brand for horses for said town shall be this figure, 7.

Resolved by this Assembly, That there be a process in the law for the recovery of the arrears due from the late treasurer. And the committee appointed by this Assembly in October [238] last, in this affair, are directed || to proceed in that matter, according to the power then given them, as soon as conveniently they may; and Roger Wolcott, Esq^r, is now added to said committee, and equally impowred with them to act in this affair.

This Assembly grants liberty unto Sarah Buckingham of Milford, administratrix on the estate of Gideon Buckingham, late of said Milford, deceas'd, to sell so much of the lands or real estate of the said deceas'd as may be sufficient to pay the debts due from the estate of the said deceas'd, with the direction of the court of probates in the county of New Haven.

An Act for the Partition of Lands, &c.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,

That all persons having or holding, or that shall at any time hereafter have or hold any lands, tenements or hereditaments, as coparceners, joynt tenants, or tenants in common, may be compelled by writ of partition to divide the same, where the partners cannot agree to make partition among themselves. Provided always, that this act extend not to town commons or sequestered lands.

An Act for the Encouragement of the Settlement of a Gospel Minister in the North Parish in New London, and for the Quiet Settlement of the Lands there.

Upon consideration of the difficult circumstances of the north parish in New London, and the difficulties that the inhabitants there, both English and Indians, do labour under, respecting sundry claims made unto the lands there: This Assembly do appoint and fully empower James Wadsworth, Esqr, Mr. John Hooker and Capt. John Hall, or any two of them, to be a committee to endeavour a final settlement of the controversy respecting the lands in said parish. And if the said committee, upon hearing the pleas and arguments of the parties, shall be able to settle the whole matter by a composition, then such agreement shall be brought to this Assembly in May next, for their confirmation or otherways as they shall see good; but if, upon the endeavours of the committee, no agreement can be gained from the parties, then the committee are to make a settlement of that whole affair and lay the same before this Assembly as soon as may be, for their confirmation; and also, that no charge arise to the Colony by this act.*

[239] Upon the address of the proprietors and proprietor inhabitants of Hebron, shewing to this Assembly that for a long time there hath been great and distressing difficulties in said town, by reason of their contests that have arisen there upon the claims of land and also respecting the lines of said Hebron, as well as other lines respecting property or claims to certain lands pretended to by some persons living in Lebanon and Colchester, praying that a committee may be by this Assembly appointed, to hear the pleas of the several claimers in said town, and to settle and ascertain their claims as well as the said lines: This Assembly do appoint and fully empower Col^o Mathew Allyn, Capt. James Wadsworth and Mr. John Hooker, to be a committee, who are directed to repair to said town and hear the pleas of all the claimers of land in said town, and also to gain a full understanding of said lines, said to be unsettled and in controversy; and the said committee shall endeavour an agreement between the said claimers, as

* The report of the committee is in *Towns & Lands*, III., 187.

well respecting their said claims as also respecting the said lines, whether town lines or lines between claimers; but in any matter or thing that shall be brought before the said committee by virtue of this order, and the committee shall not be able to persuade the differing parties (who are concerned in such affairs) to agree, that then the said committee shall proceed to settle and ascertain such claim or line in controversy; which settlement so made by the committee shall forever fix and conclude any and every such line or claim, unless this Assembly, upon application made to them, shall grant relief; always provided it be at the charge of the petitioners.

This Assembly allows to Capt. Couch, for his service in going to Bedford, Horse Neck, &c., eight shillings out of the publick treasury, besides his wages as deputy; to Mr. Bishop 12s.; to the pilots eight shillings.

Resolved by this Assembly, That proper acknowledgments to be made to the Honourable the Governour, for his great pains, industry, wisdom and prudence, improved in that affair concerning the line between this Colony and Rhode Island; and that the Governour and Council be impowred to draw out of the treasury such sums of money as may be needful from time to time for the management of the said affair to the best advantage, not exceeding the sum of five hundred pounds; and further to do in the intervals of this Court whatsoever shall hereafter to them appear necessary to be done for the most effectually carrying on the said affair.

Upon the prayer of Samuel Morehouse, (who was wounded in the publick service in the expedition to Canada,) requesting that the annuity settled upon him by this Assembly, which is five pound per year, considering his circumstances, might be now allowed to him in a greater sum, for the purchase of certain lands: This Assembly do therefore allow unto the said Morehouse the sum of thirty pounds out of the publick treasury [*to be paid in such manner and specie as the publick debts of this Colony shall by rate next hereafter be paid in,**] for six years annuity next coming, in which no other sum shall be [240] allowed to said Morehouse || for the annuity allowed to him as abovesaid; always provided, that said Morehouse shall with a sufficient surety become bound unto the treasurer of the Colony in the sum of sixty pounds, that if the death of said Morehouse should be before the expiration of said six years, that then what part the said yearly annuity allowed unto said Morehouse, more than what would have been paid

* Perhaps it was intended to erase these words.

unto him if it had been yearly paid to him, shall be again return'd into the publick treasury.

This Assembly do appoint Capt. Joseph Platt to be Justice of the Peace and Quorum for the county of Fairfield.

This Assembly grants liberty unto Mr. Joseph Minor to improve the surveyour of the county of Hartford or Fairfield, to lay out to him one hundred acres of the country lands granted May 12th, 1687, unto Capt. John Minor, in any of the ungranted lands northward or northwestward of the bounds of Woodbury or New Milford, so it be not above the great falls in Ousatunnuck or Stratford River.

The List of the Rateable Estate of the respective Towns in this Colony.

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford,	23203	: 10	: 11	New Haven,	28316	: 02	: 10
Wethersfield,	17698	: 10	: 06	Branford,	09436	: 16	: 00
Lebanon,	09871	: 19	: 06	Preston,	06872	: 19	: 10
Farmington,	12615	: 10	: 10	Stratford,	17402	: 05	: 04
Lyme,	09620	: 00	: 06	Norwich,	16078	: 02	: 09
Synsbury,	06379	: 0	: 06	Haddam West,	03984	: 10	: 00
Norwalk,	11235	: 11	: 06½	Pomfrett,	04101	: 00	: 00
Plainfield,	05585	: 15	: 07	Windsor,	17724	: 18	: 00
Canterbury,	04488	: 11	: 06	New London,	15501	: 09	: 02
Seybrook,	10105	: 14	: 05	Derby,	04287	: 03	: 09
Durham,	04515	: 06	: 10	Killingsworth,	05058	: 19	: 09
Wallingsford,	12578	: 00	: 00	Killingley,	03246	: 00	: 00
Haddam East,	05669	: 04	: 00	Waterbury,	02557	: 05	: 00
Fairfield,	21293	: 10	: 06	Guilford,	16003	: 19	: 10
Colchester,	06746	: 02	: 00	Milford,	18021	: 09	: 01
Glassenbury,	04997	: 17	: 00	Groton,	09722	: 04	: 09
Stanford,	11325	: 00	: 01½	Woodbury,	06190	: 07	: 00
Windham,	06998	: 02	: 06	Midletown,	14341	: 19	: 07
Greenwich,	07339	: 17	: 00	Mansfield,	03179	: 07	: 00
Danbury,	05012	: 01	: 00	Stonington,	14686	: 09	: 06

This Assembly do establish and confirm Mr. Samuel Chapman of Seybrook to be Captain of the first company or trainband in the town of Seybrook aforesaid, and that he be commissioned accordingly.

[241] Upon the prayer of Mary Robinson of Durham, shewing that her son Ebenezar Robinson is lame, therefore praying that he might be exempted from the publick list: This Assembly do exempt the said Ebenezar Robinson from the publick list, and he is hereby exempted.

Resolved by this Assembly, That for the future all persons of the age of seventy years be exempted, and they are hereby

exempted from being listed or bearing any part of the publick charge for their polls.

Upon the memorial of the east parish of Greenwich: This Assembly, for the better enabling said parish to maintain a gospel ministry among them, grants the inhabitants of said parish an exemption from all publick taxes for the space of four years next coming; always provided, that there shall no charge happen upon the government within said parish during said four years, and that the said parish do support a gospel minister amongst them during said term. And it is further provided, that if at any General Assembly that shall be holden in this Colony within the said four years, and the freemen of said Greenwich shall send more than one deputy to any one such Assembly, that then the town of Greenwich shall defray the whole charges of such deputy, and the government shall be charged no further than the payment of one deputy from said town at one Assembly.

An Act in Addition to an Act entituled An Act for Suppressing Unlicenced Houses, and for the due Regulation of such as are or shall be licenced, and also in Addition unto one certain Act entituled An Act for the better Regulation of Licenced Houses, and the more effectual Suppressing Unlicenced Ones, and in further Addition to the Law for Preventing Tipling and Drunkenness.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the grandjurymen in the respective towns in this Colony shall from time to time make diligent enquiry after all persons that are reputed to sell or vend strong drink by retail without licence, and make presentment of all such persons to the next assistant or justice of the peace, which assistant or justice of the peace shall, by a writ directed to some suitable person, cause such person or persons so presented to appear before him, and cause him or them to give bond with a surety to the value of twenty pounds, that he or they will not sell or vend any strong drink by retail without licence first obtained, and be of good behaviour until the next county court in such county where such person shall live, and also appear before the said [242] court and take up his bond, except such court || shall see cause to continue the same. And if any such person or persons shall refuse to become bound as aforesaid, that then the authority before whom they are brought shall by mittimus commit such person or persons to the goal in that county, there to continue upon his own charge until he or they will give bond as aforesaid.

And it is hereby further enacted by the authority aforesaid, That whatsoever person or persons, who shall be presented by

the grandjurors to the county court where such person or persons shall live, on suspicion of retailing strong drink without licence, at any time after bond has been given by him or them before an assistant or justice of the peace as aforesaid; such presentment shall be taken by the court to be sufficient evidence against the persons so presented, to convict him or her of the forfeiture of their recognizance, unless he or she shall be acquitted by a jury of twelve lawful men of the neighbourhood, declaring upon their oaths that they believe such person is not guilty; which jury, at their desire and at their charge, they shall have the liberty of, in like manner as they might or could have had if such presentment had been first made to the said county court, as by the aforesaid act entitled An Act for the better regulation of licenced houses, &c., is provided.

An Act for the Restraining Swine from going on the
Commons.

Be it enacted by [the] Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of April next insuing, no swine shall be allowed to go on the commons in this government; and if any person or persons shall allow their swine to go at large on the commons, it shall be the duty of the haywards of the severall towns in this Colony to impound such swine, and lawful for any other person so to do; and the owner or owners of such swine shall pay two shillings per head for such swine before they are released, one shilling and ten pence whereof shall be to the hayward or other impounder, and two pence to the keeper of the key. Provided always, that every town in this Colony shall have liberty to agree otherwise in their own precincts; provided, that if the swine (of such town so agreeing) shall come at any time within the bounds of any other town, they shall in all respects be under the regulation of this act, as fully as if such agreement had never been had or made, unless the town wherein such swine shall come into as aforesaid, shall also agree as aforesaid.

[243] Upon the prayer of Thomas Weller: This Assembly confirms to him that fifty acres of land that he hath lately taken up upon Robert Roses grant, below the falls upon Ousattunnuck River, and grant liberty of a patent to be signed by the Governour and Secretary, confirming said land to said Weller, his heirs, &c.

Upon the prayer of Ebenezar Richardson of Waterbury, shewing that by lameness he is reduced to great distress, therefore desireth that his country rate for the last year may

be given him: This Assembly do give unto said Richardson the said rate, and the same not to be demanded by the constable of said town.

An Act for Levying Tax on Polls and other Rateable Estate.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for defraying the publick charge of this Colony, there be a tax of two pence on the pound levied on polls and all other rateable estate in this Colony, to be paid in the bills of credit of this Colony at their usual advance, or in the true bills with four signers of the Province of the Massachusetts Bay, or in the true bills of New York, Rhode Island or New Hampshire, without any advance upon them, or in currant silver money, or in grain at the prizes following, viz: wheat at four shillings and six pence per bushel, rye at two shillings and nine pence per bushel, Indian corn at two shillings and three pence per bushel, all to be good and merchantable; to be paid unto the several constables in this Colony at or before the last day of April next ensuing, and to be by them disposed as the treasurer in his warrant, by direction from the General Assembly, shall order.

Upon application made to this Assembly by Mr. John Noyes in behalf of Isaac Curtice, shewing an assignment of a deed of land made by Thomas Bell to Luke Bromley, June 14th, 1683, witnessed to by Joseph Davell and William Horssey, and praying the same may be effectual in the law, altho it hath not been acknowledged in form in the law provided, upon consideration that the said assignment is confirmed by the oath of William Horssey: It is enacted by this Assembly, that the said assignment shall be good and sufficient in the law, as if it had been acknowledged in form.

This Assembly do allow to Mr. John Copp, for his travel hither and attendance upon this Assembly, the sum of two pounds fourteen shillings, and no more.

[244] Upon the petition of Lovis Lyron *vs.* John Edwards: The question being put, whether they will grant any [thing] to the petitioner upon the prayer of the petition: Resolved by this Assembly in the negative.

Upon the petition of John Edwards *vs.* Lovis Lyron: The question being put, whether they will grant anything to the petitioner upon the prayer of the petition: Resolved by this Assembly in the negative.

This Assembly, observing that many mischiefs are grown upon too many of the inhabitants of this government, even to

the threatening them in many, if not all, their interests, by means of the great quantities of rum that are imported into this Colony and here consumed, and that the immoderate use thereof is a growing evil, beyond the redress of all the good and wholsom laws of this government hitherto made to suppress it: Which mischief further to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of May next insuing the date hereof, there shall be paid to the several naval officers in this government a duty of fifteen pounds per hogshead for every hogshead of rum that shall be imported into this Colony, and so in proportion for lesser quantities; one-tenth part thereof to be to the naval officer, the remainder to be paid by the said naval officer to the treasurer of this Colony for the use of the Colony.

And it is further provided, That all such liquor whatsoever, that shall be imported or brought into this Colony and landed or offered to sale therein, or in any of the roads, harbours, creeks or rivers, thereunto belonging, without first paying the duty aforesaid to some naval officer of this government, shall be forfeited; the one-half to the informer that shall prosecute the same to effect, and the other half to the use of this Colony. And whensoever any person shall inform any assistant or justice of the peace, of the breach of this order, he shall forthwith grant a writ to the sheriff or constables, commanding them to make diligent search for the same, with power, if need be, to break open any house or other place to make search in any suspected place, and to seize the said rum and secure the same, till the next county court in the county where it shall be taken, who shall declare the same to be forfeited unless the owner thereof shall, by producing a certificate from the naval officer of the entry thereof with him, and making oath before [245] the said court that the duties laid by this act || have been actually paid for the same, according to the true intent and meaning thereof, or otherways shew, to the satisfaction of the court, that the duties have by this act been truly paid. And all naval officers, sheriffs and constables, are hereby strictly charged to make diligent enquiry after, and make true information of all breaches of this act.

And it is further enacted, That whosoever shall have, own, or be possessed of any quantity of rum lodg'd in any part of this government, exceeding a barrel in the whole, on or after the first day of May next, and shall neglect to pay the duty laid by this act on rum imported as aforesaid, to some naval

officer or to some assistant or justice of the peace, to be disposed of as before provided for the duties of importation, or become bound to the treasurer of this Colony, to the use of the Colony, in a bond to treble the value of the said rum, conditioned for the carrying or transporting and causing to be transported out of this Colony the said rum, to some other market, within two months then next coming; the rum so neglected to be paid for, or bond given for it as aforesaid to some assistant, justice of the peace, or naval officer as aforesaid, shall be equally liable to be seized and forfeited, as is in this act provided for the regulating the importation thereof; any law, usage or custom to the contrary notwithstanding.

This Assembly grants the Hon^{ble} the Governour the sum of two hundred pounds to be paid out of the publick treasury, for his salary for the currant year.

This Assembly grants the Hon^{ble} the Deputy Governour, for his salary for this currant year, the sum of fifty pounds, to be paid out of the publick treasury.

This Assembly grants Mr. Timothy Green the sum of twenty-five pounds, to be paid out of the publick treasury, as part of his salary for the currant year as printer to the Governour and Company.

This Assembly grants to Mr. Secretary Wyllys the sum of eight pounds, to be of the money paid for petitions, and the remainder to be paid out of the publick treasury.

This Assembly grants to Mr. John Hooker, Speaker, for his good service this sessions, the sum of one pound ten shillings, to be paid out of the publick treasury.

This Assembly grants to Mr. Hez. Brainerd, Clerk, the sum of one pound five shillings, to be paid out of the publick treasury.

This Assembly grants the constables attending upon the Lower House this session three shillings *per diem*, to be paid out of the publick treasury.

[246] Whereas this Assembly have seen cause to desire of the treasurer to receive of the constables of New Haven and Groton some part of the rates of their towns, at New Haven: Ordered, that Mr. Treasurer Whiting pay said constables post wages for bringing the remaining part of said rates to Hartford, as thô part of them had been taken now.

Cost allowed by this Assembly unto Edmund Lewiss, for his attendance at this Assembly to answer the petition of Jeremiah Judson, John Porter, John Wells, &c., selectmen of Stratford, the sum of £1 1s. 11d.

Whereas by an act of this Court in October last, entitled An Act for procuring a certain sum in bills of credit to be at the dispose of this government, it was enacted that there should be two pence on the pound leyed on the polls and rateable estate in this Colony, to be paid as in said act expressed, which was to lye in the treasurers hands to be disposed of as the Assembly should order,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That eleven hundred pounds of the said rate collected by the said treasurer, shall be disposed of as follows, viz: to the Hon^{ble} the Governour two hundred pounds, to the Hon^{ble} the Deputy Governour the sum of fifty pounds, and to pay the whole charge of this Assembly during this sessions, and all such sums as have been granted to be paid in money during this sessions, and also twenty pounds to the committee appointed to sue for the arrears due from the estate of the old treasurer; to Mr. Green, the printer, the sum of twenty-five pounds; the remainder of the said sum of eleven hundred pounds abovementioned shall be paid out by the treasurer to defray the publick debts of this Colony according to law.

And it is further resolved, That the Honourable the Governour and Council shall, and have hereby liberty, if need be, to draw out of said rate which is or shall be brought into the treasury, for carrying on the affair of the line betwixt this Colony and Rhode Island, and for our agent Mr. Dummer, such sum or sums as they think fit, not exceeding the sum of five hundred pounds in the whole; and the remaining part of the rate abovementioned to lye in the treasurers hands till he hath further order from this Assembly.

New Haven, Nov. 2d, 1720.

Pursuant to an order of the General [Assembly] now sitting, we, the subscribers, report to the said Assembly, that we find in the treasurers hands of bills drawn in by the rate granted [247] || by the General Assembly, Octo. 1719, eleven hundred fifteen pounds sixteen shillings and four pence; out of which bills we took of the old outstanding bills of the date of 1709, the sum of one hundred fifty-eight pounds six shillings, which one hundred fifty-eight pound six shillings we burnt and utterly destroy'd, and gave the treasurer a receipt for them; and there still remains of the said bills granted Octo., 1719, the sum of nine hundred fifty-seven pounds ten shillings and four pence; and the treasurer hath also in his hands of bills also drawn in by said rate, which he bro't from Hartford, thirty-one pounds fifteen shillings; so that in the whole he hath in

his hands of the bills aforesaid, nine hundred eighty-nine pounds five shillings and four pence, of which sum there is of other Colony bills one hundred and twelve pounds four shillings and three pence.

William Pitkin,
Joseph Talcott,
Sam^l Gunn.

George Clark,
Benajah Bushnell,

The whole records of the acts of this Assembly, as they stand entered in the pages next preceding, was read in the presence of both Houses and ordered to be signed by the Secretary.

HEZ. WYLLYS, Secretary.

This Court is adjourned till the Governour or Deputy Governour shall see cause to call them to meet again.

[174] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN, NOVEMBER 1ST, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin,	} Esq'rs, } <i>Assistants.</i>	Joseph Talcot,	} Esq'rs, } <i>Assistants.</i>
William Pitkin,		John Sherman,	
Joseph Curtis,		Roger Wolcott,	
Peter Burr,		Jonathan Law,	
Samuel Eells,		James Wadsworth,	
Mathew Allyn,			

Whereas five hundred pound has been set apart by act of the Assembly holden at New Haven, October 13th, 1720, to be ordered out of the treasury as the Governour and Council shall think fit, for carrying on the affair of the line betwixt this Colony and Rhode Island, and for our agent,

Resolved, That a sum of money be remitted forthwith to our agent, Jeremiah Dummer, Esq., which shall be done if it can be by buying a bill or bills of exchange to the value of one hundred pound sterling.

Resolved, That if a bill or bills of exchange cannot be procured, that a sum of money in silver or gold be procured, which shall amount to the value of one hundred pound sterling, and sent to our agent by the first good opportunity.

Ordered, That the Treasurer deliver to the Governour the sum of two hundred and fifty pounds, part of the said five hundred, to be improved as above directed, taking his receipt for the same; and the residue of the said five hundred pounds to remain in the treasurers hands, to be disbursed in like manner, and on the same occasion, by him, as order shall be given him.

Whereas there may very probably be occasion of employing persons in the Colonies service, with relation to what may be necessary to be [175] done, in bringing such as are or may be || taken up for counter-

feiting bills, and other crimes, to just punishment, as also for posts and other emergencies which cant be foreseen: and whereas the sum which the treasury is furnished with by the General Assembly holden at New Haven the 13th day of October last is small, and may be drawn out by orders from several parts of the government, so that none may be left for such necessary service,

To prevent which: It is ordered, that the sum of fifty pounds be delivered by the treasurer to Joseph Talcot, Esq., to be by him kept in constant readiness, to answer such orders from the Governour and Council as shall be thought needful by them for carrying on such necessary affairs of the government.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN,
NOVEMBER 2D, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

John Hamlin,	} Esq'rs,	Joseph Talcot,	} Esq'rs,
William Pitkin,		Roger Wolcott,	
Peter Burr,		James Wadsworth,	
	} Assistants.		} Assistants.

An account of the charge of copying papers, contained in two boxes, relating to the affair of Rhode Island line and sent to our agent, amounting, at the rate of two shillings per side in folio, to the sum of twenty-four pounds seven shillings and ten pence, was considered and examined in Council and allowed, which being paid by the Governour is ordered to be repaid him.

An account of the particulars relating to the same affair, upon expresses to Rhode Island, and several packets to our agent, with the charge of coming to Council at New Haven, and other particulars, paid by the Governour, was examined and allowed, and ordered to be paid to the Governour. The account amounted to the sum of seventeen pound and eight pence.

[176] An account of particulars of charge for surveying and taking three plans of the government, paid by the Governour, amounting to the sum of three pounds sixteen shillings and nine pence, was examined, approved, and ordered to be paid him.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON,
DECEMBER 20TH, 1720.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq.,	<i>Assistant.</i>	John Picket,
Jonathan Prentts, Esq.,		Jonathan Star.
Christopher Christophers,		

Upon application made by several inhabitants of the southermost of the societies or parishes in Stoningtoun, lately established by the General Court, desiring that a time may be appointed for the meeting of

the inhabitants of said parish, qualified to vote in the affairs thereof, and an order given for notifying them of the time for their convening for that end,

Ordered, That Wednesday the 28th of this instant December at 12 of the clock at noon, and at the old meeting house in said parish, be the time and place for the meeting of the said inhabitants parishioners.

Ordered, That Capt. Manassah Minor, Mr. Adam Gallop and Mr. Sylvester Baldwin, all of the said parish, or either of them, do give at least five days notice to the inhabitants within the precincts of said parish, who are qualified voters in the said society, that on the said Wednesday the 28th instant at twelve of the clock at noon, at the old meeting house in said parish, a meeting of the said society is appointed and ordered by this board, for choosing a clerk and committee, and for managing other affairs of the said society or parish. And the said Capt. Minor, Mr. Gallop and Mr. Baldwin, or either of them, are appointed to lead the said parishioners at the said meeting to the said choice.

[177] *Ordered*, That the clerk of the Council inclose in a letter to the said Messrs. Minor, Gallop and Baldwin, or either of them, a copie of this order, attested by him, which shall be a sufficient warrant for their attending to the service which they are herein directed to.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JANUARY 2D, 1720-21.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq.,	<i>Assistant</i> .	Christopher Christophers.
Jonathan Prentiss,	} Esq'rs,	John Picket,
John Plumbe,		Joshua Hempstead.

Upon application made by several inhabitants of the northermost of the societies or parishes in Stoningtoun lately established by the General Court, desiring that a time may be appointed for the meeting of the inhabitants of said parish, qualified to vote in the affairs thereof, and an order given for notifying them of the time for their convening for that end,

Ordered, That Wednesday the 18th of this instant January at twelve of the clock at noon, and at the house of Mr. Joseph Babcock in said parish, be the time and place for the meeting of the said inhabitants parishioners.

Ordered, That Mr. Jonathan Palmer, Mr. William Avery, Mr. John Swan, and Mr. William Willecox, all of the said parish, or either of them, do give at least five days notice, to the inhabitants within the precincts of said parish, who are qualified voters in the said society, that on the said Wednesday the 18th instant, at twelve of the clock at noon, at the house of Mr. Joseph Babcock in said parish, a meeting of the said society is appointed and ordered by this board, for choosing a clerk and committee, and for managing other affairs of the said society or parish. And the said Mr. Palmer, Mr. Avery, Mr. Swan and Mr.

Willcox, or either of them, are appointed to lead the said parishioners at the said meeting to the said choice.

[178] *Ordered*, That the clerk of the Council inclose in a letter to the said Messrs. Palmer, Avery, Swan and Willcox, or either of them, a copie of this order, attested by him, which shall be a sufficient warrant for their attending to the service which they are herein directed to.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, MARCH 28TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin, } Esq's, Samuel Eells, } Esq's,
Richard Christophers, } *Assistants*. Jonathan Law, } *Assistants*.

Ordered, That a proclamation be issued forth for a publick fast, to be strictly observed throughout this government, on Wednesday the nineteenth day of April next.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, APRIL 29TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Jonathan Prentts, Esq.,

Christopher Christophers,

John Gardiner,

Joshua Hempstead,

Benjamin Star.

The Governour communicated to this board a letter from the Governour of Rhode Island, with copies of other letters, giving intelligence [179] of a certain ship at Tarpolin Cove, supposed to be || a pirate, which had stopt and taken sundry coasting vessels.

By coasters arriving here on Wednesday last, there was advice of a Dutch ship from Guinea, taken by the pirates, and given to some of their prisoners, and by them brought to Tarpolin Cove, which probably might be the pirate advised of as above.

Resolved, That an express be sent with this intelligence to Coll. Cranston, that care may be taken to secure the ship and goods on board for the owners, and to gain certain intelligence whether there be any other vessel there, with pirates, besides that Dutch ship.

Considering the above intelligence, and the necessity of having some command on the vessels arriving here, in order to prevent the bringing in of the small pox, which there is great danger of,

Resolved, That the Governour do command, and cause effectual care to be taken forthwith, that the three great guns at the fort in New London, with their platforms and whatsoever belongs to them, be put into a good condition for use, and provided with powder and ball for that end; as also that there be a flag-staff erected. And the Governour is desired to give such orders, for the improvement of them, as

may be necessary, both to secure the town from infection, and cover the vessels in the road from the attempt of pirates.

Ordered, That the constable of the town of New London do henceforth, until further order, set up. and cause to be duly and faithfully maintained and observed, a good and sufficient watch within the said town; and that a copie of this order attested by the clerk of the Council, shall be a sufficient warrant for his so doing.

[178 *bis.*] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN
NEW LONDON, MAY SECOND, ANNO DOMINI 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Jonathan Prentts,	} Esq'rs,	John Gardiner,
John Plumbe,		Benjamin Star.
Christopher Christophers,		

The Governour communicated a letter of April 30th, 1721, from the Governour of Rhode Island, signifying that the pirate ship, whereby the coast was alarmed last week, was commanded by one Norton; and that the goods on board her had been considerable quantities of them secretly landed in the government of Rhode Island, and that there was great danger that some of the persons and goods belonging to the said ship might be brought by coasters into this government and landed here.

Resolved, That a proclamation be forthwith issued out for the seizing and securing all such persons and goods as can be found in this government. And the Governour is desired, together with the said proclamation, to issue out orders accordingly.

Resolved, That Mr. Justice Prentis, one of the justices of the county court in New London, be empowered and ordered forthwith to impress what shall be needful, for compleating and finishing the prison in the said county, with the yard about it, that it may be in a good condition for securing malefactors of the first rank if there should be occasion; and that a copie of this order signed by the clerk of the council be delivered to him for that end, which shall be his sufficient warrant for so doing.

An account of the sheriff of the county of New London, for impressing men to watch and ward at the prison in the said county, and of the persons who attended that service, and the time spent therein, [179 *bis.*] || was read and approved in the several articles thereof, which amounts to the sum of seven pound nine shillings in the whole, which is ordered to be paid out of the publick treasury of this Colony.

A further account of the said sheriff, for sundry services done by him, amounting to the sum of six pound seven shillings, was read and allowed, and is kept on file.

Ordered, That the above sum of six pound seven shillings, as well as the aforesaid sum of seven pound nine shillings, be paid out of the publick treasury of this Colony, to the aforesaid sheriff of the county of New London, who is also hereby ordered to pay to the respective

persons mentioned in the first of these accounts, their several proportions of what is due to them for their service therein mentioned.

Ordered, That the clerk of the Council do sign an order to the treasurer for the payment of the above sums.

Capt. Christopher Christophers, clerk of the Council, produced to this board an account of several services he had performed for this Colony from October, 1716, to this present day, in all amounting to the sum of eight pound seventeen shillings and five pence; which being read and considered, was allowed and ordered to be kept on file, and that the said Capt. Christophers shall pay himself, out of the impost money in his hands, the aforesaid sum of *8l. 17s. 5d.*

An account of the persons that sat in Council, and the time they spent at New London, from October, 1716, to May 2d, 1721, reckoning each time half a day as usual, amounting to twenty pound one shilling, was also read and approved and ordered to be kept on file, and that the naval officer of the port of New London do pay, out of the impost money in his hands, to the several persons therein mentioned their respective proportions of what is due to them for their service according to the said account.

[248] CONNECTICUTT }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTIES COLONY OF CONNECTICUTT, IN NEW ENGLAND, ON THE 11TH DAY OF MAY, IN THE SEVENTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM. 1721.*

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathian Gold, Esq., Deputy Governour.

John Hamlin,	} Esq ^{rs} ,	Mathew Allyn,	} Esq ^{rs} ,
William Pitkin,		Joseph Talcott,	
Richard Christophers,		Roger Wolcott,	
Peter Burr,		Jonathan Law,	
Samuel Eells,		James Wadsworth,	

Representatives or Deputies that were returned to attend at this Assembly, are as followeth, viz:

Mr. Thomas Seymour, Mr. James Eusign, for Hartford.

Capt. James Rogers, Mr. Jonathan Hill, for New London.

Mr. Joseph Stanton, Mr. Eben^z Billings, for Stonington.

Mr. Nehemiah Smith, Mr. Joshua Bill, for Groton.

* But a single leaf of the Journal of the Lower House at this session is found. *Civil Officers, &c.*, I. 288.

Capt. Ebenz Steel, Mr. Joseph Hawley, for Farmington.
 Mr. Tim^o Peirce, Mr. John Fellows, for Plainfield.
 Mr. Joseph Baccus, Mr. Jabez Hide, for Norwich.
 Mr. Samuel Knapp, Mr. Richard Barnam, for Danbury.
 Mr. Symon Bryant, Mr. George Blancherd, for Kellingly.
 Mr. Tho. Buckingham, Mr. Nathan^l Pratt, for Seybrook.
 Capt. Dan^l Brewster, Mr. Moses Belcher, for Preston.
 Mr. Isaac Dickerman, Mr. John Gilbert, for New Haven.
 Major John Burr, Capt. Joseph Wakeman, for Fairfield.
 Mr. Caleb Leet, Mr. Andrew Ward, for Guilford.
 Capt. David Goodrich, Mr. Edward Bulkley, for Wethersfield.
 Mr. John Hoit, Mr. Sam^l Weed, for Stamford.
 Mr. Caleb Seward, Mr. Thomas Lyman, for Durham.
 Mr. William Preston, Mr. John Judson, for Woodbury.
 Mr. Hez: Brainerd, for West Haddam.
 Col^o. Ebenz Johnson, for Derby.
 Capt. Reignold Marvin, Mr. John Griswold, for Lyme.
 Mr. Jacob Johnson, Mr. Gideon Ives, for Wallingsford.
 Mr. James Reignolds, for Greenwich.
 [249] Mr. John Woodward, Mr. Ebenz West, for Lebanon.
 Capt. Samuel Clark, Capt. Roger Newton, for Milford.
 Capt. Nath^l Harrison, Capt. John Russell, for Branford.
 Capt. Joseph Platt, Mr. James Lockwood, for Norwalk.
 Capt. Joseph Addams, Mr. David Carver, for Canterbury.
 Capt. Samuel Mather, Mr. Ebenezar Fitch, for Windsor.
 Mr. Jeremiah Peck, Mr. Joseph Lewis, for Waterbury.
 Mr. Jonathan Crane, Mr. Abel Bingham, for Windham.
 Capt. John Hawley, Mr. Benjamin Curtice, for Stratford.
 Capt. Tho. Huntington, Mr. Thomas Storrs, for Mansfield.
 Mr. Michael Taintor, Capt. James Newton, for Colchester.
 Mr. Thomas Kimberly, Mr. Abram Kilborn, for Glassenburg.
 Mr. John Kelsey, Mr. David Buell, for Killingsworth.
 Capt. William Harriss, Capt. William Savage, for Middletown.
 Mr. Joseph Phelps, Capt. Thomas Holcomb, for Symbury.
 Mr. Hez. Brainerd, Speaker, } of the House of Represent-
 Mr. Thomas Kimberly, Clerk, } atives.

This day being appointed by charter and the laws of this Colony for the election of the publick officers of this corporation, viz: the Governour, Deputy Governour, Assistants, Treasurer and Secretary,—proclamation being made, the freemen proceeded to give in their votes to persons chosen and appointed by the Governour, Council and Representatives, to receive, sort and count them. The persons chosen and appointed are, Richard Christophers, Mathew Allyn, Joseph Talcott, Roger Wolcott, James Wadsworth, Esq^{rs}, Mr. Thomas Seymour, Capt.

Samuel Mather, Mr. John Gilbert, Capt. John Russell, Mr. Joseph Baccus, Major John Burr, Capt. Joseph Platt, who were all sworn truly and faithfully to receive, sort and count the said votes. And the votes of the freemen being brought in, sorted and counted,

The Honourable Gurdon Saltonstall, Esq^r, was chosen Governour of this Colony for the year insuing.

The Honourable Nathan Gold, Esq^r, was chosen Deputy Governour of this Colony for the year insuing, and the Deputy Governour's oath was administered to him by the Honourable the Governour in the presence of this Assembly.

John Hamlin, William Pitkin, Joseph Curtice, Richard Christophers, Peter Burr, Samuel Eells, Mathew Allyn, Joseph Talcott, John Sherman, Roger Wolcott, Jonathan Law, and James Wadsworth, Esq^{rs}, were chosen Assistants for this Colony for the year insuing.

And John Hamlin, William Pitkin, Richard Christophers, Peter Burr, Samuel Eells, Mathew Allyn, Joseph Talcott, [250] Roger Wolcott, || and James Wadsworth, Esq^{rs}, had the Assistant's oath administered to them in the presence of this Assembly.

Mr. John Whiting was chosen Treasurer of this Colony for the year insuing.

Hez. Wyllys was chosen Secretary of this Colony for the year insuing, and accordingly sworn to that office and trust in the presence of this Assembly.

Ordered by this Assembly, That John Hamlin and Samuel Eells, Esq^{rs}, return thanks to the Reverend Mr. Jonathan Marsh for the sermon he preached in the audience of this Assembly, and desire him to grant a copy for the press.

This Assembly do establish and confirm Mr. Gideon Allyn of Fairfield to be Lieutenant of the first company or trainband in the town of Fairfield aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Morehouse of Fairfield to be Ensign of the first company or trainband in the town of Fairfield aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Whittlesey to be Lieutenant of the first company or trainband in the town of Seybrook, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Gore of Norwich to be Captain of the fifth company or trainband in the east society in Norwich aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Williams of Norwich to be Lieutenant of the fifth company or trainband in the east society in Norwich aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Clark of Norwich to be Ensign of the fifth company or trainband in the east society in the town of Norwich aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jabez Perkins of Norwich to be Captain of the fourth company or trainband in the north-east society in the town of Norwich aforesaid, and that he be commissioned accordingly.

[251] This Assembly do establish and confirm Mr. Samuel Bishop of Norwich to be Lieutenant of the fourth company or trainband at the north-east society in the town of Norwich aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Lottrop of Norwich to be Ensign of the fourth company or trainband in the north-east society in the town of Norwich aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Grave of Guilford to be Ensign of the second company or trainband in the town of Guilford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Hosmer of Hartford to be Captain of the south-side company or trainband in the town of Hartford, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Seymour of Hartford to be Lieutenant of the south-side company or trainband in the town of Hartford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Webster of Hartford to be Ensign of the south-side company or trainband in the town of Hartford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Leicester Grosvenor of Pomfrett to be Lieutenant of the company or trainband in the town of Pomfrett, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Sessions of Pomfrett to be Ensign of the company or trainband in the town of Pomfrett aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezar Benton of Guilford to be Ensign of the first company or trainband in the town of Guilford aforesaid, and that he be commissioned accordingly.

This Assembly grants liberty and full power unto Capt. Joseph Platt and Lt. Samuel Keelar of Norwalk, to sell so much of the lands of Joseph Crampton, late of Norwalk, deceas'd, as shall produce money sufficient to pay the sum of twenty-one pounds nine shillings and eight pence, being debts due from the estate of said deceas'd, together with the necessary charges due therefrom.

[252] This Assembly grants liberty to Christian Downs, administratrix on the estate of Samuel Downs, late of New Haven, deceas'd, to make sale of so much of the lands of the said deceas'd as may be sufficient to pay the sum of twenty-eight pounds twelve shillings and three pence due from the said estate, taking the direction of the judge of the probate in the county of New Haven, and of Mr. Isaac Dickerman of New Haven, therein.

This Assembly grants liberty and full power unto Samuel Weed of Stamford, administrator on the estate of Richard Ayres, late of Stamford, deceas'd, to sell so much of the lands of the said deceas'd as may be sufficient to pay the sum of twenty-nine pounds fourteen shillings, to answer the debts due from said estate, together with necessary charges, and no more; taking the advise and direction of Capt. Joseph Bishop and Mr. Samuel Blackly therein.

A List of Additional Estate returned to this Assembly, to be transmitted to the Treasurer and added to the List of Estates delivered in to this Assembly in October last.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Colchester, - - - - -	135	00	00
Fourfolds in Colchester, - - - - -	514	08	00
Fourfolds in Norwich, - - - - -	915	17	06
Fourfolds in Seybrook, - - - - -	524	10	00
Fourfolds in Lyme, - - - - -	871	00	00
Fourfolds in Killingsworth, - - - - -	829	04	00
Milford, - - - - -	080	14	00
Fourfolds in Milford, - - - - -	312	16	00
Wethersfield, - - - - -	446	07	00
Fourfolds in Wethersfield, - - - - -	1915	17	00
New Haven, - - - - -	300	00	00
Fourfolds in New Haven, - - - - -	458	00	00
Guilford, - - - - -	358	02	03
Fourfolds in Symsbury, - - - - -	721	00	00

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Addition, Stamford, - - -	157	00	00
Hartford, - - - - -	200	00	00
Fourfolds in New London, - - -	229	07	00
Stratford, - - - - -	1036	10	00
Fairfield, - - - - -	1032	06	00
Four folds in Fairfield, - - -	565	12	00
Seybrook, - - - - -	106	12	00
Branford, - - - - -	674	07	03
Windsor, - - - - -	389	19	00
Lebanon, - - - - -	89	00	00
Fourfolds in Plainfield, - - -	96	00	00
Fourfolds in Stonington, - - -	418	00	00
Fourfolds in Groton, - - - -	3662	01	00
Fourfolds in Greenwich, - - -	1692	14	00
Haddam West, - - - - -	18	00	00
Fourfolds, Haddam West, - - -	168	00	00
Fourfolds in Stamford, - - -	76	12	00

This Assembly do appoint Richard Christophers and Peter Burr, Esq^{rs}, Capt. James Rogers, Capt. John Russell, and Capt. David Goodrich, to audit the Colony accounts with the treasurer, and to receive of him the dead stock that may be in his hands, and make report thereof to this Assembly.

This Assembly do establish and confirm Mr. Joseph Harriss to be Lieutenant of the second company or trainband in the town of New London, and that he be commissioned accordingly.

[253] This Assembly do establish and confirm Mr. Joshua Hempstead to be Ensign of the second company or trainband in the town of New London, and that he be commissioned accordingly.

Upon the petition of Benjamin Clark of Preston, shewing that he is lame, therefore praying that he might be exempted from the publick list: This Assembly do exempt the said Benjamin Clark from the publick list, and he is hereby exempted.

This Assembly do establish and confirm Mr. Henry Wolcott of Windsor to be Lieutenant of the company or trainband on the east side of Connecticutt [River] in Windsor aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Job Elseworth of Windsor to be Ensign of the company or trainband on the east side of Connecticutt River in the town of Windsor aforesaid, and that he be commissioned accordingly.

It being represented to this Assembly, that the bridge on New Haven East River, upon the road from Wallingsford to New Haven, is gone to decay, so that persons passing over said bridge go in great hazard; and being especially moved by some men living near and having often occasion to pass the said bridge, to determine who ought to erect and maintain the same: This Assembly have resolved, that the erecting and maintaining the said bridge comes not under the regulation of the law of this Colony relating to bridges, but is well concluded by an act of this Assembly held at Hartford, Octo. 13th, 1692, and shall for the future be erected and maintained according to said act.

Upon consideration of the petition of John Merriman of Wallingsford, shewing that many years ago he made a purchase of one hundred acres of land of a committee appointed by the town of Wallingsford; which land, with other lands, was anciently obtained of the Indian native proprietors, and lyeth northward of the bounds of said town; and there arising some doubt about the title of said land, the Colonys right therein having never yet been had by said town; praying for a confirmation: This Assembly grants unto the said petitioner that he shall have a quit claim of this government right unto said hundred acres executed in due form; provided he pay into the publick treasury, in consideration thereof, the sum of seven pounds ten shillings.

Upon consideration of the petition of Mr. Ebenz Billing of Stonington, in behalf of the upper society in Stonington, shewing that whereas this Assembly did, at their session in October last, appoint a committee to state a place for setting up the meeting house in the said society, and that the said com- [254] mittee did settle and ascertain the place for setting || the said house at, and made report of their doings therein in writing unto the said society, which writing hapning to fall into the hands of the clerk of said society, he refuseth either to record the said report or suffer the original to go out of his hands; praying thereupon that this Assembly will give order to the Secretary to enter and record a copy of said report (under the attest of the said clerk) in the publick records of this Colony, as thô it were the original: This Assembly do grant the said prayer of the petitioner, and do order the secretary to record the said report accordingly.

Whereas the taking and using of boats and canoes, without liberty from the owners, is too frequently practiced in this government in such places where such boats and canoes are used: For prevention whereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whosoever shall take and use any kind of boat or canoe, other than such as shall be taken up going adrift and loose from any shoar, without liberty from the owner, he or they so offending shall for every such offence forfeit the sum of five shillings to the owner thereof, over and above the damages the said owner shall sustain by his boat or canoe being taken as abovesaid; to be recovered by an action of debt.

Upon consideration of the petition of Samuel Morriss, who dwells eastwardly of Woodstock, praying to be exempted from paying rates: Resolved, that for the term of ten years next after the rising of this Assembly, the said Samuel Morriss shall be exempted from paying any rates whatsoever, whether country, town, or ministry; provided, that during the said term of ten years, the said Samuel Morriss shall make, maintain and keep in good repair, the three bridges set forth in his petition, for the safe passage of travellers and others, and also shall continue to yield an open highway there across his farm, as now is accustomed or hereafter shall be found convenient.

Resolved by this Assembly, That, for the future, all persons of the age of seventy years be exempted and they are hereby exempted from being listed or bearing any part of the publick charge for their polls.

This Assembly do establish and confirm Mr. Isaac Ryley of Wethersfield to be Lieutenant of the first company or trainband in the town of Wethersfield aforesaid, and that he be commissioned accordingly.

Upon the report of the auditors, there is drawn in by the two penny rate the sum of three thousand pounds fourteen shillings and five pence in bills: Ordered, that the gentlemen appointed to audit the Colonys accounts with the treasurer burn and consume the said bills.

[255] This Assembly do establish and confirm Mr. Joseph Cady of Killingly to be Captain of the company or trainband in the town of Killingly aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ephraim Warner of Killingly to be Lieutenant of the company or trainband in the town of Killingly, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Gold of Killingly to be Ensign of the company or trainband in the town of Killingly aforesaid, and that he be commissioned accordingly.

Upon the petition of Elizabeth Smith of Milford, relict of Nehemiah Smith, late of Milford, deceas'd, for authority to convey twelve acres of land unto Joseph Smith, brother to the said Nehemiah Smith; which land was bought and paid for in the life time of the said Nehemiah: This Assembly do give liberty and full power and authority to the said widow, administratrix on the said Nehemiah's estate, to execute and compleat any instrument, by the advice and approbation of Samuel Eells and Jonathan Law, Esq^{rs}, for the conveying the said land from the heirs of the said Nehemiah to the said Joseph and his heirs forever.

Upon the prayer of Nathaniel Spencer and Daniel Spencer of Haddam: This Assembly grants liberty and full power to said Nathaniel and Daniel, to execute a good and lawful deed of sale to Jared Spencer of said Haddam, of three peices of land in said town, lying at a place called Cockapuncitt, viz: One parcel of eight acres, being an house lot; one parcel of eight acres of swamp and upland abutting on common land north, south and east, and land formerly of John Arnold west; and one parcel of four acres lying in the upper plain; which lands were sold by Nathaniel Spencer, deceas'd, father to said Nathaniel, to said Jared, but no deed hath yet been given to said Jared of them.

This Assembly grant liberty and fully impower John Tuller of Symsbury, administrator on the estate of Jacob Read, late of said Symsbury, deceas'd, to sell so much of the land of the said deceas'd as may be sufficient to pay the sum of forty-two pounds five shillings and seven pence, to answer the debts due from said estate, taking the advise and direction of Mr. Joseph Phelps and Mr. Samuel Humphreys, son of John Humphreys, therein.

Upon consideration of the petition of the proprietors of Colchester: Resolved by this Assembly, that James Wadsworth, [256] Esq^r, || and Mr. Hez. Brainerd be a committee to describe and settle the east bounds of Colchester, at the charge of the petitioners; which bounds to be so settled as not to prejudice former grants.

This Assembly appoints the Honourable Nathan Gold, Esq^r, to be Chief Judge of the Superiour Court for the year insuing.

This Assembly appoints John Hamlin, Esq^r, Samuel Eells, Esq^r, Jonathan Law, Esq^r, and Joseph Talcott, Esq^r, Assistant Judges of the Superiour Court for the year insuing.

This Assembly do appoint Mathew Allyn, Esq^r, to be Judge of the County Court in the county of Hartford.

This Assembly do appoint Mr. John Hooker, Capt. Aaron Cook, Capt. Samuel Mather, and Mr. Nathaniel Stanly, to be Justices of the Peace and Quorum in the county of Hartford.

This Assembly do appoint Capt. Thomas Ward, Capt. James Wells, Lt. Samuel Humphreys, Capt. Thomas Judd, Mr. Michael Tainter, Capt. Thomas Gates, Capt. John Fitch, Capt. Joshua Robbins, and Capt. David Goodrich, to be Justices of the Peace in the county of Hartford.

This Assembly do appoint Joseph Talcott, Esqr., to be Judge of the Court of Probate in the county of Hartford.

This Assembly do appoint Capt. John Fitch to be Judge of the Court of Probate to be holden in Windham.

This Assembly do appoint James Wadsworth Esqr., to be Judge of the County Court in the county of New Haven.

This Assembly do appoint Col^o Ebenezar Johnson, Mr. Warham Mather, Mr. Samuel Bishop, Capt. John Hall, to be Justices of the Peace and Quorum in the county of New Haven.

This Assembly do appoint Capt. Thomas Yale, Mr. James Hooker, Capt. Andrew Ward, Capt. Nathaniel Harrison, Mr. Edward Barker, Capt. Joseph Whiting, and Mr. Samuel Brunson, to be Justices of the Peace in the county of New Haven.

This Assembly do appoint Mr. Warham Mather Judge of the Court of Probate in the county of New Haven.

This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate to be holden in Guilford.

This Assembly do appoint the Hon^{ble} Nathan Gold, Esqr., to be Judge of the Court of Probate in the county of Fairfield.

[257] This Assembly do appoint Peter Burr, Esqr, to be Judge of the County Court in the county of Fairfield.

This Assembly do appoint Capt. James Olmstead, Lt. James Bennitt, Major John Burr, Mr. John Edwards, Capt. Joseph Bishop, Capt. Joseph Platt, Capt. Joseph Wakeman, Justices of the Peace and Quorum in the county of Fairfield.

This Assembly do appoint Capt. James Bebee, sen^r, Mr. John Gregory, Capt. Samuel Peck, Mr. Ebenezar Mead, Capt. John Hawley, Lt. Joseph Minor, and Mr. Richard Osborn, Mr. Thomas Bennitt, to be Justices of the Peace in the county of Fairfield.

This Assembly do appoint John Sherman, Esq., to be Judge of the Court of Probate to be holden in Woodbury.

This Assembly do appoint Richard Christophers, Esq., to be

Judge of the County Court and Court of Probate in the county of New London.

This Assembly do appoint Capt. Richard Bushnell, Mr. Daniel Taylor, Capt. Nathaniel Cheeseborough, Capt. William Clark, to be Justices of the Peace and Quorum in the county of New London.

This Assembly do appoint Capt. Thomas Williams, Mr. John Plumb, Lt. Joseph Bacchus, Capt. Samuel Avery, Lt. Timothy Peirce, Mr. Daniel Buckingham, Mr. Daniel Palmer, Mr. Abram Pierson, Mr. Nehemiah Smith, junr, Mr. Moses Noyes, and Mr. Samuel Lynde, to be Justices of the Peace in the county of New London.

Upon the memorial of Voluntown: This Assembly do enact, that all the volunteer rights or lots (whether greater or lesser) in number of acres, within the original grants in said town, is hereby taxed at eight shilling per year for the term of five years next insuing, for the support of a minister and building a meeting house in said town: and the one thousand acres that Mr. Thomas Bannister, deccas'd, bought of the proprietors of said town is hereby taxed at three pounds per year for the term and use aforesaid; and the addition that was added in the year 1719 to said town, that is under the regulation of the committee, is likewise taxed at ten shillings per hundred acres, and so likewise in lesser or greater quantities, for the term and uses aforesaid.

Be it further enacted by this Assembly, That if any person or persons, owner or owners of any lotment or lotments or lands in said town, shall neglect to make payment of his or their part or proportion of said tax as herein set and ordered to be paid, that then Lt. Christopher Avery, Mr. John Gallop, Mr. Robert Parke, Samuel Whaley, Ebenezar Dowe, or any three of said committee, setting up a notification on the sign post in said town sixty days before the time of payment shall be a lawful notification to the inhabitants and proprietors in or belonging to said town; and said tax is ordered to be paid at or [258] before the last day of May which will be || in the year of our Lord 1722, and so yearly for the space of five years ensuing. And whosoever of said inhabitant or inhabitants, proprietor or proprietors, shall neglect or refuse to pay his or their part or proportion as herein set and ordered to be paid, that it shall be in the power of the major part of said committee to get a lawful writ and to distrain upon the personal estate of any person or persons so neglecting or refusing to pay his or their proportion of said tax as herein set and ordered to be paid, then so much of the land or lands (of said person or persons

so neglecting or refusing as abovesaid) shall be sold by said committee, or any three of them, as the law directs, together with said charge; and all said tax is hereby ordered to be paid to Capt. Thomas Williams of Plainfield, who is hereby appointed treasurer to receive said tax and to disburse said tax or money to the committee or their order for the uses aforesaid. And the committee for the proprietors of old Voluntown are hereby impowred to act joyntly with the abovesaid committee in settling a ministers salary out of this present tax, and to improve all the residue of the money for the building a meeting house.

Moreover, it is further provided and enacted by this Assembly, That if the abovegranted tax shall not be sufficient for the aforementioned ends, that then the inhabitants of said town, (and said proprietors that are present,) by a major vote shall, and are hereby impowred to levy a rate upon all the rateable estate in said town, so far as may be needful for the good ends proposed.

And this Assembly do grant unto the inhabitants of said Voluntown the power and priviledge of choosing their own town officers, and carrying on their own town affairs, as other towns in this Colony by law are impowred to do. Always provided, if any difficulty arise among the inhabitants and proprietors of said town about placing the meeting house, that matter is to be determined by a committee from the Assembly. Likewise provided, that when any lands are sold by virtue of this act, for payment of rates, the owners of such land shall have liberty, within twelve months after such sale, to redeem the lands so sold, by paying the necessary charges and rates, with interest money thereupon.

Whereas the General Assembly holden at Hartford the 9th of May, 1672, did grant unto the town of Fairfield six hundred acres of land, for the maintenance and support of a grammar school to be kept there; and at the General Assembly held at Hartford the 10th of May, 1711, the return of the survey of said six hundred acres was approved of and confirmed to the inhabitants of the said town of Fairfield, to be improved in the best manner for the use and behoof of a grammar school to be kept in said town, and for no other use whatsoever, and ordered that the inhabitants of said town should have liberty to take out a patent for the same, and no particular persons being [259] named to whom the patent should be granted: || This Court do therefore order, that a patent be granted to the Hon^{ble} Nathan Gold, Esqr, Peter Burr, Esqr, Major John Burr, Capt. Joseph Wakeman, Capt. Moses Dimon, and Lieu-

tenant Jonathan Sturgess, all of Fairfield, and their heirs at the common law, to hold the said six hundred acres of land for the use aforesaid.

This Assembly do establish and confirm Mr. Nathaniel Stanly of Hartford to be Lieutenant of the north company or trainband in the town of Hartford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Goodwin of Hartford to be Ensign of the north company or trainband in the town of Hartford aforesaid, and that he be commissioned accordingly.

To the General Assembly sitting in Hartford: We, the subscribers hereunto, being appointed to receive of the treasurer the dead stock that was in his hands and burn them, do now make report to this Court of what we have done therein, viz.—We have received of him in bills of credit brought in by a two penny rate, granted in October, 1719, the sum of three thousand pound fourteen shillings and five pence; also three hundred thirty one pound ten shillings and eleven pence brought in by the rate granted in October, 1718, and which remained in the treasurers hands the 26th of May, 1720; also two hundred sixty seven pounds fifteen shillings and eight pence half penny taken in by exchange; which sums we have given him a receipt for, and have burnt and utterly destroyed the said bills.

Richard Christophers, Peter Burr, }
 David Goodrich, James Rogers, Jn^o Russell, } *Auditors.*
 Hartford, May 23d, 1721.

This Assembly do establish and confirm Mr. George Allyn to be Captain of the Troop in the county of New Haven, and that he [be] commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Trowbridge to be Lieutenant of the Troop in the county of New Haven, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Whiting to be Cornet of the Troop in the county of Hartford, and that he be commissioned accordingly.

An Act referring to the Bills in the Treasurer's Hands, brought in by a Rate made in October, 1719, and to a Rate of Two Pence on the Pound, made in October last.

It is ordered by this Court, That the remainder of a two penny rate, granted in October, 1719, now in the treasurer's hands, being the sum of one thousand six hundred forty two pounds thirteen shillings and four pence, as received into the

treasury, shall be paid out by the treasurer for the satisfying the salaries of the members of this Court and other lawful debts of the Colony, according to such lawful orders as he [260] shall receive for the same. || And the treasurer shall at the next audit give a true account, how much he received of the above sum in bills of this Colony, in order to allow the twelve pence on the pound advance that the said bills were received at.

It is also ordered by this Court, That the grain received in part of the two penny rate, granted in October last, shall be disposed of by the treasurer, or others appointed by him, for as much as it will fetch in money; provided it be not less, clear of all charge, than it was taken at; and if it will not fetch so much, it shall lye under the care of the treasurer in the places where it is received, until further order from this Court. And whatsoever shall be received in bills of credit towards the said rate granted in October last, together with the money that may be taken for grain, if any of it should be sold, shall remain in the treasurer's hands until further order from this Assembly.

Upon consideration of the petition of Nathaniel Spencer, John Spencer and Daniel Spencer, of Haddam, shewing that their father in his life-time did sell unto Thomas Shayler of said Haddam a thirty pound right in all the lands then undivided lying in the said town of Haddam on the west side the great river, which thirty pound right was part of their grandfather, Jared Spencer's right, and that a deed of sale was then drawn, pursuant to said sale, but never executed by their father; and there being two of the sons of their said father and yet in their nonage, so that they cannot make authentick deeds to the said Shayler for conveying the said lands to him; and therefore praying this Assembly to enable them to make and execute good and ample deeds of the said right so sold, together with what land has been laid out thereupon since the said sale, which was in the year 1719: Whereupon this Assembly do fully authorize and empower the said petitioners to make and execute good and lawful deeds of the said lands to the said Shayler, for the firm holding the same to him, his heirs and assigns forever.

This Assembly do establish and confirm Mr. Samuel Hayt of Stanford to be Captain, and Mr. Joseph Webb of Stanford to be Lieutenant, of the second company or trainband in the town of Stanford aforesaid, and that they be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Webb, jun^r, of Stanford to be Ensign of the second company or train-

band in the town of Stanford aforesaid, and that he be commissioned accordingly.

Upon the consideration of the petition of the inhabitants of the West Society in Wethersfield: This Assembly grants that the said society raise a tax annually on all the land in the said parish or society that by law is not rateable, of ten shillings per the hundred acres, and *pro rato* for greater or lesser parcels, for the term of four years next coming; and that the said parish or society be called Newington.*

[261] Upon consideration of the petition of Jonathan Scott of Waterbury, shewing that while he was a captive and prisoner at Canada, he was under distressing circumstances and necessitated to take up money upon credit for his subsistence and relief, and had taken up ten pounds and prudently spent the same, and prayed the favour of this Assembly therein: Whereupon this Assembly do grant the said Jonathan Scott ten pounds out of the publick treasury of this Colony, and do order the constable of the town of Danbury to pay the said ten pounds out of the Colony's money in his hands, brought in by the rate granted in October last, to the said Jonathan Scott, taking his receipt for the same.

Upon consideration of the petition of Joseph Phelps of Symsbury, shewing that he is lame in one of his hands, and to that degree that he is disabled from service, praying he may be freed from being rated: Resolved by this Assembly, that the petitioner may henceforth be freed from being rated for his person in the publick list.

Upon consideration of the petition of James Avery *vs.* Robert Stoddard: Resolved by this Assembly, that the petitioner have another tryal of his action at the superiour court to be holden at New London in September next.

Upon consideration of the petition of the North Society in Stonington: This Assembly do resolve, that the dividing line between the two societies shall be as the committee lately appointed for that end did describe; always provided, that Mr. William Wheelar, who by this act is taken into the North Society, shall belong to the South Society, provided he shall choose to belong to the said South Society and signify the same to the Governour and Council within six weeks next after the sessions of this Assembly shall be ended.

Upon the prayer of William Hancox: Ordered by this Assembly, that the testimony of Samuel Brunson and Thomas Curtice, both of Farmington, shall be taken *in perpetuum rei*

* This name appears on the records of the society as early as December, 1718.

memoriam, and that the said testimony may, at the charge of the said Hancox, be recorded by the Secretary in the Book of Patents and Surveys.

This Assembly accept the return made by Col^o Mathew Allyn of his survey of one hundred acres of land granted to Rebekah Loomiss of Windsor, widow, by this Assembly in October last, and order the same to be recorded, and that a patent, at the suit and charge of the said Rebekah Loomiss, be executed in due form, for the firm holding the same to her, her heirs and assigns forever; so it prejudice no former grant made by this Court.

[262] Upon the petition of the heirs of Jeremiah Addams, deceas'd, against the town of Colchester: Resolved by this Assembly, that there shall be laid out in the undivided land within the said town, two shares or allotments of land, that is to say, one two hundred pound right and one hundred pound right with the several divisions thereunto belonging according to the practice upon such rights; and that Mr. Hez. Brainerd, Mr. John Sprauge and Thomas Kimberly, or any two of them, be a committee, at the charge and expence of the petitioners, to survey and lay out the said divisions to them accordingly.

Upon the petition of Jonathan Ashley *vs.* Richard Goodman: Resolved by this Assembly that the petitioner be admitted to another tryal of his action at the superiour court in Hartford county in September next, and the whole cost to follow the issue of the cause, and that the officer do surcease and forbear any further proceedings in doing execution on the former judgment.

This Assembly grant liberty and fully impower Samuel Wilson of Windsor, administrator on the estate of Ruth Griffen, late of Symsbury, deceas'd, with the advice and approbation of Serjt. William Phelps, to sell so much of the lands of said Ruth Griffen as will fetch twenty-six pounds nine shillings and six pence, to pay the debts of the said deceas'd, with the necessary costs thereupon arising; also that it be done upon the advice of the court of probates in the county of Hartford.

Upon the petition of John More *vs.* Mary More: The question being put, whether there is that error in the judgment which is complained of in the petition: Resolved by this Assembly in the affirmative: Whereupon it is ordered, that the said judgment of the superiour court holden at Hartford, September 20th, 1720, be and it is hereby reversed, and the petitioner is allowed a new tryal at the superiour court to be holden at Hartford in September next. *Cost allowed petitioner is £2 3s. 2d.*

An Act for Preventing and Punishing the Prophanation of the Sabbath, or the Lord's Day.

Whereas, notwithstanding the liberty by law granted to all persons to worship God in such places as they shall for that end provide, and in such manner as they shall judge to be most agreeable to the word of God; and notwithstanding the laws already provided for the sanctification of the Lord's day or the Christian Sabbath, many disorderly persons, in abuse of that liberty and regardless of those laws, neglect the publick worship of God on the said day, and prophane the same by their rude and unlawful behaviour:

[263] *Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whatsoever person shall not duly attend the publick worship of God on the Lord's day in some congregation by law allowed, unless hindered by sickness or otherways necessarily detained, and be thereof convict before an assistant or justice of the peace, either by confession or sufficient witnesses, or being presented to such authority for such neglect shall not be able to prove to the satisfaction of the said authority that he or she has attended the said worship, shall incur the penalty of five shillings money for every such offence.*

[Be it also enacted by the authority aforesaid, *That if any person shall presume on the Lord's day to hold or be present in any assembly, under pretence of divine worship, excepting only in such places and houses as they have provided and are by law allowed them for that end, and be thereof convicted as aforesaid, either by confession or sufficient witness, shall incur the penalty of ten shillings, money, for every such offence.*

The paragraph above was entered here thro' mistake, and negativ'd by the Assembly, therefore must be left out of this act.]

Be it also further enacted by the authority aforesaid, That whatsoever person shall go from his or her place of abode on the Lord's day, unless to or from the publick worship of God, attended or to be attended upon by such person in some place by law allowed for that end, or unless it be on some other work necessary then to be done, and be thereof convicted as aforesaid, shall incur the penalty of five shillings money for every such offence.

Be it further enacted by the authority aforesaid, That whatsoever persons shall on the Lord's day, under any pretence whatsoever, assemble themselves in any of the publick meeting houses provided in any town, or parish, or society, for the use of the minister and congregation of such town, parish or soci-

ety, without the leave or allowance of such minister and congregation first had and obtained, and be thereof convict as aforesaid, every such person or persons shall incur the penalty of twenty shillings, money, for every such offence.

Be it also enacted by the authority aforesaid, That whatsoever person shall be guilty of any rude and unlawful behaviour on the Lord's day, either in word or action, by clamorous discourse, or by shouting, hollowing, screaming, running, riding, singing, dancing, jumping, winding horns or the like, in any house or place so near to any publick meeting house for divine worship that those who meet there may be disturbed by such rude and prophane behaviour, and being thereof convicted in like manner, shall incur the penalty of forty shillings, money, for every such offence.

And it is hereby further enacted, That whatsoever person shall be present at any unlawful meeting, or be guilty of going from the place of his or her abode, and unlawful behaviour on the Lord's day, contrary to this act, and being thereof convict and fined as aforesaid, and shall refuse or neglect [264] to pay his or her fine, or tender to the assistant || or justice of the peace, before whom such person shall be convict, such security as the said authority shall judge sufficient for the payment of it, within the space of one week after such conviction, such assistant or justice of the peace shall immediately cause such convicted person to be sent to the house of correction, there to lye at his or her own charge and be employed in labour, not exceeding a month for any one offence, and less as the offence is, at the discretion of the judge; the profit of such labour to be to the town treasury, except paying the charge of prosecuting the delinquent; and the sheriff of the county to see that said delinquent do so labour as aforesaid.

And it is hereby enacted by the authority aforesaid, That all grandjurymen, constables, selectmen, or committees of parishes, shall duly present to some assistant or justice of the peace all persons guilty of any breach of this act; and that no delinquent convict by this act shall have the liberty of any review or appeal; and that all fines accruing by this act shall be paid into the treasury of the town where such offence is committed, and for the use of the said town.

Provided nevertheless; and it is hereby enacted by the authority aforesaid, That no person shall be punished for any breach of this act, unless he or she be prosecuted for it within one month after the commission of the same.

This Assembly, upon consideration had of the difficulties arisen in the church and town of Stratford, about the settling

a minister there, as they are represented in a memorial presented to this Court under the hands of divers reverend ministers of the churches belonging to the same consociation with the church of Stratford, shewing that the measures hitherto taken han't been effectual to obtain an orderly and peaceable settlement of a minister in the said church and town,—have thereupon thought it convenient to order, and do hereby order Mr. Secretary Wylls, in the name of this Assembly, to write forthwith circular letters to the several associations of ministers formed in this Colony, pursuant to the articles of agreement concluded upon at Seybrook, September 9th, 1708, and approved by this Assembly, and signify, in said letter to the several associations, that this Assembly recommends to them that, in conformity to the last article of the aforesaid agreement, there be held, as soon as may be conveniently, a General Association, by delegates from the several particular associations of the reverend elders within this Colony ;—that reasonable notice of the time and place of said meeting be given to the church and town of Stratford, in order to their manifesting to the said delegates the true state of their case ;—that upon consideration had thereof in the said general association, the said association afford them such advice and help as they shall judge needful for attaining a comfortable settlement of a minister of the gospel there. Provided, that the said town of Stratford shall be at the charge thereof.

[265] In addition to the act relating to the Ferry at Seybrook: Resolved by this Assembly, that if said Whittlesey shall not make his resolve, according to said act, within twenty days after the rising of this Assembly, then the other partner to make up the wharf according to said act ; and the persons in said act provided shall adjust the account, and if said Whittlesey shall neglect to pay his part of the charge that hath been or shall arise, the account, signed by said persons in said act provided, shall be a sufficient direction to some assistant or justice to grant distress to levy the same ; and that the said wharf shall be kept in repair by said partners equally.

This Assembly do direct and order the committee formerly chosen, viz. Roger Wolcott, James Wadsworth, Esqrs, Capt. John Hall and Mr. Hez. Brainerd, (as they shall think fit,) to carry on any suit or suits against the late treasurer Capt. Joseph Whiting's administrators, for the recovery of the publick moneys that was in said late treasurer's hands at the time of his death. And if it shall so happen, at any court or courts where any such suit shall be brought, that the said committee do not all appear, to carry on the suit, that in every such case

such of the committee as are present shall, and are hereby fully impowred to manage and carry on any and every suit respecting the premises, as fully and amply as if the said committee were all personally present.

Whereas it hath been suggested to this Court, and is by some supposed, that the commission granted by this Assembly at their sessions at New Haven in October last to Mathew Allyn, James Wadsworth, and John Hooker, Esq^{rs}, relating to the affairs of Hebron, extends not to all the land in controversy between the contending parties: It is enacted by this Assembly, that the commission aforesaid shall be construed and understood to extend to all the lands in controversy amongst the parties contending, as well without the bounds of the town of Hebron as within the bounds thereof. And for the defraying the charges that have arisen, or shall hereafter arise, about the settlements of the controversies aforesaid, the aforesaid commissioners are hereby impowred to sell so much of the lands in controversy, at their discretion, as shall suffice to satisfy the same, unless said proprietors shall, without trouble or delay, pay the charges aforesaid.

Resolved by this Assembly, That when and so often as it shall happen in the circuits of the superiour court that so many actions shall be depending in any of the counties of this government, that more than one week shall be necessary for accomplishing and finishing thereof, (being beyond what was expected when the salaries of the judges was stated,) and the avails of the court will not make up to them in like proportion to what was before allowed them, (viz. fifteen pounds per week,) that it be paid and made up to them out of the publick treasury; and that this act continue of force till the sessions of this Assembly at New Haven in October next, and no longer.

[266] An Act Appointing and Impowring certain Commissioners to divide the Copper Mine at Symsbury to and amongst the several Lessees, their Assigns or Attornies, and for the Directing and Regulating the Management of said Mines and the Mills and Works belonging to Some of the Undertakers of said Mine; and also for the more easy Determining all Suits and Controversies that may happen between the Lessees and their Assigns, and between the Lessees and any of them or the Workmen, Miners or Labourers, that are or may be improved for the Carrying on and Managing the Mines aforesaid.

Whereas Major Abraham Sydervelt, attorney agent to Mr. Andrew Fressneau of New York, merchant, and Mr. Charles Crommelin of said New York, merchant, have made application to this Assembly, setting forth the necessity, in order to

the well carrying on and regulating of the affairs of the copper mines at Symsbury, that this Assembly appoint certain Commissioners for the dividing the said mines, and for the determining controversies and suits that may happen to arise amongst the proprietors, lessees, workmen or labourers, or servants by them employed,

This Assembly, having thereupon considered the state of the affair, have enacted, and it is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That Mathew Allyn, Esqr, Colo William Whiting, Capt. Aaron Cook, and Capt. Samuel Mather, be Commissioners to hear, judge and determine, respecting all and every of the above affairs, in the following manner:—That if the lessees, or their assigns holding the said copper mines in company, do not, within (from and after the rising of this Assembly) the space of twenty-one days, divide and set out the shares and parts of the said mines in severalty to each lessee or their assigns, according to their respective shares therein, that any of the said lessees or their assigns or attorneys may make application to said commissioners, praying them to make division of the mines aforesaid. Whereupon the said commissioners, or the greater number of them, shall draw up in writing under their hands or their clerk, the application so made to them, and also therein insert the time wherein they will proceed to make a division of said mines; which writing shall be posted in the towns of Hartford and Symsbury at least twenty days before such division be made. And at the time inserted in said writing, said commissioners, or the greater number of them, shall repair to said mines and view them, and also hear the pleas and allegations of the proprietors, lessees and their assigns or attorneys, that are present and shall desire to be heard concerning the premises, and thereupon shall proceed to make a full division of said mines and lands belonging thereunto, to and amongst the said lessees and their assigns, or as much thereof as shall be thought necessary, according to each and every their respective proportions and shares. And all and every the said lessees and their assigns shall be by such division fixt and concluded.

[267] *Always provided,* The said commissioners shall put in writing the division so made, and deliver copies thereof by themselves or clerk unto all and every the said lessees, their assigns or their attorneys, that shall desire the same, and cause the same to be recorded.

And be it further enacted by the authority aforesaid, That if, at any time hereafter, the said lessees, their assigns or attorneys, do not agree and effectually carry on and keep in repair

all the mills, works, dams, buildings and tools, or whatsoever is necessary for the more effectual carrying on the said mines, and the said commissioners, being thereof informed by any of said lessees or their assigns or attorneys, that then the said commissioners, or the greater number of them, shall appoint a time for the repairing such defect that may be in any of said mills, dams, works, buildings or tools, belonging to said mines. Whereupon notice shall be given to the lessees, their assigns or attorneys, concern'd in said mines, if within this Colony, and in default of such reparations or amendments as shall be ordered by said commissioners, and in the time by them appointed, that then any of the lessees, or their assigns or attorneys concern'd in carrying on said mines, shall and may make every such reparations and amendments in the mills, dams, buildings or tools, as was ordered by the commissioners to be done, the charges of which reparations or amendments being valued by three suitable persons under oath, appointed by said commissioners, shall be born and defrayed by the said lessees or their assigns concerned in the carrying on as aforesaid, according to their respective proportions.

Be it further enacted by the authority aforesaid, That the said commissioners shall from time to time (upon any disagreement that may happen or arise amongst the said lessees or their assigns concern'd in the mines aforesaid,) about making any levels (or clearing and cleansing said levels or shafts,) necessary to be made for the more effectual carrying on said mines and works, that the said commissioners, or the major part of them, shall have power, and are hereby impow'd, to order all such levels and shafts to be made and cleans'd as they shall judge needful, for the more effectual carrying on, at the charges of said lessees or their assigns, said mines and works, according to their respective proportions of benefit in said levels or shafts.

Be it further enacted by the authority aforesaid, That when and so often as it shall so happen that any of the said lessees or their assigns, being undertakers in the copper mines aforesaid, shall be found in arrearage in not paying their proportion or proportions in reparations or amendments as before expressed, or for making, clearing or cleansing the said shafts or levels, or also for their proportion of charges for division of said mine, that in any such case, upon application made to the said commissioners by any of the undertakers who shall have disburs't more than their proportion in carrying on such affair, the said commissioners, or the major part of them, shall grant forth execution, directed to the sheriff of Hartford county, or to the constable of Symsbury, to be levyed on the estate or lands of such

person found by the judgment of said commissioners in arrearage as aforesaid. And any such sum or sums of money so levied shall be delivered to such undertaker or undertakers as shall have disbursed the same in the carrying on any of the affairs aforesaid; unless such person or persons, upon whom said execution should have been served, do forthwith give bond for double the sum mention'd in said execution, that he [268] or they will abide the judgment of || the Governour and Council, (for the time being,) in that affair; which he or they may have if the matter be bro't before them by the aggrieved party or parties within six months from the taking said bond. And if any person, giving bond as aforesaid, do not, within the time aforesaid, procure the judgment of the Governour and Council, pursuant to such bond, then such officer shall assign over such bond to the aggrieved party or parties, which the said officer is fully enabled to do; and any such assignment shall be good to any such person or persons, their heirs, executors or administrators, to whom the assignment is made; and every such bond may be recovered, with all incident charges, in the courts of pleas as full as any other bond might or could be, any thing in the law against the assigning bonds to the contrary notwithstanding. And when judgment shall be given by the Governour and Council, in any affair brought before them as aforesaid, such judgments shall as well include all charges, costs and damages, as well as the sum or sums of money in controversy, or such part thereof as shall be found due; and execution shall accordingly go forth from the Secretaries office, in form as in other cases.

Be it further enacted by the authority aforesaid, That when it shall happen that there be any matter or thing in controversy between the lessors and lessees, or any of their assigns, undertakers in said mines, or the miners, workmen, labourers or servants, or any of them, and the matter or thing in controversy, by judgment of the aforesaid commissioners, exceed not the value of five pounds, that in any such case said commissioners, or the major part of them, shall and are hereby fully impowred to judge and determine in all such matters, and to grant out execution accordingly; and no appeal to be allowed. But when the matter or thing in controversy doth exceed the sum of five pounds, and doth not exceed the sum of fifty pounds, then the said commissioners, or the major part of them, shall summon and pannel a jury to try such matters in form of law, and accordingly enter up judgment and grant out execution as aforesaid, and no appeal to be allowed. But if the thing or matter in controversy doth exceed the sum of

fifty pounds, then there shall be one appeal to the next superior court in the county, and tryal there, and no more.

Be it further enacted by the authority aforesaid, That if any of the lessees or their assigns, undertakers aforesaid, shall not use and improve the said mills, dams, works, buildings or tools, appertaining to their respective company they have or do belong unto, it shall be no hindrance or bar to any other undertaker, lessee or assign therein concern'd, from the improvement of them or any of them; unless such person or persons shall see cause to sell his share or interest in any such mills, dams, buildings, works or tools, to such party or parties that will improve them. And if the parties do not agree upon the price of such matter or thing to be sold, then the said commissioners, or the major part of them, shall appoint three judicious persons to apprise such mills, dams, buildings, works or tools, according as they shall think the value of them may [269] be to the buyer, || which valuation shall be the price of such matter or thing so to be sold, and shall be accordingly accepted by buyer and seller.

Always provided, Said commissioners shall not make any division of such part or parts of the said copper mines that have been heretofore divided by the undertakers or their attornies, being regularly done. And it is hereby further provided, that nothing in this act shall be understood to regulate Jonathan Belcher, Esqr, (or any person under him,) nor one certain assign to the lessees living in Great Britain, whose affairs respecting said mines are under the care of Colo John Alford of Boston in the Province of the Massachusetts Bay, from maintaining their said own proper mills, dams, buildings or tools, at their best discretion; but the said Belcher, and the said assign in Great Britain, is hereby allowed to manage their own proper mills, dams, buildings and tools, in severalty, as they think best for their interest, and not be concern'd in building, maintaining or repairing, any other mills or tools but only their own; any thing abovementioned to the contrary notwithstanding.

Be it further enacted by the authority aforesaid, That said commissioners shall have power to choose a clerk, who shall be sworn to a faithful discharge of his trust by one of said commissioners; and the fees of said court, clerk and jury, shall be as the fees of the county court. Provided always, no charge by this act arise to the government or county.

Always provided, That this act shall continue in force for two years, and no longer.

Upon the memorial of Thomas Judd, senr, and Thomas Judd: This Court do grant them liberty to take up and pro-

cure to be surveyed by a county surveyour that two hundred acres of land which was granted by this Assembly, March 13th, 166 $\frac{1}{2}$, to Dea. Thomas Judd, in such manner as the act referring thereto allows, in any of the ungranted lands of this Colony.

Whereas Capt. James Wadsworth, assistant, and Capt. John Hall, justice of the peace, were impowred by an act of this Court, holden at New Haven in October last, for the quieting and better settling the North parish in New London, and pursuant to that act have attended that service, and have at this time laid before the Assembly their report, containing several conclusions and determinations and orders, principally concerning lines of bounds and claims of land by English and Indians within the bounds of said parish: This Assembly, having heard and considered the said report in all the parts and branches of it, do hereby approve and ratify and confirm the same, and ordain that it shall be holden good and effectual in the law for the quieting and establishing all persons and parties mentioned therein, according to their respective interests therein stated and settled; and that the orders contained therein be duly executed.

And this Assembly do hereby further order, That the said Capt. Wadsworth and Hall do, as soon as conveniently they [270] can, proceed to lay out || the said five hundred acres of land for the first minister and the ministry of the said parish, and to appoint a place for the meeting house therein; as also to report to this Court where the line for enlargement of the said parish may most suitably run. And this Assembly do further order that the said report, with the ratification thus annexed, shall be entered by the Secretary in the book of the registers of the surveys and settlements made by order of this Court, and that a copy of the same, or any part thereof, under the Secretaries hand, shall be sufficient evidence in any court or before any authority.

Whereas there is great need of providing a suitable dwelling house for the use of the Rector of Yale College: It is ordered by this Assembly, that there be a brief or collection of money made in each town of this Colony, and applied to that end.

This Assembly grant liberty unto the inhabitants of the society or parish on the east side of Connecticut River in Middletown to imbody themselves into church estate, with the approbation of the neighbouring churches.

Upon consideration of the petition of Robin Cassasinnamun, sachem of the Pequot Indians living at Masshuntutsett, in Groton: This Assembly appoint Capt. Richard Bushnell and

Lt. Joseph Becchus to make enquiry into and report the state of the case between the town of Groton and the petitioner to this Assembly in October next.

Upon the prayer of George Wolcott of Wethersfield, shewing that he is reduced to great distress, therefore desireth that his country rate for the last year may be given him: This Assembly do give unto said Wolcott the said rate, and the same not to be demanded by the constable of said town.

Upon consideration of what Mr. Secretary Willard hath laid before this Assembly, touching the demands made on this government for their proportion assigned by the Council of War of the charge in transporting naval stores, &c. in the expedition against Port Royall: The question was put, whether this Assembly will pay their proportion so assigned, or any part thereof: Resolved in the negative.

Upon consideration of the petition of James Munn *versus* Joseph Wright: Resolved by this Assembly, that the petition be dismissed and the petitioner ordered to pay cost, which is allowed to be ten shillings and three pence.

Upon consideration of the petition of Daniel Rose and Abigail Lattemore *vs.* Joshua Robbins: Resolved by this Assembly in the negative, and the petitioners ordered to pay cost, which is allowed to be £0 6s. 9d. *Execution granted September 18th, 1721.*

[271] Upon consideration of the petition of Robert Allyn *versus* John Pelton: Resolved by this Assembly in the negative.

Upon the petition of the patentees on the east side New London River *vs.* the town of Groton: A hearing and consideration upon said petition is referred to this Assembly in October next.

This Assembly grants Mr. Hezekiah Brainerd, for his service as Speaker of the Lower House for this sessions, the sum of thirty shillings.

This Assembly grants unto Mr. Thomas Kimberly, for his service as Clerk of the Lower House at this sessions, the sum of twenty-five shillings.

This Assembly grants the constables, for their attendance on the Lower House fifteen days at three shillings *per diem*, being in the whole forty-five shillings.

This Assembly do appoint William Pitkin, Mathew Allyn, Joseph Talcott, Roger Wolcott, Esq^{rs}, Mr. Hez. Brainerd, Speaker, Thomas Kimberly, the Clerk, Mr. Thomas Seymour, Mr. James Ensign, Capt. Samuel Mather, Mr. Eben^z Fitch,

Capt. David Goodrich, Mr. Edward Bulkley, Capt. Eben^z Steel, Mr. Joseph Hawley, Capt. James Rogers, to take care that the acts and doings of this Court be exactly entered, and the records closed in the usual form; and thereupon this Court was adjourn'd till the Governour, or in his absence the Deputy Governour, shall see cause to call them to meet again.

The whole records of the acts of this Assembly, as they stand entered in the pages next preceeding, were read in the presence of the greater part of the gentlemen appointed as above, and ordered to be signed by the Secretary.

HEZ. WYLLYS, Secretry.

[180] AT A MEETING OF THE GOVERNOUR AND COUNCIL AT
HARTFORD, MAY 19TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin,	} Esq'rs, Assistants.	Joseph Talcot,	} Esq'rs, Assistants.
William Pitkin,		Jonathan Law,	
Samuel Eells,		James Wadsworth,	
Mathew Allyn,			

A letter was read from Mr. Jonathan Prentts, dated May 18th, informing that Capt. King on the 15th instant in thirty days arrived in a sloop from Barbadoes, where the small pox prevails, having on board passengers, negroes, and cotton wool: And, for prevention of the small pox being brought into this Colony by the men or goods on board,

Ordered, That if the goods be to be landed in this government, and accordingly the vessel entered here, that Mr. Justice Prentts and Mr. John Plumbe of New London cause the vessel to come to an anchor about Powder Island, near the place where the said King, in a sloop, anchored when the small pox was on board him.

Ordered, That the cotton wool to be landed be buried under ground, well covered with earth.

Ordered, That the passengers on board may go on shore and air themselves and their cloaths. on Powder Island; and that Mr. Justice Prentts and Mr. Plumbe, or either of them, take care they be supplied with such things as they want.

Ordered, That the mariners and such passengers as have had the small pox, shall endeavour by washing and airing their cloaths on said island, to prepare themselves for libertie to remove from the said island, without danger of infecting any with that distemper.

Ordered, That William Davis of New London be sent on board the said sloop, with strict charge to take effectual care that these orders be duly executed, and none suffered to go on board the vessel. or to come on shore from it, unless on the said island, or to have communi-

cation with the said mariners or passengers by going on to the said island without leave first obtained of said Prentts or Plumbe. That these orders be duly executed till this board shall order otherwise.

[181] *Ordered*, That the preceding orders be drawn out by the secretary and attested by him, and transmitted to Messrs. Prentts and Plumbe, which copie shall be their sufficient authority for causing them to be well executed.

Whereas this board is informed that Capt. George Philips, who arrived in said King's sloop from Barbadoes, is come to his house in Middletown, whose family and others may be by that means infected: Resolved, that John Hamlin, Esq., give immediate orders that the said Philips be confined in his house 'till it may be known whether he has escaped the infection or not.

AT A MEETING OF THE GOVERNOUR AND COUNCIL AT HARTFORD,
MAY 22D, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin,	} Esq'rs, Assistants.	Mathew Allyn,	} Esq'rs, Assistants.
William Pitkin,		Joseph Talcot,	
Richard Christophers,		Roger Wolcot,	
Peter Burr,		Jonathan Law,	
Samuel Eells,		James Wadsworth,	

Upon a letter dated this day, sent to Mr. Hamlin from Capt. George Philips, read at this board,—

Ordered, That the letter be sent to Capt. Ward of Middletown, justice of the peace, and that he swear the said Philips to the truth of the contents thereof, and thereupon that the said Philips be released from his confinement.

Upon the petition of the proprietors of wet lands in Branford: Ordered, that a commission of sewers be granted to Messrs. William Barker, John Howd, Stephen Foot, John Rogers and John Russell, for dreining said lands.

Upon the petition of proprietors of wet lands in Symsbury described in said petition: Ordered, that a commission of sewers be granted to Messrs. Thomas Bacon, Samuel Adams and William Enno of said Symsbury, for dreining said wet lands.

[182] Upon the petition of other proprietors of wet lands in said Symsbury: Ordered, that a commission of sewers be granted to William Pitkin, Esq., John Higley and Jonathan Westover, for dreining said wet land, as described in said petition.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 13TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Richard Bushnell,	} Esq'rs, <i>Justices</i> .	Thomas Leffingwell,
William Clarke,		Christopher Christophers.
John Plumbe,		

Pursuant to the act of Assembly in May last, the Governour communicated to this board a brief, appointing the 23d day of July next to be the time for raising a contribution for the building a house for the rector of Yale College in New Haven, which was read and approved.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 27TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Jonathan Prentts,	} Esq'rs.	Christopher Christophers.
John Plumbe,		
Samuel Lynde,		

It appeared to this board, that by virtue of an order from the Governour, dated the 24th instant, being Saturday, a person was arrested the same day, who declared his name was William Chester, and was found with the sum of 123*l*. in bills of credit about him; who upon examination had the same day before the Honourable Gurdon Saltonstall, Esq., Governour, and Richard Christophers, Esq., Assistant, said he received the bills of Nathaniel Lynde of Say Brook, son of [183] Nathaniel || Lynde, Esq.; that he received of him in all 165*l*. in such bills, and gave him for them goods he had brought from the West Indies; and afterwards, contradicting his own report, said he gave him for the said money a bill of exchange on a shopkeeper in Tavistock; and in many other things contradicting himself, was committed to the goal, there to be held in irons; it being strongly suspected that he belonged to some pirate, if he had not rob'd the said Lynde or some other person of the said money, about 20*l*. of which was (as he told the story, of his having it of the said Lynde, and coming from his house the 23d instant in the evening,) lost or spent in the space of twenty-four hours. And the money found with him was taken care of by the said Richard Christophers, Esq.

That on Monday following, the 26th instant, Samuel Lynde, Esq., justice of the peace, living in said Say-Brook, and brother to the aforesaid Nathaniel Lynde, came from thence early in the morning, at his said brother's desire, to the Governour, and informed him, that the prisoner, William Chester, (as he called himself,) was sometime the last week at his said brothers, and there producing a note, which he said he received last winter in Jamaica from a person who dyed presently

after, which note contained directions where the said person, (whose name he had forgot,) had left in a box about 20 years before, a considerable quantity of gold, and perswaded the said Lynde to go with him and take it up; so which said Lynde consented, and went with him to a place on the sea shore, where he the said Chester took up a box, which had in it the quantity of upward of five, or about six pounds weight in bars of gold, or which was so supposed of them to be. And the said Lynde really believing the report of said Chester, and thinking the said gold had been hid under ground in the beach, on said sea shore, for the space of twenty years or thereabouts, and not suspecting in the least measure the said Chester to be a pirate, or confederate with any such, or the said gold to be piratically obtained and brought to the said place where the said Chester told him it had been so long hid, did, at the desire of the said Chester, let him have the sum of 165*l.* in bills of credit, and take the said box and gold in it in [184]•pawn for the repayment of the said bills. || But that the said Nathaniel Lynde, considering the matter more fully, and fearing the said Chester might be a pirate or confederate with pirates, (there having been a late proclamation for the seizing all such goods or merchandize as might be imported into this Colony from a pirate ship, under the command of one Benjamin Norton, lying at Tarpawling Cove,) did earnestly desire his brother to come to the Governour, and report as he hath of this matter in his behalf; and engaged to his said brother Mr. Samuel Lynde, that the box and gold should be forthcoming and rendered, whenever it should be demanded.

That upon this report of Mr. Samuel Lynde, the Governour directed him the said Lynde, that as justice of the peace he should take effectual care, that his brother the said Nathaniel Lynde do forthwith appear before him in Council, and that the box with the gold should also be produced there. And the sheriff was ordered to attend the said Mr. Justice Lynde, and to assist him in said affair, as there might be occasion.

That yesterday, being the 26th instant, one Hawkins, who said he lived near Coll. Smith at Setoket on Nassau Island, came to the Governour and informed him, that to his certain knowledge, the prisoner, William Chester, came to the said island in a vessel about five years since, and that he had known him there for the most part ever since, and particularly that he was in those parts all the last winter, notwithstanding the prisoner had declared that he went from Philadelphia to Jamaica last fall, and that he returned from thence to New York last spring.

That Samuel Rogers of this town, on Saturday last having borrowed of the said William Chester, (as appeared by a note under said Rogers's hand,) five pounds, a message by Henry Seymour was sent by the Governour to the said Rogers to attend upon the Governour, in order to his declaring what he knew concerning the prisoner. And the said Seymour returning, declared to the Governour, that he had been with the said Rogers and delivered the message, and that the said Rogers thereupon made answer, that he could not and would not come: notwithstanding that the said Rogers was at the Governours

house at the examination of the said Chester before the Governour and Richard Christophers, Esq., on the said Saturday, and went from thence after it appeared that he had been concerned with the said Chester as abovesaid, and but a very short space before the said message was sent to him.

[185] Mr. Justice Lynde and the sheriff returned, and produced in Council, sealed up, what the said Chester pawned with the aforesaid Mr. Nathaniel Lynde, jun., as gold, and was so supposed by him to be: but it being questioned by the board whether it were gold or no, it not appearing to be either of the colour or of the weight of gold, Daniel Dishon, a jeweller, was sent for, and ordered to prove the several bars and small pieces of it, which he did in Council with a touch stone, and declared, shewed that each bar or piece of it was brass, and was ordered to make yet a farther proof of one of the bars by melting it.

On reading a letter from Mr. Agent Dummer, dated February 25th, 1720, another in answer to him, dated June 20th, 1721, was read and approved.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 28TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Jonathan Prentts, }

John Plumbe, }

Samuel Lynde, }

Esq'rs, Christopher Christophers.

Nathaniel Lynde, jun., of Say Brook appeared this day in Council, and made solemn oath that the box and bars contained therein, which he delivered yesterday to the sheriff of the county of New London and are now produced in Council, are the very same that were delivered to him and left in his custody as bars of gold by the prisoner, William Chester.

Whereas it appears that Samuel Rogers of New London did receive of the prisoner the sum of five pounds, as entered yesterday: Ordered, that a summons be issued forth, requiring the said Samuel Rogers to appear forthwith before this board, to be examined concerning the same.

The prisoner, William Chester, being brought before this board, did again own that he received of Mr. Nathaniel Lynde, jun., the sum of 165*l.*, and being asked, whether the box and bars here produced in Council [186] were the same that he delivered the said Mr. Lynde for gold, he declared he believed they were the very same, and manifested a readiness to make the said Mr. Lynde full satisfaction for the money; and also said he would willingly answer the charge of his commitment and prosecution if he might have his liberty; and further said he believed he could without difficulty procure sufficient sureties in this town to answer the same.

Francis Montgomery, a transient person, was by writ brought before this board, as a person suspiciously guilty of being concerned with the prisoner in the cheat put upon the aforesaid Mr. Lynde, and being examined declared that he had wrote a letter and bill of exchange (at the prisoner's desire,) and which were now produced in Council; and it appearing that he travelled to Say Brook with the same on the Lord's day last, being the 25th instant, and did in the aforesaid letter write and declare that which is manifestly false, all which is contrary to the laws of this government,

Ordered, That the sheriff do carry the said Montgomery before Mr. Justice Plumbe to-morrow morning, that he may be dealt with for the aforesaid crimes as the law directs.

Upon the examination had of the aforesaid prisoner, and the proof made of the said bars, it manifestly appears that he has been notoriously guilty of horrid and gross lying and cheating: It is therefore ordered by this board, that the said William Chester shall find sureties and become bound to the treasurer of the county of New London in the sum of two hundred pounds, for his appearance at the county court to be holden at New London in November next, to answer for the aforesaid crimes, and to do and receive what shall then and there be enjoyned him by said court, and be of peaceable and good behaviour towards all his Majesties liege subjects in the mean time, and stand committed till this sentence be fulfilled.

The said William Chester declaring in Council, that he desired the money taken from him with the five pounds returned by Samuel Rogers, amounting in the whole to 128*l.* 13*s.* 7*d.*, and the horse, saddle and bridle, which he brought with him, might be delivered back to the said Mr. Lynde, and that he would endeavour to make him full satisfaction for what is wanting and the charge,

Ordered, That the charge that hath hitherto arisen, which amounts [187] to 4*l.* 1*s.* 6*d.*, shall be paid out of the said money, and the || remainder, with the horse, &c. shall be delivered to the said Mr. Lynde accordingly.

Ordered, That the box and bars aforementioned be committed to the care of the sheriff of this county, that so they may be forthcoming at the tryal of the prisoner at the county court in November next, which was so done. sealed up in Council.

Whereas it hath been represented to this board, that Jonathan Ruff, who is by the sheriff put into the prison house to take care of the prison in this county, under him the said sheriff, does keep a tipling house, and entertain strangers in his house of evil fame, and lives an idle life himself, and neglects to attend the publick worship of God: It is thereupon ordered by this board, that the said sheriff shall remove the said Ruff out of the said house, and put into it another person to have the care of the prison under him, unless the said Jonathan Ruff do forthwith reform, and better behave himself, and find one good suretie to be bound with him in the sum of 10*l.* that he will so do.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JULY 14TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq.,	<i>Assistant.</i>	John Pickett,
Jonathan Prentts, Esq.,		Richard Christophers, jun.,
Christopher Christophers,		Jonathan Starr.

Upon consideration had of Mr. Justice Goodrich's letter from Weathersfield, dated July 13th, 1721, informing that on Saturday night last Capt. Joseph Allyn of that town returned home in his sloop from Boston, and that the small pox broke out on him last Sabbath day night, his family removing, a house was provided for them, and tenders for Capt. Allyn in his own, and his men confined on board his [188] vessell; || as also of a letter from Mr. Stillman of the same town, dated July 12th, 1721, signifying that he is returned in a sloop from Boston, is confined in his house with his family, (which as Mr. Justice Goodrich informs is because he lodg'd two nights in his house before the authority knew of his arrival,) and his men confined on board his vessel:

Resolved, That the measures already taken by the authority and selectmen of Weathersfield, on the above occasion, are very proper and necessary.

And for the more effectual prevention of the spreading of the said distemper,

It is resolved, That there be no communication allowed between the persons sick or confined, but with leave from authority.

That the doors and windows of Mr. Allyn's house next the street, and at each end, be nail'd up, and so effectually secured as to prevent any thing being conveyed into or put out of the house on the side next the highway, or towards the neighbouring houses at each end; and that care be taken to let in sufficient air on the backside of his house.

That the tenders on the sick, or nurses, be charged that whatever they have occasion to bring out of the sick persons room and throw out of doors, be carried out some back way, and in some convenient place for that end buried, or covered over with dirt, to prevent the dilating of any ill scent in the air.

That some suitable house, which is at a good distance from any other, be thought upon and provided for the entertainment of the sick, in case any other persons belonging to Mr. Allin's or Mr. Stillman's family, or to either of their sloops, should be taken with the distemper, that they may be provided for more at a distance with all necessaries, so that there may be less danger of the distempers spreading, than there must needs be if they should be lodged in any place where the houses are close, though the greatest care should be taken of them.

That the said vessels be kept at a due distance from the town; and that the authority of the town of Weathersfield take care that the men [189] should, in some convenient and || secure place, air all such goods on board as the said authority may judge likely to bring the infection.

That the forementioned care being taken, and the said Stillman being still confined to his family, or on board his sloop, if it should please God that no other person be taken with the distemper, before four days next after the next full of the moon, it may be hoped that there may be no further danger of the spreading of that distemper from the said vessels or persons, and the said persons and vessels may thereupon be discharged.

That the authority may allow such goods as are on board either of the said vessels, of which there is no danger that the infection should be conveyed by them, to be delivered to the owners at their desire.

That the said authority if they shall judge that there may be need thereof, in order to keep the persons confined within their limits, or to oblige the tenders and nurses to such order and care as may be requisite, shall impress and improve prudent and careful men, by watching and warding, to prevent as much as may be all such disorders.

In consideration of the small pox prevailing at Boston, and of the great danger there is of its being brought by coasting vessels into this Colony, as it has happened already at Weathersfield: And whereas the coasting vessels from Boston commonly put into this place, and make their entry here; and from hence, if due care be not taken, may carry it into other towns in this Colony:

It is therefore resolved, That the gunner of the fort do constantly keep one man on duty there, who shall be directed to stop all vessels below the fort, and not suffer any to come on shore from them 'till notice is given to some authority, and leave be had for their so doing.

It is also resolved, That upon enquiry made by authority, if it be judged that there be danger of the small pox being brought into the Colony by the persons or goods on board, the persons and vessels shall be taken care of by such authority, and not suffered to proceed [190] on their affairs till there be good ground of satisfaction that they don't carry the infection with them.

Resolved, That notice be given to the collectors and naval officers offices of this order; that no persons, or masters of vessels be allowed to enter their vessels, or perform any duty in their respective offices, without producing a certificate under the hand of some authority, signifying that enquiry has been made, and that its judged there's no danger of their having any infection on board.

Upon complaint of the keeper of the prison in New London, that one William Chester, committed by the Governour and Council, and to be held there to a tryal at the next county court in said New London, has got off his irons and broke out of his room, and twice attempted to make his escape, and that there is great danger of it, the sheriff being absent,

Ordered, That Mr. Jonathan Starr go to the said goal, and take care that the said prisoners irons be well on him; and cause all those places where the said prisoner has broke thorow, or by which he has attempted to make his escape, to be repaired by carpenters work, or masons work, or iron bars, as there may be need.

Whereas there is great danger that the small pox may be brought into the Colony by pedlars in their packs and fardels, who oftentimes

carry from house to house and tender to sale such goods as may convey the infection: Upon consideration thereof,

It is resolved, That a proclamation be issued out strictly requiring all assistants and justices of the peace to seize and secure in their custody all such packs and fardels as are so brought into this Colony, and not admit them to any entry of the goods contained in the said packs or fardels 'till the owners or importers of them have given an account to the Governour and Council of the place or places they brought them from, with an invoice of the particulars contained in them, [191] and obtain leave || from this board that the said goods may be entered, in order to be vended in the Colony.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JULY 28TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant.*

Jonathan Prentts,	} Esq'rs,	Christopher Christophers,
John Plumbe,		John Pickett.

The sheriff of the county of New London made return to this board, that, in obedience to a warrant given him by the Governour the beginning of May last, empowering him to make search for and seize whatsoever he might find imported into the Colony out of the piratical ship, arrived the latter end of April last at Tarpolin Cove, brought in thither by one Benjamin Norton, he had taken a negro boy, supposed to be about 12 or 13 year old, at Doctor Accourts in Say Brook, and carried him before Mr. Justice Buckingham of said Say Brook with said Account, where, upon examination of the said Account, it appeared that the said negro boy was brought out of the said piratical ship, by John Braddick of Southold in his sloop, and landed at New London, where the said Account received him; whereupon the said sheriff left the said negro boy in the custody of the said justice, and having so done proceeded, with Major John Clarke, Capt. John Burrows and Mr. James Lord, in pursuit of a sloop whereof Mr. Joseph Miles of New Haven was master, which was supposed to have on board some of the piratical goods out of said ship, and followed him twenty miles, and at length got on board him, the said Miles not being there, searched the said sloop, but found none of the said goods on board, seized the men [192] on board, carried them before the next justice of the peace || Mr. Justice Wells at Haddam, where they made oath that they were sailors with the said Miles in said sloop, when he was with the said ship at Tarpawlin Cove, but that the said Miles refused to take into his sloop any of the piratical goods, and brought none of them away from the said ship with him.

And the sheriff together with this return brought in his account of his charges in executing said order, which being examined was allowed in Council, and is as follows:

	<i>l. s. d.</i>
To the said sheriff, for himself and his horse 4 days,	1 10 0
To the said Clark, Burrows and Lord, for themselves and horses 1 day, and Mr. Whiteley and his horse half a day,	1 08 0
To the said sheriff, for his own and the other gentlemen's expences during that time, - - - - -	0 06 0
	3 04 0

Resolved, That the said sum be paid out of the money which may be made by the said negro boy, (which is now in the custody of the Governour,) and charged in the account against the merchants, owners of the said negro, who by report are thought to be some Dutch gentlemen in Flushing, in Europe.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, AUGUST 3D, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Jonathan Prentiss, } Esq's, Christopher Christophers,
John Plumbe, } John Pickett.

The Governour signifying to this board, that he had been informed that Jonathan Hill of this town had, in the hearing of divers persons, affirmed that there was no act of the Assembly in May last appointing the late brief for raising a contribution, for the building a house for the rector of Yale College at New Haven, to be published,

[193] Richard Dowglass, being before this board, was inquired of, what he had heard said Hill say concerning the said brief. And the said Douglass declared that about a week before the contribution referred to in the said brief, he heard said Hill say in his presence and in company with Capt. Lattimore, William Davis, and Solomon Coite, that there was no act of the Assembly for any such brief as was intimated therein, and desired them to take notice of what he said, and that he knew as well what was acted by the said Assembly, as any person whatsoever that was there present.

John Richards also declared in Council, that the week before the said contribution, and he believes it might be the same evening that Mr. Dowglass speaks of, he, together with Capt. Lattimore, being in company with said Hill, heard him say that he was well assured that there was no act of Assembly for any such brief, and that to his certain knowledge the Assembly was so far from passing any such act, as that when the bill came down from the Upper House passed on there, it was utterly rejected by the Lower House.*

Upon hearing the aforesaid evidence: *Resolved* that Richard Christophers, Esq., do issue out a warrant for the aforesaid Jonathan Hill, and proceed with him according to the direction of the law, in order to

* The bill (which was drawn by Gov. Saltonstall,) was, at first, rejected by the Lower House, though afterwards concurred in by them. *Miscellaneous*, II, 297.

his being prosecuted for the aforesaid misdemeanour at the superiour court to be holden at New London on the fourth Tuesday of September next; and that the clerk of the council take out a copie of this entry, and lay the same before the said court at the said tryal.*

An account of John Coite amounting to 12*l.* 4*s.* 2*d.* for sundry materials and work done at the fort in New London, in repairing the platforms and carriages for the great guns, and setting up a flag staff, &c.; also an account of Jeremiah Chapman, jun., amounting to 6*l.* 19*s.* 0*d.* for carting timber, and work done at the fort upon the same [194] occasion; and an account || of Jonas Green, jun., amounting to 5*l.* 11*s.* 0*d.* for the like service, were severally read and approved of.

Ordered, That the treasurer of this Colony pay out of the publick treasury unto John Coite the sum of 12*l.* 4*s.* 2*d.*, and to Jeremiah Chapman, jun., the sum of 6*l.* 19*s.* 0*d.*, and to Jonas Green, jun., the sum of 5*l.* 11*s.* 0*d.* allowed them on their accounts aforementioned; and that the clerk of the Council send a copie of this order attested by him to the treasurer for that end.

The Governour having ordered the speeches he made to the General Assembly, at Hartford, on the 12th and 15th day of May last to be read,† and signified that he had heard they had been much misrepresented, thereupon asked the opinion of this board, whether it was likely to be any ways prejudicial or inconvenient for the Colony if the said speeches were printed and published, so that all persons might have, from their own view, a right understanding of them.

Whereupon it was declared by the board, that they could not see it would be any disadvantage or prejudice to the Colony if the said speeches were printed and published.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, AUGUST 17TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Jonathan Prentts,	} Esq'rs,	Christopher Christophers,
John Plumbe,		} <i>Justices.</i>

The Governour having communicated to this board a letter from Mr. Fergus M'Dowell of Stoningtown in favour of Archibald M'Dowell, a pedlar, who desires to be admitted to an entry of about fifty pounds worth of goods, in order to their being vended in this Colony; which goods as 'tis intimated in said letter have been about six weeks from Boston, and in that space of time have been often aired,

[195] *Resolved*, That the said Archibald M'Dowell be not admitted to an entry of said goods, unless he produces an invoice thereof to Rich-

* He was acquitted by the jury at the superior court September, 1722, to which term the case had been continued.

† With reference to his salary, which was thought by some to be too large, and to a difference which had existed for some time between the two houses, as to the mode of appointing the civil authority; the Governor and the Lower House each claiming the right to nominate. *Civil Officers, &c.*, I. 285, 286, 288, *Journal U. H.*

ard Christophers, Esq., and John Plumbe, Esq., and takes the oath provided for masters of vessels coming from places infected with the small pox.

Whereas there was allowed to the sheriff of the county of New London the sum of *3l. 4s. 0d.* for his charge and expence in executing the Governour's warrant given him the beginning of May last, empowering him to make search for, seize and secure whatsoever he might find imported into the Colony out of the piratical ship arrived the latter end of April last at Tarpolin Cove, &c., as entered the 28th of July last: The said sum of *3l. 4s. 0d.* was now paid in Council by the Governour to the said sheriff of the county of New London; and the negro boy mentioned in the aforesaid entry of July 28th, and then in custody of the Governour, is hereby ordered to remain in his honours custody until the owners shall appear, or until he shall be disposed of by due course of law.

[272] *CONNECTICUTT* }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN, IN HIS MAJESTIES COLONY OF CONNECTICUTT IN NEW ENGLAND, ON THE 12TH DAY OF OCTOBER, IN THE EIGHTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM., 1721.*

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq^r, Deputy Governour.

John Hamlin,	} Esq ^{rs} ,	Joseph Talcott,	} Esq ^{rs} .
William Pitkin,		John Sherman,	
Joseph Curtice,		Roger Wolcott,	
Peter Burr,		Jonathan Law,	
Samuel Eells,		James Wadsworth,	
Mathew Allyn,			

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz :

Mr. Thomas Seymour, Mr. James Ensign, for Hartford.
 Capt. James Rogers, Capt. C. Christophers, for New London.
 Mr. Sam^l Butt, Mr. Jonath. Dyer, for Canterbury.
 Mr. Joseph Minor, Mr. John Curtice, for Woodbury.
 Capt. David Goodrich, Mr. Jonath. Belding, for Wethersfield.
 Mr. Samuel Hall, Mr. Gideon Ives, for Wallingsford.
 Mr. Nehem. Smith, Capt. John Morgau, for Groton.

* Only the Journal of the Upper House is found.

Mr. Tim^o Pierce, Mr. Eph. Kingsbury, for Plainfield.
 Capt. Tho. Holcomb, Mr. Joseph Phelps, for Symsbury.
 Mr. Joshua Ripley, Mr. Jonath. Crane, for Windham.
 Capt. Dan^l Brewster, Mr. John Brown, for Preston.
 Mr. John Hayte, Mr. John Stone, for Stanford.
 Mr. Isaac Dickerman, Mr. John Gilbert, for New Haven.
 Capt. Joseph Wakeman, Mr. Jonathan Sturgiss, for Fairfield.
 Mr. Izhariah Whetmore, Mr. John Sage, for Midletown.
 Capt. Benaj^a Bushnell, Mr. Thomas Adgatte, for Norwich.
 Mr. Hez. Brainerd, for West Haddam.
 Capt. Dan^l Brainerd, for East Haddam.
 Capt. John Sabin, Mr. Abiell Lyon, for Pomfrett.
 Capt. Roger Newton, Mr. George Clark, for Milford.
 Mr. John Noyes, Mr. Sam^l Prentiss, for Stonington.
 Mr. Peter Buell, Mr. Joseph Strong, for Coventry.
 Mr. David Buell, Mr. John Kelsey, for Killingsworth.
 Mr. John Woodward, Mr. Eben^z West, for Lebanon.
 [273] Mr. Peter Aspinwell, Mr. Thomas Whetmore, for Killingley.
 Capt. James Newton, Capt. Joseph Wright, for Colchester.
 Col^o. Eben^z Johnson, for Derby.
 Mr. Gersh. Lockwood, for Greenwich.
 Capt. Eben^z Steel, Mr. Joseph Hawley, for Farmington.
 Capt. Nath. Harrisson, Mr. Edward Barker, for Branford.
 Mr. Tho: Kimberly, Mr. John Hubbard, for Glassenbury.
 Mr. Henry Wolcott, Mr. Eben^z Fitch, for Windsor.
 Mr. Thomas Buckingham, Mr. Joseph Dudley, for Seybrook.
 Mr. John Gregory, Mr. Richard Barnham, for Danbury.
 Capt. John Hawley, Mr. Benj^a Curtice, for Stratford.
 Mr. Caleb Leet, Mr. Joseph Stone, for Guilford.
 Mr. John Hopkins, Mr. W^m Hickcocks, for Waterbury.
 Capt. Tho. Huntington, Mr. Josiah Conant, for Mansfield.
 Mr. Caleb Seward, Mr. Tho. Lyman, for Durham.
 Mr. Hez. Brainerd, Speaker, } of the House of Represent-
 Mr. Thomas Kimberly, Clerk, } atives.

This Assembly do establish and confirm Mr. Jonathan Starr of Groton to be Captain of the first company or trainband in the town of Groton aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Avery of Groton to be Lieutenant of the first company or trainband in the town of Groton aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Morgan of Groton to be Ensign of the first company or trainband

in the town of Groton aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benajah Bushnell of Norwich to be Captain of the first company or trainband in the town of Norwich aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Symon Lothrop of Norwich to be Lieutenant of the first company or trainband in the town of Norwich aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Huntington of Norwich to be Ensign of the first company or trainband in the town of Norwich aforesaid, and that he be commissioned accordingly.

Upon the petition of Mathew Grant and Samuel Grant of Windsor, administrators on the estate of Samuel Grant late of said Windsor, deceas'd, shewing that the said estate is insolvent and insufficient to answer the debts due therefrom: This Assembly do authorize and empower the said administrators to sell the lands of the said deceas'd, to pay the debts due from said estate.

[274] The gentlemen nominated to stand for Election in May next, sent in (by the freemen of this government) to this Assembly, are as follows, viz:

The Honourable Gurdon Saltonstall, Esq., the Hon^{ble} Nathan Gold, Esq^r, John Hamlin, Esq^r, William Pitkin, Esq^r, Joseph Curtice, Esq^r, Richard Christophers, Esq^r, Peter Burr, Esq^r, Samuel Eells, Esq^r, Mathew Allyn, Esq^r, Joseph Talcott, Esq^r, John Sherman, Esq^r, Roger Wolcott, Esq^r, Jonathan Law, Esq^r, James Wadsworth, Esq^r, Capt. John Hall, Mr. John Hooker, Capt. Joseph Wakeman, Mr. Hez. Braierd, Capt. Christopher Christophers, Capt. Richard Bushnell.

A List of Estates brought in to this Assembly from the several Towns in this Government.

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford,	23270	: 01	: 06	Branford,	10434	: 06	: 06
New London,	16192	: 06	: 06	Haddam West,	4313	: 13	: 06
Preston,	7695	: 18	: 00	Killingly,	3560	: 00	: 00
Canterbury,	4785	: 08	: 06	Guilford,	17481	: 13	: 07
Windham,	7013	: 07	: 06	Woodbury,	6636	: 09	: 00
Coventry,	2470	: 00	: 00	Greenwich,	7941	: 19	: 00
Waterbury,	2762	: 11	: 00	Lebanon,	10475	: 18	: 00
Killingsworth,	5861	: 12	: 11	Stamford,	12595	: 11	: 06
Plainfield,	5853	: 09	: 06	Stonington,	14747	: 06	: 09
Norwich,	17172	: 14	: 00	Milford,	18595	: 16	: 03

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
New Haven,	28373	: 03	: 05	Colchester,	7738	: 04	: 00
Glassenbury,	4864	: 01	: 00	Derby,	4389	: 10	: 00
Groton,	12464	: 11	: 00	Danbury,	5784	: 11	: 06
Pomfrett,	4793	: 00	: 00	Windsor,	17920	: 05	: 00
Wethersfield,	19014	: 16	: 00	Lyme,	10600	: 16	: 09
Mansfield,	3763	: 13	: 00	Norwalk,	12172	: 04	: 04
Durham,	4986	: 05	: 00	Fairfield,	22359	: 12	: 08
Farmington,	13295	: 17	: 00	Wallingsford,	13326	: 18	: 08
Seybrook,	11124	: 03	: 06	Stratford,	17761	: 04	: 06
Symsbury,	6802	: 09	: 00	Midletown,	15387	: 12	: 00
Haddam East,	7389	: 18	: 00				

Whereas this Assembly in May *anno* 1716, did grant a tax or rate upon the non-resident proprietors of the town of New Milford, of ten shillings for each right, for three years, to be improved for the support of the ministry and building a meet-[275] ing house, and did appoint Capt. Samuel Clark || of Milford to receive the same and to improve it to the uses therein mentioned: And whereas much of the said tax is yet in arrears and not paid, and the said Samuel Clark not having power to make distraint for the same: This Assembly do now therefore fully authorize and empower the said Samuel Clark to levy and collect what of said tax is yet behind and not paid; and if any person or persons, after due notice given by the said Samuel Clark to pay in his or their proportion as aforesaid, shall neglect or refuse to make payment thereof, then it shall and may be lawful for the said collector to make distraint for the same, attending the rules of the law for collectors of towns and ministers rates. And this Assembly do now further grant to the said town of New Milford, that they be exempted, and they are hereby exempted, from paying any publick dues or taxes for the space or term of two years now next coming.

Whereas the inhabitants in the north-east parish of Windham made application to this Assembly in May, 1718, for a tax or assessment of ten shillings upon every hundred acres of unimproved land within said parish for the space of four years, and this Assembly granting the request of said inhabitants, as by an act past by this Assembly October the 9th, 1718, and this Assembly giving no power for the gathering said tax: It is now enacted and ordered by this Assembly, that the tax or assessment of ten shillings, money, shall be paid in the month of December until the whole of said tax be paid; and that the remainder of said money, viz. what is not yet paid, shall be paid unto Mr. William Avery and Mr. Thomas Marsh and Mr. Nathaniel Kingsbury, who are appointed by

this Assembly to receive the said money and to dispose of the same for the use of the parish, according to the act of this Assembly; and that said committee shall give publick notification, by setting up a note upon the sign post in Windham at least twenty days before the payment of said money or tax, that so all the proprietors or owners of any land within said parish may pay their just proportion according to the act of this Assembly. And if any of the proprietors or owners of any of the lands within the parish aforesaid do neglect to pay their just proportion, according to the intent of this Assembly, that then the committee abovesaid shall have full power, by a writ signed by lawful authority, to make distress, in any part of this government, upon the goods or estate of the persons abovesaid, or said lands within said parish, and dispose of the same according to law for paying said tax, returning the overplus, if any be, to the owner.

Upon the petition of Joseph Geer of Preston, shewing that this Assembly in October 8th, 1691, did grant to Mr. Nathaniel Nyles one hundred and fifty acres of land, and said Nyles having passed over said grant to Major James Fitch, and said [276] Fitch having passed over the same unto said Geer, || and that it has not yet been laid out, praying that some suitable person may be appointed to lay out said grant: This Assembly grant liberty unto the said Joseph Geer to procure the surveyour of New London county to lay out the said land, in any ungranted lands of this Colony within the county of New London.

On the petition of the inhabitants of Potapaug, &c. in Seybrook, to be allowed a distinct parish: Resolved, that if the rest of the inhabitants in said town and those at Potapaug do not, at or before the last of March next, agree on the desired bounds of the said parish, or others instead of them,—James Wadsworth, Esqr, Mr. Moses Noyes and Capt. Janna Meiggs, shall be a committee, they or any two of them, at the desire and charge of the petitioners, to view the lands within the said desired bounds, and consider them for quantity, quality and situation, and report to this Court in May next how they find the same, that the capacity and conveniency of it to be formed into a parish, may be better known to the Court. And the said committee, or any two of them, shall, at the desire and charge of the other inhabitants in said town, view in like manner the remaining lauds in said town, as to their quantity, quality and situation, and report to this Court at the same time how they find the same, that the settlement of a parish

according to the petition may not be made to the prejudice of the present settlement of the said town.

Upon the petition of the inhabitants of the parish in the east part of the town of Lyme, praying that the bounds of said parish may be settled: It is granted and resolved by this Assembly, that the bounds of said parish shall be as followeth: beginning at the sea, at the mouth of the river commonly known by the name of Four Mile River, thence running northwardly by said river till it cometh to the road that crosseth said river, which road leads from New London to East Had-dam; and from thence a straight line to James Harriss' house, until it comes to Colchester line; and thence running eastwardly to Lyme northeast corner bound; and from thence running southwardly by the dividing line between New London and Lyme until it cometh to the sea; and from thence running westwardly by the sea to the first station.

On the petition of Robert Allyn of Groton *versus* Robert Stoddard of the same place, complaining that in an action of trespass for matters done on a certain tract of land in said town bro't against him by said Stoddard and finally issued at the superiour court holden in New London in September last, to which the petitioner pleaded not guilty, and judgment [277] || went against him, praying, for reasons alledged, a reversion of said judgment and another hearing: it appears on the arguments of both parties in the said petition being heard, that the petitioner offering in said court to produce his title to said land in evidence on the said general issue, it was refused, upon a clause in a law entituled An Act for explanation and in addition to an act entituled An Act for regulating jurors and witnesses in civil causes, pleas in abatement of writs, and joyning issues, wherein it is enacted that the defendant shall have liberty to give any matter in evidence upon it (in the general issue) excepting only that which he might have fairly pleaded in his justification; which last words were understood to prohibit the giving of his title in evidence, because it might fairly be pleaded in his justification as was supposed; and the said title being thus refused in evidence, judgment final was given against the petitioner: whereupon the petitioner, conceiving that understanding of the said clause in said law to be erroneous, prays that the said judgment be made void and the petitioner allowed another tryal: This Court has considered and resolved, that the aforesaid clause, viz., Excepting only that which he might have fairly pleaded in his justification, does not exclude any person from bringing any matter whatsoever in evidence on a general issue which

has a rational tendency to maintain the said issue, but only such matters as he cant take the benefit of as evidence on the general issue, which therefore must be specially pleaded ; and thereupon resolve, that the said judgment, and all proceedings thereon, be reversed, and the prayer of the petitioner for another tryal, at the superiour court to be holden in New London in March next, granted ; that the parties take notice thereof accordingly, and that the whole costs shall follow the issue of the case.

This Assembly grants liberty and full power unto Ruth Colt of Windsor, administratrix on the estate of Joseph Colt, late of Windsor, deceas'd, to sell the lands of said deceas'd, and with the produce thereof pay the just debts of said deceas'd ; taking the advice and assistance of Samuel Elmor of Windsor in the sale thereof.

This Assembly do establish and confirm Mr. John Hart of Farmington to be Lieutenant of the first company or trainband in the town of Farmington, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Wadsworth to be Ensign of the first company or trainband in the town of Farmington, and [that] he be commissioned accordingly.

Ordered by this Assembly, That Mr. John Whiting, Treasurer, be sent for to this Assembly, and that he attend as soon as may be, and bring with him what money that he hath in his hands that he hath received upon the account of rates and sale of publick lands, and also what he hath received upon account of the duty laid upon goods, &c.

[278] *Ordered by this Assembly,* That Mr. John Whiting, Treasurer, pay unto John Burd, who carries the order from this Assembly unto the said treasurer for the said treasurers attendance, the sum of five shillings out of the treasury.

This Assembly do establish and confirm Mr. Benjamin Huitt of Stonington to be Lieutenant of the second company or trainband in the town of Stonington, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezar Billings of Stonington to be Ensign of the second company or trainband in the town of Stonington aforesaid, and that he be commissioned accordingly.

Upon the petition of Joseph Church of Groton, setting forth to this Assembly that he had been at very great charge in providing for his brother-in-law, Wait Singleton, deceas'd, in

his last sickness, (which was long and tedious, both as to medicine and tendance,) praying liberty to sell two rods of the Mill Cove Bank in New London, which belonged to the said Singleton, and was given to him by his father, Richard Singleton, to answer the said charge: This Assembly grants liberty and full power to the said Joseph Church to sell the said two rods of said bank, for defraying the charges aforesaid.

Upon the petition of James Avery, Samuel Fish, &c., proprietors and inhabitants of the town of Groton *vs.* the town of Groton: Resolved by this Assembly, that such of the common lands referred to in the said petition as lay in common at any time since the first day of January last past shall still lye and remain to be common, notwithstanding any action of the said town of Groton respecting the same since that time. *Cost allowed petitioner is £2 7s. 6d.*

Upon the petition of David Ayers against Edward Denisson: It is enacted by this Court, that the petitioner shall have another tryal of the cause at the superiour court at New London in March next; in which if the judgment shall go in his favour, he shall have all his just costs expended in the suit from the beginning, allowed to him, including also what he has paid in compliance with the judgment of the superiour court of September last: but if the judgment be in favour of the said Denisson, then he shall recover costs of the petitioner.

A Question put, whether a clerk chosen by the proprietors of any common field, and sworn as the law directeth, be not a lawful clerk of said proprietors until another person be chosen by said proprietors and sworn as aforesaid, altho he be not chosen and sworn every year: Resolved by this Assembly in the affirmative.

[279] An Act for the Preventing the Small Pox being spread in this Colony.

Whereas, notwithstanding the proclamation issued out by the Governour and Council for the preventing pedlars and petty chapmen bringing in said distemper in this government, evil minded persons have carried goods from town to town, and have vended them in many places of this Colony, to the great hazard of his Majesties good subjects: For the preventing of which danger for the future,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any pedlar, hawker or petty chapman, that useth or shall use the trade of carrying goods from town to town or from house to house, shall bring into any place within this Colony, or shall sell, or shall offer to sell, any goods in any

place whatsoever within this Colony, shall pay a fine of ten pounds; one-half whereof shall be to the county where the offence shall be committed, and the other half to the person that shall prosecute to effect. All breaches of this act to be prosecuted before the county court in the county where the offence shall be committed, which court shall not allow of or grant any appeal or review in any such case.

And it is hereby enacted, That this act shall take place from and after the first day of November next, and continue in force for three years, and no longer.

An Act for the more effectual Preventing the Profanation of the Lord's Day, and any Disturbance of the Publick Meetings by Law established or allowed for Divine Worship.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, That each town at their annual meetings in December shall choose two or more Tything Men in each parish or society for divine worship within said town, who shall forthwith be sworn to a faithful discharge of the work hereby allotted to them, or if they neglect or refuse to take said oath shall pay a fine of forty shillings to the treasury of said town, to be recovered in manner as other fines.

And it is hereby enacted, That each of the grand-jury-men and the said tything-men and constables of each town shall carefully inspect the behaviour of all persons on the sabbath or Lord's day, especially between the meetings for divine worship on the said day, whether in the place of such publick meeting or elsewhere, and due presentment make of any profanation of the worship of God on the Lord's-day, or on any day of publick fast or thanksgiving; or breach of sabbath which they or any of them shall see or discover any person to be guilty of, to the next assistant or justice of the peace; who is hereby impowred, upon such presentment to him made, to cause such offender to be brought before him, and, upon due conviction of such offence, to impose a fine upon him to the [280] treasury of said town, not exceeding five shillings || in money.

And it is hereby further enacted, That each grand-jury-man, tything-man or constable, shall be allowed two shillings *per diem* for each day he spends in prosecuting such offenders; to be paid by the person offending or the parent or master of such person; and upon neglect or refusal of payment thereof, or of other charge of such offenders or delinquents prosecution, such assistant or justice of the peace shall grant execution for the same against such person or his parent or master.

Provided, That no person prosecuted on this act shall be

charged with more than for one person prosecuting him for such offence.

Provided, That all presentments for any of the aforementioned offences be within one month after the commission thereof.

And it is also hereby further enacted, That whensoever any person shall be lawfully convicted of any offence against this act, or any other act provided for the punishing of any profanation of the sabbath, or of any disturbance to any congregation allowed for the worshipping of God, during the time that they are assembling for and attending on such worship, and shall, being fined for such offence, neglect or refuse to pay the said fine or present some estate on which execution for said fine may be levyed, such court, or assistant, or justice of peace, before whom such conviction shall be had, are hereby impowred to sentence such offender to be publickly whipp'd with any number of stripes not exceeding twenty, respect being had to the nature and aggravation of such offence.

Provided, and it is hereby provided and enacted, That if any children or servants, not of the age of discretion, shall be convicted of any of the offences mentioned in this act, they shall be punished therefor in such manner and way as is provided for their punishment when convicted of lying, and in no other way. As also, that no execution shall be served on any parent or master, by virtue of this act, for the fault of any child or servant, within one month next after such child or servant shall be convicted of such fault.

Upon the petition of Isaac Turner, junr, and Joseph Potter, junr, of New Haven, praying the favour of this Court in consideration of lameness in their hands: This Assembly do exempt them from being listed for their polls in the publick list.

This Assembly do establish and confirm Mr. Samuel Pettybone of Symsbury to be Ensign of the south company or trainband in the town of Symsbury aforesaid, and that he be commissioned accordingly.

Upon the petition of William Stannerd, this Assembly grants liberty and full power unto Mr. Daniel Buckingham, William Tulley and Samuel Pratt of Seybrook, to sell so much of the lands of Joseph Stannerd formerly of said Seybrook, [281] || deceas'd, referr'd to in the petition, as may be sufficient to satisfy the sum of six pounds and three pence, allowed by the probate for administration charge.

An Act for Altering the Time for Holding the Superior Courts in the County of Fairfield, New Haven and Hartford.

Whereas of late years it has been found that the time for holding the superior court in the county of Hartford has been too much straitened, divers persons after having waited till the last day of the courts sitting have had their actions continued till the next term, which has greatly inanced the charge and has proved very inconvenient: And whereas the altering the time for holding the superior court in the county of New London, and appointing it to be held a week later than the time already stated, would interfere with the county court at New Haven in the spring and with the General Court in the fall,

It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the time for holding the said court in the county of Fairfield shall be the last Tuesday of February and on the last Tuesday in August annually; and the time for holding the superior court in the county of New Haven shall be on the first Tuesday in March and September annually; and the time for holding the superior court for the county of Hartford shall be on the second Tuesday in March and September annually; any former law, usage or custom to the contrary notwithstanding.

And all parties concerned in any actions depending in any of the said courts, either by continuance, or review, or otherwise, shall appear at the said courts in February and March next in the said respective counties, under the penalty of forfeiting any obligation or recognizance conditioned for their prosecution of their reviews at the superior courts in the aforesaid counties of Fairfield, New Haven and Hartford, in March next, as has been usual. Provided, that such party or parties be now within this Colony, or shall come into it eight days before the sitting of the said superior courts now stated as aforesaid; and if any of them shall not return by that time, it shall then be in the power of the said court to continue the cause wherein they are concerned to the next superior court in that county. And all bonds and recognizances taken by any county court, assistant or justice of the peace, for misdemeanours and for the appearance of any criminal at the superior court in either of the aforesaid counties as already stated by law, shall be and hereby are made returnable to the superior courts in the counties aforesaid in February and March next as now stated; and the person or persons bound over thereby shall appear at the said superior courts in the said

respective counties as now stated by this act, and answer for the misdemeanour charged on them, under the penalty of forfeiting their bond or recognizance aforesaid.

Resolved by this Assembly, That the judges holding the superiour court in the county of Hartford in March next shall be allowed the usual fees paid by the parties in all those actions that shall be heard and determined by them in that week now added to the time for holding the said court within the said county, over and above their salary as already stated by law.

[282] *Resolved by this Assembly,* That for the future the town clerk in each town in this Colony shall annually in May send to the Treasurer the name of the person in their town who is chose a constable to gather the country rate.

This Assembly exempt Timothy Brunson of Woodbury from paying rates for his poll, in consideration of his lameness.

Resolved by this Assembly, When any justice of the peace upon a tryal before him has given judgment for any sum of money to be paid, and before execution be taken out thereon is removed by death or otherwise, the party recovering such judgment shall have liberty, at any time within twelve months after such removal, to bring a *scire facias* to the next county court, in said county where such justice did or does live, against the person or persons against whom he has recovered such judgment; and upon his producing the record of the said judgment, or a copy thereof, in said court, attested by the person making it, shall have execution thereon granted him by said court for so much of the said sum as it shall appear to the said court remaining unpaid, and for the costs arising upon the said *scire facias*.

An Act in Addition to and for Explaining an Act entitled An Act for the better Ordering and Regulating Societies and Parishes, and for the Support of the Ministry and Schools there.

It is resolved by this Assembly, That every collector, chosen by any society or parish, that shall refuse to serve therein, such collector or collectors so refusing shall suffer the same penalty as is provided by law in case of town officers refusing to serve.

Upon consideration had on the petition of Samuel Hawley, jun^r, against Robert Wheelar: Resolved by this Assembly, that the lands of Daniel Bennett, deceas'd, who is mentioned in the said petition, are liable to pay his debts; and that the heirs of the said deceas'd having entered upon them shall be notified, together with the administrator, to appear at the General Court to be held at Hartford in May next, to shew cause, if any they have, wherefore execution should not go forth

against the said heirs to satisfy the debt due to the said Hawley; and that all further proceedings on the petition aforesaid be referred to the said General Court in May next.

Upon hearing of what has been offered on the petition of the proprietors of Colchester against the heirs of Jeremiah Addams, relating to an act of this Assembly passed last May, ordering a committee to lay out to the said heirs, in the undivided land within said town, || two shares or allotments, viz: one two hundred pound right, and the other one hundred pounds right, which has been alledged prejudicial and destructive to the right of said proprietors as the said act may be and is commonly understood; and that if the heirs of the said Jeremiah Addams may be supposed to have a common right with the said proprietors in the lands referred to, yet that the quantity, which may seem to be intended to be laid out to them by said act or order, far exceeds a just proportion: It has been considered and resolved, that the further hearing of this petition and resolution thereon be referred to the General Assembly in May next, that the Assembly, upon a more full consideration of the said act or order and whatsoever the parties to the said petition may think good to offer thereon, may be the better able to resolve what is most just and equal to be done therein; and the said committee shall suspend all further proceeding upon the said act till the further order of this Court.

Upon the petition of the proprietors of Plainfield *vs.* town of Canterbury: Resolved by this Assembly, that the records of the town of Plainfield respecting the lands lying betwixt the dividant line of Plainfield and Canterbury (as last stated by the General Assembly) and Quinabaug River, which was made before the said stated division, shall be no ways invalidated by said act dividing the said townships.

Upon consideration of the petition of the town of Litchfield against the town of Waterbury: Resolved by this Assembly, that Capt. James Wadsworth and Mr. Hez. Brainerd, at the cost and charge of the petitioners, be a committee who, with the assistance of Thomas Kimberly, surveyour of the county of Hartford, to measure and state the bounds between Waterbury and Litchfield according to grant and patent, and make report of their doings to this Assembly in May next.

This Assembly grants unto Colo William Whiting and Charles Whiting the sum of ten pounds out of the publick treasury of this Colony, as a reward of their good service expressed in their memorial laid before this Court.

Upon the petition of Andrew Hinman, shewing that he has purchased of Martin Kellogg a grant of one hundred acres of

land, praying liberty to lay out the same: This Assembly grant liberty unto the said Hinman to take up the said hundred acres of land in the ungranted lands of this Colony on the west side of Ousstatunnuck River, and that he procure the surveyour of Hartford county to lay out the same.

An Act for the better Regulating the Duty of Impost upon Rhum.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of November next, all masters of vessels or other persons importing any rhum into this Colony shall, in the first port where he shall enter his said vessel and before such entry, produce to the naval officer of [284] the said port a true invoice of || the number of gallons of rum imported in such vessel, to which he shall make oath before the said naval officer, in manner following:

You A. B. swear by the living God, that the invoice now produced by you is a true invoice of the quantity of gallons of rum now imported in your vessel: So help you God.

Which naval officer is hereby impowred to administer the same. And the said master or importer shall pay to the said naval officer four pence per gallon for every gallon of rum so imported by him as aforesaid, excepting only such rum as shall be imported directly from the West Indies in some vessel part owned by one or more inhabitants of this Colony, in which case the master or importer shall pay three pence per gallon and no more, anything in this act beforementioned to the contrary notwithstanding; one-tenth part of which duty shall be to the said naval officer, and the remainder to be paid by the said naval officer to the treasurer of this Colony for the use of the Colony. And all such masters or importers of rum as aforesaid shall be allowed for waste five per cent. for every hundred gallons imported directly from the West Indies, and two per cent. for every hundred gallons imported from the neighbouring governments. And whensoever it shall so happen that the said master or importer shall not have the ready money to pay the duty aforesaid, he shall become bound to the treasurer of this Colony to the use of the said Colony in a bond to double the value of the said rum, conditioned for the payment of the said duty or for the carrying or transporting the said rum or causing it to be transported out of this Colony to some other market within two months then next coming; and in case it shall be so transported, the said master or importer shall produce a certificate thereof under oath to the said naval officer from some assistant or justice of the peace that he has so exported the said rum as aforesaid; and that all owners of

rum for which the aforesaid duty has been paid shall, upon the exportation and producing a certificate thereof as aforesaid, be allowed a drawback of the whole of the duty which has been paid for the said rum so exported, excepting only the officers fees.

And it is further provided, That all such rum as shall be imported or brought into this Colony and landed or offered to sale in any of the roads, harbours, creeks or rivers thereunto belonging, without first paying the duty aforesaid to some naval officer of this government, shall be forfeited, the one-half to the informer that shall prosecute the same to effect, and the other half to the use of this Colony. And whensoever any person shall inform any assistant or justice of the peace of the breach of this order, he shall forthwith grant a writ to the sheriff or constable, commanding them to make diligent search for the same, with power, if need be, to break open any house or vessel or other place to make search in any suspected place, and to seize the said rum and secure the same till the [285] next county court in the county where it shall be taken, who shall declare the same to be forfeited, unless the owner thereof shall by producing a certificate from the naval officer, that the duty laid by this act has been actually paid for the same according to the true intent and meaning thereof, and make oath that the rum for which the certificate is produced is that very rum for which the duty has been paid, or otherwise shew to the satisfaction of the court that the duties laid by this act have been truly paid. And all naval officers, sheriffs, constables and grand-jurors, are hereby strictly charged to make diligent enquiry after, and make true information of all breaches of this act.

And it is hereby further enacted, That all other acts of this government relating to the duty of impost on rum, now in force, shall be repealed, and the same are hereby repealed and made void.

Provided also, That what shall be gained by the impost on rum for two years next coming shall be applied to the building of a rectors house for Yale College.

Upon the petition of Yelverton Perry, this Assembly grant him the sum of forty shillings out of the publick treasury, allowed him for the loss of a gun when taken captive by the enemy at Port Royall.

This Assembly do establish and confirm Nathaniel Foot of Colchester to be Ensign of the town company or trainband in Colchester aforesaid, and that he be commissioned accordingly.

Whereas there hath been several orders from this Assembly respecting the erecting and settling a wharf at Seybrook ferry, for the convenient passage for travellers, to be erected and compleated by Mr. Stephen Whittlesey and the widow Dudley, in equal proportion ; and the widow Dudley having done her part, and more than her part, as it was represented to this Assembly in May last ; and orders went from said Court that the said Whittlesey should forthwith compleat what remains yet to be done in compliance with the order of the committee, viz. John Hamlin and Richard Christophers, Esq^{rs}, appointed by this Assembly for the settling of that affair ; and also when the accounts were adjusted of all the charge of the whole work being compleated, said Whittlesey was to reimburse the said widow what she had done more than what said Whittlesey had done ; but said Whittlesey, notwithstanding the order of said Court, hath neglected to compleat said work, which is much to the damage of travellers, and may be more difficult as the winter comes on,

It is now ordered and enacted, That the said Whittlesey shall, within one month after the rising of this Assembly, compleat the said wharf according to the appointment above. And upon the said Whittleseys not complying herewith in every part as is above exprest, that then the abovenamed widow Dudley shall not only have the benefit of the use of the said ferry till March next, but till the end of the sessions of the General Assembly to be holden in May next, before which Court the said Whittlesey and Dudley are hereby ordered to lay the state of the ferry and wharf aforesaid, with their expence therein, that their accounts being considered and adjusted, such further order may be given as shall be found just [286] and requisite for || the safety and conveniency of such as have occasion to pass the said ferry. And the deputies of the town of Seybrook are ordered to give a copy of this act to each of the said persons, Whittlesey and Dudley, within four days after the rising of this Assembly.

An Act for Encouragement of the getting Bayberry
Tallow.

Whereas the gathering of bayberries at unseasonable times of the year hath been very much to the prejudice of sundry towns in this Colony, large quantities of them having been gathered before they are ripe or come to perfection : Which to prevent,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, That if any person or persons shall, at any time before the twentieth day of August annually, gather any of said

berries growing in any place of this Colony, he or they so offending shall pay a fine of two shillings and six pence for each peck of said berries gathered as aforesaid ; and *pro rato* for greater or lesser quantities ; to be to the treasury of the town where such berries shall be gotten. Any one assistant or justice of the peace to hear and determine all offences against this act.

Whereas this Assembly has been certified that the bridge between Stonington and Westerly is so far gone out of repair that the limbs and lives of travellers are endangered thereby, notwithstanding the provision made formerly by this Assembly for repairing it in conjunction with the government of Rhode Island, upon which nothing has yet been done : And whereas the Governour, upon correspondence with the government of Road Island for that end, has received a letter from Isaac Thomson, Esqr, of Westerly, a justice of the peace, signifying that the Assembly of Rhode Island has ordered fifteen pounds to be drawn out of the treasury of that Colony for repairing half the said bridge, and that he has the orders of that government to cause the said money to be applied to that service, if this government shall agree to repair the other half of the same : It is therefore ordered, that fifteen pounds in the whole shall in like manner be drawn out of the treasury of this Colony for the said end, and that it shall be put into the hands of Mr. John Noyes and Mr. Stephen Richardson of Stonington, who are hereby impowred to apply the said money to the said end, in conjunction with the said Thomson or any other person who shall be employed to apply the like sum to the repair of the said bridge on the behalf of the government of Rhode Island. And the said Mr. Noyes and Mr. Richardson are hereby ordered to use their best endeavours to cause the said repair to be made as soon as may be, and in the mean time to [287] endeavour that the said bridge may be || so barricaded at each end as to prevent the hurt which travellers are in danger of.

And whereas it was ordered by this Assembly in October last, that the town of Stonington should be at all the charge for repairing one-half of the said bridge above the sum of ten pounds which was then ordered to be drawn out of the publick treasury for that end : It is now ordered, that, instead thereof, the townsmen or selectmen of said Stonington do raise, in the usual manner upon the inhabitants of said town, the sum of five pounds in money, and cause the same to be paid into the treasury of this Colony at or before the first day of May next.

Upon consideration of the petition of John Bell and Nathan Sellick against the proprietors of Rocky Neck Field in Stan-

ford: Resolved by this Assembly in the negative, and the petitioners ordered to pay cost, which is allowed to be £0 17s. 8d. *Execution granted June 1st, 1722.*

Upon the petition of the town of Preston *vs.* the town of Voluntown: The question being put, whether the prayer of the said petition should be granted: Resolved by this Assembly in the negative, and the petitioners ordered to pay cost, which is allowed to be £1 14s. 2d.

Whereas by the report of the treasurer of the county of Hartford, it appears to this Assembly that the county court for the said county, at their sessions Febr'y 9th, 1719-20, ordered a tax or rate of a half penny on the pound to be levied on the polls and rateable estate in said county, for the building a court house at Hartford, according to the act of the Assembly, October, 1719; and that the constable of East Haddam hath endorsed upon the writ directed to him for collecting said rate, that the list of the polls and rateable estate within his precinct is lost: It is now ordered and enacted, that the inhabitants of East Haddam shall pay a rate or tax of a half penny on the pound in money, to be levied upon the polls and rateable estate there according to the list of this present year, to be collected by the constable of East Haddam who gathers the country rate on said list, and to be by him paid to the treasurer of said county; and the treasurer of said county is hereby ordered and directed to issue out his warrant to said constable in usual form for the collecting and paying said tax. Provided, that what the half penny on the pound raiseth in the whole more than what was ordered by the county court (referred to,) to be levied, shall be paid into the town treasury, to be to the use of the said town on the said east side.

Whereas Mr. Agent Dummer has desired that an account of the payments of his salary heretofore made may be adjusted: Ordered by this Assembly, that William Pitkin, Esq^r, Capt. Hez. Wylls and Mr. Thomas Seymour inspect and draw up the same, to be laid before this Assembly in May next.

This Assembly grant to his Honour the Governour two hundred pounds out of the treasury, to be paid in bills of credit, for his salary this present year.

This Assembly grants his Honour the Deputy Governour [288] || the sum of fifty pounds out of the treasury, to be paid in bills of credit, for his salary this present year.

This Assembly grants Mr. Green, the printer, the sum of twenty-five pounds out of the treasury, to be paid in bills of credit, for part of payment towards his years service.

This Assembly grants Mr. Secretary Wyllys the sum of eight pounds, to be paid out of the treasury for his salary for this present year, to be paid in bills of credit.

This Assembly grants Mr. Hez. Brainerd, for his service as Speaker of the House of Representatives this present sessions, the sum of thirty shillings out of the treasury.

This Assembly grants to Mr. Thomas Kimberly, for his service as Clerk of the said House for this sessions, the sum of twenty-five shillings out of the treasury.

This Assembly grants the officer that attended the House of Representatives this sessions the sum of three shillings *per diem*, out of the treasury, and, for other extraordinary service, to the said officer the sum of five shillings.

Ordered by this Assembly, That the petition of Sam^l and Joseph Burnham *vs.* Sam^l Tudor be referred to the further consideration of this Assembly in May next.

The memorial of the North Parish in New London is ordered by this Assembly to be referred till the sessions of this Court in May next.

The memorial from the parish called Repton is referred to be further considered at this Assembly in May next.

The memorial from the East Parish in Lyme is referred to be further considered by this Assembly in May next.

This Assembly appoint Capt. Daniel Brewster and Mr. John Brown to be Justices of the Peace for the county of New London.

An Act referring to the Bills, Money and Grain in the Treasurer's Hands, brought in by a Rate made in October, 1720.

It is ordered by this Court, That one thousand two hundred pounds, as received into the treasury by means of a rate granted by this Assembly in October last for the levying of two pence upon the pound on polls and rateable estate in such manner as was therein provided, shall be issued by the treasurer for the payment of the debts of the Colony, according [289] || to such lawful orders as he shall receive for the same. And the treasurer shall, at the next audit, give a true account how much he received of the rate aforesaid in bills of this Colony, in order to allow the twelve pence on the pound advance that the said bills were received at.

It is also ordered, That the grain, which shall remain in the hands of the treasurer after the present debts of the Colony are paid, shall be disposed of by the treasurer, or others appointed by him, for as much as it will fetch in money. Provided it be not less, clear of all charges, than it has been taken

at; and if it will not fetch so much, it shall lie under the care of the treasurer in the places where it now lies, until further order from this Court; and the money for which the grain shall be sold, and the residue of the bills, shall remain in the hands of the treasurer until further order from this Assembly.

Resolved by this Assembly, That his Honour the Governour be desired; and he is hereby desired, that when his Honour shall meet with this Assembly to be holden at Hartford in May next, he come prepared to lay before this Assembly the account of his disbursements for the money put into his hands from time to time for the management of the publick occurrences, that so that account between his Honour and this Colony be adjusted.*

The whole records of the acts of the Assembly, as they stand entered in the pages next preceding, were read in the presence of both Houses, and ordered by the Assembly to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secretary.

This Court is adjourn'd till the Governour or Deputy Governour shall see cause to call them to meet again.

[195] AT A MEETING OF THE GOVERNOUR AND COUNCIL AT NEW HAVEN, OCTOBER 14TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

William Pitkin,	} Esq'rs, } Assistants.	John Sherman,	} Esq'rs, } Assistants.
Joseph Curtis,		Roger Woolcot,	
Peter Burr,		Jonathan Law,	
Samuel Eells,		James Wadsworth,	
Mathew Allyn,			

Upon a report made to the board that John Rogers, sen., of New London is returned from Boston, sick of the small pox, to his own, and his son John Rogers, jun., his family, consisting of upwards of twenty persons, and that there is great danger of many persons going thither, and other managements, whereby the neighbourhood may be infected with that distemper,

[196] *Resolved,* That there be provided and impressed three, and if need be four or more persons, to reside at the said Rogers's, who may be helpful to the sick, and take effectual care to prevent all communication between any in that family and other persons, and give immediate notice thereof to the next authority, if any such should happen; and that the persons so taken and appointed to tend there do constantly attend that service till discharged by authority.

* The account rendered by the Governour in May, 1722, may be found in *Finance & Currency*, I., 251.

Resolved, That John Rogers, jun., and all other persons belonging to that family, be warned not to travel from the place of the said habitation till leave is granted them by the next assistant or justice of the peace.

Ordered, That a letter be written to Richard Christophers, Esq., desiring him to take effectual care and give necessary orders, that these resolves of the Council be duly observed.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN,
OCTOBER 18TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

John Hamlin,	} Esq'rs, Assistants.	Joseph Talcot,	} Esq'rs, Assist'nts.
William Pitkin,		John Sherman,	
Peter Burr,		Roger Woolcot,	
Samuel Eells,		Jonathan Law,	
Mathew Allyn,		James Wadsworth,	

Upon reading a letter sent the Governour by Richard Christophers, Esq., setting forth the disorders of many in and about the house of John Rogers, sen., of New London, sick of the small pox, whereby there is great danger of that distempers spreading,

Resolved, That a sufficient number of men be impressed, as occasion may be, to maintain a constant watch and ward in or about the said house, who shall seize all persons that shall not duly conform to the orders given them pursuant to the law, in such case provided, and have them before some authority, who shall confine them in a suitable [197] || house, under a sufficient guard, to be impressed for that end if need be, where they may be secured and prevented from spreading the distemper by their disorder.

Resolved, That all dogs belonging to said house, or commonly resorting thither, be forthwith destroyed, and that on the refusing of the owners to kill them, other persons be caused forthwith to do the same.

Resolved, That a copie of the preceding orders be forthwith transmitted to Richard Christophers, Esq., with express command from the Governour to cause the same to be duly observed.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, OCTOBER 31ST, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

	Richard Christophers, Esq.,	Assistant.
Jonathan Prentts, Esq.,	John Pickett,	
Christopher Christophers,	John Gardiner,	

It appearing, on examination, to this board that several persons, followers of John Rogers, late of New London, deceased, have, contrary to express orders given them to the contrary, presumed to go into the

company of such as belong to the family or live in the dwelling-house of the said John Rogers, who dyed there of the small pox, and where there are now several persons sick with that distemper, by which means there is danger of the said distempers spreading from that family to other families in the town :

It is resolved, That express orders be renewed to the said persons, that they presume not upon any terms to have any communication with any persons belonging to said family, or to come near them, as they would escape the penaltie of the law in such case provided.

[198] *And particularly, it is ordered,* ¶ That John Colver of Groton, and his wife, John Waterhouse and his wife, of the same town, Josiah Gates and his wife, of Colchester, John Bolles and his wife, of New London, who have at several times discovered much stupidity and stubbornness, in refusing to conform to such orders, be charged that they repair to their several places of abode, and do not presume to admit of any communication between them, or their children or servants, with any of the said family, or persons serving as tenders there, or go from the town or places of their dwelling to any place whatsoever, where they may have such dangerous communication with those that are sick, or any keeping in the said family, unless sent or ordered so to do by some in authority, and under such caution or direction as they shall give to them, to prevent their being infected or infecting others.

It is also hereby ordered, That if any of the said persons shall hereafter act contrary to any former orders given them, or to these which are hereby ordered to be given them, or may hereafter for the same end be given them, and persist in their stupidity and obstinaey, they shall be immediately put up in some suitable place and confined there under a sufficient guard, at their own charge, until such time as they may safely be admitted to go at large without any hazard of their spreading the infection by such disorders.

Whereas it appears that a meeting of the selectmen of the town is necessary in order to their taking care of the sick family of said Rogers and his son John Rogers, as also of the family of the widow Comstock, which has been shut up on the account of the small pox : It is hereby ordered that Richard Dowglass, one of the said selectmen, do give notice to the rest, that they forthwith, or as soon as may be to-morrow, meet and consider what is fit to be done for such as are confined in the said families, and take care both for the tendance of the sick, and that they may be supplied with food or physick, as there may be occasion ; and as they shall judge it needful, apply to authority for needful warrants for that end.

Ordered, That the clerk of the Council acquaint the said Dowglass with this order.

[199] Whereas the small pox is very much spread in the town of Boston, and there is the greater danger of its being brought into this Colony by goods from thence imported hither : that proper caution be taken therein,

Ordered, That no master be admitted to make an entry of his vessel, before he has produced under oath to the naval officer a true invoice of the whole lading, and also take the oath in this case provided concerning their care not to bring in their vessel any infected persons or

goods, and that they verily believe they have none such ; which oaths the naval officer is hereby impowered to administer to them.

That effectual care be taken that all goods which may be suspected to be infected shall be well aired, before they are admitted to be exposed to sale ; particularly, that a certain quantity of goods belonging to Mr. Edward Robinson, a person who has for some time resided in New London, and is brought into this port this day on board a sloop from Boston, whereof Mr. Jeremiah Atwater is master, be put into the possession of Richard Christophers, Esq., who is desired to give the necessary orders, and cause them to be sufficiently aired before the said Robinson or any other person be allowed to trade with them in the said town, or any other part of the Colony.

Ordered, That the clerk of the Council give notice to John Shackmple, Esq., collector, &c., of these orders of Council, concerning vessels importing goods from Boston, and for prevention of the small pox being brought in by them.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, NOVEMBER 4TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Jonathan Prentts, }	} Esq's,	Christopher Christophers,
John Plumbe, }		John Pickett.

[200] Whereas it appears to this board that there is great danger of the small pox being spread from the house of John Rogers, by reason of the unruliness of some there, who contrary to express order are said to go out of the bounds of the said John Rogers's farm to other places, and to transgress against other orders given to prevent the spreading of that infection: And whereas the sickness increasing in the said Rogers's house, there is the more need of having constant correspondence for supplying them with what they may need from time to time,

It is therefore ordered, That two suitable persons shall be provided and appointed to be constantly employed in the said service and attendance, who shall lodge at the house of Jonas Hamilton or John Bolles, and by relieving each other shall watch and ward night and day, and by coming as near to the house of said Rogers as they may without danger of infection, labour to understand the state of the sick there, and give information from time to time to Richard Christophers, Esq., of what they want, that care may be taken for their relief. And they shall also use all possible care to discover and prevent any such communication between those that belong to the said sick family or the family of Jackson, negro, living on the farm of the said Rogers, (who shall be warned to keep at home and not come out of the bounds of the said farm, or go into company of other persons than those that live upon it, without leave had of authority,) and any other person or persons whatsoever, and give immediate notice to the said Richard Christophers, Esq., in case of any such unlawful communication, or any

other transgression of any order given on occasion of the aforesaid sickness.

Forasmuch as it will be terrifying to many people, if any who should dye of the small pox at the farms should be brought into the town to be buried, and there would be great hazard of spreading the sickness thereby: It is therefore ordered, that if it should please God any persons should dye of said distemper at the house of John Rogers, where it now is, or on any other farm, care be taken, and such assistance as may be needful provided, for their decent interment in some suitable place on such farm; and that the corps of persons so dying shall [201] .|| not be brought into town.

Ordered, That the clerk of the Council sign a warrant directed to Jonas Hamilton and John Bolles, commanding them to entertain the persons appointed by this board to lodge there, as a guard against the danger of the infection.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, NOVEMBER 9TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*,
Jonathan Prentts, } Esq'rs. Christopher Christophers,
John Plumbe, } John Pickett.

Resolved, That the oaths appointed by order of this board of the 31st of October last, to be administred to masters of vessels before their entry, by the naval officer, shall be taken by the said masters before the Governour and Council, and an invoice of their lading there produced, instead of being done before the said naval officer, before the said masters are admitted to enter their said vessels.

Resolved, That the goods belonging to Mr. Edward Robinson, now in the care of Richard Christophers, Esq., shall be opened and aired upon Mr. Winthrop's neck, (provided he will give liberty,) by some meet person under oath, at the charge of the said Robinson, one fair day at the least.

[202] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, NOVEMBER 22D, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.
Jonathan Prentts, } Esq'rs, Christopher Christophers,
John Plumbe, } John Pickett.

Forasmuch as unless due care be taken there may be great danger of the small pox being spread from the house of John Rogers, son of John Rogers, in New London, by the tenders there, or by those of said Rogers's family, which are now recovering from that distemper,

It is therefore ordered, That neither the said John Rogers, nor any of his family, or any of the tenders that have been there to take care of the sick or do any service in the family during the said distempers being there, do presume to come to any house in town, or go out of the limits of the farm on which the said Rogers lives, or suffer any persons to come into their company, until such time as they are recovered to a good state of health and have taken effectual care to purge and cleanse themselves and their cloathing and bedding, and the house or place where the sick have been tended, from all dregs of the said distemper, and have thereupon obtained leave from the Governour and Council for their travelling from the said house and free conversing with other people, that by those means, if it please God, the town may be preserved from the distemper.

And it is further resolved, That Mr. Arnold and Taylor who have been improved in the care of the said Rogers's sick family, and to see that the orders of Council, for preserving the health of the town and colony from the infection there, were duly executed, do continue in the same care until the preceding order be fully performed.

[203] *Ordered,* That the clerk of the Council attest three copies of the above orders, and direct one of them to Mr. Arnold, another to said John Rogers, and the third to Mr. Jonas Green, a principal tender of the sick at said Rogers's, and cause them to be delivered to Mr. Arnold, who is hereby ordered to take care that the said Mr. Green have that directed to him, and that for said John Rogers to deliver to him as soon as he may be in a condition to receive it and take notice of the contents, and that the said Green publish his to the rest of the tenders.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, NOVEMBER 23D, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant.*

Jonathan Prentts, } Esq's, Christopher Christophers,
John Plumbe, } John Pickett.

This board being informed that Andrew Davis of Groton, who had been improved as a tender of those that were sick at John Rogers's in New London of the small pox, was contrary to express orders gone this day from the said house to his own house in Groton, by which means some of his own family may be now infected with the distemper, and other families in that neighbourhood be endangered:

Ordered, That the said Andrew Davis be prosecuted for his so going from the said John Rogers's contrary to order, that the penaltie by law in such case provided, upon his being convict, according to law, may be inflicted.

Ordered, That Mr. Edward Hallam go to-morrow morning to the house of said Andrew Davis in Groton, and enquire of him, what extraordinary occasion there was of his going from said John Rogers's (where he tended the sick of the small pox,) contrary to order, and

[204] without leave first had; || as also, what care he took at his so leaving the said house and the service there, to cleanse himself and his garments, that his family may not be infected by him.

And it is hereby also ordered, That the said Andrew Davis be confined to his own house and family, and do not presume to go to any other house, or into the company of any other person, without leave first had of the Governour and Council; and that the said Mr. Hallam signify this order of Council to him, and make return of his doing hereon to the clerk of the Council.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, NOVEMBER 27TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant.*

Jonathan Prentts, } Esq's, Christopher Christophers,
John Plumbe, } John Pickett.

Resolved, That John Campbell, Mrs. Dixon, and Mrs. Steell, three of the persons employed in tending those that were sick of the small pox in the family of John Rogers in New London, be discharged from that service, they washing and cleansing themselves from the dregs of the said distemper, according to the order of this board of the 22d instant.

Resolved, That the rest of the tenders (except such as this board shall order to remain there, to give intelligence to the Governour and Council, from time to time, as there may be occasion, concerning the care and means used by the said Rogers and family to cleanse themselves from the said infection) shall be discharged from their service there (they cleansing themselves in manner as aforesaid). Provided the said John Rogers will become bound with one sufficient surety to the treasurer of the county of New London, for the use of the said county, in the sum of one hundred pounds, with condition that neither the said John Rogers, nor any of his family, or any other person that [205] has been sick || there with the small pox, shall come to any house in this town, or go out of the limits of the farm on which the said John Rogers lives, or suffer any persons to come into their company, until such time as they are recovered to a good state of health and have taken effectual care to purge and cleanse themselves, and their cloathing, and bedding, and the house or place where the sick have been tended, from all dregs of the said distemper, and have thereupon obtained leave from the Governour and Council for their travelling from the said house and free conversing with other people.

Resolved, That Mr. Green do continue at the house of the said Rogers, and that Taylor shall still reside at the house of John Bolles and have such communication every day with the said Green, and Rogers's family, as that he may safely give the aforesaid intelligence to the Governour and Council as there shall be occasion; and that the said Green and Taylor shall not be detained at the said Rogers's

charge, provided the orders of this board for preventing the spreading of that distemper from the said house be duly attended.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, NOVEMBER 30TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant.*

Jonathan Prentts, }
 John Plumbe, } Esq's. Christopher Christophers.
 William Clarke, }

Capt. Joseph Allen, master of a sloop arrived from Boston where the small pox has long prevailed, produced a manifest or invoice of his lading, and made oath to the truth of it.

And, in order to prevent the conveying of that distemper to such places in the Colony as any parts of the said lading may be delivered at, which without due care there is great danger of:

[206] *It is resolved,* That all linen or woollen goods, or hair or leather, or goods in trunks or packs, the contents unknown, be carefully aired, and sufficiently for the space of ten days before they are allowed to be put into any shop or place to be sold.

Resolved, That what of such goods as are to be landed at this port be delivered into the hands of Richard Christophers, Esq., or his order, to be under his care till they shall be so sufficiently aired.

Resolved, That the said Allen be not admitted to enter his sloop 'till he has given bond to the value of five hundred pound, that such goods of said lading as are to be delivered at any other place or port in the Colony, shall not be landed till he has informed not only the naval officer of such port, but some assistant or justice of the peace, living in or near to the said place where the said goods are to be so landed, shewing them a copie of this resolve, (which the clerk of the Council is hereby ordered to deliver to him,) that they may take due care to have the said goods so brought on shore and aired before they are allowed to be sold, and that the goods shall not be landed but with leave of such authority, and that the said Allyn produce within three months from the date of the said bond, to the clerk of the Council, a certificate from such assistant or justice of the peace, of his leave for landing of said goods obtained as above, and of his landing them according to such leave and permission obtained.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, DECEMBER 1ST, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant.*

Jonathan Prentts, }
 John Plumbe, } Esq's, Christopher Christophers.
 William Clarke, } John Pickett.
 Timothy Pierce, }

Resolved, That Capt. Gross, and all other masters from Boston, [207] || shall be under the same regulation in order to their entry as Capt. Allyn was; and that the oaths appointed to be taken in Council by the said masters, shall for the future be administred before his honour the Governour and the naval officer.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, DECEMBER 14TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Jonathan Prentts, Esq., Christopher Christophers,

Robert Lattimore, Jeremiah Chapman.

Edward Robinson being before this board was informed that the Council had good grounds of suspicion that some of his goods brought into this port by Capt's Allyn and Gross, and ordered by the Governour and Council to be sufficiently aired for the space of ten days, were by him privately conveyed into his house or shop, contrary to the aforesaid order; and that if he would upon his oath declare what goods those were that were so privately carried to his house, and what care he had taken to air them, that it might be judged whether it be necessary to take any further care concerning them, his contempt and breach of the said order should be so far overlookt as that he should not be prosecuted for the same: but if he neglected or refused to make such declaration upon oath, he should be immediately confined with his family, and his house and shop should be shut up until further order from this board.

The said Robbinson did thereupon produce an invoice of the said goods as follows, vizt: Goods taken out of Mr. Hallams warehouse per Edward Robinson. Part of a ps of broadcloath, 5 ps callicoe, 3 ps camblet, 2 ps fustian, hats and 1 ps silk crape, buttons, mohair and silk, thread, spice, 3 ps and part of a piece of shalloon, 6 ps of garlix and Russia linen, 1 ps callaminco, 1 ps of worstead stuff, 1 ps of [208] worstead stuff, wearing cloaths, 2 ream || paper, some gloves, a ps worstead plush, silk ferrit laces, 4 ps taffetys, 3 ps sashen, tapes, 1 ps muslin, and 10 or 12 books; and made oath that the aforementioned goods are, according to the best of his knowledge, the whole of the goods imported for his account by Capt's Allyn and Gross, (except those that were aired by the men appointed to air them under oath, and such as were exempted from the order for airing;) and that the aforementioned goods were by him carried up into his garret and opened, singled or spread, and there aired with the windows open and the door of the garret lockt up, and no person suffered to go near them but himself.

Resolved, That all the goods aforementioned, which now remain in the said Robinson's hands, shall to-morrow morning be packt up into a trunk or trunks, and be by him delivered upon oath to the care of George Plumbé and William Davis, who are sworn to air his goods;

who shall receive them, and carry them to the storehouse of Mr. Edward Hallam, and take effectual care to air them as they have done his other goods, for the space of three days at the least, and make report of their so doing to the Governour and Council, for their further order.

Resolved, That the said Plumbe and Davis, upon their receiving from the said Robinson the aforesaid goods, shall deliver to him the goods they have already aired, which are judged to be sufficiently aired.

Richard Christophers, Esq., informing this board that he had sufficiently aired two pieces of bayes belonging to himself and Solomon Coite, which were brought into this port by Mr. Allyn: *Resolved*, that the said two pieces of bayes be delivered to the owners thereof, to be disposed of as they think fit.

Ordered, That two ps of bayes belonging to Christopher Christophers, and a parcel of paper belonging to Timothy Green, brought into this port by the said Allyn, and which have been sufficiently aired by men under oath, shall be delivered to the said Christophers and Green.

[209] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, DECEMBER 25TH, 1721.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Jonathan Prentts, Esq.,

John Pickett,

Christopher Christophers,

Richard Christophers, jun.

Ordered, That Deacon Green do to-morrow morning go up to the house of John Rogers, and by the best information he can get, from his brother and others that are there, make himself acquainted with the state of that family, and the care they have taken to purge themselves from the dregs of the infection; and if upon due enquiry he finds that effectual care has been taken, and that he judges there may be no danger of spreading the infection, by the peoples coming abroad or other persons going to the said house, he may signifie to his brother and Taylor who resides at the house of John Bolles, that they are discharged from any further service relating to the said family, and at the same time he is to caution his brother, that he cleanse himself and his apparel thorowly before he return to his family.

Whereas it has been shewn to this board that due care has been taken for the cleansing of the persons that are lately recovered from the small pox at the house of John Rogers in New London, as also their cloaths and bedding and other things in the said house, and the house itself, so that there is good grounds to hope that there is no danger of the distemper being communicated by them, or from the said house to any other persons or families: The said John Rogers and family are therefore hereby released from the confinement they were under, and have liberty to go abroad; provided only that the said Rogers take prudent care that neither he nor any of his family

do surprise, by coming too near, any persons (or their houses) who may [210] express any fear or concern least || they may be infected with the distemper by their so doing.

And it is hereby further ordered, That in case any difficulty should arise about the payment of such as were commanded and employed at any time before the 28th day of November last, to reside in the said house, or in the house of John Bolles, to be there serviceable, on the occasion of the said distemper at the said Rogers's house, between the said Rogers and them, or any of them, application be made to this board for further order therein.

And it is further ordered, That a copie of this order, attested by the clerk of the Council, be by him delivered to Mr. Green, that in case he finds upon enquiry the truth of the report made as abovesaid, concerning the cleansing of the said persons, &c. to be confirmed, he deliver the same to the said Rogers, as a testimony of his release from the said confinement.

Joseph Baker of Preston, having lost one of his legs (as he says) by a fit of sickness, and applying himself to this board for a brief:

It is resolved, That the justices and selectmen of Preston do enquire into the charge which the said Baker has been at upon the account of his lameness, and make report to this board of what they find remains unpaid, and of the circumstances of the said Baker, with respect to his estate, ability, industry, &c., that they may act thereon accordingly.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JANUARY 8TH, 172 $\frac{1}{2}$.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant.*

Jonathan Prentts,	} Esq's.	Christopher Christophers,
John Plumbe,		John Pickett.

[211] *Resolved,* That the Council will next Thursday at two of the clock, at the house of Capt. Christophers, hear John Rogers and such as were appointed on service on occasion of the small pox at his house, who have not received satisfaction from him, in order to their stating what allowance should justly be made them.

Whereas after there was no further occasion for tending of any persons sick of the small pox at the house of John Rogers, the charge of which properly belong'd to him to defray, it was thought necessary for some extraordinary reasons, and in order to prevent the small pox from spreading in the town, to appoint Mr. Jonas Green and William Taylour should be employed for that end, who were accordingly employed one month: Resolved, that forty-eight shillings to each of the said persons may be look'd on as a reasonable allowance for the said service; in all 4*l.* 16*s.* 0*d.*

A letter from the selectmen of the town of New London, dated this day, directed to the Governour, was read in Council, and the reasons contained in it why the said charge of four pound sixteen shillings

should rather be charged on the Colony than on the town, were considered: And it was thereon considered that on such occasions where there has been any guard, or such like care, made use of to prevent the spreading of an infectious distemper in any town, it has been at the charge of the town whose safety was immediately concerned therein, and not of the country: And it is therefore resolved, that the said town, which by the good providence of God has been preserved from the danger, shall defray the charge of the said guard or security out of their common treasury; and that the clerk of the Council deliver to Richard Dowglass, one of the townsmen, a copy of this order, to be by him communicated to them, that due care may be speedily taken about the same.

Having by an express obtained the concurring opinion of several of the assistants: It is resolved, that the Honourable Gurdon Saltonstall, [212] Esq., Governour, do sign a blank, and inclose it || in a letter to our agent, Jeremiah Dummer, Esq., in London, that when he has received of Mr. John Borland, late agent of Annapolis Royall, or secured the payment of so much sterling as he shall judge equivalent to the sum of seventy-nine pounds seven shillings New England money, to be to him made, for the use of the Colony, he shall then fill it up, with a proper receipt of the said sum received here of the said Mr. Borland, for provisions and stores which belonged to the said Colony, and deliver the said blank so filled up to him the said Borland.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JANUARY 11TH, 172 $\frac{1}{2}$.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant*.

Jonathan Prentts, } Esq's, Christopher Christophers,
John Plumbe, } John Gardiner.

Pursuant to the order of Council of the 8th instant for hearing John Rogers and such as were appointed on service, on occasion of the small pox at his house, who have not received satisfaction from him: It was reported to this board that Margaret Steell had attended on the said service forty days, Agnis Dixon twelve days, Robert Dixon thirty-one days, and Isabella Macconnel seventeen days, for which they had received no satisfaction.

The said Margaret Steel and Robert Dixon now appeared, and the said Rogers also appeared and manifested a readiness to pay the several persons attending on the aforesaid service a reasonable allowance, but says their demands are unreasonable, and therefore desires to submit the matter to the resolution of this board. And the aforesaid persons that were present being heard, and their respective services duly and severally considered, as well of those absent as those that were present:

[213] *It is resolved*, That there shall be paid by the said John Rogers, unto the said Margaret Steel two shilling *per diem* for twenty days of

the aforesaid time, which is double to the ordinary allowance for nursing, and eighteen pence *per diem* for the residue, and ten shillings for her extraordinary service in laying out the dead, the whole amounting to four pounds, which is lookt on as a meet recompence for her service during the time aforesaid.

And that there shall be paid to Agnis Dixon for the twelve days service performed by her, which the said Rogers acknowledges to be in the extremity of their sickness, and when the service was harder than ordinary, the sum of thirty shillings.

And to Isabella Macconnel for her seventeen days service, which was principally as the common service of a maid in the house, during the time of the small pox being there, eighteen pence *per diem*, which amounts to twenty-five shillings and six pence.

And the Council being informed that the service of Robert Dixon, with respect to his allowance, had been submitted to arbitration by his father and the said John Rogers, the further consideration thereof is dismissed.

Allowed to Mr. Hallam for his time, horse and ferriage in going to serve an order of Council upon Andrew Davis, five shillings and six pence.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JANUARY 16TH, 172 $\frac{1}{2}$.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., *Assistant.*

Jonathan Prentts,	} Esq's.	Christopher Christophers,
John Plumbe,		John Gardiner.

[214] Upon consideration of a petition signed by several persons of the north society in Stoningtown, against the said society proceeding to erect a meeting house at a place remote from that which was fixed upon by the committee sent for that end, at their desire, by the General Court,

Resolved, That the proceeding in an affair of such a nature contrary to the regulation of the General Assembly is a breach of order.

And that the clerk of the Council shall by a letter directed to Mr. Ebenezer Billings and the rest of the committee of the said society, to be communicated to the said society, signifie to them that if they find any inconveniency in setting up their meeting house where the General Court's committee fixed the place for it, they ought to represent the same to the General Assembly, and not proceed in contradiction to what the said Assembly have appointed, and that they conform themselves accordingly.

And if they suppose any circumstances of their case, unknown to the Governour and Council, are such as might induce them to approve of any variation from the order of the Assembly about the place of their meeting house, before they can have an opportunity to address the next Assembly concerning the same, they should by the aforesaid letter

be directed by their committee to lay the same before the Governour and Council, and for that end should attend them at the house of Capt. Christophers in New London on the first Monday in February next, at two of the clock afternoon.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, FEBRUARY 5TH, 172½.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Jonathan Prentts,	} Esq'rs,	Richard Christophers, jun.
John Plumbe,		Benjamin Starr.
Christopher Christophers,		

[215] Pursuant to the order of this board of the 16th of January last, Ebenezer Billings, Benjamin Huit, Henry Stevens, John Swan, Samuel Prentice, William Denison, Ephraim Fellows, John Smith, Joshua Holmes, and William Willcox, inhabitants of the north society in Stonington, appeared in Council, and were heard in the affair relating to the setting up their meeting house at the Gravel Nole: And it was recommended to them, that they should not presume to set up their meeting house in any other place than that appointed by the General Court's committee, unless they did unanimously agree among themselves, until they had address the General Assembly on that head, to which they concurred and the matter was dismist.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, APRIL 3D, 1722.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin,	} Esq'rs,	Christopher Christophers.	
Richard Christophers,			
Samuel Eells,			} Assistants.
Joseph Tallcot,			

Upon consideration had of the service of Mr. John Arnold of New London, who was employed as a guard or tender upon the family of John Rogers of said New London, and appointed to reside at the house of John Bolles in said town, and to give intelligence from time to time as there might be occasion, during the time of the small pox being in the family of the said Rogers:

Resolved, That the said Arnold shall be allowed three shillings *per diem* for twenty-two days time which he spent in the said service, which shall be paid out of the estate of the said John Rogers, being [216] three || pounds six shillings in the whole.

And that the said John Rogers shall pay unto John Bolles of New London, the sum of eighteen shillings, which is allowed him for dieting the said Mr. Arnold during his continuance there as aforesaid. And that upon the said Rogers neglecting or refusing to pay the afore-

said sums as above ordered, executions shall be granted against him by the clerk of the Council, at the desire of the said Arnold and Bolles, for their respective allowances as aforesaid. *Execution granted for Mr. Arnold April 10th, 1722.*

Resolved, That there shall be allowed to John Bolles the sum of one pound four shillings for dieting William Taylour four weeks, all which time he was imployed as a tender to give intelligence concerning the care taken by John Rogers in cleansing his family from the danger of the infection, and to prevent such communication with the said family as might be hazardous; which said sum of twenty-four shillings shall be paid by the selectmen of the town of New London out of their town treasury; and that the clerk of the Council deliver to one of the said selectmen a copie of this order, to be by him communicated to the rest of the selectmen, that due care may be speedily taken about the same.

Whereas by an order of Council dated January 8th, 172 $\frac{1}{2}$, the selectmen of the town of New London, vizt: James Rogers, Stephen Prentts, Jonathan Hill, Daniel Dart, and Richard Dowglass, were directed and required to pay to Jonas Green the sum of forty-eight shillings, and to William Taylour the sum of forty-eight shillings, which sums were due to them and allowed in Council for service which they had attended in the months of November and December last, by order of the Governour and Council, for the common safety of the town and preservation of the inhabitants thereof, which were in danger of being infected with the small pox, which was in the house of John Rogers of the said town at the said time: And whereas the said selectmen having been served with the order of Council for the payment of the said sums as was specially directed, have hitherto neglected to pay the said sums according to said order,

It has thereupon been considered, and it is now resolved and ordered, That if the said selectmen shall not pay the said sums to the said persons, and produce and return to Capt. Christopher Christophers, clerk of the Council, under the hands of the said persons, that they have so [217] done, at or before the last day of this present month || of April, they the selectmen do appear, and they are hereby commanded to appear, before the next General Court to be holden in Hartford, on the 10th day of May next, there to render a reason to the said Court of their neglect or refusing to pay the said sums according to the direction and order given them; and that a copie of this order, attested by the clerk of the Council, and by him read to one of the said selectmen, shall be a sufficient order, command and notification, for their paying the aforesaid sums, and for their appearance at the said General Court as aforesaid; and the said clerk shall also make return of the said copie with his doings thereon to the aforesaid General Court in May next.

Resolved, That the orders relating to masters of vessels coming from places infected with the small pox, which have been heretofore made, and now read and reconsidered, shall be and remain in force, in all the parts thereof, until further order; excepting only the time limited for airing of goods, which for the future shall be left to the discretion of

the authority in such place where the said goods shall be landed or put on shore.

The Governour acquainted the board with an address he had received from the reverend ministers of the gospel, met in an association at New London the 6th of March, 172 $\frac{1}{2}$, moving that a brief might be granted in several congregations, for gathering what such as should be so piously inclined would freely contribute, towards supporting the charge of such reverend ministers as should be improved from this Colony, to introduce and carry on the ministry of the gospel in the town of Providence, in the Colony of Rhode Island, in conjunction with divers reverend ministers of the Province of the Massachuset, who might in like manner be improved there, according to a method which for that end had lately been set on foot, and for some time carried on.

The said address having been read and considered, it is resolved that a brief for that end be granted, and directed to the respective ministers of the towns of New London, Norwich, Groton, Stoningtoun, Preston, Lebanon, Windham, Mansfield, Canterbury, Plainfield, Pomfret and Killingley, or to the deacons of the churches in such towns where there is no minister; which shall direct such ministers and deacons to acquaint the congregation with the occasion of such collection to be [218] made, || and appoint a time after the performance of divine worship on the Lord's day, to receive in the congregation what shall be contributed, and take care that what shall be so collected be put into the hands of the Rev. Mr. Eliphalet Adams, to be improved to the proposed end; and that a brief of such tendency be drawu up and signed by the clerk of the Council.

Instead of Mr. Adams, to be inserted Mr. Samuel Whiting; allowed by the Council, Hartford, May 30th, 1722.

[290] *CONNECTICUTT* }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTIES COLONY OF CONNECTICUTT, IN NEW ENGLAND, ON THE 10TH DAY OF MAY, IN THE EIGHTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM. 1722.*

Present at this Assembly,

The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Nathan Gold, Esq., Deputy Governour.

John Hamlin,	} Esq ^{rs} ,	Joseph Talcott,	} Esq ^{rs} ,
William Pitkin,		Jonathan Law,	
Samuel Eells,		James Wadsworth,	
Mathew Allyn,		John Hall,	
Roger Wolcott,			

* The Journal of the Lower House is not found.

Representatives or Deputies that were returned to attend at this Assembly, are as followeth, viz:

Mr. Thomas Seymor, Mr. James Ensign, for Hartford.
 Capt. James Rogers, Mr. Steph. Prentts, for New London.
 Capt. John Sabin, Mr. Nath^l Johnson, for Pomfrett.
 Capt. John Hall, Mr. Gideon Ives, for Wallingsford.
 Mr. Caleb Leett, Mr. Joseph Stone, for Guilford.
 Dea. Peter Aspinwell, Mr. Tho. Whitmore, for Killingly.
 Capt. John Mason, Mr. Eben^z Billings, for Stonington.
 Mr. Nath^l Lynde, Mr. Steph. Whittlesey, for Seybrook.
 Mr. Hez: Brainerd, for Haddam West.
 Lt. James Reignolds, for Greenwich.
 Capt. Roger Newton, Mr. George Clark, for Milford.
 Capt. Eben^z Steel, Lt. Joseph Hawley, for Farmington.
 Capt. James Newton, Capt. Joseph Wright, for Colchester.
 Mr. James Lockwood, Mr. John Benedick, for Norwalk.
 Mr. Isaac Dickerman, Capt. Joseph Whiting, for New Haven.
 Mr. Robert Silliman, for Fairfield.
 Capt. David Buell, Mr. John Lane, for Killingsworth.
 Mr. Samuel Butt, Mr. David Carver, for Canterbury.
 Mr. Joshua Ripley, Lt. Jonathan Crane, for Windham.
 Mr. Caleb Seward, Mr. Thomas Lyman, for Durham.
 Mr. John Gregory, Mr. Rich^d Barnham, for Danbury.
 Lt. Joseph Becchus, Capt. Jabez Perkins, for Norwich.
 Capt. Sam^l Maltby, Capt. Nath^l Harrisson, for Branford.
 Mr. Joseph Minor, Mr. Tho. Knowles, for Woodbury.
 Col^o Eben^z Johnson, Lt. John Riggs, for Derby.
 Mr. Samuel Hide, Mr. Eben^z West, for Lebanon.
 Mr. Nehem. Smith, Mr. Joshua Bill, for Groton.
 [291] Capt. David Goodrich, Mr. Jonath. Belding, for Wethersfield.
 Mr. Joseph Strong, Mr. Sam^l Parker, for Coventry.
 Capt. Dan^l Brewster, Mr. Thomas Rose, for Preston.
 Mr. Tim^o Peirce, Mr. Dan^l. Lawrence, for Plainfield.
 Capt. Richard Case, Mr. Sam^l Humphreys, for Symsbury.
 Mr. Israhiah Whettmore, Mr. John Sage, for Midletown.
 Mr. John Hoitt, Mr. John Stone, for Stanford.
 Lt. John Colt, Mr. Samuel Marviu, for Lyme.
 Mr. Thomas Kimberly, Mr. John Hubbard, for Glassenbury.
 Capt. Tho. Huntington, Mr. Josiah Couant, for Mansfield.
 Capt. James Lewis, Mr. John Wells, for Stratford.
 Mr. Henry Wolcott, Mr. Eben^z Fitch, for Windsor.
 Mr. Ephraim Warner, Mr. Rich^d Welton, for Waterbury.
 Capt. Daniel Brainerd, for Haddam East.
 Mr. Hez. Brainerd, Speaker, } of the House of Representa-
 Capt. Joseph Whiting, Clerk, } tives.

This day being appointed by charter and the laws of this Colony for the Election of the Publick Officers of this corporation, viz: the Governour, Deputy Governour, Assistants, Treasurer and Secretary,—proclamation being made, the freemen proceeded to give in their votes to persons chosen and appointed by the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed are, William Pitkin, Mathew Allyn, Joseph Talcott, Jonathan Law, James Wadsworth, Esq^{rs}, Mr. Thomas Seymor, Capt. David Goodrich, Capt. Joseph Whiting, Mr. George Clark, Capt. James Rogers, Mr. Stephen Whittlesey, Capt. James Lewiss, and Lt. Joseph Minor, who were all sworn truly and faithfully to receive, sort and count the said votes. And the freemen's votes being bro't in, sorted and counted,

The Honourable Gurdon Saltonstall, Esq^r, was chosen Governour of this Colony for the year ensuing, and the governour's oath and the oaths required by acts of Parliament were administered to him in the presence of this Assembly.

The Honourable Nathan Gold, Esq^r, was chosen Deputy Governour of this Colony for the year ensuing, and the deputy governour's oath was administred to him in the presence of this Assembly.

John Hamlin, William Pitkin, Richard Christophers, Peter Burr, Samuel Eells, Mathew Allyn, Joseph Talcott, John Sherman, Roger Wolcott, Jonathan Law, James Wadsworth, and John Hall, Esq^{rs}, were chosen Assistants of this Colony for the year ensuing.

And William Pitkin, Samuel Eells, Math. Allyn, Joseph Talcott, Jonathan Law, James Wadsworth, and John Hall, Esq^{rs}, had the assistant's oath administred to them in the presence of this Assembly.

[292] Mr. John Whiting was chosen Treasurer of this Colony for the year ensuing, and accordingly sworn to that office and trust in the presence of this Assembly.

Hez. Wyllys was chosen Secretary of this Colony for the year ensuing, and accordingly sworn to that office and trust in the presence of this Assembly.

This Assembly do establish and confirm Mr. Abraham Dickerman of New Haven to be Lieutenant of the first company or trainband in the town of New Haven, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Eleazar Stent of Brandford to be Captain of the first company or trainband

in the town of Brandford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Rose of Brandford to be Lieutenant of the first company or trainband in the town of Brandford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Stentt of Brandford to be Ensign of the first company or trainband in the town of Brandford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Riggs of Derby to be Captain of the company or trainband in the town of Derby aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Eben^z Johnson of Derby to be Lieutenant of the company or trainband in the town of Derby aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Sam^l Bassett of Derby to be Ensign of the company or trainband in the town of Derby aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Brainerd of Haddam to be Lieutenant of the company or trainband in Haddam East, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Robinson of Haddam to be Ensign of the company or trainband in Haddam East, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ephraim Warner of Waterbury to be Captain of the company or trainband in the town of Waterbury, and that he be commissioned accordingly.

[293] This Assembly do establish and confirm Mr. William Hickcox of Waterbury to be Lieutenant of the company or trainband in the town of Waterbury aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Brunson of Waterbury to be Ensign of the company or trainband in the town of Waterbury aforesaid, and that he be commissioned accordingly.

This Assembly grants liberty to Samuel Osborn of Fairfield, administrator on the estate of Joseph Smith, late of Fairfield, deceased, to make sale of so much of the lands of the said deceased as shall enable him to pay the debts and dues as do

surmount the moveable estate of said deceased, in such sum and manner as the judge of the probates in the said county shall direct and order.

A List of the Additional Estate returned to this Assembly, to be transmitted to the Treasurer and added to the List of Estates delivered in to this Assembly in October last.

<i>Additions.</i>			<i>Fourfold Assessments.</i>				
	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
New London,	34	13	06	New London,	112	07	06
Windsor,	766	11	00	Mansfield,	89	12	00
Fairfield,	732	18	09	Windsor,	1447	16	00
Stratford,	1258	18	01	Coventry,	908	00	00
Stanford,	112	07	00	Fairfield,	426	00	00
Farmington,	312	00	00	Stanford,	77	11	00
Milford,	117	11	02	Farmington,	23	00	00
Waterbury,	79	15	00	Midletown,	163	00	00
Guilford,	219	15	06	Killingsworth,	80	00	00
Branford,	200	19	00	Guilford,	175	16	00
Norwalk,	102	06	03	Branford,	117	00	00
New Haven,	491	01	03	Norwich,	1142	10	00
Wallingsford,	445	00	00	Woodbury,	222	00	00
Seybrook,	134	00	00	Lyme,	587	00	00
Woodbury,	91	10	00	New Haven,	1602	12	00
				Wallingsford,	548	00	00
				Seybrook,	472	00	00

This Assembly do appoint Mathew Allyn and Joseph Talcott, Esq^{rs}, Mr. Ebenezer Fitch, Capt. Samuel Maltbie, Capt. Daniel Brainerd, and Mr. Joseph Minor, to audit the publick accounts of this Colony with the treasurer.

This Assembly do establish and confirm Mr. Josiah Conant of Mansfield to be Ensign of the company or trainband in the town of Mansfield aforesaid, and that he be commissioned accordingly.

This Assembly do appoint John Hall, Esq^r, Capt. Joseph Whiting and Mr. Gideon Ives, to give the thanks of this Assembly to the Reverend Mr. William Burnham for his sermon preached before this Assembly on the 10th day of May, 1722, being the day of Election, and desire a copy that it may be printed.

[294] A Question arising upon the law made in the 12th year of Queen Ann, entituled An Act for relieving those that may be overcharged in the general list of estates,—whether any may be relieved thereby in any thing for which the listers have laid the fourfold assessments,

It is resolved by this Assembly, That relief ought to be given

in such cases, only where the estate shall appear not to have belonged to the person fourfolded on the 20th of August preceding, or that it was not left out by him thro' his wilfulness or negligence but from sufficient grounds to conclude the estate to be lost, and that so soon as he was sensible of his duty therein he did offer his said estate *bona fide* to the listers to be entered in the publick list, in which cases they may be relieved and singly charged in the list.

To the Hon^{ble} General Assembly sitting in Hartford, May 17th, 1722.

Whereas we the underwriters (with the assistance of Mr. Kimberly, surveyour,) were appointed to measure out the bounds of Waterbury, have been upon that service, and finding the controversy between the said town and their neighbours of Litchfield was attended with difficulties, considering that Litchfield settlers had stated the town platt so near Waterbury bounds; wherefore we did earnestly recommend to the said towns an agreement, which they are come into: Whereupon we desire that your Honours would settle the north line of said Waterbury as followeth: beginning at the northwest corner of said town, which is a chesnut stake and stones cast about it, and standeth in the line run by said Waterbury and Woodbury to divide those two towns, and is thirteen miles from Waterbury southwest corner; and from said stake an east line one mile and a half unto two white oak trees growing out of one root, with stones laid by the roots; and from thence a straight line to a large well known white oak tree with stones about it and anciently marked with I. S.: I. N. and standeth about fifteen rods west of Waterbury River; and from said last mentioned tree an east line to Farmington bounds; which line, so far as Litchfield is bounded by Waterbury, will well accommodate said Litchfield. And to the end that none may have any scruple respecting the marks above-mentioned anciently set upon said white oak tree, we signify to your Honours, that upon diligent enquiry we are well satisfied that those [295] marks were set on to said tree || by Capt. John Stanly and John Norton, a committee appointed by this Assembly to measure out Waterbury north bounds, that being the tree by them marked for said bounds as we are credibly informed, altho' it hath for some years last past been lost, which hath occasioned the controversy between said towns. All which we submit to your Honours consideration.

James Wadsworth. Hez. Brainerd.

Upon consideration of the report of the abovenamed James Wadsworth and Hez. Brainerd: This Assembly, upon request

of the agents of the abovesaid towns of Waterbury and Litchfield, do approve of, ratify and confirm the above line to be the north line of Waterbury and the south bounds of Litchfield, so far as that town joyns upon said Waterbury; anything in the quitclaim granted to Waterbury contained notwithstanding.

Upon the motion of Edward Griswold of Windsor, who by the providence of God is become a cripple without hope of remedy: therefore this Assembly do free his head from ever being put in the publick list.

This Assembly, having considered the difference that hath arisen in the North Society of Stonington, as appears by the petitions of the opposite parties now before this Assembly, respecting the meeting house in said society being fixed, have resolved, that Capt. James Rogers and Capt. Thomas Huntington, and Capt. Jabez Perkins, be appointed, and they are hereby appointed a committee, at the charge of said society, to endeavour to bring the inhabitants of said society to an amicable agreement and loving accommodation of the matters wherein they differ; and if no such agreement and accommodation can be obtained, that then the said James Rogers, Thomas Huntington and Jabez Perkins, or any two of them agreeing, shall have full power to decide the said difference and fix the place where the first meeting house in said society shall be built.

Samuel Prentiss of Stonington, being a cripple and like so to continue, praying this Assembly to grant him freedom for his head for the future in all publick rates: Resolved by this Assembly, that the said Samuel Prentice shall be freed from being rated for his person in the publick list, so long as he continues a cripple.

This Assembly grant liberty unto the inhabitants of the town of Tolland to imbody into church estate, with the approbation of the neighbouring churches, and to settle an orthodox minister amongst them.

[296] Mr. Ebenezer Fitch, Capt. Samuel Maltbie, Capt. Daniel Brainerd and Mr. Joseph Minor, who by this Assembly with some of the Hon^{ble} Upper House are appointed to audit the accounts of the treasurer of this Colony, are also appointed to sort the bills they shall find in the treasury, and report to this Assembly what bills they find fit yet to pass and what is yet unfit for further passing.

Upon the petition of Mary Scott, praying this Assembly to give her the fifty pounds David Scott of Ridgefield and his

bondsmen forfeited for his, said Davids, making default of his not appearing when he was called at the superiour court held in Fairfield in February last, to answer for his breach of law for which he was bound over to said court: Upon consideration whereof, it is by this Assembly ordered, that the said fifty pounds be first paid to Major Peter Burr of Fairfield, who upon the receipt thereof is hereby impowred to discharge the said David Scott or his bondsmen and to deliver to the said Mary Scott so much of the said fifty pounds as is over and above the proper charges expended in prosecuting said David Scott; and he is to deliver to the judges of the superiour court, at their next sessions, the money he shall retain in his hands to defray the charges of said prosecution.

This Assembly grant liberty unto the inhabitants of the town of Litchfield to imbody into church estate with the approbation of the neighbouring churches, and to settle an orthodox minister amongst them.

Upon the petition of Joseph Bradford *vs.* Thomas Grant, to reverse a judgment said to be erroneous, given by the superiour court at New London on the 4th Tuesday of March, 1722, in an action of ejectment, on a general demurrer to the answer of the defendant to the plaintiffs declaration as insufficient: This Assembly has considered and resolved that the said judgment is erroneous, for that it finds matter of fact; whereas on a demurrer nothing but matter of law is submitted, or ought to be resolved and determined by the court: Wherefore the judgment is hereby reverst, execution and all proceedings thereon suspended, a new tryal granted at the next superiour court at New London, and the cost of the whole action to go with the final judgment. *Cost allowed petitioner is £3 3s. 4d.*

[297] Upon consideration of the petition of the town of Wallingsford against the town of Midletown: Resolved by this Assembly, that Messrs. Hez. Brainerd, Caleb Lectt and Mr. Samuel Hill of Guilford, at the desire and charge of said Wallingsford, be a committee to view the tree disputed between the said towns, and consider the matters wherein they differ, and endeavour an amicable agreement between the parties; and if no such agreement can be accomplished, then to report what they find, and their opinion upon the whole, to the Assembly in October next.

Upon the petition of John Arnold: It is considered and resolved by this Assembly, that the petitioner shall have liberty, at the superiour court to be holden at Hartford in September next, of another tryal of the action brought against

him by John Royce of Mansfield, in which action the said Royce recovered judgment against the petitioner in the superior court holden at Hartford in March last past; and if the petitioner shall obtain judgment against the said Royce upon the tryal, judgment shall be given for him to recover the money taken from him by execution granted upon the former judgment, and also for his costs.

Upon the petition of Joseph Keeny *vs.* Hez. Porter, moving for another hearing in a case wherein said Porter recovered against him a judgment at the county court held at Hartford, April 14th, 1719, for twenty pounds with costs, which he is in danger of having taken from him by execution, though by order of said Porter he had paid the said twenty pounds to the Worshipful John Haynes, Esqr, by securing the same to him per a mortgage: it appeared that the execution on that judgment taken out by Porter was return'd to the clerks office of said court endorsed by said Porter fully satisfied, and Keeny thereby secured from the said judgment: but forasmuch as it appeared also that the said Porter had not returned the execution so endorsed before the date of the said petition, but in the time of this court, so that the said Keeny had just ground to bring said petition: It is resolved, he shall recover of said Porter the cost of this Court, which is allowed to be £0 18s. 6d.

Upon consideration of the petition of the inhabitants of the southern part of Wethersfield: This Assembly do grant to the said inhabitants the liberty and privilege of being a parish or society, with such liberties, powers and privileges as other parishes in this Colony generally have and do enjoy by law, for the settling, upholding and maintaining the publick worship of God amongst them; and that the bounds of said parish shall be as followeth, viz: a line drawn from the north-east corner of Samuel Dyx's home lot due east from thence to Bevoir Brook, and so according to the course of said brook [298] fill || it enters Connecticutt River; and from said corner due west to the western part of Peter Blynn's home lot, and from thence a line drawn southward at the rear of the Rocky Hill lots that lie west of the highway leading to Middletown till the said line reaches to the northermost tier of the three tier of lots lying next to Middletown, and to run westward and southward to Middletown so as to comprehend the said three tier of lots; and so Middletown line southward and the great river east to the mouth of Bevoir Brook. And that all the rateable estate within the aforesaid bounds shall pay towards the building of a meeting house, settling and maintaining an orthodox minister among them, with other parish charges.

And William Pitkin, Roger Wolcott, Esq^{rs}, and Capt. Samuel Mather, are appointed a committee, at the desire and charge of the petitioners, to fix the place for the meeting house in said parish.

Whereas Mr. Ebenezar Fitch has represented to this Court, that divers gentlemen in company with himself are willing and desirous to set up a Slitting Mill upon the river called Stony Brook within the bounds of Suffield in the county of Hampshire, or elsewhere in the county of Hartford within this Colony, to slit and draw out iron rods for nails and for other artificers in iron their work and use; and since the charge and adventure of the first undertakers of such an affair must be considerable, hath therefore prayed this Court for a private act in favour of himself and company, to grant them the sole privilege of such a mill for some time in recompence of their expences and adventure; and this Court, considering the great advantage such a mill will be to this government as well as the neighbouring, have thought fit to encourage the same: Now therefore, for the encouragement of the said Ebenezar Fitch and such as shall joyn with him in the said undertaking,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no other person or persons whatsoever shall or may erect any slitting mill or mills in any part or place within this his Majesties Colony of Connecticutt, upon any pretence whatsoever, at any time during the space of fifteen years from and after this present sessions of this General Court, upon pain and penalty of ten pounds per month that any slitting mill shall stand within this Colony within the time aforesaid, to be recovered by the said Ebenezar Fitch and company of the owners of the said slitting mill, or workmen that shall work at the same, or of any of them, to the use of the said Ebenezar Fitch [299] || and company, by action of debt, bill, plaint or information, but that the said Eben^z Fitch and company shall have the sole right, privilege and liberty to erect, use, maintain and support, a slitting mill or slitting mills within this Colony of Connecticutt during the time aforesaid. Provided nevertheless, and upon condition, the said Eben^z Fitch and company shall, within the space of three years next after this present sessions of this General Court, erect and set up a good, sufficient slitting mill on the river abovementioned, or in some place within this Colony, and from time to time maintain and keep the same during the term aforesaid in good and sufficient repair, so that the same never lye out of good and sufficient repair during the space of eight months, by the default of the

said Fitch and company, at any one time within the fifteen years aforesaid; but from and after the first failure in this condition this act and grant to be utterly void and of no further effect. Provided also, that if in the Province of the Massachusetts Bay any tax or duty shall be (to the prejudice of this Colony) set upon the iron so slit or to be split, slitted or manufactured at the slitting mill aforesaid, then the said Ebenezer Fitch and company shall, at such place within this Colony as this Court shall appoint, erect another slitting mill within the space of one year after such duty set, and maintain the same in constant repair as above exprest, or otherwise this grant, privilege and act to be utterly void and of no effect.

Upon consideration of the petition of James Rogers, Jonathan Haynes, Richard Rogers, &c. *vs.* Daniel Coitt: Resolved by this Assembly, that the highway mentioned in the petition shall remain shut up until the said Coitt shall notify the petitioners to be present before the county court in New London and until the said court, on a full consideration of the whole, shall order the opening of said highway; and that there be no cost allowed the petitioners; and they have remitted to them the twelve shillings due to the treasury for this petition.

Upon consideration of the petition of the inhabitants of the northern part of Seybrook, called Potopaug: This Assembly do grant to the said inhabitants the liberty or privilege of being a parish or society, with such liberties, powers and privileges as other parishes in this Colony generally have and do enjoy by law, for the settling, upholding and maintaining the public worship of God amongst them; and that the bounds of said parish shall be as followeth, viz: beginning at the southeasterly corner (by the brook) of Mr. Benjamin Lynds farm, and keeping the line of said farm on the southerly side thereof unto the country road; and from the southwesterly corner of said farm a west line, until it intersects the dividend [300] line between Oyster River || and Potopaug Quarters; and from thence to the northward of the west so as to fall four miles from the sea upon the dividing line between the towns of Seybrook and Killingsworth; then bounded west on Killingsworth, north upon Haddam, and east upon Connecticut River; and that all the rateable estate within the bounds aforesaid shall pay towards the building of a meeting house, settling and maintaining an orthodox minister among them, with other parish charges. Always provided, that what charge the inhabitants of the north part of said parish, called Patacunk, may be at respecting the said meeting house and ministers house, the inhabitants of Potopaug shall pay back to them

if the said northern part of said parish shall hereafter be allowed by this Assembly to be a distinct parish.

On the petition of Nathan^{ll} Bacon *vs.* Izrahiah Whettmore and John Williams, the defendants come into court and said they entered into the place, where the trespass is laid to be done, as the towns committee, to maintain the bounds of their common, and are not guilty of any trespass on the petitioners land, and prayed this Court to appoint a committee to view the land and then hear, inquire into and determine, the difference between the petitioner and the town about the petitioners lot interfering with the town common, whether it be most fit and just the petitioner should hold his lot intire, or that it should be cut off in part by the lines of the town common, and thereupon issue the action of trespass; to which the petitioner also agreed: Whereupon this Court doth hereby authorize and empower Samuel Eells and Jonathan Law, Esq^{rs}, and Mr. Hez. Brainerd, or any two of them, to go on the lands aforesaid, to hear, inquire and determine the premises, as to right and justice shall appertain, and make return to this Court in October next, to be recorded as a final issue; any law, usage or custom to the contrary hereof in any wise notwithstanding.

Upon the petition of the parish of Repton: It is granted and ordered by this Assembly, that it may and shall be lawful for the society of the parish aforesaid to levy a tax of two shillings on every hundred acres of land within the bounds of their parish which are laid out to particular persons living in the town of Stratford and not lyable by the law to be put into the publick list; and that the unimproved lands belonging [301] || to those that do not dwell in the town of Stratford shall pay a tax of one penny an acre for four years next coming; and that all the lands which ought to be put into the publick list shall be paid for to the said parish by those who live out of the parish as by those who dwell in it; and all the improved lands within said parish to pay to the parish till this Court shall order otherways; and all the money granted to said parish to be improved for a minister settled according to the establishment of this government; and the collectors of the taxes of the said parish are impowred to collect the same of the proprietors of the said lands, in such manner and form as other collectors are enabled by the law to do, thô the proprietors dwell out of the parish or in any of the neighbouring towns. And further, this Court do allow of the report of the committee for the settling the bounds of the said parish, and do hereby accordingly confirm and establish the bounds reported by the said committee to be the boundaries of the said parish, till this Court shall order otherways.

Upon consideration of the petition of the inhabitants of the town of Ashford: This Assembly resolve, that inasmuch as the act of this Assembly referred to, enabling the said inhabitants to choose town officers, being made when there was not a reasonable number of inhabitants qualified according to the most strict rules of the law for voting, that the said act was not intended to restrain the inhabitants from voting, though not so strictly qualified; and thereupon affirm all the former acts of the said town in electing town officers, and particularly the officers chosen in December last. And this Assembly do order the listers chosen December, 1721, who with the assistance of Dea. Isaac Kendall and Mr. William Ward. being first sworn to a faithful discharge of that trust, to make and perfect the list of said town ordered to be taken in July last, and that their rate be made by the same; and that for time to come the said town proceed in the choice of their town officers according to the rules prescribed in the law for other towns. And this Assembly do now impower and enable the said town to raise a tax or rate on all the unimproved land in the said town of two shillings on every hundred acres for the space of four years next ensuing, to be paid yearly on or before the first day of March, to be paid by the owners of such lands whether in this Colony or elsewhere; the said tax to be improved to the support of the ministry. And this Assembly grants full power to the collectors of the town and ministers rate in said town, to levy and collect the said tax, and if any person or persons shall neglect or refuse to make payment thereof, (after sixty days notice given, which notice shall be deemed sufficient by [302] setting up a note on the sign post in || the said town, briefly declaring the case,) the said collectors shall make sale of so much of the lands of the person or persons so refusing or neglecting as may be sufficient to defray the said tax with the necessary charges arising in and about the same, the said land to be sold at publick vendue to the highest bidder. Always provided, that any person or persons not inhabiting in this Colony, having his land sold as aforesaid, shall have liberty by himself or his heirs to redeem the same, (he or they paying the said tax with the necessary charges) within one year next after the sale thereof.

Upon consideration of the petition of the committee of Colchester *vs.* Heirs of Jeremiah Addams: Resolved by this Assembly, that by virtue of the grant of this Court March 13th, 166 $\frac{1}{2}$, to Jeremiah Addams, he was allowed to be a proprietor to lands in the plantation which should afterwards be erected in the place which is now called Colchester; and that

his heirs or assigns ought to be admitted to whatsoever may be his just proportion in said plantation, according to the rules and methods by which the proprietors of lands in that plantation have divided the said lands among themselves.

Upon the petition of the town of New London for liberty and authority to sell six hundred acres of land formerly granted by this Court to the town of New London for and towards the support of a grammar school for the county of New London, since taken up and laid out within the lands lately added to the township of New London on the northern part thereof, butted and bounded as may be seen in the survey thereof returned and entered on the records of this Court; representing that the money for which the lands might be sold might be improved at interest to far greater advantage for the supporting the school than the lands themselves are likely to be, at least for a very long time: Liberty is hereby granted accordingly; and this Assembly do hereby give full power and authority to Mr. Jonathan Prentts, Capt. Christopher Christophers, Capt. Robert Lattemore, Capt. James Rogers, and Mr. John Pickett, all of New London, or the major part of them, to sell the said land to the highest bidder, or to the best advantage, and instruments in the name of the said town for the conveyance of the said land to execute and compleat according to law, and the money for the said lands to receive, and the same on good security to be let out upon interest on good security on behalf of the said town to the use of the school aforesaid; [303] || which gentlemen shall be accountable to the said town for the improvement and application of the money aforesaid and the management of their trust therein; who shall also have full power, by themselves or the major part of them, to do or cause to be done whatsoever is or shall be needful to be done in court or country in and about the premises; and that they shall account with the town for their management and application of the said money, when and so often as the said town shall require the same.

Resolved by this Assembly, That the second society in Farmington, with what of Wethersfield and Middletown is by this Assembly annexed thereunto, shall for the future be called and known by the name of Kensington.*

This Assembly do appoint the Hon^{ble} Nathan Gold, Esq^r, to be Chief Judge of the Superiour Court for the year insuing.

This Assembly do appoint Peter Burr, Esq^r, Samuel Eells,

* This name had been given to "Farmington Village, commonly called the Great Swamp," by the Lower House in 1710. *Journal L. H.*, May 18, 1710.

Esq^r, and Jonathan Law, Esq^r, Assistant Judges of the Superior Court for the year insuing.

This Assembly do appoint Mathew Allyn, Esq^r, to be Judge of the County Courts in the county of Hartford.

This Assembly do appoint Richard Christophers, Esq^r, Judge of the County Court in the county of New London.

This Assembly do appoint James Wadsworth, Esq^r, Judge of the County Court in the county of New Haven.

This Assembly do appoint Peter Burr, Esq^r, to be Judge of the County Court in the county of Fairfield.

This Assembly do appoint Joseph Talcott, Esq^r, to be Judge of the Court of Probate in the county of Hartford.

This Assembly do appoint Richard Christophers, Esq^r, to be Judge of the Court of Probate in the county on New London, and in case of his absence or disability Capt. Christopher Christophers to be Judge.

This Assembly do appoint the Hon^{ble} Nathan Gold, Esq., to be Judge of the Court of Probate in the county of Fairfield.

This Assembly do appoint John Sherman, Esq., to be Judge of the Probate for the circuit of Woodbury.

This Assembly do appoint Capt. John Fitch to be Judge of the Probate for the circuit of Windham.

[304] This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate for the circuit of Guilford.

This Assembly do appoint Capt. Aaron Cook, Capt. Samuel Mather, Mr. Nathaniel Stanly, and Mr. Hez. Brainerd, Justices of the Peace and Quorum in the county of Hartford.

This Assembly do appoint Mr. John Hooker, Capt. Joshua Robbins, Capt. David Goodrich, Mr. Thomas Ward, Lt. Samuel Humphreys, Capt. Thomas Judd, Mr. Michael Tainter, Capt. Thomas Gates, Capt. James Wells, Capt. John Fitch, Mr. Joshua Ripley, Capt. Thomas Huntington, Mr. Thomas Kimberly, Mr. Benjamin Talcott, and Mr. Joseph Strong, to be Justices of the Peace in the county of Hartford, and Lt. John Marsh for the town of Litchfield.

This Assembly do appoint Colo Ebenz Johnson, Mr. Warham Mather, Mr. Samuel Bishopp, and Capt. Samuel Clark to be Justices of the Peace and Quorum for the county of New Haven.

This Assembly do appoint Capt. Thomas Yale, Mr. James Hooker, Capt. Andrew Ward, Capt. Nathaniel Harrison, Mr. Edward Barker, Capt. Joseph Whiting, Mr. Samuel Brunson,

Capt. Janna Meiggs, and Capt. John Riggs, to be Justices of the Peace for the county of New Haven.

This Assembly do appoint Capt. Richard Bushnell, and Capt. William Clark, to be Justices of the Peace and Quorum for the county of New London.

This Assembly do appoint Capt. Thomas Williams, Lt. Joseph Becchus, Capt. Sam^l Avery, Mr. Timothy Pierce, Mr. Samuel Lynde, Mr. Daniel Buckingham, Mr. Daniel Palmer, Mr. Abram Pierson, Mr. Nehemiah Smith, Mr. Moses Noyes, Capt. John Mason, Capt. Daniel Brewster, to be Justices of the Peace for the county of New London.

This Assembly do appoint Joseph Curtice, Esqr, Capt. James Olmstead, Major John Burr, Capt. Joseph Bishop, and Capt. Joseph Platt, to be Justices of the Peace and Quorum for the county of Fairfield.

This Assembly do appoint Capt. John Hawley, Mr. Samuel Peck, Mr. Ebenz Mead, Mr. Richard Osborn, Capt. James Bebee, Mr. John Gregory, Mr. Thomas Bennitt, and Mr. Joseph Minor, to be Justices of the Peace for the county of Fairfield.

This Assembly do establish and confirm Mr. Samuel Sherwood of Stratfield to be Captain of the company or trainband in Stratfield aforesaid, and that he be commissioned accordingly.

[305] This Assembly do establish and confirm Mr. Samuel Odell of Stratfield to be Ensign of the company or trainband in Stratfield aforesaid, and that he be commissioned accordingly.

Voted, nemine contradicente, That the thanks of this Assembly be given to our Agent, Jeremiah Dummer, Esqr, for his late excellent defence of our charter printed in London, which the Governour is desired to do in our name.

Upon the prayer of the North East Society in Norwich, representing their difficulty in respect to settling a minister: This Assembly grant them their parts of the country rates or taxes that may be granted for the space of two years to come; and the constable of Norwich, who collects the country rate there, is hereby ordered to collect the same as usual, and deliver the same to the committee of said society for the use of said society, according to their list, for the space of two years as aforesaid.

Upon the prayer of Samuel Shepard of Plainfield, moving to this Assembly that he may have liberty to keep a ferry over Quinabaug River, near the place where he lives, between

Plainfield and Canterbury: It is resolved by this Assembly, that the said Samuel Shepard shall have liberty to keep said ferry for the space of five years next coming; and the fees thereof are stated to be four pence for horse and man. And no other publick ferry is to be kept over said stream between said towns for the term aforesaid. And the said Shepard is to keep good and suitable vessels for transportation over said ferry for the passing of horse and man, and attend the service of said ferry.

This Assembly doth release to Dea. Thomas Skinner and Josiah Gillett all taxes that are due to the publick treasury upon account of an assessment set upon their heads by the listers of Colchester in the year 1720.

This Assembly, on the prayer of Jacob Wildman of Danbury, a cripple, that his head may be abated out of the publick list for the future, grant his prayer so long as he shall remain a cripple.

This Assembly do establish and confirm Mr. Joseph Coe of Durham to be Ensign of the company or trainband in the town of Durham aforesaid, and that he be commissioned accordingly.

Whereas the General Court holden at Hartford, May 14th, A. D. 1719, appointed and impowred John Hamlin and James Wadsworth, Esq^{rs}, Mr. John Hooker, Capt. John Hall, and Mr. Hez. Brainerd, they or any three of them, [to] be a committee to inquire into the claims of John Cushion and John Chandler, Esq^{rs}, and others, claiming land in Ashford, with [306] instructions for || settling and regulating the claims and lands in said town, &c.—whereupon the said committee, among several the claimers aforesaid, made a settlement ascertaining to each their proportion, but the lands have not been surveyed according to the said settlement to each of them, whereupon disputes may arise: Which to prevent,

Therefore be it enacted by the Governour, Assistants and Deputies, in General Court assembled, and by the authority of the same, That any two of that same committee shall have power, at the request and cost of any of the said claimers pursuant to that settlement made, to go upon the said land and by a surveyour run the lines and make bounds between claimer and claimer, due notice being first given to all persons to be concerned in the same line or lines to attend the same affair, and their doings to be returned into this court and recorded; any law, usage or custom to the contrary hereof in any wise notwithstanding.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the defraying the publick charge of this Colony there be a tax of one penny on the pound leyed on the polls and all other rateable estate in this Colony, to be paid in bills of credit of this Colony at their usual advance, or in the true bills with four signers of the Province of the Massachusetts Bay, or in the true bills of New York, Rhoad Island, or New Hampshire, without any advance upon them, or in currant silver money, or grain at the prices following: wheat at five shillings and six pence per bushel, rye at three shillings and six pence per bushel, Indian corn at three shillings per bushel, all to be good and merchantable. The grain to be paid to the severall constables at or before the last day of June next insuing, and not after, to be disposed of as the General Assembly shall order.

Upon the petition of Capt. Joseph Wakeman and Capt. Moses Dimon, agents for the town of Fairfield, for liberty to make sale of six hundred acres of land granted by this Court for the use of the grammar school at Fairfield for the benefit of the county of Fairfield, and that the money procured thereby may be secured and improved in the best manner for the support of the school aforesaid: Liberty is by this Assembly accordingly granted; and the said Capt. Joseph Wakeman and Capt. Moses Dimon, and Lt. Jonathan Sturgiss are hereby authorized and impowred to make sale thereof to the highest bidders, in the best manner for that end, and instruments for the conveyance thereof duly to execute and compleat accord-[307] ing to law, || and the monies for the same to receive and let out upon interest on good security; and that they shall be accountable to the town aforesaid for the principal and interest and application thereof to the benefit of the said school as the said town shall from time to time think fit. And the said town shall have power, as they think proper, to betrust the money aforesaid with any other person or persons for the use aforesaid.

Upon the petition of the North Parish in New London: This Court, for the incouragement of settling a minister, and building a meeting house there, do confirm the bounds of said parish as settled according to the return made by Messrs. James Wadsworth and John Hall, with the families on the south added, as on their report, &c., and the said families and their estates *be paid** to said parish. This Court grant to them a freedom from country taxes for the space of four years next

* *Read, to pay, Vide original bill, Ecclesiastical, II., 254.*

coming, if they go forward in settling a minister amongst them; and the five hundred acres of land to be laid out for the use of the ministry out of the land purchased by Colo Livingston, Rob^t Denisson, Mr. Sam^l Rogers and James Harriss by a deed bearing date May, 1710. And it is ordered, that the parish choose a committee to joyn such as the said purchasers or their assigns shall also appoint, to pitch upon and lay out the said five hundred acres of land in one or more parcels, as shall be found most convenient for the minister or ministry. And in case they cannot agree to choose a committee to do said service, or said committee so chosen shall not within two months next after the rising of this present sessions do the same, viz. lay out by meets and bounds at least the two hundred and fifty acres of land for the first minister that shall settle in said parish; and in case the same be neglected to be done in the forementioned prefixed time, that then Messrs. James Wadsworth and John Hall, Esq^{rs}, are appointed by this Assembly to repair thither and lay out said land according to the grant of this Assembly. But if by inevitable providence either said Wadsworth or Hall be disabled to do said service, then this Court do appoint Roger Wolcott, Esq^r, to assist and joyn with the other, either said Wadsworth or Hall, in doing the same. And this Court orders, that all the unimproved lands lying within the said parish be taxed at one penny per acre *per annum* for four years next insuing towards the defraying of the parish charges, the committee to be at the cost of the said parish. And tis further ordered, that the inhabitants and proprietors of said parish do renew the ancient bounds of the several farms or tracts of land held by the said inhabitants or proprietors, which border upon the land of the said purchasers or their assigns, that it may be known what lands are to be taxed in due proportion according to each mans right as aforesaid for the support of the ministry amongst them in said parish.

This Assembly grant unto Ebenazar Avery of Groton one hundred acres of land, to be laid out by the surveyour of New [308] London county || in the lands of this Colony, provided it do not interfere on any former grant. Provided he pay the sum of twenty-five pounds bills of credit to the publick treasury of this Colony at or before October next. The said land to be laid out at the charge of said Avery.

Upon the petition of Eben^z Billings of Stonington, praying this Assembly to order the sum of two pounds five shillings to be paid him by the north society in said town, for the charges he paid to the committee sent by this Assembly to settle the

place of their meeting house: It is by this Assembly ordered, that said sum be paid said Billings by said society.

Upon consideration of the petition of the inhabitants of the east parish in Lyme: Resolved by this Assembly, that the unimproved lands, and such as have not been improved four years, within said parish, that are within four miles of the meeting house, shall pay one penny on the acre to the said parish for two years next coming, and that the said parish shall be freed from paying rates to the country for two years.

Upon the petition of John Sabin, praying this Assembly that he may, at his own cost, have a committee allowed him to view the bridge that himself and his son is building over Quinabaug River at the falls next Pomfrett, and to consider the proceedings therein and the usefulness thereof to the publick, and the cost and charge thereof, with the contributions already made, and what is likely to lye on the petitioner and son in finishing said bridge, and to make report of all they shall observe in that affair to the Assembly in October next: Whereupon this Assembly do appoint and impower Mr. Joshua Ripley and Mr. Timothy Pierce to be a committee, at the cost of the petitioner, to do and act in all the above premises, and report the same to this Assembly in October next.

This Assembly do appoint Messrs. John Plumb, Joshua Ripley, and Josiah Conant, or any two of them, a committee at the charge of the Colony, to view the proper lines of Voluntown, according to the several grants of this Assembly, and see whether there be any country lands adjoining, and make report thereof to this Assembly in October. And the said committee are to give seasonable and publick notice to the neighbouring towns, when they will attend the service aforesaid. And the matter of Voluntown is referred to October next.

[309] Upon the petition of Benoni and Timothy Smith, inhabiting near the bounds between Hartford and Wethersfield on the east side of Connecticutt River, praying for liberty of keeping a ferry to transport passengers over said river in said place, and to disallow the setting up of any neighbouring ferry tending to the hurt and prejudice of the petitioners: This Assembly grants the prayer of the petitioners, provided they keep sufficient vessels for transportation and give good attendance.

Upon the petition of the wife of Squinimo an Indian man, praying relief, complaining that she is unjustly kept out of the possession of certain lands at Podunk, contrary to an act of this Court March 14th, 1660: Resolved by this Assembly, that

Col^o Allyn, judge of the county court in the county of Hartford, inquire into the matter of this complaint and make report what he finds thereon to the General Assembly in May next.

Upon the petition of Mary Dudley of Seybrook respecting the erecting and settling of a wharf at Seybrook ferry, praying an order of this Assembly that the accounts of the charge of said wharf between the petitioner and Mr. Stephen Whittlesey may be adjusted: This Assembly do appoint James Wadsworth, Esq^r, and Mr. Hill of Gilford, (at the cost of the parties,) to examine and adjust the accounts between the said parties concerning the wharf abovementioned.

This Assembly do grant unto Mr. John Southmaid of Waterbury two hundred acres of land at or near the south end of Tocconnick Mountain on the west side of Ousátunnuck River; provided it prejudice no former grant.

Upon the petition of John Durk, William Durk and Nathaniel Hovey, committee of the society or parish called Windham Village, shewing the difficult circumstances of said parish attending them in settling of the gospel ministry amongst them, praying they may be abated the country tax for some time: This Assembly do free the inhabitants of said parish from paying rates to the Colony for two years next coming.*

Upon motion made by Major James Fitch for satisfaction for five hundred acres of land supposed to be taken from him by establishing the line of partition between Boston government and this: This Assembly do appoint Lieut. Timothy Pierce and Mr. Samuel Butt, at the charge of said Major Fitch, to inquire into that affair and report the same to this Assembly in October next.

Upon the petition of Andrew Hinman of Woodbury, shewing that this Assembly, May 10th, 1677, did grant unto Dea. [310] Thomas Judd liberty || to take up his grant of two hundred acres of land, the whole whereof being not yet laid out, and that the petitioner hath purchased of Capt. Thomas Judd of Waterbury one hundred acres of the said grant, praying liberty to take up and survey the said hundred acres purchased as aforesaid: This Assembly grants liberty unto the petitioner to procure to be surveyed and laid out the said one hundred acres in two peices, in any of the ungranted lands of this Colony on the west side of Stratford or Ousatunnuck River.

Upon consideration of the petition of Samuel Selding of

* From the Journal of the Upper House, it appears that the second society in Windham, or Windham Village, was also called Canada: now Hampton.

Lyme : It is by this Assembly enacted and declared, that the Fishing Cove, so called, in Lyme, adjoining to Mr. Seldings farm, shall be under the same regulations, restrictions and encouragement, as Windsor Ferry River, and Quinabaug River is, by an act of this Assembly intituled An Act to prevent nuisances by hedges, weirs, &c. in rivers, as may be found in the 205 page of our law book. And if any other person whatsoever shall by wears, hedges or seines, or any other way whatsoever, disturb or hinder, or any ways obstruct the natural or usual course of the fish up said cove, shall be deemed a common nuisance, (except with a licence from the county court in the county of New London.) Any of said obstructions shall be removed, and the person found guilty thereof to be punished, as by said law is provided.

This Assembly grant licence unto Mr. Jonathan Bull of Hartford, to practice in the art of physick, and he is allowed to follow that profession and calling in this Colony for the future.

Upon consideration of an order of Council dated January 8th, 172 $\frac{1}{2}$, that the selectmen of the town of New London, viz. James Rogers, Stephen Prentts, Jonathan Hill, Daniel Dart, and Richard Douglass, were directed and required to pay to Jonas Green the sum of forty-eight shillings, and to William Taylor the sum of forty-eight shillings; which sums were due to them and allowed in Council for service which they had attended in the months of November and December last by order of the Governour and Council for the common safety of the town and preservation of the inhabitants thereof, which were in danger of being infected with the small pox which was in the house of John Rogers of the said town at the said time: It appearing to this Assembly that the money above-mentioned was prudently expended in preventing the spreading of the small pox in New London, therefore it is resolved, that the said town of New London shall make speedy payment thereof, and what the selectmen of said town of New London, [311] or others in said town or elsewhere || have expended in the matters above refer'd to, the accounts thereof shall be laid before the next county court in New London, by them to be adjusted, and the payment to be made according to the direction of law by the best judgment of said county court.

Upon consideration of the petition of Elizabeth Hill *vs.* Abram Kilborn, praying this Court to determine or resolve what course the line shall be run between said Kilborn and the petitioner's children's lands, described in the petition: Resolved by this Assembly, that the course of the line prayed

to be stated shall be a parallel line to the dividant line betwixt Hartford and Glassenbury.

It is ordered by this Assembly, That the fare of the ferry at Niantecutt shall be three pence horse and man, and a penny for a single person.

Upon the petition of Samuel Gibbs, John Burroughs, Daniel Elseworth and Nathaniel Grant: This Assembly grant unto them that the fourfold assessment (pray'd to be abated) shall be taken off for this year; and it is resolved that they pay rates for their estates at Windsor-till this Court order otherwise.

Whereas this Assembly, May 10th, 1716, did appoint Joseph Talcott, Esqr, and Mr. Thomas Kimberly a committee to lay out to the town of Windsor lands equivalent for what is taken from them by establishing the line of partition between the Province of the Massachusetts Bay and this Colony: William Pitkin, Esqr, is by this Assembly added to the said committee; and any two of them are to act with full power in the matters to them referred.

Whereas it appears by the result of several audits that there are two articles of debt to the Colony, viz. twenty pounds in the hands of Mr. Lucass, a gentleman of Antigua, and the other is an article of slops left in the hands of Mr. Foxcraft, commissary of Annapolis, to the value of seventy-nine pounds seven shillings, which we have long endeavoured to obtain and are become desperate: And whereas it is suggested that if the government would grant them (in case they can be recovered) to the support of the college in New Haven, those that are concerned in them might possibly be prevailed with not to withhold them from such a pious use: It is therefore considered and resolved, that if by direction of the Governour and Council those sums, or any part of them, can be gained, they shall be paid into the treasury of the said college, to be improved by the trustees thereof, to the benefit of said college, and particularly to the carrying on the building of the rectors house, if it shall be wanting to that end. Always provided, that the government be at no charge in recovering the money.

[312] An Act for Putting into the Hands of the Treasurer the Sum of Fifteen Hundred Pounds in this Colony Bills, and for Issuing them out for the Payment of the Colonies Debts.

This Assembly do order and appoint William Pitkin and Joseph Talcott, Esqrs, and Mr. Ebenezar Fitch, to be a committee to put into the hands of Mr. John Whiting, treasurer, the sum [of] fifteen hundred pounds in the bills aforesaid, taking his receipt for the same. And further, the committee

aforesaid are ordered to exchange five hundred twenty-four pounds six shillings and nine pence of the bills brôt in by the rate for the year 1720, for so much of the exchange bills now in the treasurers hands, to make up the aforesaid fifteen hundred pounds in bills fit to pass out of the treasury. And the committee aforesaid are further ordered to burn one hundred and forty pounds and four shillings of the bills brôt in by the rate aforesaid, and the sum of three hundred and seventy-seven pounds of the bills brôt in by exchange. And it is further ordered by this Court, that the aforesaid fifteen hundred pounds now ordered to be put into the treasurers hands shall be issued by the treasurer for the payment of the debts of the Colony, according to such orders as he shall receive for the same according to law.

This Assembly grants to Mr. Hez. Brainerd, for his good service as Speaker of the Lower House this present sessions, the sum of one pound ten shillings; and to Capt. Joseph Whiting, for his service as Clerk of the Lower House this sessions, the sum of one pound five shillings; and to the constables, for their attendance, three shillings *per diem*.

Whereas Messrs. William Pitkin and Joseph Talcott, Esq^{rs}, and Eben^z Fitch, a committee appointed for that end, have, pursuant to an order of this Court, exchanged in the treasury of the bills brought into the treasury by the rate of 1720, the sum of five hundred twenty-six pounds nineteen shillings and nine pence, which were so torn as not to be fit to be emitted: Ordered by this Assembly, that the said committee receive the said sum of the treasurer and burn the same, and that the said committee make return of the sum so burnt to the secretary, that it may be recorded.

June the first day, 1722, Then the sum of five hundred twenty-six pounds nineteen shillings and nine pence was all burnt and consumed, per William Pitkin, Joseph Talcott, Eben^z Fitch, committee.

[313] Upon the petition of Gershom Sexton, in behalf of the inhabitants of Stafford, shewing that the tax granted by this Assembly of fifteen shillings on each right of land in said town is insufficient to enable them for the settlement of a minister and building a meeting house, &c.—praying that the said tax may be enlarged: This Assembly grant a tax of forty shillings *per annum* on each right of land in said town for three years, and Mr. Eben^z Fitches lands to be accounted as one right and a half.

Cost allowed by this Assembly unto Mr. John Austin, for his attendance to answer the petition of Daniel and Thomas

Hooker, is fourteen shillings, which sum the petitioners are to pay said Austin.

Upon consideration of the petition of John Rogers, of New London, *vs.* Christopher and Nicholas Darrows of said New London: It was resolved by this Assembly in the negative, and cost allowed said Darrows against said Rogers is £3 4s. 4d.

Upon consideration of the petition of Luke Hill formerly of Branford *vs.* Dan^l Foot and John Russell, guardians to Moses Foot of said Branford: It was by this Assembly resolved in the negative; thereupon cost allowed said guardians against said Hill is £0 14s. 0d.

Upon consideration of the petition of John Rogers of New London; administrator on the estate of John Rogers, late of said New London, deceas'd, *vs.* Sam^l Richards and James Rogers, administrators on the estate of James Rogers, late of said New London, deceas'd: It was by this Assembly resolved in the negative, and cost allowed the administrators of said James Rogers against the petitioner is £2 0s. 2d. *Ex. granted Sept. 18th, 1722.*

Cost allowed the selectmen of Wethersfield, viz. W^m Goodrich, George Kilborn, Benja^a Smith and David Wright, for attendance at this Assembly to answer the petition from Farmington against Thomas Bird, Nathan^l Wadsworth, Dan^l Judd, and Thomas Stanly, petitioners, is *Entered thro mistake.*

The petition of Samuel and Joseph Burnham *vs.* Sam^l Tudor is referred to this Assembly in October next.

The prayer of the selectmen of Milford, respecting the ferry over the river between Stratford and Milford, is referred to this Assembly in October next, and Moses Wheelar, the present ferryman, to be notified thereof.

Cost allowed Middletown for their attendance at this Assembly to answer the petition of Farmington, is £1 11s. 6d.

Forasmuch as the sessions of this Assembly has continued longer than ordinary, and the occasions of the season of the year require a recess: It is hereby ordered that this Court be adjourned till the 2^d Thursday of October next, or to such other time as the Governour, or in his absence the Deputy Governour, shall see meet to call the same. And for the conveniency of several members of this Court who live remote, and that they may have convenient time within the week to retire to their respective homes: It is ordered, that William Pitkin, Joseph Talcott and Roger Wolcott, Esq^{rs}, Messrs. Thomas Seymor, James Eusign, David Goodrich, Jonathan

Belding, Henry Wolcott, Ebenz Fitch, and Mr. John Stone, be a committee who shall stay after the Court is up, and see the acts of this Court made in the records.

The whole records of the acts of this Assembly, at this sessions, entered aforesaid, was read in the presence of said committee, excepting Mr. Fitch and Mr. Stone, and ordered by said committee to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secretary.

[314] CONNECTICUTT }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN, IN HIS MAJESTIES COLONY OF CONNECTICUTT IN NEW ENGLAND, ON THE 11TH DAY OF OCTOBER, IN THE NINTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM., 1722.*

Present at this Assembly,

The Hon^{ble} Gurdon Saltonstall, Esq., Governour.

The Hon^{ble} Nathan Gold, Esqr, Deputy Governour.

John Hamlin,	} Esqrs,	Joseph Talcott,	} Esqrs.
William Pitkin,		Roger Wolcott,	
Peter Burr,		Jonathan Law,	
Samuel Eells,		James Wadsworth,	
Mathew Allyn,		John Hall,	

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz :

Mr. Thomas Seymour, Mr. James Ensign, for Hartford.
 Capt. James Rogers, Mr. Stephen Prentts, for New London.
 Mr. Joseph Strong, Capt. Sam^l Parker, for Coventry.
 Mr. Nehem. Smith, Mr. Joshua Bill, for Groton.
 Mr. Sam^l Parsons, Capt. Henry Crane, for Durham.
 Mr. Nath^l Holcomb, Mr. Jonath. Westover, for Symsbury.
 Mr. Jerem. Ripley, Mr. Edward Waldo, for Windham.
 Capt. Tho. Huntington, Mr. Thomas Storrs, for Mansfield.
 Mr. Nath^l Chapman, Mr. Steph. Whittlesey, for Seybrook.
 Mr. W^m Preston, Mr. Ebenz Warner, for Woodbury.
 Capt. Joseph Addams, Mr. David Carver, for Canterbury.
 Mr. Nath^l Yale, Mr. Isaac Dickerman, for New Haven.
 Capt. Joseph Wakeman, Capt. Moses Dyman, for Fairfield.

* The Journal of the Lower House is not found.

Capt. W^m Harriss, Capt. W^m Savage, for Middletown.
 Capt. Daniel Brainerd, for Haddam East.
 Mr. Hez: Brainerd, for Haddam West.
 Mr. John Hooker, Capt. W^m Wadsworth, for Farmington.
 Mr. Nath^l Burnham, Capt. David Goodrich, for Wethersfield.
 Capt. James Newton, Capt. Joseph Wright, for Colchester.
 Capt. John Mason, Capt. Ephraim Minor, for Stonington.
 Capt. John Sabin, Mr. W^m Sharp, for Pomfrett.
 Mr. John Hoitt, Mr. John Stone, for Stamford.
 Mr. David Buell, Mr. Abram Pierson, for Killingsworth.
 [315] Mr. Tho. Hecox, for Waterbury.
 Mr. John Gregory, for Danbury.
 Mr. Caleb Leet, Mr. Joseph Stone, for Guilford.
 Mr. Ebenz West, Mr. John Woodward, for Lebanon.
 Mr. Henry Wolcott, Mr. Ebenz Fitch, for Windsor.
 Mr. Benj^a Curtice, Capt. John Hawley, for Stratford.
 Lt. Joseph Becchus, Capt. Jabez Perkins, for Norwich.
 Capt. Joseph Dolittle, Mr. Sam^l Hall, for Wallingsford.
 Capt. Roger Newton, Mr. George Clark, for Milford.
 Mr. Caleb Fobes, Mr. Joseph Keeny, for Preston.
 Col^o Ebenz Johnson, Capt. John Riggs, for Derby.
 Mr. Peter Aspinwall, Mr. Eleazar Bateman, Kellingly.
 Capt. Joseph Platt, Capt. Sam^l Hanford, for Norwich.
 Capt. Nath^l Harrison, Capt. Sam^l Maltbey, for Branford.
 Lt. Timothy Pierce, Mr. Dan^l. Lawrence, for Plainfield.
 Capt. Reignold Marvin, Mr. John Colt, for Lyme.
 Mr. Tho. Kimberly, for Glassenbury.

Mr. Hez. Brainerd, Speaker, } of the House of Represent-
 Mr. Thomas Kimberly, Clerk, } atives.

This Assembly do establish and confirm Mr. Samuel Parker of Coventry to be Captain of the company or trainband in the town of Coventry, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Peter Buell of Coventry to be Lieutenant of the company or trainband in the town of Coventry aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Porter of Coventry to be Ensign of the company or trainband in the town of Coventry aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Orcutt of Stafford to be Lieutenant of the company or trainband in the town of Stafford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benj^a Howard of Stafford to be Ensign of the company or trainband in the town of Stafford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Hatch of Tolland to be Lieutenant of the company or trainband in the town of Tolland aforesaid, and that he be commissioned accordingly.

[316] This Assembly do establish and confirm Mr. John Huntington of Tolland to be Ensign of the company or trainband in the town of Tolland aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Bissell of Bolton to be Lieutenant of the company or trainband in the town of Bolton aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nath^l Loomiss of Bolton to be Ensign of the company or trainband in the town of Bolton aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Perry of Ashford to be Captain of the company or trainband in the town of Ashford, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Russell of Ashford to be Lieutenant of the company or trainband in the town of Ashford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Kendall of Ashford to be Ensign of the company or trainband in the town of Ashford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Obadiah Hosford of Hebron to be Captain of the company or trainband in the town of Hebron aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Hez. Gaylor of Hebron to be Lieutenant of the company or trainband in the town of Hebron aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Waters of Hebron to be Ensign of the company or trainband in the town of Hebron aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Marsh of

Litchfield to be Captain of the company or trainband in the town of Litchfield aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Buell of Litchfield to be Lieutenant of the company or trainband in the town of Litchfield aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan¹¹ Smith of Litchfield to be Ensign of the company or trainband in the town of Litchfield aforesaid, and that he be commissioned accordingly.

[317] This Assembly do establish and confirm Mr. William Warner of Wethersfield to be Captain of the company or trainband in the south society or parish in the town of Wethersfield aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Robbins to be Lieutenant of the company or trainband in the south society or parish in the town of Wethersfield, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Smith of Wethersfield to be Ensign of the company or trainband in the south society or parish of Wethersfield aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Hoyt of Stamford to be Captain of the first company or trainband in the town of Stamford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Weed of Stamford to be Lieutenant of the first company or trainband in the town of Stamford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac How of Stamford to be Ensign of the first company or trainband in the town of Stamford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jeremiah Ripley of Windham to be Lieutenant of the first company or trainband in the town of Windham aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Handy of Windham to be Ensign of the first company or trainband in the town of Windham aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Eleazar Cary

of Windham to be Captain of the second company or trainband in the town of Windham aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Edward Waldo of Windham to be Lieutenant of the second company or trainband in the town of Windham aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Rudd of Windham to be Ensign of the second company or trainband in the town of Windham aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Marsh of Lebanon to be Captain of the first company or trainband in the town of Lebanon aforesaid, and that he be commissioned accordingly.

[318] This Assembly do establish and confirm Mr. William Wattel of Lebanon to be Lieutenant of the first company or trainband in the town of Lebanon aforesaid, and that he be commissioned accordingly.

Resolved by this Assembly, That for the future the north east society or parish in the town of Norwich be called by the name of Newent.

The gentlemen nominated to stand for Election in May next, sent in (by the freemen of this government) to this Assembly, are as follows, viz^t:

The Hon^{ble} Gurdon Saltonstall, Esq^r, the Hon^{ble} Nathan Gold, Esq^r, John Hamlin, Esq^r, William Pitkin, Esq^r, Richard Christophers, Esq^r, Peter Burr, Esq^r, Samuel Eells, Esq^r, Mathew Allyn, Esq^r, Joseph Talcott, Esq^r, John Sherman, Esq^r, Roger Wolcott, Esq^r, Jonathan Law, Esq^r, James Wadsworth, Esq^r, John Hall, Esq^r, Capt. Christopher Christophers, Mr. Hez. Brai^{er}d, Capt. Joseph Wakeman, Mr. John Hooker, Capt. Joseph Whiting, Mr. Samuel Bishopp.

Whereas this Assembly has been informed that a considerable number of disorderly persons in the county of Hartford have combined together and design speedily in a riotous manner to appear against and with force of arms oppose the execution of lawful authority, to the great disturbance *and* [of the] peace of his Majesties subjects; and being sensible of what consequence it is that whatever so tends to the disquietment of his Majesties subjects, to the obstruction of justice and contempt of that authority, which by our charter from the crown is intrusted with us, should (if it may be) be prevented, or otherwise suppressed with a strong hand,—have thereupon

thought good to enact, and it is hereby enacted by the Governour, Council and Representatives in General Court assembled, that the sheriff of the county of Hartford, who at present is Colo^o William Whiting, shall have, and he has hereby granted him, full power and authority, as there may be occasion for the preventing and suppressing all such disorderly or riotous behaviour in the said county, to command all his Majesties [319] subjects, officers ||. and people, in the said county, and particularly the militia therein, to be aiding and assisting to him; and they are hereby commanded on his requiring and commanding them thereunto, to be aiding and assisting unto him, on the penalty of five pounds for each who shall refuse obedience to him, so commanded, in arresting, securing, committing to goal, and, if he judges there be need thereof, guarding such persons there until such time as they may be regularly brought to tryal, and condign punishment inflicted on such as shall be found guilty.

Upon the petition of Mr. John James, shewing that this Assembly at their sessions in Hartford, October 13th, 1687, granted to him two hundred acres of land, and that the same has not yet been laid out to him, praying liberty that it may be laid out in country land where it may be found: The prayer of said petition is granted, provided it be laid out by the surveyour of the county of Hartford or New London in any of the ungranted lands of the Colony not sequestered.

This Assembly do appoint and impower Mr. John Hooker, to be Justice of the Peace and Quorum for the county of Hartford till this Assembly in May next.

This Assembly do establish and confirm Roger Wolcott, Esqr, of Windsor to be Captain of the south company or trainband on the east side of Connecticutt River in the town of Windsor aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Henry Wolcott of Windsor to be Lieutenant of the south company or trainband on the east side of Connecticutt River in the town of Windsor, aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Loomiss, junr, of Windsor, to be Ensign of the south company or trainband on the east side of Connecticutt River in the town of Windsor aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Job Elseworth of Windsor to be Captain of [the] north company or trainband on the east side of Connecticutt River in the town of Windsor aforesaid, and that he be commissioned accordingly.

[320] This Assembly do establish and confirm Mr. Isaac Bissell of Windsor to be Lieutenant of the north company or trainband on the east side of Connecticut River in the town of Windsor aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Bissell of Windsor to be Ensign of the north company or trainband on the east side of Connecticut River in the town of Windsor aforesaid, and that he be commissioned accordingly.

An Act in Emendation of an Act made and passed at this Assembly holden at New Haven, October 12th, Anno Dom. 1721, intituled An Act for Encouragement of the getting Bayberry Tallow.

Whereas the time limited in the said act for gathering said berries, being the twentieth day of August annually, is found by experience too soon, the said berries not then being ripe or come to such perfection as to render the gathering them profitable, so that the good ends in the said act intended is much obstructed: For remedy whereof,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the time for gathering said berries shall begin on the tenth day of September annually; and if any person or persons whatsoever shall presume to gather said berries sooner, he or they shall be lyable to the penalties in the said act mentioned, anything in said act to the contrary notwithstanding.

This Assembly do appoint and impower Mr. James Bennitt to be Justice of the Peace and Quorum for the county of Fairfield, until the General Assembly in May next.

Upon the petition of Samuel Darwin of Guilford, this Assembly do exempt him for the future from paying rates for his poll, in consideration of his lameness.

This Assembly grant licence unto Mr. John Harpin of Milford to practice physick and chirurgery in this government.

This Assembly do appoint Roger Wolcott and Jonathan Law, Esq^{rs}, Capt. Wakeman, Mr. Hooker and Capt. Platt, [321] || a committee to consider the letters from Col^o Shute, Governour of the Massachusetts Bay, and William Burnett, Esq^r, Governour of New York, and thereupon draw what they shall think proper to be done by this Assembly.

Resolved, That the committee of this Assembly, appointed on the occasion of the desire of assistance by Col^o Shute, Governour of the Massachusetts Bay, in the war with the Eastern Indians, and the demand of our militia made by William Burnett, Esq^r, Governour of New York, to consider the state of those affairs and report to this Court their opinion thereon,

do also consider the state of the artillery and ammunition in the Colony, and report what they judge necessary to be done that we may be sufficiently provided for a time of war.

The committee appointed to consider the letter of his Excellency Gov^r Burnett to his Honour, dated July 30th, 1722, and papers thereunto relating, and the letter of his Excellency Gov^r Shute to his Honour, dated Sept^r 3^d, 1722, and papers thereunto relating,* and also what quantities of ammunition are in the publick magazines in the towns in this Colony, and make their report to the Assembly upon the several particulars referred to their consideration in manner following:

1. That his Honour's answer to his Excellency Gov^r Burnett, and his advice to our agent thereupon, is as much as can be done in answer to his Excellencies demand at present; and that it may be proper for this Assembly to approve the same and to return their thanks to his Honour for his care and good conduct in that affair, and further to desire him to send his Excellency a copy of the act of this Assembly in May, 1719, appointing commissioners on our part to erect monuments in the bounds between the two governments, and that he would take occasion from this disturbance to press his Excellency to appoint commissioners on the part of the Province of New York to joyn with ours to perfect that affair to a final settlement.

2. That it may be proper for this Assembly, if greater dangers appear, to provide a great artillery and other warlike stores at New London, and make such fortification there as is needful to defend our shiips and vessels in that harbour.

3. That it is proper for this Assembly to appoint some suitable person or persons to receive and adjust the Governour's accounts of his charge in mending, cleansing and keeping in good kelter the firelocks left with his Honour at New London, and to give him an order to the treasurer for what is justly due on that account, and that said arms be speedily transported to Hartford.

[322] 4. That it is proper for this Assembly to appoint Colonels and Lt. Colonels over the regiments in each county, and enact such laws for the regulation of the regiment under them as the Assembly shall think best.

2ly. The committee are of opinion that the insults of the Eastern Indians, being comparatively but few in number, is not such an invasion of the frontiers as was understood by his

* The letter of Gov. Burnet, with a copy of Gov. Saltonstall's reply, is in *War*, III., 178, 179. The papers accompanying Gov. Shute's letter are in the same volume, No's 180-188.

Majesty in his instructions to his Excellency Gov^r Shute as should call for the assistance of all his Majesties Dominions in North America from New Hampshire to Virginia; and that it may be proper for this Assembly to desire the Governour to write to his Excellency on that affair in our excuse, reminding his Excellency of our readiness to cover the county of Hampshire in the time of war, and that he may still on like occasions expect the same from us, and to assure him that in time of danger this Colony will be ready, as any of the governments mentioned in his Majesties repartition, to assist his Excellency and the Province under his government against the enemy.

3ly. By the best information the committee have gained, the publick magazine, and the stores in the respective towns, are very much wanting of such quantities of amnition as the law requires, and that at this time tis doubtful they cant be supplied, by reason of the great scarcity of powder and lead in the country; and thereupon we are of opinion, that it may be proper for this Assembly to direct the majors to inspect the stores of the several towns in their precincts, and to take care that such as are wanting are supplied as soon as may be.

Roger Wolcott. Jn^o Hooker. Joseph Platt.
Jonathan Law. Joseph Wakeman.

This Report approv'd by this Assembly.

On the hearing the petition of Jacob Moon *vs.* John Bell, administrator on the estate of Abram Weed late of Stamford deceas'd: It is considered and resolved, that the law of this Colony, entituled An Act relating to book debts, whereby book debts in certain cases within a limited time become outlaw'd, is not to be understood of any accounts kept between a merchant or trader and his factor or agent, who thô they receive goods of such merchants and traders are not to be charged with them as having in themselves the property of the said goods, but are only to render an account of their factorage and [323] whatsoever || may justly be demanded of them as factors; and that the said law ought not to be understood as a bar to any action which justly lyes for such merchant or trader against any such factor or agent, or any that may represent him after his decease.

Upon consideration of the petition of Abraham Kilborn of Glassenbury, shewing to this Assembly the very great wrong and injury he is like to sustain by the act of this Assembly of May last establishing the line dividint of his three mile lot in Glassenbury aforesaid; that is to say, the line on the south side his said lot next the land of the heirs of Mr. Joseph Hill deceas'd; the said heirs thereby amoving him from his pos-

sessions, improvements and buildings, driving him on to the possessions of his neighbour northward, or cutting his land off,—praying this Assembly that he may have the same line established on the north side his said lot, and that his damages may be adjusted and a way found for his recompence: This Assembly therefore order, enact and resolve, that as well the said line on the north of said petitioner, viz. the dividant line between him and Jonathan Hale, as the line dividant between the lots of the said Jonathan Hale and the heirs of Capt. Joseph Maudsley, deceas'd, or any other lines in dispute there, throughout from the great river eastward to the east end of their said lots, shall be lines parallel to the dividant line between Hartford and Glassenbury, as it runs the first three miles from Connecticutt River. And this Assembly do now authorize and appoint James Wadsworth, Esq^r, Mr. John Hooker, and Capt. David Goodrich, to survey and run the said lines of the said lots, and erect boundaries according to law, (they or any two of them,) and also to make a computation and an adjustment of the damage that may happen to accrue to any person by this establishment of the said lines by moving them from their respective improvements, possessions and buildings, and lay the account thereof before this Assembly in May next, that this Assembly may then make out such orders for their recompence respectively as this Assembly shall then think just. The whole charge to be borne and paid by the owners of the lots adjoining to the lines in dispute.

Resolved by this Assembly, That Mr. Treasurer Whiting repair to this Assembly and bring with him such bills of credit as are in his hand, brought in by the two last rates, and that he attend by Wednesday next.

This Assembly grants liberty and full power unto Thomas Carns of Branford to sell so much of the lands of John Barnes, late of said Branford, deceased, as may be sufficient to pay the sum of nine pounds fourteen shillings and six pence half penny, to answer the debts due from said estate, together with necessary charges; provided he attend the order and direction of the court of probate in the county of New Haven.

[324] Whereas this Assembly in May last granted that one certain article of debt, amounting (as was then supposed) to seventy-nine pounds seven shillings, being an article of slops left in the hands of Mr. Foxcraft, commissary of Annapolis, if that or any part thereof by the direction of the Governour and Council might be recovered, &c., to be improved by the trustees of Yale College: And forasmuch as the reverend trustees of said college have now moved that the above act might be

again enforced, and the said trustees may be enabled to recover said debt, althô it should be of greater value than the sum abovesaid: Upon which, this Assembly do grant the whole of said debt, and order it to be improved by the said trustees for the benefit of said college.

Upon consideration of the petition of the town of Wallingsford *vs.* the town of Middletown: Resolved by this Assembly, that a north line by the needle of the surveying instrument, drawn from the cedar tree, vizt. the reputed southwesterly corner boundmark of Middletown township, to the extent of Wallingsford bounds, shall forever be and remain the dividant line between the said townships: Provided always, that Middletown have liberty, with the assistance of the county surveyour, to measure their said five miles from their old meeting house west; at the end whereof a north and south line to determine the bounds of said Wallingsford. Provided also, that the said town of Middletown shall give seasonable notice to the town of Wallingsford, that they may be present at the measuring said five miles and running said north and south line. Provided also, that said town of Middletown shall take the benefit of measuring said five miles by the first day of May next.

Resolved by this Assembly, That for the future all physicians and chirurgeons, now allowed or hereafter to be allowed, shall be rated and taxed for his poll in all publick dues, as other inhabitants in this Colony are.

A Question being propounded to this Assembly, what may be intended by house lots, in the law respecting lists of estates, page 200, whether it be such lots whereon any inhabitant dwells: Resolved, that every such lot (having first been under improvement four year) shall be deemed a house lot, and the owner thereof be listed therefor accordingly.

[325] Upon consideration of the petition of Mr. John Buell, in behalf of the town of Litchfield: This Assembly resolves, that there be raised a tax on each right of land within the said township, being in number fifty-seven, (exclusive of the rights set apart to pious uses,) of the sum of forty shillings upon each of said rights annually for the term of four years next insuing, to be paid in money by the owner or owners of such rights respectively, to be gathered and collected by the collectors of the said town, and to be paid on or before the first day of March annually; and if any person or persons lyable to pay as aforesaid shall neglect or refuse to make payment thereof, the said collectors have hereby power to make distraint as in other cases collectors of any town have power to do. The money so gathered [to] be improved to the settling and sup-

port of the ministry in said town and building a meeting house there.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all goats found doing damage in any inclosure, and being impounded, the owners of such goats shall pay four pence per head poundage and all damages.

This Assembly nominate and appoint Mr. Edmond Lewiss of Stratford to be Surveyour of Lands in and for the county of Fairfield.

Resolved by this Assembly, That Litchfield be annex to the county of Hartford, and that the vacant lands which lye north and east and west of Litchfield and west of Farmington and Symsbury be annex to the county of New Haven.

Upon the petition of Samuel Cook of Stratfield, clerk, guardian to Ichabod Wolcott Chauncey, minor, son of the late Reverend Mr. Charles Chauncey of said Stratfield, deceas'd, representing that the said guardian hath already expended considerably of his own estate in the carrying on of the liberal education of the said minor, who hath now a standing in Yale College of the fourth year, and that the said guardian cannot further proceed in that matter without help, whereupon he petitions this Assembly that of the estate of the said minor he be reimburs't his past expences and be further enabled to carry on the said minors education: This Assembly, upon consideration had of the premises, do therefore appoint the judge of the probates in the county of Fairfield to examine the accounts of the said guardians disbursements in the premises; and do order that the moveable estate belonging to said minor shall be allowed the said guardian towards defraying the same, as far as it will go, including herein the rent of the said minors [326] lands in the hands of the said guardian; || (only providing that the said minor have the library of books that was his fathers reserved for him, according as he hath in this Assembly desired, choosing rather that so much the more lands be sold.) And this Assembly do further order, that for the repayment of the surplusage of the disbursements as aforesaid, as likewise that the said guardian may be enabled to carry on the said minors education until he shall have received his first degree in the said college, such a part or parts of the said minors real estate shall be sold by the said minor, with the consent of the judge of the probates as aforesaid and the abovenamed guardian, as may suffice for the purposes aforesaid; whom this Assembly doth fully authorize and empower thereunto, and that such sale or sales shall be accounted as

good and valid in the law to the grantee and grantees as if the said Ichabod Wolcott Chauncey at lawful age had passed away the same; and that the money so to be raised be in the hands of the said guardian for the forementioned uses, the said judge of the probates taking his receipt therefor.

Upon consideration of the petition of the town of Farmington vs. the town of Middletown: This Assembly do appoint Mr. Henry Wolcott, Capt. Ozias Pitkin and Mr. Eben^z Fitch, a committee, who, at the charge of the petitioners, may repair to the place, view the land and bounds in controversy, and endeavour an accommodation and agreement between the parties; which if they cannot obtain, then they shall report the state of that case to this Assembly in May next, with their opinion thereon.

Whereas the Trustees of Yale College have moved to this Assembly that they may be granted a common seal, to be improved in and about the affairs of that college, whereby the trustees of said college from time to time may confirm and ratify what they act and do in the capacity of trustees:

Be it enacted by the Governour, Assistants and Deputies. That the said trustees shall and may forever hereafter have a common seal, to serve and use for all causes, matters, things and affairs whatsoever, relating to the said college and unto the trust reposed in them with respect to the same, to alter, change, break, and make new from time to time, at their wills and pleasures, as they shall think fit.

This Assembly do establish and confirm Mr. Gershom Bulkley of Fairfield to be Cornet of the troop in the county of Fairfield, and that he be commissioned accordingly.

[327] This Assembly do establish and confirm Mr. Thomas Hill of Fairfield to be Quarter-Master of the troop in the county of Fairfield, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Minor of Woodbury to be Captain of the north company or trainband in the town of Woodbury aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Eben^z Warner of Woodbury to be Lieutenant of the north company or trainband in the town of Woodbury aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Judson of Woodbury to be Ensign of the north company or trainband in the town of Woodbury aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Hiccox of Woodbury to be Lieutenant of the south company or trainband in the town of Woodbury aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Dickerman of New Haven to be Captain of the first company or trainband in the town of New Haven aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Mansfield of New Haven to be Ensign of the first company or trainband in the town of New Haven aforesaid, and that he be commissioned accordingly.

This Assembly being fully certified that on this instant October the prison house and common goal for the county of Hartford, in Hartford, in a tumultuous manner, with strong hand was broken open, and divers persons there committed for the non-payment of certain charges arising upon their prosecution before the county court of and for the county aforesaid, pursuant to a sentence of the said court, were taken, rescued and delivered out of the custody of the law; and in that riotous transaction and affray, besides the breaking open of the house and prison aforesaid, in a riotous manner, with an open and high-handed contempt of this his Majesties government, other high misdemeanours and notorious breaches of the peace and other crimes were perpetrated and committed:* To the end that such wickedness may be suppress, and the guilty thereof may be duly punished according to their several crimes and insolencies,

Be it enacted and ordained by the Governour, Council and Representatives, in General Court assembled, and the authority of the same, That the judges of the superiour court, or any three of them, are hereby specially authorized and appointed, by a jury [328] or otherways, || according to law, to enquire into, hear and determine, all crimes committed in the transaction afore-

* Major John Clark, of Saybrook, and Capt. Jeremiah Fitch of "the Mile and a Quarter" had a controversy respecting the title to some land lying within the present town of Coventry. Judgment having been given for Major Clark, Capt. Fitch was committed to the Hartford jail, for non-payment of costs, without bail. This occasioned considerable excitement among the friends of Capt. Fitch, some of whom held their farms by a title similar to his. On the afternoon of Monday, October 22, 1722, a party numbering about fifty, from Coventry, Lebanon, and other eastern parts of the colouy, crossed the Hartford ferry and marching to the jail, which stood in the rear of the north-west corner of State and Market streets, demanded the release of Capt. Fitch. Entrance being refused, the doors were broken open and a general jail delivery made. Col. Whiting, the sheriff, with such assistance as he could obtain, overtook the rioters at the river side and, attempting to make arrests, was beaten, while the rioters with the prisoners whom they had rescued made their escape. *Crimes & Misdemeanors*, II., 256-371. *Superior Court Records*, III., 494, &c. An article on the Hartford Riot, by Mr. J. H. Trumbull, appeared in the *Hartford Evening Press* of Monday, Oct. 22, 1860.

said, and all things relating thereunto, as also to award execution thereupon accordingly; any law, usage or custom to the contrary notwithstanding. And for this end, the chief judge, or either of them, or any assistant, shall issue out the proper writs for the apprehending, securing, and bringing before the said judges in court as aforesaid, any and every person they shall think proper to be called in question for any misdemeanour by them committed on the occasion aforesaid; and every person so taken shall give bond, with sufficient sureties to the value of £100, that he shall appear before the court so constituted and appointed as aforesaid when called by the said court thereunto, and for the peace and good behaviour in the mean time, or be committed to the goal of any of the counties in this Colony, there to remain till the said court or till he shall be otherwise lawfully discharged.

And further, The said judges are hereby authorized and directed to cause precepts to be issued forth for the summoning jurors to serve on the said occasions, out of such places in the said county as they shall think most free from being privy to, or having a favour for, the transgressors they shall have to pass upon.

And further it is hereby provided, That the said judges may give such orders for causing any number of the officers and souldiers of the militia within said county, to attend the said court in the quality of a guard, as they shall judge needful for the security of the court. And both officers and souldiers are hereby commanded to yield obedience to the said orders.

And be it further enacted and declared by the authority aforesaid, That it is the true intent and meaning of the second paragraph in the law intituled An Act against theft and burglary, to provide against the breaking up any dwelling-house, as well in the day time as in the night.

And further, That it is the true intent and meaning of the law intituled An Act against breaking of the peace, that the peace is broken by tumultuous and offensive carriages, traducing, quarrelling, challenging, as well as by assaulting, beating, &c. whatever the punishment provided by the law is, whether by finding sureties of the peace or by fine. And all jurors are hereby directed and required to find accordingly against all persons indicted or presented and brought on their [329] tryall for the breaches of either || of the laws aforesaid.

And further it is provided, That unless the persons who have, at the time aforesaid, made their escape out of the prison aforesaid do render themselves to prison or pay the charges for which they were committed, with the charges of their commitment, to the sheriff and goaler, at or before the sixth day

of November next, that the sheriff is hereby directed to pursue and apprehend and recommit them, and, if need be, to raise the power and militia of the county for his assistance therein. An Act directing the Proceedings against Forcible Entry and Detainer.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That upon complaint made to any one or more assistants or justices of the peace of any forcible entry made into any lands, tenements or other possessions, lying within the county where such assistant or assistants, justice or justices, dwell or reside; or of any wrongful detainer of any lands, tenements or other possessions, with force and strong hand: that is to say, with words or actions which have a natural tendency to affright or terrify: every such assistant or assistants, justice or justices, within convenient time, at the costs of the party grieved, shall go to the place where the force is, taking with him the sheriff or his deputy and other sufficient power of the town or county at his discretion, (if need be,) to aid him; and all the people of the county, as well the sheriff as others, shall be attending to the said assistant or assistants, justice or justices, and assist him or them to arrest such offenders when thereunto called, upon pain of imprisonment and to pay a fine of forty shillings to the treasury of the county. And that two assistants, or two justices *quorum unus*, or one assistant and one justice, shall have authority and power to enquire by the oaths of the people of the same county, as well of them that make such forcible entry into lands, tenements or other possessions, as of them that hold the same by force. And if it be found on such enquiry, that a forcible entry is made into any lands, tenements or other possessions, or that the same are held with force, then such assistants or justices shall cause the same lands, tenements or possessions, to be reseized and thereof the party to be again put in the possession, who in such sort was put out or holden out.

And, to the end that enquiry be so made as aforesaid, such assistants or justices shall make out their warrants or precepts, [330] directed to the sheriff of the same county or || his deputy, commanding him, on the King's behalf, to cause to come before them eighteen sufficient and indifferent persons dwelling near unto the lands or tenements so entered or held as before, whereof fourteen at least to be impannelled to enquire in this behalf, each of whom to have freehold lands or tenements of the yearly value of forty shillings at the least, who shall be sworn by such assistants or justices, well and truly to enquire of such forcible entry or forcible detainer, and to

return a true verdict according to their evidence; and if the sheriff shall make default in not duly executing such warrant or precept to him directed, he shall be fined the sum of ten pounds for every default; and every juror summoned by that sheriff, making his default by non-appearance, shall pay a fine of twenty shillings. Every assistant or justice to be paid seven shillings *per diem*, and the sheriff five shillings *per diem*, and every juror three shillings, upon every enquiry to be made as aforesaid.

And be it further enacted by the authority aforesaid, That any assistant or assistants, justice or justices, as aforesaid, may impose a fine on every offender committing such force as aforesaid, not exceeding the sum of forty shillings, and bind them to the good behaviour, and imprison such offenders till they pay such fine and find sureties for their behaviours, until the next county court to be holden in the same county, and then to appear; and if the offence be aggravated by any open or high handed breach of peace or otherwise, may bind the offenders over to appear at the next county court in the said county to answer for the same, who may increase the fine according to the aggravation or circumstances of the offence. All fines arising by virtue of this act to be to and for the use of the county, for defraying of county charges; and the party grieved shall recover treble damages and cost of suits by action of trespass against the defendant or defendants, if it be found by verdict or in any other manner by due form of law, that they enter'd into his lands or tenements by force, or after entry did hold by force; any law, usage or custom to the contrary notwithstanding.

Provided always, That this act shall not extend or be construed to extend unto any person or persons that have had the occupation or have been in quiet possession of any lands, tenements || or possessions by the space of three whole years together next before, and his, her or their estate or estates therein not ended or determined.

Provided also, That this act continue of force for two years and no longer.

This Assembly do establish and confirm Mr. James Brainerd of Haddam to be Captain of the company or trainband on the west side of Connecticutt River in the town of Haddam aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Brainerd of Haddam to be Lieutenant of the company or trainband on the west side of Connecticutt River in the town of Haddam aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Smith of Haddam to be Ensign of the company or trainband on the west side of Connecticutt in the town of Haddam aforesaid, and that he be commissioned accordingly.

An Act impowring the Sheriffs and Constables in keeping the King's Peace.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the sheriffs in their respective counties in this Colony shall have full power to execute all lawful writs to them directed, coming from lawful authority.

And it is further enacted by the authority aforesaid, That the sheriffs aforesaid shall have full power within their respective counties to conserve the King's peace, and to suppress with force and strong hand, when the necessity of the case shall so require, all tumults, riots, routs and other unlawful assemblies, and to apprehend without warrant all such as he shall find so appearing in disturbance of the King's peace as aforesaid, and cause them to appear before the next assistant or justice of the peace, who may, as the case shall require, after examination, bind over such offenders to the next county court in that county where the offence is committed, by whom such offenders, being duly convicted of the breach of the peace in any of the kinds aforesaid, shall be punished by fine or imprisonment at their discretion, as the nature of the offence shall require.

And it is hereby further enacted, That the sheriffs aforesaid shall have full power, at their discretion, to command such [332] assistance as they [shall] judge needful || of suitable persons within their respective counties, to assist them in the execution of their office; and whosoever, being so commanded, shall neglect or refuse to assist any sheriff in the execution of his office according to his ability, and be thereof convicted in the county court of that county where the offence is committed, shall pay a fine of forty shillings to the treasury of said county, besides charge of prosecution.

And it is further enacted, That each and every constable in this Colony, in their respective towns, have equal power given them as by this act is given to the sheriffs in their respective counties, in all the particulars therein mentioned.

Whereas Mr. Moses Noyes of Lyme hath informed this Assembly that the grant of land, in quantity two hundred acres, given him by the General Assembly holden at Hartford, October 13th, 1687, and since layd out at or near a place now called Kellingly, was, by the agreement made with the Massachusetts respecting the line between that Province and this Colony, passed over and confirmed to one of the claimers of

lands there, who holds the same under the said Massachusetts, and thereupon the said Mr. Noyes hath moved this Assembly to revive said grant and order it to be taken up in some other place: Whereupon this Assembly do revive said grant, and grant an addition thereunto of fifty acres, in the whole to be two hundred and fifty acres, and order either the surveyour of Hartford county or New London county to lay out the same, at the charge of the said grantee.

An Act for Preventing and Punishing Riots and
Rioters.

Whereas of late there have been within this Colony some riotous and tumultuous meetings and actions, to the disturbance of the publick peace: For the preventing whereof for the future,

Be it enacted by the Governour, Assistants and Deputies, in General Court assembled, and by the authority of the same, That when three persons or more shall come or assemble themselves together, to the intent to do any unlawful act with force or violence against the person of another, as to kill, beat or otherwise to hurt, or against his possessions or goods, as to [333] || break open or pull down an house or fence wrongfully, or to cut or take away corn, grass, wood or other goods wrongfully, or to do any other unlawful act with force or violence against the peace or to the manifest terror of the people, at any time after the first day of November next, and being required or commanded by any of the civil authority, or by any sheriff or under sheriff, or any one or more of the selectmen, or constable of any town where such assembly shall be, by proclamation to be made in the King's name, in the form hereinafter directed, shall not disperse themselves and peaceably depart to their habitations or to their lawful business; or being so assembled as aforesaid, shall do any unlawful act against any man's person or possessions or goods, or against the publick interest in any particular, in manner as aforesaid, and be thereof convicted by due course of law before the county court or before the superiour court to be holden in the respective counties where this law shall be transgressed and broken, shall be punished by fine, not exceeding for each person twenty pounds, imprisonment, not exceeding six months, or by whipping, not exceeding forty stripes; any or all of the said punishments at the discretion of the court that have cognizance of such offence, as the nature and circumstances of the fact shall require.

And be it further enacted by the authority aforesaid, That the order and form of the proclamation aforementioned shall be as followeth, that is to say: the persons authorized by this

act shall, among or as near as he or they can safely come to the said rioters, with a loud voice command, or cause to be commanded, silence to be whilst proclamation is making, and after that shall openly and with loud voice make, or cause to be made, proclamation in these words, or like in effect, viz:

Our sovereign lord the King chargeth and commandeth all persons being assembled immediately to disperse themselves and peaceably to depart to their habitations or to their lawful business, upon the pains contained in the act or law of this Colony made in the ninth year of King George for preventing and punishing riots and rioters.

And every assistant, justice of the peace, sheriff, under sheriff, selectman, or constable, within the limits of their respective jurisdictions, are hereby authorized, impowred and required, on notice or knowledge of any such unlawful and riotous assembly, to resort to the place where such assembly shall be, and there make, or cause to be made, proclamation in manner aforesaid.

And be it further enacted by the authority aforesaid, That if such persons so unlawfully and riotously assembled, or any three or more of them, after proclamation made as aforesaid, shall continue together and not disperse themselves, [334] || that then it shall and may be lawful to and for every assistant, justice of the peace, sheriff, under sheriff, selectman, or constable, where such assembly shall be, and to and for such other person or persons as shall be commanded to be assisting unto any assistant, justice of the peace, sheriff, under sheriff, selectman, or constable, (who are hereby authorized and impowred to command all his Majesties subjects of age and ability to be assisting to them therein,) to seize and apprehend, and they are hereby required to seize and apprehend such persons so unlawfully and riotously continuing together after proclamation made as aforesaid, and forthwith to carry the persons so apprehended before some assistant or justice of the peace, in order to their being proceeded against according to law. And that if any of the persons so unlawfully and riotously assembled shall happen to be killed, maimed or hurt, in the dispersing or apprehending, or endeavouring to disperse or apprehend them, by reason of their resisting the persons so dispersing or endeavouring to disperse or apprehend them, that then every assistant, justice of the peace, sheriff, under sheriff, selectman or constable, and all and singular the persons being aiding and assisting to them, or any of them, shall be free, discharged and indemnified, as well against the King's majesty, his heirs and successors, as against all and every other person and persons of, for, or concerning the killing,

maiming or hurting of any such person or persons so unlawfully and riotously assembled, that shall happen to be so killed, maimed or hurt as aforesaid.

Provided always, and be it further enacted by the authority aforesaid, That if any person or persons do or shall with force and arms wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder or hurt any person or persons that shall begin to proclaim, or go to proclaim according to the proclamation hereby directed to be made, whereby such proclamation shall not be made, and be thereof convicted by due course of law, shall forfeit, suffer or be punished in manner and form as aforesaid; and that also every such person or persons so being unlawfully and riotously assembled, to the number of three as aforesaid, or more, to whom proclamation should or ought to have been made if the same had not been hindered as aforesaid, shall likewise in case they or any of them, to the number of three or more, shall continue together and not immediately disperse themselves after such let or hindrance so made, having knowledge of such let or hindrance so made, and be thereof convicted by due course of law, shall forfeit, suffer or be punished in manner and form as aforesaid.

[335] *And be it further enacted by the authority aforesaid,* That this act shall be openly read by the town clerk in the town meeting for the choice of town officers in each town annually.

Provided always, That no person or persons shall be prosecuted by virtue of this act for any offence or offences committed contrary to the same, unless such prosecution be commenced within twelve months after the offence committed. *Provided also,* that all such affrays, riots, routs and breaches of the peace not punishable by this act, shall and may be proceeded with and punished as before the making thereof.

The List of the several Towns in this Colony, sent in to this Assembly.

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford,	23851	: 02	: 00	New Haven,	30172	: 08	: 10
New London,	17307	: 03	: 06	Fairfield,	23504	: 03	: 03
Colchester,	8353	: 03	: 00	Stonington,	14242	: 13	: 01
Durham,	5548	: 03	: 08	Danbury,	5405	: 12	: 00
Windham,	6972	: 00	: 00	Wethersfield,	17861	: 04	: 03
Derbey,	4615	: 09	: 00	Canterbury,	4798	: 17	: 09
Plainfield,	5877	: 12	: 09	Lebanon,	11329	: 14	: 00
Milford,	18851	: 16	: 06	Seybrook,	11995	: 16	: 11
Branford,	11274	: 04	: 11	Killingsworth,	6207	: 01	: 00
a. Lsfield,	4490	: 14	: 06	Farmington,	14195	: 05	: 00

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Norwich,	17727	: 18	: 00	Guilford,	18466	: 15	: 03
Symsbury,	7206	: 17	: 06	Preston,	7988	: 14	: 00
Woodbury,	6892	: 19	: 00	Waterbury,	3077	: 15	: 00
Pomfrett,	4816	: 00	: 00	Coventry,	2650	: 00	: 00
Midletown,	15842	: 07	: 00	Haddam West,	4640	: 04	: 00
Wallingsford,	13138	: 16	: 09	Norwalk,	12576	: 12	: 00
Windsor,	18499	: 10	: 01	Stamford,	13304	: 01	: 11
Glassenbury,	4960	: 09	: 06	Killingly,	4046	: 00	: 00
Groton,	12550	: 06	: 00	Stratford,	19688	: 06	: 11
Greenwich,	7909	: 00	: 00	Haddam East,	6991	: 00	: 00
Lyme,	10915	: 18	: 00				

An Oath for Tything-Men.

You A. B. do swear by the ever-living God, that for the year ensuing, and until new be chosen and sworn, you will faithfully execute the place and office of tything-man for and within the town of H. or limits whereto you are appointed, and that in and by all the particulars mentioned in the law whereto your office hath relation; and that you will do therein impartially according to law, without fear or favour, according to your best skill and knowledge: So help you God.

[336] Upon consideration of the petition of Samuel Miles of Milford, guardian to Richard Treat of Milford, a minor son of Capt. Joseph Treat, late of Milford, deceas'd, shewing to this Assembly that the said Richard Treat, who has now a standing in Yale College in New Haven, was designed by his said father to be brought up to learning, and had entred and proceeded considerably thereon in his said father's life time; that his said father (being now deceas'd) hath not made provision by setting apart what was necessary of his estate for his said son's prosecuting his learning and bringing up; that the said minor's part of his said father's estate, as distributed, being lands, the profits whereof not in any measure sufficient for that end, so that unless enabled by this Assembly, the said Richard Treat must of necessity be put from his learning, whereby not only what cost they have been at already will be lost, but the design of his said father (which well agrees with the mind and disposition of the said minor) will be frustrated: This Assembly therefore grant liberty and full power to Jonathan Law, Esq^r, and Mr. Joseph Treat of said Milford, to sell so much of the lands of the said minor from time to time as they in their best discretion shall think proper and needful, and improve the money they shall produce thereby to the best advantage of the said minor in prosecuting the design aforesaid.

An Act for the more effectual Collecting the Duty of
Impost upon Rhum.

Whereas notwithstanding the provision already made by law, divers masters of open boats and other coasting vessels do frequently import or bring into this Colony large quantities of rhum, and land or offer the same to sale in several of the roads, harbours, creeks and rivers thereunto belonging, without first entering the said rhum and paying the duty thereof, or giving bond for that end to some naval officer of this government, as the law directs; and by that means undersell all such as punctually comply with the law and pay the duty thereby required of them, which is very prejudicial and injurious to all such as are concerned in the foreign trade of this government, (which principally consists in the West India trade,) and also to divers other persons:

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of January next, all masters of ships and other vessels, as well open boats as [337] others, coming into any harbour, port || or river within this Colony from beyond sea, or from any other Province or Colony, before bulk be broken, and within twenty-four hours after his arrival in such harbour, port or river, shall make a report to some naval officer of this government of the contents of the lading of such ship or vessel, which report such master shall give in to the naval officer under his hand, and shall therein set down and express the quantity of hogsheads, tierces, barrels or other cask of rhum loaden on such ship or vessel, with the marks and numbers thereof and to whom the same is consigned, and also make oath that the said report or manifest of the contents of his loading, so to be by him given in under his hand as aforesaid, contains a just and true account, to the best of his knowledge, of the whole lading taken on board and imported in the said vessel from the port or ports such vessel came from, and that he hath not broken bulk nor delivered any of the rhum loaden on said ship or vessel directly or indirectly, and that if he shall know of any more rhum to be imported therein, before the landing thereof he will cause it to be added to his manifest; which oath the said naval officer is hereby impowred to administer; after which such master may unload, and not before, on pain of one hundred pounds to be forfeited and paid by each master that shall neglect his duty on this behalf.

And be it further enacted by the authority aforesaid, That from and after the first day of January next, no rhum shall be landed on any wharf or into any warehouse or other place but

in the day time only, and that after sunrise and before sunset, unless in the presence of or with the consent and permission of the naval officer to whom the duty is payable, on pain of forfeiting all such rum and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place. And if any person or persons shall not have and produce an invoice of the number of gallons of rum by him or them imported, or to him or them consigned, and make oath to the same according to the direction of the law in that case already provided, then the cask wherein the same is shall be gaged at the charge of the importer, that the quantity thereof may be truly known.

And be it further enacted by the authority aforesaid, That the master of any ship or other vessel importing any rum shall be lyable to and shall pay the duty for such and so much thereof contained in his manifest as shall not be duly entered nor the duty paid for the same by the person or persons to whom such rum is or shall be consigned; and it shall and may be lawful to and for the master of every ship or other vessel to secure and detain in his hands, at the owners risque, all such rum imported in such ship or vessel until he shall [358] receive || a certificate from the naval officer to whom he delivered his manifest, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such rum as is not entered as aforesaid unto the naval officer in such port, or his order, who is hereby impowred and directed to receive and keep the same at the owners risque, until the impost thereof with the charges be paid, and then to deliver such rum as such master shall direct.

And be it further enacted by the authority aforesaid, That the naval officer, or receiver of the impost in each port, shall be and hereby is impowred to sue the master of any ship or vessel for the impost or duty for so much of the rum imported therein; according to the manifest by him to be given upon oath as aforesaid, as shall remain not entered and the duty or impost thereof not paid by the persons to whom it is consigned as aforesaid; and that the ship or vessel with her tackle, apparel and furniture, the master of which shall make default in any thing by this act required to be performed by him, shall be lyable to answer and make good the sum or sums forfeited by such master according to this act for any such default, as also to make good the impost or duty for any such rum not entered as aforesaid; and upon judgment recovered against such master, the said ship or vessel, or so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said

judgment, may be taken in execution for the same; and the naval officer or receiver of the impost is hereby impowred to make seizure of such ship or vessel, and detain the same under seizure, until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or impost, to the intent that, if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed for satisfaction thereof as is before provided, unless the owners or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the naval officer that seized the same to respond and satisfy the sum or value of the forfeiture and duties with charges that shall be recovered against the master thereof upon suit to be brought for the same as aforesaid; and the master occasioning such loss and damage unto his owners, thro' his default or neglect, shall be lyable unto their action for the same. And the naval officer, or receivers of the impost in the several ports of this government, are hereby impowred to allow bills of store [339] to the master || of any ship or vessel importing any rhum for such private adventures as shall *bona fide* belong to the master or seaman of such ship or other vessel, at the discretion of the said naval officer, not exceeding two per cent. of the lading, and the duties payable for such rhum in such bills of store mentioned and expressed shall be abated.

And be it further enacted by the authority aforesaid, That all penalties and forfeitures accruing or arising by virtue of this act shall be one half thereof to the treasurer of this Colony, for the use of the said Colony, and the other half to him or them that shall seize, inform and sue for the same by action, bill, plaint or information, in any of his Majesties courts of record, wherein no essoign, protection, or wager of law shall be allowed; the whole charge of prosecution to be taken out of the half belonging to the informer.

Upon the petition of James Minor of Stonington, shewing that his brother Sam^l Minor, late of said Stonington, deceas'd, did in his life time purchase several grants of land, in the whole two hundred and eighty acres, and did (as he thought he might) lay out the said grants on a certain tract of land, in Stonington aforesaid, belonging to this Colony, which was by this Assembly, Octo. 11th, 1683, allowed to one Momohoe, an Indian, with his company to dwell upon and use during the Court's pleasure; praying that the said grants may be confirmed, saving to the said Indians what may be needful for them out of the said two hundred and eighty acres: This Assembly resolves, that a committee, at the charge of the

petitioner, repair to the place, view the said tract of land, enquire into the whole state of the case, as well to the claims made thereto and the number of Momohoe's men yet surviving, as of what quantity of said land may be needful for them to improve, and report the whole case to this Assembly in May next. Capt. James Rogers, Capt. Daniel Brewster and Mr. John Brown, or any two of them, to be the committee. Notification to be made to the other claimers thereon of the time of the committee's meeting.

Whereas notwithstanding the appointment of one judge only by this Assembly in May last to hold each court of probates within the Colony, and their being accordingly commissioned to hold said courts, yet inasmuch as the act of this Assembly made May, 1720, appointing said courts to be held by one judge and clerk, expired in May last, some doubts might arise concerning the legality and validity of the doings and proceedings of said courts since that time: For preventing all disputes and controversies of that kind which might at any time hereafter arise,

It is therefore enacted and declared by this Assembly, That the said several judges, so appointed and commissioned as [340] aforesaid, were well authorized || and impowred to hold said courts by themselves and clerks only, without other assistance, (except as in said act is provided,) and that all the doings, proceedings, sentences and determinations of said several courts, since May last, are as good, valid and effectual in the law, to all intents, constructions and purposes whatsoever, and shall at all times hereafter be so reputed, adjudged and taken, as if said act made May, 1720, had not in May last expired, or had been then revived.

And it is further enacted by the authority aforesaid, That the said act, so expired, be revived, and the same is hereby revived and enacted to continue of force for the future to all intents, until this Court shall order otherwise.

An Act for the more effectual Enabling Sheriffs to do Execution on Final Judgments given in the Law, and for the Serving of Writs and Processes in the Law.

Be it enacted and declared by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as the sheriffs in the several counties in this Colony shall meet with opposition in doing execution of lawful writs signed by lawful authority, or in serving other lawful writs and processes signed as aforesaid, or shall have grounds to them satisfying, to fear and suspect that obstruction and opposition will be made, shall have full

power and authority to command necessary assistance for the enabling them to execute their office therein. And all persons who are of age and ability are hereby required to obey the sheriffs therein, on the penalty of forty shillings to be paid into the county treasury for refusing, on their conviction thereof before the county court of the same county. And in case of great opposition, or suspicion thereof, it shall be within the authority of the sheriff, by and with the advice of one assistant and a justice of the peace, and of the assistants and justices present in case more are present, to raise the militia of the county, or so many of them as they shall judge needful, for the removing all opposition out of the way, and shall therein proceed and be indemnified as is provided by the act entitled An Act for the preventing and punishing riots and rioters. And all military officers and souldiers are hereby commanded to yield obedience thereunto, on the pains and penalties hereafter mentioned, that the end of the law and government be not frustrated.

And it is also hereby specially provided, That upon the motion of Major John Clark of Seybrook, that execution may be [341] done upon || a certain judgment recovered by him before the superiour court at Hartford on the third Tuesday of March last against Capt. Jeremiah Fitch, [living] near the south bounds of Coventry, the sheriff of the county of Hartford do proceed in manner as abovesaid, unless the sheriff shall be well assured that execution may be done without it; and that the sheriffs no more return that they cannot do execution.

And it is further provided, That if any commissioned officer shall neglect or refuse to obey the commands of the sheriff, under the regulations as aforesaid, and be thereof convicted before the county court, shall pay a fine of five pounds; and every other souldier convicted as aforesaid shall suffer the penalty of forty shillings.

And it is hereby further provided, That the charges which shall arise, and damages which shall be sustained, upon such an occasion, shall be paid and satisfied out of the estates of him or them who are the occasion of it; and in case no estates, or not sufficient to answer the charges and damages aforesaid, can be found, it shall be paid and satisfied out of the county treasury where such case shall happen, and in want of money in the treasury of said county, it shall be defrayed out of the publick treasury of this Colony.

And it is further provided, That the wages stated in the tenth year of the reign of Queen Ann, for officers and souldiers, shall be allowed and paid in the case aforesaid. And further,

there is hereby allowed unto all persons commanded to the assistance of the sheriff, at his discretion, the same wages for each days service as is hereby allowed to souldiers. And the slieriff is hereby authorized to seize a sufficiency of the offenders estate to answer the charges, if it can be found.

Upon consideration of the petition of James Dunlopp, Eliza Dunlapp and Hannah Dunlapp, minors and children of Mary Smith, praying this Court to direct to the fulfillment of the will and codicil of their grandfather, John Beach, late of Stratford, deceas'd, in which will and codicil was given a residuary legacy to the children of his three daughters, as by said will and codicil appears: It is thereupon considered by this Court, that only one-third part of said legacy doth belong to the petitioners, and that Nathian^l Beach, Isaac Beach and Joseph Beach, in whose hands the said legacy was left to be kept for the children, shall deliver one-third part of said residuary legacy unto the guardian or guardians of the petitioners, to be appointed by the court of probates in the county of Fairfield, upon such guardian's demands.

Whereas this Court has been informed that several persons, notwithstanding the express prohibition by an act of this Court passed at this Assembly, May, 1719, to the contrary, are going about to dispose of and lay out the lands which lie north and east and west of Litchfield, and west of Farmington and Symsbury, to themselves and such uses as they think fit, and that [342] some persons || are supposed to be actually engaged in so doing, without the leave, and contrary to the express order of this Assembly: It is therefore ordered, that Capt. Joseph Wakeman, Capt. Roger Newton, Mr. George Clark, Capt. Joseph Minor, and Capt. John Riggs, or any three of them, be a committee chosen by this Assembly, who shall forthwith, upon hearing or being informed that any of said lands comprized in said act are laid or laying out, go into that part of the Colony where the said land lies, and make diligent enquiry concerning this matter. And the said committee are hereby impowred to command what assistance they may want, to arrest any person or persons whom they may find on the said land trespassing as aforesaid, and have him before this Assembly, that such orders may be taken with them as may prevent the like for the future.

An Act for preventing Trespasses on the Lands of this Colony, &c.

Whereas this Assembly have been informed that, notwithstanding the ancient laws of this Colony to the contrary, some persons have pretended to purchase of Indians their rights as natives, of many considerable tracts of land lying within this

Colony; and altho all such deeds when obtained without the leave and consent of this Assembly are by the said law declared to be *ipso facto* void, yet under colour of such deeds persons unacquainted with the said laws may be imposed upon, deceived and greatly wronged, as well as the settlement of such lands in plantation, pursuant to the end expressed in our charter, hindered: For the prevention hereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whosoever shall presume to purchase any lands within the bounds of this Colony, of any Indians whatsoever, without the leave of this Assembly hereafter first had and obtained, under colour or pretence of such Indians being the proprietors of said lands by a native right, or shall, having purchased of any Indians lands in such manner, without leave of this Assembly first had, or the confirmation of this Assembly afterwards obtained, presume to make any sale of, or any settlements upon, any lands so purchased, every person who shall in any such manner transgress and be thereof convicted in the county court or in the superiour court of that county where such lands shall lye, shall incur the penalty of fifty pounds to the treasury of this Colony. And whatsoever per- [343] son or persons shall suffer any wrong, by means || of such sale or settlement as aforesaid, shall recover in either of the said courts, upon proof of such wrong by him suffered, treble damages against the person or persons so wronging of him.

Whereas this Assembly, at their sessions in October, 1719, did enact that any person coming into any town and being there the space of one year and not warned out of such town, that then it should not be lawful to prosecute any such person:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said law shall not intend any such person or persons as come into any town as tenants, nor such as remain there under bonds, taken to the acceptance of the authority and selectmen of said town, that he shall not be chargeable to such town: but every such person remaining under any or either of the aforesaid circumstances shall be lyable to be warned out of town any time within the space of one year after said lease or bonds are out, notwithstanding their remaining in town as aforesaid; any law, usage or custom to the contrary notwithstanding.

This Assembly exempt Joseph Munson, junr, of Wallingsford, and he is hereby exempted, from being listed or bearing any part of publick dues for his poll.

Upon the motion of Windsor Representatives: This Assembly do appoint James Wadsworth and John Hall, Esq^{rs}, with the assistance of Mr. Thomas Kimberly, county surveyour, to lay out to said town their equivalent lands.

Upon the petition of Gideon Allyn of Fairfield, shewing that by his marriage with the widow and relict of John Bennett, late of said Fairfield, deceas'd, he, said Allyn, hath now for about nine years supported Phebe, the daughter of said Bennett, being an idiot and not a year old when she came into said Allyn's family: This Assembly grant liberty and full power unto the said Gideon Allyn, with the direction of the selectmen of said Fairfield, to sell the said idiot's land, and that the money raised thereby shall by the said selectmen be improved for the maintenance of said idiot.

Upon the prayer of Sam^l Stent and Eleazar Stent, the near relations of John Barnes, son of John Barnes, late of Branford, deceas'd, a minor, setting forth that the said John Barnes had been a long time lame in one of his hips, and thereby put his said relations to extraordinary charges, and that there was still twenty pounds due to the surgeon that had cured him; and forasmuch as there is no moveable estate belonging to said minor to pay the said sum, this Assembly grants liberty and full power to the said Sam^l Stent and Eleazar Stent to sell so [344] much || of the said minor's land as will raise the said twenty pounds and charges of selling said land; always provided, that there be first a distribution of the said deceas'd's estate.

Upon the petition of Sarah Evarts of Guilford, widow and administratrix of the estate of Ebenezer Evarts, late of said Guilford, deceas'd: This Assembly grants liberty and full power to the said Sarah Evarts to confirm by a deed executed according to law unto Nathaniel Evarts of Guilford aforesaid, four acres of third division of land lying in said Guilford, being the same land sold by the said Ebenezer in his life time to the said Nathaniel Evarts.

Upon the petition of Luke Hill *vs.* Dan^l Foot and Moses Foot: This Assembly grants the petitioner liberty for one more tryal of the action referred to in the petition, at the next superiour court in the county of New Haven, and that the cost only of the said next tryal to follow the judgment.

Upon consideration of the petition of John Lambert *vs.* Thomas Bishop, the question being put, whether the prayer of the petition shall be granted: Resolved by this Assembly in the negative. *Cost allowed said Bishop is £2 11s. 0d. Ex. granted May 30th, 1723.*

Upon the petition of James Rogers *vs.* Ralph Fergo, praying the reversal of a judgment of the superiour court held at New London, Sept. 25th, 1722: The question being put, whether the said judgment be erroneous: Resolved by this Assembly in the negative. *Cost allow'd said Fergo is £2 5s. 0d.*

Upon consideration of the pleas offered in bar of the petition of John Tongue *vs.* Joseph Bradford: The question being put, whether the said pleas are sufficient to bar the petition: Resolved by this Assembly in the affirmative. *Cost allowed said Bradford is £1 17s. 0d. Execution granted Nov. 9th, 1722.*

Upon the petition of Sam^l Hawley, jun^r, of Stratford, having prayed relief for that he hath been defeated by Sam^l Daviss in an action by him brought against Robert Wheelar, administrator upon the estate of Daniel Bennitt, for that the land upon which execution went was and is holden by said Daviss: It is ordered by this Assembly, that if the heirs of the said Daniel Bennett shall not, within two months next after the rising of this Assembly, pay and satisfy the sum for which said Hawley recovered judgment against said administrator before the superiour court, together with his cost, that then execution shall be levied upon the land mentioned in said petition. *Cost allow'd said Hawley is £4 16s. 0d.*

Upon the petition of George Scott *vs.* Mathew Bellamy, [345] || shewing to this Assembly that said Mathew Bellamy recovered judgment by default against said Scott, before Joseph Whiting, justice of the peace, on the 27th day of March, 1722, for the sum of twenty-two shillings and five pence debt and costs, and that execution has since been done upon the petitioner accordingly; whereupon the petitioner hath complained to this Court, that his default of appearance before said justice was thro' his ignorance, and that in truth he is not indebted to said Bellamy, and thereupon moving to this Court for liberty of a tryal of said cause at the county court to be holden at New Haven in November next, and that if said Bellamy shall not make out his debt against him judgment may be rendered for the petitioner to recover back the money taken from him by execution, and his costs: Upon consideration whereof, it is resolved by this Assembly, that the petitioner shall have liberty of a tryal of his cause at the county court to be holden at New Haven in November next; and if said Bellamy shall not make it evident to said court that the petitioner was indebted to him on the time of the suit, then judgment shall be given for said Scott to recover back again of

said Bellamy the said sum of twenty-two shillings and five pence, and his costs of the tryal at the county court.

Whereas it is represented to this Assembly, that, notwithstanding the express act of this Assembly held at Hartford, May 11th, 1721, relating to the bridge on New Haven East River, upon the road from Wallingsford to New Haven, declaring that the erecting, maintaining and keeping in repair the said bridge comes not under the regulations of the law of this Colony relating to bridges, but well concluded by an act of this Assembly held at Hartford, October 13th, 1692, and that it should for the future be erected and maintained according to said act, viz. by equal proportion according to the list of their estates in each town; yet the said bridge is neglected and gone to decay, so that people cannot pass over it without great hazard of their lives: And there being no provision in said acts enforcing the execution thereof,

It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said bridge be forthwith rebuilt, or mended and repaired, at the direction and discretion of the committee hereinafter mentioned; and that Mr. Nathan¹¹ Yale, Capt. Isaac Dickerman and Mr. Samuel Hall, or any two of them, be a committee, who are hereby fully authorized and impowred to go forward with the work and prosecute the same until it be put in a good posture for the safe passing of men, horses and teams, as occasion may be; the whole cost and charge thereof to be born and paid by the said town of New Haven and Wallingsford, in the proportion aforesaid; the accounts of the several disbursements of said committee, for and towards the rebuilding the said bridge or repairing the same, being [346] first layd before || the county court in the county of New Haven and by the said court allowed. And if either the said town of New Haven or the town of Wallingsford shall refuse or neglect to make prompt payment of such sum or sums whereat they shall be so respectively assest, upon demand made by the said committee, of the selectmen of such town, or major part of them, that then it shall and may be lawful for the said county court to make out a writ directed to the sheriff of the said county, or his deputy, requiring him or them to levy and collect the said sum or sums so assest upon such town, or the selectmen of such town so neglecting or refusing, or some one or other of them, with the necessary additional charge, and to deliver and pay such sum or sums, so levied and collected, unto the said committee according to the direction of such writ.

And it is further enacted by the authority aforesaid, That if the said committee shall neglect or refuse to go forward with the said affair, and pursue the same until it be finished, that then they shall pay a fine of thirty pounds, money, two-thirds whereof to be to the treasury of the county aforesaid, and the other third part to him or them that shall sue for and prosecute the same to effect, to be heard and determined by the said county court.

And for the better and more effectual execution of this act, and to the intent that the said bridge be forthwith either rebuilt or repaired as aforesaid, and that for the future (when it shall go to decay) that it may be repaired, kept and preserved in like good state, for safe passage :

Be it enacted by the authority aforesaid, That if, at any time hereafter, any person shall lose his life through the defect or insufficiency of the said bridge, or if any person lose a limb or break a bone, or receive any other bruise or breach in any other part of his body thro' such deficiency, or any hurt or damage be done to any team, cart, waggon or carriage horse, or other beast, or loading, the said towns of New-Haven and Wallingsford shall be lyable to the pains and penalties, to all intents and purposes whatsoever, as is provided in and by the act of this Assembly entituled An Act relating to bridges.

And it is enacted by the authority aforesaid, That if the said committee shall neglect or refuse their duty in and by this act required as aforesaid, and thereby the said bridge shall lye in so dangerous a posture, that then in such case, upon the complaint of any town or person to any assistant or justice of the peace, such assistant or justice of the peace shall be and is hereby required and impowred to issue out a warrant directed to the sheriff or his deputy, requiring or commanding him to impress workmen and teams in any the towms aforesaid, as shall be needful to secure or repair the said bridge ; the cost to be born and paid in proportion and manner aforesaid.

[347] Upon the petition of Eben^r Colman in behalf of the rest of the heirs of Jeremiah Addams *v.* Michael Tainter and the rest of the proprietors inhabitants of Colchester: The question being put, whether the prayer of the petition should be granted: Resolved by this Assembly in the negative. *Cost allow'd Tainter, &c.* £1 16s. 0d.

Upon the petition of the town of Farmington *v.* the town of Wethersfield: The question being put, whether the prayer of the petition should be granted: Resolved by this Assembly in the negative.

Upon the petition of Benoni and Timothy Smith *v.* Richard Smith and Joseph Smith, jun^r: The question being put, whether the prayer of the petition should be granted: Resolved by this Assembly in the negative. *Cost allowed Rich^d and Joseph Smith, £1 6s. 0d. Ex. granted Nov. 7th, 1722.*

The petition of Eben^z Worster *v.* Daniel Weed, at the desire of the parties, is continued till the sessions of this Assembly in May next.

Resolved by this Assembly, That a consideration and resolution upon the prayer of Mr. George Clark, about the ferry over the river between Stratford and Milford, be continued to this Assembly in May next, and that Moses Wheelar, the present ferryman, be notified thereof by a copy of this act left with him.

Upon the petition of Richard Wyatt *v.* John Rogers: The question being put, whether the prayer of the petition should be granted: Resolved by this Assembly in the negative. *Cost allow'd said Rogers is £1 14s. 0d. Ex granted Febr. 2d, 1723.*

Upon the petition of John Rogers *v.* James Rogers and Sam^l Richards: The question being put, whether the error complained of in the petition be sufficient for the reversing the judgment: Resolved by this Assembly in the negative. *Cost allow'd James Rogers is £2 00s. 0d. Ex. granted Nov. 9th, 1722.*

The petition of Barber *v.* Crawford at the desire of the parties is continued to this Assembly in May next.

The petition of Palmer *v.* Huistead at the desire of the parties is continued to this Assembly in May next.

The petition of Palmer *v.* Jagers at the desire of the parties is further continued to this Assembly in May next.

Resolved by this Assembly, That a consideration of the petition of Mr. Joseph Moss, &c. be referred to this Assembly in May next, and that be then determined.

Resolved by this Assembly, That the further regulating the militia of this government and appointing colonels and the other officers thereof is referred to this Assembly to be holden at Hartford in May next.

[348] This Assembly grants his Honour the Governour two hundred pounds in bills of credit of this Colony for his salary this present year.

This Assembly grants his Honour the Deputy Governour for his salary this present year the sum of fifty pounds in bills of credit.

This Assembly grants the printer, Mr. Timothy Green, the sum of twenty-five pounds, being the moiety of his salary this present year.

This Assembly grants Mr. Secretary Wylls the sum of five pounds, out of the publick treasury.

This Assembly grants Mr. Hez. Brainerd, for his service as Speaker of the Lower House at this sessions, the sum of thirty shillings out of the publick treasury.

This Assembly grants Mr. Thomas Kimberly, for his service as Clerk of the Lower House this sessions, twenty-five shillings out of the publick treasury.

This Assembly grants the officer that attended the Lower House this sessions the sum of three shillings *per diem*, being twenty days.

An Act for levying a Tax on Polls and all other Rateable Estate.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That, for the defraying the publick charge of this Colony, there be a tax of two pence on the pound levied on polls and all other rateable estate in this Colony, to be paid in the bills of credit of this Colony at their usual advance, or in the true bills of four signers of the Province of the Massachusetts Bay, or in the true bills of New York, Rhode Island or New Hampshire, without any advance upon them, or in currant silver money, or in grain at the prices following, viz: wheat at five shillings per bushell, rye at three shillings and three pence per bushell, Indian corn at two shillings and six pence per bushell; all to be good and merchantable; to be paid unto the several constables in this Colony at or before the last day of April next ensuing, and to be by them disposed as the treasurer in his warrant (by direction from this Assembly) shall order.

Cost allowed unto John Arnold of New London to answer the petition of Josiah Gaylor of Norwich at this Assembly is £1 13s. 0d. *Ex. granted Nov. 9th, 1722.*

[349] Upon a question put by the honourable judges of the superiour court, what ought to be done with Robbin, a Pequott Indian, now in the prison at New London, who is supposed to have murthered a squaw: Resolved by this Assembly, that said Indian be delivered to the Indians from whom he was taken, and that a copy of this act shall be a sufficient warrant to the sheriff of said New London county to take said Indian from said prison and deliver him accordingly.

An Act for Emitting of Bills of Credit.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, That the sum of one thousand five hundred pounds, in the bills of credit which have been brought in or are to be brought into the treasury by the rates granted by this Assembly for the gathering a sum of money into the treasury to be disposed of by this Assembly, shall be emitted, for the payment of the publick debts of this Colony and the further necessary charges of the same; and the treasurer is hereby ordered to issue out and make payment thereof accordingly to such orders as shall be given him from time to time according to law.

This Assembly do appoint Joseph Talcott, Esqr, and Capt. Hez. Wyllys carefully to inspect into all the records and accounts relating to Mr. Agent Dummer's annual salary, and state the accounts, and make their report to this Assembly in May next.

This Assembly do order the majors of the respective counties speedily to inspect the towns within their several regiments respecting the town stock of ammunition, and take care that the towns be supplied with ammunition according to law.

Whereas several of the bills of credit of this Colony are torn, defaced and unfit to pass, and that they may be taken into the treasury by exchange,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith imprinted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to four thousand pounds and no more; which bills shall be indented and stamped with such stamps as the Governour and Council shall order, and be signed by the committee appointed for the signing the bills of credit of this Colony last emitted, they or any three of them, and of the tenour following:

No. () 20s.

This indented bill of Twenty Shillings due from the Colony of Connecticut in New England to the possessor thereof shall be in value equal to money, and shall be accordingly accepted by the Treasurer and receivers subordinate to him, and for any stock at any time in the treasury. Hartford, July the 12th, *Anno Dom.* 1709. By order of the General Assembly.
May, 1713.

[350] *And it is further enacted,* That the said bills, so to be imprinted by this act, shall by the said committee, or any three of them, be delivered to the treasurer, who shall give them in

exchange for such torn and defaced bills that are not fit for use, taking his receipt for the same.

Jeremiah Dummer, Esq^r, agent of this Colony, having advised us that direction is given to his Excellency Samuel Shute, Esq^r, to demand and take of the Governour of this Colony a bond to the value of £1,000 sterling, for the observation of all acts of trade in this Colony, and desiring to be advised, whether there be any inconsistency with our charter, that the Governour for the time being do, upon demand, become so bound: It is considered and resolved in the negative.

Upon information from Capt. James Avery of Groton, that the Pequott Indians living in said town are wronged in their lands by some of the inhabitants in said Groton: Ordered by this Assembly, that Mr. Secretary Wyllys notify said Avery, that he lay the state of that whole affair before this Assembly in May next, that thereby the said Indians may be protected in their just rights.

Upon the motion of Benjamin Starr, sheriff of the county of New London, praying this court to direct him in the levying of an execution for £146 currant money of New York: The Assembly are of opinion that the execution, being specially for the currant money of New York, cannot be satisfied but by taking the person of the debtor or his land to the acceptance of the creditor, and prized according to law; or money that by the laws of the Province of New York is currant money there.

Upon the petition of John Sabin of Pomfrett: This Assembly grant him three hundred acres of land in the common lands on the east side of Connecticutt River, to be taken up in one intire piece, for his service in making of a bridge over Quinabaug River, on condition he keep the same in repair fourteen years next coming.

Be it enacted, and it is hereby enacted, That this Court be adjourned to such time as the Governour, or in his absence the Deputy Governour, shall see meet to call the same. And for conveniency of several members of this Court who live remote, and that they may within the present week have sufficient time to return home, || it is ordered, that Major Burr, Major Eells, and Capt. Hall, Esq^{rs}, Capt. Isaac Dickerman, Capt. Roger Newton, Mr. George Clark, Capt. Nath^l Harrison, Capt. Sam^l Maltby, Mr. John Stone, Col^o Johnson, Capt. Jn^o Riggs, Mr. Sam^l Hall, Mr. Caleb Leett, be a committee, who shall stay after the Court is up, and inspect and take care that the several acts of this Court be truly and exactly entered on the records.

The whole records of the acts of the Assembly, as they stand entered in the pages next preceding, was read in the presence of the aforementioned committee, and by them ordered to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secretary.

[218] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN, NOVEMBER 2D, 1722.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

John Hamlin,	} Esq'rs, Assistants.	Joseph Talcot,	} Esq'rs, Assistants.
William Pitkin,		Roger Woolcot,	
Peter Burr,		James Wadsworth,	
Samuel Eells,		John Hall,	
Mathew Allyn,			

Ordered, That the four thousand pounds bills of credit ordered to be printed by the Assembly in their session at New Haven on the 11th day of October last, with such stamps as the Governour and Council shall appoint, be forthwith printed by Mr. Timothy Green, and taken off the same plates which the last four thousand pounds printed by him were taken off from; two-thirds of the said sum off from the larger of the said plates.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, FEB. 19TH, 1722^o.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Jonathan Prentts,	} Esq'rs,	Christopher Christophers,
John Plumb,		John Pickett.

[219] A proclamation for a publick Fast, to be observed and kept with due solemnity throughout this Colony, on Wednesday the tenth day of April next, was read and approved.

[352] *CONNECTICUTT* }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTIES COLONY OF CONNECTICUTT, IN NEW ENGLAND, ON THE NINTH DAY OF MAY, IN THE NINTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM. 1723.*

Present at this Assembly,

The Hon^{ble} Gurdon Saltonstall, Esq^r, Governour.

The Hon^{ble} Nathan Gold, Esq^r, Deputy Governour.

John Hamlin,	} Esq ^{rs} ,	James Wadsworth,	} Esq ^{rs} .
Peter Burr,		John Hall,	
Samuel Eells,		Christopher Christophers,	
Mathew Allyn,		Hez. Brainerd,	
Joseph Talcott,		John Hooker,	
Roger Wolcott,			

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz :

Mr. Thomas Seymor, Mr. James Eusign, for Hartford.
 C. Christophers, Esq^r, Mr. Tho. Prents, for New London.
 Mr. Nehem. Smith, Mr. Joshua Bill, for Groton.
 Mr. Izrahiah, Whetmore, Capt. W^m Savage, for Midletown.
 Mr. Nath^l Chapman, Mr. Steph. Whittlesey, for Seybrook.
 Mr. Henry Wolcott, Mr. Eben^z Fitch, for Windsor.
 Mr. Eleaz^r Crary, Mr. Abell Bingham, for Windham.
 Capt. Joseph Addams, Mr. John Dyer, for Canterbury.
 Mr. Howkins Hart, Mr. Sam^l Hall, for Wallingsford.
 Capt. Tho. Huntington, Mr. Tho. Storrs, for Mansfield.
 Mr. Caleb Seward, Mr. Sam^l Parsons, for Durham.
 Mr. Joseph Becchus, Capt. Jabez Perkins, for Norwich.
 Mr. Nathaniel Yale, Capt. Isa. Dickerman, for New Haven.
 Capt. W^m Clark, Capt. Joseph Marsh, for Lebanon.
 Mr. William Gallop, Mr. Sam^l Cheesbrough, for Stonington.
 Mr. Edmund Lewiss, Mr. John Thompson, for Stratford.
 Mr. David Buell, Mr. John Lane, for Killingsworth.
 Mr. James Hooker, Mr. Caleb Leet, for Guilford.
 Capt. John Sabin, Mr. Nath^l Johnson, for Pomfrett.
 Lt. Timo. Pierce, Mr. Dan^l Lawrence, for Plainfield.
 Capt. Dan^l Brewster, Mr. Thomas Rose, for Preston.
 Mr. Joseph Case, Mr. Sam^l Humphreys, for Symsbury.
 Capt. Thomas Gates, for East Haddam.

* Only the Journal of the Upper House is found.

Mr. Hez. Brainerd, for Haddam West.
 Capt. Sam^l Parker, Mr. Peter Buell, for Coventry.
 [353] Mr. John Richards, Mr. Isaac Brunson, for Waterbury.
 Mr. Michael Taintor, Mr. Israell Wyatt, for Colchester.
 Mr. Peter Aspinwell, Mr. Eph. Warren, for Killingly.
 Capt. Caleb Knapp, Mr. Gersh. Lockwood, for Greenwich.
 Capt. David Goodrich, Mr. Nath^l Burnham, for Wethersfield.
 Mr. John Hoitt, Mr. John Stone, for Stamford.
 Col^o Eben^z Johnson, Capt. John Riggs, for Derby.
 Capt. Reignold Marvin, Mr. John Colt, for Lyme.
 Capt. Joseph Minor, Mr. Tho. Knowles, for Woodbury.
 Mr. George Clark, Capt. Roger Newton, for Milford.
 Mr. Tho. Kimberly, Mr. John Hubbard, for Glassenbury.
 Mr. John Hooker, Mr. John Hart, for Farmington.
 Major John Burr, Robt. Sileman, for Fairfield.

Capt. William Clark. Speaker, }
 Mr. Tho. Kimberly, Clerk, } of the Lower House.

This day being appointed by charter and the laws of this Colony for the Election of the publick officers of this corporation, viz: the Governour, Deputy Governour, Assistants, Treasurer and Secretary,—proclamation being made, the freemen proceeded to give in their votes to persons chosen by the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed are, Peter Burr, Mathew Allyn, Roger Wolcott, Joseph Talcott, James Wadsworth, and John Hall, Esq^{rs}, Mr. Eben^z Fitch, Mr. Thomas Seymour, Mr. Caleb Leet, Mr. George Clark, Mr. Nehem. Smith, Mr. Stephen Whittlesey, Capt. Joseph Minor, and Mr. Edmund Lewiss, who were all sworn truly and faithfully to receive, sort and count the said votes. And the freemen's votes being brought in, sorted and counted,

The Hon^{ble} Gurdon Saltonstall, Esq^r, was chosen Governour of this Colony for the year insuing; and the governour's oath, and the oaths required by acts of Parliament relating to trade and navigation, was administred to him in the presence of this Assembly.

The Hon^{ble} Nathan Gold, Esq^r, was chosen Deputy Governour of this Colony for the year insuing, and the deputy governour's oath was administred to him in the presence of this Assembly.

John Hamlin, Esq^r, Peter Burr, Esq^r, Samuel Eells, Esq^r, Mathew Allyn, Esq^r, Joseph Talcott, Esq^r, Roger Wolcott, Esq^r, Jonathan Law, Esq^r, James Wadsworth, Esq^r, John Hall, Esq^r, Christopher Christophers, Esq^r, Hez. Brainerd, Esq^r, John

Hooker, Esqr, were chosen Assistants of this Colony for the year insuing, and had the assistant's oath administred to them in the presence of this Assembly.

[354] Mr. John Whiting was chosen Treasurer of this Colony for the year insuing.

Hez. Wyllys was chosen Secretary of this Colony for the year insuing, and accordingly sworn to that office and trust.

Ordered by this Assembly, That Capt. Thomas Huntington and Mr. Thomas Storrs return the thanks of this Assembly to the Reverend Mr. Eleazar Williams of Mansfield, for his sermon preacht before this Assembly at Hartford on the 9th of May instant, and desire that he send a copy thereof to his Honour the Governour, that it may be printed.

This Assembly do establish and confirm Mr. James Packer of Groton to be Ensign of the south company or trainband in the town of Groton, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Smith of New Haven to be Captain of the company or trainband at East Haven in the town of New Haven aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Theophilus Allyn of New Haven to be Lieutenant of the company or trainband at East Haven in the town of New Haven aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Russell of New Haven to be Ensign of the company or trainband at East Haven in the town of New Haven aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Pierce of Plainfield to be Captain of the company or trainband in the town of Plainfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hall of Plainfield to be Lieutenant of the company or trainband in the town of Plainfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Crary of Plainfield to be Ensign of the company or trainband in the town of Plainfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Hez. Sumner of Middletown to be Lieutenant of the south company or trainband in the town of Middletown aforesaid, and order that he be commissioned accordingly.

[355] This Assembly do establish and confirm Mr. Daniel Hall of Middletown to be Ensign of the south company or trainband in the town of Middletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Pettibone of Symsbury to be Lieutenant of the south company or trainband in the town of Symsbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Humphreys of Symsbury to be Ensign of the south company or trainband in the town of Symsbury aforesaid, and that he be commissioned accordingly.

Upon the petition of Samuel Richards, of Norwalk, administrator of the estate of John Butler, late of Norwalk, deceas'd, praying this Assembly that himself with Mr. John Read the 2d of Norwalk may be impowred to sell so much of the lands of John Butler, late of Norwalk, deceas'd, to the value of thirty-six pounds five shillings and two pence, by and with the advice of Capt. Samuel Hanford and Capt. Joseph Platt of Norwalk, and for the charges arising in selling said land ; and it being made evident to this Assembly that said Butler when he dyed left his estate indebted the sum aforesaid more than there was moveable estate left by said Butler to pay debts withal : Whereupon, this Assembly doth empower said Read and Richards, by and with the advice of said Platt and Hanford, to sell so much of the lands of said deceas'd's estate as to procure the sum abovesaid and charges that shall arise in selling the same.

This Assembly do establish and confirm Mr. Joseph Hawley of Farmington to be Captain of the second company or trainband in the town of Farmington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Cowles of Farmington to be Lieutenant of the second company or trainband in the town of Farmington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Lewiss of Farmington to be Ensign of the second company or trainband in the town of Farmington aforesaid, and order that he be commissioned accordingly.

This Assembly grant liberty unto the inhabitants of the town of Stafford to imbody into church estate, with the approbation of the neighbouring churches, and to settle an orthodox minister amongst them.

This Assembly grant liberty unto the inhabitants of the north-east parish in Windham to imbody into church estate and to settle an orthodox minister amongst them, with the approbation of the neighbouring churches.

[356] This Assembly do appoint Peter Burr and Christopher Christophers, Esq^{rs}, Mr. Nathaniel Burnham, Mr. Stephen Whittlesey, Capt. Joseph Minor and Mr. George Clark, to audit the Colony accounts with the treasurer.

Whereas it was enacted by the General Assembly holden at New Haven in October last, that the four thousand pounds in bills of credit then ordered to be imprinted should be signed by the committee appointed for the signing the bills of credit of this Colony then last emitted, or any three of them: The said clause relating to the signers shall be repealed, and the same is hereby repealed; and this Assembly appoint Mathew Allyn and Joseph Talcott, Esq^{rs}, Mr. Hez. Wyllys and Mr. Nathaniel Stanly, or any three of them, to be a committee for the signing the said bills of credit.

A List of the Additional Estate returned to this Assembly, to be transmitted to the Treasurer and added to the List of Estates delivered in to this Assembly in October last.

Additions.

Fourfold Assessments.

<i>Additions.</i>			<i>Fourfold Assessments.</i>				
	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
New Haven,	1151	05	10	New London,	816	00	00
Hartford,	500	00	00	Guilford,	77	10	00
New London,	325	18	00	Colchester,	880	00	00
Norwalk,	229	00	00	Fairfield,	292	00	00
Brandford,	48	10	00	Branford,	404	14	00
Stonington,	253	04	00	Preston,	529	00	00
Canterbury,	120	14	00	Seybrook,	143	08	00
Stratford,	614	08	06	Stonington,	40	00	00
Norwich,	203	04	03	Haddam West,	75	04	00
Fairfield,	162	13	02	Norwich,	879	10	00
Waterbury,	83	06	00	Killingsworth,	97	00	00
Windsor,	1077	11	00	Milford,	132	08	00
Milford,	189	08	03	Midletown,	348	18	00
Farmington,	155	00	00	Groton,	52	00	00
Durham,	5	00	00	Wethersfield,	94	00	00
Wethersfield,	36	00	00	Woodbury,	72	00	00
Wallingsford,	300	00	00	Lebanon,	4	00	00
Woodbury,	54	02	06				
Lebanon,	18	00	00				

This Assembly grant unto the inhabitants of the parish of Newent, in Norwich, liberty to imbody themselves into church

estate and to settle an orthodox minister amongst them, with the approbation of the neighbouring churches.

An Act for the Reviving and for the Continuing of an Act entituled An Act appointing and empowering certain Commissioners to divide the Copper Mine at Symsbury to and amongst the several Lessees, their Assigns or Attorney, &c.

Whereas, for the encouragement of the proprietors and undertakers of the copper mines at Symsbury, an act was passed at the General Assembly holden in Hartford May 11th, 1721, [357] entituled || An Act appointing and impowring certain commissioners to divide the copper mine at Symsbury to and amongst the several lessees, their assigns or attorneys, and for directing and regulating the management of said mines and the mills and works belonging to some of the undertakers of said mine, and also for the more easy determining all suits and controversies that may happen between the lessees and their assigns and between the lessees and any of them, or the workmen, miners or labourers that are or may be improved for the carrying on and managing the mines aforesaid; and certain commissioners were thereby appointed, and powers given to them for the ordering, doing and executing divers things about and relating to the said mines and the said proprietors, undertakers and miners, as is therein particularly specified and declared: And whereas the said act was temporary, and is now expired: And whereas Major Abraham Sydervelt, for himself and in behalf of sundry gentlemen dwelling at Amsterdam in Holland, and John Jacob Lattroth, attorney to Andrew Fresneau of New York, owners and proprietors of part of the copper mines and works at said Symsbury, have represented to this Assembly that the said act and exercise of the powers thereby granted to the said commissioners has been a great benefit and encouragement to the undertakers, and prayed that the said act may be revived,—

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforescited act, and all the clauses and paragraphs thereof, shall be revived, and the same is hereby revived and to continue in force for the space of seven years from the end of the present sessions of this Assembly.

And be it further enacted by the authority aforesaid, That the commissioners mentioned in the said act shall be sworn before the Honourable the Governour of this Colony, to a faithful discharge of the trust thereby committed to them.

This Assembly do establish and confirm Mr. Thomas Noyes of Stonington to be Captain of the first company or trainband

in the town of Stonington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Seeley of Fairfield to be Lieutenant of the company or trainband at Stratfield in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

On the petition of the Trustees of Yale College *versus* James Levinz, and *versus* John Fisk: Resolved by this Assembly, the said trustees may have a tryal of both the actions mentioned in said petitions, at the superiour court to be holden at New London in September next; and no costs to follow upon the judgments but what shall arise after this Court; and that the parties take notice thereof accordingly.

[358] This Assembly do establish and confirm Mr. Samuel Moss of Wallingsford to be Lieutenant of the west company or trainband in the town of Wallingsford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Howkins Hart of Wallingsford to be Ensign of the west company or trainband in the town of Wallingsford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Preston of Woodbury to be Captain of the south company or trainband in the town of Woodbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Adino Strong of Woodbury to be Ensign of the south company or trainband in the town of Woodbury aforesaid, and order that he be commissioned accordingly.

Resolved by this Assembly, That the judges of the several courts of probates within this Colony have power by themselves and their clerks to hold the said courts in any of the towns within the respective districts to which they are appointed.

A Question put upon the law entituled An Act for highways, whether the several persons from sixteen years of age to sixty years of age that are to be called out to work at the repairing of the highways, according to the first paragraph of the said law, does include Indian and negro slaves: Resolved by this Assembly in the affirmative.

Upon the petition of Joseph Booth and Daniel Hubbell, praying for a settlement of the residuary legacy given by Mr. John Beach, late of Stratford, deceas'd, to the children of the three daughters of the said deceas'd: This Court are of opin-

ion that the mind of the testator is that the said residuary legacy should be equally divided in three parts, according to the number of his daughters, and that the children of each daughter should receive one-third part of said legacy, in case they shall survive the mother; and if any of the daughters of the said intestate should dye and leave no child, then the whole should be divided to the children of his other daughters. It is therefore considered by this Court, that Nathaniel Beach, Isaac Beach and Joseph Beach, shall deliver the said residuary legacy to the guardian or guardians of the children of the three daughters of the said deceas'd as shall be appointed by the court of probates in the county of Fairfield, in equal third parts to the children of said daughters; and the guardians to the children of each of the said daughters shall give bond to the court of probates, to the value of one-third part of said residuary legacy, that in case the mother of the wards of such [359] guardians shall dye leaving || no child, then they shall deliver and pay back the part of said residuary legacy by them received, to the children of the other daughter or daughters of the said deceas'd.

Peter Burr and Christopher Christophers, Esqrs, Mr. Nathaniel Burnham, Mr. Stephen Whittlesey, Capt. Joseph Minor and Mr. George Clark, who by this Assembly are appointed to audit the accounts of the Treasurer of this Colony, are also appointed to sort the bills they shall find in the treasury, and report to this Assembly what bills of credit of this Colony they find fit yet to pass, and what is yet unfit for further passing to receive such bills of the treasurer and burn them, and return an account thereof to this Assembly to be recorded.

Whereas this Assembly did, at their sessions in May last, give unto the inhabitants of the new society in Lyme their country rates for two years: notwithstanding which grant the Treasurer of this Colony hath sent his warrant to the constable of Lyme to collect a rate of one penny on the pound by the list of the whole town, so that a rate of one penny on the pound has been collected of the inhabitants of the said new society as well as in the old; which rate, according to the list of said society given in August, 1721, amounts to ten pounds seven shillings and eleven pence, as appears by the said list: and the said society moving to this Assembly that by an order of this court the said treasurer may be directed to pay back to the said society the foresaid sum so collected as aforesaid: It is therefore ordered by this Assembly, that the Treasurer of this Colony do pay out of the publick treasury the aforesaid sum

of ten pounds seven shillings and eleven pence, unto Capt. Reignold Marvin, one of the Deputies of the town of Lyme, to be by him returned back to the said society, to be improved for the use and benefit thereof.

On consideration of the petition of the proprietors of the town of Plainfield, on the one party, and the inhabitants of the said town on the other party, desiring the opinion and resolve of this Assembly upon the act of this Assembly May 11th, 1699, whether by that act the fee of the land within the bounds of said town was granted to the inhabitants who were then present: Resolved, that the said act ought not to be taken as granting the fee of the lands within the bounds of said town to the said inhabitants, but only that the inhabitants there living should have the powers and privileges usually granted to the inhabitants of other towns, and that the bounds of the said township be as expressed in the said act.

Hartford, May 17th, 1723.

John Sabin of Pomfrett and Peter Aspinwell of Killingley, both of lawful age, testifieth and saith, that of our certain knowledge for near thirty years past, the reputed bounds of a tract of land formerly sold, or reputed to be sold, by Major James Fitch to Mr. John Butcher are as followeth: beginning at a certain place where a cart path that leads from Woodstock [360] to Robert Celtons farm crosses || a stream, called the Mill River, thence by said cart path to said Celton's farm, and thence by said Celton's farm to Quinabaug River, thence by said river till it meets with the aforesaid Mill River, thence extending up said river till it meets with the aforesaid cart path; and they also testify, that the said land has been reputed ever since to belong to the said Butcher, till his decease, and afterwards to his children and heirs; and that they never heard that he or they had alienated it.

In perpetuam rei memoriam. The within named John Sabin and Peter Aspinwell appeared in General Court and made oath to the preceding testimony concerning their certain knowledge of the reputed bounds of the land therein mentioned, and was accordingly ordered to be entered in the public records, among the acts of this Assembly.

This Assembly grant liberty unto Sarah Lewiss, administratrix on the estate of Nathaniel Lewiss, late of Fairfield, deceas'd, to sell so much of the lands of the said deceas'd as may be sufficient to pay the sum of thirty-four pounds seventeen shillings and eight pence, due from the estate of the said deceas'd more than the moveable estate amounts to, and

charges that shall arise in selling the same ; with the approbation of the court of probate in the county of Fairfield.

This Assembly exempt William Kelsey of Hartford, and he is hereby exempted, from being rated, and from paying anything for his poll in all publick rates and taxes for the future, in consideration of his lameness.

This Assembly do appoint Peter Burr, Esq^r, to be Chief Judge of the Superiour Court for the year insuing.

This Assembly do appoint Samuel Eells, Esq^r, Jonath. Law, Esq^r, Mathew Allyn, Esq^r, and John Hooker, Esq^r, Assistant Judges of the Superiour Court for the year insuing.

This Assembly being informed by the Hon^{ble} the Governour, that whereas in October last an act was past at New Haven by this Court, specially authorizing and impowring the judges of the superiour court, who then were the Hon^{ble} Nathan Gold, Esq^r, Peter Burr, Samuel Eells and Jonathan Law, Esq^{rs}, to hear and determine divers transgressions mentioned in the said act, being an act entituled An Act for appointing the judges [361] of the superiour court to enquire into, || hear and determine all crimes committed in a late riot at Hartford, &c., the said gentlemen, the judges aforesaid, have not as yet proceeded to enquire into and finally determine the matters aforesaid ; and some scruple arising, whether the authority of the persons aforesaid hath upon the new establishment of the judges of the superiour court ceased and determined :

It is resolved, enacted and declared by the Governour, Assistants and Deputies, in General Court assembled, and by the authority of the same, That the gentlemen abovementioned are the persons intended in the act aforesaid ; and that the authority therein given to them doth continue, notwithstanding the new establishment of the judges as aforesaid.

*And it is hereby further enacted and provided, That the beforementioned gentlemen have hereby special authority given them in such manner and form as is provided in the act aforesaid, to enquire into, hear and determine all transgressions and breaches of the law which have happened since the making of the act aforesaid, in the pursuit or endeavours to put in execution any branches or parts of the act aforesaid ; any law, usage or custom to the contrary notwithstanding.**

Upon consideration of the petition of the inhabitants of the parish of Repton : This Assembly grants that the country rate that shall be levied upon the inhabitants of said parish for the

* The proceedings of the Court of Oyer and Terminer, beginning May 21st, 1723, upon the trial of the rioters, are recorded in Vol. III. of the Records of the Superior Court, p. 494, &c.

next two years shall be paid by the officer or officers that shall collect the same unto Mr. Benjamin Curtice of Stratford, to be by him improved in the best manner for the setting up and maintaining the ministry in said parish, according to the order of the law here established; and the said Mr. Benjamin Curtice his receipt of said rate or rates shall be a sufficient discharge for the constable or constables that shall collect the same, from the treasurer. And whereas this Assembly at their sessions in October, 1717, ordered that the country rate to be levied on said parish, for the space of four years next after said sessions, should be discharged from the publick treasury and paid unto Mr. Benjamin Curtice and Mr. Daniel Shilton of Stratford, who were intrusted to dispose of the same for the setting up the publick worship of God in said parish: And whereas the inhabitants of said parish complain that Mr. Daniel Shelton hath not disposed of the money he has received by virtue of said act of this Court according to the true intent of said act, and refuseth to deliver such sums of money, or be accountable for the same: This Assembly do order Mr. Daniel Shelton to make up accounts of all such moneys as he hath received of said rates, before Capt. John Hawley and Mr. Edmund Lewiss of Stratford, sometime in the month of June [362] next, || and forthwith, after such auditing and settling said accounts, to pay in to Mr. Benjamin Curtice what he shall be found in arrear in said accounts; and said Mr. Curtice is ordered and impowred to improve said moneys for setting up and promoting the publick worship of God in said parish.

An Act to enable the Judges and Justices of the County Courts to put in Keepers of the Common Goals in the respective Counties in this Colony.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, That for the future the judges and justices of the county courts in each county in this Colony shall be impowred, and are hereby impowred, to appoint keepers of the common goals in their counties respectively.

This Assembly do establish and confirm Mr. Stephen Lee to be Captain of the company or trainband at Kensington in the town of Farmington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Norton of Farmington to be Lieutenant of the company or trainband at Kensington in the town of Farmington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Hart of Farmington to be Ensign of the company or trainband at

Kensington in the town of Farmington aforesaid, and order that he be commissioned accordingly.

Upon consideration of the memorial of the northern parish in Seybrook: Resolved by this Assembly, that the inhabitants of said parish are not obliged, nor ought not to pay any part of the ministers rate in the south society in Seybrook, for any time since they were made a society in May last.

This Assembly, upon the prayer of the inhabitants of the westerly part of Wallingford, do grant to said inhabitants the [363] liberty and privilege of being a parish or society, || with such liberties, powers and privileges as other parishes in this Colony generally have and do enjoy by law, for the settling, upholding and maintaining the publick worship of God amongst them; and that the bounds of said parish shall be as followeth, viz: beginning at the south-east corner of Samuel Cook, junr, his farm, and thence running a south line to New Haven bounds; and from said corner northward, taking in said Cook's farm and Mathew Bellamy's farm; thence a straight line, taking in Joseph Thomas' farm; from thence northward, taking in Atwaters, John Tyler and Doctor Hull, their farms at Broad Swamp; thence to Thomas Mathews' farm, over Stoney River; thence in the east line of said Mathews his farm, taking in Joseph Curtice his farm, and William Hendrick his farm, to the north line of the bounds of said Wallingford, and so to the west bounds of said town. Provided always, that if the east line aforesaid shall run cross any farm or lotment of land, such farm or lotment shall be and belong to the old or new society in said town, as the owner thereof shall happen to live, belonging always to the society in which he shall dwell as aforesaid. And all the rateable estate within the aforesaid bounds shall pay towards the building of a meeting house, settling and maintaining an orthodox minister amongst them, with other parish charges in said society.

Resolved by this Assembly, That for the future the nomination of judges and justices in the several counties and towns in this Colony shall be first made by the Lower House, and that it shall be in the power of the Upper House to negative so many of said nomination as they see just reason for. And if the said honourable Upper House do negative any of those nominated by the Lower House, they shall fill up the roll both* such as they shall nominate, and transmit the same to the Lower House, and the Lower House shall then proceed to pass upon such as the Upper House shall nominate, by con-

* In the original bill, *Civil Officers, &c.*, I. 364, the word is 'with' instead of 'both.'

curring or non-concurring with them. And if there be not a concurrence with this last nomination, the Lower House may either nominate anew and send them to the Upper House, and be sent from house to house till the number be filled up, or either house may nominate anew those before negatived, as they see cause. Provided, that the nomination to be first made may be made by the Upper House as well as the Lower House, and that the nomination made in either house being transmitted to the other shall be fairly passed upon in each house till a sufficient number of judges and justices are chosen. This act to continue for two years, and no longer.

This Assembly grant liberty and fully empower John Palmer and Sarah Palmer, administrators on the estate of Stephen [364] Palmer, late || of Windsor, deceas'd, to make sale of so much of the lands of the said deceas'd as may be sufficient to pay the sum of fifty pounds ten shillings and nine pence, debts due from said estate more than the moveables amounts to, and costs of sale, with the direction and approbation of the court of probates in the county of Hartford.

This Assembly do appoint Roger Wolcott, Esqr, to be Judge of the County Courts in the county of Hartford for the year insuing.

This Assembly do appoint James Wadsworth, Esqr, to be Judge of the County Courts in the county of New Haven for the year insuing.

This Assembly do appoint Peter Burr, Esqr, to be Judge of the County Courts in the county of Fairfield for the year insuing.

This Assembly do appoint Joseph Talcott, Esqr, to be Judge of the Court of Probate in the county of Hartford.

This Assembly do appoint Mr. Warham Mather to be Judge of the Court of Probate in the county of New Haven.

This Assembly do appoint the Hon^{ble} Nathan Gold, Esqr, to be Judge of the Court of Probate in the county of Fairfield.

This Assembly do appoint Christopher Christophers, Esqr, to be Judge of the Court of Probate in the county of New London.

This Assembly do appoint John Sherman, Esqr, to be Judge of the Court of Probate in the circuit of Woodbury.

This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate in the circuit of Guilford.

This Assembly do appoint Capt. William Clark to be Judge of the Court of Probate in the circuit of Windham.

This Assembly do appoint Capt. Aaron Cook, Capt. Samuel Mather, Mr. Nathaniel Stanly, Capt. Joshua Robbins, Capt. David Goodrich, Capt. Thomas Ward, Lt. Samuel Humphreys, Capt. Thomas Judd, Mr. Michael Tainter, Capt. Thomas Gates, Capt. James Wells, Mr. Joshua Ripley, Capt. Thomas Huntington, Mr. Thomas Kimberly, Mr. Benjamin Talcott, Mr. Joseph Strong, Capt. John Marsh, Capt. Ozias Pitkin, Capt. William Wadsworth, and Mr. Sam^l Humphreys the 2d, to be Justices of the Peace in the county of Hartford.

This Assembly do appoint Capt. Aaron Cook, Capt. Samuel Mather, Mr. Nathaniel Stanly and Capt. David Goodrich, to be of the Quorum in the county of Hartford.

[365] This Assembly do appoint Col^o Ebenezar Johnson, Mr. Warham Mather, Mr. Samuel Bishop, Capt. Samuel Clark, Capt. Thomas Yale, Mr. James Hooker, Capt. Andrew Ward, Capt. Nathaniel Harrison, Mr. Edward Barker, Capt. Joseph Whiting, Mr. Samuel Brunson, Capt. Janna Meiggs, Capt. John Riggs, Justices of the Peace in the county of New Haven.

This Assembly do appoint Col^o Eben^z Johnson, Mr. Warham Mather, Mr. Samuel Bishop, Capt. Samuel Clark, and Mr. James Hooker, to be of the Quorum in the county of New Haven.

This Assembly do appoint Joseph Curtice, Esq^r, John Sherman, Esq^r, Capt. James Olmstead, Major John Burr, Capt. Joseph Bishop, Capt. Joseph Platt, Capt. John Hawley, Mr. Samuel Peck, Mr. Eben^z Mead, Mr. Richard Osborn, Capt. James Beebe, Mr. John Gregory, Mr. Thomas Bennit, Mr. Joseph Minor, Mr. James Bennitt, Mr. Samuel Couch, and Mr. Samuel Hanford, to be Justices of the Peace in the county of Fairfield.

This Assembly do appoint Joseph Curtice, Esq^r, John Sherman, Esq^r, Capt. James Olmstead, Major John Burr, Mr. James Bennitt, Mr. Joseph Bishop and Capt. Joseph Platt, to be of the Quorum in the county of Fairfield.

This Assembly do appoint Capt. Richard Bushnell, Capt. William Clark, Mr. Timothy Pierce, Mr. Samuel Lynde, Mr. Daniel Buckingham, Mr. Daniel Palmer, Mr. Abram Pierson, Mr. Moses Noyes, Capt. John Mason, Capt. Daniel Brewster, Mr. Thomas Noyes, Mr. Jonathan Prentts, Mr. John Plumb, Mr. John Brown, and Mr. Nehemiah Smith, to be Justices of the Peace in the county of New London.

This Assembly do appoint Capt. Richard Bushnell, Capt. W^m Clark, Mr. Jonathan Prentts, Mr. John Plumb, Mr. Nehe-

miah Smith, and Mr. Timothy Pierce, to be of the Quorum in the county of New London.

Whereas it has been represented to this Assembly, that some persons of New London, in conjunction with others of Norwich, under pretence of power from each town, have, sometime since the year 1710, taken upon them to alter the bounds of Norwich as declared in the patent of their township, and have set up monuments for the bounds of that town, which have taken in a considerable part of the town of New London, and have done this without the direction and knowledge of this Assembly, whereby they have taken upon them to alter the circuits of power, authority or jurisdiction of constables, collectors, and other officers appointed by this Court, which may cause great disturbance,

It is enacted by this Assembly, That the towns of New London and Norwich lay before the General Assembly in October [366] next || an account of their doings therein; and the deputies of the respective towns shall take notice hereof and inform their towns respectively.

This Assembly, upon the prayer of the inhabitants of the north parish in Seybrook, called Petapaug, do grant unto said parish, that the country rate granted in October last, and the next two succeeding country rates arising upon the rateable estate within said society, shall (being collected by the several constables) be paid to the committee for managing the affairs of said society, to be by them improved for carrying on and defraying the parish charges arising within said society (allowing only the constables fees for gathering) out of said rates.

This Assembly do establish and confirm Mr. Samuel Catlin of Hartford to be Ensign of the south company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Stow of Middletown to be Lieutenant of the third company or trainband in the town of Middletown aforesaid, and order that he be commissioned accordingly.

An Act in Addition to, and for the Alteration of the Time appointed for Parish Meetings, intituled An Act for the better ordering and regulating Parishes or Societies, and for their supporting the Ministry and Schools there.

Whereas it has been found inconvenient to have the meetings of parishes for attending the parish affairs limited to the month of December,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of

the same, That for the future it may and shall be lawful for any parish to hold their meetings for such affairs in any month of the year, as they shall judge most convenient for them.

And whereas it has hapned that in some parishes meetings have been held in some other months than the month of December, and several votes and acts passed in such meetings, the validity of which may be therefore questioned: For the preventing all such disputes,

It is hereby enacted by the authority aforesaid, That all such votes and acts, passed, made and done, in such parish meetings [367] in any other month, shall be held, accounted || and esteemed good and valid as they should or could have been if the meeting [at which]* they were passed and made, had been holden in the month of December; any other law, usage or custom to the contrary notwithstanding.

This Assembly grant liberty and fully impower Daniel Hancox of Farmington, administrator on the estate of William Hancox, late of said Farmington, deceas'd, to sell so much of the real estate of the said deceas'd as may be sufficient to pay the sum of sixty-six pounds five shillings and ten pence, which is due from said estate more than the moveable estate will pay; with the direction and approbation of the court of probates in the county of Hartford.

Upon the prayer of the south society in Wethersfield, this Assembly grants the said society an exemption from one country rate, viz. that granted in October last; the said money to be by them improved for defraying parish charges among them; [and] that said society be called Stepney.†

An Act for preventing the Lending Guns, Ammunition, &c. to the Indians.

Whereas it may be justly suspected that some Indians in this Colony who borrowed guns and ammunition of the English do withdraw themselves for a time to the enemy Indians and joyne with them: And whereas the said Indians are generally supposed to be guilty (thô hardly it is to be proved) of killing many deer at times of the year forbidden by law,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no person or persons within this Colony shall be allowed or admitted to prosecute before any assistant or justice of the peace, or court of judicature in this Colony, any

* Instead of the words within brackets, the record reads "were and." The correction is made on the authority of the printed act.

† The Assembly gave the society the name of *Lexington* at first: but changed it to Stepney upon the petition of sundry of the inhabitants, and in consideration that there was a Lexington in Massachusetts. *Ecclesiastical*, II., 183, 186.

action of debt, detinue, or other action whatsoever, for any gun or guns or ammunition, lent, sold or any ways trusted to any Indian or Indians whatsoever, till this Court shall see cause to order otherwise; and that every such gun lent as aforesaid shall be forfeited, one-half to him that shall prosecute to effect, the other to the county treasury where such prosecution is.

An Act for Compleating and Perfecting of the Line of Division between this his Majesties Colony of Connecticutt and the Province of New York, which was begun and in Part fixed and established in the Years 1683 and 1684; the remaining Part of which Line, notwithstanding many Endeavours to have it run, and Monuments therein erected, in conjunction with the said Province, have been since used, [363]] and Acts passed by the Assembly of this Colony, and by Virtue thereof Commissioners sent to a tend that Service with such Commissioners as should be appointed by the Government of that Province for the same Service, continuing yet to be surveyed and fixed by Monuments to be erected therein.

Whereas the line of division between this his Majesties Colony of Connecticutt and the Province of New York was, in the year 1683, by agreement between the governments of this Colony and the said Province of New York, removed from the place where it was anciently esteemed and known to be, and determined to be and forever to remain in another certain place, beginning at the mouth of a river famously known by the name of Byram River, by which alteration several towns erected by and belonging to the said Colony were added to and become part of the said Province of New York.

And whereas, pursuant to the said agreement, surveyours and commissioners appointed by the government of this Colony and that Province did, in the month of October, 1684, meet, and in conjunction survey and make and establish good and sufficient monuments in part of the said line, that is to say: beginning at a point called Lyon's Point, on the east side of the said Byram River, and continued the said line from thence up the said river one mile and an half and twenty rods to a great stone at the wading place where the road cuts the said river, and from thence on a north north-west course six miles and an half, and there marked three white oak trees with C. R. and some other marks and inscriptions, and from the said trees continued the said line upon an east north-east course twelve miles, (which eastern end of the twelve miles is in the said agreement appointed to be the place from whence a line run parallel to Hudson's River, and concluded to be at twenty miles distance from it, is to be run as far north as the south line of the Massachusetts Province,) should be the line of par-

tition between the said Colony and Province of New York, and to the eastern end of the said twelve mile line, the said commissioners added on the same course, viz: east-north-east one mile and sixty-four rods, where a white oak tree was marked with the letters C. R. and a crown, together with the effigies of his then royal highness James, Duke of York, to whom his Majesty King Charles the second was said to have granted the aforesaid Province of New York, which tree has ever since borne the name of the Duke's Tree, and famously known by [369] the said name, and is by || the said survey considered, stated and esteemed to be twenty miles from Hudson's River; all which marks and monuments have been, ever since the said survey and fixing of them, famously known, as they are at this day.

And whereas his Most Excellent Majesty King William the third, of glorious memory, did with the advice of his most honourable Privy Council on the 28th day of March, 1700, approve of and confirm the said agreement and survey, and the line thereby settled and concluded to be the dividend line between this Colony and the said Province: that is to say, did ordain that the said line, so far agreed, run and fixed, and a parallel line to Hudson's River, to be run and fixed according to the said agreement, should forever be and remain the dividend line and boundary between the said Colony and Province.

And whereas that part of the line of partition between this Colony and the Province of New York, which is to run parallel to Hudson's River, has never yet been actually surveyed and fixed by commissioners from each government, nor the places through which the said line should run discovered and distinguished by proper monuments erected in them; which has been a great prejudice to the plantations and towns within this Colony bordering on that line, occasioned many disorders, and discouraged the settlement and improvement of the land in those parts, great quantities of which, under colour of belonging to the Province of New York, has been and are claimed by several persons of that Province, by virtue of certain patents which they declare will extend to a much greater distance from Hudson's River than the aforesaid parallel line to that river as appointed to be run and fixed; and the running, stating and erecting monuments in the said parallel lines being of great necessity to be done as speedily as may be, for the preventing of all such inconveniences and disorders, and that those that are or may be settled on or near the said line, either in this Colony or that Province, may be encouraged in their settlements and have no occasion of any difference for want

of having the said parallel line of boundary between the governments ascertained, and sufficient monuments, whereby it may be known, erected therein.

And whereas also, many applications made by the government of this Colony to the government of that Province, to obtain their concurrence in running and stating the said parallel line, have not prevailed to obtain any such concurrence on their part, but when commissioners have been authorized on the part and behalf of this Colony to attend the said work in conjunction with such commissioners as on the part and behalf of said Province might be impowred to attend the said service, and when the commissioners of this Colony so impowred have, at considerable expence, several times attended the same, the commissioners appointed on the behalf of that Province have by several difficulties alledged, objections raised, hitherto prevented the running and stating the said parallel line.

[370] And whereas by an act lately passed by the government of the Province of New York, entituled An Act for paying and discharging several debts due from this Colony to the persons therein named, there is a paragraph in these terms: "And whereas that part of the lines of partition and division betwixt this Province and the Colony of Connecticut, which were to run parallel to Hudson's River as aforesaid, (reference being therein had to the aforesaid agreement mentioned in a former paragraph of the same act,) were never actually surveyed and marked out, nor the places ascertained or distinguished thro' which the said lines should pass, and the marks of such parts of the said lines of partition and division as were by the surveyours aforesaid then run, marked out and distinguished, are by length of time worn out, and by the contrivances and practices of evil disposed persons defaced or altogether taken away, so that without running them anew the places thro' which such lines did or should run are not, nor cannot be, discovered." By which it appears that the government of the said Province is determined, not only not to concur in the running the aforesaid parallel line, but also, as much as in them lyes, utterly to make void and destroy that part of the said division line which accords to the agreement aforesaid, was actually run and fixed, and confirmed by his late Majesty King William as aforesaid, under colour that it cannot now be discovered what places the said part of that line of division was stated to run thro', though many of the said places are in their nature such that no art or wickedness of men can alter or remove, and the rest appear by incon-

testable proof and evidence to be and remain, and are famously known to this day.

And whereas by several other clauses in the said act, it is evident that the government of the said Province is not willing to stand and abide by the said part of the division line so run and marked as aforesaid, according to the true intent of the said agreement, but are determined to endeavour the destruction of what has been already done pursuant thereto, thõ confirmed by his Majesty King William as aforesaid, (in the year 1700.)

And whereas, therefore, it may well be thought that any further applications to the said government, to obtain their joyning with us in causing the said parallel line from the said [371] Duke's Tree to be run and monuments erected || therein will be, as the former, utterly fruitless.

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, That the Agent of this Colony, Jeremiah Dummer, Esqr, do, in our name and behalf, humbly supplicate our sovereign lord King George, that his Majesty would be graciously pleased to order the government of the said Province of New York, that they should joyne with us in the running, stating and fixing the said parallel line, according to the true intent and meaning of the said agreement and survey: that is to say, from the said tree at the end of the fourth line concluded upon in the said agreement, marked and known by the name of the Duke's Tree, till it shall extend to the south line of the Province of Massachusetts Bay, to be and remain in that part the perpetual boundary between this Colony and that Province, as in the other part the line from Lyon's Point to the said Duke's Tree at the end of the fourth line mentioned in said agreement is and ought to be; and that a copy of this act be transmitted to the said agent for the same end.

And that it may, nevertheless, appear how desirous we are of an amicable composition of this matter with the government of New York, before the transmitting of this act to our agent,

It is hereby further enacted by the authority aforesaid, That a copy of this act, attested with the publick seal of this Colony, be forthwith transmitted by the Governour to his Excellency William Burnet, Esqr, Governour of the said Province of New York, together with a letter desiring, if it may be, that commissioners with a surveyour on the part of the Province of New York may be appointed, to joyne commissioners with a surveyour to be appointed on the part of this government, to run and mark out the said parallel line.

And it is further enacted, That if the government of the said Province shall thereupon, at any time within two months after the last day of this instant May, think fit and appoint commissioners and a surveyour fully impowred in conjunction with commissioners and a surveyour in like manner to be appointed and impowred on our part, so to run and mark out the said parallel line of division between the governments, and give notice thereof to the Governour of this Colony, that then the Governour of this Colony for the time being, by and with the advice and consent of the Council, shall appoint Commissioners with a surveyour on the part of this government, and give them a commission under the seal of this Colony, fully enabling them in conjunction with commissioners and a surveyour appointed and in like manner impowred by the government of the Province of New York to run the said parallel line and set up marks and monuments therein in all suitable places thro' which the said parallel line shall pass. And the said parallel line, so run and marked out as aforesaid, shall forever be and remain in that part the line of division or boundary between this Colony and the Province of New York, as the line already stated and marked out in the other part, viz. from Lyon's Point to the Duke's Tree, as already appointed to be and remain.

And it is further enacted, That upon the neglect or refusal of the government of the Province of New York to agree with us in the running and fixing the said parallel line as is above [372] expressed, || the agent of this Colony shall have this act transmitted to him without delay, and be directed to use his utmost endeavours to obtain his Majesties most gracious order for the running and fixing said parallel line, that the improvement of the lands bordering on the said line may no longer remain under such discouragement, and that his Majesties subjects in those borders of this Colony, and the towns which we have settled there, may be quieted in their just properties and improvements.

Whereas by an act of Assembly holden in Hartford, May 12th, 1720, leave was granted to the Honourable Nathan Gold, Esqr, to take up 120 acres of land in any of the ungranted lands of this Colony: And whereas the said one hundred and twenty acres of land has, pursuant to the said act been surveyed and bounded out to him in the said ungranted lands lying between Danbury on the north and Fairfield and Norwalk on the south, near and adjoining to the westerly side of Umpewaug Hill, so called, and one hundred and sixty rod northerly from the north bounds of Fairfield township, in

manner following: beginning at a white oak staddle marked and stones laid to the same, being the south-easterly corner, and run in course south sixty-eight degrees westerly thirty-two rod to a large black oak stump with stones on it, on the north side of which stands a small box tree, mark'd for and being the south-east corner of a tract of land formerly laid out to Lt. Thomas Nash; and from said stump, continued said course south sixty-eight degrees westerly a hundred and four rods, and made a boundary with stones laid together; from said stones north twenty-two degrees westerly ninety-four rods to a beach tree marked, then passing through part of a swamp north fifteen degrees easterly sixty-eight rods to a white oak tree marked; from thence north sixty-eight degrees easterly ninety-six rod to a white oak tree marked; from said white oak tree south twenty-two degrees easterly one hundred forty-six rods to the white oak staddle at first marked; which land, so surveyed, is parcel of the ungranted lands which the Assembly appointed to be sold by the said Nathan Gold and Peter Burr, Esq^{rs}, but remains yet unsold: And the said Gold having moved to this Assembly that he may have the said tract of land, surveyed as above, confirmed to him by a patent signed as the law directs: It is hereby granted, that a patent for the said land be made to him accordingly.

[373] Whereas information has been made to this Assembly that the grand-jurymen in the town of Windham did upon their oaths present to Major Talcott, an assistant, that sometime in January or February last they, being commanded by an officer to assist in seizing some of those that were guilty of breaking up the goal in Hartford in a riotous manner sometime in October last and setting Capt. Jeremiah Fitch at liberty, who was committed and in custody there, as the said grand-jurors in company with seven or eight men more, who had been commanded on the same service, and as they were passing by the said Capt. Fitches house one William More of Windham came out, with a great club in his hand, and swung it over his head, and called to them, and told them they were cowardly dogs, and that if they would come to the house he would break their heads, or words to that purpose; soon after which the said Jeremiah Fitch with about twenty men came out of the house, with great clubs or stakes in their hands, and pursued them, struck some of their company, and threw stones and clubs at them; which presentment the said Major Talcott sent to Mr. Justice Ripley at Windham, with direction to proceed against them as the law requires; who, a while after, return'd that he could not take them without a deputy

sheriff, and that he thought that by reason the persons informed against and their accomplices, the said sheriff could not come into those parts, much more attempt to seize them, without danger of his life or having his bones broken, so that none of the said persons have been taken up and prosecuted, nor any process had against them for their conviction and for the suppression of such high handed and notorious disturbers of the peace of his Majesties subjects and opposers of the orders and commands of the government.

Resolved by this Assembly, That warrants be immediately issued out, signed by the Secretary by order of the Governour, Council and Representatives, in General Court assembled, for the seizing of the said Fitch and More, and having them before the court now holden in Hartford, especially appointed to try the aforesaid rioters or notorious breakers of the peace and their accomplices or abettors, and that the King's attorney prosecute them before said court therefor.

An Act for Regulating the North Parish in New
London.

Whereas after the land, commonly known by the name of the Indian or the Sequestred Land, which is part of the north parish in New London, and which lyes between the ancient bounds of the townes of Norwich and New London, was, by consent of Owaneco and the Indians of Mohegan, divided into two parts, the eastern part was put in trust for the use of the said Indians and divided from the western by a line there [374] famously known, and there was a general purchase || by Col^o John Livingstone, Capt. Robert Denisson, Mr. James Harriss, and Mr. Samuel Rogers, of all the lands in the western part which were not before disposed of by the General Court or by the Indians: out of which general purchase, it has been concluded by this Assembly that two hundred and fifty acres should be laid out to the first minister of the gospel who should be orderly settled in said parish, (which is already done and granted by the said general purchasers and their assigns to the Reverend Mr. James Hillhouse, the first settled minister of the said parish,) and that two hundred and fifty acres more being laid out for the support of the ministry of the said parish for future time and for other pious purposes, the residue of the said general purchase is confirmed by this Assembly to the said general purchasers and their assigns: And whereas also a tax of one penny on every acre of the unimproved land in said western part is by this Assembly ordered to be levied and paid for four years successively, to the building of a meeting house and other pious uses in the said parish: And whereas a regular survey of the said western part is

necessary for the ascertaining of the lands belonging to particular proprietors and to the said general purchase, in order both to the laying out the aforesaid two hundred and fifty acres of the general purchase which is not yet laid out to the aforesaid pious uses, that it may be laid out in the most convenient places, as also to the knowing what quantity of unimproved lands belongs either to the general purchasers or their assigns or any other particular proprietors, that the aforesaid tax may be justly levied, according to the proportion of unimproved land belonging to each of them,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That as soon as may be, in the fall of the present year, a person skillful in the art of surveying shall survey the said western part, assisted with chainmen sworn, and make a plan of the whole tract, with the particular properties therein, setting up and erecting due monuments or making proper marks to the whole and to each particular or several propriety or proprietries therein, and lay out two hundred and fifty acres of the said general purchase to the pious uses aforesaid, in such manner and place or places as shall be judged most suitable by Messrs. James Wadsworth and John Hall, Esq^{rs}, formerly appointed by the Assembly to regulate several matters relating to said parish; and that the charge of this survey shall be borne by the several proprietors, whether said general purchasers or others, according to their respective proportions of land in the said western tract.

[375] *And it is further enacted,* That it shall and may be lawful for the committee of the said parish, or the major part of them, to alienate or sell two hundred acres of the said two hundred and fifty to be so laid out to pious uses, and apply the money to be raised thereby to the building of a meeting house and other pious uses in the said parish; and that the remaining fifty acres shall remain as a parsonage, for the use of the present and succeeding ministers in the said parish.

Be it also further enacted, That if it should happen when any original grant or deed of land as aforesaid is produced to the surveyour for his direction in his work, that there is a good agreement between the bounds mentioned in the said grant or deed and those which the proprietor of such land has kept up and have been maintained as his bounds, such bounds shall be allowed without any dispute, thô it should happen that the whole tract should contain more than the number of acres mentioned in his said grant or deed.

And it is further enacted, That in case any proprietor shall produce his original grant or deed as aforesaid, but cant shew

the bounds of the land which he claims thereby, kept up and maintained according to the said deed, three freeholders, being indifferent and disinterested persons, being first sworn, shall have full power to set up and make bounds to the said land, as they shall judge to be in justice agreeable to the said deed.

Be it also further enacted, That whatsoever bounds of any lands in said western part shall be renewed, or new made and erected in manner as in this act is provided, the same shall forever be esteemed and taken to be the true and lawful bounds of such land. Provided nevertheless, that if any person shall dislike or be unwilling that the bounds of his land should be either renewed, or new made and erected as is provided in this act, and shall refuse to produce his original grants or deeds in manner as is in this act provided, for the new making, or for the renewing his said bounds, he shall be at his free liberty so to do anything in this act to the contrary notwithstanding; nor shall any bounds, so without or against his consent, be pretended or taken to be renewed or new made, set up or fixed to his land, by virtue of this act or anything contained therein, but said bounds shall, notwithstanding this act, be and remain in the same state and condition that they were in before the passing thereof.

And whereas the aforesaid gentlemen of the committee of this Assembly, viz. James Wadsworth and John Hall, Esqrs, did find it necessary to order certain persons of said parish, viz. Major John Merrett, Capt. Robt. Denisson, Mr. Jonathan Hill, and others, to lay out necessary highways in said parish, which has been accordingly done and return thereof made to them the said committee: It is hereby ordered, that the said return be entered on record in the records of said parish, and that the said highways be and they are hereby confirmed and established.

[376] An Act to prevent the Disorder of Negro and Indian Servants and Slaves in the Night Season.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the publication of this act, if any negro or Indian servant or slave shall be found abroad from home in the night season, after nine of the clock, without special order from his or their master or mistress, it shall be lawful for any person or persons to apprehend and secure such negro or Indian servant or slave so offending, and him or them bring before the next assistant or justice of peace; which assistant or justice of peace shall have full power to pass sentence upon such negro or Indian servant or slave so offending, and order him or them to be publickly whipt on his or their naked body, not

exceeding ten stripes, and pay cost of court, except his or their master or mistress shall redeem them by paying a fine not exceeding twenty shillings.

And it is hereby enacted by the authority aforesaid, That if any such negro or Indian servant or slave as abovesaid shall have entertainment in any house after nine of the clock as aforesaid, except to do any business they may be sent upon, the head of the family that entertaineth or tolerates them in his or their house, or any the dependencies thereof, and being convicted thereof before any one assistant or justice of the peace, who shall have power to hear and determine the same, shall forfeit the sum of twenty shillings, one-half to the complainant and the other half to the treasury of the town where the offence is committed; any law or usage to the contrary notwithstanding. And that it shall be the duty of the several grand-jurors and constables and tything-men, to make diligent enquiry into and present of all breaches of this act.

Upon the motion of sundry persons inhabiting in the towns of Canterbury, Plainfield, Killingly and Pomfret, to form a troop in said towns: This Assembly grants liberty to the petitioners and such others in said towns as shall joyn with them, not exceeding fifty persons besides officers, to list for that service, and nominate to the Assembly in October next the proper officers by law allowed for such troop so formed; and officers established shall thenceforward have and enjoy all privileges allowed by law to troops or troopers within this Colony.

Upon the petition of Edward Elmor, Sarah Elmor *alias* Long, Jeremiah Diggins, junr, and Samuel Elmor, assignee of Joshua Garrett: This Assembly appoint Col^o Mathew Allyn, Mr. Samuel Mather and Capt. Ozias Pitkin, a committee [377] || who, at the charge of the petitioners, shall repair to the place and land mentioned in said petition, and view the same, (giving notice to all the persons concerned therein to attend,) and gain a true understanding of the whole affair and circumstances of the case and controversy about said land, as far as they can, and endeavour an amicable agreement and accommodation among the parties; which if they cannot obtain, then to report the whole to this Assembly in October next.

Upon the motion of Capt. Joseph Whiting of New Haven as attorney to the heirs of Francis Girdler of Marble Head, deceas'd, shewing to this Assembly that a grant of a hundred acres of land granted to Lt. Thomas Munson, May 8th, 1673, and ordered to be laid out by Mr. John Moss and Mr. Brackett, and afterwards, viz. Feb'y 26th, 168^e/₇, by Samuel Munson, only son and heir of Thomas Munson aforesaid, sold to said

Franciss Girdley, and said in said deed to lye at or near Caughinchaug Swamp, is, notwithstanding, lost, by reason the return of said Moss and Brackett laying out the same cannot be found, and praying this Assembly that said hundred acres may now be laid out in some of the ungranted lands in this Colony: This Assembly do accordingly give liberty that said land may be, by some county surveyour, laid out to said heirs in the ungranted lands as aforesaid.

An Act for Preventing and Punishing Disorders in Taverns, or Houses wherein Drink is sold.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the grand-jurors and constables in each town carefully inspect all taverns or houses licenced for selling of drink, and present to the civil authority any person or persons that shall be found there transgressing against any law, by being there unseasonably, or by excessive drinking.

Be it also enacted by the authority aforesaid, That if any inhabitant, or person belonging to any town, shall be found in any tavern, or house licenced for selling drink, in any such town, at any time either of the night next before or the night next after the Lord's day or the first day of the week, or after nine of the clock in any other night, except he or she shall satisfy the authority before whom they may be brought that there was extraordinary occasion for his or her being there at such time, and be thereof convict before such authority, shall incur the penalty of five shillings for every such offence, to be applied to the relief of the poor of the town where such offence shall be committed.

Be it also enacted by the authority aforesaid, That constables, or any other persons having a special warrant from authority for that end, shall have power, and they and each of them are hereby impowred, to enter into and search any tavern or house licenced for selling of drink, and for that end to require assist- [378] ance || and to break open any lock or door as he shall judge there is occasion, and shall command and cause any inhabitant or person belonging to the town where such house is, who shall be found there contrary to this or to any other act, to depart forthwith; and all such persons, who shall refuse to depart from such house on the command so given him, shall be forthwith arrested by such constable or person having such special warrant, and safely kept till they can be brought before an assistant or justice of the peace, and upon conviction shall suffer the penalty of ten shillings to the treasury of the county where such offence shall be committed.

Be it also enacted by the authority aforesaid, That constables,

or any other persons having a special warrant for so doing, shall enter into any house suspected to retail strong drink without licence, and search the said house in like manner as they are by this act impowred to enter into and search any tavern or licenced house; and if any inhabitant, or person belonging to such town where such house is, shall be found there offending, in like manner as is before expressed concerning houses licenced, by being there at the aforesaid times and hours of the night, or by disobeying the command of such officer or person with a warrant as aforesaid, he shall be dealt with in like manner as is before provided in case of persons offending in taverns or licenced houses, and, upon conviction, incur the same penalty or penalties.

Be it also enacted by the authority aforesaid, That if any constable or grand-jurors, being commanded or ordered by any in civil authority to inspect such houses and there perform the duty belonging to his office, or commanded as above expressed, does refuse or neglect so to do, he shall incur for every such offence the penalty of forty shillings to the treasury of the county where such offence shall be committed.

And it is hereby further recommended to all assistants, justices of peace and persons in civil authority, to take care that constables and grand-jurors and tything-men attend the duties required of them in this act, and in any other act for the suppressing all kind of vice and immorality.

Whereas James Wadsworth and John Hall, Esqrs, did, pursuant to an act made and passed by this Assembly in October last, on the 16th, 17th and 18th of April last, lay out to the town of Windsor, on the east side of said town, about eight thousand acres of land, bounded as is particularly set forth in their report under their hands, dated April 18th, 1723, being [379] || an equivalent for the lands taken from said Windsor and set to the towns of Suffield and Enfield by agreement of the commissioners for settling the Colony line: This Assembly do allow the said report, and order it to be put on the publick records of this Colony, and do establish and confirm the matters therein contained, and order the said equivalent lands laid out as aforesaid shall belong to the town of Windsor as part of said township, and that the inhabitants, proprietors of said town, shall be allowed a patent, under the seal of the Colony and signed by his Honour the Governour and Secretary in usual form, for the sure holding said land to them and their heirs forever.

Upon the petition of Robert Park, John Gallop and Ebenz Dowe, a committee appointed by this Assembly to levy and

collect a tax granted by this Assembly for the town of Voluntown, shewing to this Assembly that Capt. Thomas Williams of Plainfield, who was by said Assembly appointed treasurer for said tax, being dead, they desire that Jacob Bacon of said Voluntown might be appointed treasurer in his stead: This Assembly do accordingly appoint said Bacon to be treasurer in all respects for said tax, in the stead of said Capt. Williams deceas'd.

This Assembly do establish and confirm Mr. Joseph Cornwall of Middletown to be Ensign of the third company or trainband in the said town of Middletown, and order that he be commissioned accordingly.

Whereas by an act of this Assembly in October last, Capt. James Wadsworth, Esqr, John Hooker, Esqr, and Capt. David Goodrich, were appointed a committee to run and fix certain lines in the town of Glassenbury, and to do and perform certain other things in said act mentioned, as by said act more at large appears, and to make report to this Assembly in this instant May: And whereas said committee have been by some means diverted, and have not attended or performed the work aforesaid: It is therefore resolved by this Assembly, that said act made in October last be revived, and it is hereby revived in all the parts of it; and said committee are hereby impowred and directed to do and perform the work thereby committed to them, as soon as conveniently they may, and report the whole to this Assembly in October next.

An Act for the better Establishing and Confirmation of the Titles of Land anciently obtained in Townships according to the Manner or Custom heretofore used, and for Preventing Contentions concerning the Same.

Whereas it was anciently customary for towns to be settled, and the lands in them contained to be disposed of by division or otherwise to particular persons or special uses, by the inhabitants of the said towns in town-meeting assembled; after [380] which custom || or manner particular persons obtained to themselves certain quantities of the said land, which they held and disposed of as their own proper estate of inheritance; and other quantities or parcels of the said land in such towns, which remained in common without being divided or disposed of to any person or use whatsoever, were still considered and allowed to be in the disposition of the said inhabitants assembled in such town meetings, by the major vote of those present.

And whereas it was afterwards thought needful that the properties and estates, obtained in the aforesaid manner or custom within our townships, should be confirmed to the sev-

eral proprietors of them, and ratified by deeds or patents under the seal of this Colony, to them and their heirs forever, (inasmuch as his Majesty King Charles the second had under the great seal of England granted the whole tract of land comprehending said townships to the Governour and Company of this Colony,) that the proprietors of such estates so obtained and held by vote and consent of such towns in their meetings might be thereby furnished with uncontestable evidence of their having and holding the same under the crown of Great Britain. By means of which deeds or patents so granted to such persons, who were also according to the ancient custom or manner of disposing of lands in our town meetings the true and lawful owners and possessors of such estates, the said lands which they held in such towns, either in severalty or in common, became, both by custom and by seal of this Colony, an undoubted lawful estate of inheritance to them and their heirs; and the undivided and common lands in such towns, such proprietors might have divided immediately among themselves, or otherwise disposed of, agreeably to the ancient custom and the title ratified and confirmed by the said deeds or patents, and not suffered any other persons to have any part in them, or any right or title to vote or act in the dividing or disposing of such common lands.

And whereas, notwithstanding the said deeds or patents obtained, the proprietors of such common lands who had according to the ancient custom such an estate in them that they might divide them among themselves or otherwise dispose of them, and had also obtained by patent a grant and confirmation of the estate which they had in those common lands, as well as in their particular properties, to themselves and their heirs forever, by virtue of which they had just power and right [381] to act and do by way || of dividing or disposing of such common lands, without suffering any other persons, who should afterwards become inhabitants of the said towns, to be concerned and act with them therein, the said proprietors did, for a considerable number of years in many of our towns, truly consent and agree that the said common lands might, in whole or in part, be actually divided or disposed of by the major vote of the inhabitants of such towns in meeting assembled, and did themselves act and vote with others in such town meetings in the dividing and disposing of such common lands, by means of which acts and votes many persons have obtained particular estates to themselves, which, if they should be called in question and defeated because not obtained by the sole act of the said proprietors, would be contrary to the true intent and meaning of the said proprietors, and prove very prejudicial

to those persons or their heirs, who have been brought into them with the real consent of the said proprietors, by which real consent said proprietors and all that hold under them ought to be estopped and barred against all pretentions or pleas of right which they may alledge to the contrary.

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all such grants, divisions or dispositions of such common lands, made according to ancient custom in any town meetings, shall be held and taken to be good and lawful to all intents, and as effectual in law as if the full and ample consent of the said proprietors had been in any other way than by such their acting or real consent obtained; and all estates in land obtained and holden in such manner, by the votes and acts of town meetings, as well since as before the confirmation of the proprietors in such towns in their estates there, by patent under the seal of this Colony as aforesaid, are hereby declared to be, and it is hereby enacted that they shall be, accepted and taken to be good and lawful estates to such as so have and hold them, as they might or could be if the consent of the said proprietors in the granting of them could be proved under the hand and seal of such proprietors.

And it is hereby also further declared and enacted, That whatsoever part or interest the aforesaid proprietors, by custom as well as deed, have in any common or undivided lands in any towns, which they have not by their free consent, as before expressed, or otherwise, disposed of or suffered to be divided or disposed of, is and shall be allowed and taken to be their proper estate; and that no person whatsoever by becoming an inhabitant of such town, or by any other means against or without the consent of such proprietors, shall be taken or [382] esteemed to have any estates, title, right || or interest therein. And all such proprietors of any remaining common or undivided lands in any town or place whatsoever, or such as legally represent them, are hereby allowed to have their meetings in such respective towns, to choose their clerk to enter and record their votes and doings, who shall be sworn before an assistant or justice of the peace; and all records of their votes and doings, attested by him, be admitted as lawful evidence. And the said proprietors in such meetings shall have full power, (after the ancient custom and manner in towns,) by their major vote in such their meetings, (to be reckoned according to their interest in such common land,) to regulate, improve, manage and divide, such common land, in such manner and proportion as they shall see good.

Provided, That where the proprietors in any town have, by any vote of theirs upon record in their town, obliged themselves to act for the future in any other method in dividing the undivided land in such townships, such vote, being the act of said proprietors, shall be and remain valid and binding against such proprietors and their heirs, and the undivided lands referred to in said vote divided and held according to such vote; anything in this act to the contrary notwithstanding. *Also provided*, That this act, nor anything therein contained, shall not be taken to intend that any power is given to any proprietors to divide and set out any sequestered lands for towns commons.*

An Act for Emitting Bills of Credit.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith emitted the sum of six hundred fifty-three pounds seven shillings and six pence, of the bills of credit drawn in by rates and which have now been received of the treasurer by the committee appointed to audit the treasurers accounts; which committee are hereby ordered to deliver again to the treasurer the said sum of six hundred fifty-three pounds seven shillings and six pence, taking his receipt for the same, which receipt is hereby ordered to be lodged with the secretary.

And whereas by an act of the General Assembly held at New Haven in October last, intituled An Act for new imprinting four thousand pounds in bills of credit, it was enacted, that the said four thousand pounds, by that act ordered to be imprinted, should, by the committee appointed to sign the said bills, be delivered to the treasurer, who should give them in exchange for such torn and defaced bills as are not fit for use; [383] and the said exchange bills || still remaining in the hands of the said committee,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be emitted of the said exchange bills the sum of eight hundred forty-six pounds twelve shillings and six pence, which the committee appointed by this Assembly to sign the said bills, or any three of them, are hereby ordered to deliver to the treasurer, taking his receipt for the same; which sums of eight hundred forty six pounds twelve shillings and six pence of the said new bills, and six hundred fifty-three pounds seven shillings and six pence of the bills drawn in by

* The printed act reads, in the last line, "any lands sequestered for towns commons;" the original bill, in *Towns & Lands*, IV., 74. reads, "any sequestered lands or towns commons." An inspection of the original bill readily shews how the error occurred, of writing "for" for "or" in the text of the record.

rates and now ordered to be delivered to the treasurer, the said treasurer is hereby ordered and impowred to issue forth and emit towards the payment of the publick debts of this Colony and the further necessary charge thereof, attending to such orders as shall be given him from time to time according to law.

And be it further enacted by the authority aforesaid, That as a fund and security for the repayment and drawing in the said sum of eight hundred forty-six pounds twelve shillings and six pence into the treasury, this Assembly grants a tax or rate of eight hundred and ninety pounds. to be leyed on polls and all the rateable estate within this Colony, and to be paid into the treasury at or before the last day of August which will be in the year of our Lord 1728; which said rate shall be paid in bills of credit of this Colony, or in money as it passes generally currant in the country at the time of payment, and in no other manner.

And be it further enacted by the authority aforesaid, That the residue of the four thousand pounds newly imprinted, being three thousand one hundred fifty-three pounds seven shillings and six pence, and no more, shall be by the committee appointed by this Assembly to sign the said bills, or any three of them, delivered to the treasurer, who shall give them in exchange for such torn and defaced bills that are not fit for use, taking his receipt for the same; anything in the aforementioned act made in October last to the contrary notwithstanding.

An Act enabling Part of the Executors to a Will to sell Lands devised to be sold, where Part of them refuse Executorship.

Whereas lands and tenements are by some persons in their last wills and testaments devised to be sold by their executors after their decease, for payment of debts, legacies, or other uses: And whereas it sometimes happens that part of the executors named by such testator refuse executorship, whereby it becomes very difficult, if not impracticable, to fulfill said wills; part of said executors not having sufficient power in the [384] law to sell said lands so devised as aforesaid: || For preventing all disputes and controversies that might hereafter arise, concerning the validity of such sales,

Be it enacted, resolved and declared by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all sales of any lands or tenements that have heretofore been made, or hereafter shall be made within this Colony, by any executors or executor, being part of the executors named by such testator, shall be as good and effectual in the law, where part of the executors refuse

as aforesaid, as if those who so refuse had joyned in the sale of such lands or tenements.

Provided, This act extend not to confirm any sales of lands or tenements made, or that shall be made, by any executors or executor otherwise than according to and in fulfillment of the will of their testator allowed and approved in court; but that all sales, alienations, act or acts of any executor or executors tending to the prejudice or destruction of the right of any legatees to any lands or tenements, made otherwise, shall be and remain void and of no force in the law, as they were before the making of this act.

Whereas Major Joseph Talcott, Esq^r, Col^o W^m Whiting, Joseph Fowler, and others assisting in taking and bringing in the rioters that broke the goal in October last, have been at extraordinary trouble and expence of time, &c. as well as hardship and hazard at sometimes, the which being an extraordinary case, tis supposed the laws will not give full recompence to said persons for: It is therefore resolved by this Assembly, that James Wadsworth and John Hooker, Esq^{rs}, and Messrs. George Clark, James Ensign and David Buell, or any three of them, be a committee, who shall or may take into their consideration the matter aforesaid, and adjust and allow the accounts of the persons who have been so imployed and improved as aforesaid, so far as they shall judge just; and the accounts so allowed shall be paid out of the treasury, into which the fines laid upon said rioters are paid.

Robert Sillaman, Richard Hubbell, Benjamin Fairweather, and others, praying this Assembly that an act of this Assembly, made in October, 1707, to the Hon^{ble} Nathan Gold, Major Peter Burr, &c. respecting the settlement of a tract of land granted to them and their associates, as is more at large set forth in said grant, might be explained, whether by said act the fee of said land was to them granted, or how said act is to be understood: Resolved by this Assembly, that this matter be continued until the sessions of this Assembly in October [385] next, || and the Hon^{ble} Nathan Gold and company to be notified then to appear and inform said Assembly what they have done pursuant to said act. A copy of this act given to his Honour, or any or either of said company, to be a sufficient notification as aforesaid.

John Cook of Wallingsford shewing to this Assembly that his sons are, by the providence of God, all cripples, and praying this Assembly that he may therefore be released for the future from paying publick taxes: This Assembly grants the prayer of said petitioner, and release him from paying taxes accordingly.

An Act for Paying the Money allowed by Law to the Schools in Towns and Societies, to be paid by the Constables to the Committees and Selectmen in said Towns and Societies.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Treasurer of this Colony shall make out his orders to all the constables of this Colony, that they pay the school money due to each school committee or selectmen in each and every respective town or parish where they live, that is due out of the Colony treasury, and take their receipt for the same; which receipt being brought to the treasurer shall be sufficient to acquit said constable from the demands of the treasurer for the whole sum paid as aforesaid by any constable.

Upon consideration of the memorial of Mrs. Anna Whiting, widow and relict of the late Treasurer, and the present Treasurer, relating to the judgment obtained against them at the suit of the government, as they are administrators of the estate of the Treasurer, and the several evidences and allegations brought in testimony of the great care the late Treasurer took to make up his accounts and the assurance he had of his carrying to New Haven, by order of the government, bills sufficient to discharge his account at the time that he dyed there, and also the suggestions made that it is probable some of the bills in his keeping at that time were taken from him, and the hardship it will be to charge his estate with them, unless it can be made to appear that he, or those he improved under him, were faulty in the trust:

It is resolved by this Assembly, That all further proceedings in this affair be suspended till the General Assembly in October next, that the petitioners may have opportunity to offer what may be found more for direction of the Assembly in coming to such a conclusion upon the whole as will appear to be most agreeable to the rules of equity in this affair; and that the said administrators lay before the said Assembly, to be holden in October next, a true account from the court of probates of the value and condition of the estate of the late Treasurer.

[386] Received of Peter Burr, Esqr, and the rest of the committee appointed for auditing the Colony accounts, the sum of six hundred fifty and three pounds seven shillings and six pence, in bills of credit brought in by the penny rate, which they received of me and are by the Assembly ordered to be delivered back into my hands to pay the publick debts of the government. I say, received, May 31st, 1723.

John Whiting, *Treas^r.*

Upon the petition of Mr. Joseph Moss and others, praying this Assembly for a confirmation of certain lands set forth in

the petition preferred to this Assembly in October last, the consideration whereof, it is hereby ordered, that Mr. Samuel Bishop of New Haven, and Mr. George Clark of Milford, the third of that name, go, upon the charge of the petitioners, and view each man's purchase as it is bounded in each respective deed, and set such price as they shall think reasonable thereon, and sell it to each purchaser at the price they shall set, consideration being had to all the circumstances of said land and all sales former purchases as have been made, except one of the particular parcels of land contained in the deed belonging to the heirs of Mr. John Burroughs, deceas'd; which one parcel of land mentioned in the petition they are hereby allowed the confirmation of this Assembly, and may take out a patent for the same of the Governour and Secretary, which shall be good and effectual for the holding said lands to them and their heirs forever.

An Act for preventing Disorders in the Worship of
God.

Whereas notwithstanding the liberty allowed by law, both to ministers and people, to worship God agreeably to their own consciences, there are some persons who, without qualifying themselves as the law directs for the enjoyment of such liberty, presume to form themselves into separate meetings, and neglect to attend upon any publick worship of God on the Lord's day, under colour of gathering together in private houses for preaching and other parts of divine worship: And whereas some persons (without the least pretence or colour of being ordained, in any form whatsoever, ministers of the gospel) have nevertheless presumed to gather together in a tumultuous manner and take upon them to administer the sacrament of baptism, to the great abuse and prophanation of that holy ordinance,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whatsoever persons shall presume on the Lord's day to neglect the publick worship of God in some lawful congregation, and form themselves into separate companies in private houses, being convicted thereof before any assistant or justice of the peace, shall each of them, for every such offence, forfeit the sum of twenty shillings.

[387] *And it is further enacted by the authority aforesaid,* That whatsoever person, not being a lawful or allowed minister of the gospel, shall presume to prophane the holy sacraments by administering or making shew of administering them, to any person or persons whatsoever, and being thereof convict

before the county court in such county where such offence shall be committed, shall incur the penalty of ten pounds for every such offence, or suffer corporal punishment by whipping, not exceeding thirty stripes for each offence.

On the report of Capt. James Avery, overseer of the Pequott Indians, that several lots have by the late order of the town of Groton been laid out to several persons on the land at Mashuntuxitt in said town, surveyed and appointed by an act of the General Court to the said Indians, whom this Assembly by their said act have promised to relieve when wronged there about: It is considered, that the disposing and ordering any part of said Indian land to any persons, by virtue of any order whatsoever, without leave of this Assembly, is contrary to the special order of this Assembly. And it is therefore resolved by this Assembly, that Capt. James Avery, by himself or attorney, as one of the overseers of the Indians appointed by this Court, prosecute such as by virtue of said act of the town, or any other pretence whatsoever, enter upon the said land or make any improvement there, to recover the said land to the use of the Indians; and what charge the suit may require more than may be recovered in the bill of cost, shall be paid out of the treasury of this Colony, or in some other way as this Assembly shall see meet to order.

On the memorial of John Shackmaple, Esqr, complaining that on a writ of error brought before the superiour court holden at New London, September, 1721, on a judgment obtained against him at the inferiour court at New London, June, 1721, by Mr. John Burroughs, inhabitant of the Jerseys, citing his attorney, Mr. John Stone of Stamford in this Colony, to hear the errors at said superiour court, the said superiour court resolved that upon the citation of an attourney in such case the error complained could not be heard and redressed: It is considered and resolved, that a writ of error, being part of the process allowed and established by law in order to the regular administration of justice and to bring the action on which its brought to a just conclusion, lyes as well for an inhabitant against a stranger as for a stranger against an inhabitant; and that as the attourney of a stranger may have a writ of error against an inhabitant, so an inhabitant on the citation of any attourney for a stranger shall be heard in the errors he complains of in the judgment recovered by such stranger against him. It is therefore resolved by this Assembly, that execution of the said judgment be suspended, and that the said Shackmaple be heard on his said writ of error by the superiour court to be holden in New London in September next; notice being given thereof to the said Mr. Stone.

Upon the petition of Phillip Eastman and Nathaniel Fuller, both of Ashford, praying this Assembly for liberty to purchase all the ungranted lands contained within these bounds, viz: lying between Ashford and Union, bounded south on Ashford, the north end cometh to a point, being about a mile or a little [388] more || at the south end, in quantity about a thousand acres: Whereupon it is hereby ordered and declared, that John Hall and Hezekiah Brainerd, Esq^{rs}, be and are hereby impowred to sell said land at publick vendue to the highest bidder, or otherwise at their discretion, and to make publick proclamation of the time and place when and where they will sell said land, and a deed well executed under the hands and seals of said Hall and Brainerd, Esq^{rs}, shall be good and effectual, to all intents and purposes in the law, to the party or parties purchasing the same, to the firm and sure holding of said lands to them and their heirs forever.

Upon the petition of Mr. Eben^z Fitch, shewing that this Assembly, October 9th, 1690, made a grant to his father, Major James Fitch, of five hundred acres of land, to be taken up beyond New Roxbury; and the said Major Fitch then took up said five hundred acres north of Killingly, and not being exact to record it or to get further confirmation thereof, in the late establishment of the Colony line the same land was confirmed to Messrs. Wolcott and Thompson, whereby said Fitch and his heirs are deprived of said land and any benefit of said grant; and also that he, said Eben^z Fitch, has a deed of said grant; praying that the said five hundred acres may be laid out to him in some other place: This Assembly do accordingly give liberty that the said five hundred acres may be by some county surveyour laid out to him in any of the ungranted lands of this Colony.

This Assembly being informed that, notwithstanding the act of this Assembly made in October last at New Haven, entituled An Act for preventing trespasses on the lands of this Colony by illegal purchases thereof from the Indians, some persons, and particularly John Seymor, Samuel Catling and William Baker, of Hartford, and Thomas More and Job Elseworth, of Windsor, have been so hardy as to adventure, without the leave of this Assembly, presumptuously and in defiance of the said act, to lay out a township in the Colonies lands north of Litchfield; whereby it is manifest that the act aforesaid is disregarded: For the further preventing the mischiefs designed to be avoided by the act aforesaid,

Be it enacted by the Governour, Assistants and Deputies, in General Court assembled, and by the authority of the same,

That the King's attorney for the county of New Haven be, and is hereby, ordered and authorized, in the name of this corporation, to prosecute the persons aforesaid, and all other persons whatsoever that have or shall proceed, act or do anything contrary to and against the act aforesaid, on, or in reference to, any of the lands belonging to this corporation and lying within the said county of New Haven, and in any of the courts mentioned in the said act to demand judgment for the penalties therein annexed against all and every one who shall be therein convicted of any breach of the said law.

Whereas it is represented to this Assembly by his Honour the Deputy Governour, that David Robinson, who by reason of his distraction was committed a prisoner to the goal in Fair-[389] field county, || has so far gained the favour and respects of divers people in that place as that he is released from his close confinement and has the liberty of the town, and his rude and disorderly behaviour proves very offensive to the good people of the town: It is therefore ordered by this Assembly, that the said David Robinson shall be removed to the goal in the county of New Haven, or to some other suitable place in the said county, as the county court in that county shall direct.

Whereas this Assembly cannot at present come to a resolution concerning what remains due to our agent, Jeremiah Dummer, Esq^r, on the account of his salary: It is therefore resolved and ordered, that the treasurer reserve in his hands the sum of four hundred pounds of the bills emitted by order of this Court, and have that sum ready to be delivered and paid to answer the said agent's bill of exchange, according to such order and direction as the said treasurer may receive from the Governour.

Upon consideration of the petition of Josiah Loomiss: Resolved by this Assembly, that the said petitioner, upon condition that within the space of six days he become bound with one sufficient surety to the treasurer of this Colony before the court in which he was convicted, or before Mathew Allyn and Joseph Talcott, Esq^{rs}, in a recognizance of fifty pounds, that the said Josiah Loomiss shall pay a fine of twenty pounds to the treasurer of the said Colony and the charge of his prosecution, which amounts to seven pounds five shillings and sixpence, at or before the second Tuesday in September next, he shall be discharged from the sentence under which he now lies.

Upon consideration of the petition of Benjamin Shaw: Resolved by this Assembly, the said petitioner, upon condition that within the space of six days he become bound with one sufficient surety to the treasurer of this Colony, before the

court in which he was convicted, in a recognizance of thirty pounds, that the said Benjamin Shaw shall pay a fine of ten pounds to the treasurer of this Colony, and the charges of his prosecution which amounts to four pounds nine shillings and eleven pence, at or before the second Tuesday in September next, he shall be discharged from the sentence under which he lies.

Upon consideration of the petition of Symon Wolcott: Resolved by this Assembly, that five pounds, part of the fine mentioned in said petition, shall be released to the said Symon Wolcott, and that fifteen pounds only, besides the charge of his prosecution, shall be exacted of him.

Upon consideration of the petition of Benjamin Loomiss: Resolved by this Assembly, that five pounds, part of the fine mentioned in said petition, be released to the said Benjamin Loomiss, and that fifteen pounds only, besides the charge of his prosecution, shall be exacted of him.

Upon the testimony of Edward Colman: Resolved by this Assembly, that it be recommended to the superiour court to be holden at New London in September next, to enquire into the matters within alledged against Thomas Rose, and that they proceed therein as the law directs.

[390] The petition of the town of Farmington *v.* town of Middletown is continued to this Assembly in October next.

Cost allowed Samuel Allyn against Hannah Newbury *alias* Merriman, for his attendance and charges at this Assembly to answer the petition of said Hannah Merriman, is £1 15s. 9d. *Ex. granted June 12th, 1723.*

The petition for a township, signed John Andrews, Nathaniel Fuller, and others, is continued to this Assembly in October next.

The petition in behalf of Wethersfield; signed per Joseph Talcott, Robert Wells, Isaac Ryley, for a tract of land sufficient for a township, is continued to this Assembly in October next.

The petition signed John Fairwether, Eleazar Hubbell, and others, for a township northerly of Litchfield, is continued to this Assembly in October next.

The petition of the selectmen of the town of Voluntown is continued to this Assembly in October next.

The Question being put, whether this Assembly will grant his Honour the Governour three hundred pounds in bills of credit, for his salary the year ensuing: Resolved in the affirmative.

This Assembly grants Mr. Speaker of the Lower House, for his good service this sessions, the sum of thirty shillings; and to the Clerk of the Lower House twenty-five shillings, out of the publick treasury.

This Assembly grants the officers that attended the Lower House three shillings and six pence *per diem*, for twenty-three days, to be paid out of the Colony treasury.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That this Court be adjourned to such time as the Governour, or in his absence the Deputy Governour, shall see meet to call the same together again. And for conveniency of several members of this Court who live remote, and that they may within the present week have sufficient time to return home: It is ordered that Mathew Allyn, Joseph Talcott, Roger Wolcott and John Hooker, Esq^{rs}, Mr. Henry Wolcott, Mr. Eben^r Fitch, Mr. Thomas Seymor, Mr. James Ensign, Capt. David Goodrich, Mr. Nathaniel Burnham, Mr. Thomas Kimberly, be a committee who shall stay after the Court is up and inspect and take care that the several acts of this Court be truly and exactly entered on the records.

The acts of the Assembly, as they stand recorded in the preceding pages, was read in the presence of the aforementioned committee, excepting Mr. Fitch, and by them ordered to be signed as perfect and compleat.

HEZ. WYLLYS, Secretary.

[219] AT A MEETING OF THE GOVERNOUR AND COUNCIL AT NEW LONDON, JULY 19TH, 1723.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Christopher Christophers, Esq., *Assistant.*

Jonathan Prentts, } Esq^{rs}, *Justices,* John Pickett,
John Plumbe, } Richard Christophers, jun.

In consideration of the care taken by the General Assembly in October last, to provide for the safety of the Colony such ammunition as should be necessary, which was obstructed by the scarcity of powder at that time in the country, and there being since that time no provision of that nature made,

Ordered, That half a dozen barrells of good gunpowder be as soon as may be purchased, and lodged two bbl. of it in the county of Hartford, two in the county of New London, one in the county of New Haven, and one in the county of Fairfield, for the publick service of the Colony, against any enemy as there may be occasion.

Ordered, That threescore iron shot, for two of the great guns at New-London, be also forthwith procured, thirty of them $3\frac{1}{4}$, and thirty $3\frac{3}{4}$ of an inch diameter.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD,
AUGUST 19TH, 1723.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

John Hamlin,	} Esq'rs, } <i>Assistants</i> .	James Wadsworth,	} Esq'rs, } <i>Assistants</i> .
Mathew Allyn,		John Hall,	
Joseph Talcot,		Hezekiah Braynard,	
Roger Wolcot,		John Hooker,	

[220] Read, a letter to the Governour from Ashford to New London, dated August 15th, 1723, from Capt. Parry of that town, containing the copie of a letter from Mr. Parsons, minister of Leicester, dated August 15th, 1723, to Coll. Chandler, with advice that Rutland was destroyed by the Indians, on Wednesday evening the 14th instant, and that some men were killed at Northfield.

Read also, a letter from Capt. Parry at Ashford, August 17th, 1723, to the Governour at Hartford, received the same day in the evening, advising that the Indians, supposed twelve in number, had killed Mr. Willard, minister of Rutland, and barbarously mangled him, and had also killed two of Lt. Stevens's sons, and two more of his sons were fallen into the enemies hands, but whether killed or no was uncertain.

The Governour signified he had received a letter last week from Boston, advising him that there had been a general council of Indians at Canada, where Gov. Vaudril was present, who told the Indians that he could not supply the eastern Indians in the war with the English with men, yet if any of them were willing to assist those Indians, he would furnish them with arms and ammunition; whereupon the eastern Indians resolved not to come into the treaty of peace proposed with the Province of Massachusetts, by mediation of the five nations of the Indians, but would carry on the war vigorously; and that accordingly the eastern Indians were not come in, at the time appointed, for the treaty.

It was also considered, that it was reported with some credit that advice had been sent from Albany to Boston, that about three hundred French Indians were come over the lake towards Connecticut, and it was feared they designed mischief.

Upon consideration of the letters and report, it was concluded that the mischief done last week at Northfield and Rutland was probably by a party of Indians from Canada; and that probably there may be at this time divers parties of those Indians waiting opportunity to do mischief on the frontiers.

Resolved, That Symsbury and Litchfield are the frontier towns of this Colony, westward of Connecticut River, which are most exposed to danger by those parties of Indians.

[221] *Resolved*, That advice of the danger be immediately given to the commission officers of the militia in each of those towns, with orders that they forthwith convene the householders in the respective towns, and with their advice agree upon suitable places for garrisons in said towns, for their safety in case of alarm, and use their best endeavours that the inhabitants, in such manner as shall be judged most convenient, provide such fortifications with speed.

Resolved, That orders be forthwith sent to the sachems and several bodies of Indians in this Colony, requiring them forthwith to call in all their Indians that are out a hunting in the woods, and that they do not presume to go out again into the woods to hunt, north of the road that goes from Farmington through Waterbury, and Woodbury, to New Milford, or north of the road from Hartford through Coventry and Ashford to New Roxbury, before the meeting of the General Court in October next, or without leave first had of the Governour and Council; and that they publish it to all Indians, that such as are found north of the said paths in the woods, after the 20th of this instant August, must expect to be treated by the scouts, and all others, as enemies.

Resolved, That there be a couple of scouts on foot, each consisting of three English men and six Indians, who shall range the woods above Symsbury westward to Ousitanuck, to be so ordered that they should meet each other about the middle way between Symsbury and Ousitanuck; this to continue during the present danger; and the scout to receive their directions, from time to time as there shall be occasion, from Major Talcot.

Resolved, That a military watch be kept in the most convenient places in the towns of Symsbury, Waterbury, Woodbury, Litchfield, and New Milford; and that Major Talcot send to the commission officers of each town a copie of this order.

Resolved, That the chief military officer in each town cause a military watch to be duly held in some convenient places in the towns of Stafford and Ashford; and that two men be employed, by the chief commission military officer in each town, every day to scout on the northern part of the said towns, so as to meet each day, about the [222] middle station between the two || towns, and return every night to their respective towns. This scout to be under the direction of such officer from time to time, and such orders as he gives them to be duly observed by 'em.

Ordered, That Major Talcot, with such assistance as shall be found meet, ride upon the frontier from Hartford to New Milford, to take effectual care that the orders of this board, relating to a scout, &c. for the safety of the northern frontier of this Colony to the west of Connecticut River, be duly, and as speedily as may be, put in execution; and that he take the like care for executing the orders of this board for watching and warding at Stafford and Ashford; and that he impress men or horses, as shall be found necessary, for putting the said orders in execution.

Whereas it has been moved by the Mohegan Indians that they may have leave to meet in a convention of Indians from divers parts of this

Colony, at Mohegan, to install as their sachem Major Benn Uncas, the only surviving son of Uncas, formerly their sachem appointed by this government: It is hereby allowed, that the said Major Uncas be installed the sachem of the Mohegan Indians. And the Governour is hereby desired to order two or three persons, who understand well the language and manner of the Indians, to be present, one or other of them, during the whole time of the said convention, to signify the concurrence of this government to the said installment, and to keep order among the Indians on this occasion.

Whereas David Robinson of Durham, committed to the goal in the county of Fairfield, as a person manifestly distracted, has broken loose from his confinement, and by some means or other got at liberty, and behaved himself with such fury and outrage as to disturb the quiet and peace of many of his majesties subjects, and is, as is said, lately returned to Fairfield: Resolved, that Major Peter Burr, of said Fairfield, do immediately give order, and cause that the said Robinson be without delay taken into custody, and be committed to the goal in New Haven, there to be kept till further order; and that Coll. Allyn and John Hooker, Esq's, or either of them, when they go on the circuit, to Fairfield, carry this resolve and deliver it to Major Burr, and be assisting in executing the same.

[223] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN
HARTFORD, AUGUST 20TH, A. D. 1723.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

John Hamlin,	} Esq's,	John Hall,	} Esq's,	
Joseph Talcot,		Hezekiah Braynerd,		} Assistants.
James Wadsworth,		John Hooker,		

Ordered, That all the bills of the 4000*l.* ordered to be signed and put into the treasury by the General Court in October last, that shall be taken off the great plate, viz. all the ten shillings, twenty shillings, forty shillings, and five pound bills, shall be signed, by the committee appointed for that end, with red ink.

Whereas upon the intelligence we have had, it may be apprehended that considerable numbers of Indians from Canada may joyn the eastern Indians, in the present war, and make a descent upon some of the towns in the county of Hampshire in the Province of Massachusetts.

Ordered, That a body of two hundred men be forthwith formed, consisting of three companies, sixty men in each including officers, under the general command of Major Joseph Talcot, and be in constant readiness to march for the defence of the said towns, or any part of the frontier, upon the first notice of any number of the enemy being on the said frontier.

Ordered, That one of the said companies be formed out of the trainbands in the town of Hartford, under the command of Major Talcot as captain.

Ordered, That another of the companies be formed out of the town of Windsor, under the command of Capt. Roger Wolcot.

Ordered, That another of the companies be formed out of the town of Weathersfield, under the command of Capt. David Goodrich.

Ordered, That the detachment be furnished with powder and ball, out of the publick stock of the Colony.

Resolved, That notice be forthwith given to Capt. Roger Wolcot [224] ¶ of Windsor, and Capt. David Goodrich of Weathersfield, of this detachment to be formed; and that they each of them draw out a list in their respective towns, of strong, able-bodied men, with one lieutenant, to the number of sixty, and give them notice of their being appointed to this service, and orders to be ready on the shortest warning.

Ordered, That Major Talcot, who is appointed to ride forthwith into the western frontier, be furnished with three pounds for subsistence out of the Colony treasury, he keeping account of the riding expence.

Whereas the Governour and Council have bought six barrels of powder for the Colonies use, at twelve pound per barrel, amounting to seventy-two pound: *Ordered* that the treasurer pay to the governour, who has bought the said powder for the Colony, the said sum of seventy-two pounds.

[391] CONNECTICUTT }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN, IN HIS MAJESTIES COLONY OF CONNECTICUTT IN NEW ENGLAND, ON THE 10TH DAY OF OCTOBER, IN THE TENTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM., 1723.*

Present at this Assembly,

The Hon^{ble} Gurdon Saltonstall, Esq^r, Governour.

John Hamlin,	} Esq ^{rs} ,	Jonathan Law,	} Esq ^{rs} .
Peter Burr,		James Wadsworth,	
Samuel Eells,		John Hall,	
Joseph Talcott,		Hez. Brainerd,	
Roger Wolcott,		John Hooker,	

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz:

Mr. Thomas Seymour, Mr. James Ensigh, for Hartford.
 Capt. James Rogers, Capt. Thomas Prentts, for New London.
 Mr. George Clark, Mr. Nath^l Farrin, for Milford.
 Mr. John Gregory, Mr. Abram Wildman, for Danbury.

* The Journal of the Lower House is not found.

Mr. Dan^l Palmer, Capt. Ephraim Minor, for Stonington.
 Mr. Nehem. Smith, Mr. Joshua Bill, for Groton.
 Capt. John Fitch, Mr. Jerem. Fitch, for Windham.
 Mr. Joseph Stone, Mr. Peletiah Leet, for Guilford.
 Capt. Tho. Huntington, Mr. Sam^l Storrs, for Mansfield.
 Mr. Joseph Strong, Capt. Sam^l Parker, for Coventry.
 Mr. John Brunson, Mr. Tho. Hiccox, for Waterbury.
 Capt. Reignold Marvin, Mr. John Colt, for Lyme.
 Mr. Sam^l Humphreys, Mr. John Cate, for Symbury.
 Mr. Nath^l Yale, Capt. Isa. Dickerman, for New Haven.
 Major John Burr, Mr. Robt. Sillaman, for Fairfield.
 Capt. W^m Wadsworth, Mr. John Hart, for Farmington.
 Capt. W^m Clark, Mr. John Woodward, for Lebanon.
 Mr. Joseph Gates, Mr. John Cook, for Preston.
 Capt. James Wells, for West Haddam.
 Capt. Thomas Gates, for East Haddam.
 Mr. Thomas Adgate, Mr. Joseph Becchus, for Norwich.
 Capt. Henry Crane, Mr. Thomas Lyman, for Durham.
 Capt. John Hawley, Capt. James Lewiss, for Stratford.
 Mr. Abram Pierson, Mr. John Lane, for Killingsworth.
 Mr. George Blancherd, Mr. Tho. Whittemore, for Kellingley.
 Capt. Timo. Pierce, Mr. Ephraim Wheeler, for Plainfield.
 Mr. Howkins Hart, Mr. Gideon Ives, for Wallingsford.
 [392] Mr. Henry Wolcott, Mr. Eben^z Fitch, for Windsor.
 Capt. Joseph Addams, Mr. Tho. Brown, for Canterbury.
 Capt. James Lockwood, Mr. Sam^l Cumstock, for Norwalk.
 Capt. Caleb Knapp, Mr. James Renolds, for Greenwich.
 Capt. W^m Preston, Mr. Eben^z Warner, for Woodbury.
 Capt. John Sabin, Mr. Benj^a Sabin, for Pomfrett.
 Mr. Michael Taintor, Capt. James Newton, for Colchester.
 Mr. Nath^l Chapman, Mr. Steph. Whittlesey, for Seybrook.
 Mr. Isra. Whetmore, Capt. W^m Savage, for Middletown.
 Capt. Nath^l Harrisson, Mr. Jonathan Rose, for Brandford.
 Mr. Tho. Kimberly, Mr. John Hubbard, for Glassenbury.
 Major John Burr, Speaker, } of the House of Represent-
 Mr. Thomas Kimberly, Clerk, } atives.

This Assembly grant unto the inhabitants of the town of Voluntown liberty to imbody themselves into church estate and to settle an orthodox minister amongst them, with the approbation of the neighbouring churches.

Upon the petition of Thomas Hill of Fairfield, shewing that this Assembly, October 8th, 1674, made a grant of two hundred acres of land to the Reverend Mr. Thomas Hanford, which grant the said Hill purchased of the heirs of said Mr. Hanford: This Assembly grant liberty unto the said Thomas

Hill, to take up said land ; provided he take it in one entire piece and in the ungranted land between Fairfield and Danbury townships.

This Assembly do establish and confirm Mr. Joseph Gates of Preston to be Lieutenant of the south company or trainband in the town of Preston aforesaid, and order that he be commissioned accordingly.

This Assembly do appoint Peter Burr, Esqr, to be Judge of the Probate in the county of Fairfield, and to continue in that office till the sessions of this Assembly in May next.

This Assembly do appoint Capt. Moses Dymon to be Justice of the Peace for the county of Fairfield, to continue in that office till this Assembly in May next.

This Assembly do establish and confirm Mr. John Colt of Lyme to be Captain of the north company or trainband in the town of Lyme aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Dan^l Sterling of Lyme to be Lieutenant of the north company or trainband in the town of Lyme aforesaid, and that he be commissioned accordingly.

[393] This Assembly do establish and confirm Mr. Richard Ely of Lyme to be Ensign of the north company or trainband in the town of Lyme aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Griswold of Lyme to be Lieutenant of the south company or trainband in the town of Lyme aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Griswold of Lyme to be Ensign of the south company or trainband in the town of Lyme aforesaid, and that he be commissioned accordingly.

A Question propounded to this Assembly, that when and so often as it shall so happen that rateable estate be lost after the 20th of August, whether a bill of abatement shall be granted : Resolved in the negative.

This Assembly do establish and confirm Mr. Thomas Bennitt of Newtown to be Captain of the company or trainband in the town of Newtown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Scidmore of Newtown to be Ensign of the company or trainband in

the town of Newtown aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Spaulding of Canterbury to be Lieutenant of the company or trainband formed out of the north end of Canterbury and south end of Pomfrett, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Adams of Pomfrett to be Ensign of the company or trainband formed out of the north end of Canterbury and south end of Pomfrett, and order that he be commissioned accordingly.

Whereas Capt. Nathaniel Fitch of Lebanon has certified to this Assembly that Lt. Samuel Hide of his company has neglected the duty of his post for three years last past, and yet has not laid down his commission; whereby the said company is destitute of any person appointed to serve in that office, to their great discouragement: Ordered by this Assembly, that a messenger be forthwith sent with a warrant, signed by the Secretary in the name of this Assembly commanding, and cause the said Hide forthwith to appear before this Assembly, to give an account of his said neglect and contempt of the commission of lieutenant granted him by this Court.

The gentlemen nominated to stand for Election in May next, sent in (by the freemen of this Government) to this Assembly, are as follows, viz:

[394] The Hon^{ble} Gurdon Saltonstall, Esq^r, John Hamlin, Esq^r, Peter Burr, Esq^r, Samuel Eells, Esq^r, Mathew Allyn, Esq^r, Joseph Talcott, Esq^r, Roger Wolcott, Esq^r, Jonathan Law, Esq^r, James Wadsworth, Esq^r, John Hall, Esq^r, Christopher Christophers, Esq^r, Hez. Brainerd, Esq^r, John Hooker, Esq^r, Capt. Joseph Wakeman, Mr. Samuel Bishop, Capt. Joseph Whiting, Capt. William Clark, Capt. James Rogers, Mr. Nathaniel Stanly, Mr. Warham Mather.

An Act declaring the Exchange of Lands made by Towns or Proprietors to be good and valid.

Whereas some persons have in time past moved to several towns in this Colony to exchange lands with them for their particular conveniency, and the custom hath been for the town, in compliance with their motion, to use no other formality therein, save only to make an entry thereof, or of the land given by them in exchange, in the records of the town; and some are or may be so unjust as to retain or re-enter upon the land proposed by them to be given in exchange as aforesaid, having other lands in lieu of them to them secured by the grant or record of the said town, as aforesaid: Which injustice to prevent,

Be it enacted and declared by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whensoever it shall appear on the tryal of any case, that the land in controversy was given or surrendered up unto the town, in manner as aforesaid, and other lands secured to him or them by grant or record thereof as aforesaid, that he who makes claim thereto shall be concluded thereby, and be estopped from pleading any precedent title which he had thereunto; any law, usage or custom to the contrary notwithstanding.

Upon the petition of the people living at the north end of Lyme, on the north side of Eight Mile River, and those living at the south end of Haddam east society, particularly those that live within a mile and three-quarters of the south bounds of said society, desiring a committee may be appointed to go and view their circumstances: This Court appoint that John Hall, Esq^r, Messrs. Stephen Whittlesey and Howkins Hart, or any two of them, be a committee, at the cost of said petitioners, to go to the places aforesaid, look into their circumstances respecting their being set off from the societies they now respectively belong to for the publick worship, and there being allowed to set up the publick worship of God among themselves distinct from the foresaid societies; and that said committee make report of their opinion on the premises, to the General Assembly in May next; the societies aforesaid to have notice of the time of the committees meeting on said service.

[395] *It is resolved by this Court,* That the polls and rateable estate of all the inhabitants living on a tract of land bounding east on Midletown, north on Jonathan Belcher Esq^r his farm, northwesterly on Farmington, south on Wallingsford, shall be put into the general list of the town of Wallingsford; and the said inhabitants are to give in their lists to the listers of the town of Wallingsford, (upon lawful warning given them by said listers,) under penalty of being assessed by said listers, as the law provides against persons neglecting to give in their lists in particular towns; and the constables appointed by the town of Wallingsford for gathering the country rates shall be charged with the rates of said inhabitants arising from the list of 1722, and all other future rates till this Court shall order otherwise.

This Assembly being informed of the death of our late Hon^{ble} Deputy Governour, Nathan Gold, Esq^r, made choice of the Hon^{ble} Joseph Talcott, Esq^r, to be Deputy Governour of this Colony, and to continue in that office till this Assembly

in May next; and the deputy governour's oath was administered to him in the presence of this Assembly.*

Ordered by this Assembly, That Mr. Treasurer Whiting be sent for to this Assembly, and that he repair hither as soon as may be, and bring with him such bills of credit as are drawn into the treasury by rate, that they may be disposed of as this Assembly shall order; and such sum of new bills as are in his hands as may be needful for paying of this Assembly.

Whereas, upon consideration of the report of the committee concerning the state of the treasury, it appears there will be occasion of emitting a considerable number of the four thousand pounds in bills ordered to be printed and made ready for exchange: It is therefore ordered by this Assembly, that the Deputy Governour and Mr. Secretary, who are two of the committee appointed for signing of them, take effectual care that of those bills a sum, to the value of a thousand pounds at least, be forthwith signed and put into the treasury, ready for the order of this Court.

On consideration of the petition of Mary Peunyman of Braintree, plaintiff, *v.* Samuel Webb of Windham, defendant, praying a judgment of the superiour court holden at Hartford, March 12th, 1723 $\frac{2}{3}$, in an action of covenant, wherein the said Webb demurred to a certain part of the declaration, and said it was insufficient to maintain the action, and the petitioner, the plaintiff, said it was sufficient, and pray'd judgment: on which the court were of opinion it was insufficient, and give costs for the defendant: It appeared that in the said part of [396] the declaration an action || of covenant was sufficiently declared, viz. that the defendant had covenanted that he had at such a time lawful power and good right, to sell a certain parcel of land, which the plaintiff says he had not, to the damage of the said plaintiff a certain sum, and thereof brings her suit; which therefore this Assembly is of opinion is a sufficient declaration of such an action, and the aforesaid judgment is erroneous; and the said judgment is hereby reversed, and the petitioner is allowed one more tryal of her said action at the superiour court to be held at Hartford in March next; and the whole cost of the process to follow the final tryal.

* Deputy Governor Gold died October 3d, 1723, aged 60 years, as the gravestone in the old cemetery in Fairfield informs us. His will, dated Sept. 20, 1723, is recorded in the *Superior Court Records*, III., 545.

At this time, the Lower House at first desired that the two houses should go into a joint convention in order to an election: this was refused by the Upper House, which elected Peter Burr, who was negatived by the Lower House, which nominated Joseph Talcot, who was negatived by the Upper House. The Lower House then nominated Jonathan Law, but the Upper House dissented. The next day, the Upper House nominated and made choice of Joseph Talcott, with which the Lower House concurred. *Journal U. H.*, Oct. 17, 18, 1723; *Civil Officers*, &c., I., 436-42.

Upon consideration of the petition of Sarah Hine v. Joseph Nettleton, for a reversing as erroneous the judgment of the superiour court holden at New Haven in September last, whereby the judgment or order of the inferiour court holden at New Haven in April last, wherein the said Nettleton was ordered, as the reputed father of her bastard child, to pay towards the maintenance of said child two shillings per week, from the birth of said child until it be of the age of one year, was reversed as erroneous, because the said Nettleton before said county court was found by a jury not guilty of fornication: Considered and resolved by this Assembly, that the aforesaid order of the inferiour court was according to the express direction and rule of the law provided for the maintenance of bastard children, and that therefore the judgment of said superiour court is erroneous, and is hereby reversed and made void, and the order of the said inferiour court hereby established.

An Act in Explanation of and Addition to the Act for erecting a Collegiate School in this Colony.

Whereas, pursuant to the powers and privileges granted to certain trustees for erecting a Collegiate School in this Colony, intituled An Act for a Collegiate School, the said trustees have erected the said school in the town of New Haven, which school is now known by the name of Yale College: And whereas it appears to this Assembly, that an explanation and enlargement of the powers and privileges granted by said act is necessary for the carrying on the affairs of the said college, for want of which it has laboured under great difficulties, very much to the prevention of that order and good education which is to be desired there,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said act, which provides that the number of the said trustees be not under seven nor above eleven, is not to be understood or taken so as to be restrictive of the [397] power || of the said trustees never to choose any person to be a trustee when there is, of such persons as have been chosen and acted as trustees, eleven persons living in the Colony or elsewhere; but that, in case any person so chosen be by Providence incapacitated from attending that service, or shall himself decline the same, thro' the necessity of his own affairs or for any other such reason as he shall judge requisite, the trustees, in any of their meetings lawfully called, may be understood to have, and it is hereby enacted and declared that they shall be taken to have, full power, by the majority of such meeting, to proceed to the choice of another trustee in the

room of any such person. And it is hereby further declared and enacted to be the true intent and meaning of the act aforesaid, that the said trustees shall be impowred, and they are hereby declared to have power, to meet together for considering, advising about and resolving upon, all matters belonging to the trust of the said college committed unto them as aforesaid, and to agree and conclude, order and determine, concerning them, by the majority of the said meeting; and by the same majority to choose and appoint a clerk, who shall, in a fair book prepared for that end, register and carefully preserve the acts of all such meetings.

And whereas it has been doubted what number of the said trustees may be lookt upon as a sufficient or full meeting, inasmuch as there is not in the aforesaid act any express mention made of any meeting of the said trustees: It is therefore, to prevent all scruple of that kind for the future, hereby provided and declared, that due notice being given to the trustees, by consent of any three of them, of a meeting of the trustees desired at any time or place, any seven or more of the trustees present at such time and place shall be esteemed a full meeting. And it is hereby declared and enacted, that in all such meetings so called, or otherwise as the said trustees in any such full meeting shall agree, all affairs under the care of the said trustees shall be determined by the majority of such meeting.

And whereas it has been found inconvenient that in the election of persons to be trustees, the trustees election by the aforesaid act should be limited and restrained so as that the person who shall be chosen must necessarily be forty years of age: It is hereby declared and enacted, that for the future the said trustees in any election of a person into that trust shall not be esteemed or held obliged by said act to choose such persons as shall be above forty years of age, but may choose such persons otherwise qualified according to said act, provided he is thirty years of age. And it is further hereby allowed, enacted, granted and provided, that whosoever shall be chosen and made a rector of the said college shall, by virtue thereof, become a trustee of the same, and be so esteemed and taken during his continuance in the said rectorship.

[398] On consideration of the petition of John Morehouse of Stratfield, in the county of Fairfield, complaining to this Assembly that Robert Jackson of said Stratfield, at a county court held in Fairfield for the county aforesaid in April last past, recovered a judgment against him upon bond for the sum of thirty six pounds twelve shillings, upon said Morehouse's default of ap-

pearance; which bond, as he saith, was given by him to said Jackson for the performance of certain labour, most of which he had performed according to obligation, and the whole of said labour was valued by them both at but eighteen pounds six shillings; and shewing that he could not cite the said Jackson to appear as the law directs: This Court have concluded, that if the case complained of be as is reported in the petition, it is necessary the petitioner should be saved from the wrong which he is apprehensive of, notwithstanding there is not time to cite the said Jackson to appear here. It is therefore ordered, that a copy of this petition, under the hand of the secretary, be sent to the said county court, which court is hereby impowred and ordered to enquire into the case, and cause the said bond on which the said judgment is given against said Morehouse to be chancered, as it may appear to them that in equity it ought; and all further proceedings on said judgment are hereby suspended.

The Committee appointed by this Assembly having considered the report of a committee of the Council and a committee of the Assembly of his Majesties Province of New York, relating to certain observations made by those united committees upon an act passed by the General Assembly of this Colony in May last, for perfecting the line of division between this Colony and that Province; which report was approved by the Governour of said Province in Council the 15th of July last,* and being by him transmitted to the Governour of this Colony has been laid before this Assembly, made thereupon the following return:

Your committee, upon consideration of the said report, observe it to be chiefly taken up in endeavouring to shew, that that Province has been all along most forward and ready to perfect the line of partition between them and this Colony. And because this is considered in the report as a matter of great consequence, your committee thought it proper to enquire what might be fairly intended by it, and find that sense of it, which the general drift of the report puts upon it, reconcilable enough to the act of this Assembly; which nevertheless, the committees seem to understand as having denied it. That act, when it speaks of the said Province as unwilling to perfect said line of partition, considers it as a matter for the greatest part well done and established, and only wanting a line from a certain well known station, called the Duke's Tree,

* A certified copy of the Report of the Committee is in *Col. Boundaries*, II., 69. It is printed in the *Report of the Commissioners on the Boundary Line* to the N. Y. Legislature in 1857, p. 115. In the printed document the date of the Council is August 15; it is July 15 in the MS.

to be run parallel to Hudson's River: but the committees understand it in a sense which lays aside all that has been already [399] done, || so that your committee thinks it needless to wade further into this matter. For as this Colony has always been most desirous that this line of partition, which has been in part surveyed and monuments erected therein, and upheld to this time, according to the agreement between the governments of that Province and this Colony in the year 1683, and confirmed by his Majesty King William the third in Council, should be carried on and perfected according to that agreement, which the report does not deny: so it is also true, which the report affirms, that the government of that Province has been most desirous of having the partition line fixed and perfected; that is, to do the whole *de novo*, upon supposition that all the ancient marks and monuments are defaced and utterly lost, never to be recovered more.

Having thus cleared the point which the united committees seemed to be most concerned about, your committee is in hope that a speedy end may be put to this controversy. For, if those monuments cant possibly be known, your committee thinks another survey ought to be made, and new monuments to be erected: but if this line, already run in part according to said agreement and confirmed by the King, and if the marks and monuments therein erected are still well known, then nothing remains but that from the last of those monuments the line parallel to Hudson's River should be run, and so the whole perfected; which your committee cant but think so reasonable, that the said Province, which has always been so desirous to have the partition line perfected, can have no fair objection against it.

Your committee hopes that the greatest part, if not the whole, of what is observed and objected against this Colony in the said report is sufficiently answered by what they have already offered in this return.

The united committees, to make the supposition in the fore-cited paragraph, to wit, that those ancient marks are defaced and utterly lost, appear with some probability of truth, have thought it fit and proper for them to publish the said remarkable grounds they have for it in these remarkable words, "Indeed the people of this Province did not want reason to suspect that such wicked arts and contrivances had been practiced by the people of Connecticutt." Your committee cant but observe thereupon, this is a prodigious way of arguing, as well as disingenuous. It is notoriously the interest of this Colony, that those marks and monuments should be kept up and well known, which we have accordingly endeavoured, and affirm to

be so. On the other side, the Province of New York affirm they are utterly defaced, and wont believe anything to the contrary, but would fain have all those monuments to be lost without recovery. And it seems to your committee very unreasonable, and even monstrous, to think that the people of Connecticut [400] should be so wicked as to deface marks and monuments which its their interest to keep up; and the people of New York Province, which is so loth they should ever be found, so honest as not to do the least harm to them.

The united committees are also deceived in their supposing this Colony to be against the government of New York trying by chains and compasses the ancient survey; which is certainly a great mistake, for we are perswaded that their so doing would be an excellent means to satisfy them that those ancient lines and monuments are not difficult to be found.

The united committees have thought good, towards the close of their report, to make some reflections on the enacting part of the aforesaid act of this Assembly. And, particularly, they have taken considerable pains to explain the meaning of our humble desire that his Majesty would order the partition line to be perfected according to the agreement and survey aforesaid; which pains we think might well have been spared, and believe that desire of ours is so plainly expressed that his Majesty will need no explanation of it, or make any use of theirs.

Then the united committees assure us they shall forbear making any more reflections upon us their neighbours; which your committee is of opinion is very fair; and that, therefore, that which follows after in their report, of the same kind, must not be look'd on as new ones, but rather as only repetitions of the old.

Your committee observes with great satisfaction the two remarkable things that shut up the report.

1st. The appeal the said committees make to all honest men, whether this Colony or that Province design to keep most strictly to the aforesaid agreement. Because we are perswaded hereby, if they are hearty in this appeal they will be well pleased in that which we have made to his Majesty, tho' there are some hints in the report as if that Province would be offended at it. Yet they think it not improper for them to take notice more particularly of some things which seem of weight to the united committees.

It is taken notice of by the said committees as wrong, that this Colony should ever pretend to any right beyond Byram River westward; or anywhere within twenty miles east of Hudson's River; because, they say, that Province is by grant

of the crown to extend twenty miles to the east of that river. But, if they consider that the grant of the crown which fixes the bounds of this Colony is ancients than that of the Province, they will, we suppose, think there's no great matter in such an objection.

Again, the committees observe, that this Colony in the said act take no notice of an equivalent which that Province is to have from this. But your committee takes this to be for want of due consideration: For its evident that act takes the same notice of that equivalent that the aforesaid agreement does. [401] || Indeed, that additional equivalent, which the surveyours presumed to propose and leave to the pleasure of the governments, is not taken notice of in that act; and to your committee it appears so unreasonable that they think it ought not to be approved in any act whatsoever.

The united committees further observe concerning the aforesaid act of this Colony which speaks of an act of that Province wherein are these words, "And the marks of such part of the lines of partition and division as were by the surveyours aforesaid then run, marked out and distinguished, are by length of time worn out, or by the contrivance of evil disposed persons defaced or altogether taken away," that it mistakes in giving the title of that act which has this paragraph in it, which observation your committee must own is true; there was such a mistake in reciting the title of the act of that Province in which this paragraph was said to be: but then, the report owns this paragraph was in another act of that Province, passed about the same time, which we think to be much the same thing. For it fully shews, that that Province was determined, in all their endeavours to finish the partition line, to have no respect to the monuments which had been agreed by the governments of that Province and this Colony erected, and confirmed by the King; for they would have it taken for granted they were utterly lost; but intended to make a new survey and not compleat the old.

The united committees also take exception to a letter of the Hon^{ble} Robert Treat, Esq^r, late Governour of this Colony, a gentleman of the strictest probity, as if he had insinuated a right of this Colony to the towns of Rye and Bedford in opposition to this agreement, which he was concerned in making. Your committee can but observe thereon, that if this letter could be produced, they dare say it would be found consistent every way with justice and honour. Governour Treat might well say this Colony had a right to Rye and Bedford before New York had a being. But your committee can be confident,

that gentleman of unstained honour never advanced any right of this Colony in opposition to the aforesaid agreement, if he did, as well he might, assert a right prior to it.

The second thing, and last of all in the report, and which is indeed, as your committee thinks, better than all that went before, is a proposal for that Province to joyn with this Colony without any further delay, if we will appoint commissioners and fully empower them to run and ascertain the limits of partition and division between that Province and this Colony, according to the aforesaid agreement made in 1683, and the survey that followed thereon, as in conscience it ought to be.

Your committee are thereupon of opinion, that this Assembly make choice of Commissioners on their part, to joyn with such Commissioners as the government of that Province shall [+02] appoint so to perfect || and accomplish that work, and that the Governour grant them a commission under the seal of this Colony accordingly; and that the line which shall be so perfected and established by them shall be forever taken to be the line of partition between this Colony and that Province.

John Hamlin, William Clark, Committee.
J. Wadsworth, David Goodrich,

The above report of the committee being read and considered in General Assembly was accepted and approved.

And it is thereupon enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That Peter Burr, Samuel Eells, Roger Wolcott and Jonathan Law, Esq^{rs}, or any three of them, be Commissioners on the part of this Colony for performing the said work and compleating the aforesaid line, in conjunction with such commissioners as shall be in like manner appointed and empowered by the government of New York; and that the Governour grant them a commission accordingly.

And it is hereby further enacted, That whatsoever line shall be ascertained and established with monuments erected therein by the said commissioners, according to the aforesaid agreement made in 1683, and the survey that followed thereon, as in conscience it ought to be, shall forever after be and remain the line of partition between this Colony and the Province of New York.

Ordered, That the Commissioners appointed by this Assembly, for perfecting the line between this Colony and that Province of New York, follow such instructions in attending that service as they shall receive from the Governour and Council.

Upon consideration of the sale of Colony lands in the county of Fairfield lately made by the late Deputy Governour Gold

and Major Burr per order of this Court, and the representations which have been made in behalf of Danbury and divers other persons and farms, the bounds of which are not fully stated and known, as they ought to be before any such Colony lands be disposed of: It is therefore ordered, that all further proceedings about the said sale be suspended, that the town of Danbury and all persons concerned may have opportunity to have their bounds settled, and to lay before this Court in May next whatever they think necessary to give the Court a right and true understanding of that affair.

This Assembly exempt William Sperry, son of Daniel Sperry of New Haven, and he is hereby exempted for the future, from being listed for his poll in the publick list of estates in this government, and from paying any taxes therefor.

This Assembly do exempt Jehiel Thomas and Joshua Sperry of New Haven, and they are hereby exempted from being listed or paying any publick dues for their polls respectively in this Colony.

[403] On the petition of Moses Levy *v.* Isaac De Medina, this Assembly, thô upon consideration of the judgment of the superiour court, complained of as as erroneous, can find no error therein, appearing upon record, and therefore see no cause to reverse the judgment: yet, observing that there may be great wrong done thereby to the complainant thrô the jury's taking upon them the cognizance of the law arising upon the evidence produced in court, and thereupon determining that the debt demanded in the action, thô expressly said to be New York money, is duly answered in the like sum of bills of credit of this Colony as is suggested, are of opinion, and it is hereby ordered, that the said Mr. Levy may bring an action of the case against the said Mr. De Medina, to recover what damage he may have sustained by the jury's finding that the debt he sued for, thô contracted at New York, ought to be paid in the bills of credit of this Colony; and that neither the verdict found nor the judgment given at the foresaid superiour court shall be admitted in bar against him.

On the information of Thomas Clark constable for the last country rate in the town of Waterbury, that there is about one hundred and twenty bushels of grain yet in his custody, in a wasting condition: This Assembly appoint and impower Messrs. Thomas Hickcox and John Hopkins of Waterbury, to take the best care they can to see the said grain sold to the best advantage of the government, and render an account thereof to the Colony treasurer.

An Act in Addition to an Act made and passed in the General Assembly in the 9th Year of his Majesties Reign, entituled An Act for the better Establishing and Confirmation of the Title of Lands anciently obtained in Townships according to the Manner or Custom heretofore used, and for preventing Con- tention about the Same.

Whereas it is in said act provided, that all such proprietors of any remaining common or undivided land in any town or place whatsoever, or such as legally represent them, are hereby allowed to have their meeting in such respective towns, to choose their clerk to enter and record their votes, &c. : And whereas there is no direction given in said act for their regular calling together such proprietors meeting,

It is therefore enacted by the Governour, Council and Repre- sentatives, in General Court assembled, and by the authority of the same, That when and so often as any five or more of the proprietors of such common or undivided lands shall judge a proprietors meeting to be necessary, they make application to an assistant or a justice of the peace within the county wherein such lands lye, for a warrant for the calling of a meeting of the proprietors, expressing the time and place, occasion and business of the meeting ; and such assistant or justice is hereby impowred to grant a warrant for such meeting accordingly, directed to one of the proprietors asking the same, requiring said proprietor to warn all the proprietors residing in said township, of the time, place and occasion of said meeting, at least six days before said meeting ; and also to set up a noti- [404] fication in writing, posted up || in some publick place, under the hand of such assistant or justice, at least twenty days before such meeting, together with the time, place and occasion thereof ; which warning and notification, made and given according to said warrant, shall be deemed a sufficient warning of a proprietor's meeting according to said act. And the proprietors in any lawful meeting so assembled shall have full power to agree upon any other way or method for warn- ing their said meeting for the future, as they think fit.

And the proprietors clerk shall take the following oath :

Whereas you N. B. are chosen clerk of this propriety, you swear by the name of the ever living God, that you will truly and faithfully attend and execute the place and office of a propriety's clerk for the said proprietors according to your best skill, and make entry of all such votes as shall be made accord- ing to law, and deliver true copies of the same when they shall be required of you, taking only your just fees : So help you God.

An Act for Preventing the Sales of the Real Estates of Heiresses without their Consent.

Whereas in the first settlement of this Colony land was of little value in comparison with what it now is, by which means it became a general custom, that the real estate of any person which either by descent or by will became the estate of his daughters, whether they were seized of it at the time of their marriage or whether it descended or came to them during their coverture, became thereby the proper and sole estate of their husbands, and might be by him alienated or disposed of without the knowledge or consent of such wives; and a great number of estates having been thus settled and so remain at this day:

And whereas by reason of the present value, usefulness and security of real estate, the suffering of such a custom any longer to obtain would be attended with much inconveniency and wrong, althô for the time past the custom which has obtained ought to be holden good:

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all estates which have been alienated and settled according to the said custom shall be, and are hereby declared to be, good and valid. And that for the future, any real estate whereof any woman at the time of her marriage is seized as her estate of inheritance, or does during such coverture become so, either by descent or otherwise, shall not be alienable by her husbands deed without her consent, testified by her hand and seal, to such deed, and acknowledgment of the same before an assistant or justice of peace. And that all sales or alienations of such estate, whether absolute or condi-
[405] tional, || which shall hereafter be made without such consent, witnessed and acknowledged as aforesaid, are hereby declared and made to be *ipso facto* void.

Provided nevertheless, That if any wife, at the time of such alienation of such estate to her belonging, did actually refuse to give her assent to such sale made by her husband, that then she shall be understood and taken to hold the said estate, and neither she nor her heirs shall be barred from recovery of the same; provided they bring an action for it within the time limited by the law, title Possession; any law, usage or custom to the contrary notwithstanding.

This Court, considering the alarm given us by the war between his Majesties Province of Massachusetts and the Eastern Indians, began about a year past, which the last summer extended towards the west, by which many of our towns on the frontier are indangered, and we are under a necessity of being

upon our own defence as well as likely to be called into the assistance of our neighbours in the county of Hampshire in the said Province of the Massachusetts, have thereupon come into the following resolutions :

1. *Resolved*, That the Governour be desired to correspond with the government of his Majesties Province of Massachusetts Bay, and endeavour to know how the said war hapned to commence, what are either the real or pretended causes of it ; and particularly, what the result is, and what effects may be expected to come of their late treaty with the Maquois or Western Indians, and the schemes they have formed for carrying the war on ; that due regard may be had to those, in the orders to be given the scouting parties employed for the safety of the frontier.

2. *Resolved*, That if there should be any danger of the enemies falling in a body upon any of the western towns in this Colony, or in Hampshire in the Massachusetts Province, the most proper method of covering that frontier would be, to support the advanced posts of Deerfield and Northfield with such a garrison that good marching parties may be constantly kept out, both west to Housitunnuck and east to Manadnuck.

3. *Resolved*, That the scouts which be improved on the frontier by this Colony shall, if it can be, consist partly of our friend Indians, who shall have due encouragement to enter into that service.

4. *Resolved*, That, during the time of danger, there be a Committee of War in and about Hartford, which may easily convene and assist, on the most sudden attack of the enemy ; and that they be furnished with such commissions and instructions by the Governour, or in his absence by the Deputy Governour, as may enable them on any sudden emergence, to send out such troops immediately as shall be necessary to repel the enemy attacking any of the towns in our own frontier, or in the county of Hampshire ; which committee shall duly attend the Governour, or in his absence the Deputy Governour, [406] || whenever they are called to council in the affairs of this war.

5. That if the Governour and Council, upon acquainting themselves with the state of the war and correspondence with the government of Massachusetts Province, had as aforesaid for that end, judge the safeguard of the frontier requires it, they may joyn with the said Province in maintaining the posts of Deerfield and Northfield, or either of them, and keeping out good marching parties north and east and west, to cover the frontier and discover the approach of the enemy ; and to impress men for such service, not exceeding the number of sixty

English, except in case an extraordinary attack by a large body of the enemy be apprehended; to which as many Indians may be added.

6. That the Governour and Council take care that there be due provision made of ammunition, and that the arms of the souldiery be in good state and fit for service, and give forth order accordingly.

Whereas there lyeth a considerable tract of land adjoining to the south side of Coventry bounds, commonly called the Mile and Quarter, which lyeth not within the bounds of any town: It is therefore resolved by this Assembly, that that part of said tract that lyeth northward of the river called Hop River shall be annexed to and be accounted part of the town of Coventry aforesaid, and do duties thereunto accordingly.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, That where there are more societies than one in any town in this government, every such society are enabled, and they hereby have full power, to choose their own clerk.

Whereas David Robinson of Durham in the county of New Haven, a person under some distraction, has broke out from the confinement he was put under by order of the General Assembly, and roves about with arms from place to place, to the disturbance of the peace of his Majesties subjects: It is thereupon agreed and resolved by this Court, that any assistant or justice of peace (if the said Robinson be found within his precinct) shall immediately issue out necessary order and take effectual care to have the said Robinson taken and conveyed to the goal in the county of New Haven, the keeper whereof shall be commanded by said warrant and be obliged to receive and hold him there, in such manner as the county court in said county shall from time to time direct; which county court shall use their best discretion, with the advice of physicians, to have such means used as may be effectual for his cure. Provided nevertheless, that if the said Robinson be by means of any of his friends brought and delivered into the hands of the civil authority in the town of Fairfield, and be by [407] them so disposed of || and put into such custody as they shall judge meet, and shall keep within the limits of the town of Fairfield, or such other limits within the said town as the said civil authority in said town shall appoint, such liberty shall be allowed to him; anything in this act to the contrary notwithstanding.

This Assembly fully authorize Col^o Mathew Allyn, Mr.

Sam^l Mather and Capt. Ozias Pitkin, (a committee appointed by this Assembly in May last,) to act or do in the matter then committed to them, at any time before this Assembly in May next, as they might have done before this Assembly, and to report their doings to said Assembly in May next.

This Assembly, upon the prayer of Samuel Morriss, attorney to the heirs of Mr. John Butcher, deceas'd, grant that a patent executed by the Governour and Secretary, in the name of the Governour and Company of this Colony, shall be made to said heirs, of a tract of land bought by said Butcher of Major James Fitch, according to the bounds thereof as upon record.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the wages that shall be allowed and paid to such persons as have been the last summer and hereafter shall be employed for scouting, they finding themselves provision, ammunition, and horse if need required, three shillings and six pence *per diem*; to such as do not find themselves provisions, &c., two shillings and six pence; to the souldiers that went to Hampshire county, and garrison souldiers in our own frontier, two shillings *per diem*; that have been employed this summer or hereafter shall be, two shillings *per diem* or twelve shillings per week: to each captain, five shillings *per diem* or thirty shillings per week; to lieutenants, one pound three shillings per week; sergeants, fifteen shillings per week; to corporals, fourteen shillings per week; to persons allowance for billeting souldiers, four shillings and six pence per week, and *pro rato*, §c., except for one single meal six pence; if one single day and night, one shilling; for keeping souldiers horses, one shilling and eight pence per week; upon sudden exigencies, horses for travel out one penny per mile, and four pence *per diem* when they lye still; and that the Council of War do adjust the accounts of officers, rolls of men and horses, and all other affairs of the war, and give order to the treasurer for the payment thereof.

Ordered by this Assembly, That Mr. Green, printer, have out of the publick treasury the sum of twenty-five pounds, as part of his salary.

The Governour having informed this Assembly that the Indians at Mohegan in New London having lost by death their late sachem Cesar, have lately, by and with the knowledge or consent of himself and Council, proceeded to make choice of Ben Uncass, only surviving son of Uncass, sachem, deceas'd, to be sachem: This Assembly do ratify and confirm the said

choice, and establish the said Ben Uncass to be sachem of said Indians.

[408] Upon the petition of Capt. John Mason of Stonington : This Court, in consideration of the respect justly due to the name of his ancestors, and of the great trust the Mohegan Indians have had in them, as they have now in him, who has a great acquaintance with their language and manners and may in that respect, as well as others, be of great use and service in endeavouring both to civilize and Christianize them, as well as to preserve them quiet in the enjoyment of those lands which, pursuant to the acts and order of this Court, are settled upon the said Indians and established for their use forever, which lands are being and lying in the township of New London at Mohegan, do thereupon grant and allow that the said Capt. Mason, by and with the consent and good liking of said Indians, take up his residence and habitation among them, and shall have liberty to improve any part of the said land in building, plowing and pasturing ; provided the said Indians are freely willing and consenting to his so doing ; and the care of the said Indians, to protect them from wrongs, to set up a school among them and acquaint them in the Christian religion, is hereby recommended to him.

This Assembly do establish and confirm Mr. Samuel Gunn of Milford to be Captain of the westernmost company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Beard of Milford to be Lieutenant of the westernmost company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Rogers of Milford to be Ensign of the westernmost company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

This Assembly do appoint Capt. David Goodrich, Mr. Thomas Seymour and Mr. Thomas Kimberly, a committee to lay out the town of Middletown according to their patent, as far as said Middletown boundeth on Farmington ; and the said committee are directed to measure on the north bounds of the town of Middletown five miles west, that is, as the line between Middletown and Wethersfield is now fixed and marked, from a line drawn north by the needle of the compass from Middletown old meeting house, and at the west end of said five miles they are to erect a monument for the northwest corner of Middletown, and from thence to run a line south to the south bounds of

Farmington and erect legal monuments in the line by them drawn south from Middletown northwest corner; which doings of the committee is ordered to be a final settlement of the [409] dividend bounds between the said towns. || The whole costs to be equally born by the towns of Middletown and Farmington. Provided nevertheless, that if by settling the bounds as aforesaid, any of the inhabitants of Farmington shall be found to have settled within Middletown, or any of the inhabitants of Middletown have settled in Farmington, the said committee are to make report thereof to this Assembly in May next, that all controversies about such settlements may there be settled according to equity.

This Court appoint, order and impower Col^o Mathew Allyn, Esq^r, Capt. Roger Wolcott, Esq^r, Col^o William Whiting, Capt. Aaron Cook, Lt. Nathaniel Stanly and Capt. David Goodrich, to be a Committee of War; who, by and with the advice of the Governour, and in his absence the Deputy Governour, and they or any three of them with the Governour or Deputy Governour shall have full power, during the time of danger by the present war, to send out such troops on any sudden emergency as they think necessary to repel the enemy's attacking any of our own frontiers, or into the county of Hampshire; or if they, said committee, shall by intelligence conclude a number of the enemy are coming upon said frontiers, and also by and with the advice of the Governour, &c. or Deputy Governour, have power to send garrison souldiers into either of the frontiers aforesaid.

Upon the petition of Isaac Jacobs *v.* Isaac De Medina: This Assembly grants the petitioner a new tryal of the action referred to, at the superiour court to be holden at Hartford in March next; which tryal shall be a final determination of said action; and that the whole costs follow the judgment, and that in the mean time execution be stayed and all further proceedings on the said judgment.

An Act for Emitting Bills of Credit for Payment of the Publick Debts of this Colony.

Whereas by an act passed by this Assembly holden at New Haven in October last, entituled An Act for new imprinting four thousand pounds in bills of credit, there has been imprinted and put into the hands of the Treasurer the sum of four thousand pounds in the bills of the publick credit of this Colony:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,
That the Treasurer be and hereby is ordered and impowred to

issue forth and emit the sum of two thousand pounds of said bills towards the payment of the publick debts of this Colony and the further necessary charges thereof, according to such orders as shall be given him from time to time according to law.

Be it further enacted by the authority aforesaid, That as a fund or security for the repayment and drawing in said bills into the treasury again, this Assembly grants a tax or rate of two thousand and one hundred pounds, to be levied upon the polls and rateable estate within this Colony, to be paid into the treasury at or before the twentieth day of October *anno Dom.* 1730; which said rate shall be paid in bills of the publick credit of this Colony, or in money as it generally passeth currant in the country at the time of payment, and in no other manner.

[410] Upon the petition of the town of Litchfield, praying for a patent: This Assembly having considered the objections made against said petition by the agent of Woodbury, claiming the north bounds of Woodbury to be line drawn from the north-west corner of Waterbury to the north-east corner of New Milford, by a grant made to Woodbury by the Assembly in May 13th, 1703: Whereupon it is ordered, that the town of Woodbury do procure the surveyour of the county of Fairfield to make a survey of the land lying between the ancient north bounds of the town of Woodbury and a line drawn west from the north-west bounds of the town of Waterbury stated by the committee, to New Milford bounds, as also of the land lying between said west line a straight line drawn from Waterbury north-west corner to the north-east corner of New Milford, and of the quantity of the lands lying between said lines and Woodbury ancient north bounds, and of the course of the line drawn from Waterbury north-west corner to the north-east corner of New Milford, and make report thereof unto the General Assembly in May next, to which time the petition of Litchfield is continued.

Upon the petition of Zachariah Baldwin of Oronoque in the township of Stratford, for liberty to set up a ferry at the said Oronoque, being about four miles northward of the ferry called Stratford ferry: This Court grant unto the said Zachariah Baldwin the liberty and privilege of setting up a ferry for the transportation of passengers across the river called Oronoque River, during the pleasure of this Court; and order that the fare shall be the same with the fare appointed for Stratford ferry.

This Assembly grants a rate of three pence on the pound

be levied on polls and all the rateable estate in this Colony, to be paid in the bills of credit of this Colony at their usual advance, or in the true bills of four signers of the Province of Massachusetts Bay, or in the true bills of New York, Rhode Island or New Hampshire, without any advance upon them, or in currant silver money, or in grain at the prices following: viz. wheat at five shillings per bushell, rye at three shillings per bushell, and Indian corn at two shillings per bushell; all to be good and merchantable; to be paid unto the several constables of this Colony at or before the last day of April next ensuing, and to be by them disposed as the treasurer in his warrant, by direction from this Assembly, shall order.

This Assembly being informed by the judges of the superiour court, that whereas this Assembly in May last at Hartford did order that one Thomas Rose of Preston in the county of New [411] London || should be prosecuted before the superiour court at New London in September last, for speaking contemptuously of the civil authority, as expressed in a testimony of Edward Colman given to this Assembly in May last, then lodged in the files of this Court: The said Rose not being bound over to answer thereunto, a writ was sent forth by order of the said court for the end aforesaid, and the said Rose avoided or could not be found, whereby the order of this Court was eluded:

It is now ordered, That the judges of the superiour court make out a writ to the sheriff of the county of New London, for the apprehending the said Rose, and take sufficient bond with sureties for his appearance before the superiour court to be holden at New London in March next and abide the sentence of the court therein; and for want of such bond to commit him to goal in the county of New London aforesaid till the session aforesaid and he be by the said court in due course of law discharged; and the said court are hereby authorized to hear and determine the same.

Upon the petition of Mr. Gideon Ives and others, praying this Assembly for a confirmation of certain lands set forth in the petition preferred to this Assembly, and that whereas by the General Assembly held in Hartford in May last Mr. Samuel Bishop and Mr. George Clark of Milford, on the petition of Mr. Joseph Moss and others, were appointed a committee to go, view, and sell to said Moss and others with him, the lands petitioned for; and whereas the lands now petitioned to be confirmed being under like circumstances with and lying near unto some of those lands in the petition of Mr. Moss, &c., and also having viewed the same: In consideration whereof, it

is hereby ordered, that the said Mr. Bishop and Clark do set such prices on said lands as they think reasonable, and sell the same unto the said Ives and others the petitioners with him, according to their respective deeds; consideration being had unto all the circumstances of said lands.

This Assembly free Mr. Attourney Pratt from training during the time he is King's Attourney.

This Assembly grants Mr. Secretary Wylls the sum of six pounds out of the publick treasury, for his salary this year.

This Assembly grants Major John Burr the sum of thirty shillings out of the publick treasury, for his good service this present sessions as Speaker of the House of Representatives.

This Assembly grants to the heirs of the Hon^{ble} Nathan Gold, Esqr, late Deputy Governour of this Colony, that they shall receive out of the treasury the whole salary which would have been now paid him if it had pleased God to have spared him longer to us, and thereupon order, that the treasurer pay [412] to Mr. John Gold, || his eldest son, for himself and the other children of that worthy gentleman, the sum of fifty pounds.

The List of the several Towns in this Colony, sent in to this Assembly.

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford,	24113	: 05	: 00	New Haven,	31501	: 08	: 08
New London,	17079	: 16	: 00	Fairfield,	24492	: 13	: 02
Mansfield,	4593	: 08	: 00	Groton,	12289	: 17	: 06
Woodbury,	7064	: 01	: 00	Wallingsford,	15132	: 07	: 05
Farmington,	14664	: 09	: 00	Lebanon,	11396	: 10	: 00
Plainfield,	5875	: 19	: 09	Danbury,	6650	: 17	: 00
Preston,	8636	: 03	: 00	Canterbury,	5286	: 04	: 09
Coventry,	2813	: 00	: 00	Seybrook,	11289	: 16	: 05
Durham,	5100	: 05	: 09	Haddam East,	7152	: 03	: 00
Symsbury,	7559	: 07	: 00	Waterbury,	3427	: 11	: 00
Haddam West,	4848	: 15	: 00	Killingsley,	4540	: 00	: 00
Branford,	11220	: 08	: 00	Stanford,	13545	: 08	: 02
Colchester,	9283	: 19	: 00	Pomfrett,	5585	: 00	: 00
Stonington,	14645	: 09	: 00	Killingsworth,	6473	: 03	: 04
Addition,	541	: 01	: 06	Norwalk,	13403	: 05	: 02
Norwich,	20286	: 07	: 06	Windsor,	19227	: 16	: 00
Stratford,	21076	: 14	: 07	Windham,	7193	: 12	: 02
Derbey,	4506	: 18	: 00	Glassenbury,	5573	: 03	: 00
Lyme,	12036	: 10	: 00	Wethersfield,	18238	: 09	: 03
Midletown,	17384	: 08	: 00	Guilford,	19438	: 05	: 10
Milford,	19363	: 09	: 04	Greenwich,	8590	: 17	: 00

This Assembly grants the officers attending this Assembly nineteen days, three shillings *per diem*, being two pounds seventeen shillings in the whole.

This Assembly grants Mr. Thomas Kimberly the sum of twenty-five shillings out of the publick treasury, for his service as Clerk of the House of Representatives this present session.

The petition of Mr. Elliott's executors *v.* Henry Wolcott was negatived by this Assembly.

Be it enacted, and it is hereby enacted, That this Court be adjourned to such time as the Governour, or in his absence the Deputy Governour, shall see meet to call the same. And for conveniency of several members of this Court who live remote, that may within the present week have sufficient time to return home: It is ordered, that Major Burr and Capt. Wadsworth, Esq^{rs}, Mr. Nathaniel Yale, Capt. Isaac Dickerman, Mr. George Clark, Mr. Nath^l Farrin, Capt. Nathaniel Harrison, and Mr. Thomas Hickcox, be a committee who shall stay after the Court is up and inspect and take care that the several acts of this Court be truly and exactly entered on the records.

The acts of the Assembly, as they stand recorded in the preceding pages, was read in the presence of the aforementioned committee, and by them ordered to be signed.

HEZ. WYLLYS, Secretary.

[224] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JANUARY 20TH, 172 $\frac{3}{4}$.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Christopher Christophers, Esq., *Assistant.*

John Plumbe, Esq^r, *Justice.* Jonas Green,
John Pickett, Samuel Rogers.

Upon reading a letter from his Excellency William Burnet, Esq., Governour of New Yorke, with two minutes of the Council of that Province, by which it appeared, that in compliance with a letter from his Honour the Governour, dated the 11th of November last, inclosing an act of the General Assembly of this Colony in October last, for running and fixing or compleating the division line between this Colony and the Province of New York, and appointing commissioners for that service, it was concluded that commissioners, on the part of that Province, should be appointed, which was accordingly done, and a copie [225] of the || commission designed to be given them transmitted to the Governour, which is now lying on the board: And it was also further re-olved by his Excellency in Council, that it would be con-

venient for the commissioners on both sides to meet at Rye the first Tuesday of February next, to agree on proper methods and time for the performance of the said work.

Resolved. That a copie of the commission prepared sometime since, for the commissioners of this government, be immediately sent to his Excellency the Governour of New York; and that the Governour be desired to give direction to the commissioners of this Colony, to attend the meeting proposed at Rye, on the first Tuesday of February next, it being the fourth day of the said month.

Resolved. That Mr. John Copp of Norwalk attend the commissioners of this Colony, as a surveyour, to assist in running the said line.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, FEBRUARY 20TH, 1723 $\frac{3}{4}$.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq.,
 Christopher Christophers, Esq., *Assistant.* John Gardiner,
 Jonathan Prentiss, Esq., *Justice.* Benjamin Starr.

Upon consideration of the present state of the northern frontier on Connecticut River, and that we may have in readiness a sufficient number of men to march into that frontier, and upon the first notice of any number of the Indian enemy which may design to attack the towns in the county of Hampshire in the Province of the Massachusetts, or any of the settlements in the northern parts of this Colony, be ready to march immediately for the covering of such towns, and repulsing of the enemy :

It is resolved, That the provision made for that end by the Governour [226] and Council, at a meeting holden in Hartford the 20th of August last, by forming a detachment of two hundred men in three companies, compleatly armed, under the general command of the Lt. Governour, Joseph Talcot, Esq., assisted by Roger Wolcot and David Goodrich, Esq's, as captains, be revived.

And it is hereby ordered, That copies of that establishment be forthwith sent to the said commanders; and that in case of the absence, or other incapacity of any of those who belong'd to the said detachment, they take care, after the manner appointed by the aforesaid order, to supply their places, and to have the detachment so compleated in constant readiness to march on the first notice, for the securing of such places in the said frontier as may be in danger of any such attack, under the commissions granted them for that end; and that the Lt. Governour signify this to the commanding officer in the said county of Hampshire.

Ordered, That a proclamation be issued, for the more effectual discovery and conviction of such as have been guilty of counterfeiting bills of credit, or of uttering them willingly, or of making any plates

or other instruments for such an end, or of counselling, aiding, or abetting any such wickedness.

Ordered, That the majors of the several regiments do forthwith issue out warrants to the several chief officers of the respective companies belonging to their regiments, requiring them without delay to cause a view of the arms and ammunition of their companies to be made, and all defects therein to be forthwith punished or repaired, as the law directs. And it is further ordered, that the majors of the said regiments do take effectual care, and give positive orders to the several chief officers in each respective town, to cause the said view of the arms and ammunition of all their several companies to be made on one and the same day, to prevent deceit.

Whereas it is reported to this board, from the doctor that has the care in looking after the wound lately made by the prisoner Sarah Frazier, now in New London goal, upon herself, that by reason of her great loss of blood and her refusing to take such necessary food as is provided for her, she is reduced very low, so that her life is in great hazard, and it thereby becomes necessary that some suitable persons should watch with her during her weak and low circumstances: [227] || It is therefore ordered, that the sheriff of the county of New London be impowered and directed to impress one man and woman to watch with the said prisoner from time to time, as there may be occasion, during her ill state of health.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, MARCH 24TH, 172 $\frac{3}{4}$.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Samuel Eells,	} Esq'rs,	Christopher Christophers,	} Esq'rs,			
Mathew Allyn,				} Assistants.	John Hooker,	} Assistants.
Jonathan Law,						

The Governour communicated to this board a letter from the Deputy Governour at Hartford, wherein he reported that he had issued out a writ, by which one Ebenezer Seymour living on lands called Wallingford purchase, in the county of Hartford, was arrested by the constable of Wallingford, and brought before him for uttering false bills of credit; who, after examination had thereon, was committed to Hartford goal, where he now is; and the said Deputy Governour desiring advice what is best further to be done, in order to convict the said Seymour of the crimes aforesaid,

Resolved, That the Deputy Governour be advised by a new writ to have the said Seymour before him, upon examination concerning his uttering a false bill in imitation of the Rhode Island five pound bills, to one Starr at Danbury, sometime the last winter; and if upon his examination it appear probable that he may be convicted thereof, that he forthwith [be] committed to Fairfield goal, in the county of Fairfield, in order to be brought to tryal at the next superiour court to be held in that county in August next.

Resolved, That in case the said Seymour shall find bail, to avoid the goal at Fairfield, in the case of the Danbury bill aforesaid, and it shall [228] appear probable upon his examination || that he uttered a false forty shilling bill at Wallingford, that then his Honour the Deputy Governour be advised to commit him to goal in the county of New Haven, in order to be tryed there, at the superiour court to be held in that county in September next, for that crime: but in case the said Seymour should be first committed to Fairfield goal, then the Deputy Governour is desired to write to Major Burr, and transmit to him what evidence appears concerning the forty shilling bill put off at Wallingford, and desire him, if Seymour after his commitment should find bail as aforesaid, to apprehend him by a new writ, and commit him to New Haven goal as aforesaid.

Resolved, That the Deputy Governour be desired to issue out a writ for the taking John Wyard of Weathersfield, in order to have him before his Honour, to be examined concerning his uttering false bills at Woodbury, sometime the last winter; and if upon his examination it appear probable he may be convicted, that then he be committed to Fairfield goal, in order to be there tryed at the superiour court to be held in that county in August next.

Resolved, That the Deputy Governour be desired to have James Poison of Hartford upon examination before him concerning his uttering false bills in the county of Hartford, and that upon good grounds of his being suspiciously guilty, he be committed to Hartford county goal, in order to be tryed there at the superiour court to be holden in that county in September next.

Upon the petition of sundry proprietors of Solitary Cove Meadow, in the parish of East Haven, in the town of New Haven, that commissioners of sewers may be appointed for that propriety: Ordered, that the said petition be granted, and John Denison, Abraham Hemingway, and Eleazar Morris, of the said parish, or any two of them, are accordingly appointed commissioners for that end.

[229] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, APRIL 23^D, 1724.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Christopher Christophers, Esq., *Assistant*. Richard Christophers, jun.
Jonathan Prentts, Esq., *Justice*. John Gardiner.
John Coite,

Complaint being made to this board, that on the 21st instant, about twelve of the clock at night, ten or twelve men entered by force into the ship Samuel and Cornelia, lying in Connecticut River, in the possession of Thomas Stow, constable of Middletown, holden by execution, to be sold by course and by order of law on this present day; and that the said persons hold the said ship by force, whereby the said constable, unless the said force be removed, will be hindered from proceeding to make sale of the said ship as the law requires:

Resolved, That pursuant to the law intituled An Act for preventing and punishing riots and rioters, and to one other law intituled An Act empowering the sheriffs and constables in keeping the King's peace, as also one other act entitled An Act for the more effectual enabling sheriffs to do execution on final judgments given in the law, and for the serving of writs and processes in the law, the following writ be immediately granted and signed by the Governour and Christopher Christophers, Esq., as clerk of the Council.

To the Sheriff, or his deputy, or the under-sheriff of the county of Hartford, or to any, or to either of them, Greeting:

Whereas information has been made to this board, that certain persons, on the 21st day of this present April, at 12 of the clock of the night following, did in a riotous manner, with force, and contrary to the peace of our sovereign lord the King, enter into the ship Samuel and [230] Cornelia, then lying in Connecticut || River in the county aforesaid, and in the custody of Thomas Stow, constable of Middletown, who held the said ship by execution, in order to be sold by him the said constable, pursuant to judgment of court and order of law, on this day, and according to the said writ of execution, and take the said ship out of the said constables custody, removing out of said ship certain persons there put by the said constable, to take care of and hold the said ship for him said constable unto such sale; by which means the said constable is, unless the said force be removed, utterly obstructed from proceeding to the sale thereof as the law obliges him; which force being a notorious breach of the peace, and obstruction to the course of justice, and expressly contrary to the laws of this his Majesties Colony:

You, or either of you, are therefore hereby required, in his Majesties name, forthwith to repair to the said place where the said force has been committed, and make enquiry concerning the same. And if you find that there are any persons there holding, on any pretence whatsoever, the said ship from the said constable, as before alledged, that you thereupon cause the proclamation appointed by an act intituled An Act for preventing and punishing riots and rioters, to be made, or attempted to be made, in manner as the said law directs. And that if afterwards any persons whatsoever shall continue to hold the said ship out of the custody of the said constable, and against his authority, you immediately cause the said persons to be apprehended and carried before the next assistant or justice of the peace, there to be dealt with as the law directs. And forasmuch as all manner of force used in such manner to prevent the execution of justice upon lawful tryal had in any case whatsoever, is of the most pernicious kind, and most fatal to the rights, and properties, and liberties of his Majesties subjects: You are therefore hereby especially required, pursuant to the law in such case provided, to raise the militia of the said county, or so many of them as shall be judged needful, for your executing this writ and apprehending all such rioters, and removing them and all manner of opposition whatsoever; that the said constable may have free liberty [231] to proceed || in making sale of the said ship, according to the writ for such end given to him, justice done, and his Majesties peace preserved.

And you are to make return of this writ, with your doings hereon, to the Governour and Council, as soon as may be. Given in New London, April 23d, 1724, in the tenth year of his Majesties reign.

G. SALTONSTALL, Governour.

By order of his Honour the Governour and Council,
C. CHRISTOPHERS, Clerk of the Council.

[413] CONNECTICUTT }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTIES COLONY OF CONNECTICUTT, IN NEW ENGLAND, ON THE FOURTEENTH DAY OF MAY, IN THE TENTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM. 1724.*

Present at this Assembly,

The Hon^{ble} Gurdon Saltonstall, Esq^r, Governour.

The Hon^{ble} Joseph Talcott, Esq^r, Deputy Governour.

John Hamlin,	} Esq ^{rs} ,	James Wadsworth,	} Esq ^{rs} .		
Peter Burr,		John Hall,		} Assist-	
Samuel Eells,		Christopher Christophers,			ants.
Mathew Allyn,		Hez. Brainerd,			
Roger Wolcott,		John Hooker,			

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz :

Mr. Thomas Seymor, Mr. James Eusign, for Hartford.
Major John Burr, Mr. Robt. Sylaman, for Fairfield.
Mr. James Avery, Mr. Joshua Bill, for Groton.
Capt. William Clark, Mr. John Woodward, for Lebanon.
Mr. Joseph Gates, Mr. Thomas Rose, for Preston.
Capt. W^m Wadsworth, Capt. Joseph Hawley, for Farmington.
Capt. John Mason, Mr. Sam^l Prentiss, for Stonington.
Capt. Joseph Wright, Mr. Nathaniel Foot, for Colchester.
Capt. John Fitch, Mr. Abell Bingham, for Windham.
Capt. Nath^l Harrisson, Mr. Edward Barker, for Branford.
Capt. W^m Preston, Mr. Ephraim Minor, for Woodbury.
Mr. Thomas Lee, Mr. Richard Ely, for Lyme.
Mr. Joseph Strong, Mr. Peter Buell, for Coventry.
Mr. Joseph Phelps, Mr. Sam^l Humphreys, for Symsbury.
Capt. John Riggs, Mr. Joseph Hawkins, for Derby.
Capt. Joseph Whiting, Capt. John Munson, for New Haven.

* The Journal of the Upper House only is found.

Mr. Joshua Hempstead, Mr. Solomon Coitt, for New London.
 Mr. Howkins Hart, Mr. John Hogskiss, for Wallingsford.
 Capt. Timothy Peirce, Mr. John Ctery, for Plainfield.
 Major John Clark, Mr. Samuel Lynde, for Seybrook.
 Capt. Thomas Judd, Mr. Thomas Hiccox, for Waterbury.
 Mr. Eliphalet Lockwood, Mr. Mathew Gregory, for Norwalk.
 Capt. Roger Newton, Mr. George Clark, for Milford.
 Mr. Caleb Leet, Mr. Joseph Stone, for Guilford.
 Capt. John Hawley, Mr. Eben^r Curtice, for Stratford.
 Mr. David Buell, Mr. John Lane, for Killingsworth.
 Mr. Symon Bryant, Mr. Tho. Whitmore, for Killingley.
 Capt. Tho. Huntington, Lt. Thomas Storrs, for Mansfield.
 Capt. James Wells, for Haddam West.
 Capt. Thomas Gates, for Haddam East.
 Mr. Izrahiah Whetmore, Capt. William Savage, for Midletown.
 [414] Mr. John Gregory, Mr. Abram Wildman, for Danbury.
 Mr. James Reynolds, Mr. Gersh. Lockwood, for Greenwich.
 Mr. John Hoitt, Mr. John Stone, for Stanford.
 Capt. David Goodrich, Mr. Nath^l Burnham, for Wethersfield.
 Capt. Henry Crane, Mr. Sam^l Parsons, for Durham.
 Mr. Joseph Backus, Capt. Benajah Bushnell, for Norwich.
 Capt. John Sabin, Mr. Eleazar Sabin, for Pomfrett.
 Mr. Tho. Kimberly, Mr. John Hubbard, for Glassenbury.
 Capt. Sam^l Mather, Mr. Henry Wolcott, for Windsor.
 Capt. Joseph Addams, Mr. Elisha Pain, for Canterbury.
 Major John Burr, Speaker, } of the Lower House.
 Mr. Thomas Kimberly, Clerk, }

This day being appointed by charter and the laws of this Colony for the election of the publick officers of this corporation, viz: the Governour, Deputy Governour, Assistants, Treasurer and Secretary,—proclamation being made, the freemen proceeded to give in their votes to persons chosen by the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed are, Mathew Allyn, Roger Wolcott, James Wadsworth, John Hall, Christopher Christophers, Hez. Brainerd and John Hooker, Esq^{rs}, Major John Burr, Capt. Joseph Whiting, Mr. George Clark, Mr. Tho. Kimberly, Mr. Thomas Seymor, Capt. Benajah Bushnell, Mr. Sam^l Lynde, and Mr. John Stone, who were all sworn truly and faithfully to receive, sort and count the said votes. And the freemen's votes being brought in, sorted and counted,

The Hon^{ble} Gurdon Saltonstall, Esq^r, was chosen Governour of this Colony for the year insuing; and the governour's oath, and the oaths required by acts of Parliament relating to

trade and navigation, was administred to him in the presence of this Assembly.

The Hon^{ble} Joseph Talcott, Esq^r, was chosen Deputy Governour of this Colony for the year insuing, and the deputy governour's oath was administered to him in the presence of this Assembly.

John Hamlin, Esq^r, Peter Burr, Esq^r, Samuel Eells, Esq^r, Mathew Allyn, Esq^r, Roger Wolcott, Esq^r, Jonathan Law, Esq^r, James Wadsworth, Esq^r, John Hall, Esq^r, Christopher Christophers, Esq^r, Hez. Brainerd, Esq^r, John Hooker, Esq^r, and Joseph Wakeman, Esq^r, were chosen Assistants for the year insuing. And John Hamlin, Peter Burr, Mathew Allyn, Roger Wolcott, James Wadsworth, John Hall, Christopher Christophers, Hez. Brainerd and John Hooker, Esq^{rs}, had the assistant's oath administered to them in the presence of this Assembly.

Mr. John Whiting was chosen Treasurer of this Colony for the year insuing, and was accordingly sworn to that office and trust in the presence of this Assembly.

Hez. Wyllys was chosen Secretary of this Colony for the year insuing, and accordingly sworn to that office and trust in the presence of this Assembly.

[415] This Assembly do establish and confirm Mr. Nathaniel Stanly of Hartford to be Captain of the first company or trainband in the town of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Aaron Cook, jun., of Hartford to be Lieutenant of the first company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Church of Hartford to be Ensign of the first company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ephraim Sprauge of Lebanon to be Captain of the company or trainband in the north parish or society in Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Martyn of Lebanon to be Lieutenant of the company or trainband in the north parish or society in the town of Lebanon aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hutchinson of Lebanon to be Ensign of the company or trainband in

the north parish or society in the town of Lebanon aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Hempstead of New London to be Lieutenant of the second company or trainband in the town of New London aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Edward Hallam of New London to be Ensign of the second company or trainband in the town of New London aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Pratt of Seybrook to be Captain of the north company or trainband in the town of Seybrook aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Clark of Seybrook to be Lieutenant of the north company or trainband in the town of Seybrook aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Pratt of Seybrook to be Ensign of the north company or trainband in the town of Seybrook aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Woodruff of Milford to be Captain of the first company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Andrew Sanford of Milford to be Lieutenant of the first company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

[416] This Assembly do establish and confirm Mr. James Fenn of Milford to be Ensign of the first company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

This Assembly grant liberty that the inhabitants of the East Society in Lyme embody themselves into church estate and settle an orthodox minister amongst them, with the consent and approbation of the neighbouring churches.

Upon the petition of Samuel Mather of Lyme to this Assembly, praying for a liberty to keep ferry over the little river in Lyme, known by the name of Livett's River: This Assembly grants liberty to said Mather to keep ferry over said river near his house; the fare thereof to be three pence for one man and horse and his load, and one penny half penny for one man.

This Assembly do establish and confirm Mr. Caleb Chappell of Lebanon to be Ensign of the first company or trainband in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do appoint Peter Burr and Christopher Christophers, Esq^{rs}, Capt. Samuel Mather, Mr. George Clark, Mr. Sam^l Lynde and Mr. Robert Sylaman, to audit the Colony accounts with the Treasurer.

Whereas the superiour court, holden at Hartford the tenth day of March last, stands adjourned to this present day, being the 19th day of May, 1724, the sitting and holding of which at this time might be a great obstruction to the business of this court: It is therefore hereby ordered and enacted, that the said superiour court, and all actions and matters therein depending or thereunto relating, be adjourned to Thursday the 28th day of this present May, and that Major Peter Burr, chief judge of the said court, be and he is impowred to open said court and cause this act to be therein proclaimed. And it is hereby enacted, that all persons concerned take notice of the same as an adjournment of said court and conform themselves accordingly.

The Question was put to this Assembly, whether this Assembly will grant his Honour the Governour the sum of three hundred pounds in bills of credit, for his Honour's salary this present year: Resolved in the affirmative.

The Question was put, whether this Colony be in arrears with his Honour the Governour in the payment of his Honour's salary for the years past: Resolved in the negative.*

Whereas the western inhabitants of the south society in Seybrook have by their memorial represented to this Assembly the difficult circumstances they at present labour under with respect to their attendance upon the publick worship of God, together with the agreement made between them and the inhabitants of the eastern part of said society, as also their

* The Governor claimed that, by agreement, his salary should be £200 in, or as, money, and that, on account of the depreciation of the bills of credit, there was a considerable balance due him. The claim had been in dispute between the governor and the assembly for several years, and the governor at this time, in a speech delivered to the Assembly May 19th, which upon his desire was entered in full on the journal of the Upper House, said, "I shall, in compliance with your desires, proceed to take the oaths, not doubting but when the present difficulties are over and you can enter more fully into the consideration of the work and difficulties of my post, you will find them to bear a full proportion to all the recompence that I have ever insisted upon, and make no scruple to give order accordingly. In the mean time let us forget the debates we have had about it, and be as careful of husbanding our time in the publick affairs as we seem to be of our money in this particular instance. It may be, many of us may never live to another consideration of it; and if this should be my lot, I shall presume you will not deny to mine what you have desired me, on publick considerations, that I would insist no longer on at this juncture."

earnest desire that this Assembly would concur with them in rendering them a distinct society: Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that for the future [416] the said western inhabitants || shall have liberty, and they have hereby liberty granted unto them, to be a distinct society, with all the powers and privileges common to a society; and that the dividing line between the eastern and western societies shall be a line parallel with the line dividing between Seybrook and Killingsworth from the bridge over the brook called Cook's Hill Brook, and from the bridge northward until it intersect the line between the northern and southern societies in Seybrook; and from the said bridge southerly unto the place where said brook was wont naturally to empty itself into the sea. And if any farms or lots are split or divided by said line, they shall pay to the societies in which the owner liveth. Always provided, that this grant shall in no wise excuse said inhabitants from paying their proportion of charges in common with the inhabitants of the eastern societie for maintaining the minister during such time as they are destitute of a minister among themselves.

Ordered, That Mathew Allyn and Roger Wolcott, Esq^{rs}, return the thanks of this Assembly to the Reverend Mr. Samuel Woodbridge, for the sermon he preached before the General Assembly at the late Election, and desire a copy of it for the press.

This Assembly do establish and confirm Mr. Ephraim Brown of Lebanon to be Lieutenant of the second company or trainband in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

Resolved by this Assembly, That the north society in Stonington for the future be called by the name of North Stonington.

This Assembly do establish and confirm Mr. Samuel Willard of Seybrook to be Ensign of the first company or trainband in the town of Seybrook aforesaid, and order he be commissioned accordingly.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, That the Hon^{ble} Joseph Talcott, Esq^r, Roger Wolcott, Esq^r, James Wadsworth, Esq^r, John Hall, Esq^r, Capt. William Clark, Capt. Joseph Whiting, Capt. Samuel Mather, and Mr. George Clark, be impowred, and they or the major part of them are hereby impowred and fully authorized, to hear and determine all matters of error or equity that shall be brought by petition to the present General Assembly, and to cause

their judgments to be executed effectually; any law, usage or custom to the contrary notwithstanding. And the said Committee of Tryals, or the major part of them, are hereby impowred to appoint a clerk, who shall be sworn, *mutatis mutandis*, as the clerks of the courts for tryals of causes are.

Upon the petition of Windsor, setting forth that their listers do absolutely refuse to deliver the list to the selectmen, so that it is anyways possible for them to make either the country, town or ministers rate: It is resolved by this Assembly and the authority thereof, that if the selectmen shall go and demand the list of the listers, and if they still persist and refuse to deliver the list, the said selectmen shall go to the next assistant or justice of the peace, who shall send for said listers to appear before him, and shall at his discretion send said listers to the publick goal in Hartford, there to remain in said goal, at their own charge, until they will deliver the list to the selectmen and pay the charge of their imprisonment and all other charges as shall arise in the prosecution of said listers.

[418] This Assembly do establish and confirm Mr. John Scranton of Guilford to be Lieutenant of the company or trainband at the parish of East Guilford in the town of Guilford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Dudley to be Ensign of the company or trainband at the parish of East Guilford in the town of Guilford aforesaid, and order that he be commissioned accordingly.

Whereas Ebenezar Searl was now had before this Assembly, by virtue of a precept issued by his Honour the Governour upon an information made against the said Eben^z Searl by the deputy sheriff of the county of Hartford, for that the said Eben^z Searl, sometime in this present month of May, did resist the said deputy sheriff with guns and pitchforks, and would not suffer the said deputy sheriff to levy an execution upon a certain tract of land near the south bounds of the township of Coventry, threatning him with death if he should presume so to do; by reason whereof, the said execution remains to be levied to this time: and the said Ebenezar Searl being now examined on the premises, and there being manifest shews of his being guilty of the facts charged against him: It is therefore ordered, that the said Eben^z Searl answer to the said information before the superiour court to be holden at this place on the 28th instant, and be forthwith bound to the publick treasury with one or more sureties in a recognizance of forty pounds money, for his appearance at said court and abiding the judgment of said court thereon.

Whereas Capt. Samuel Griswold of Norwich, by order of the Governour, led his company to the choice of a captain, and thereupon certified to the Assembly in October last that Mr. Samuel Lothrop was chosen captain, in order to have his commission granted him: And whereas it hapned that, by reason of some intelligence which they had received, some doubt arose in the Lower House, whether the choice of said captain was regular or no, whereupon the said house declined to consent to his being accepted and commissioned; by which means the granting him a commission has hitherto been suspended; and this Court, having examined into the regularity of the said choice, are of opinion that there is no objection or proof made against it, sufficient to render the choice irregular or unfair, but the contrary appearing, viz. that the choice was fair, by the testimony of two captains especially; and also that the person chosen is qualified for the post, and has been well approved in his Majesties service in the expedition against Port Royall, in 1710: It is therefore resolved, that the said Mr. Samuel Lathrop be accepted as Captain of the said second trainband in the town of Norwich, and a commission granted to him accordingly.

An Act to enable the Trustees of Yale College to exchange certain Lands.

Whereas the Reverend Mr. Timothy Woodbridge and Mr. Thomas Buckingham, in behalf of the Trustees of Yale College at New Haven, have represented to this Court that the farm lately given by the Worshipful Major James Fitch to the trustees aforesaid and their successors forever, for the use of the said college, lying in or near Killingly, is casually incumbered with divers other titles and troubles, whereby divers law suits have been occasioned, and more are likely to insue; and the present possessors, for the prevention of all future troubles [419] || and damages by occasion thereof, are willing, both to save their own great improvement on the premises and secure the interest of the said college, to give other lands equal in value and quantity in exchange for the said farm, which may *best** just and reasonable issue of all further troubles, and have therefore prayed this Court that they, the said trustees, may be enabled to agree and contract with all and every person that do or shall claim any part or parts, or the whole of the said farm, and make an exchange with them of the said farm, or any part or parts thereof, for other lands of equal quantity and value, by their best discretion, which this Court well approves of:

* So in the record, but "be a" in the original bill. *College & Schools*, I. 217.

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Trustees of Yale College aforesaid, at any of their lawful meetings, they or the major part of them present, shall and may have good power and lawful authority to make and execute any deed or deeds of exchange with any person or persons that do or shall claim any part or parts, or the whole, of the said farm, and thereby actually grant, convey and exchange the said farm, or any part or parts thereof, to such claimer or claimers, for such and so much land of equal value by the best discretion, in some other place or places as convenient and beneficial for the said college.

And it is hereby declared and enacted, That the said deeds of exchange, indented between the said parties, shall convey to the said claimers and their heirs, in fee simple, a good estate in the said farm, or parts thereof meant to be thereby conveyed to them; and the said trustees shall thereby take a good estate to them and their successors, in fee simple, for the use of the said college, of all such lands as shall be given to the said trustees in exchange as aforesaid, to all intents, constructions and purposes whatsoever; any law, usage or custom to the contrary hereof in any wise notwithstanding.

This Court grant liberty unto Jane Moss, administratrix on the estate of Mr. John Moss, late of Stratford, deceas'd, and John Thompson of said Stratford, to make sale of so much of the lands of the said deceas'd as may be sufficient to pay the sum of sixty-three pounds five shillings one penny, due from said estate more than the moveable part thereof amounts to, and the further necessary charge arising upon selling said lands, with the direction and approbation of the court of probate in the county of Fairfield.

Upon the motion of the inhabitants of Poquonnuck in Windsor, moving that they may have the liberties of a society: Resolved, that Messrs. Nathaniel Stanly, Ozias Pitkin and John Skinner, of Hartford, be a committee, at the cost of said inhabitants, to view said place, and consider of the circumstances of said place, and also the needful limits or bounds for said society, and make report thereof to the General Assembly in October next at New Haven, in order to their acting thereon.

Major John Clark of Seybrook moving to this Assembly that the line to divide the two training companies in Seybrook, viz. the majors company and the westward company, may be stated, he being the captain of the town company accounts it not proper as major of the county to transact in stating said line: Resolved by this Assembly, that the line between the

town and westward parish shall be the line between the said companies:

[420] Upon consideration of the petition from the inhabitants and proprietors of Voluntown: This Assembly do appoint Christopher Christophers, Esqr, Capt. William Clark, Mr. John Plumb, Mr. Joshua Hempstead and Mr. John Woodward, or any three of them, to repair to the town of Voluntown and view, state and ascertain the place for setting their first meeting-house. This* to be done at the charge of the petitioners.

Upon the memorial of the Reverend Mr. Thomas Towsey minister of Newtown: It is resolved by this Assembly, that the inhabitants of the town of Newtown, in compliance with their agreement with Mr. Towsey, shall pay to the said Mr. Towsey sixty pounds, as money, besides a reasonable consideration for his firewood, for the year 1723, which ended the 8th day of March last. And for the more effectual collecting and paying the aforesaid salary: It is enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, that the constable or constables of said town of Newtown shall make a rate of five pence on the pound on all the polls and rateable estate within the said town, and collect and gather the same, and pay it to the said Mr. Towsey at or before the third Tuesday in July next. And in case the said constable or constables shall not collect and pay the said salary as is directed and commanded by this act, and at or before the time herein specified produce a receipt of his having so done from the said Mr. Towsey to the Secretary of the Colony, the said Secretary, upon application made to him, shall issue out a warrant of distraint to the sheriff of the county of Fairfield, to distrain the said salary, or what shall remain unpaid of it, from the said constable or constables, in manner and form as the treasurer is impowred to do in case of the Colony rates not being gathered by the respective constables, with fifteen shillings more for the charge of this act, and other incident charges in granting and levying the said execution, requiring the said sheriff to pay the said salary, so distrained by him, to the said Mr. Towsey. And the Secretary is hereby commanded to send forthwith a copy of this act to Mr. Thomas Bennitt, justice of the peace in said Newtown, or any other justice of the peace in the county of Fairfield, who is also hereby required to cause the said con-

* I have substituted the word "This" for "on there," (which is the reading of the record,) on the authority of a copy of this act certified by Hez. Wyllys, Secretary, in *Ecclesiastical*, III., 161.

stable or constables to appear before him and communicate this order to them, and also be assisting to him or them, as shall be needful, by any necessary warrant or orders, in their executing the same.

An Act to prevent Encroachment on Highways or upon Common and Undivided Land.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, That if any person hath, within the space of fifteen years, taken, or shall take any part of any highway or common or undivided land into his field or inclosure, or erect any fence thereon in such manner that the said highway is streightned and made narrower than before, or any part of the common undivided land intrenched upon, the selectmen of such town where such offence shall be committed, or a committee ap-[421] pointed by such town for that purpose, || or a committee appointed for that end by the proprietors of the common or undivided land in such town, (which committees such town and also such proprietors are hereby enabled to choose,) or any three of the said proprietors in such town, are hereby directed and impowred to give notice or warning to the person or persons so offending, that if he or they shall not cause the said fence to be removed in such convenient time as they, the said selectmen or committee or committees or proprietors giving notice as aforesaid, shall set, not exceeding the space of one month after such notice or warning given, they, the said persons giving such warning as aforesaid, shall cause such fence to be pulled down.

Be it also enacted, That if such person or persons warned as aforesaid shall not cause such fence to be removed within the time so to be set and limited as aforesaid, it shall and may be lawful for the said selectmen or committee or committees, or the said three proprietors as aforesaid, and they and either of them are hereby impowred, to cause the said fence to be pulled down and removed. And if the person so offending shall presume to commit the like offence in the same place, he shall incur the penalty of ten pounds, to be recovered by bill, plaint, or information, by such selectmen, or committee or committees, or proprietors as aforesaid, who gave the said warning and caused such fence to be pulled down, in the county court of the said county where the said offence is committed, (in which tryals no appeals shall be allowed,) one half of which penalty shall be to the said prosecutors, together with the costs of prosecution, and the other half of said penalty shall be to the county treasury of such county.

Provided also, and it is hereby enacted, That if any person or persons, whose fence shall be pulled down as aforesaid, shall bring any action against those that pulled it down, as trespassing in so doing, such selectmen, or committee or committees, or proprietors as aforesaid, who caused the said fence to be pulled down, may plead the general issue, not guilty, and bring this act in evidence. And any person or persons who shall bring any such suit, if he or they shall not prove that the said fence stood well on the bounds of his or their land, or of their land for whom he holds the same, and so is not any encroachment on said highway or undivided land, verdict shall be given against him or them; and in case verdict be given against such person or persons, or such person or persons suffer themselves to be nonsuit, judgment shall be given against him or them for the defendants to recover double costs.

This Assembly do appoint Peter Burr and Christopher Christophers, Esq^{rs}, Capt. Samuel Mather, Mr. George Clark, Mr. Samuel Lynde and Mr. Robert Sylaman, to receive of and to sort the bills of credit in the treasurer's hands, and to make report unto this Assembly, what sums of said bills may be fit to be again put out, and what sums are defaced and worn out, that thereby this Assembly may make out proper orders for the disposing of such bills.

Upon the petition of Joel Northroup and Ruth, his wife, both of Milford, administrators on the estate of Rebekah Andrews, late of said Milford, deceas'd, desiring liberty to sell land to pay debts due from said estate more than the moveable estate amounts to: This Court grant liberty to the petitioners, by and with the advice of the court of probates in New Haven county, to sell so much land belonging to said estate, at a vendue, to the highest bidder, as will amount to the sum of seventy-three pounds two shillings and three pence, with necessary charges for selling the same.

On consideration of the petition of the inhabitants of the north part of Lyme and the south part of Haddam, and the representation made thereupon by the committee appointed in [422] October last to view the place referred to in it, as also || by the inhabitants of the towns of Haddam and Lyme: This Court concludes that, at present, the place which is proposed to be erected into a parish is not in fitting circumstances for such an establishment, and therefore dismiss the petition.

Upon the petition of Ezekiel Newton and Lydia Newton, both of Milford, praying they may be discharged from a four-fold assess:ment laid upon them by the listers of said Milford

for the last year for a negro boy, and shewing to this Assembly by doctor's certificate that by reason of lameness and disability he ought to be excused from paying any rates: This Assembly do discharge the said petitioners from paying any rates for the said negro boy for the year 1723, and they are hereby discharged.

Upon the petition of John Camp of Durham, desiring that he may be discharged from a fourfold assessment laid upon him by the listers of Milford for eight cattle, amounting to eighty pounds, and shewing to this Court that the said cattle was put into his list at said Durham: This Assembly do discharge the said John Camp from paying the country's part of the said fourfold assessment, and he is hereby discharged therefrom.

This Assembly do establish and confirm Mr. John Chester of Wethersfield to be Ensign of the first company or trainband in the town of Wethersfield aforesaid, and order that he be commissioned accordingly.

Pursuant to an order of this Assembly, we have sorted the bills of credit in the Treasurer's hands, and we find that there is six hundred ninety-nine pounds three shillings and nine pence of the rate bills for the last year which may be fit to put out again, and one thousand six hundred ninety-one pounds one shilling and three pence of said rate bills that are defaced and unfit for use, and two hundred twenty-one pounds one shilling and four pence $\frac{1}{2}$; old bills taken in by exchange.

May 27th, 1724.

Peter Burr,	Robert Silliman,	
C. Christophers,	George Clark,	Auditors.
Sam ^l Mather,	Sam ^l Lynde.	

Ordered by this Assembly, That the committee of auditors cause the said one thousand six hundred ninety-one pounds one shilling and three pence, and two hundred twenty-one pound one shilling and four pence $\frac{1}{2}$, consisting in bills defaced and unfit for use, to be destroyed; and they are hereby ordered to cause the said defaced bills to be burnt and utterly destroyed in their presence, and make report thereof to this Assembly.

Upon the petition of Samuel Carter of Norwalk, praying relief from a sentence given upon the law entituled An Act for the punishment of lying, by Capt. Samuel Hanford, one of the justices of the peace in the county of Fairfield: Resolved by this Assembly, that the whole matter shall be by said justice of the peace transmitted to the county court to be holden in the county of Fairfield in November next, where the matter shall be reheard and finally determined.

Upon the petition of the West Society in Wallingsford : It is granted and ordered by this Assembly, that it may and shall be lawful for the society of the parish aforesaid to levy a tax of one penny per acre annually, for the space of four years next coming, upon all the unimproved lands that is laid out within said society belonging to proprietors not living within said parish, except lands of the fourth division ; and an half [423] penny || per acre annually, for the term aforesaid, upon all the unimproved lands (belonging as aforesaid) of said fourth division ; and all the money hereby granted to said parish to be improved for supporting a minister settled according to the establishment of this government, and building a meeting-house in said society. And the collectors of the taxes of the said parish are hereby impowred to collect the same of the proprietors of the said lands, in such manner and form as other collectors are enabled by the law to do, whether the said proprietors dwell in said Wallingsford or in any other part of this government. And that the said parish for the future be called by the name of New Cheshire.

This Assembly do establish and confirm Mr. Isaac Johnson to be Captain of the company or trainband on the northwest part of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Sperry of New Haven to be Lieutenant of the company or trainband on the northwest part of the town of New Haven aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Wilcott of New Haven to be Ensign of the company or trainband on the northwest part of the town of New Haven aforesaid, and order he be commissioned accordingly.

Whereas this Court has been informed that several things are in much disorder in the North Parish in New London, and the money ordered to be raised there by sale of land and by a tax for four years on the unimproved land within said parish, as it has been last bounded by a line distinguishing it from the South Parish in said town, is in danger of being applied otherwise than the Court has ordered ; as also that a certain number of said North Parish got together on the 22d of this instant May and passed an order by vote that the clerk of said parish should transcribe into a new book all the votes that are entered in the book of records of said parish, excepting some, and that then all the votes and entries that have been made in the former book of records shall be consumed by fire, within the space of one month ; which unheard of attempt may be a great

prejudice and wrong to many: The Governour is therefore hereupon desired to direct and order the said clerk, that he keep the said book of records of said parish safe in his hands, as well after he has transcribed it as before, and not deliver the same into the hands of any person whatsoever to be burnt, consumed, destroyed or defaced; and that he take effectual care from time to time, to preserve the said book from all injury till he shall receive further order from the General Assembly. And the Governour is hereby desired to inspect the affairs of the said parish, and give direction and order that the money appointed by the General Court to be raised there on unimproved lands in said parish, or by the sale of any lands, should be applied to the pious uses referred to in the said orders of said Court, and to take care that the publick affairs of that parish may be carried on in the best and most orderly manner from time to time; and all persons concerned in or about them are to take notice hereof, and conform themselves accordingly.

Upon the petition of the inhabitants of New Milford, praying to be further enabled to support the ministry there: This Assembly do grant and order a tax to be leyed annually, for the space of five years, of six shillings and six pence upon each right of lands in said New Milford, and so proportionable for greater or lesser quantities of land lying in said town. And [424] Nathaniel Bostick || of said New Milford is appointed and fully impowred to gather and collect said tax; and the said Bostick is directed in the gathering said tax, to observe those rules already provided in the law for collecting rates for the support of the ministry; and the said tax shall be yearly paid in for the support of the ministry in said town.

On the petition of the executors of John Elliott, Esqr, v. Samuel Forward, jun., of Symsbury, shewing that an action of trespass was brought by them against said Forward for taking from them a certain quantity of their iron oar in Windsor, and that the said Forward, being a minor, pleaded in abatement of the writ, that it did not declare the said boggy oar to be in the possession of the said executors; and also pleaded in bar, that being a minor he was not suable for such tort; and the court judged the said writ should abate: but the record not expressly declaring on which of those pleas the said judgment for abatement of said writ did pass, the Court have thereupon considered both, and are of opinion, that the said oar being to the said executors a chattel personal severed from any estate of freehold in said land, and there being no law requiring the possession of it to be declared in such an

action beyond what is done in the writ, which declares, viz. that it was taken from them in such a place, the writ ought not to be abated upon that plea. And for the second plea, viz. that a minor is not suable for any such wrong, supposing it to intend by himself only, but must be sued by his guardian; the law is otherwise. For thô the law allows minors in such actions to answer by their guardians, yet theres no law requiring them to be sued by their guardians, which may be utterly impossible to be known or done by the plaintiff. The minor who pleads nonage knows whether he has a guardian or no: if he has, he may bring him into court and desire to be heard by him, and shall be heard by him; or if he has none, he may desire the court to appoint him one, which they should do: but it can by no rule be any fault in the plaintiff's writ, that the minor's guardian is not mentioned in it. For this reason also the said writ ought not to be abated. Wherefore, this Court reverse the said judgment for abating said writ, and order that the said executors shall have the tryal desired at the superiour court to be holden at Hartford in September next.

On consideration of the petition of Solomon Dunham *v.* Hezekia Graham, &c., shewing that the said Dunham brought an action of debt on bond against said Graham, declaring in said writ the penalty and condition of said bond; and that notwithstanding the condition was not fulfilled, yet the said Graham refused to pay the penalty or sum forfeited, thô often demanded; which said plaintiff declares was to his damages a certain sum in money,—at a superiour court holden at Hartford, Tuesday, March 10th, 172 $\frac{3}{4}$,—and the said Graham pleaded in abatement, 1. That the plaintiff declared of a debt to the value of £46, money or grain, but demands only money, not according to bond. 2. The defendants are not described by the parish wherein they lived, but the town only. 3ly. The plaintiff hath not declared on an instrument under hand and seal of the defendants, essential to constitute a bond,—and the said court thereupon resolve that the said pleas are sufficient to abate the writ, and thereupon abated the same; which judgment the petitioner complains of is erroneous, and prays it may be reversed: The Court is of opinion, that the said judgment abating the writ is erroneous, for that none of the said reasons are sufficient to abate it;—for that the first is a mis-[425] take, since the plaintiff || by his attachment declares that the defendants, thô often demanded, had refused to pay the sum expressly mentioned in the penal part of the said bond, either in money or in grain, according to the writing

obligatory which the action of debt is grounded upon ; so that the demand appears to be the same what the writ declares to become due by the bond, thô the plaintiff lays his damages in money, which there is no law forbidding. 2. The place of the defendants is sufficiently declared in the writ by the name of the town where they live. 3ly. The plaintiff has declared upon an instrument under hand and seal of the defendants, thô not in terms yet in fact and reality, for a writing obligatory to pay a certain sum on the failure of conditions expressed in the same writing, as the plaintiff has declared in his writ, is in law and fact the same with a bond under hand and seal. It is therefore resolved thereupon, that the said judgment be reversed, and that the petitioner be admitted to a tryal at the next superiour court in Hartford.

Upon the petition of William Pratt of Seybrook, praying he may have liberty to keep a ferry over Connecticutt River, about five miles above Seybrook ferry, where he, said Pratt, liveth, which is allowed by this Assembly that said Pratt shall have liberty to keep a ferry at said place ; and said ferryman or keeper of said ferry shall be under the same regulations, restrictions and penalties, as is provided by the law of this Colony, page 34 and 35, and shall have for his fare, for horse, man and load, for the months of December, January and February, the sum of eight pence, and for the rest of the year six pence ; and for a single man four pence for the months of December, January and February, and three pence for the residue of the year. And that William Brockway of Lyme, who lives on the east side of the river over against the said Pratt, have liberty to keep or ply with a boat the same ferry, and transport persons and horses at the same rates.

This Assembly do appoint Peter Burr, Esq^r, to be Chief Judge of the Superiour Court for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^r, Jonathan Law, Esq^r, Mathew Allyn, Esq^r, and John Hooker, Esq^r, to be Assistant Judges of the Superiour Court for the year ensuing.

This Assembly do appoint Roger Wolcott, Esq^r, to be Judge of the County Court in Hartford county.

This Assembly do appoint the Hon^{ble} Joseph Talcott, Esq^r, to be Judge of the Court of Probate in the county of Hartford.

This Assembly do appoint James Wadsworth, Esq^r, to be Judge of the County Court in New Haven county.

This Assembly do appoint Mr. Warham Mather to be Judge of the Court of Probate in New Haven county.

This Assembly do appoint Christopher Christophers, Esq^r, to be Judge of the County Court in New London county.

This Assembly do appoint Christopher Christophers, Esq^r, to be Judge of the Court of Probate in New London county.

This Assembly do appoint Peter Burr, Esq^r, to be Judge of the County Court in Fairfield county.

This Assembly do appoint Peter Burr, Esq^r, to be Judge of the Court of Probate in the county of Fairfield.

[426] This Assembly do appoint Capt. William Clark to be Judge of the Court of Probate for the district of Windham.

This Assembly do appoint John Sherman, Esq^r, to be Judge of the Court of Probate in the district of Woodbury.

This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate in the district of Guilford.

This Assembly do appoint Capt. Aaron Cook, Capt. Samuel Mather, Mr. Nathaniel Stanly, Capt. David Goodrich, Capt. Thomas Judd, Mr. Joshua Ripley, Capt. Thomas Huntington, Mr. Michael Taintor, Capt. Thomas Gates, Capt. James Wells, Capt. Joshua Robbins, Mr. Samuel Humphreys, Capt. Thomas Ward, Mr. Thomas Kimberly, Capt. William Wadsworth, Mr. Samuel Humphreys, son of John, Mr. Joseph Strong, Capt. Ozias Pitkin, and Capt. John Marsh, to be Justices of the Peace for Hartford county.

This Assembly do appoint Capt. Aaron Cook, Capt. Samuel Mather, Mr. Nathaniel Stanly and Capt. David Goodrich, to be of the Quorum in the county of Hartford.

This Assembly do appoint Mr. Warham Mather, Mr. Samuel Bishop, Capt. Samuel Clark, Mr. James Hooker, Col^o Ebene^r Johnson, Capt. Thomas Yale, Capt. Nathaniel Harrisson, Mr. Edward Barker, Capt. Andrew Ward, Capt. Joseph Whiting, Capt. Janna Meiggs, Capt. John Riggs, and Mr. Samuel Brunson, to be Justices of Peace in New Haven county.

This Assembly do appoint Mr. Warham Mather, Mr. Samuel Bishop, Capt. Samuel Clark, and Mr. James Hooker, to be of the Quorum in the county of New Haven.

This Assembly do appoint Capt. Richard Bushnell, Capt. William Clark, Mr. John Plumb, Mr. Jonathan Prentts, Mr. Nehemiah Smith, Capt. Timothy Pierce, Mr. Samuel Lynde, Mr. Abram Pierson, Mr. Daniel Buckingham, Mr. Moses Noyes, Mr. Daniel Palmer, Capt. Thomas Noyes, Mr. John Brown, Capt. John Sabin, Capt. Joseph Addams, to be Justices of the Peace in New London county.

This Assembly do appoint Capt. Richard Bushnell, Capt.

W^m Clark, Mr. John Plumb, Mr. Nehemiah Smith, Mr. Jonathan Preutts, Capt. Timothy Pierce, and Mr. Samuel Lynde, to be of the Quorum in the county of New London.

This Assembly do appoint Joseph Curtice, Esq^r, John Sherman, Esq^r, Mr. James Bennitt, Major John Burr, Mr. Joseph Bishop, Capt. Joseph Platt, Capt. Samuel Peck, Mr. Ebenz Mead, Mr. John Gregory, Capt. John Hawley, Capt. Joseph Minor, Capt. Samuel Hanford, Mr. Richard Osborn, Mr. Thomas Bennitt, Capt. Moses Dimond, Capt. Samuel Couch, to be Justices of the Peace in Fairfield county.

This Assembly do appoint Joseph Curtice, Esq^r, John Sherman, Esq^r, Mr. James Bennett, Major John Burr, Mr. Joseph Bishop, Capt. Joseph Platt, to be of the Quorum in the county of Fairfield.

Whereas the northern inhabitants of Lyme have by their petition represented to this Assembly the exceeding great difficulties they at present labour under, with respect to their attendance upon the publick worship of God, together with their earnest desire that this Assembly would concur with their brethren of the southern part of said Lyme in granting them liberty to be a distinct society: Be it therefore enacted [427] by the Governour, Council || and Representatives, in General Court assembled, and by the authority of the same, that the said northern inhabitants may, and they have henceforth liberty granted unto them to be a distinct society, with all the rights and privileges common to a society, and that the dividing line between the said north and south society shall begin by the cove at the north-west corner of Lt. Richard Lord's farm on which he now dwells, and run from thence by said farm and Thomas Lord's farm easterly, then more southerly, taking into said North Society Joseph Ransom's farm, then easterly to the middle of the pond called Rogers Pond, (including the farms of Peter Pierson and John Mack in said North Society,) from thence easterly to the line of the East Society in Lyme, at the north end of Aaron Huntley's farm, then northerly by said East Society line to the extent of Lyme bounds, from thence to Connecticutt River; bounded partly by Colchester and part by East Haddam lines. Always provided, that the inhabitants of the North Society shall pay their proportion in common with the rest of the inhabitants of the old or Western Society in Lyme towards the maintenance of the Revnd Mr. Noyes, during his natural life, and until they have an orthodox minister among themselves.

Upon the petition of Benjamin Denton and others of the

southwest part of Farmington :* Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that the petitioners and their neighbours within the following bounds be a parish, and they are hereby made so ; and the powers and privileges of a parish are hereby granted to them ; and their bounds shall include all that division of land called the division south of the reserved land, and the farms of Sam^l Stanly, Joseph Andrews, and of John Andrews son of Abraham, are hereby annexed thereunto ; which farms lye on the north side thereof and on the south side of the said parish. There is also annexed thereunto by the authority aforesaid, that tract of land between Farmington and Wallingsford, that is to say, so much of it as lyes east of the road between those two towns, and not to extend east further than the east end of the said division.

This Assembly do establish and confirm Mr. Jeremiah Chapman of New London to be Lieutenant of the first company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hough of New London to be Ensign of the first company or trainband in the town of New London, and order that he be commissioned accordingly.

Whereas the Assembly in May last did appoint and order a survey to be made of the western part or district of the North Parish in New London, containing several tracts of land belonging to particular persons, either by grant of the General Court or by some deed of the Indians having the native right of the same, and all the remaining parts not so belonging to particular persons, by such original grants of the General Court or deeds of Indians having the said native right, were purchased by Col^o John Livingstone, Capt. Robert Denisson, Mr. James Harriss, and Mr. Sam^l Rogers, as is set forth in said act : And whereas of the land so purchased by the said Livingstone, Denisson, Harriss and Rogers, two hundred and fifty acres has been already granted by said purchasers, or their assigns, to the Reverend Mr. James Hillhouse, the first and present minister of said parish, as the aforesaid act of the Assembly in May last does observe : And whereas by the said act it is further ordained, that upon the laying out two hundred and fifty acres more of the said purchased land to the ministry and other pious uses in the said parish, all the remaining parts of the said land purchased by the aforementioned pur-

* The memorialists call themselves "inhabitants of a place called Panthorn." *Ecclesiastical II.*, 299. Now, Southington.

[428] chases shall be and remain to the said purchasers, || their heirs and assigns forever : And whereas it is particularly provided in said act that the said two hundred and fifty acres last beforementioned should be laid out in such place or places of the said purchased land as the committee by the General Assembly appointed for regulating the affairs of said parish, viz. James Wadsworth and John Hall, Esq^{rs}, should approve of, which has not been strictly attended, yet, at the desire of said parish, a committee chosen by said parish for that end has seen the said two hundred and fifty acres laid out to said pious uses in said purchased land, by the county surveyour of said county where said parish lyes, assisted by chainmen sworn, and have made return thereof under their hands to this Assembly, and shewn that the said two hundred and fifty acres of land is so laid out to their entire satisfaction : Be it therefore enacted, that the said two hundred and fifty acres, so laid out to the satisfaction of the said parish committee, shall be esteemed and taken to be as full and perfect a compliance with the said act of the Assembly in May last as if it had been laid out in such place or places of said purchased land as the said Messrs. Wadsworth and Hall could or should have appointed and agreed to, or accepted and approved of, if they had been present at laying out of the same ; and that therefore all those parts and parcels of the said land lying within the bounds of New London in the west part or district of said parish purchased as aforesaid, as do not appear to belong to any other person or persons, use or uses whatsoever, by grant of this Assembly or by deed of the Indians as aforesaid, according to said act or any other acts of this Assembly, shall be esteemed, reckoned and taken to belong to the said purchasers and their assigns, as their free and proper estate of inheritance in fee simple. And it is hereby provided, notwithstanding anything contained in the foregoing act, that the school land in the west part of the parish referred to is no ways intended to be contained in said purchase, but is hereby excluded from said purchase and confirmed to the school, according to the settlement made by Messrs. Wadsworth and Hall aforesaid, bearing date Feb'y 22d, 1720-21.

Upon consideration of the petition of Isaac Hill *v.* Benjamin Hand : This Court is of opinion, that the law, title An Act for highways, pag. 51, the last paragraph thereof, pleaded by the defendant in the action of trespass in justification of his pulling down the fence complained of, thô it did not obstruct the use of or passage in the said highway, ought not to be taken as justifying him therein ; for that thô the setting up of fence one

foot, or even half a foot or less, on any highway is wrong, and ought not to be allowed, yet such an offence or wrong doing cant be conceived to be such a nuisance as that law allows every man to remove.

1. Because the nuisances there spoken of are such as are so set upon the highway as to be an annoyance or incumbrance to the use of the same, so that it cannot be improved by passing therein without difficulty or danger, which is absolutely necessary to render it *commune nocumentum*.

2. Because the nuisances there intended, as gates, bars upon or across a highway, are such as that law supposes the county court may allow of; whereas no county court has power to allow of such a pinching or narrowing any highway by taking part of it into the adjoining inclosure.

3. Because the nuisances there spoke of must be such as without dispute must be lookt upon a hindrance of the passage, [429] in which its next || to impossible for any man *sanae mentis* to mistake, or else the law would never have allowed every particular person that happens to travel in the road to be judge of it.

4. Because, to understand the nuisances intended in this law so as to allow every person when he pleases to pull down the fence of any inclosure or field of grain, which he can discover to entrench never so little on a highway, is of destructive consequence.

5. Because this law has no manifest appearance of punishing such as shall take in a part of the highway under a persuasion that such part does of right belong to them, but only to remove what obstructs the convenient passage in or use of highways, without claiming a property in any part of it.

Wherefore this Court reverses the judgment of the superiour court and ratify the judgment of the justices mentioned in the said petition, and grant costs to the petitioner, allowed to be £5 18s. 9d. *Ex. granted June 3d, 1724.*

An Act for better Regulating the Office of Sheriffs and Safe Custody of Prisoners.

Whereas many complaints have been made, and much wrong sustained, by reason of mistakes, neglects and failures in serving of writs and executing judgments of courts, or levying executions: For the better regulating those affairs, and to prevent such injuries for the future,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of August next, no writ of execution wherein the original debt or damage exceeds the sum of ten pounds shall be served by any constable or his dep-

uty, but by the sheriff, or such as he shall depute for that end.

Be it also enacted, That from and after the said first of August next, no person shall be esteemed duly qualified to execute the office of sheriff or serve any writ as sheriff, unless he shall first be appointed by and become bound by recognizance before the Governour and Council, with two sufficient sureties, freeholders in this Colony, in the sum of two thousand pounds, to the treasury of the Colony, for the faithful administration of the said office and for answering all such damages as any persons may sustain by any unfaithfulness or neglect in the same; nor before such person has taken before the Governour aforesaid the oaths by law required of such as execute the said office; who shall thereupon receive a warrant or commission (expressing him to be qualified as aforesaid, signed by the Governour of the Colony for the time being, or in his absence by the Deputy Governour,) empowering him to execute the said office.

Be it also enacted, That sheriffs appointed, qualified and impowred by the Governour as aforesaid (or in his absence by the Deputy Governour) and Council, shall have the custody of the goals in their respective counties, and shall put in such keepers of the said goals as they see cause, and shall be responsible for all the damages that any person shall sustain by the escape of any prisoner out of said goal thro' the fault or by the connivance of such keepers, or any persons whatsoever having the charge of said goals under such sheriffs.

This Assembly do establish and confirm Mr. Elnathan Minor to be Lieutenant of the first company or trainband in the town of Stonington, and order that he be commissioned accordingly.

[430] An Act in Addition to an Act made and passed by this Assembly at New Haven in October, 1722, in Emendation of an Act made and passed by this Assembly in October, 1721, entituled An Act for Incouragement of the getting Bay-Berry Tallow.

In which law it is provided, that whosoever shall gather any of said berries growing in any place in this government, at any time before the tenth day of September annually, shall pay two shillings and six pence per peck, and after that rate for a greater or lesser quantity: yet, notwithstanding said law, great quantities of said berries are gathered before said tenth of September; and yet such offenders are not brought to punishment, because of the difficulty of proving that the offender gathered said berries within this Colony:

Wherefore it is now enacted and declared by this Assembly and the authority thereof, That whatsoever person or persons

shall have any quantity of said berries found in his or their possession or custody, at any time before said tenth day of September, shall be adjudged guilty of the breach of said act of 1721, aforesaid, and shall suffer accordingly as is provided by said act, except said offenders when complained of shall prove that he or they gathered said berries out of this Colony.

Upon consideration of the representation made by several inhabitants of Branford, that the collectors of the minister's rate in said town having collected the sum of seventy pounds in bills of credit on account of said rate, and delivered the same to the selectmen of said town, who refusing to deliver the said sum to the Reverend Mr. Samuel Russell, minister of said town, on his tendering them a receipt in the words following, viz.: [Branford, March 30th, 1724. Then received of Nathaniel Johnson, Daniel Barker, John Linsley and Edward Frisbey, on account of my salary for the year 1723, the sum of seventy pounds bills of credit, By me, Samuel Russell.]—A copy of the said receipt was brought into town meeting in said town, and it was considered and voted there, that the said selectmen should deliver the said seventy pounds in bills of credit to the said Reverend Mr. Russell, and accept a receipt thereof in the said terms, which the said townsmen have still refused to do: Ordered, that the said selectmen, if they have not paid the said seventy pounds in bills to the said Reverend Mr. Russell before they are served with an attested copy of this order, signed by the Secretary and delivered to one of them, viz.: the aforesaid Johnson, Barker, Linsley and Frisby, by the present deputies of said town, that they, within six days after the delivery of this order as aforesaid, cause the said seventy pounds in bills to be paid to the said Reverend Mr. Russell, and accept of his receipt thereof in the terms aforesaid, together with twenty shillings in like bills of credit to one of the said deputies, viz.: Capt. Nath^l Harrisson or Mr. Edward Barker. to be returned to the secretaries office, as they will answer the contrary at their peril.

Upon the petition of Mathew Thompson of Stafford, praying this Assembly that he may have liberty to purchase three hundred acres of land belonging to the country, lying between Stafford and Ashford, bordering south upon Wellington, so [431] called: Whereupon this Assembly grants || to the said petitioner one hundred acres of land in that part of said lands next including his improvements, he, said petitioner, paying such price therefor as the committee shall set; which said

committee shall survey and lay out said hundred acres to said Thompson, on the condition abovesaid, and make return thereof to the Secretary of this Colony, who is hereby obliged to record the same ; and said Thompson shall have a patent under the seal of this Colony. The committee are, John Hall and Hez. Brainerd, Esq^{rs}.

Upon the memorial of John Hall, Esq^r., in behalf of himself and many others of the town of Wallingsford, shewing to this Assembly that himself and partners have subscribed to clear (at their own cost) the passage of New Haven East River, for carrying down said river such vessels as they shall build upon said river, and praying this Assembly that none may be allowed in any way to stop or obstruct said passage after they have so cleared the same :

Be it therefore enacted, by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, That if any person or persons shall wittingly and willingly stop or obstruct the passage of said river, in any place betwixt the mouth thereof and so far up said stream as shall be so cleared, by falling any tree or trees thereinto, or casting any other matter whatsoever thereinto, he or they shall forfeit the sum of twenty shillings, the one half to the complainer who shall prosecute to effect, and the other half to the county treasury of New Haven ; and also shall clear the same out of said river, or pay the cost of clearing the same as shall be allowed by an assistant or justice of the peace. And if any tree shall be felled as aforesaid, off any particular man's land into said river, the owner of said land shall be taken to have felled the same, unless the said owner shall positively affirm before the authority before whom he shall be called, that he did not, directly or indirectly, fell said tree, nor consent it should be felled. Any one assistant or justice of the peace, other than such as shall be concerned in clearing or using said passage as aforesaid, to hear and determine all offences against this act.

An Act in Addition to the Law titled Rates, that
Part of said Law which respects the Choosing of
Listers, viz.:

Whereas in the law, page 100, it is enacted that each town at their annual meeting shall choose three or four of their inhabitants to be listers,

It is now enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That each town shall choose such a number of their inhabitants to be listers as they shall think fit, not exceeding nine ; and each person so chosen shall be sworn to a faithful

discharge of their office, as the law directs, or suffer the penalty for their refusing, as in the case of refusing of a town office.

An Act for better Securing our Frontiers against the Skulking Parties of Indians.

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no Indian be allowed to hunt or travel, or be in the wilderness or woods, east of Ousatunnuck River, westward of Connecticutt River, southward of the dividend line between this Colony and Province of Massachussetts, northward of the [432] road || that goes thro' the towns of Farmington, Waterbury, Woodbury, New Milford, Danbury, and Ridgefield, till further order; and that notice thereof be given, by direction from the Governour and Council, to all the Indians, not only within the Colony, but at Owsatunnuck or any neighbouring place, that whatever Indian be found within those limits, without leave or order from the Governour and Council, or the Committee of War at Hartford, will be reputed an enemy.

It is also hereby resolved and enacted, That whatsoever person or persons shall kill any of the Indian enemy within the limits aforesaid, or of this Colony, or out of the said limits upon pursuit of the said enemy so chased out of the said limits, and produce the scalp of such Indian enemy to the Governour and Council, or to the said Committee of War, shall immediately be paid out of the publick treasury the sum of fifty pounds in the bills of credit of this Colony.

It is also enacted by the authority aforesaid, That all able-bodied Englishmen who shall offer themselves as volunteers to serve as a marching party, or ranging scout, either entire or by division, to scour the woods as far north as Ousatunnuck, and be improved in that service, according to the scheme for protecting our west and northern frontier proposed by the Governour, shall be allowed for their wages and subsistence the sum of four shillings *per diem*, finding themselves with arms and ammunition.

This Court, on consideration of the motion of the Deputies of New London, moving for assistance to the compleating the finishing of a court house, which they have raised in said town, of fifty feet in length and twenty-five feet in breadth, and provided several things towards the finishing of it for the use of the superiour and inferiour courts holden for the county of New London in said county town, which for want of a convenient room have been used to sit, under great inconveniences, in taverns, have resolved: and it is hereby resolved and enacted, by the Governour, Council and Representatives,

in General Court assembled, and by authority of the same, that the county court of said county, calling in the justices of said county and taking their advice, shall levy a county rate, not above three hundred pounds by the list of the last year, to provide for the decent finishing of said house, and cause the same to be applied faithfully thereunto.

Upon the petition of the inhabitants of Tolland, praying to be further enabled to support the ministry among them, finishing of their meeting house: This Assembly do grant a tax to be levied annually, for the term of four years, of eight shillings on each hundred acres of land, and proportionable for greater or lesser quantities, that is improved or unimproved, lying in said town. And Joseph Hatch of said Tolland is appointed and fully impowred to levy and collect the said tax; and he is hereby directed in levying and collecting said tax, to observe those rules provided in the law for collecting rates for the ministry and other town dues, and to improve the money he shall so collect to the uses above-said, and to no other use whatsoever.

Upon application to this Court, to encourage the building and finishing a meeting house in Providence, it is allowed that a brief be emitted for that end.

[433] This Assembly do establish and confirm Mr. Thomas Wells of Glassenbury, to be Captain of the company or trainband in the town of Glassenbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Northrup of Newtown to be Lieutenant of the company or trainband in the town of Newtown aforesaid, and order that he be commissioned accordingly.

An Act for Emitting Bills of Credit.

Whereas by an act of this Assembly, passed at New Haven in October 1722, intituled An Act for new imprinting four thousand pounds, there was ordered to be imprinted and signed by a committee appointed thereunto, of the bills of the publick credit of this Colony to the sum of four thousand pounds, of which sum there is still remaining in the hands of the committee for the signing said bills to the sum of six hundred and forty pounds: And whereas upon the auditing the publick accounts with the treasurer, the auditors have reported to this Assembly that there is drawn in by the rate, of good bills and fit for further service, to the sum of six hundred ninety nine pounds three shillings and nine pence; which bills they have received of the treasurer upon the account of the rate, and have since put them into the hands

of the treasurer for the further order of this Assembly, and have taken the treasurer's receipt for the same.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the committee appointed for signing said bills are hereby ordered to deliver the aforesaid sum of six hundred and forty pounds unto the treasurer, taking his receipt for the same. And the treasurer is hereby ordered and impowred to issue forth and emit the said six hundred and forty pounds, with the aforesaid sum of six hundred and ninety-nine pounds three shillings and nine pence, rate bills, delivered into his hands by the auditors as aforesaid, towards the payment of the publick debts and necessary charges of this Colony, upon such orders as he shall from time to time receive according to law.

And it is further enacted by the authority aforesaid, That, as a fund or security for the repayment and drawing in said bills into the treasury again, this Assembly grants a tax or rate of one thousand four hundred and six pounds three shillings and nine pence, to be levyed on the polls and rateable estate within this Colony; to be paid into the treasury at or before the twentieth day of May which will be in the year 1730; which said rate shall be paid in the bills of publick credit of this Colony, to be received into the treasury at twelve pence upon the pound advance, or in money as it generally passeth currant in the country at the time of payment, and in no other manner.

Resolved by this Assembly, That the oaths provided by act of Parliament instead of the oath of allegiance and supremacy, and the declaration against transubstantiation, and the abjuration of the pretender, shall be made and taken by all the members of this Assembly, and by all persons who are or may be chosen on the annual days of election to the office of governour, deputy-governour, assistants, secretary, treasurer, and by all justices of the peace, sheriffs and their deputies, before they shall be admitted to discharge the service belonging to their place, office or trust.

[434] This Assembly do order and appoint Mr. John Edwards (who lives near to it) to have the care and inspection of the court house in Hartford, to see to the keeping the doors closed and lockt at all times, except when some publick business of this Colony calls for their being opened; and also he is hereby ordered and impowred to get the glass, and all other breaches that may happen to said house, to be repaired, and to put and keep them in repair and good order. And it

is further enacted, that all the officers that tend the courts there kept shall, speedily after the rising of said courts, lock the doors of said house and deliver the keys belonging thereunto to the said Edwards; and the said Edwards shall have his just recompence paid him out of the publick treasury by order of law. And if any of the officers of any court shall neglect locking said doors, according to the aforesaid order, and any damage shall thereby accrue to said house, said officer shall pay double the damage so done, one half to him that prosecutes the matter against him or them to effect, and the other half to the publick treasury of this Colony. And it is further enacted, that if any person or persons break into said house, or be found in said house in the night season, and any of the doors or windows of said house are opened by them without liberty of the authority or the keeper of the keys, such person or persons so offending shall be held guilty of burglary, and shall be liable to be prosecuted and punished accordingly. And the keeper of the keys of said house is to take notice thereof, and of this whole act, and endeavour to prosecute all breaches thereof to full effect.

An Act against Counterfeiting the Bills of Credit.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, That whosoever shall presume to forge, counterfeit, alter or utter, any bill or bills of credit of this Colony, or of the bills of credit of the Provinces of the Massachusetts Bay, New Hampshire, New York, Rhode Island, and the New Jerseys, knowing them to be such, that now are or hereafter [shall] be by the law established, either in this Colony or either of the aforesaid Provinces; or that shall council, advise, procure or anyways assist in the forging, counterfeiting, imprinting, stamping, altering or signing of any such false bill or bills, knowing them to be such; or engrave any plate, or make any other instrument to be used for that purpose, every person or persons so offending, being thereof convicted before any of the superiour courts in this Colony, shall be punished by having his right ear cut off, and shall be branded on the forehead with the letter C, and be committed to a workhouse and there to be confined to work under the care of a master till the day of his death, and never to depart from said house without special leave from this Assembly, under the penalty of being severely whipt; and that all the estate of any person offending as aforesaid shall be forfeited to this government. Also the person so offending as aforesaid shall be forever debarred of any trade or dealing within this Colony in any wise, upon the penalty of being severely whipt.

This Assembly grants Mr. Agent Dummer, for his salary for this present year, the sum of one hundred pounds, to be paid out of the publick treasury in bills of credit.

[435] This Assembly grants liberty to Jonathan Smith of Wethersfield, to set up a ferry across Connecticut River at Rocky Hill in Wethersfield aforesaid. And this Assembly do now resolve, that the fare of the said ferry for the future shall be four pence money, for each man and horse and load, and two pence for each single person, or single horse; any former law, usage or custom to the contrary notwithstanding. And it is hereby further resolved, that if any person or persons whatsoever (who shall for the future have and keep the said ferry) shall demand and receive any more than what is hereby allowed them, he or they shall suffer the like penalty as is provided by the law of this Colony intituled An Act for regulating ferries, against such as take or receive more than their allowed fare.

A List of the Additional Estate returned to this Assembly, to be transmitted to the Treasurer and added to the List of Estates delivered in to this Assembly in October last.

Addition.			Fourfold Assessments.				
	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford, -	945	14	9	Seybrook, -	248	00	00
Woodbury, -	132	14	0	New London, -	2575	02	00
Farmington, -	431	13	0	Danbury, -	335	00	00
New London, -	476	15	0	Killingsworth, -	40	00	00
Windsor, -	329	15	0	Lyme, -	771	00	00
Stonington, -	541	01	6	Haddam West, -	28	02	00
Danbury, -	27	04	0	Greenwich, -	216	00	00
Killingsworth, -	13	17	0	Midletown, -	39	12	00
Haddam West, -	93	00	0	Norwich, -	491	18	00
Midletown, -	5	00	0	Groton, -	572	08	00
Norwich, -	12	06	3	Lebanon, -	31	10	00
Groton, -	90	00	0	Fairfield, -	423	08	00
Stratford, -	214	16	6				
Haddam East, -	242	00	0				
Fairfield, -	171	05	6				

To the Honourable General Assembly of his Majesties Colony of Connecticut,

According to your appointment, we, the underwriters, having the assistance of Mr. Jonathan Burnham, surveyour, with all the parties concerned, (our chainmen being under oath), have run out the lines of the three mile lots that were in dispute in Glassenbury, (and have also sufficiently bounded said lots,) viz., the line between the lot belonging to the heirs of

William Miller and the heirs of Capt. Joseph Mawdsley, and the line between the said Mawdsley's heirs and Jonathan Hale, and the line between said Hale and Abraham Kilborn, and the line between said Kilborn and the heirs of John Chester, Esq., and the line between the said Chester's heirs and the heirs of Joseph Hills, and the line between Capt. Samuel Wells and Mr. Thomas Kimberly; which line we run and marked out one mile and a half, and no more. And we have, according to our instructions from your Honours, considered the damages that some persons concerned in said lines have sustained by being removed from their improvements, &c., and are of the opinion that Jonathan Hale ought to pay to the heirs of Capt. Mawdsley, for part of an orchard that said heirs are put off from, which now goeth to said Hale, the sum of thirty shillings; and that Abram Kilborn [436] pay unto Jonathan Hale || for dunging some land, and clearing land, and for sundry apple trees planted by said Hale's predecessor, (all which are now like to be to the advantage of said Kilborn,) the sum of five pounds; and that the heirs of John Chester, Esqr., pay unto Abram Kilborn, for clearing land which said Kilborn now loseth the benefit of and it falleth within said Chester's lot, the sum of five pounds. And we must further recommend to your Honours, that there may be some care taken that the parties for whom we have done said service may be obliged to pay their proportionable part of the same, the account whereof we are ready to produce. All which is submitted to your Honours consideration by your very humble servants,

James Wadsworth, John Hooker, David Goodrich.

The within named James Wadsworth, John Hooker and David Goodrich, having laid before this Assembly their doings respecting the three mile lots in Glassenbury, the same is accepted, ratified and confirmed by this Assembly. And if the parties concerned in the said lots do not, within one month after the rising of this Assembly, pay their proportion of the charges arising upon said service, and also the several sums mentioned in the doings of the said James Wadsworth, John Hooker, David Goodrich, an account whereof hath now been laid before this Court, that then, at the desire of Capt. David Goodrich, the Secretary shall grant out execution, directed to the sheriff, for the levying such part of said charges that shall then remain unpaid; and the money to be delivered to said Goodrich, who is hereby ordered to deliver said money he shall so receive to the persons to whom it doth of right belong for their particular services done on the within-mentioned affair, and the rest of the persons owners of

the lands within mentioned, according to the orders and conclusions of said committee; saving to any partner aggrieved by running the said lines, or any of them, that they, at their cost, may have liberty to call out the said committee again, between this Assembly and the sessions of this Assembly in October next, to redress the said grievance and rectify the same, and afford such relief as they shall think just. Provided also, that this saving shall not be any hindrance to the Secretary his sending out execution for the past cost and sums of money allowed as is above expressed.

Isaac Hinsdall of Hartford shewing to this Assembly that he is (by the providence of God) a cripple and very infirm, praying this Assembly that he may therefore be released for the future from paying publick taxes: This Assembly grants the prayer of the petitioner, and release him and his estate from paying taxes accordingly.

Upon the prayer of John Hotchkiss, for himself and the rest of the inhabitants in the parish of Cheshire in the town of Wallingsford: This Assembly grants that a small peice of land lying between the original bounds of the towns of Farmington and said Wallingsford, and adjoyns to the said parish in part, and lyes west of the country road from said Farmington to said Wallingsford, shall be annexed to the said parish, Cheshire, and the same is hereby annexed.

The petition of the administrators of Abram Weed *v.* Jacob Moon is continued by the allowance of this Assembly until the sessions of this Court in October next.

A Question concerning proprietors to be resolved by this Assembly is referred to a consideration in October next.

[437] This Assembly grants to the Hon^{ble} Joseph Talcott, Esq^r, the sum of twenty-five pounds for his service as Deputy Governour last year, to be paid out of the publick treasury.

This Assembly grants Mr. Speaker, for his service this present session, the sum of thirty shillings.

This Assembly grants the Clerk of the Lower House, for his service this present sessions, twenty-five shillings.

This Assembly grants Thomas Hickcocks of Waterbury, for his service in disposing of the countrys corn in said town and returning the money into the treasury, the sum of ten shillings.

Cost allowed Elizabeth Strickland against Mr. Timothy Woodbridge, for her attendance and charges at this Assembly to answer the petition of said Woodbridge, which was negatived, is £1 3s. 0d.

Cost allowed Solomon Tracy against Joseph Tracy, for attendance and charges at this Assembly to answer the petition of said Joseph Tracy, which was negatived, is £1 11s. 10d. *Ex. granted June 19th 1724.*

Cost allowed Robert Allyn against Joshua Bill, for attendance and charges at this Assembly to answer the petition of said Bill, by him withdrawn in court, is £2 5s. 2d. *Ex. granted April 20th 1725.*

Upon consideration of the petition of Thomas North *v.* Thomas Hancox: This Assembly grants the petitioner a new trial of the action referred to, at the superiour court to be holden at Hartford in September next, which trial shall be a final determination of said action: and that the whole cost follow the judgment of said court.

It being moved by the Deputies of Woodbury, in behalf of the proprietors of said town, that a patent of all the lands lying within an additional grant made by this Assembly May 13th 1703, and surveyed by order of this Assembly Octo. 10th 1723, be confirmed by this Assembly, and signed and sealed by the Hon^{ble} the Governour and the Secretary: This Assembly grants that the same be executed accordingly.

It being moved, in behalf of the proprietors of the town of Litchfield, that a patent for all the lands within the grants of said Litchfield be confirmed to said proprietors by this Assembly, and signed and sealed by the Hon^{ble} the Governour and the Secretary: This Assembly grants that the same be executed accordingly.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, That this Court be adjourned to such time as the Governour, or in his absence the Deputy Governour, shall see meet to call the same together again. And, for conveniency of several members of this Court who live remote, and that they may within the present week have sufficient time to return home: It is ordered that his Honour the Deputy Governour, Mathew Allyn, Roger Wolcott, and John Hooker, Esq^{rs}, Capt. Joseph Whiting, Capt. David Goodrich, Capt. Wm. Wadsworth, Mr. Thomas Kimberly, and Mr. Thomas Seymour, be a committee who shall stay after the Court is up, and inspect and take care that the several acts of this Court be truly and exactly entered on the records.

The Acts of the Assembly, as they stand recorded in the preceding pages, was read in the presence of the aforementioned committee, except Capt. Whiting, and by them ordered to be signed.

HEZ. WYLLYS, Secretary.

The Hon^{ble} Gurdon Saltonstall, Esq^r, Governour, Joseph Talcott, Esq^r, Deputy Governour, the Assistants and Deputies present at this Assembly, took the oaths appointed in the room of the oaths of allegiance and supremacy, and also took the oath of abjuration, and made the declaration against popery.

[231] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, MAY 21ST, ANNO DOMINI 1724.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
The Honourable Joseph Talcot, Esq., Deputy Governour.

Peter Burr,	} Esq ^r s, } Assistants.	John Hall,	} Esq ^r s, } Assistants.
Mathew Allyn,		Chri-topher Christophers,	
Roger Wolcot,		Hezekiah Braynard,	

Upon information by a letter from Lt. John Buel of Litchfield, of the 20th instant, that on the night before a small party of the Indian enemy were discovered lurking about that town,

Resolved, That thirty-two able-bodied men be immediately raised and furnished with arms and ammunition, and marcht without delay to the town of Litchfield.

Ordered, That eleven of the said men be raised out of Hartford, eleven out of Weather-field, and ten out of Farmingtown, and put under the command of a lieutenant, who is to make one of the said number, and to advise with and be directed by the chief commission officers of the said town of Litchfield, in ranging and scouting in the woods thereabouts, for a week or ten days, and make such further discoveries of the said enemy as possibly they can.

[232] *Ordered*, That Ensign William Gailer of New Milford go forthwith to Way-a-tuck, to gain intelligence, and return as soon as may be.

AT A MEETING OF THE GOVERNOUR AND COUNCIL AT HARTFORD, JUNE 1ST, ANNO DOMINI 1724.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
The Honourable Joseph Talcot, Esq., Deputy Governour.

John Hamlin,	} Esq ^r s, } Assistants.	James Wadsworth,	} Esq ^r s, } Assistants.
Peter Burr,		John Hall,	
Mathew Allyn,		Hezekiah Brainard,	
Roger Wolcot,		John Hooker,	

It being made apparent that Benjamin Judd hath informed against Ephraim Shevie, for that the said Shevie did counterfeit the publick bills of credit, contrary to the laws of this Colony, whereupon the said Ephraim Shevie hath since been taken and convict of said crime.

whereby the reward of twenty pound is due to said informer, to be paid him out of the publick treasury : It is thereupon resolved, that the secretary shall sign a warrant, in the name of the Governour and Council, upon the treasurer, to pay the sum of twenty pound out of the treasury to the said Benjamin Judd, for his service aforesaid.

Resolved, That immediately ten men shall be impressed and fitted with arms and ammunition, and sent to Litchfield, there to serve under the command of Capt. John Mash, for the defence of said town against the enemy, until further orders from his Honour the Governour or the committee for the war, and that the major of the county of Hartford take care that this order be speedily executed.

Mr. Richard Christophers, jun., of New London, was propounded to be Sheriff of the county of New London, and approved.

[233] Mr. Joseph Pitkin propounded to be Sheriff of the county of Hartford, and approved.

Mr. John Trowbridge propounded to be Sheriff in the county of New Haven, and approved.

Mr. Jonathan Sturgis propounded to be Sheriff in the county of Fairfield, and approved.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JUNE 27TH, ANNO DOMINI 1724.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
Christopher Christophers, Esq., *Assistant*.

Jonathan Prentiss, } Esq's, John Picket,
John Plumbe, } *Justices*. Richard Christophers, jun.

Upon consideration had that the ferry between New London and Groton has been very ill attended, and that if a ferry-boat were appointed to be kept on each side of the river, it would be a great encouragement to travellers, and render the ferry more considerable,

Resolved, That the Council on the 15th day of July next will take the state of the said ferry into their consideration, and that the selectmen of New London attend the Governour and Council on the said day, at the house of Christopher Christophers, Esq., in New London, at two of the clock afternoon, to give an account of the present circumstances of the said ferry, that upon a view of them such order may be taken as shall be found proper, to render the ferry more useful, and to put it into such a condition that all passengers may be attended with more constancy and safety. And it is thereupon ordered, that no per-

[234] sons whatsoever presume to make any alterations of the || present circumstances of the said ferry, by selling, letting, or any other way disposing of it, before the 17th day of the aforesaid July next, that such orders as may be found needful to be given, for the better regulating and keeping of the said ferry, may in no wise be obstructed.

Ordered, That a copie of this resolve [be] attested by the clerk of the Council, and by him delivered to one of the selectmen of the said

town, at or before Monday next; and that the selectman to whom it shall be given, take care to acquaint the rest of the selectmen therewith.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD,
THE 8TH DAY OF JULY, ANNO DOMINI 1724.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.
The Honourable Joseph Talcot, Esq., Deputy Governour.

John Hamlin,	} Esq'rs, Assistants.	James Wadsworth,	} Esq'rs, Assistants.
Mathew Allyn,		John Hall,	
Roger Wolcot,		John Hooker,	
Jonathan Law,			

The letters and papers relating to the northern frontiers were read, and then the Council adjourned till to-morrow morning.

July 9th. Upon consideration of the letters from William Dummer, Esq., Lt. Governour of the Province of the Massachusetts Bay, of June 9th and 24th, and July 3d, and of letters from Coll. Partridge at Hatfield, it appears that there is at present no reason to apprehend any danger of any considerable body of the Indians attacking any town in the northern frontier, on Connecticut River, in the county of Hampshire, but only of small parties to surprize men at work in their field: Whereupon it is resolved, that the party which marched thither under the command of Capt. Walter Butler, on the 5th instant, should be made up eighty men, English and Indians, to be improved in guard-[235] ing and || scouting in that frontier, according to such orders as may be given them, and that they be made up to that number with all possible expedition. That the detachment of two hundred men in the towns of Hartford, Windsor and Weathersfield, be kept in constant readiness to march into the county of Hampshire, in case of news that any body of Indians may design to make an impression on that frontier; and that those belonging to that detachment now in that county be ordered by the Deputy Governour to return, as soon as the English and Indians now at Hartford, which are ready to march into the said county of Hampshire, be arrived there.

Resolved, That sixteen pounds be delivered by the treasurer to Capt. John Marsh of Litchfield, to purchase provision in readiness that the scout, and garrison souldiers, in the western frontier may be supplied; and said Capt. Marsh is hereby ordered to purchase the necessary provision, and furnish said garrison souldiers and the scout therewith, keeping an exact account of those provisions which shall be distributed among the scout, charging what is delivered to each man, to his account, making return thereof to the Deputy Governour that it may be deducted out of his wages; as also keeping a like account of what is distributed to such as billet the garrison souldiers, and return the same accordingly, that it may be deducted out of their respective debentures.

In consideration of the frequent alarms in our frontier, made by Indians discovering themselves to the surprize of people, and sometimes by firing of guns, which may happen by Indians in amity, hunting in those parts: It is resolved, that no Indian shall hunt in the frontier of this Colony north of the path from Farmingtown to Hartford, and north of the path from Hartford thro' Bolton and Coventry to Woodstock, till further order; and that notice be given hereof to all neighbouring Indians, that if they be found in those northern woods they will be taken for and dealt with as enemies; and that Coll. Chandler of Woodstock be desired by the Deputy Governour to acquaint the Wabaquasset Indians, who are understood to be under his direction and regulation, with this order.

Whereas there are nine Indians inlisted in the service of this government, which want guns and cant be furnished with them here, nor so well as by taking so many of the king's arms now in the keeping of [236] the Governour, at 40s. which when the service is over are to be received and preserved as the arms of the government; and the Governour hereunto consenting: Ordered, that the said nine guns be immediately sent for to New London, and marked with a mark for the Colony arms, and delivered to the Indians for their use, who are to return them, if not lost to the enemy, or have the value of 50s. deducted out of their wages for each.

AT A COUNCIL, JULY 10TH: PRESENT, THE SAME AS ENTERED BEFORE.

Forasmuch as the charges arising by the present defence of the frontier will probably require a considerable number of bills of credit to be emitted: It is therefore ordered, that a sufficient quantity of suitable paper, with ink, for taking off about 5 or 6000 pounds, be provided and had in readiness before the General Court in October next that such number of bills as that court shall see cause to emit, for the payment of the publick debts, may be immediately made and fitted for use.

Resolved, That the several accounts of charges for fitting out thirty-nine Indians in the Colonies service be examined, and orders made for the payment of what shall be found due upon them.

Upon consideration of the state of Litchfield, and that several who are proprietors of home-lots in that town get out of the way of attending the military watch in the said town: It is resolved, that by the law intituled An Act for regulating the militia, paragraph 27, all such persons are obliged to attend their duty on their turn, in the military watch there; and that Capt. John Marsh of the said town take effectual care that the said law be duly executed on all such persons as neglect their duty of watching in said town.

Resolved, That five hundred weight of good biskit be provided as soon as possible, and lodged in Hartford under the care of Capt. Nathaniel Stanley, for the supply of the scout, and others, that may be employed in the service against the Indians.

An account of service done by Joseph Trueman, constable of New London, for pressing of men and horses, dated June 24th, 1724, amounting to one pound fifteen shillings, was examined in Council, [237] || and all that was certain in it was reduced to five shillings, and an order made out for the said five shillings to be paid him.

An account of the salary to be paid to the gentlemen assistants, attending this week in Council, amounting to 6*l.* 18*s.* 0*d.* was examined and allowed, and an order made for the payment of it respectively.

A particular account of the charges in furnishing the Indians under the command at first of Capt. Butler, but now of Capt. John Williams. To expences in severals, as coats, shirts and breeches, &c. *l. s. d.*

furnished by Richard Christophers and Christopher Christophers, Esq's, and others, all entered in a book, wherein the several particulars are charged to the Indians respectively, and to be deducted out of their wages; all amounting to the sum of 78 <i>l.</i> 14 <i>s.</i> 3 <i>d.</i> received by the Governour, to be by him distributed to the persons to whom the money is due,	-	-	-	78	14	03
To Messrs. John Tyley and Thos. Collet, for ditto, charged in like manner,	-	-	-	21	05	00
To Mr. John Austin, for ditto, charged in like manner,	-	-	-	35	17	01
To the Governour,	-	-	-	6	16	10
To Thomas Couch, for mending arms,	-	-	-	1	00	00
To procure wheat for 500 wt. of bread,	-	-	-	7	00	00
To purchase paper, for taking off bills,	-	-	-	20	00	00
To the Governour, for nine guns, 40 <i>s.</i> each,	-	-	-	18	00	00
				<hr/>		
				£188	13	02

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD,
JULY 11TH, 1724.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Joseph Taleot, Esq., Deputy Governour.

Nathaniel Stanley, } E-sq's, Hezekiah Wyllys, Esq., *Secretary.*
Ozias Pitkin, } *Justices.* John Austin.

Mr. Joseph Pitkin of Hartford, being chosen and appointed by the Governour and Council to be Sheriff of the county of Hartford, accepted of said office, and presented himself in Council together with [238] the Reverend Mr. Timothy Woodbridge and Capt. || Ozias Pitkin of Hartford, gentlemen freeholders of said Colony, of good and sufficient estate, to become bound with him pursuant to an act of the Assembly holden at Hartford on the 14th day of May last, for his good administration in said office.

And the said Mr. Joseph Pitkin, Mr. Timothy Woodbridge, and Capt. Ozias Pitkin, do acknowledge themselves to stand bound in the sum of two thousand pounds to the treasury of this his Majesties Colony of Connecticut, that the said Joseph Pitkin shall well and truly perform

the duties belonging to the sheriff's office in the county of Hartford, and pay all damages which any persons may suffer by his unfaithfulness or neglect in the same.

Whereupon the oaths appointed instead of the oaths of allegiance and supremacy, and the oath of abjuration, were administered to the said Mr. Pitkin, and he made the declaration against transubstantiation.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD,
JULY 12TH, A. D., 1724.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

The Honourable Joseph Talcot, Esq., Deputy Governour.

Aaron Cooke, } Esq's, Hezekiah Wylls, Esq., *Secretary*.
Nathaniel Stanley, } *Justices*. John Austin.

Upon consideration of a letter from Capt. David Goodrich, dated July 11th: Concluded that the detachment under his command shall not be drawn off until some time next week.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON,
JULY 15TH, ANNO DOM. 1724.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq., Christopher Christophers, Esq., *Assistant*.

Jonathan Prentts, } Esq's,
John Plumbe, } *Justices*. John Picket.
Nehemiah Smith, }

[239] Pursuant to an act of the General Assembly held at Hartford, May 14th, 1724, intituled An Act for better regulating the office of sheriff, and safe custody of prisoners, Mr. Richard Christophers, jun., of New London, being nominated and approved by the Governour and Council at Hartford, on the first day of June last, to be Sheriff of the county of New London, he now appeared in Council with his sureties, Richard Christophers and Christopher Christophers, Esq's, and accepted of said office, and with his sureties afore-mentioned became bound in a recognizance as follows, viz:

Richard Christophers, jun., and Richard Christophers and Christopher Christophers of New London, Esq's, do acknowledge themselves bound to the publick treasurer of the Colony of Connecticut, in a recognizance of two thousand pound, that the said Richard Christophers, jun., shall be faithful in the administration of his office of sheriff of the county of New London, and answer all such damages as any persons may sustain by his unfaithfulness or neglect of the same.

Christopher Christophers, Esq., Assistant, Nehemiah Smith, Esq., Justice of the Peace, and Richard Christophers, jun., sheriff of the county of New London, appeared in Council and took the oaths ap-

pointed in the room of the oaths of allegiance and supremacy, and also took the oath of abjuration, and made the declaration against popery.

Pursuant to the order of Council of the 27th of June last, the Selectmen of New London appeared and informed this Board that the lease of the ferry would be up in September next, at the expiration whereof they would agree with two honest men to keep the said ferry, one of them on each side the river, and provide ferry boats of such dimensions as are usual on such occasions at the ferry of Winnesimit or Charlestown in the neighbouring Province of the Massachusetts Bay, and take effectual care that the said ferry shall be duly and faithfully attended: For the more effectual and certain performance and establishing whereof,

It is resolved and ordered, That from and after the expiration of the aforesaid lease, which will be on the first day of September next, [240] there shall be some suitable person or persons provided and agreed with, to keep and faithfully to attend the said ferry on each side the river between New London and Groton, at the known, ancient and common and stated ferry place or landing place in each of the said towns, which have been formerly and antiently appointed and used for that purpose; who shall be provided with good and sufficient boats and oars, such as are usual on the like occasions at the ferrys of Winnesimit or Charlestown in the Province of the Massachusetts Bay; that so all such passengers as shall have occasion to pass the said ferry, may meet with a speedy and safe conveyance.

Upon complaint made that divers persons in New London, instead of attending upon the publick worship of God on the Lord's day, frequent publick and other houses, and spend their time there in drinking and in a prophane manner: To prevent which,

It is ordered, That the constables of said town, commanding sufficient help to assist them, take their turns to search all such houses as are licensed to sell drink, or may be suspected so to do, and take such persons as they shall find in any such houses in the time of divine service, or afterwards, as are not constant lodgers in such houses, and take bond of them, with sufficient sureties, if need be, or otherwise commit them to prison, that they may have such persons the next morning before the next assistant or justice of the peace, to be dealt with according to law.

Ordered, That the Clerk of the Council give to each of the constables of New London a copie of this order.

And it is also resolved, That the civil authority in said town do, at such times on the Lord's day as they shall judge convenient, take such assistance with them as they shall see meet, visit the publick houses in said town, and take care that the orders provided by law, for regulation of such houses on the Lord's day, be duly attended there.

[241] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, JULY 31ST, 1724.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Christopher Christophers, Esq., *Assistant.*

John Pickett,

John Collins,

Caleb Leet,

Richard Christophers, Jr.

Mr. John Trowbridge of New Haven, being chosen and appointed by the Governour and Council to be Sheriff of the county of New Haven, accepted said office, and presented himself in Council together with Mr. John Collins and Mr. Caleb Leet of Guilford, freeholders in the county aforesaid, of good and sufficient estate, to become bound with him, pursuant to an act of the General Assembly holden at Hartford on the 14th day of May last, entituled An Act for better regulating the office of sheriff and safe custody of prisoners.

And the said John Trowbridge, John Collins and Caleb Leet, do acknowledge themselves to stand bound in a recognizance of two thousand pounds to the treasurer of this his Majesties Colony of Connecticut, that the said John Trowbridge shall well and truly perform the duties belonging to the sheriff's office in the county of New Haven, and pay all damages which any person or persons may suffer by his unfaithfulness or neglect in the same.

Whereupon the oaths appointed instead of the oaths of allegiance and supremacy, and also the abjuration oath, were administred to the said Mr. Trowbridge, and he made the declaration against popery.

The sheriff's oath appointed by the law of this Colony was also administred to the aforesaid Mr. Trowbridge, and to Mr. Richard Christophers, jun., who has been appointed sheriff of the county of New London.

Upon information that some enemy Indians were waiting for an opportunity to do mischief, not only in the frontier towns of New Milford, Litchfield and Symsbury, but also near the towns of Ridgefield, Danbury, (below New Milford,) Woodbury and Newtown, where our [242] friend Indians commonly hunt, who have not hitherto been || restrained from it, to the southward of the road from Farmingtoun through Litchfield to Danbury and Ridgefield, by reason of which those frontier towns are often alarm'd, and are put to great distress, not being able to discern the enemy by their tracks, or to distinguish between friend and enemy Indians when they meet them in the woods: And whereas the firing at deer, or other wild creatures, in and about those towns may do great damage, by making false alarms, and be otherwise of pernicious consequence at this juncture,

Resolved, That all persons whatsoever, English or Indians, as well those that are employed in the service against the enemy as those that are not, who shall, without a licence first obtained under the hand of the chief military officer of the county, presume to fire any gun or guns at deer or any other wild creatures shall be prosecuted as making a false alarm, and incur the penaltie in such case provided.

Forasmuch as it has been thought necessary, and resolved, that during the present time of danger in the western frontier no persons, ei-

ther English or Indians, shall be suffered to hunt, or fire any gun or guns at any deer or other wild creature, till further order: And whereas if any of our friend Indians should be found in the woods about those towns, (especially now, since all hunting is prohibited,) they may be taken for enemies and be in hazard of their lives: It is therefore ordered that notice hereof be immediately given to the Indians inhabiting on the west side of Connecticut River, by the chief military officer in the counties of Hartford, New Haven and Fairfield; and that they be warned not to venture from the usual places of their abode into the woods, unless in company with the English; to prevent false alarms, and to preserve them from the danger which, in so doing, they will be exposed to.

Resolved, That Major Peter Burr and Major Samuel Eells, and the gentlemen near them in civil and military command, consider whether the friend Indians in the western parts of the Colony, at New Milford, Po-ta-tuck, and elsewhere, (who are now restrained from hunting,) may not safely be employed, to the number of fourteen or fifteen, under the conduct of Lt. Gaylord of New Milford, or some [243] other suitable person, with two or three more Englishmen, || to range the woods to the northward of the western towns of the Colony, and endeavour to take a scalp of those enemy Indians that are sculking in that frontier; and that if they judge they may be trusted, they immediately form such a scout, and that blank commissions be for that purpose sent to them. The scout must be assured, that besides the stated wages there is fifty pound to be paid them for every scalp they bring in.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, AUGUST 5TH, 1724.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Richard Christophers, Esq,	Jonathan Prentts,	} Esq'rs, } <i>Justices</i> ,
Christopher Christophers, Esq., <i>Assist.</i>	John Plumbe, John Pickett.	

Forasmuch as it may be of great service to travellers, to have the house belonging to New London ferry, on the east side of the river, well provided for the entertainment of men, and with a good stable for horses: It is therefore hereby resolved, that the person keeping the ferry, on that side of the river, being a person capable to keep due order in a publick house, upon application to the county court, and becoming bound to keep good order in the said house, and engaging to make and keep good provision for men and horses there, shall have a licence to keep a publick in the said place.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, AUGUST 18TH, 1724.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Christopher Christophers, Esq., *Assistant*. Richard Christophers, jun. Jonathan Prentiss, Esq., *Justice of the peace*. John Richards. John Pickett,

[244] Mr. Jonathan Sturgis of Fairfield, being chosen and appointed by the Governour and Council to be sheriff of the county of Fairfield, accepted said office, and presented himself in Council, together with Mr. John Pickett and Mr. John Richards, freeholders in the county of New London, of good and sufficient estate, to become bound with him, pursuant to an act of the General Assembly, holden at Hartford the 14thday of May last, entitled An Act for better regulating the office of sheriff, and safe custody of prisoners.

And the said Jonathan Sturgis, John Pickett and John Richards, do acknowledge themselves to stand bound in a recognizance of two thousand pounds to the treasurer of this his Majesties Colony of Connecticut, that the said Jonathan Sturgis shall well and truly perform the duties belonging to the sheriff's office within the county of Fairfield, and pay all damages which any person or persons may suffer by his unfaithfulness or neglect in the same.

Whereupon the oaths appointed instead of the oaths of allegiance and supremacy, and also the abjuration oath, and the sheriff's oath appointed by the law of this Colony, were administered to the said Mr. Sturgis, and he made the declaration against popery.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW LONDON, AUGUST 31ST, 1724.

Present, The Honourable Gurdon Saltonstall, Esq., Governour.

Col. William Whiting,
Mr. Justice Prentiss,
Mr. Justice Plumbe.

Mr. John Pickett,
Mr. Richard Christophers, jun.,

The Governour being informed by letters from Capt. Williams, who commands a company of Mohegan Indians at Deerfield, that the Indians under his command are impatient to return and be at home, to gather their corn, according to what was proposed, and they it seems expected [245] ed: It was thereupon resolved, || that Capt. John Mason of Stonington, with two or three English men to accompany him, march as soon as may be with a party of Pequods and Nianticks, to supply the places of thoe Mohegan Indians that will not be perswaded to stay there till the leaves fall from the trees, so that the scalping parties of the enemy will be obliged to draw off from the frontiers. And in case any Indians that shall appear to march with Captain Mason have not firelocks, they shall be supplied out of the arms in the Governour's custody.

Ordered, That the Indians who march to Deerfield under the direction of Capt. Mason, serve in the stead of those of the Mohegans now there, who shall return home, and that they continue in the service under the command of Capt. Williams and Lt. Fitch.

[438] CONNECTICUTT }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN, IN HIS MAJESTIES COLONY OF CONNECTICUTT, IN NEW ENGLAND; ON THE 8TH DAY OF OCTOBER, IN THE ELEVENTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN &C., KING, ANNOQUE DOM. 1724.*

Present at this Assembly,

The Honourable Joseph Talcott, Esq^r, Deputy Governour.

John Hamlin,	} Esq ^{rs} ,	James Wadsworth,	} Esq ^{rs} .
Peter Burr,		John Hall,	
Samuel Eells,		Christopher Christophers,	
Mathew Allyn,		Hez. Brainerd,	
Roger Wolcott,		John Hooker,	
Jonathan Law,		Joseph Wakeman,	

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz :

Mr. Thomas Seymor, Mr. James Ensign, for Hartford.
 Capt. James Rogers, Mr. Solomon Coit, for New London.
 Mr. Steph. Whittlesey, Mr. Dan^l Buckingham, for Seybrook.
 Capt. Tho. Huntington, Mr. Tho. Storrs, for Mansfield.
 Mr. Sam^l Humphrey, Mr. John Case, for Symsbury.
 Capt. John Sabin, for Pomfrett.
 Capt. William Clark, Mr. John Woodward, for Lebanon.
 Capt. John Riggs, Mr. Joseph Hawkins, for Derby.
 Mr. Christoph. Huntington, Mr. Thomas Adgate, for Norwich.
 Mr. Izraiah Whetmore, Capt. William Savage, for Midletown.
 Mr. Joseph Strong, Capt. Sam^l Parker, for Coventry.
 Capt. Jonath. Hoitt, Mr. Jonath. Bates, for Stamford.
 Capt. Isaac Dickerman, Capt. John Munson, for New Haven.
 Major John Burr, Mr. Eben^z Wakeman, for Fairfield.
 Mr. Edmund Lewiss, Mr. John Wells, for Stratford.
 Mr. Nehem. Smith, Mr. Christoph. Avery, for Groton.
 Capt. Joseph Addams, Mr. John Dyer, for Canterbury.
 Capt. Thomas Gates, for Haddam East.

* The Journal of the Lower House is not found: that of the Upper House is imperfect, beginning with the latter part of the proceedings of October 14th, after the election of the governor and deputy governor had been made.

Mr. Caleb Leet, Mr. Joseph Stone, for Guilford.
 Mr. John Gregory, Mr. James Benidict, for Danbury.
 Mr. Daniel Palmer, Capt. Ephraim Minor, for Stonington.
 Capt. W^m Wadsworth, Capt. Joseph Hawley, for Farmington.
 Mr. John Lane, Capt. Josiah Stevens, for Killingsworth.
 Mr. Michael Taintor, Mr. Ephraim Wells, for Colchester.
 [439] Capt. Joseph Platt, Mr. James Lockwood, for Norwalk.
 Mr. James Reignolds, Mr. Gersh. Lockwood, for Greenwich.
 Capt. Natl^l Harrisson, Mr. Edward Barker, for Branford.
 Capt. John Fitch, Mr. Abell Bingham, for Windham.
 Mr. Tho. Hickeox, for Waterbury.
 Mr. George Clark, Capt. Roger Newton, for Milford.
 Capt. Sam^l Mather, Mr. Henry Wolcott, for Windsor.
 Mr. John Ctery, Mr. Wm. Marsh, for Plainfield.
 Mr. Tho. Whetmore, Mr. George Blanchard, for Kellingly.
 Col. David Goodrich, Mr. Edward Bulkley, for Wethersfield.
 Capt. Henry Crane, Mr. Thomas Lyman, for Durham.
 Capt. Reignold Marvin, Capt. John Colt, for Lyme.
 Capt. James Wells, for Haddam West.
 Capt. Theophilus Yale, Mr. Howkins Hart, for Wallingsford.
 Capt. Joseph Minor, Capt. William Preston, for Woodbury.
 Mr. Tho. Kimberly, Mr. David Hubbard, for Glassenbury.
 Capt. James Rogers, Speaker, } of the House of
 Mr. Tho. Kimberly, Clerk, } Representatives.

Whereas this Assembly did, in October 10th, 1698, enact and ordain that for the future this Assembly should consist of two Houses, and declare that no act proper for this Assembly should be done without the consent of both Houses, as they were then stated, formed and constituted: And whereas the proceedings of this Assembly agreeable to the aforesaid act, to fill up the vacancy made by the death of the late Hon^{ble} Governour,* has been hitherto obstructed by a majority of the Lower House dissenting from the vote of the Upper House passed for that end; it has been consented and agreed to, by a vote of both Houses, that rather than run the hazard of our charter, which at present depends on the life of one man, an act should be immediately drawn for the forming this Assembly into one House upon this special occasion, to be consented to by both Houses.

Be it therefore enacted and ordained by the Deputy Governour, Assistants and Deputies, in General Court assembled, and by the authority of the same, That for the election and choice of a Governour over this Colony until the annual

* Governor Saltonstall died of apoplexy, about noon on the 20th of September, 1724, in his 59th year.

election in May next by the freemen of this corporation, and to no other purpose or intent whatsoever, both Houses be resolved into one House, where the election shall be made by the Assembly in such manner and form as it might have been performed had the aforesaid act of separation into two Houses never been made; any law, usage or custom to the contrary notwithstanding.

And it is hereby further enacted, That immediately upon the finishing thereof, this Assembly shall be and remain in two Houses as before, according to the act aforesaid, and as tho' this act had never been made.

A Question preliminary, proper to the proceeding of this Assembly to the choice of a Governour,—Whether it be warrantable, expedient and safe, for this Assembly to proceed to the election of a Governour in such a manner as that the [440] choice may fall upon a gentleman || beside the consent of the Deputy Governour and all the Assistants: Resolved by this Assembly in the negative.

Resolved by this Assembly, That the Deputy Governour do immediately nominate a committee, which shall be approved of by this Assembly, to receive and sort the votes that shall be brought in for the election of a Governour; which committee shall take an account of the number of votes given in by the Assistants and Deputies distinctly, and make report thereof to this Assembly; and the person that shall have the major part of the votes of the said Assistants and Deputies respectively shall be the person elected Governour of this Colony till the annual election in May next.

John Hall, Christopher Christophers, Hez. Brainerd, Esq^{rs}, Major John Burr, Capt. James Rogers, Col^o David Goodrich, were appointed a committee by this Assembly, to receive, sort and count the votes of the Assistants and Deputies respectively, for the choice of a Governour; who were all sworn truly and faithfully to receive, sort and count the said votes.

The votes of this Assembly being given in, sorted and counted, the persons appointed for that service declared, that the Hon^{ble} Joseph Talcott, Esq^r, was chosen Governour of this Colony, to continue in that office till the annual election in May next; and the Governours oath was administered to him by the Assistants in the presence of this Assembly, and also the oaths required to be taken by all governours in and by an act of Parliament made in the seventh and eighth years of King William, relating to the Plantation Trade.

This Assembly choose and appoint the Hon^{ble} Jonathan

Law, Esqr, to be Deputy Governour of this Colony, to continue in that office till the annual election in May next; and the deputy governour's oath was administered to him by his Honour the Governour in the presence of this Assembly.

This Assembly do establish and confirm Mr. Stephen Howard of Windham to be Captain of the company or trainband in Windham village in the town of Windham aforesaid, and order that he be commissioned accordingly.

A List of the Persons brought in to this Assembly by the Nomination of the Freemen, to stand for Election in May next.

The Hon^{ble} Joseph Talcott, Esqr, the Hon^{ble} Jonathan Law, Esqr, John Hamlin, Esqr, Peter Burr, Esqr, Samuel Eells, Esqr, Mathew Allyn, Esqr, Roger Wolcott, Esqr, James Wadsworth, Esqr, John Hall, Esqr, Christopher Christophers, Esqr, Hez. Brainerd, Esqr, John Hooker, Esqr, Joseph Wakeman, Esqr, Capt. Joseph Whiting, Capt. Nathaniel Stanly, Mr. Samuel Bishop, Capt. James Rogers, Capt. William Clark, Major John Burr, Mr. Warham Mather.—Certified per Christopher Christophers, Hez. Brainerd, John Hooker, Thomas Seymor, Nehemiah Smith, Isa. Dikerman, Eben^z Wakeman, a committee appointed by this Assembly.

[441] Whereas upon the news of two hundred Indians coming over the lake, the Committee of War at Hartford, among other things, ordered ten men should be sent from the county of Fairfield to New Milford, and, considering the danger it was supposed that place was then in, the said ten men, for the more speedy relief thereof, were then sent from Woodbury: It is now considered by this Assembly, that the said ten men shall be forthwith released from that service, and a copy of this order be sent to Capt. Stephen Noble of said New Milford, which shall be sufficient order to him for discharging said ten men. And it is also resolved by this Assembly, that one of the captains in each of the towns in the counties of Hartford, New Haven, and Fairfield, speedily give notice to the Indians belonging to their towns that they may have free liberty to hunt in any parts of the woods where they used to hunt; provided that the first fortnight they have some English with them, and carefully wear some white cloth about their heads, for a signal that they are friends; and that they go not into Boston government.

Upon consideration of one letter from Capt. John Mason, and one from Capt. Williams, both of Stonington, relating to the Indians now at Deerfield, sent out of this government: This Assembly resolve, that the company of English and

Indians now at Deerfield under the command of Capt. John Williams of Stonington, be drawn off and disbanded, by the twenty third day of this instant October; and that a copy of this act from the Secretary shall be a sufficient order to said Capt. Williams, to draw off and disband said English and Indians accordingly; and the Secretary is to take the first opportunity to convey a copy of this act to the civil authority at Hartford, that it may be conveyed to said Capt. Williams.

Resolved by this Assembly, That the Moheags, Pequots, and all Indians of this Colony, that have used and desire to hunt on the east side of the great river in Connecticut, shall now have liberty to hunt, provided they give a list of their names to the chief commission officers of the towns where they belong, and the said commission officers respectively send a list of the Indians so taken to the chief commission officers in Stafford, and that the said Indians shall wear a white mark on their heads for to distinguish them to be friends, and that they do not go northward of the line leading from Enfield to Woodstock, and that once in ten days said Indians appear and answer to their names before one of the commission officers in Stafford; and that the Secretary send a copy of this act, as soon as may be convenient, to Major John Clark of Seybrook, and Capt. John Mason of Stonington.

Ordered by this Assembly, That Mr. Treasurer Whiting be immediately sent for to this Assembly, and bring with him such of the bills of credit as are in his hands by the act of this Assembly of May last, and such as are drawn by the rates.

Whereas this Assembly at their sessions in May 1723, did, upon the petition of Mrs. Anna Whiting and Mr. John Whiting, administrators on the estate of Mr. Joseph Whiting, [442] late Treasurer of this Colony, || order that all further proceedings with respect to the arrears due to the Colony from said estate till sessions in October then next following should be suspended, that so the administrators might have opportunity of laying before this Assembly such considerations as might direct said Assembly in their proceedings in that matter according to equity: And whereas said administrators did then, and ever since have neglected to offer anything of that kind to this Assembly: Resolved by this Assembly, that said administrators be notified by a copy of this act, that if they have ought to offer in that affair, that they offer it before the rising of this Assembly; otherwise this Assembly will proceed to take such measures and make such conclusions thereon as to right and justice appertains.

This Assembly, upon the prayer of Ephraim Shevee a prisoner now in the common goal in Hartford, do release said Shevee from said prison ; provided, that if said Shevee shall not, within one month after his being so released, depart out of this Colony, or shall again return thereinto, he be again committed to prison as before.

Upon the petition of Mathew Ford, administrator on the estate of Ebenz Ford late of New Haven deceas'd : Granted by this Assembly, that the petitioner have liberty to sell so much of the real estate of the said deceas'd as may be sufficient to pay the just debts of the said deceas'd with the necessary charges that may arise in selling the same ; provided always, the petitioner take the direction of the judge of the probate in the county of New Haven in selling the same.

Upon the petition of Andrew Robee, administrator on the estate of Thomas Barbor, sen^r, late of Symsbury deceas'd, praying this Assembly for liberty to sell so much of the land of said deceas'd as to answer a debt of five pounds twelve shillings and ten pence : This Assembly grant full power to said administrator to sell so much of a peice of said land, of twelve acres yet undistributed, as will answer said debt ; provided he take the direction of the judge of the probate in the county of Hartford in said sale ; provided also, that said sale be not made till six months after the rising of this Assembly, that so the heirs to said estate, all or any of them, may in that time pay said debt, which if they do, then the deed of said land shall be made to said heir or heirs so paying the debt as aforesaid.

Upon the petition of the parish of Repton in the town of Stratford : It is granted by this Assembly, that the country rate, to be raised on the polls and rateable estate within the said parish for two years next to come, shall be collected by the constable of Stratford appointed to gather the country rate within the said parish in each of the said two years respectively, and by him paid into the hands of Mr. Benjamin Curtice of Stratford, to be improved for the finishing of the ministers house and building an house for the worship of God. And the said constable, taking a receipt for the same of the said Curtice, shall be discharged of so much of the said country rate as he shall so pay in as aforesaid ; any law, usage, or custom to the contrary notwithstanding.

[443] Whereas it is thought necessary, at the instance of the government of the Massachusetts Bay, intimated in a letter from the secretary of that Province, which has been laid before this Assembly, that two of the signers of our bills

of publick credit should be at Boston on the first Tuesday of November next, in order to convict one Peter Gardiner, before the superiour court to be then and there held, of counterfeiting the five pound bills of credit of this Colony: And whereas Mr. Secretary Wylls, who is clerk of the county court to be holden at Hartford on the said first Tuesday of November next, and is one of the signers of the said bills that must of necessity attend the said court at Boston for the end aforesaid,

It is therefore enacted by this Assembly, That the said county court to be holden at Hartford on the first Tuesday of November next shall be adjourned, and the same is hereby adjourned, until the first Tuesday in December next. And all writs, processes, appeals, reviews, bonds or recognizances, that are now returnable into the said county court in November next, shall be returned into the said court in December next. And all persons concerned therein are to take notice hereof and conform themselves accordingly.

Upon the petition of Jacob Franks *v.* Abram Pinto, the questions being put at this Assembly—1st. Whether the petitioners acceptance of the money awarded him by the judgment ought to bar his petition: Resolved in the negative. 2ly. Whether New York money be a specialty, and falls within the exception in the law by the words, Or other specialty: Resolved in the affirmative.

Whereupon it is resolved by this Assembly, That the judgment complained of be reversed, and it is hereby reversed, and another tryal awarded before the next superiour court at Fairfield in February next, upon the plaintiffs returning to the defendant the money received by him in satisfaction of the judgment, or deposit the money in the said court with the clerk of the said court for the use of the defendant. And a copy of this resolve shall be sufficient to oblige the defendant to appear and answer at the said court. *Cost allowed petitioner is £1 11s. 0d.*

Upon the petition of Asher Levy *v.* Abram Pinto,—the question was put, whether by said Levie's taking out execution upon the judgment he complains of, and upon a return of a *non est inventus* thereupon returned, his taking a *scire facias* upon the bail and finally taking of him the money given by the judgment, he ought to be barred of having this petition: Resolved by this Assembly in the affirmative.

Upon the petition of the North Parish in New London: It is resolved by this Assembly, that Capt. Robert Denisson, Mr. Jonathan Copp, Mr. Jonathan Hill, and Mr. John Vibber,

be a committee to inspect the affairs of the said parish until the sessions of this Assembly October next, and to give direction and order that the money appointed by the General Court to be raised there on unimproved lands in said parish, or by the sale of any lands, should be applied to the pious uses referred to in the orders of said Court; and that they lay an account of their proceedings therein before this Assembly in October next; and that the book of records of the said parish shall always be kept by the clerk of the said parish for the time being; any thing in the act of this Assembly made in May last to the contrary thereof notwithstanding.

[444] This Assembly do choose and appoint Mr. James Minor of Stonington to be a Justice of the Peace for the county of New London.

This Assembly grants a rate of three pence on the pound on all the polls and rateable estate in this government, to be paid in to the treasury in the bills of credit of this Colony with the usual advance of twelve pence on the pound, or the good bills of credit of four signers of the Massachusetts Bay, or in the bills of credit of New York, Rhode Island or New Hampshire, without advance on them, or in silver money as it passeth generally in the country.

Upon consideration of the petition of the inhabitants of Pauquannuck in Windsor, praying to be a society of themselves: This Assembly grants they be a society of themselves, and to have such limits and bounds as is described by the committee for that end sent by this Assembly by their act of May last, viz., to extend southward as far as Cornelius Brown's, including said Brown, and from said Brown's to run a west line to Symsbury bounds, and from said Brown's eastwardly a straight line to Thomas Thrall's excluding said Thrall, and from said Thrall's or highway to run northwardly to Suffield bounds, abutting east on said road or highway leading to Suffield. And this Assembly do hereby give and grant to the said inhabitants dwelling within the said limits, the powers and privileges usually granted to and enjoyed by a society, for the well ordering their affairs, with power to call and settle an orthodox minister among themselves.

Whereas the Deputies of the town of New London have represented to this Assembly that the committee appointed to sell six hundred acres of land granted for the use and benefit of the grammar school in New London, are obstructed in selling the same, for that Capt. Robert Lattemore, one of

said committee, has declined to consent to the sale thereof, and Capt. James Rogers, another of said committee, declaring that he designs to be a purchaser: This Assembly do therefore appoint Dea. William Douglass and Dea. Timothy Green, of said New London, to be of said committee instead of Capt. Lattemore and Capt. Rogers, with full power to act with the other three of said committee, viz., Messrs. Christopher Christophers, Jonathan Prentts, and John Pickett, as fully and amply to all intents and purposes as the aforesaid Capt. Lattemore and Capt. Rogers might or could have done in concert with said Christophers, Prentts and Pickett, by virtue of said act of Assembly appointing said land to be sold; and the money that shall be raised by the sale of said land shall be improved for the support of said school.

Upon consideration of the petition of Thomas Hill of Fairfield for a patent of two hundred acres of land, to be executed according to a survey thereof made by the surveyour of the county of Fairfield, Oct. 16th, 1723, and entered in the Colony records, —that it being represented that the survey may interfere upon the lands belonging to the heirs of Major Nathan Gold, deceased: It is now resolved by this Assembly, that [445] a patent be executed in form of law for the same, unless || the heirs of Major Gold shall, within two months, procure the surveyour of the said county to make a new survey thereof and shew thereby to the Governour that Hill's survey doth interfere upon the lands belonging to the heirs of the said Major Gold.

Resolved by this Assembly, That John Hall and Joseph Wakeman, Esq'rs, Capt. John Fitch and Mr. Edmund Lewiss, inspect the treasury, and make report to this Assembly what bills are now in the treasury, brought in by the rates, and how many of them are suitable to be re-emitted in payment of the publick debts; and also what quantity are now in the Treasurer's hands of the new bills put into the treasury for exchange.

Resolved by this Assembly, That Mr. Timothy Green, the printer of our publick bills of credit, shall take with him the plate from which our five pound bills were taken, and attend at the superiour court to be holden at Boston on the first Tuesday in November next, then and there to give his evidence against Peter Gardiner, who is to be brought upon his tryal at the aforesaid court for counterfeiting the said five pound bills.

This Assembly grant liberty unto the inhabitants of the West Society in Wallingsford to imbody into church estate with the

approbation of the neighbouring churches, and to settle an orthodox minister amongst them.

Upon the petition of the inhabitants of Tolland: This Assembly do appoint James Wadsworth and John Hooker, Esq's, to be a committee to hear and consider of the matters contained in said petition, and to endeavour, if possible, an agreement between the legatees and the proprietors of said Tolland, that the said town may be quietly settled according to the intent of this Assembly: but if the said committee shall not gain such an agreement, then they shall lay the whole matter before this Assembly in May next, that the same may be then considered. Always provided, that a copy of this act shall be posted in the towns of Hartford and Tolland thirty days before the said committee shall enter upon said service, and also that said proprietors satisfy the said committee.

This Assembly considering the great benefit that goats are of, (if well managed,) for the subduing of rough land and bringing in of English grass, which is much wanted in new plantations; and that due encouragement may be given to those that keep goats for the ends abovesaid,

It is hereby enacted by this Assembly, Upon the motion of the Representatives of the several towns in the northeast part of this government, viz: Norwich, Windham, Canterbury, Plainfield, Pomfrett and Kellingsly, That all goats that are or may be within the said townships shall have liberty to go at large, and not be judged damage feasant nor liable to be impounded, from and after the fifteenth day of September in this present year, 1724; and so from the middle of September till the fifteenth day of April annually; except they be found in winter corn sufficiently fenced, either in common fields or particular inclosures, and being so found and impounded, the owners shall pay one penny per head and just damages; any law, usage or custom to the contrary notwithstanding. Always provided this act be of force but three years.

[446] This Assembly do establish and confirm Mr. Sam^{ll} Cumstalk of Norwalk to be Lieutenant of the south company or trainband in the town of Norwalk aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Benedict of Norwalk to be Ensign of the south company or trainband in the town of Norwalk aforesaid, and order that he be commissioned accordingly.

Upon the memorial of the selectmen of the town of New Haven, shewing to this Assembly that one Samuel Johnson,

senr of said town, and his wife, thro' infirmity of old age and otherways, are reduced to necessitous circumstances, and that it is very unlikely that they will ever alter their circumstances for the better, and there is a small estate in housing and lands, the incomes whereof falls greatly short of yielding a competency for their comfortable support; and thereupon praying liberty to sell so much of the said housing and lands from time to time for their subsistence: This Assembly do now therefore give and grant unto the selectmen of the said town, (for the time being,) or the major part of them, from time to time as they in their discretion think necessary, and do authorize and fully impower them, the said selectmen or major part of them, to make, seal and execute good and ample deeds thereof, to the person or persons to whom they shall so sell the same, which shall make a good estate to the purchaser or purchasers thereof, their heirs and assigns forever; and the money produced by such sale to be carefully improved for the support and comfort of said Johnson and his wife, and defraying the charge said town has been already at for their subsistence more than said incomes; and if any remain, it be carefully kept and preserved for the heirs.

Upon the petition of Comfort Daviss of Midletown, shewing to this Assembly that the bounds of a division of land lying on the east side the great river in said town, extending northerly and southerly from Glassenbury to Haddam, and from said river two miles and a half eastwardly and westwardly, are most or all of them lost and cannot be found, by which means growing mischiefs and inconveniences do attend the settlement of said lots, and praying this Assembly to appoint a committee to fix and ascertain said bounds: This Assembly do therefore appoint and fully impower Hez. Brainerd, Esq., Messrs. Edward Bulkley and Thomas Kimberly, to be a committee to measure said division and fix boundaries betwixt all the lots therein, taking the records of said division for their direction; which bounds, so set up and fixed, shall be and forever remain to be the bounds of said lots, and all persons thereby concluded. Provided always, that a copy of this act shall be posted up upon the sign post in Midletown at least a month before said committee proceed in said work, and also a copy thereof shall be read in the town meeting in Midletown in December next. Provided also, that said committee shall not proceed in this affair till the first day of March next coming, that so said proprietors may have opportunity to agree and fix said boundaries, which if they do, then said committee shall not intermeddle therewith, otherwise they shall then proceed and finish said work, which shall be done at the charge of the owners of said lots.

This Assembly grants Mr. Green, the printer, twenty-five pounds out of the publick treasury, in part of his salary this present year.

[447] An Act for Imprinting Four Thousand Pounds in Bills of Credit.

Whereas several of the bills of credit of this Colony are torn and defaced, and unfit to pass, whereby it becomes necessary that such bills may be taken into the treasury and exchanged,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, That there be forthwith imprinted a certain number of bills of the credit on this Colony, in suitable sums from two shillings to five pounds, which shall amount to the sum of four thousand pounds and no more; which bills shall be indented and stamped with such stamps as the Governour and Council shall order, and signed by the committee appointed for the signing of bills of the publick credit of this Colony, they or any three of them, and of the tenor following:

No. () 20s.

This Indented Bill of Twenty Shillings due from the Colony of Connecticut in New England to the Possessor thereof shall be in Value equal to Money and shall be accordingly accepted by the Treasurer and Receivers subordinate to him, and for any Stock at any Time in the Treasury. Hartford, July the twelfth, *Anno Dom.*, 1709. By order of the General Assembly. May 1713.

And it is further enacted, That said bills, so to be imprinted and signed by this act, shall by the said committee, or any three of them, be delivered to the Treasurer, taking his receipt for the same; and the Treasurer shall give them in exchange for such torn and defaced bills, that are not fit for use.

An Act for reviving the last Paragraph of the Law entitled An Act for the well-ordering of the Indians in their several Places and Plantations, repealed by an Act of this Assembly in the seventh Year of the late Queen Ann, entitled An Act for repealing the last Paragraph of the Law entitled An Act for the well-ordering of the Indians in their several Places and Plantations.

This Court do now see cause to repeal the said act, and enact and declare, That after the first of March next, no person shall be allowed or admitted to prosecute before any assistant, justice of the peace, or court of judicature in this Colony, any action of debt or detinue, for any goods which shall be sold, lent or trusted out to any Indian or Indians whomsoever, at any time after the first of February next.

This Assembly do establish and confirm Mr. John Hazen to be Quarter Master of the Troop in the County of New London.

On the petition of the inhabitants on the south side of the rivolet in Windsor: Resolved by this Assembly it be referred to the consideration of this Assembly to be holden at Hartford in May next, and that the parties concerned be notified thereof, that they may have opportunity to be heard in what they may have to object thereon.

[448] This Assembly do establish and confirm Mr. John Edgerton of Norwich to be Ensign of the second company or trainband in the town of Norwich aforesaid, and that he be commissioned accordingly.

Resolved by this Assembly, That a further consideration of the matter of the arrears in the hands of the administrators of the late Treasurer is deferred (at the desire of the said administrators) to this Assembly in May next, and no longer.

This Assembly do establish and confirm Mr. Gershom Palmer of Killingsworth to be Captain of the west company or trainband in the town of Killingsworth aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Wilcox of Killingsworth to be Lieutenant of the west company or trainband in the town of Killingsworth aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hull of Killingsworth to be Ensign of the west company or trainband in the town of Killingsworth aforesaid, and order that he be commissioned accordingly.

Whereas Samuel Morehouse, who sometime ago lost his right hand in the Colony service and who obtained under that consideration a pension of five pounds *per annum* for his comfortable subsistence, hath shewed to this Assembly that the said pension is not sufficient to relieve his necessities, and thereupon prays the compassion of this Assembly to be extended towards him: This Assembly do thereupon grant unto the said Samuel Morehouse the sum of twelve pounds out of the publick treasury, over and besides the said pension of five pounds per the year, which pension of five pounds is to be continued as formerly without any addition.

Resolved by this Assembly, That the petition of Joseph Hills *v* Eben^z Seymour be continued to the consideration of this Assembly in May next; and the Reverend Mr Joseph Moss is hereby directed to keep in his hands the deed from Mr. Bish-

op and Clark of the Colony's right of the lands mentioned in the petition, till said Assembly in May next, and that notification hereof be seasonably left at the house where the family of said Seymor dwells.

Cost allowed James Wilks against Isa. Jacobs, for attendance at this Assembly to answer the petition of said Jacobs, resolved in the negative, is fourteen shillings.

Cost allowed Samuel Hill of Guilford against Abigail Bradley of said Guilford, administratrix on the estate of Abram Bradley deceas'd, for attendance at this Assembly to answer the petition of said administratrix, resolved in the negative, is nine shillings and eight pence.

An Act for Amendment of the Law.

Whereas it is provided that an action of account may be prosecuted, and no special authority given to any of the courts of judicature established by the law of this Colony to appoint auditors to hear, inspect and adjust the accounts; for want whereof that action becomes unserviceable, whereby some fail of their right: Which to prevent,

Be it enacted by the Governour, Assistants and Deputies in General Court assembled, and by the authority of the same, That when and so often as such an action shall be brought to the coun- [449] ty court, or by appeal to the superiour court || in any of the counties in this Colony, that when any defendant shall plead in his defence any plea which being true he ought not to account, it shall be tried by a jury; and in case the verdict be found against him, the court shall enter up judgment against him that he shall account; and the court are hereby impow- ered and directed to appoint three able, judicious and indiffer- ent men, who shall have a proper oath administered to them, to hear, examine and adjust the account or accounts; and the auditors appointed as aforesaid have hereby authority given them to appoint time and place for the hearing and ad- justing the accounts aforesaid; and upon the defendant's re- fusal, due notice being given him of the time and place as aforesaid, to attend upon them and produce his accounts, that the auditors shall award to the plaintiff the whole of his de- mands; and upon the parties producing to them their ac- counts, that the auditors shall have power to administer an oath to them to answer to such interrogatories as they shall think proper, respecting their accounts; and upon either of the parties refusal to take such oath, or to answer directly to such interrogatories, it shall be in the power of the auditors to commit the party so refusing to goal, there to remain at his own charge till he will account or answer as aforesaid. And

when the auditors have adjusted the accounts, or awarded as aforesaid, and returned the same to the court, either at the same session or the next, that final judgment shall be made up for the recovery of the sum awarded and costs, together with such reasonable costs for the service of the auditors as the court shall award, which shall be by the plaintiff then paid down to the auditors.

And it is further provided, That in all actions on book account, if the account be alledged to be above ten pounds, that the like method may be taken in appointing auditors for the adjustments of their accounts between them; and whosoever shall be awarded by them to be in arrears, the court shall enter up judgment for the recovery of the same, with additional costs as aforesaid.

And further it is provided, That when any plea shall be made in abatement of the writ, that if it be ruled in favour of the defendant, the plaintiff shall have liberty on his paying down to the defendant his costs to that time, to amend that defect and to proceed as he might have done if no such defect had been made. And in case of appeal from a judgment on pleas in abatement, the appellant shall not make good his plea by the judgment of the superiour court, costs shall be awarded against him, however the cause shall happen to issue.

This act to continue of force for two years and no longer.

The Hon^{ble} Joseph Talcott, Esq., Governour of this Colony, representing to this Assembly that his Excellency William Burnett, Esq., Governour of the Province of New York, did in July last past transmit to the Hon^{ble} Gurdon Saltonstall, Esq, Governour of this Colony, an act of Council held at Fort George in New York, June 24th, 1724, wherein it was resolved that, in pursuance of an act of their Assembly in the fifth year of King George, for running and ascertaining the line of partition between that Colony and this, together with an exemplification of that act and his Majesties approbation thereof, commissioners were appointed in conjunction with their surveyour general, to begin to run the line of partition between that Province and this Colony on the third Tuesday of April next, and that notice thereof should be given to this government, in order to the appointment of commissioners and surveyours by this government to act in conjunction with them :

It is resolved by this Assembly, That the same commission-
[450] ers, viz: || the Hon^{ble} Jonathan Law, Peter Burr, Samuel Eells, Roger Wolcott, Esq's, or any three of them, and John Copp, surveyor, lately appointed to treat at Rye,

and Mr. Edmund Lewiss, now added as a surveyour to assist, be appointed, and are hereby appointed and authorized as Commissioners and Surveyours on behalf of this Colony, at the time aforesaid, viz: on the third Tuesday of April next, to meet with the gentlemen Commissioners from New York, to treat with, settle, agree, run, ascertain and fix, the partition line between the Province of New York and this Colony of Connecticut from Lyons Point to the Massachusetts line, according to the agreement made at New York on that 23d day of November, 1683, and the survey made thereupon, and after confirmed by an act of King William in Council on the 28th day of March 1700; and in the said lines of partition so run and settled to erect marks and monuments; in the performance whereof the said commissioners and surveyors are to attend the instructions which the Governour and Council shall give them, and on the compliance of the Commissioners of New York therewith accordingly, and the lines of partition agreeable thereunto being settled, ascertained and fixed, with suitable marks and monuments therein, shall be and remain the dividend lines between the two Colonies forever.

The List of the several Towns of this Colony, sent in to this Assembly.

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford,	25511	: 00	: 10	New Haven,	30688	: 18	: 00
Milford,	21977	: 17	: 03	Norwalk,	14065	: 14	: 04
Branford,	12653	: 15	: 00	Wethersfield,	18561	: 05	: 00
Symsbury,	7129	: 05	: 00	Killingsworth,	6896	: 19	: 05.
Stonington,	14913	: 15	: 06	Greenwich,	9702	: 18	: 00
Wallingsford,	15609	: 02	: 00	Seybrook,	11494	: 05	: 03
Groton,	13102	: 19	: 00	Haddam West,	4921	: 16	: 00
Killingley,	4596	: 00	: 00	Stratford,	20803	: 06	: 00
Canterbury,	5690	: 13	: 00	Windham,	8107	: 09	: 06
Farmington,	15529	: 13	: 06	Derby,	4494	: 08	: 06
Lebanon,	12067	: 13	: 00	Norwich,	21734	: 03	: 03
Woodbury,	7317	: 12	: 00	Plainfield,	6496	: 12	: 06
Danbury,	7147	: 11	: 00	Stamford,	14893	: 15	: 01
Colchester,	9368	: 18	: 00	Fairfield,	25242	: 19	: 09
Lyme,	11505	: 16	: 02	Coventry,	3978	: 14	: 06
Midletown,	18083	: 06	: 06	Windsor,	19436	: 18	: 00
Durham,	5228	: 00	: 00	Mansfield,	4659	: 02	: 00
Waterbury,	3573	: 11	: 00	Haddam East,	8042	: 17	: 00
Pomfrett,	5986	: 10	: 00	Glassenbury,	5600	: 06	: 00
Guilford,	18769	: 19	: 03	New London,	16705	: 18	: 06
Preston,	9261	: 14	: 09				

An Act in Addition to an Act entituled An Act for the Settlement of Intestate Estates.

Whereas it is provided by the said act that the executor or

executors named by the testator shall make or cause to be made a true and perfect inventory of all the estate of the person deceased, as well moveables as not moveable whatsoever; which inventory by the said executor or executors upon his or their oath or oaths shall be by him or them delivered to the court of probates; and there being no sufficient penalty provided in the law to enforce the same, it has become a custom for executors [451] to neglect that part of || their duty, to the prejudice of some that may be interested in such estate: Which to prevent for the future,

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if the executor or executors of any last will and testament that shall be brought for probate into any of the courts of probates in this Colouy, from and after the first day of November next, shall not, within the space of two months next after the probate of such last will and testament, cause such inventory to be made as aforesaid, and the same to be exhibited in the registers office of the same court of probates where the said will was accepted and recorded, every executor so neglecting his or her trust and duty in that behalf, (without just excuse made to the judge of said court and accepted for such delay,) shall forfeit the sum of five pounds per month, from and after the said two months are expired, until he or they shall inventory the said estate and exhibit the said inventory as aforesaid. Every such forfeiture to be recovered by action or information in the court of common pleas in the county where the testator last lived, and to be disposed of, one moiety thereof to the use of the poor of the town where the deceased person last dwelt, and the other moiety to him or them that shall inform or sue for the same and prosecute to full effect.

This act to continue of force for two years and no longer.

Whereas it is provided by an act of this Assembly held at New Haven in October last, that the Committee of War in the county of Hartford to adjust the accounts of officers, rolls of men and horses, and all other affairs of the war, and give orders to the Treasurer for the payment thereof, since which time there has been occasion for the raising of men for the service of the war in all the other counties of this government: And whereas it will prove chargeable and expensive for all such persons as have been in advance in that service to repair to Hartford in order to have their accounts separately adjusted:

It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by authority of the same, That the several captains and other officers, that had

the care of impressing or leading forth such souldiers in the service aforesaid, shall draw fair accounts of such rolls of such souldiers and horses, with the time when impressed and time of continuance in the service, and the sum of the demands on this government therefor, together with the accounts of what they have taken up, impressed or advanced, on the affair aforesaid, and carefully transmit the same unto the said Committee of War ; who shall thereupon make out orders to the Treasurer of the Colony for the payment and discharge of such accounts.

And it is further enacted by the authority aforesaid, That all accounts of demands on this government, for billeting such officers or souldiers, shall be adjusted by some assistant or justice of peace of the town where such officer or souldier were billeted, and orders shall be made out by such assistant or justice to the Treasurer of the Colony for the discharge thereof accordingly.

This Assembly nominate and establish Roger Wolcott, Esq., to be Sergeant Major of the regiment in the county of Hartford, and that he be commissioned accordingly ; and the Governour is desired to administer to him the oath for that end by law appointed.

[452] This Assembly do exempt Isaac Pratt, jun^r of Seybrook, in consideration of his lameness, from being rated for his poll in the country taxes, and he is hereby exempted accordingly.

The hearing and resolve upon the petition of Joseph Bradford, for himself and partners, is deferred to this Assembly to be holden in Hartford in May next.

An Act for Emitting Bills of Credit.

It is ordered and enacted by the Governour, Council and Representatives, in General Court Assembled, and by the authority of the same, That there be forthwith emitted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to the sum of two thousand and three hundred pounds, and no more ; three hundred pounds whereof shall be of the bills of credit of this Colony made and imprinted pursuant to an act of this Assembly in October 1722, tituled An Act for new imprinting four thousand pounds of bills of credit ; which three hundred pounds are now in the Treasurers hands ; and the remaining two thousand pounds shall be of the bills of credit which are ordered to be made and imprinted by the act of this Assembly at their present sessions ; and the committee for signing the bills of this Colony are hereby directed to sign the

said sum of two thousand pounds as soon as may be, and deliver them into the hands of the treasurer, to be by him paid out towards defraying the publick debts of this Colony, taking his receipt for the same. And the said Treasurer is accordingly hereby impowred and ordered to issue forth and emit the same towards the payment of the publick debts of this Colony and the further necessary charges thereof, attending to such orders as shall be given him from time to time, according to law.

And it is further enacted by the authority aforesaid, That as a fund and security for the repayment and drawing in the said sum of two thousand and three hundred pounds into the treasury, this Assembly grants a tax or rate of two thousand four hundred and fifteen pounds, to be levyed on polls and all the rateable estate within this Colony, to be paid into the treasury at or before the last day of August which will be in the year of our Lord one thousand seven hundred and twenty-nine; which said rate shall be paid in bills of credit of this Colony, or in money as it passes generally currant in the country at the time of payment, and in no other manner.

And it is further enacted, That the residue of the four thousand pounds in bills of credit, ordered to be made and imprinted by the act of this Assembly at their present sessions, being two thousand pounds and no more, shall be signed by the committee appointed to sign the bills of credit of this Colony, or any three of them, and delivered to the Treasurer, who shall give them in exchange for such torn and defaced bills that are not fit for use, taking his receipt for the same. And it is further ordered that the receipts aforesaid shall be lodged with the secretary.

And it is further enacted, That the sum of one thousand and five hundred pounds in the bills of credit, which have been brought in or are to be brought in by the rate granted in October last, shall be also emitted for the payment of the publick debts of [452] this Colony || and the further necessary charges of the same, and the Treasurer is hereby also ordered to issue out and make payment thereof according to such orders as shall be given him from time to time, according to law.

Upon the memorial of the inhabitants of the town of Litchfield: Be it enacted and ordained by the Governour, Assistants and Deputies, in General Court assembled, and by the authority of the same, that whosoever hath or ought to have been an inhabitant, and is a proprietor of any of the lands within the said town of Litchfield, or have deserted and left the said town since difficulties have arisen there on the account of an enemy, and shall neglect for the space of one

month after the rising of this Assembly to return to the said town and there abide, or send some man in their room and stand to perform and do the necessary duties of watching, warding and the like, during the continuance of the difficulties of the war, shall lose and forfeit all their right and estate in and upon any and all of the lands aforesaid, and that their estate, right and interest therein, unto this corporation of Connecticutt. And further it is provided, that if any other man being now a proprietor and inhabitant, or is a proprietor and ought to have been an inhabitant in the said town, shall hereafter, during the continuance of fear and danger of the enemy, desert and leave the said town, or neglect to repair thither and there personally abide, without constantly providing some other sufficient person in his room and stand there to abide and perform all duties as before mentioned in the case of them who have already deserted, shall likewise forfeit their estates in and on all the lands in the town aforesaid unto this corporation. And further it is provided, that upon complaint made to the Committee of War at Hartford, of or against any such deserter, upon their satisfaction of the truth thereof, the said committee shall declare the forfeiture; and the said committee are hereby enabled to admit any other person who shall go and abide there in the room of the deserter and perform the necessary duties as aforesaid, and that he shall hereafter receive a grant from this Court of the estate escheated as aforesaid, for his further confirmation therein. And it is further ordered, that five shillings per week shall be allowed for billeting souldiers in Litchfield for the summer last past.

An Act in Addition to and for better Enforcing an Act passed by this Assembly held at New Haven, October 12th, in the Eighth Year of the Reign of his present Majesty King George, intituled An Act requiring Town Clerks to send to the Treasurer annually the Names of the Constables who are chosen to gather the Country Rates.

Whereas, for the ease of the Treasurer of the Colony in sending out his warrants for gathering the country rates, and that he may the more readily know the name of the constable especially chosen in the respective towus in this Colony annually for gathering the country rates, it is enacted and provided, that for the future the town clerk in each town in this Colouy shall annually in May send to the Treasurer the name of the person in their town who is chose a constabe to gather the country rate: And whereas there is no penalty provided in said act to be inflicted upon such as shall neglect his duty in said act mentioned, whereby the said act in its true design and end is eluded: For remedy whereof,

[454] *It is now enacted* || *by the Governour, Council and*

Representatives, in General Court assembled, and by the authority of the same, That if at any time hereafter any town clerk shall neglect his duty, as by said act he is required, and be thereof convict before any assistant or justice of the peace, he shall pay a fine of forty shillings money, one half thereof to be to the complainer that shall prosecute to effect, and the other half to the town treasury where the convict clerk dwells.

This Assembly grants his Honour the Governour for the time he hath served this Colony as Deputy Governour, from May last to the sessions of this Assembly at this time, the sum of twenty-five pounds in bills out of the publick treasury.

Whereas the Hon^{ble} Joseph Talcott, Esqr, now Governour of this Colony, hath in the summer past been at much pains and spent much of his time in the affair of the Indian war, for which his Honour has received no recompence: This Assembly do therefore grant the sum of fifteen pounds to be paid to his Honour out of the publick treasury, for his good service in that affair.

Upon the petition of Jonathan Bates *v.* Jacob Moon: Resolved by this Assembly, that execution shall be stayed till the sessions of the General Assembly at Hartford in May next, to which time the said petition is continued, that the said Bates may have time to notify the said Moon that the petition is there depending, and that a copy of this resolve attested by the Secretary and delivered to the sheriff of the county of Fairfield shall be a sufficient order for him to stay the execution till that time.

Upon the return of the officers appointed to inlist a troop in the towns of Plainfield, Canterbury, Killingly and Pomfrett, in the county of New London: This Assembly upon consideration that a suitable number of centinels are not yet listed to make up said troop, and the small number of people in said towns where said troop is proposed to be raised, and that there is one other troop already in that county where this troop is proposed to be raised: This Assembly declare it not convenient that the said troop proceed, or the said officers be commissioned, but order each person to attend their duty in the company or trainband whereto he or they did formerly belong before they listed as troopers.

Respecting the motion of the Lt. Governour and Council of the Province of the Massachusetts, laid before this Assembly by Col^o John Stoddard, in reference to the war between that Province and the Eastward Indians:

Your committee having considered that affair, do report that this Assembly never was advised with by said Province when that war began: but the said Province proceeded to proclaim the same against those Indians without concerting any measures with this Assembly: notwithstanding which, upon application made to this Assembly in October last, they came into proper methods for the defending Hampshire county [455] ty from any attack of the enemies: || but forasmuch as this Assembly was not apprised of the grounds of said war, therefore it was not thought proper to raise any force to make an offensive war against said Indians. Whereupon our late Hon^{ble} Governour, Col^o Saltonstall, (who was going to Boston,) was desired to inquire into the grounds of said war, who attended the same with application, as that honourable gentleman informed this Assembly in May last, but yet gained no satisfaction respecting that affair. Neither hath Col^o Stoddard at this time, as your committee think, satisfied this Assembly that the grounds of the war are sufficient to justify this Assembly in taking any further steps than what was concluded last October. Yet your committee are of opinion, that if this Assembly were well satisfied that the grounds of the war are sufficient to justify this government, it then would be very proper to concert measures with the said Province, in conjunction with New York and Rhode Island, thereby to rid the country of those people that delight in war; and if the said governments of New York and Rhode Island will not come into proper measures respecting said war (after the grounds thereof having been inquired into and found just,) and the said Province shall desire the same, we think it may be proper for this Assembly, in concert with said Province, to make application to the King in Council, that the said governments may be ordered to carry on the said war in some suitable proportion with that Province and this government. But your committee are of opinion, it is not best (at present) to desist lending said Province some help, if there should be need; and that, therefore, the Committee of War at Hartford, the detached men in Hartford county, together with those other measures already concerted by this Assembly for the defending Hampshire county and our own frontiers, all continue in the state they now are in, until this Assembly in May next, and no longer. And forasmuch as this government hath already shewed a tender care of the county of Hampshire, and hath in many special instances expressed their regards to said Province, therefore we must be of the opinion that under the present circumstances, it is not safe to comply with the motion of Col^o Stoddard any farther than what we have above signi-

fied, and that no misunderstanding can grow thereby between the two governments. But least the government of the Massachusetts should think we are unwilling to cultivate that good understanding that hath been between the two governments, your committee are of opinion that this Assembly do recommend to the General Assembly of that Province, that they would once more maturely look into the grounds of said war, least hapily, thro' haste or otherwise, the matter hath not yet been thoroughly examined, and if the war should proceed, (without sufficient grounds,) much blood should be spilt, and the country greatly distressed and impoverished, it would be very lamentable, and the desired success could not be expected.

Peter Burr,	David Goodrich,	
James Wadsworth,	John Munson,	Committee.
Hez. Brainerd,	Thomas Seymour,	

The above report of the committee, being read and considered in General Assembly, was accepted and approved.

Resolved by this Assembly, That the committee that settled Stafford shall sell all that land lying eastward of that town between the just line or bounds and the false lines, to the inhabitants of Stafford, at the value the said committee shall think just.

Upon the petition signed Stephen Chalker, Sam^l Webb and others, souldiers that have been inlisted in the muster roll under the command of Capt. John Clark, || a hearing and consideration and resolve on the matter of the said petition is referred to this Assembly in May next, and that in the mean time the souldiers do duty according as they were ordered by the act of this Assembly in May last.

A proposal to mend the value of our paper money, represented in a memorial to this Assembly by Mr. John Read: Resolved, that a consideration upon the same be referred to this Assembly in May next.*

Cost allowed Mr. Samuel Smith of Glassenbury against Jabez Rowley of Colchester, for attendance at this Assembly, to answer the petition of said Rowley not being prosecuted, the sum of twelve shillings and ten pence. *Ex. granted December 1, 1724.*

Upon consideration of the memorial of the Hon^{ble} Joseph Talcott, Esq., Mathew Allyn and Roger Wolcott, Esq^{rs}, Thomas Seymor, Henry Wolcott and James Ensign, proposing that the difference in the Colony, about the ancient

* Mr. Read's proposals are in *Finance & Currency*, II, 154.

grant of the western lands to the towns of Hartford and Windsor, may be amicably composed, praying this Assembly to appoint a committee to meet with a committee from said towns upon said affairs: This Assembly do appoint and empower James Wadsworth, John Hall and Hez. Brainerd, Esq^{rs}, to be the committee of the government on the affairs referred to in the petition, and report to this Assembly in May next the propositions which they may receive and make, to inform those gentlemen who may sufficiently represent the claimers, both with respect to the extent of their claim and what proportion thereof may be proper for this Assembly to confirm upon them, in order to this Assembly settling and quieting that difficulty; and that the charge of the committee be defrayed by the petitioners.

This Assembly grants Capt. James Rogers the sum of thirty shillings out of the publick treasury, for his good service as Speaker of the House of Representatives.

This Assembly grants Mr. Secretary Wyllys the sum of eight pounds out of the publick treasury, for his salary this year.

This Assembly grants Mr. Thomas Kimberly the sum of twenty-five shillings, for his service as Clerk of the House of Representatives.

This Assembly grants the officers that attended the Lower House this sessions three shillings *per diem*, being in the whole, for seventeen days, fifty-one shillings.

Resolved by this Assembly, That the garrison souldiers at New Milford, Shepaug and Litchfield, be forthwith drawn off and disbanded, and that Capt. Joseph Minor, of Woodbury, give notice thereof [to] the officers under whose command said souldiers are, that they may be drawn off accordingly; and that by sending a copy of this act to said officers.

Upon a representation made by a worthy gentleman of a neighbouring Province, that the gentlemen in the administration [457] in our neighbouring government of Rhode Island are well disposed and inclined to accommodate the difference between them and us about the partition line between us now depending at home, this Assembly, being willing to shew themselves not averse but free to put an end to so long a controversy, have nominated and appointed Mathew Allyn, Roger Wolcott, James Wadsworth and Christopher Christophers, Esq^{rs}, Capt. James Rogers, Mr. Daniel Palmer and Mr. Thomas Kimberly, or any four of them, to be Commissioners on the part of this Colony, to agree and finally issue, settle, deter-

mine and fix, the partition and dividing line between the aforesaid governments, to be commissioned by the Honourable the Governour of this Colony, to proceed according to such instructions as shall be given them by the Governour and Council; provided the government of Rhode Island shall also appoint Commissioners to joyn with them with the like powers and authority as are hereby ordered to be given to the Commissioners above named.

Resolved by this Assembly, That a high road shall be laid out and markt on the most convenient ground and straightest course from Hartford towards Boston, to the extent of this government, by Mr. John Whiting, Mr. Ozias Goodwin and Mr. Jacob Strong, as a committee from this Court; their report thereof to be returned to the General Court in May next.

The Acts of the Assembly, as they stand recorded in the preceding pages, was read in the presence of this Assembly, and ordered to be signed as perfect and compleat.

HEZ. WYLLYS, Secret^{ry}.

This Court is adjourn'd till the Governour or Deputy Governour shall see cause to call them to meet again.

[245] AT A COUNCIL HELD IN NEW HAVEN, OCTOBER 26TH, 1724.

Present, The Honourable Joseph Talcot, Esq., Governour.

The Honourable Jonathan Law, Esq., Deputy Governour.

John Hamlin,

Peter Burr,

Samuel Eells,

Matthew Allyn,

James Wadsworth,

John Hall,

Christopher Christophers,

Hezekiah Braynard,

John Hooker,

Joseph Wakeman,

} Esq^{'rs.},
} *Assistants.*

Resolved, That Christopher Christophers, Esq., be impowred, and he is hereby impowred, to administer the proper oath to Timothy Green, printer, for his printing the four thousand pound of bills ordered to be printed by the Assembly holden at New Haven, October 8th, 1724.

[246] The Rev. Mr. John Davenport of Stanford, producing an ancient map of a farm situate on the east side the East River in New Haven, which was granted by the general court,* in the year 1640, to his grandlather Mr. John Davenport, then pastor of the church in New Haven, and praying the opinion of this board whether the register of the town of New Haven may not be safe and unblameable in entering the said map on the publick records of said town: Resolved in the affirmative.

* The general court of the town or plantation of New Haven. *N. H. Col. Rec.*, I, 42, 195.

Whereas the General Assembly, held at New Haven, October 8th, 1724, did enact that there should be forthwith imprinted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which shall amount to the sum of four thousand pounds and no more, which bills should be indented and stamped with such stamps as the Governour and Council shall order, &c.

It is resolved, That the printer, Mr. Timothy Green, do imprint the said four thousand pounds on the plates from which our last impression of bills of publick credit were taken, in the following manner, viz: two thousand pounds on the largest plate, and two thousand pound on the lesser plate, which will amount to two hundred thirty-six sheets on the larger, and to three thousand two hundred sheets on the lesser; and that the said printer before he proceed in said work shall be sworn to that service in the form that has been usual on such occasions.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN,
OCTOBER 28TH, 1724.

Present, The Honourable Joseph Talcot, Esq., Governour.

The Honourable Jonathan Law, Esq., Deputy Governour.

John Hamlin,	} Esq'rs, Assistant.	John Hill,	} Esq'rs, Assistants.
Peter Burr,		Christopher Christophers,	
Samuel Ellis,		Hezekiah Brainard,	
Mathew Allyn,		John Hooker,	
James Wadsworth,		Joseph Wakeman,	

Whereas the General Assembly in October, 1720, ordered that five hundred pounds should be lodged in the treasurers hands for the management of the controversy in England between this Colony and Rhode Island, respecting the line between the aforesaid Colonies, and to be drawn out only as the Governour and Council shall think fit: And whereas Jeremiah Dummer, Esq., our agent, informs us that he shall stand in need of forty guineas more than he hath received, for the use aforesaid:

It is resolved, That one hundred and fifty pounds be drawn out of the treasury for that end and use, and sent to our agent or his order as soon as may be.

Resolved, That his Honour the Governour be desired as soon as his business will admit of it, to make a visit to Madam Saltonstall, our late Governour's widow, at New London, and receive of her the publick letters and other papers that were left in her care when he dyed, and which have not been transmitted hither.*

Resolved, That Christopher Christophers, Esq., be impowred, and

* It is presumed that Governor Talcott never found the leisure to comply with this request of the Council. Silas Deane, in 1774, complaining to Governor Trumbull of the little care that had been taken to preserve the public papers, says that several important letters to and from the late Governor Saltonstall had been sent him by the family round garden seeds and the like. *American Archives, 4th Series, I, 711.*

he is hereby impowred, to administer the proper oath to Timothy Green, printer, for his printing the £4000 of bills ordered by the Assembly this instant October to be imprinted.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD,
NOVEMBER 2D, A. D., 1724.

Present. The Honourable Joseph Talcott, Esq., Governour.

Mathew Allyn, }	} Esq'rs,	Capt. Nathaniel Stanly,
Roger Wo'cott. }		Col. David Goodrich,
Capt. Aaron Cock.		

The Governour being informed by a letter from Capt. James Wadsworth, E. q., that David Robinson had lately broke the goal at New Haven and was now at Durham, and his, said Robinson's, children do earnestly desire they may be admitt-d to give bonds for said Robinson's peaceable and good behaviour; and being further informed by Capt. Wad-worth's letter that the Reverend Mr. Chauncey of Durham is free a bond should be tak-n for said Robinson's good behaviour; an l also Capt. Wadsworth signified that he thought well that a tryal might be made upon what propos-ed by bonds as above: Whereupon it is resolved, that it is not proper to direct or order anything contrary to the act of the Assembly concerning the said David Robinson, but that he be restrained according to the act of said Assembly.

[248] *Resolved*, That the bills of credit ordered by the General Assembly in October last to be imprinted, that the five pound bills on the back side shall be printed the words following, viz: [This indented bill of five pounds due from the Colony of Connecticut in New England to the possessor. Hartford, December the 1st, *Anno Dom.* 1724, by order of the Governour and Council.] And that also the other bills of the great plate shall be likewise printed on the back side in the same manner, only in a different character, according to their respective denomination; and the flowers on the back side may be omitted.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD,
JANUARY 16TH, A. D., 172 $\frac{1}{2}$.

Present, The Honourable Joseph Talcott, Esq., Governour.

Mathew Allyn, Esq., Capt. Nathaniel Stanly, Hez. Wyllys and Mr. John Trowbridge.

Whereas Peter Burr, Esq., was by the General Assembly in May last appointed Judge of the Probates in the county of Fairfield, and this board are advised that by the holy providence of God the said judge is taken away from us by death,*

This board do therefore appoint Joseph Wakeman, Esq., Judge of the

*Hon. Peter Burr, Esq., aged 56 years and nine months, departed this life December 25th, Anno Domini, 1724. *Tombstone in the old cemetery, Fairfield.*

Probate in and for the said county of Fairfield, and he is hereby impow-
 ered to execute all the powers belonging to that office, until the General
 Assembly to be holden in Hartford in May next.

AT A MEETING OF THE GOVERNOUR AND COUNCIL AT HARTFORD,
 FEBRUARY 12TH, ANNO DOM., 17 $\frac{2}{3}$.

Present, The Honourable Joseph Talcot, Esq., Governour.

John Hamlin, Esq.,

Mathew Allyn, E-q.

Roger Wolcot, E-q.,

Capt. Thomas Huntington, and

Thomas Kimberly.

A paper of instructions to the Commissioners appointed by the
 General Assembly to treat with Commissioners from the Colony of
 Rhode Island, about the parting line of the governments, was now
 read at this board and approved.

[249] *Ordered*, That Major Roger Wolcot, one of the Commis-
 sioners appoin'd in behalf of this government to treat with the Com-
 missioners from Rhode Island about the dividing line between the
 governments, draw out of the treasury the sum of twenty-five pounds
 for defraying the expence of the Commissioners, as there may be oc-
 casion; and the treasurer is hereby ordered to deliver out the money
 accordingly.

[Then follows in the MSS. the resolve of the Council, October 26, 1724, empowering
 Mr. Christophers to administer an oath to Mr. Green, for printing the bills of credit,
 which had been already twice recorded and is here omitted.]

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD,
 MARCH THE 20TH, 172 $\frac{1}{2}$.

Present, The Honourable Joseph Talcott, Esq., Governour.

The Honourable Jonathan Law, Esq., Deputy Governour.

Samuel Eells, } Esq's,

Mr. John Austin,

John Hooker, } *Assistants*.

Mr. William Goodwin.

Upon consideration that by one act of the General Assembly of this
 Colony, holden at N. Haven, October the 8th, 1724, it was resolved
 by said Assembly, that the Honourable Jonathan Law, Peter Burr,
 Samuel Eells, Roger Wolcott, Esqs., or any three of them, and Mr.
 [250] Copp. || surveyor, lately appointed to treat at Rye, and Mr. Ed-
 mund Lewis now added as a surveyor to assist, be appointed, and are
 hereby appointed and authorized as Commis-ioners and Surveyors on
 the behalf of this Colony, on the third Tuesday in April next, to meet
 with the Commissioners from N. York, to treat with, settle, agree,
 run, ascertain and fix, the partition lines between the Provinces, and do
 all other things as in said act they were appointed to do, reference
 thereto being had: And this board being informed, that by the holy

providence of God, one of said commissioners, viz; Major Peter Burr, Esq., is taken from us by death:

This board do therefore appoint Captain Joseph Wakeman, Esq., and he the said Joseph Wakeman is hereby appointed, in the room, stead and place of the said Major Burr, deceased, to be one of the said Commissioners, and in conjunction with the rest of the said commissioners to do and perform all things committed to the said commissioners to have done, in all respects, as the said Major Peter Burr might or could have done had his life been spar'd, and he personally present; and that what shall be by him, said Joseph Wakeman, Esq., in conjunction with the said Commissioners done and perform'd, according to the true meaning, intention and construction of said act, that is to say any three of them if said Wakeman be one of the three, shall be held firm, good and effectual, to all intents and purposes, as in said act is included or intended.

And, upon consideration of the mutable estate of frail man, and for the more certainty of having the aforesaid work carried on, it is resolved by the said Governour and Council, that if, after the said Commissioners enter upon the service, by the providence of God, or any extraordinary occasion or necessity, any of the said commissioners should be taken or removed from the said service, so that there should not be a quorum, that is to say, three, with or without Capt. Joseph Wakeman, that then in any matter of judgment, agreement or determination, Mr. Copp, one of the surveyors appointed in the said act of Assembly, shall be one, and he is hereby ordered and appointed to be one of the Commissioners on behalf of this government to meet with the Commissioners that are or shall be appointed from New York, on the third Tuesday in April next, and to treat with, agree about, and settle the division and partition line between the Provinces of Connecticut and [251] New York; and || that what shall be agreed, done and settled, by any three of said Commissioners, said Doctor Copp being one of the three that make the quorum, shall be held good, valid and binding, to all intents and purposes, as fully and effectually as it might or could have done, had there been any three of said Commissioners that were appointed by the Assembly of this Colony.

And whereas in the above recited act of Assembly it is resolved that the said Commissioners and Surveyors are to attend the instructions which the Governour and Council shall give them on that affair,—a paper of instructions to the Commissioners appointed by the General Assembly on the affair aforesaid, was at this board read and approved of, &c.

To the Honourable the Governour and Council:

The request of the proprietors of the wet land on the east side of the great river in Windsor, for Commissioners:

We, the subscribers, being regularly assembled this 25th day of May, 1725, do by our major voice, almost unanimously have chosen Lieut. Hezekiah Porter, Ensign Joseph Loomis and Sergeant Jacob Strong to be Commissioners for _____, and pray that they may be commissioned.

Nathaniel Loomis,	Joseph	William Woolcott,
John Strong,	Richard Skinner,	Joseph Rockwell, jr.,
Hezekiah Porter,	Charles Woolcott,	Jonathan Woolcott,
Joseph Skinner,	Joseph Loomis, jr.,	Thomas Skinner.
Joseph Porter,	Joseph Phelps.	

Agreed to in Council, May 31st, 1725. Present the Honourable the Governour and Deputy Governour, John Hamlin, Roger Wolcott, John Hall, Joseph Wakeman, Nathaniel Stanley and Joseph Whiting, Esq'srs.

[252] AT A MEETING OF THE GOVERNOUR AND COUNCIL AT HARTFORD, APRIL 26TH, 1725.

Present, The Honourable the Governour.

Colonel Mathew Allyn,	Colonel David Goodrich,
Capt. Nathaniel Stanly,	Capt. John Marsh,
Hezekiah Wyllys.	

This board having intelligence by a copie of a letter from Philip Scheyler, of Albany, that the enemies are all come over the lake, and that it would be prudence to strengthen the frontiers on Connecticut River :

It is consider'd and resolv'd, That notice thereof be forthwith sent to Litchfield, Waterbury, Woodbury, Farmington, Simsbury, and New Milford ; and the commission officers of the aforesaid towns are ordered forthwith to make a view of the arms and ammunition of the souldiery in said towns, to see that all the souldiers in their respective companies be forthwith well equipt with their arms and ammunition according to law, and that they are in perpetual readiness to defend themselves and offend the enemy, wheresoever they shall be called or directed by their officers, or by the Governour and Council, or Committee of War.

And it is ordered, That New Milford, Litchfield, Simsbury, Waterbury, and Woodbury, do forthwith set up a constables watch in their respective towns ; and the constables of the respective towns afore-aid are ordered, by the advice of the commission officers and selectmen of said towns, to see such watch or watches faithfully kept by such numbers of men, and in such places as the said townsmen and officers, or the major part of them, shall from time to time agree to and appoint.

And it is also further ordered, That the detachment of 200 men in the towns of Hartford, Windsor and Weathersfield, shall have warning given them forthwith to equip themselves, and be in readiness at the shortest warning to march whithersoever they, or any part of them, shall be required, against the Indian enemy.

[253] *Resolv'd,* That a scout of ten effective, able-bodied men be forthwith sent out from Simsbury, to take their departure from Salmon Brook at Simsbury and march across the wilderness to Housatunnack and Weataug, and inform the sachems of said Indians, that,

as we look upon them to be our friends, we send them the news, that many of the eastward Indians are come out against these frontier parts of the country, and also that Scatecook Indians are all drawn off, its suppos'd, to the enemy; and we send them this news that they may secure themselves in the best manner they can from the said enemy; and farther to inform them, that it being difficult to distinguish them from the enemy, they are forbid to let their men hunt or travel in the land belonging to this government on either side of Housatunnack River, where we must send our scouts to discover the enemy that come down this way. And the said scouts are carefully to observe in their travel, if any tracks come down towards our frontiers, and get what intelligence they can [at] Housatunnack and Weataug, and make the return of their progress to the Governor. And Sergeant Jonathan Holcomb is desired to take the care of said scout, to raise and march them, &c.

And it [is] resolved, That [there be] a view of arms and ammunition of the souldiery throughout the towns of Windsor, Hartford, Weathersfield, Middletown, Glassenbury, Bolton, Coventry, Ashford, Mansfield and Stafford; and that the news of the enemy's coming from Canada be sent to Stafford and Tolland, and that they set up a town watch as the law directs, and that the constable of said town see that it be duly observed and kept by such numbers of men, and in such places as the commission officers and selectmen of said towns, or the major part of them, shall agree to and order.

And whereas we have intelligence from Albany that the enemy are come all out from Canada before the Boston gentlemen got to Canada, and the Skatacuk Indians are drawn off, and there is discovery of Indians in the wilderness above or north of Litchfield and New Milford: For the quieting and securing these towns, at least for the present, while they get their seed into the ground,

[254] *It is resolved,* That whereas Major Samuel Eells is gone out of the Colony, that Capt. John Hall, of Wallingford, Esq. is ordered and commanded to send out his warrants (by virtue of the order of the Governour and Council) unto the commission officers of the towns of Wallingford, Branford and Guilford, that they forthwith send seven effective men from each of said towns, under the command of a Sergeant, to march to Litchfield, and there to be improv'd by the direction of the commission officers of Litchfield, in scouting, watching and warding, for the safety of said town.

And it is farther resolved, That orders be sent to Major John Burr of Fairfield, from this board, that he forthwith send out his warrants, by order of the Governour and Council that sat this day at Hartford, April 26th, 1725, to the chief commission officers of the towns of Fairfield, Stratford and Milford, and cause five effective, good, able-bodied men to be detached or imprest, in each of the respective towns, and forthwith to cause the said fifteen men, under the command of a Sergeant, by him said Major appointed, to march to New Milford, and there to attend the service of guarding, scouting, watching, warding, &c., by the direction of the commission officers of the said town of New Milford.

[458] CONNECTICUTT }
 COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTIES COLONY OF CONNECTICUTT IN NEW ENGLAND, ON THE 13TH DAY OF MAY, IN THE ELEVENTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM., 1725.

Present at this Assembly,

The Hon^{ble} Joseph Talcott, Esq^r., Governour.

The Hon^{ble} Jonathan Law, Esq^r, Deputy Governour.

John Hamlin,	} Esq ^{rs} .	John Hall,	} Esq ^{rs} .
Samuel Eells,		Hez. Brainerd,	
Mathew Allyn,		John Hooker,	
Roger Wolcott,		Joseph Wakeman,	
James Wadsworth,			

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz.:

Mr. Thomas Seymour, Mr. James Ensign, for Hartford.

Capt. James Rogers, Mr. Joshua Hempstead, for New London.

Capt. John Sabin, Mr. Wm. Sharp, for Pomfrett.

Mr. David Buell, Mr. John Kelsey, for Killingsworth.

Capt. Caleb Knapp, Mr. Benja. Mead, for Greenwich.

Capt. James Wells, for Haddam West.

Mr. John Woodward, for Lebanon.

Capt. Thomas Judd, Mr. John Hopkins, for Waterbury.

Capt. Thomas Noyce, Mr. Eben^z Searle, for Stonington.

Mr. Caleb Leet, Capt. Andrew Ward, for Guilford.

Mr. Israel Wyatt, Mr. Nath^l Foot, for Colchester.

Capt. John Fitch, Mr. Jerem. Ripley, for Windham.

Mr. Joseph Phelps, Mr. Sam^l Humphreys, for Symsbury.

Capt. John Munson, Capt. Isa. Dickerman, for New Haven.

Major John Burr, Mr. Eben^z Wakeman, for Fairfield.

Mr. Sam^l Lynds, Mr. Steph. Whittlesey, for Seybrook.

Capt. Tim^o Peirce, Mr. Tho. Stephens, for Plainfield.

Capt. Joseph Addams, Mr. John Dyer, for Canterbury.

Mr. Jn^o Gregory, Capt. James Beeby, for Danbury.

Mr. Henry Wolcott, Capt. Thomas More, for Windsor.

Mr. Joseph Judson, Mr. Andrew Hinman, for Woodbury.

Col^o David Goodrich, Mr. Nath^l Burnham, for Wethersfield.

Mr. George Clark, Capt. Roger Newton, for Milford.

Capt. Reignold Marvin, Mr. Jn^o Griswold, for Lyme.

Capt. Wm. Wadsworth, Capt. Joseph Hawley, for Farmington.

[459] Mr. Tho. Kimberly, Capt. Thomas Wells, for Glassenbury.

Capt. Jonath. Hoitt, Mr. Jonath. Bates, for Stanford.
 Capt. Henry Crane, Mr. Wm. Seward, for Durham.
 Mr. Thomas Storrs, Mr. Ephraim Chapin, for Mansfield.
 Capt. Jerem. Fitch,* Mr. Peter Buell, for Coventry.
 Mr. George Blancherd, Mr. Tho. Whittmore, for Killingsly.
 Mr. Joseph Bacchus, Mr. Jabez. Hide, for Norwich.
 Mr. John Benidict, for Norwalk.
 Mr. Edward Barker, Capt. John Russell, for Branford.
 Capt. John Riggs, for Derby.
 Capt. Thomas Gates, for Haddam East.
 Mr. James Morgan, Mr. James Avery, for Groton.
 Capt. James Lewiss, Mr. John Wilcoxson, for Stratford.
 Capt. Theophilus Yale, Mr. John Hodgkiss, for Wallingsford.
 Mr. Israhiah Whittmore, Capt. Wm. Savage, for Middletown.
 Capt. Dan^l Brewster, Mr. John Brown, for Preston.
 Capt. James Rogers, Speaker, } of the House of
 Mr. Thomas Kimberly, Clerk, } Representatives.

This day being appointed by charter and the laws of this Colony for the election of the publick officers of this corporation, viz., the Governour, Deputy Governour, Assistants, Treasurer, and Secretary,—proclamation being made, the freemen proceeded to give in their votes to persons chosen by the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed were, John Hamlin, Math. Allyn, James Wadsworth, John Hall, Hez. Brainerd, John Hooker, Joseph Wakeman, Esq^{rs}, Col^o David Goodrich, Mr. Thomas Seymour, Capt. John Munson, Mr. George Clark, Mr. Jonathan Bates, Mr. Ebenezar Wakeman, Capt. Timothy Peirce, Mr. Stephen Whittlesey, who were all sworn truly and faithfully to receive, sort and count the said votes. And the votes of the freemen being brought in, sorted and counted,

The Hon^{ble} Joseph Talcott, Esq^r, was chosen Governour of this Colony for the year insuing. The governour's oath and the oaths required by acts of Parliament relating to trade and navigation was administered to him in the presence of this Assembly.

* It being represented that Capt. Jer. Fitch, who is returned to serve as a Representative at this Assembly from the town of Coventry, ought not to take his seat as a member of this House, because the said Fitch had a hand in, did abet, promote, encourage and forward, the late riot and disorder in delivering the said Capt. Fitch out of prison, opposing the authority and law of the government, hindering the officers in the execution of their office: and the said Fitch being now had to the bar of this House, and heard on the premises, the House are of the opinion that there is so much truth in the matters of fact charged against him, that he ought not to sit as a member of this House, and therefore order him to withdraw.—*Journal L. H. May 15, 1725.*

The Hon^be Jonathan Law, Esq^r, was chosen Deputy Governour of this Colony for the year insuing, and the deputy governour's oath was administered to him in the presence of this Assembly.

John Hamlin, Esq^r, Samuel Eells, Esq^r, Mathew Allyn, Esq^r, Roger Woleott, Esq^r, James Wadsworth, Esq^r, John Hall, Esq^r, Christopher Christophers, Esq^r, Hez. Brainerd, Esq^r, [460] John Hooker, Esq^r, || Joseph Wakeman, Esq^r, Nathaniel Stanly, Esq^r, and Joseph Whiting, Esq^r, were chosen Assistants of this Colony for the year insuing. And John Hamlin, Mathew Allyn, James Wadsworth, John Hall, Hez. Brainerd, John Hooker, Joseph Wakeman, Esq^{rs}, had the assistant's oath administered to them in the presence of this Assembly.

Mr. John Whiting was chosen Treasurer of this Colony for the year insuing.

Hez. Wyllys was chosen Secretary of this Colony for the year ensuing, and accordingly sworn to that office and trust in the presence of this Assembly.

A Question propounded to this Assembly, whether upon the death or removal of any town clerk, or other ordinary town or society officer, in any town in this Colony, such town or society may regularly assemble together and choose a new to fill up such vacant place: Resolved by this Assembly in the affirmative.

This Assembly do establish and confirm Mr. Thomas Shayler of Haddam to be Captain of the company or trainband in Haddam West, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Arnold of Haddam to be Lieutenant of the company or trainband in Haddam West, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Merrells of Hartford to be Lieutenant of the company or trainband at the West Division in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Webster of Hartford to be Ensign of the company or trainband at the West Division in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Crery of Plainfield to be Lieutenant of the company or trainband in the town of Plainfield aforesaid, and order that he be commissioned accordingly.

[461] This Assembly do establish and confirm Mr. Ephraim Kingsbury of Plainfield to be Ensign of the company or trainband in the town of Plainfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Humphreys 2d of Symsbury to be Captain of the south company or trainband in the town of Symsbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Addams of Symsbury to be Ensign of the south company or trainband in the town of Symsbury aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ichabod Warner of Lebanon to be Ensign of the second company or trainband in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Storrs of Mansfield to be Captain of the company or trainband in the town of Mansfield aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Slapp of Mansfield to be Lieutenant of the company or trainband in the town of Mansfield aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Warner of Middletown to be Captain of the north company or trainband in the town of Middletown aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Sam^l Frary of Middletown to be Lieutenant of the company or trainband on the north part of Middletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Wilcox of Middletown to be Ensign of the north company or trainband in the town of Middletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Coe of Durham to be Lieutenant of the company or trainband in the town of Durham, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Lyman of Durham to be Ensign of the company or trainband in the town of Durham, and order he be commissioned accordingly.

[462] This Assembly do establish and confirm Mr. Thomas Wells of Wethersfield to be Captain of the north company or trainband in the town of Wethersfield aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Wolcott of Wethersfield to be Lieutenant of the north company or trainband in the town of Wethersfield aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Gideon Welles of Wethersfield to be Ensign of the north company or trainband in the town of Wethersfield aforesaid, and order that he be commissioned accordingly.

Ordered by this Assembly, That James Wadsworth and John Hooker, Esq^{rs}, return the thanks of this Assembly to the Reverend Mr. Azariah Mather of Seybrook, for his sermon preacht before this Assembly on the 13th of May instant, and desire that he give a copy thereof, that it may be printed.

This Assembly do appoint the Hon^{ble} Jonathan Law, Esq^r, to be Chief Judge of the Superiour Court for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^r, Mathew Alyn, Esq^r, James Wadsworth, Esq^r, and John Hooker, Esq^r, to be Assistant Judges of the Superiour Court for the year ensuing.

This Assembly do appoint Roger Wolcott, Esq^r to be Judge of the County Court in the county of Hartford.

This Assembly do appoint the Hon^{ble} Joseph Talcott, Esq^r, to be Judge of the Court of Probate in the county of Hartford.

This Assembly do appoint John Hall, Esq^r, to be Judge of the County Court in the county of New Haven.

This Assembly do appoint Mr. Warham Mather to be Judge of the Court of Probate in the county of New Haven.

This Assembly do appoint Christopher Christophers, Esq^r, to be Judge of the County Court in the county of New London.

This Assembly do appoint Christopher Christophers, Esq^r, to be Judge of the Court of Probate in the county of New London.

[463] This Assembly do appoint Joseph Wakeman, Esq^r, to be Judge of the County Court in the county of Fairfield.

This Assembly do appoint Joseph Wakeman, Esq^r, to be Judge of the Court of Probate in the county of Fairfield.

This Assembly do appoint Capt. Timothy Peirce to be Judge of the Court of Probate for the District of Windham.

This Assembly do appoint John Sherman, Esq^r, to be Judge of the Court of Probate for the district of Woodbury.

This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate for the district of Guilford.

This Assembly do appoint Capt. Samuel Mather, Col. David Goodrich, Mr. Thomas Kimberly, Capt. Wm. Wadsworth, Capt. Ozias Pitkin, Capt. Joshua Robbins, Capt. Thomas Judd, Mr. John Hopkins, Capt. Thomas Ward, Capt. Thomas Gates, Capt. James Wells, Mr. Michael Taintor, Capt. Thomas Huntington, Mr. Joshua Ripley, Capt. John Fitch, Mr. Joseph Strong, Mr. Sam^l Humphreys, 2^d, Capt. John Marsh, and Hez. Wyllys, to be Justices of the Peace in Hartford county.

This Assembly do appoint Capt. Samuel Mather, Col^o. David Goodrich, Capt. Wm. Wadsworth and Capt. Ozias Pitkin, to be of the Quorum in the county of Hartford.

This Assembly do appoint Mr. Warham Mather, Mr. Sam^l Bishop, Mr. Samuel Clark, Mr. James Hooker, Capt. Andrew Ward, Capt. Nathaniel Harrison, Mr. Edward Barker, Capt. John Riggs, Capt. Janna Meiggs, Mr. Sam^l Brunson and Capt. Theophilus Yale, to be Justices of the Peace in the county of New Haven.

This Assembly do appoint Mr. Warham Mather, Mr. Sam^l Bishop, Mr. Samuel Clark, and Mr. James Hooker, to be of the Quorum in the county of New Haven.

This Assembly do appoint Capt. James Rogers, Mr. Jonathan Prentts, Mr. John Plumb, Mr. Moses Noyes, Mr. Samuel Lynd, Mr. Abrahm Pierson, Mr. James Morgan, Mr. Dan^l Palmer, Mr. James Minor, Mr. James Avery, jun^r, Mr. John Brown, Mr. Dan^l Brewster, Capt. Timothy Peirce, Mr. Joseph Levins, Mr. John Sabin, Mr. Joseph Addams, Mr. Richard Bushnell, Mr. Joseph Bacchus, Mr. John Woodward and Mr. Eben^z West, to be Justices of the Peace in the county of New London.

[464] This Assembly do appoint Mr. Jonathan Prentts, Mr. John Plumb, Capt. Richard Bushnell, Capt. James Rogers and Capt. Timothy Peirce, to be of Quorum in the county of New London.

This Assembly do appoint Joseph Curtice, Esq^r, John Sherman, Esq^r, Major John Burr, Capt. Joseph Platt, Capt. Joseph Bishop, Capt. Joseph Minor, Mr. Edmund Lewiss, Capt. John

Hawley, Mr. John Gregory, Mr. Eben^z Mead, Mr. Thomas Bennitt, Mr. Richard Osborn, Mr. Sam^l Peck, Mr. Ebenezar Wakeman, Capt. Moses Dimond and Mr. John Copp, to be Justices of the Peace in the county of Fairfield.

This Assembly do appoint Joseph Curtice, Esqr, John Sherman, Esqr, Major John Burr, Capt. Joseph Platt, Capt. Joseph Bishop, Capt. Joseph Minor and Mr. Edmund Lewiss, to be of the Quorum in the county of Fairfield.

This Assembly do choose and appoint John Burr, Esqr, to be Major of the regiment in the county of Fairfield, and order that he be commissioned accordingly; and the Hon^{ble} Jonathan Law, Esqr, is desired to administer to him the oath provided by law in such case.

This Assembly do establish and confirm Mr. Peter Ward of Killingsworth to be Lieutenant of the first company or trainband in the town of Killingsworth aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Stephens of Killingsworth to be Ensign of the first company or trainband in the town of Killingsworth, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Edger-ton of Norwich to be Lieutenant of the second company or trainband in the town of Norwich, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Beng-ham of Norwich to be Ensign of the second company or trainband in the town of Norwich aforesaid, and order he be commissioned accordingly.

This Assembly grants liberty unto Lydia Tracy, administra-trix on the estate of Christopher Tracy, late of Preston, de-ceased, together with Jedediah Tracy of said Preston, to sell so much of the land of the said deceas'd as may be sufficient to pay all the just debts due from said estate more than the moveable estate amounts to and the charge that shall arise in selling the same, and that which is ordered by the law to be set out to the widow for her relief during her life time, page 195; with the approbation of the court of probate in the county of New London.

[465] Upon the prayer of Deborah Glover of Stonington: Resolved by this Assembly, that by the equity of the law en-titled An Act for the better ordering of idle and poor persons and to enable the selectmen in the respective towns to take into their management the estate and credits of such persons,

the selectmen of Stonington are fully impowred to take the estate of William Glover into their management, and also to recover the bond mentioned in the said prayer.

This Assembly grant liberty unto the inhabitants of the North Parish in Seybrook to imbody themselves into church estate, with the approbation of the neighbouring churches, and to settle an orthodox minister of the gospel amongst them.

This Assembly grant liberty unto the inhabitants of the North Society of Stonington to imbody themselves into church estate, with the approbation of the neighbouring churches, and to settle an orthodox minister amongst them.

This Assembly do establish and confirm Mr. Hezekiah Porter of Windsor to be Lieutenant of the south company or trainband on the east side of Connecticut River in the town of Windsor aforesaid, and order he be commissioned accordingly.

This Assembly do appoint Mathew Allyn, Esq^r, C. Christophers, Esq^r, Hez. Brainerd, Esq^r, or any two of them, Col^o. David Goodrich, Mr. George Clark, Mr. Joshua Hempstead and Mr. Eben^z Wakeman, to adjust the Colony's accounts with the Treasurer.

Whereas Aaron Cook, Esq^r, lately deceased, was one of the Commissioners appointed by an act of this Assembly in May, A. D., 1721, in the affair of the copper mines at Symsbury, and his place is left vacant by his death: This Assembly do appoint Nathan^l Stanly, Esq^r, to be a Commissioner in the place of Aaron Cook, Esq^r, deceased, according to the aforesaid act of Assembly.

Upon the petition of Mathew Woodruff, jun^r, of Farmington: This Assembly grants to the petitioner the sum of thirty pounds money, to be paid out of the publick treasury.

Upon the request of John Hazzen and Sam^l Liffingwell, that this Assembly would explain an act past October 8th, 1724, concerning several men in Canterbury which formerly belonged to Capt. Bushnell's troop, whether by said act they are obliged to return to said Bushnell's troop or not: The [466] question was put to this Assembly, whether || that clause in the act of October 8th 1724, referred to, which orders each person to attend their duty in the company or trainband whereto he or they did formerly belong before they listed as troopers, does intend such of Capt. Bushnell's troop who had listed in the new troop, that they should return again to said Capt. Bushnell's troop and be under his command: Resolved in the affirmative.

This Assembly do establish and confirm Mr. Joseph Hatch of Tolland to be Captain of the company or trainband in the town of Tolland aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Huntington of Tolland to be Lieutenant of the company or trainband in the town of Tolland aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Peck to be Ensign of the company or trainband in the town of Tolland aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hotchkiss of Wallingsford to be Captain of the company or trainband at the parish of New Cheshire in the town of Wallingsford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Thompson of Wallingsford to be Lieutenant of the company or trainband at the parish of New Cheshire in the town of Wallingsford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Brooks of Wallingsford to be Ensign of the company or trainband at the parish of Cheshire in the town of Wallingsford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Talmage of New Haven to be Quarter-Master of the troop in the county of New Haven, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Amos Halam, of Stonington, to be Ensign of the first company or trainband in the town of Stonington aforesaid, and order he be commissioned accordingly.

Upon the petition of the north farmers in Wallingsford and [167] those inhabiting the land northward of said || Wallingsford, commonly called Wallingsford Purchase Lands: This Assembly grants that they be a separate society for setting up and carrying on the publick worship of God among themselves, with all such liberties, powers and privileges, as other such societies in this Colony have and do by law enjoy; and that the bounds of said society shall be as followeth, viz: all that part of said Wallingsford Purchase Lands not already granted to Wallingsford West Society or to Farmington South Society, which lands adjoyn to said Wallingsford north bounds, and also that part of said Wallingsford township bounded as

followeth, that is to say : that the river shall be the line from the bounds of the West Society down the stream unto the south side of Joseph Coles farm, and from thence unto the country road north of Amos Hall's farm, and from thence a straight line taking in Thomas Yale's farm, and from thence a straight line unto the highway below Amos Camp's house at the east end of said highway, and from thence an east line unto the mountain ; and if these lines shall happen to cross any man's land, the said piece of land shall wholly belong unto that society wherein the owner dwells.

Whereas by the grievous complaint of Nehemiah Loring, expressed in his petition here preferred against Katharine Noyes, which petition has not been heard because of a defect in serving thereof, this Court are given to apprehend it probable that the said Loring is under great disadvantage to make defence against the said Noyes in her suit against him to be finally tryed in the superiour court at Fairfield in August next ; and yet that probably the said Loring ought not in equity to have any judgment there given, much less executed against him, in the cause aforesaid : Whereupon it is the opinion of this Assembly, that the superiour court may and ought, upon sufficient cause appearing to the said court, continue the action on the *scire facias* till the petitioner may have opportunity to cite the bondsmen or her attorney before this Court for his relief in this case.

Upon the memorial of Thomas Hill of the northwest part of the middle parish of Fairfield, in his own name and in the behalf of the rest of the inhabitants thereof, praying for parish privileges and liberty to hire, upon their own charge, some meet person to preach the gospel among them till the General Assembly in October next ; and also for a committee to view their circumstances and make report to said Assembly, in order for their being made a parish by themselves: This Assembly do hereby grant full liberty to the said inhabitants to hire, upon their own charge, some suitable person to preach the gospel among them till the next General Assembly at New Haven in October next, they, the said northwest inhabitants, paying all their duties to the old parish of Fairfield as be- [468] fore, || and do hereby appoint, desire and empower, Mr. John Copp of Norwalk, Capt. John Hawley and Mr. Edmund Lewiss, both of Stratford, be a committee to inspect the circumstances of said inhabitants and make report thereof to said Assembly ; and the said inhabitants are to give notice to the inhabitants of the town of Fairfield, when and where they may meet with said committee, at least six days before they make their inspection as aforesaid.

Upon hearing the controversy and very great contention that has hapned and still continues among the inhabitants of the town of Voluntown, as set forth to this Assembly at this time by many of the inhabitants of that town, respecting the place for setting up the meeting house for publick worship: This Assembly do now choose and appoint Capt. James Rogers, Capt. Tho. Huntington and Capt. Jabez Perkins, a committee, at the charge of the inhabitants and proprietors, to repair to the place, enquire into the state of that whole affair, view the place or places proposed for setting the said house on, and make report of the whole matter to this Assembly to be holden at New Haven in October next. And it is further ordered, that Jacob Bacon, the treasurer in whose hand the tax money is lodged, take due care in the mean time that such sum or sums of money as are due to the ministry be punctually paid, without delay; and that, upon the said treasurer's neglect of complying with this act, the Secretary of this Colony shall send forth a precept to the constable of Voluntown, to distrain of the said treasurer's goods or estate to make payment thereof to the minister, and proceed thereon as in writs directed to collect town or ministers rates; provided there be money in the said treasurer's hands; and if there be not a sufficiency of money for that end, that then the said constable shall levy the same of the goods or estate of such person or persons who are appointed to collect and gather such money.

Upon the petition of the northwest farms of Stratford, called Nickols Farms, praying for village privileges and for a committee to view their circumstances and make report thereof to the General Assembly in October next: This Assembly grant to the said inhabitants the privilege of a committee to view and report as aforesaid, and do hereby appoint, desire and empower, Capt. John Riggs of Derby, Capt. Sam^l Clark of Milford, and Capt. Isaac Dickerman of New Haven, to be a committee for the affair aforesaid, at the charge of the said petitioners, to view and make report as aforesaid; and the petitioners are to notify the neighbouring inhabitants when and where they shall meet with said committee, at least six days before they enter upon said work.

Whereas there ariseth some difficulty in the town of Voluntown about the meaning of one certain clause in the act [469] || of this Assembly of May 11th 1721, impowring said town to levy a tax on the land in Voluntown, where it is said, Upon neglect of payment of said tax, so much of the land of such person or persons so neglecting or refusing, &c. shall be sold by said committee or any three of them as the law directs: It is now resolved by this Assembly, that for the

future the understanding the said clause shall be, that the said land so to be sold shall be at publick vendue to the highest bidder, and that a notification of such sale shall be set upon the sign post in the three next towns twenty days before such sale. And this Assembly do now enact, that all land heretofore sold by said committee may be redeemed by the former owner of such land, or their heirs or next of kin, viz: by paying the tax money and all charges arising on the sale of said land within six months from the rising of this Assembly; and that notice of this act be sent to the owners of such land within one month, and if such land so sold shall not be redeemed as aforesaid, such land shall be holden to the purchasers thereof, their heirs and assigns, anything in this act to the contrary notwithstanding. And it is further provided and enacted, that no person or persons whatsoever having his or their land so sold shall have any liberty, after the expiration of one whole year after such sale so made, to contest the legality of such sale, grounding their plea upon any mistake committed by said committee that shall sell the same in setting up notifications of such vendue.

Upon the petition of Capt. John Morgan and the rest of the inhabitants of the north part of the town of Groton, desiring of this Assembly that they may be a parish by themselves to set up the worship of God there: Resolved by this Assembly, that Capt. Timothy Peirce, Capt. Thomas Noyes and Mr. Joseph Bacchus, be a committee, at the charge of the petitioners, to go and make diligent enquiry into the circumstances of said parish, and set the bounds thereof, and make report of their doings in this Assembly in October next.

This Assembly do establish and confirm Mr. John Chester of Wethersfield to be Captain of the first company or trainband in the town of Wethersfield aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Belding, jun^r, to be Ensign of the first company or trainband in the town of Wethersfield aforesaid, and order he be commissioned accordingly.

An Act for altering the Time of the sitting of the County Court appointed by Law to be holden in the County of New London, at New London, on the first Tuesday in June annually.

Whereas it is found by experience that for the said court to be so holden there, on the said first Tuesday of June, is very inconvenient, by reason of its nearness to the time of the session of this Assembly in May; it often hapning that [470] many of the judges || for holding said court and per-

sons concerned therein prove members of this Assembly : For remedy whereof,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future, and until this Assembly shall order otherwise, the said court shall be holden at said New London on the second Tuesday of June annually ; any former law, usage or custom to the contrary notwithstanding. Provided nevertheless, the said county court, that is to be holden there on the first Tuesday of June next, shall be so holden accordingly ; anything in this act to the contrary notwithstanding.

This Assembly do establish and confirm Mr. John Starr of Danbury to be Lieutenant of the company or trainband in the town of Danbury aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Stephens of Danbury to be Ensign of the company or trainband in the town of Danbury aforesaid, and order he be commissioned accordingly.

Resolved by this Assembly, That for the future every of the allowed attorneys at the law in this government shall be set in the annual list for their faculty, that is, those that be the least practitioners the sum of fifty pounds, and the others in proportion, according to their practice, to be assessed at the discretion of the listers of the respective towns where said attorneys live, during their practicing as such ; any former law, usage or custom to the contrary notwithstanding.

Upon the petition of Thomas Lechmere Esqr, and Ann his wife, supposing no remedy was left him to recover her right in the estate of her father deccas'd, seeing no writ of partition lyes by the judgment of the superiour court, and the bonds taken by the probates is not of sufficient value to answer for the whole estate, and no inventory is exhibited in the probates : to which petition the defendant answers, that the petitioners ought not to be heard upon his petition, for that nothing is prayed for in which this Court is wont or ought to give relief, no errour is assigned, no new evidence alledged, nor any matter of equity demanded, nor anything alledged wherein the law of the Colony cant relieve and ought therefore to be relieved by this Court : It is resolved by this Assembly, that relief may and ought to be had in the probates in such like cases, by a new grant of an administrator, exhibiting of an inventory of the whole estate, and a distribution made according to the rules of the law upon the whole. Whereupon it is resolved, that the petition shall abate, and

that the defendant shall recover his costs, allowed to be £1. 9. 4.

[471] Upon the petition of Sarah Perkins, shewing that by a judgment of the superiour court at New Haven in March last she was sentenced to suffer the penalty as the law directs, for the sin or crime of incest, and also how she was unnaturally, as it were, forced thereto by her fathers sovereign authority, and this Assembly understanding she made a penitent confession of the said crime before authority, and manifested great sorrow and repentance for the same, and also at the time of tryal: and that the sentence is not yet executed: This Assembly do release the said offender from sitting on the gallows, and from wearing the letter I on the outside of her upper garment, and order that the seal of the Colony be affixed unto a copy hereof by the Secretary. And inasmuch as it is very evident to this Assembly that the petitioner was grossly ignorant, not only of the heinous nature of the crime laid to her charge, but also of the paternal authority of her said father over her, that the whipping of her be also released.

Upon the petition of Jacob Franks of New York *v.* Abram Pinto of Stratford, wherein said Franks setteth forth that this Assembly at their sessions in October last gave him a new tryal in a case between him and said Pinto, at the superiour court in Fairfield then next following, as by the act of said Assembly, reference thereto being had, will more fully appear; and he, said Franks, failed of his said tryal at said superiour court, because the clerk of said court failed of sending of the files and records belonging to the said case, and now prayeth this Assembly to have his tryal in the superiour court in Fairfield in August next: Resolved by this Assembly, that the said Franks shall have a tryal in his said action in the superiour court in Fairfield in August next, upon his paying said Pinto the money he, said Franks, received of said Pinto upon the former judgment, or that the money be deposited in the said court, with the clerk of said court, for the use of the defendant; and that there be a copy of this act left with said Pinto at least six days before the sitting of said court, and that to be a sufficient notification for him to appear at said court and answer in said case.

Upon the petition of John Collins *v.* Nathaniel Harrison, Richard Wilford, and the rest of the proprietors of the town of Branford, for better assurance of seventy acres of land covenanted to be conveyed to him for forty acres of the land of the petitioner in exchange, which in a course of law hath been recovered from him for want of a legal conveyance from

them : It is resolved and decreed by this Court, that the said Nathaniel Harrisson and the rest of the said proprietors shall, within the space of six months, redeliver to the petitioner and put him in possession of the said forty acres of land by them received in exchange of the petitioner, or to him convey other land of equal value to the petitioners, as shall be adjudged by three indifferent men to be nominated and directed by the sheriff of the county of New Haven ; and for want of such lands of the said proprietors, that the said proprietors shall [472] incur || the penalty of one hundred and fifty pounds, to be levied upon their goods or lands by warrant or execution from the Secretary, to be directed to the sheriff aforesaid. *Cost allowed petitioner.* £2. 8. 6.

Resolved by this Assembly, That the gentlemen appointed by this Assembly at this sessions, to adjust the Colony accounts with the Treasurer, do receive of the said Treasurer all the dead stock of bills in his hands, brought in by rates and exchange or otherwise, and give the said Treasurer a receipt of the same ; which dead stock of bills shall be sorted, and such of them as are torn and defaced, and not fit again to be emitted, to burn and consume the same, and make report of their doings thereon to this Assembly at this time.

Upon the motion of Mr. Treasurer Whiting made to this Assembly : Ordered, that all the receipts signed by the said Treasurer and delivered to the committee for signing bills, for such sum or sums either heretofore or that shall hereafter be put by them into his hands to be emitted, or receipts for other sums of money put into his hands from time to time, that after discharge, emitting or paying out such sum or sums specified in such receipts, such emissions or payment of such sum or sums, specified in such receipt, shall be endorsed by the auditors from time to time thereon.

Upon the petition of Jabez Hide and Lydia Raymond : This Assembly do confirm the said lot set forth in said petition, with the rights and divisions thereto belonging, to the said Abel Shayler, his heirs and assigns forever ; and do order and direct the administrator to perfect his account with the judge of the probate in the county of New London, respecting said Raymond's estate : and the said administrator to pay (out of the money he has received for said land,) for the bringing up of the children, as the judge of probate shall allow ; and the money which remains, when the just debts are paid, shall be by the said administrator and Mr. Sam^l Gager laid out in land for the heirs of said Raymond.

Upon the petition of Mr. John Fisk and James Levinz of

Kellingly, shewing this Assembly that they having purchased three country grants of land, containing in the whole seven hundred acres, and that thro' ignorance and mistake there happened to be laid the quantity of six hundred and twenty-eight acres, part of the aforesaid grants, in a certain tract of land formerly conveyed and accepted by this Assembly, and [473] since that conveyed by || Major James Fitch to the trustees of Yale College, and by said trustees of said college hath been recovered from them in a course of common law, praying liberty of this Assembly to take up the said quantity of six hundred and twenty-eight acres so recovered of them, in the ungranted lands in this Colony: This Assembly grants liberty to the petitioners to take up six hundred and twenty-eight acres of land in the ungranted lands of this Colony; provided they take it up where it may not prejudice any former grant to any plantation or particular person; provided also, they do not take it up in less parcels than two hundred acres in a peice.

Upon the petition of Joseph Hills of Farmington, setting forth to this Assembly that, pursuant to a power given to Mr. Sam^l Bishop of New Haven and Mr. George Clark of Milford, to view and set a value upon the several parcels of land contained within a parcel of land called Wallingsford Purchase Land, as they had been purchased by several persons in particular parcels of a committee of Wallingsford selling to them the native rights, as by their deeds from said committee will appear, and any of said purchasers, paying to said Clark and Bishop so much money for the use of this Colony as they should value the land at as was purchased, should have a deed from said Bishop and Clark, and should give said purchaser a deed of confirmation for said land; and there being one Ebenezer Seymour who had purchased one hundred acres of said land of one Howkins Hart who had purchased it of said committee of Wallingsford; and also said Seymour had obtained a deed of two hundred acres of said land of one Henry Williams who had obtained the native rights thereof from said committee of Wallingsford; which said three hundred acres said Bishop and Clark valued at seven pounds ten shillings, which being secured to them by a bond from the Reverend Mr. Moss of Derby they, said Bishop and Clark, did give said Seymour a deed for said three hundred acres, and the said Mr. Moss having deposited in his hands said deed for the security of said seven pounds ten shillings, and said Hills since that having bought said three hundred acres of land of said Seymour and paid him for it and hath not given said Hill a deed of the same, and said deed in the hand of said Mr. Morse not recorded: Whereupon this Assembly order and fully empower

Messrs. Bishop and Clark to give said Hills a good deed of conveyance for said three hundred acres of land, as it was butted and bounded in said Harts and Williams surveys made to them, viz: to said Williams on the 8th day of September 1724, and to said Hart, May 17th 1714, upon his paying said Bishop and Clark seven pounds ten shillings for the use of this Colony give to said Hill a deed to be butted and bounded as in said deed in the hands of said Morse given to said Seymour for said three hundred acres, and do forbid said deed in the hands of said Morse being put upon record.

[474] Upon the petition of Susannah Kilborn, shewing to this Assembly that Thomas Kilborn in his life time, in company with his brother John Kilborn, bought a piece of land in Hartford, bounded south on the land of the said Thomas, east upon Hoccanum River, west upon Connecticutt River, north by the land of John Benjamin partly and partly by the land of said John Kilborn, being in quantity ten acres, more or less, of one Phillip Smith, joynt between them; said Thomas paid the one-half of the money for said land and said John Kilborn paid the other half of the money for said land, and said Thomas took the deed of the whole of said land from said Phillip, and ought to have given said John Kilborn a deed for the one-half of said land, but dyed and did not; and she, said Susannah, desiring power to give said John Kilborn a deed for the one-half of said land: Upon consideration whereof, this Assembly fully empower said Susannah Kilborn to give a good deed of conveyance to said John Kilborn for the one-half of said land, for his well-holding the same to himself, his heirs and assigns forever.

Upon the petition of the inhabitants of the town of Bolton: This Assembly grants them liberty to imbody into church estate and to call and settle an orthodox minister among them, with the approbation of the neighbouring churches.

Upon the petition of Bolton: It is enacted and resolved, that the tax be further continued on the lands in said Bolton for the space of three years coming, in manner following, viz: for every lot laid out in said town, viz: forty-nine lots, the owners of said lots shall pay annually thirty shillings per lot; the first payment to be paid by the first day of September next, and so annually on the first of September in each year till the three years be expired. And it is further ordered and enacted, that all the owners of such farms and grants of land as lye in said township shall pay annually as aforesaid for their said farms in the same manner and proportion with said lots as was by this Assembly ordered in the grant of the for-

mer taxes on said farms in October A. D., 1720 ; and that the former committee, viz : Timothy Olcott and John Bissell, be hereby appointed to collect and receive said tax in the same manner in which they were directed respecting the former taxes Oct. 1720, and that they, said committee, keep fair accounts of their doings therein, disposing said taxes for the settling and maintaining the worship of God in said town.

[475] Upon the petition of Joseph Bacchus of Norwich, jun^r, praying this Assembly to give him one tryal more in his action brought against him by Joseph Tracy of said Norwich, demanding six pounds damages for his, said petitioners, serving an execution on the estate of said Tracy as he was constable of Norwich, which execution was pursuant to a judgment recovered by Solomon Tracy of said Norwich against said Joseph Tracy, in which case aforesaid he, said Joseph Tracy, had final judgment against him, said Bacchus, for six pounds damages and costs in the superiour court at New London in March last past, as appeareth to this Assembly by the records of said superiour court: Upon consideration whereof, this Assembly order the said Joseph Bacchus a new tryal in said case in the superiour court to be holden at New London in September next, and that only the future cost follow the final judgment.

Upon the petition of Elizabeth Easton of Hartford, administratrix on the estate of Jonathan Easton late of said Hartford deceas'd, setting forth to this Assembly that the estate of said Jonathan Easton is considerably more indebted than there is moveable estate to pay debts withal, and all the debts are not yet known that is yet due from said estate ; and also that the said Elizabeth standeth in great need of a team and its tackling, reserved out of the moveable part of the said estate to and for her use ; and in said petition praying this Assembly that she may have full power of herself, or some meet person with her, to sell so much of the land of said deceased as will answer all the debts of said deceas'd over and above what the moveables of said estate will amount to when said team is reserved : Upon consideration of said petition it is resolved by this Assembly, and power is hereby given to said Elizabeth Easton in company with her brother Edward Cadwell, to reserve out of the moveable part of said estate two oxen and two horses and team tackling, for the use of said Elizabeth, and that said Elizabeth and said Edward shall have full power to sell so much of the lands that said deceas'd dyed seized of as will answer the debts due from said estate over and above what can be paid with the residue of the moveable

part of said estate when said oxen and horses and team tackling is taken out; which land is to be sold at all times with the allowance and approbation of the court of probates in Hartford.

Upon the petition of the people, inhabitants of the south part of Colchester and north part of Lyme, praying to be a distinct parish: Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that the petitioners shall be, and are hereby made to be, a distinct parish, and that all the usual powers and priviledges of a parish are hereby granted unto them; and their bounds shall be, beginning at Haddam south [476] east corner tree, || and from thence an east line to New London bounds, from thence northerly by New London bounds till it comes to Norwich bounds, and so by Norwich bounds to the bound tree where Colchester and Lebanon bounds meet; from thence a westerly line to Thomas Jones his north east corner of his farm where he lives, and so along on the north side said Jones his farm, keeping a straight course to Haddam bounds, from thence southwardly till it comes to Lyme bounds; and so in the line dividing between Haddam and Lyme to the first bounds mentioned.

This Assembly do establish and confirm Mr. Thomas Mills of Wallingsford to be Lieutenant of the west company or trainband in the town of Wallingsford aforesaid, and order that he be commissioned accordingly.

Upon consideration of the petition of the south inhabitants of Haddam East Society, as also a prayer made by the society of Haddam East side: This Assembly appoint Messrs. John Hall, Esq., Mr. Howkins Hart, and Mr. Stephen Whittlesey, to repair to the place, view their state and circumstances, and if they judge it reasonable and best that there should be a new society, as desired by the aforesaid petition, then they make report thereof to this Assembly in October next at New Haven, with the best line of their partition: but if they judge it is best and most convenient that they should continue as one society, as is desired by said prayer, that then the said committee do resolve and determine the place of erecting a meeting house that shall be most accommodable for the whole present society; and this to be done at the charge of the said whole society.

Upon consideration of the petition of those inhabiting adjacent to Haddam East Society in the north end of Lyme: This Assembly do appoint John Hall Esq^r, Messrs. Howkins Hart, and Stephen Whittlesey, at the request and charge of

the petitioners, to repair to and view the state and circumstances of the places referred to, and consider the whole affair, and make report of their opinion thereon to this Assembly to be holden at New Haven in October next.

This Assembly grants to Mr. Agent Dummer, for his good service as agent for this Colony, for his salary this present year, the sum of one hundred pounds out of the publick treasury, in bills of credit.

[477] Upon the petition of Elizabeth Ensworth of Canterbury, in the county of New London, setting forth to this Assembly that her husband, John Ensworth of said Canterbury, deceased, with Tyxall Ensworth and John Dyer, all of said Canterbury, purchased one parcel of land of Mr. Sam^l Fitch of Jameco in Queens County and Province of New York, all joyntly together, being in quantity one hundred and fifty acres of land in said Canterbury, on the east side of Quinabaug River, be the same more or less; bounded as by the deeds given by said Fitch to said John and Tyxall Ensworth and John Dyer, dated March 10th 172^d, for said hundred and fifty acres of land; and said John, said petitioners husband, in his life time sold his part of said hundred and fifty acres to his brother Thomas Ensworth for the sum of thirty three pounds six shillings and eight pence, which sum he, said Thomas, paid to his said brother John Ensworth, and said John Ensworth since is dead and never gave said Thomas a deed for his, said John Ensworth's, part of said hundred and fifty acres off: And to that end that justice may be done, and that said Thomas may have a deed for said John Ensworth's part of said hundred and fifty acres of land above described, this Assembly enacteth, and fully impowreth Elizabeth Ensworth of said Canterbury, widow and relict of said John Ensworth, to give said Thomas Ensworth a deed for said John Ensworths part of said hundred and fifty acres; which deed, given by said Elizabeth to said Thomas for said John Ensworths part of said hundred and fifty acres, shall be as good and effectual in the law for his, said Thomas's, holding the same to himself, his heirs and assigns for ever, as if said deed had been given by said John Ensworth to said Thomas in his life time.

Ordered by this Assembly, That Mrs. Anna Whiting and Mr. John Whiting, administrators on the estate of the late Treasurer Capt. Joseph Whiting deceas'd, be notified to appear before this Assembly at this time and shew reasons, if any they have, why execution should not go forth against them on the judgment obtained against them for the money due to this government.

This Assembly grants to his Honour the Governour the sum of one hundred pounds out of the publick treasury in the bills of credit, for his salary for the last half year.

This Assembly grants his Honour the Deputy Governour the sum of twenty five pounds out of the publick treasury in bills of credit, for his salary the last half year.

[478] Upon the petition of the inhabitants of the north society in Guilford: This Assembly grants them liberty to imbody into church estate, and to call and settle an orthodox minister of the gospel among them, with the approbation of the neighbouring churches.

Upon consideration of the petition of Caleb Martin of Woodbury, shewing that he was the instrument of the death of an Indian, one of the common enemies: This Assembly grants the petitioner the sum of ten pounds out of the publick treasury.

Upon the memorial of Mr. Nathaniel Clark*: This Assembly exempt the said Nath^l Clark from training for the future, and the said Nathan^l Clark is hereby exempted therefrom accordingly.

This Assembly do appoint Capt. Samuel Couch to be Justice of the Peace in the county of Fairfield.

This Assembly do establish and confirm Mr. Nathaniel Kingsbury of Windham to be Lieutenant of the company or trainband at the east village in the town of Windham aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Gardner of Windham to be Ensign of the company or trainband at the east village in the town of Windham aforesaid, and order he be commissioned accordingly.

Ordered by this Assembly, That the towns of Ashford, Hebron, Ridgefield, New Town, and New Milford, shall proceed to take and make a list of all the polls and rateable estate by their listers this present year, as other towns in this Colony do. And if either of the said towns of Ashford, Hebron, Ridgefield, Newtown, and New Milford, are destitute of listers as the law directs, to do the work, that then in such case such town so destitute shall, sometime in the month of June next, meet together and choose a suitable number of their inhabitants to be listers, who shall be sworn to that

* The petitioner represented that he had been educated at the College at Saybrook and "had obtained the honor of a Diaploima * * which may be supposed to elevate the gentlemen adorned with such a laurel something above the vulgar order:" but that he had been called forth to military and other common employments, which he could not but suppose "a disparaging imposition on the order abovesaid." *College of Schools, 1, 53.*

office accordingly; who shall take the said list and transmit the same to this Assembly to be holden at New Haven in October next.

This Court grants liberty to Joshua Hempstead of New London, guardian to Phebe Hempstead of said New London, an idiot, with the advice of the court of probate in said county, to sell the outland belonging to the said Phebe Hempstead; always provided, the produce of said land be applied for the maintenance of the said Phebe; and in case the said Phebe shall decease before the said produce be expended, that then the said Joshua shall give account to the judge of the probate in New London county of the remains of said produce, in order to a just distribution thereof to the next of kin, as the law directs.

[479] Upon consideration of the petition of Isaac Foot and others, in behalf of themselves and others inhabitants of the northern part of Branford, requesting this Assembly to order and enact that the said town of Branford should abide by their votes respecting the building a new meeting house in said north part of Branford, and enable the petitioners to go forward and finish said house, or set off the said northern inhabitants with suitable bounds to be a distinct parish: This Court appoint and impower John Hooker Esqr, Hez. Braynerd Esqr, and Capt. William Wadsworth, to be a committee, at the charge of the town, to inspect into all the several matters above referred to, and endeavour an accommodation between the said northern inhabitants and other inhabitants of said Branford. But if no such accommodation can be had or made, then, having well informed themselves of all the matters of difference as above, to make report thereof to this Assembly at New Haven in October next, that the Assembly may be enabled further to do what to right and justice does belong. *Cost allowed petitioners is £1 6s. 0d.*

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That Col^o Mathew Allyn, Major Roger Wolcott, Capt. Nathaniel Stanly, Col^o David Goodrich and Capt. Hez Wyllys, be a Committee for the managing of the affairs of the War; and they, or any three of them, are hereby fully impowred to adjust all accounts of officers and souldiers that are not already perfected, and give order to the treasurer for what remains due to any person or persons that have served this Colony in the affairs of the war the year past; also to call Capt. Williams, captain of the Indians, to-account for the guns belonging to this Colony that were delivered to the said Indians in

their march into Hampshire county, and for any sums of money received by said Williams out of the treasury that did not of right belong to him. They are also directed to purchase, or cause to be purchased, the five barrels of pork and thirty bushels of wheat ordered by this Assembly to be procured for carrying on the war, and improve it for that end if occasion be; if not, to keep it till further order of this Assembly. And further, the abovesaid committee, or any three of them, are hereby impowred, with the advice of the Governour or in his absence the Deputy Governour, to act in all things as they shall think necessary for the defence of our frontiers and offence of our Indian enemies that shall or may annoy us in any part of this government, until October next.

And it is further enacted, That the bounds stated for restraining the Indians, by the Assembly in May last, be continued; and if any Indians transgress the bounds therein expressed, they shall be deemed common enemies. And if the said committee of war shall send any scouts out within this government, they shall receive out of the publick treasury (both English and Indians) as was allowed in May last for [480] that behalf. || And also all such that shall be so improved in the service of this government, and shall recover any of the enemies scalps within this government, or in their pursuit of them thô out of this Colony, shall receive the sum of fifty pounds out of the publick treasury for every scalp so recovered. And if any number of effectual men, or any particular person, will sufficiently prepare themselves at their own cost and charge, upon the news of the approach of the Indian enemy within this government, will go forth after them, and do take and recover any scalps of the enemy Indians within this government or in pursuit as aforesaid, they shall receive the sum of one hundred pounds out of the publick treasury of this Colony for each scalp so obtained; and upon appearance of such a number of effective men prepared as aforesaid, some suitable person or persons shall by his Honour the Governour be commissioned to lead and command the men so appearing, if such men desire to be commissioned.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future there shall not be a patent signed by the Governour and Secretary to any town, plantation, or particular person, without the approbation and consent of this Assembly; any law, usage or custom to the contrary notwithstanding.

Upon consideration of the petition of Jonathan Bates of Stanford, complaining of an erroneous judgment obtained against him at the superiour court held at Fairfield in August last past, by Jacob Moon of the city and Province of New York, physitian, praying that the said judgment may be set aside, and grant him another tryal of his said case: This Assembly do grant to the said petitioner the liberty of one more tryal of the said cause at the superiour court to be holden at Fairfield on the last Tuesday of August next; provided the petitioner shall pay to the respondent, or his attorney, the cost recovered in the former judgment, being taxt at six pounds and fourteen shillings, at or before the first day of July next. And if the petitioner recover his cause at the next tryal, he shall be debarred hereby from recovering any further cost than what shall arise at the tryal in August next; and if said respondent shall recover his case against the said Bates, he shall then have lawful interest allowed him for the sum obtained, from the time of the judgment in August last until the judgment to be had in August next, and that execution shall go out of said court accordingly, with the whole cost of said court. And this Assembly do now enact and declare, that the said superiour court in August next may appoint auditors to audit the accounts on which the said action was brought, according to the direction of the law of this government past at this Assembly holden at New Haven in October last.

[481] Upon consideration of the petition of James Corbin of Woodstock, in behalf of himself and partners, preferred to this Assembly at this time, shewing that the committee appointed by this Assembly heretofore, for settling certain claims in Ashford, did order and grant your petitioner and partners 2500 acres of land in said Ashford, unsurveyed, in their claim; and that this Assembly, in settling the bounds between Ashford and Wellington, did take off half a mile of the west part of said Ashford bounds, being of the said Corbins and partners claim and intended by the said committee to answer said Corbin and partners 2500 acres, and annexing said half mile to said Wellington did thereby prevent the taking up said 2500 acres therein; and that upon the same disappointment and representation thereof to this Assembly, and that a certain tract of land lying in said Ashford, called New Scituate, sold by Major James Fitch to Chandler and company, of five miles long and three miles wide, that the supposed bounds of said New Scituate, as claimed by said Chandler and company, did include 2476 acres more than was

contained in their said deed from Major Fitch ; that thereupon this Assembly did appoint a committee, viz. John Hall and Hez. Brainerd Esq^{rs}, to lay out said New Scituate according to their just right, which work the said committee have done ; and that upon the survey and admeasurement thereof, reported to this Assembly, there is found the quantity of 2476 acres adjoining to the north and west side of said New Scituate as now surveyed and laid out, viz. between the said bounds and the old supposed bounds thereof, according as the same is described in a survey and plat thereof made and laid before this Assembly at this time by the surveyour of the county of Hartford ; and the said petitioner thereupon praying that this Assembly will order and grant that he may have a patent for said two thousand four hundred and seventy six acres of land, to himself and partners, executed in due form : It is thereupon enacted and granted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that the said James Corbin and partners shall have a patent, signed by the Governour and Secretary and executed in due form, for the same two thousand four hundred and seventy six acres of land. Provided nevertheless, that inasmuch as said Chandler and company have, beyond the observation of this Assembly, obtained a patent for the land within prayed for (his patent being extended to the supposed bounds as within mentioned,) it may not therefore be convenient that the patent prayed for should at the present be executed, but that the same be deferred till the session of this Assembly in October, at which time if said Chandler do not shew to this Assembly sufficient cause to the contrary, that then the same be immediately executed accordingly. And its now ordered that the said Chandler be timely notified by a copy of this act delivered to him, which shall be sufficient notification to him to appear and shew cause as aforesaid.

Resolved by this Assembly, That the garrison souldiers lately sent to New Milford be forthwith drawn off and dismist.

[482] This Assembly do appoint Mr. Samuel Lynde to be of the quorum in the county of New London.

Upon the request of Nehemiah Loring : Resolved by this Assembly, that a certain action of the case depending in the superiour court in the county of Fairfield between him and Benjamin Fairweather, wherein long and large accounts will fall under consideration, shall in the next tryal thereof be under the regulation of the new law for enquiring into the accounts by auditors.

Capt. Joseph Wakeman utterly declining to be judge of the county court in the county of Fairfield, this Assembly do therefore appoint Joseph Curtice Esq^r to be Judge of the County Court in the county of Fairfield for the year insuing.

Whereas this Assembly are informed that execution was sent out from the clerk of the superiour court for the recovery of the moneys due to this Colony from such persons as have been convicted of the riotous action of breaking of the goal in the county of Hartford, and that the said executions was put into the hands of Lt. Charles Whiting, sheriffs deputy, and said executions are not returned into the office according to the command of the execution, so that it is not known whether the said executions are served or not: This Court do appoint Mr. Caleb Leet, and Mr. Nathaniel Foot, to go to Mrs. Whiting, wife to the said Lt. Charles Whiting, and desire her to look into his writings, to see if any of said executions may be had; and if so be they are found, to bring them before this Court forthwith; and if said executions cannot be found or brought to this Court, that the clerk of said superiour court is hereby ordered to send out *scire facias* to the several persons against whom judgment was given as aforesid, to appear before the superiour court to be holden in Hartford on the second Tuesday in September next, to shew cause if any they have, why alias executions should not go forth upon the several judgments given against them as aforesaid.

This Assembly willing to shew their readiness to accommodate the long difference between this Colony and the Colony of Rhode Island about the partition line between the two governments, not wholly discouraged by the ill success in their former attempts, as this Assembly were first in the motion for an agreement then, so they do again propose an essay for an accommodation: To which end,

Be it enacted by the Governour, Assistants and Deputies, in General Court assembled, That the Hon^{ble} Jonathan Law Esq^r, Roger Wolcott Esq^r and Capt. James Rogers, or any [483] two of them, with one of the surveyours of one of || the counties of this Colony whom they shall take with them, are hereby authorized and impowred, as Commissioners on the behalf of this government, to meet with Commissioners that are or may be equally impowred on the behalf of the Colony of Rhode Island with the aforesaid Commissioners on the part of this Colony, and with them to treat, settle, agree, run, fix and ascertain, the said line of partition, in such manner and form as in justice and equity they shall in their consciences judge most just and right; and the said line of partition so

agreed, concluded, run and ascertained, by suitable meets and monuments, shall be and remain the dividing and partition line between the two Colonies forever. And further, that the said commissioners shall meet at such times and places as shall be beforehand stipulated and agreed by and between the Honourable the Governours of the Colonies aforesaid.

Upon the petition of Joseph Orcutt and Samuel Chapman, agents for and in the behalf of the town of Stafford, shewing to this Assembly that the tax granted upon the lands in said Stafford is expired, and the money so raised fully expended in the worship of God in said town, and the extraordinary charges in setting up the same not yet discharged; and also that much of said land in said town is owned by gentlemen in the Massachusetts government, which by their improvement is greatly increased in the value thereof; and thereupon pray this Assembly would grant a further tax thereon: Upon consideration whereof, it is hereby enacted and resolved, that all the land in said town shall be taxed, and it is hereby taxed at five shillings per hundred for every hundred acres of land within said town, and proportionably by lesser quantities, to be paid by every person or persons that are the owner or owners, claimer or claimers, of any of said lands within said town, living either in or out of this government; to be paid to the collector or collectors chosen by said town to gather and collect the same; which tax shall be paid to said collector or collectors yearly upon the first day of November, for the space of three years. And the said collectors shall and are hereby obliged to take a copy of this act and read the same to or in the hearing of all the claimers of said land, at least twenty days before the first day of paying said tax, either by himself or by some one that he shall employ to do the same, as well to those claimers of any of said land out of this government as those that are in it, and at the charge of said claimers to grant them copies of this act if they please. And any of said claimers that is living in this Colony, being warned as aforesaid, that shall fail of bringing his or their tax as abovesaid to said collectors at or before said first day of November yearly, said collector or collectors are hereby fully impowred to take out a distress against the said persons or estates, as by law is already provided for the collecting and gathering town rates. And if any of said claimers out of this government, being warned as aforesaid, shall refuse or neglect to pay his or their tax as aforesaid to said collector or collectors at or before said first day of November yearly, then it shall be in the power of any two of the selectmen of said town, to sell so much of the land of said claimer or claimers

neglecting to pay as aforesaid, as will answer said tax and all [484] the charges for selling the same; || which land shall be sold at publick vendue to the highest bidder, after there hath been notice given upon the sign post in Stafford at least twenty days before said sale, and made in writing, setting forth the time and place when and where said land shall be sold; and a deed, well executed under the hands and seals of said selectmen, acknowledged according to law, shall be good and effectual in the law to him that hath purchased any of said land, for the sure holding the same to him, his heirs and assigns forever.

Upon the petition of Capt. Samuel Couch of Fairfield, shewing to this Assembly that the Hon^{ble} Nathan Gold and Major Peter Burr, Esq^{rs}, who were impowred by acts of this Assembly in May 8th, 1712, to sell all the country land between Fairfield and Danbury, and said gentlemen some years past did sell part of said land, and on the 22d day of August, 1723, sold the remainder of said land to said Couch; praying this Assembly that he might have a patent for said lands executed according to law, confirming said lands to him, his heirs and assigns forever: In consideration whereof, this Assembly grants to the petitioner the land so sold to him by the said gentlemen, and that he have a patent duly executed to him therefor, on the condition that the money he bid for the same be immediately paid into the Colony treasury, and that sufficient highways in every part thereof for publick and private uses, as there shall be occasion from time to time to be laid out by the county surveyour and such other person as shall be appointed by the superiour court, be reserved; and saving always to the Indian, Chicken, what he in his deed to the petitioner hath reserved and saved to himself and his heirs.

This Assembly grants liberty and fully empower Sarah Watson and Caleb Watson of Hartford, administrators on the estate of John Watson, Jun^r, late of said Hartford, deceas'd, to sell so much of the real estate of said deceas'd as may be sufficient to pay the sum of £90 10s 8d, which is due from said estate more than the moveable estate amounts to, and charges that shall arise in selling the same, with the approbation of the court of probates in the county of Hartford.

Upon the petition of the town of Ashford, praying for liberty to lay out necessary highways thro' the claimers land, without charge of purchase, in that part of Ashford called New Scituate, according to the settlement of the committee granting liberty for one year to lay out said ways from the date of said settlement, and no longer: This Court grants

liberty to the town of Ashford to lay out said ways thro' said land where they shall be needful, at any time within two years from the date of this act, without any charge of purchase to the town. Always provided, one or more of the proprietors of New Scituate shall be notified three days before the time of laying out, that if any proprietor of any land [485] thro' which || such way or ways shall be laid shall be aggrieved, supposing such highway not necessary, or laid wider than need requires, or mislaid, to the great disadvantage of such proprietor, when as it might have been laid in another place to equal advantage to the publick and of less prejudice to such proprietor, the regulating such grievance shall be with the county court at Hartford, upon complaint made to them and notice given to the town.

This Assembly taking into consideration the difficulties of the town of Litchfield, in this time of trouble with the Indians, and that sundry persons claiming rights in said town are not resident in the same, have thereupon resolved,

1. That each person claiming a right or rights in said town, that shall not be constantly residing in said town, shall pay and forfeit, towards the defraying the publick charge in defending said town, the sum of thirty pounds *per annum* for each right he claims, and so *pro rato* for any time he shall be absent without allowance from Capt. Marsh, John Buell, and Nathaniel Hosford, or any two of them; and by the same rule of proportion for part rights; and that if any such claimer shall neglect to make payment of the said forfeitures, at the time and to the committee hereafter appointed in this act, the said committee are hereby fully impowred to sell so much of the lands in Litchfield, claimed by such non-resident persons as will answer the sum so forfeited; and all sales and alienations made of such lands by the committee, shall be good for the holding the same to the grantees and their heirs forever. And this Assembly do appoint Major Roger Wolcott, Capt. Nathaniel Stanly, Esq^{rs}, and Mr. Thomas Seymour, a committee to take account of all forfeitures that shall arise by force of this act, and upon the non-payment of the same, to make sale of the lands as aforesaid. And it is further ordered, that all such forfeitures shall be paid to the said committee at the State House in Hartford, on the first Monday of June which will be in the year 1726; and the said committee are to deliver all such sum or sums as they shall receive by force of this act, unto the Treasurer of this Colony, taking his receipt for the same;—the said committee to make up their accounts with the Assembly in October, 1726. Provided nevertheless,

that the right of Joseph Harriss is saved from any forfeiture by force of this act. And it is further provided, that if any such claimer shall keep an able bodied souldier in said Litchfield, that shall attend duty as the inhabitants do, such claimer shall be excused for his non-residence during such time.

2. And it is further enacted, that all houses that are fortified in said town shall be free for the use of the people and souldiers in the garrison.

3. That the inhabitants in said town shall be allowed five shillings and sixpence per week for billeting souldiers.

4. That mounts shall be built in the forts that are already made in said town, at the publick cost of this Colony, and [486] Capt. Marsh, John Buell, and Nathaniel Hosford, or any two of them, || are appointed to build the same, keeping fair accounts of their doings herein, and lay the same before the Committee for the War, who are ordered to give orders to the Treasurer to pay what shall be justly due to them for that service.

5. That all able bodied young men that are dwellers in said town, and are eighteen years old and upwards, and have no rights to any lands in said town, and shall constantly reside in said town until October next and do duty with the inhabitants, shall be allowed three shillings per week out of the publick treasury until October next, unless the Committee for the War in Hartford shall order to the contrary for part of said time.

6ly. That every able bodied man that is fit for service, (to the acceptance of the commission officers,) that hath a right in said town, and shall constantly reside in said town and do his duty according to the command of the captain until October next, shall be allowed out of the treasury the sum of eighteen pence per week, unless the Committee for the War shall order to the contrary for part of the time.

Upon the memorial of David Smith and Samuel Smith of Hartford, sons of Phillip Smith, late of Hartford, deceas'd, shewing to this Assembly that their said father, in his life time, did sell to Benjamin Roberts a certain parcel of land lying on the east side Connecticutt River in Hartford township aforesaid, being meadow land, and contains about five acres and three-quarters and eight rods by estimation, bounded west on land of Thomas Cadwell, Junr, sixty-one rods and three-quarters from north to south, north on land of Thomas Dickingson being fifteen rods from west to east, on land of said Phillip Smith, deceas'd, being fifty-five rods from north

to south, and south on land of Capt. Caleb Williamson, being fifteen rods from east to west, and the middle of said land is seventeen rods from east to west, in a certain instrument or deed drawn (by the order of the said Phillip Smith in his life time) for said land, and now laid before this Assembly; and the said Phillip Smith having received the value of said land as agreed upon, and being removed by death before he had executed said deed; praying therefore that they may be enabled to execute a deed thereof to said Roberts: This Assembly do now therefore give and grant unto the said David and Samuel Smith, full power and lawful authority to make and execute in due form an ample deed of the land aforesaid unto him the said Benjamin Roberts, for the firm holding the said land (so sold or bargained for) to him said Benjamin Roberts, and to his heirs and assigns forever.

This Assembly having considered the request of William Pitkin and Joseph Pitkin, guardians to the heirs of Mr. Caleb Stanly late of Hartford, deceas'd, praying to be impowred to sell all the lands belonging to the said late Mr. Caleb Stanly, lying in the town of Tolland, and pursuant to the act of this Assembly in May, 1715: This Assembly do fully empower the said William Pitkin and Joseph Pitkin to sell and pass deeds of all the lands belonging to Mr. Caleb Stanly, late of Hart-[487] ford, lying in the town of Tolland; || upon this condition, that the possessors of said lands shall have liberty to buy the same, paying therefor six pounds per lot, (after the regulation of Coventry.) and lawful interest thereupon from May, 1715, to the time of the sale of said lands.

Upon the petition of Mary White of Middletown, widow, relict of Joseph White, late of said Middletown, deceas'd, shewing to this Assembly that the said Joseph White, in his lifetime, did sell to Dan^l Clark of the same Middletown, deceas'd, in his lifetime, a certain piece of land in Middletown aforesaid, lying in that tract of land called the Northwest Quarter, butting westerly on land of Jacob White, east upon a highway or common land, northerly on land of Sam^l Peck, and south on land of Daniel White, being thirty-three rods in breadth north and south, and received the greatest part of the money of said Clark in their said lives time, and into which land the said Daniel Clark had long since entered, made great improvements, and thereof dyed seized, and the said Joseph White neglected in his life time to give said Clark a deed of said land so sold; and thereupon prayed this Assembly to grant her, the said widow, (with such other as this Assembly shall think fit,) to make, seal, and deliver a good and ample

deed of said land to the heirs of the said Daniel Clark: This Assembly do now therefore authorize and fully empower Capt. William Savage of said Midletown, and the said Mary White, to make and execute a good and ample deed of said land so sold, to the heirs of said Daniel Clark, for the firm holding said land to them, their heirs and assigns forever. The deed to be given upon the payment of the remaining part of the money agreed upon.

Upon the petition of Jacob Williams, administrator on the estate of Joseph Williams, late of Hartford deceas'd, shewing that there was no personal estate belonging to the estate of said deceas'd, but the real estate thereof amounted to the sum of sixty-seven pounds fifteen shillings, and that the debts due from said estate amounts to the sum of seventy-two pounds fifteen shillings and six pence; praying that he may be enabled to sell the lands or real estate of said deceas'd towards the payment of said debts: This Assembly do authorize and fully empower the said administrator to make sale of said lands and pay the said debts due from said estate, in such proportion as said lands shall be sold for will allow, by the direction and approbation of the court of probate for the county of Hartford.

The Representatives of Norwich having laid before this Court, that the act respecting goats, in October last, is very grievous to their town: This Court grants liberty to said town of Norwich to except themselves out of said act, if they see cause.

Whereas this Assembly did appoint Richard Christophers, Jonathan Law, John Burr, Samuel Mather, and John Russell, auditors to account with Mr. John Whiting and Mrs. Anna Whiting, administrators on the estate of Mr. Joseph Whiting deceas'd, late Treasurer, for several sums received and dis- [488] bursements made by || the said Treasurer, of the publick money of this Colony: And whereas the said administrators, in May, 1720, did account before said auditors, and it was found that the estate of the said Treasurer was in arrearage to this Colony the sum of £887 07s 11d, of the bills of the publick credit brought into the said Treasurer's hands by rates, and the sum of £1244 7s. 11d. of the bills of the publick credit of this Colony put into said Treasurer's hands for exchange; and that he, said Treasurer, had of his own estate paid of the publick debts of this Colony the sum of £71 01s. 9d., which subtracted out of the sums aforesaid, there still remains due from the said Treasurer's estate, to ballance accounts with this Colony, the sum of £2060 13s. 11d., bills

of the publick credit of this Colony, as appears by the audit under the hands of said auditors, dated May 24th, 1720: And whereas the said administrators put up their memorial to this Assembly at their sessions in May, 1723, praying they might be heard upon their evidence, to shew before the Assembly that part of the publick moneys were stolen from the late Treasurer about the time of his death, and declaring their resolution not to contend any further about said moneys, but that they would resign up the said deceas'ds estate to any officer as far as should be needful to answer the demands this Assembly should make upon it, upon account of said arrearages; and the said memorialists having now been heard upon their pleas and evidence, and the same having been fully considered, this Assembly are of opinion, that it doth not appear that any of the said moneys were stolen from the said Treasurer: Yet nevertheless, considering that the said deceased hath a long time served in the office of Treasurer, and if the whole sum be levied, it will extend to almost his whole estate; and for encouragement to said administrators speedily to discharge the said arrears: It is now considered by this Assembly, that upon condition that the said administrators shall, on or before the first of September next after the rising of this Assembly, pay in to the present Treasurer, John Whiting, the sum of one thousand five hundred pounds in the current bills of the publick credit, and take his receipt for the same under his hand, that he hath received said sum as Treasurer of this Colony and accountable for the same to the orders of this Assembly, and deliver such his receipt unto his Honour the Governour within one week after they shall receive the same, then this Assembly do fully discharge the estate of the said deceas'd from all further demands upon account of said arrears. But, in case the said administrators shall not perform said condition, this Assembly do determine and judge that there shall be paid out of said estate to the publick treasury of this Colony, the sum of two thousand sixty pounds thirteen shillings and eleven pence, and the Secretary is hereby ordered to give out execution upon this judgment to the sheriff of the county of Hartford in due form, to levy of the lands, housing, goods or chattels of the said deceas'd, in the hands of the said administrators, the sum of two thousand sixty pounds thirteen shillings and eleven pence; the [489] said execution to be returned into || the Secretary's office during the sessions of this Assembly in October next. Provided, nevertheless, if the said administrators shall make it appear to the Governour and Council that they have truly

paid any of the said arrears since the audit of May 24th, 1720, it shall be allowed to them as part payment of the sum now ordered to be paid.

An Act for Emitting Bills of Publick Credit.

Be it enacted by the Governour, Council and Representatives, in General Court Assembled, and by the authority of the same, That the sum of one thousand two hundred and forty-three pounds fifteen shillings and six pence in bills of credit, which are a part of those that were brought in by the rate in one thousand seven hundred and twenty-four, and have been again delivered into the hands of the treasurer by order of this Assembly, and also the sum of seven hundred fifty-six pounds four shillings and six pence, in bills of credit of this Colony, out of the four thousand pounds ordered by this Assembly to be printed in October, 1724, and by their committee to be delivered into the said treasurer's hands, being in the whole two thousand pounds and no more, be by the said treasurer issued forth and emitted towards the payment of the publick debts of this Colony and the further necessary charges thereof, according to such orders as shall be given him from time to time according to law.

And be it further enacted by the authority aforesaid, That, as a fund or security for the repayment and drawing in of the said bills into the treasury again, this Assembly grants a tax or rate of two thousand one hundred pounds, to be levied on polls and all rateable estate within this Colony, to be paid into the treasury at or before the last day of October, which will be in the year 1730; to be paid into the treasury in bills of credit of this Colony, or in money as it passeth generally in the country at the time of payment, and in no other manner.

Upon the memorial of the executors of the Hon^{ble} Gurdon Saltonstall, Esq^r, late Governour of this Colony, praying an order to the Treasurer of this Colony for the sum of three hundred pounds, as granted to his Honour in May last: This Assembly, taking into consideration that the grant of three hundred pounds in May last was for the support of government, to pay the salary of the Governour for the current year, and that the Hon^{ble} Joseph Talcott, Esq^r, our present Governour, supported the burthen of that post one half of the year; and also that by an account rendered to this Assembly by his Honour our late Governour, of sundry moneys he hath received out of the treasury and disbursements made of the same, it appears that there was remaining in his Honours hands at the time of his death, the sum of three hundred sixty-eight pounds

thirteen shillings and one penny of the publick bills of credit of this Colony; and also considering that the arms that were improved by our forces in the expedition against Canada, in the year 1711, were lodged with his Honour, who hath often expressed to this Assembly his desire that this Assembly [490] would appoint || some meet persons to receive said arms of him and keep them for his Majesties service in defending this his Colony of Connecticut, or otherwise as shall be most for his Majesties service: It is thereupon resolved, that there shall be di-counted to the said executors, out of the said three hundred sixty eight pounds thirteen shillings and one penny now in their hands, the sum of one hundred and fifty pounds, to answer the salary of his Honour our late Governour for the time he served in that post after May last. And this Assembly do appoint and impower Christopher Christophers, Esq., Mr. Jonathan Prentts, and Mr. Joshua Hempstead, or any two of them, to receive the said arms of the said executors. And upon condition the said executors shall deliver up said arms to the said committee, and a valuable sum for such of them as may have been sold or otherwise disposed of by his Honour or his executors since he received them, this Assembly do resolve that there shall be discounted to the said executors the remainder of the said three hundred sixty-eight pounds thirteen shillings and one penny, and that they have orders to receive twenty pounds out of the treasury as an expression of our grateful sense of his Honours great care over this Colony whilst he was in the administration, and to answer the care and cost his Honour has been at in securing and keeping and cleansing said arms; and the said committee are directed to give the executors a receipt for the same. And forasmuch as this his Majesties Colony is now embarrassed in the war with the Indians, and there is great necessity of said arms to be improved in our defence: therefore, to prevent any embezzlement of said arms, his Honour the Governour is desired to give orders to said committee, that they speedily receive said arms and have them in readiness to be improved in his Majesties service, as there shall be occasion.

This Court, taking into consideration the representation of the General Association, met at Hartford on this instant May, respecting the circumstances of the old or first parish in Fairfield, by reason of the infirmities that have of a long time attended the Reverend Mr. Joseph Webb, pastor of that church, he being much disabled, and thro' weakness and infirmity not able to carry on the work of the gospel ministry

amongst his people, to the great grief of the good people in that society: Upon consideration of which, this Court recommends it to said society, to agree with some other orthodox minister, as soon as conveniently they can, and call him to the help of Mr. Webb in the work of the ministry.

A survey made by Mr. Nathaniel Burnham, dated April 4th, 1725, of six hundred acres of land laid out to Hartford, their school grant, was read and approved of by this Assembly, and ordered to be entered on record.

[491] A petition, signed James Wallace, Thomas Chambers, and others, is referred to the consideration of this Assembly to be held at New Haven in October next, that the petitioners may have opportunity to set the matters therein contained in its true light before the Assembly.

A petition signed Nathan^l Gilbert, Benj^a Cornwell and others, is referred to the consideration of this Assembly in October next.

The petitions of Farmington *v.* Middletown, and Middletown *v.* Farmington, continued to the Assembly in October next.

Upon consideration had in the Assembly on the pleas offered in abatement of the petition of Sam^l Maltbye of Branford, *v.* Dan^l Foot of said Branford, the question was put, whether the pleas be sufficient to abate the petition: Resolved in the affirmative. *Cost allowed Dan^l Foot is £1 6s. 0d.*

Upon consideration of the petition of Isaac Jacobs of Branford *v.* Isaac Demedina of Hartford: Resolved by this Assembly in the negative, and the petitioner ordered to pay cost, allowed Isaac Demedina is £0 9s 6d. *Ex. granted July 14th, 1725.*

Upon consideration of the petition of Barnerd Bartlett of Symsbury *v.* Nathaniel Griswold of Windsor: Resolved by this Assembly in the negative. *Cost allow'd Nath^l Griswold is £0 6s. 6d.*

Upon consideration of the petition of John and William Stannerd of Seybrook *v.* Sam^l Stannerd of said Seybrook: Resolved by this Assembly in the negative.

Upon consideration of the pleas in abatement of the petition of Richard Christophers of New London *v.* Andrew Daviss of Groton, the question was put, whether the pleas are sufficient to abate the petition: Resolved by this Assembly in the affirmative. *Cost allow'd Andrew Daviss is £1 11s. 5d.*

Upon consideration had in this Assembly on the pleas offered in abatement of the petition of Eben^r Colman of Colchester *v.* Joseph Wright and the rest of the proprietors of

said Colchester, the question was put, whether the said pleas are sufficient to abate the same: Resolved in the affirmative. *Cost allow'd proprietors is £1 7s. 10d. Ex. granted January 21st, 1725.*

Upon consideration of the pleas offered in abatement of the petition of Thomas Hancox of Kensington parish *v.* Martha North and Is^a North, administrators on the estate of Thomas North, late of Farmington, deceas'd: In this Assembly the question was put, whether the said pleas are sufficient to abate the same: Resolved in the affirmative. *Cost allowed administrators is £1 01s. 0d. Ex. granted July 25, 1727. Same execution revived, November 13th, 1727.*

Upon consideration had in this Assembly on the pleas offered in abatement of the petition of Richard Robbins *v.* Thomas Hancox of Kensington parish, the question was put, whether the said pleas are sufficient to abate the said petition: Resolved in the affirmative. *Cost allowed Hancox £1 3s. 0d. Ex. granted July 7th, 1726.*

[492] On consideration of the pleas offered on the citation of Daniel White *v.* Thomas Kimberly, respecting a petition of the proprietors of Hebron *v.* the proprietors of Glassenbury: In this Assembly the question was put, whether the pleas are sufficient to abate the same: Resolved in the affirmative, and the said White ordered to pay cost, allowed to be £0 18s. 9d.

On consideration of the pleas offered in abatement of the petition of Thomas More, Henry Wolcott, committee for Windsor, *v.* Joseph Phelps, Sam^l Humphreys, selectmen of Symsbury: In this Assembly the question was put, whether the pleas were sufficient to abate said petition: Resolved in the affirmative. *Cost allowed selectmen is £1 01s. 3d.*

Upon consideration of the petition of John Clark of Seybrook *v.* Jeremiah Fitch of Coventry: It is by this Assembly resolved, that the pleas that have been offered are sufficient to abate the said petition.

Upon consideration had in this Assembly on the pleas in abatement of the petition of Bolton *v.* Coventry, the question was put, whether the said pleas are sufficient to abate the petition: Resolved in the affirmative. *Cost allowed Coventry is £1 00s 4d. Ex. granted June 9th, 1727.*

Upon consideration of the pleas of abatement of the petition of Benja^a Kneeland, Hez. Russ, John Peters, Moses Stockbridge, and Sam^l Gilbert of Hebron, *v.* Sam^l Brown and others of Colchester: In this Assembly the question was put,

whether the pleas in abatement are sufficient to abate the petition: Resolved in the affirmative, and the petitioners ordered to pay cost, allowed to be £2 11s. 8d. *Ex. granted June 9th, 1725.*

Upon consideration of the pleas in abatement of the petition of Henry Wolcott and the rest of the committee of Tolland *v.* Peter Buell on behalf of the town of Coventry: In this Assembly the question was put, whether the pleas are sufficient to abate the same: Resolved in the affirmative.

A List of the Additional Estate returned to this Assembly, to be transmitted to the Treasurer and added to the List of Estates delivered in to this Assembly in October last.

	<i>Additions.</i>				<i>Fourfold Assessments.</i>		
	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford,	79	00	0	Groton,	464	10	0
Mansfield,	356	11	0	Preston,	120	00	0
Stonington,	236	17	0	Stonington,	403	01	0
Seybrook,	97	10	0	Seybrook,	106	04	0
Windsor,	608	17	0	New Haven,	196	00	0
New Haven,	1302	14	0	Plainfield,	168	00	0
Woodbury,	213	17	0	Symsbury,	283	12	0
Symsbury,	231	10	0	Windham,	268	04	0
New London,	788	00	0	Greenwich,	480	00	0
Greenwich,	308	05	0	Stanford,	72	00	0
Stamford,	88	00	0	Coventry,	405	12	0
Midletown,	114	00	0	Norwich,	103	10	0
Fairfield,	155	00	0	Fairfield,	1037	00	0
Norwalk,	77	00	0	Norwalk,	192	00	0
Glassenbury,	166	03	0				
Wallingsford,	213	14	0				

[493] This Assembly do appoint Mathew Allyn, Roger Wolcott, John Hooker, and Nathaniel Stanly, Esq^{rs}, Mr. Joshua Hempstead, Col^o David Goodrich, Mr. Nathan^l Burnham, Mr. Thomas Seymour, Mr. James Ensign, Mr. John Hopkins, Capt. Thomas Wells, Capt. Wm. Wadsworth, Capt. Joseph Hawley, Mr. Izrahiah Whettmore, Capt. Jonathan Hoitt, and Mr. Thomas Kimberly, to wait to hear the records read off.

The Acts of the Assembly, as they stand recorded in the preceding pages, the Governour being present, was read in the presence of Mathew Allyn, Roger Wolcott, John Hooker, Nathaniel Stanly, Esq^{rs}, Col^o David Goodrich, Mr. Thomas Kimberly, Mr. Nathaniel Burnham, Mr. Thomas Seymour, Mr. James Ensign, Capt. William Wadsworth, and Capt. Thomas Wells, of the abovenamed committee, and by them ordered to be signed.

HEZ. WYLLYS, *Secretary.*

[254] AT A MEETING OF THE GOVERNOUR AND COUNCIL AT HARTFORD, ON THE 11TH DAY OF AUGUST, A. D., 1725.

Present, The Honourable Joseph Talcott, Esq., Governour.

Col. Mathew Ailyn,

Col. David Goodrich,

Major Roger Wolcott,

Hez. Wyllys,

Mr. Nathaniel Stanly.

Whereas it is certainly reported to this board that New Milford and Potatuck Indians have lately had several dances, and sundry of them have painted themselves as is usual for Indians to do that design war, and immediately thereupon the shepherd of Stratford was taken by two Indians, painted and carried captive, and by them stamped till he was breathless, and buried as dead, and David Lane, a child, of Stratford, barbarously murdered and mangled, and several of his Majesties [255] good subjects of the English have been threatened to be killed by Indians that profess themselves friends to the English:

1. *It is thereupon considered,* That forasmuch as painting is the badge of war used by the Indians now in war with the English, and there is no occasion for any Indians that are real friends to the English to paint: It is therefore resolved, that if any Indian or Indians within this Colony shall be seen painted any time after the 21st day of instant August, and until other orders shall be given by the General Assembly or the Governour and Council, they shall be taken for enemies and proceeded against as such; and the Indians shall forthwith have notice of this resolve.

2 That the Honourable the Deputy Governour Law, and such as he shall call to his Council, are desired and impowred to set such bounds to any parties of Indians within the counties of New Haven and Fairfield as they shall think is most proper, and if any Indians shall be found without such limits they shall be taken as enemies.

3. That if the D. Governour and Council shall think best to order any companies of Indians to appear once a day or once a week before any English person or persons as they shall appoint, and give account of their ramble and business, the Deputy Governour and Council are desired and directed to make such orders, and appoint such penalties to any Indian or Indians that shall not conform thereunto as they shall conclude upon and appoint.

4. If any Englishman or Indian shall make discovery of the murderers of David Lane, so that they may be convict, such discoverer shall receive as a reward for his good service, the sum of twenty pounds out of the publick treasury; and the like reward shall be allowed to such as shall discover and bring [to] conviction those that seized and abused the shepherd at Stratford.

5. If any Indian or Indians shall assault or threaten to kill, or any ways unlawfully terrify and disquiet any of his Majesties subjects, and information thereof is given to any assistant or justice of peace, the said authority are ordered to commit such Indian or Indians to the common goal in the county where the offence is committed, until they shall make satisfaction for all damages to the party smitten, and find

sufficient surety of subsidy Englishmen to become bound in a recognizance of £50, that such Indian or Indians shall carry good behaviour till the next county court, and then appear in said court and abide the judgment of the court to be given thereupon, unless the breach of the peace is very great; in which case such assistant or justice of peace are directed to send such offender to the Governour and Council.

[257] *Resolved*, That John Hooker, Esq., William Wadsworth and Isaac Cowles, or any two of them, shall inspect the Indians of Farmington; and the said Indians, each and every man of them, is ordered to appear before said committee every day about sundown, at such place as said committee shall appoint, and give to said committee an account of their ramble and business the preceding day, unless said committee shall, for good reason to them shewn, give their allowance to omit their appearance for some time; and every Indian that shall not attend this order shall for his offence suffer one month's imprisonment and pay all costs of his commitment.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD,
SEPTEMBER 17TH, 1725.

Present, The Honourable Joseph Talcott, Esq., Governour.

The Honourable Jonathan Law, Esq., Deputy Governour.

Samuel Ellis,	} Esq'rs,	C. Christophers,	} Esq'rs,	
Mathew Allyn,		John Hooker,		
Roger Wolcott,		Nathaniel Stanly,		Assistants.
James Wadsworth,				

The Governour communicated to this board a letter from Col. Partridge and Col. Stoddard, which came to his hands by an express last night from North Hamp'on with a copy of a letter of advice from several gentlemen at Albany, giving an account of a considerable number of the enemy Indians marching towards the frontiers of the county of Hamp-hire; as also a letter from Lieut. Governour Dummer, dated at Boston the 13th instant, wherein he desires, as well as the aforesaid Col. Partridge and Stoddard, that a number of able men may be sent from this government to the relief of that county. Whereupon it is resolved, that the Governour be desired to order the Major of the county of Hartford to send a detachment of fifty of the men that are detached for sudden exigencies out of the towns of Hartford, Wetherfield and Windsor, under the command of Capt. Cyprian Nickols, into the said county, and that he have them ready to march without delay; and that his Honour the Governour be desired to give such intimations to the said Captain as he shall think necessary; and that they continue in the said county until the Governour and Council shall think fit to recall them.

[494] *CONNECTICUTT* }
COLONY. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN, IN HIS MAJESTIES COLONY OF CONNECTICUTT, IN NEW ENGLAND, ON THE 14TH DAY OF OCTOBER, IN THE TWELFTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN &C., KING, ANNOQUE DOM. 1725.

Present at this Assembly,

The Hon^{ble} Joseph Talcott, Esq^r, Governour.

The Hon^{ble} Jonathan Law, Esq^r, Deputy Governour.

John Hamlin,	} Esq ^{rs} ,	Hez. Brainerd,	} Esq ^{rs} .
Sam ^l Eells,		John Hooker,	
Mathew Allyn,		Joseph Wakeman,	
Roger Wolcott,		Nathan ^l Stanly,	
James Wadsworth,		Joseph Whiting,	
John Hall,			

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz :

Capt. Tho. Seymore, Capt. Oz. Pitkin, for Hartford.
 Capt. James Rogers, Mr. Sol^o Coit, for New London.
 Mr. Benj^a Skinner, Mr. Hez. Gaylor, for Hebron.
 Capt. Joseph Platt, Mr. Sam^l Cumstalk, for Norwalk.
 Mr. Iz. Wetmore, Capt. Wm. Savage, for Middletown.
 Col^o David Goodrich, Mr. John Curtice, for Wethersfield.
 Capt. John Sabin, Mr. Abell Lyon, for Pomfret.
 Capt. Tim^o Pierce, Mr. John Fellows, for Plainfield.
 Capt. Eleazar Cary, Mr. Edw^d Waldo, for Windham.
 Capt. Nath^l Harrisson, Capt. John Russell, for Branford.
 Mr. Jaⁿes Morgan, Mr. Chris. Avery, for Groton.
 Capt. Tho. Yale, Mr. Wm. Ward, for Wallingsford.
 Mr. James Minor, Mr. Wm. Gallop, for Stonington.
 Capt. Sam^l Lynd, Capt. Sam^l Pratt, for Seybrook.
 Capt. Is^a Dickerman, Capt. John Munson, for New Haven.
 Major John Burr, Mr. Eben^z Wakeman, for Fairfield.
 Mr. Tho. Kimberly, Mr. David Hubbard, for Glassenbury.
 Capt. Wm. Wadsworth, Mr. John Hart, for Farmington.
 Mr. Joseph Strong, Capt. Jerem. Fitch, for Coventry.
 Mr. George Clark, Capt. Roger Newton, for Milford.
 Capt. Thomas Storrs, Mr. Expe. Porter, for Mansfield.
 Capt. Joseph Addams, Mr. Sam^l Butt, for Canterbury.
 Mr. Eben^r Brooks, Mr. John Hutchins, for Kellingly.
 Mr. John Lane, Mr. John Kelsey, for Killingsworth.
 Mr. John Woodward, Mr. Joseph Fowler, for Lebanon.
 Capt. Jonath. Hoitt, Mr. Jonath. Bates, for Stamford.

Mr. Joseph Bacchus, Mr. Jabez Hide, for Norwich.
 Capt. Dan^l Brewster, Mr. John Brown, for Preston.
 [495] Mr. John Gregory, Mr. James Beebe, for Danbury.
 Mr. Joseph Phelps, for Symsbury.*
 Mr. Jn^o Walton, Mr. Jn^o Lyon, for Greenwich.
 Mr. Caleb Leet, Mr. Andrew Ward, for Guilford.
 Mr. John Bostick, Capt. Steph. Noble, for New Milford.
 Capt. Tho. Stoughton, Mr. Henry Wolcott, for Windsor.
 Mr. Joseph Lewiss, Mr. Tho. Hecox, for Waterbury.
 Mr. Michael Taintor, Mr. Nath^l Foot, for Colchester.
 Capt. Henry Crane, Mr. Thomas Lyman, for Durham.
 Capt. James Wells, for Haddam West.
 Capt. John Riggs, for Derby.
 Mr. Edmund Lewiss, Mr. Abell Birdsey, for Stratford.
 Capt. Joseph Minor, Capt. Wm. Preston, for Woodbury.
 Mr. Thomas Lee, and Mr. Richard Ely, for Lyme.

Capt. James Rogers, Speaker, } of the House of Repre-
 Mr. Thomas Kimberly, Clerk, } sentatives.

This Assembly do establish and confirm Mr. Thomas Seymour of Hartford to be Captain of the south side company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Catlin of Hartford, to be Lieutenant of the south side company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Cook of Hartford, to be Ensign of the south side company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This assembly do establish and confirm Mr. Caleb Fobes of Preston, to be Ensign of the first company or trainband in the town of Preston aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Smith of Middletown, to be Captain of the company or trainband on the east side of Connecticutt River in the town of Middletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Savage of Middletown to be Lieutenant of the company or trainband on the east side of Connecticutt River in the town

* The name of Capt. Samuel Humphreys, as a Deputy for Symsbury, has been obliterated on the record. He was elected, but died in September, 1725.

of Middletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Gaines of Middletown to be Ensign of the company or trainband on the east side of Connecticutt River in the town of Middletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Addams of Symsbury to be Captain of the south company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Sam^l Humphreys of Symsbury to be Ensign of the south company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

We the subscribers, being appointed by the General Assembly held at Hartford, May the 13th, 1725, a committee on consideration of a petition of the south inhabitants of Haddam [496] East, as also a prayer made by the society || of Haddam East, to repair to the place and view their state and circumstances, and give our judgment if we thought it best and reasonable that there should be a new society according to said petition; or otherwise, if we think it best that they continue in one society, then to resolve and determine the place for the erecting a meeting house for the whole, according to said prayer; accordingly we met at the said Haddam East, October the 5th, 1725, and on the 6th day of October instant the committees of the parties met, and we heard their pleas and reasonings on the premises of said petition and prayer, and on the 7th instant we viewed the state and parts of said Haddam East, and have carefully, in obedience to the trust reposed in us by the Hon^{ble} Assembly, according to our measure, considered the pleas and reasonings of the parties, and upon the whole are of opinion that it is best and may most conduce to the weal and tranquility of the people of said Haddam East in general, that they continue in one entire society; and therefore do determine and resolve, that the place for erecting and building a new meeting house to be on the hill in the broad highway or street that lyeth north and south, at the east end of the present meeting house lane in said Haddam East; which hill is called or known by the name of Cone's Hill, a little northward of said lane.

John Hall, Howkins Hart, Stephen Whittlesey.

This report read, approved and accepted by this Assembly, and ordered to be entered on record.

This Assembly grants liberty and fully impowers Eunice

Roberts and John Williams of Middletown, administrators on the estate of Sam^l Roberts, Junr, late of said Middletown, deceas'd, to sell so much of the real estate of said deceas'd as may be sufficient to pay all the debts due from said estate more than the moveable part of said estate amounts to, and charges that shall arise in selling the same, with the approbation of the court of probates in the county of Hartford.

Upon the petition of Joshua Robbins, 2d, Thomas Wright and Robert Wells, selectmen of the town of Wethersfield, shewing to this Assembly that one Amy Gilbert of said Wethersfield, an impotent person, for many years now last past hath been supported and maintained at the publick charge of the town and like so to continue a charge, having a small portion in lands at a place called Divident, in said Wethersfield, lately fallen unto her upon the distribution of the estate of her brother Josiah Gilbert, late of Wethersfield, deceased, as it is made and exhibited into the registry of the court of probate in the county of Hartford, praying that they may be enabled to make sale of said land: This Assembly grants liberty and full power to the petitioners, or any two of them, to make sale of the said lands to the highest bidder, and make, seal and deliver, good and ample deeds thereof to such to whom they shall sell the same; and do order that the money produced upon such sale be improved for the comfortable support of said Amy Gilbert, and if any remains after her decease, that shall be to the benefit of said town of Wethersfield.

Upon the petition of Joseph Driggs of Middletown, administrator on the estate of Joseph Boarn, late of said Middletown, deceas'd, that the said estate appears to be indebted more than the moveables comes to, the sum of thirty pounds nine shillings and one penny, praying for liberty to sell so much of [497] the deceas'd's land as will pay || the said debt: The above prayer is granted by this Assembly, and Capt. Joseph Rockwell and Serj. Francis Whitmore, both of Middletown, are appointed, with the advice and approbation of the court of probates in Hartford county, to sell so much of the said deceas'd's land as will pay the said debts abovementioned, and dispose thereof for and to that use.

Upon the memorial of the town of Newtown, shewing to this Assembly that said town is at present under pressing circumstances, occasioned by the removal of their former minister and their settling another, being weakned by the disunion in opinion which hath been and still is among them, and remarkably cut short in their crops this present year by the frost, by all which they are much straitened and inca-

pacitated to pay a rate to the publick: This Assembly therefore, upon the special reasons aforesaid, do see cause to free and do hereby exempt and free the inhabitants of said town from paying any country rate for the year next ensuing; provided the town of New Town draw no money for their school, nor send representatives to this Assembly during their exemption.

This Assembly do establish and confirm Mr. John Leffingwell of Norwich, to be Captain of the troop in the county of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Solomon Tracy of Norwich, to be Cornet of the troop in the county of New London, and order that he be commissioned accordingly.

Upon consideration of the petition of the inhabitants of the town of Ridgefield: This Assembly grants them an exemption for two years from publick taxes; provided they draw no money out of the treasury for the school, nor send any representatives to attend this Assembly during such exemption.

This Assembly do choose and appoint Mr. Joseph Phelps of Symsbury to be a Justice of the Peace for the county of Hartford, to continue in that office the remaining part of the year.

Whereas the General Assembly in May last did, upon the petition of Capt. John Morgan and the rest of the petitioners of the north end of Groton, moving to be a society and to set up the worship of God amongst them, appoint us the subscribers to take a view of said town and to inform ourselves as well as we could of its circumstances, and whether they are sufficient for the support of two ministers among them: We have therefore, pursuant to our orders, been and taken a survey of said place, and from the best knowledge we could gain, (both by our own observation and their information,) we are of the opinion that they are of estates sufficient for the ends proposed by the petitioners; and further, having heard the argument on both sides respecting a dividing line between them, it is our judgment that said line ought to begin at a monument to be erected at the extent of a line drawn from Groton meeting house due north, one mile and twenty rods, [498] and the dividing line to begin at said monument || and to run west and by north to the great river on the west, and from said monument to run east and by south to the extent of the east bounds of said town; which lines shall divide between the south and north society. Dated in Groton the 23d day of September, *Anno Dom.* 1725.

Joseph Beckus, Timo. Pierce, Thomas Noyce, Com^{tee}.

The above read, approved and accepted by this Assembly, and ordered to be recorded.

This Assembly do establish and confirm Mr. Joshua Brainerd of Haddam to be Captain of the south company or trainband at Haddam East, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Holmes of Haddam to be Lieutenant of the south company or trainband in Haddam East, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Church of Haddam to be Ensign of the south company or trainband at Haddam East, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Olmstead of Haddam to be Captain of the north company or trainband at Haddam East, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Cone of Haddam to be Lieutenant of the north company or trainband at Haddam East, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Gates of Haddam to be Ensign of the north company or trainband at Haddam East, and order that he be commissioned accordingly.

Christopher Christophers, Esq., naval officer of the port at New London, having certified to his Honour the Governour, that he hath in his custody about two hundred thirty-four pounds money that he hath received in the office aforesaid, praying direction from this Assembly in that affair thereupon: Resolved by this Assembly, that said naval officer deliver all such moneys that he hath received as aforesaid to Mr. Timothy Green, taking his receipt for the same, who is ordered to transmit the same to New Haven and deliver it to the Secretary, to be disposed of as this Assembly shall think fit.

Upon the petition of the North Society in New London, praying that they may be allowed to improve the publick tax due from said society for the support of the gospel ministry in said society, and also to enable said inhabitants to fulfil their engagements to Mr. Hillhouse, the present minister in the society aforesaid: This Assembly do grant and order that the publick taxes for the space of three years (to commence in May next,) that may be due from the inhabitants of said society shall be employed for to inable said inhabitants to per-[499] form their obligations to said Mr. Hillhouse, respecting ||

the building his house. And to the end that said taxes may not be misemployed : be it enacted, that the inhabitants of said society shall during the said three years give in their lists to the listers of said New London, and the constable of that town shall collect the tax arising upon such lists given in as aforesaid, which tax the said constable shall pay and deliver unto the Reverend Mr. James Hillhouse, Capt. Robert Denisson and Mr. Joseph Bradford, or any two of them ; which persons shall take effectual care that the said taxes be improved to the uses aforesaid, and to no other use ; and a receipt under the hands of the abovenamed persons, or any two of them, given to the Colony Treasurer, shall be a sufficient discharge to the constable collecting any part of said tax.

Upon the memorial of Rebekah Hollister of Stratford, administratrix on the estate of her late husband, Gideon Hollister of Stratford, deceased, shewing to this Assembly that the debts due from her said husband's estate exceeds the sum of his moveable estate £95 2s. 8d., and that she may be impowered to sell so much of the real estate of her deceas'd husband as to answer the aforesaid sum : This Assembly do fully impower the abovesaid administratrix, with Mr. Richard Nickols of said Stratford, to sell so much of the real estate of the above said deceas'd, with the direction of the court of probates in the county of Fairfield, as shall answer the abovesaid debt, and to give, and in the law execute, effectual conveyances for the same.

An Act for Restraining the Liberty of Appeals and Reviews in some Cases, and in Addition to the Law entituled An Act for further Providing for Small Causes.

This Assembly observing the great expence of time and money by means of divers tryals allowed by the law in small and plain cases, improved too often only to delay justice and keep men out of their just dues : Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That in no action brought upon any bill or bond, conditioned for the payment of a certain sum of money only, before any county court in this Colony, shall there be any review or appeal allowed from the judgment therein given, either on pleas in abatement or in the case.

And further it is provided, That whereas in the act for further providing for small causes, it is enacted that in all cases wherein the debt, damage, or other matter in demand, exceeds not the sum of ten shillings, no appeal shall be allowed. Its now enacted, in addition to the said law, that for the future

in no case as aforesaid, wherein the demand is not more than twenty shillings, shall any appeal nor review be allowed; any law, usage or custom to the contrary notwithstanding.

This act to continue for three years and no longer.

The foregoing act not to take effect and stand in force until the first day of December next.

An Act for the Enabling the several Courts, Assistants and Justices of the Peace in this Colony, to dispose of Delinquents in Service, for Defraying the Charges of their Prosecution, when they are unable otherways to refund and satisfy the Same.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as it shall happen, that any person [500] shall be prosecuted || for the breach of any penal law, before any of the assistants, justices of the peace or county courts in this Colony, or the superiour court, and the charge thereof ought by the law to be borne and satisfied by him, that it shall and may be lawful for the said assistant, justice of the peace or courts, to dispose of any such person in service to any inhabitant in this Colony, for so long a time as to the assistant, justice or courts, shall seem convenient, thereby to procure money sufficient to answer the charges of their prosecution.

This Assembly grants liberty and fully impowers Rachell Brown, administratrix on the estate of Peter Brown late of Windsor, deceas'd, and John Brown of said Windsor, to sell so much of the real estate of said deceas'd as may be sufficient to pay all the debts which are due from said estate more than the moveable estate amounts to, with the approbation of the court of probates in the county of Hartford.

This Assembly grant liberty and fully empower Abigail Rosseter, administratrix on the estate of Timothy Rosseter late of Durham, deceas'd, to make sale of so much of the real estate of said deceas'd as may be sufficient to pay the sum of fifty-three pounds fifteen shillings and five pence, which is due from said estate more than the moveable estate amounts to, and charges that shall arise in selling the same; with the approbation of the court of probates in Guilford.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That Voluntown first meeting house shall be set up, erected and finished, with all convenient speed, by the town of Voluntown, upon the spot of land in said town that the inhabitants and proprietors of said Voluntown agreed upon April the 27th, A. D. 1722.

A List of the Persons brought in to this Assembly by the Nomination of the Freemen, to stand for Election in May next.

The Hon^{ble} Joseph Talcott, Esq^r, the Hon^{ble} Jonathan Law, Esq^r, John Hamlin, Esq^r, Sam^l Eells, Esq^r, Mathew Allyn, Esq^r, Roger Wolcott, Esq^r, James Wadsworth, Esq^r, John Hall, Esq^r, Christopher Christophers, Esq^r, Hez. Brainerd, Esq^r, John Hooker, Esq^r, Joseph Wakeman, Esq^r, Nathaniel Stanly, Esq^r, Joseph Whiting, Esq^r, Capt. James Rogers, Major John Burr, Capt. Timothy Peirce, Mr. Sam^l Bishop, Mr. Warham Mather, and Capt. Ozias Pitkin.

Ordered by this Assembly, That Mr. Treasurer Whiting be sent for to this Assembly, and that he attend here on Tuesday next without fail, and bring with him sufficient of the bills of credit that are in his hands, for payment of the salaries and other necessaries as this Assembly shall order. It is further ordered, that Asahel Strong, constable of Farmington, be summoned to appear before this Assembly on Thursday next, to inform this Court of the money he paid into the treasury last year.

[501] Whereas Peter Pratt, attorney for our lord the King, has informed this Court that at the superiour court holden at Hartford in September, 1724, James Poisson of Hartford, upon a legal tryal, was found guilty of putting off and uttering a false and counterfeit bill made in imitation of the five pound bills of publick credit of Rhode Island, knowing the same to be such; whereupon the said James Poisson was sentenced by said court to stand an hour and half in the pillory, and to have the lower part of his right ear cut off, and to endure six months imprisonment, and pay the costs of his prosecution; and that the said James Poisson absconded and did not abide said judgment; and that Jonathan Easton, his surety in a recognizance of two hundred pounds for his abiding the said judgment, is since dead, and the recognizance has been sued out against his administratrix to final judgment; whereby the said James Poisson is like wholly to escape punishment for his flagitious crime, and the innocent widow and fatherless made the only sufferers: Whereupon it is considered by this Court, the Secretary do immediately issue out an especial attachment to the sheriffs of the counties of Hartford and New Haven, or their deputies, to apprehend the body of the said James Poisson, and him commit to the keeper of the common goal in the county of Hartford, there to remain until he satisfy the judgment given against said administratrix, or suffer execution on said judgment as is hereafter provided; and that the clerk of the superiour court do forthwith grant

execution upon the said judgment of the superiour court against said Poisson, directing the same to the sheriff of the county of Hartford, or his deputy, who is likewise hereby commanded to do said execution on said James Poisson some time after the last day of December next, unless the said James Poisson shall before that time pay, or cause to be paid, to the said sheriff the sum in which the administratrix of Jonathan Easton, his surety, was condemned in at the superiour court holden at Hartford in September last, and also satisfy the sheriff for his fees; which in case he do, the sheriff shall surcease to do said execution, and shall discharge said Poisson.

Upon the petition of the committee of the free school at Hartford: Resolved by this Assembly, that the town of Hartford by a new committee may bring another suit against Hills for the recovery of the lands, and the former tryal shall not be pleaded in bar.

Upon the request of Benjamin Stephens: It is resolved by this Assembly, that the county surveyour of the county of Fairfield is hereby prohibited to lay out any country grants on any of the lands lying between the township of Danbury and New York line, till the line be settled, nor till the said Stephens shall or may have opportunity to procure a grant of the mentioned land on reasonable terms of this Assembly; nor shall it be lawful to lay any country grant on the within mentioned land described in his petition.

Whereas Roger Wolcott, Esqr, hath informed this Assembly that there is great necessity of a ferry from the common landing place in Plimouth Meadow in Windsor cross the great river and rivolet to his land on the east side of the great river, and that said ferry cannot be erected and duly attended unless a house be built on the river bank for the ferryman to live in, and hath proposed to this Assembly to undertake said [502] ferry || and provide that it shall be duly attended, and also to find conveniency for landing on the east side and passing from the river to the town way on the meadow bank, provided he and his heirs may have liberty to keep said ferry as long as they shall well furnish and duly attend the same: Upon consideration whereof, this Assembly grant to the said Roger Wolcott and his heirs and assigns, liberty to set up and keep said ferry, so long as he and they shall furnish said ferry with an able ferryman with suitable vessels and oars for the transporting of man and horse over said ferry, and also find and allow land convenient for the landing on the east side the river and for passing and repassing from the said ferry to the town way on the meadow bank; provided the said ferry shall

be set up and duly furnished within two years next after the rising of this Assembly, and no charge be occasioned thereby to the publick treasury, and that the fare of the said ferry be under the regulation of this Assembly.

Upon consideration of the petition of the town of Symsbury, shewing that they have had several town meetings, cannot agree upon a place for the setting a new meeting house: This Assembly do appoint the Hon^{ble} Joseph Talcott, Esqr, Mathew Allyn, Esqr., and Roger Wolcott, Esq., a committee, and they are desired to go to Symsbury and take a view of the situation of it, and consider their circumstances and what settlements have been formerly made, and to give their advice where the said meeting house should be set for the greatest conveniency of the whole town, and to make report to the General Assembly in May next, in order to a confirmation.

Resolved by this Assembly, That till the session of this Assembly in May next, the care of the Indians in their several tribes in this Colony be under the inspection of the Governour and Council from time to time, to regulate, restrain, set large, &c., as to them shall seem best.

Upon the petition of Elizabeth Clark of Middletown, widow, relict of Daniel Clark, late of said Middletown, deceas'd, shewing to this Assembly that Joseph White of said Middletown, deceas'd, in his life time did sell to said Daniel Clark of said Middletown, deceas'd, in his life time, a certain piece of land in Middletown aforesaid, containing fifty-nine acres and one-quarter of an acre, lying in that tract of land called the Northwest Quarter, butting westerly on land of Jacob White, (or the remainder of the original allotment,) east upon a highway or common land, northerly on land of Samuel Peck, and south on land of Daniel White, (or the remainder of the said original allotment,) being thirty-three rods in breadth north and south, and received the greatest part of the money of said Clark in their life time, and into which land the said Daniel Clark had long since entered, made great improvements, &c., and dyed seized, and the said Joseph White neglected in his life time to give said Clark a deed of said land so sold; and thereupon prayed this Assembly to grant Capt. William Savage full power to make sale and deliver a good and ample deed of said land to the heirs of said Daniel Clark: This Assembly do now authorize and fully empower Capt. William Savage of said Middletown to make and execute a [503] good and ample deed || of said land so sold to the heirs of said Daniel Clark, for the firm holding said land to them, their heirs and assigns forever; the deed to be given upon the payment of the remaining part of the money agreed upon.

Deborah Hotchkiss, widow and relict of Abram Hotchkiss late of New Haven, deceas'd, and administratrix of the said deceas'd's estate, having shewn to this Court that the debts, &c., due from said estate are more than the whole of the moveables the sum of thirty-six pounds ten shillings and two pence, and also representing that she was left a widow with four small children on a new farm in the wilderness, for the improvement whereof she stands in need of the stock and implements for husbandry, and therefore petitioned this Assembly that she might be impowred to make sale of fifty-five acres of land (the deceased sometime before his death bought of Mr. Thomas Trowbridge of New Haven for £90,) for the payment of the debts due from said estate, thereby to save in her hands some of the stock and necessaries for husbanding the farm, that she be not obliged to desert her dwelling and suffer the farm to become a desolate wilderness again for want of manuring: Whereupon this Assembly doth fully impower the said Deborah Hotchkiss to make sale of the said fifty-five acres of land to the highest bidder, at the direction of the court of probates in New Haven; upon the following condition only, viz., that if the said Deborah Hotchkiss, or any for her, do give sufficient bond to the acceptance of the judge of the said court, that the money produced by the sale of the land aforesaid that shall be over and above the sum that the debts exceed the moveables shall be duly paid to and among the heirs of the deceas'd, in proportion as the law divides intestate estates, as they shall come of age to receive the same.

And forasmuch as the said Deborah Hotchkiss has shewn to this Assembly, that the deceas'd while living did, in partnership with Benjamin Bradley, jun^r, of New Haven, make a purchase of a tract of land in the township of Farmington, containing by estimation [an] hundred acres, at the price of thirty pounds, the one half of which sum the said Benjamin Bradley paid down at the executing of the deed, but the grantor not being willing to execute two deeds made the sale solely to the deceas'd, who then ingaged to make and execute a deed of the one-half of said one hundred acres to the said Bradley, but being suddenly cut off by the providence of God did not execute the same, though he had caused it to be written; and praying she might by this Assembly be authorized to make and execute a deed of the one-half of said tract both in quantity and quality, according to the true intendment of the parties: This assembly doth therefore authorize and fully impower the said Deborah Hotchkiss to make and execute a deed of the half part as aforesaid; which deed when so executed shall be good and effectual in the law for the said Ben-

jamin Bradley holding the same to himself, his heirs and assigns forever.

Upon consideration of the petition of the inhabitants of the West Society in Seybrook: This Assembly grants them liberty to imbody into church estate and to call and settle an orthodox minister amongst them, with the approbation of the neighbouring churches.

Upon the prayer of Joseph Bradford, in behalf of the north parish of New London, setting forth that sundry persons living in said parish upon the sequestred lands there, under pretence of making some small allowance to the Indians, refuse to give in said lands to the listers, so that said lands are wholly exempted from contributing to publick as well as par-[504] ish charges, || which to prevent: Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that the occupiers of the said lands shall give in the respective parcels of land by them improved unto the listers of New London, and all taxes shall be levied upon said lands equal to other lands in said parish.

Upon the petition of Phillip Eastman, agent of Ashford, praying this Assembly that said town might be exempted from publick taxes: Its enacted, and be it enacted by the Governour, Council and Representatives, in General Court assembled, that the inhabitants of said Ashford be exempted from publick taxes of this Colony for the space of two years next ensuing; with this proviso, that they pay one penny upon the pound in their list for each year to the Reverend Mr. Hale, (their present minister,) in addition to what they now give him, and that it be gathered with the rest of his rate, and that they neither send deputies nor draw money for their school during said term.

Upon the petition of Sarah Taylor, wife of Lt. John Taylor, of Norwalk, administratrix on the estate of Mr. Phillip Lewiss late of Fairfield, deceas'd, shewing that the debts due from said estate do surmount the moveables of said estate, and praying this Assembly to order so much of the real estate of said Lewiss to be sold as will answer the same: This Assembly do grant that so much of the said Lewiss's real estate be sold to the highest bidder as will answer the debts due from said estate, at the direction of the judge of probates in Fairfield; upon condition that the heirs of the said deceas'd shall not, within the space of two months from the rising of this Assembly, appear to answer the debts that now are or shall be allowed by the court of probates in Fairfield before that time.

Forasmuch as the continuance of the unhappy war, between the Province of the Massachusetts Bay and the Indian enemy, is likely to endanger the frontiers of this Colony and the county of Hampshire, to the invasions of the enemy: This Assembly do therefore impower the Hon^{ble} the Governour and the Committee of War at Hartford, to impress and send forth such forces as they shall think needful to defend our own frontiers. And in case of good intelligence of a body of the enemy coming down upon the county of Hampshire, his Honour, with the Committee, are enabled to send forth the detachment in Hartford, Windsor and Wethersfield, or part of them, as they shall judge best, for the defence of the towns in the county of Hampshire; provided those men that may be sent into Hampshire shall not be ordered to remain there to keep garrison.

This Assembly having considered the evidences produced respecting the bills of credit brought into this Assembly by his Honour the Deputy Governour, amounting to the sum of fifty-one pounds, with other circumstances attending that affair, are of the opinion that they belong to and were taken from the publick treasury, and have in suspection Mr. George Clark of Milford, a member of the Lower House, who was a [505] person improved with others || to receive and sort the bills of publick credit in the Treasurer's hands last May, to have taken the said bills of credit out of the publick treasury, without any warrant from this Assembly or other lawful order; and do thereupon order that the said George Clark appear before this Assembly in May next, to answer to the great misdemeanour of which he is had in suspection, and that Mr. John Stone, attorney, is directed to take out summons for the appearance of any evidences before said Assembly that may be had, for the discovery of the matter aforesaid; and that the said bills shall remain in the Secretarie's hands till the said Assembly.

Upon the petitions of Middletown and Farmington: It is resolved by this Assembly, that Messrs. David Goodrich, Thomas Seymour, and Thomas Kimberly, shall be a committee, or any two of them, to run, ascertain, fix and finally determine, the partition or dividing line between the townships of Middletown and Farmington, and erect suitable monuments therein; and the rule they shall observe therein shall be by going to the tree, or the place where the south tree stood, being the south end of the four mile to the south from the meeting house formerly standing in Middletown, from which tree or place five miles westward to Wallingsford bounds was

lately settled, and from the said tree or place where it stood a straight line shall be run to the place where the said meeting house stood, and from thence a straight line shall be continued till it intersect Wethersfield south line dividing between Wethersfield and Middletown; and from the place where the said lines intersect, they shall measure so far westward on the same course till they come to the end of the said Wethersfield line, and then they shall calculate how much it wants of five miles from the said north and south line on right angles from it, and then add to it still so much further westward as will on a line drawn at right angles from the said north and south line beforementioned make five miles from the place where the said north and south line intersects Wethersfield line; and from the westerly end of the aforesaid five mile line, a line shall be drawn parallel to the first line, from the south tree to the meeting house, and thence to Wethersfield as aforesaid; and the said parallel line shall be the partition line so far as Farmington bounds extends southward. And the said committee shall make return thereof to this Court when they have completed the same; the charge thereof to be equally borne by both towns.

Upon the petition of Nehemiah Loring of Stratford *v.* Katharine Noyes of Boston, administratrix on the estate of Mr. Oliver Noyes late of Boston, deceas'd, complaining of a judgment obtained by said Oliver Noyes in his lifetime against said Loring, upon an action brought by said Oliver Noyes to a special county court held in Fairfield the first day of February, 171⁵, in which action the said Oliver Noyes recovered final judgment against said Loring for the sum of one thousand two hundred twenty-nine pounds fourteen shillings and eight pence debt due by book, at a county court held in Fairfield on the third Tuesday of November, 1716, and cost taxed at £3 15s. 0d.,* and said final judgment may be reversed, and that he may have liberty of another tryal in said action [506] at the county court || to be held in Fairfield in November next, and from thence the liberty of an appeal upon said Loring's request to the superiour court to be held in Fairfield in February next: Upon consideration whereof, this Assembly do reverse said final judgment, and it is hereby reversed; and do grant said Loring the liberty of another tryal in said action, at the county court to be held in Fairfield in November next, and from thence liberty of an appeal to the superiour court to be held in Fairfield in February next, upon said Loring's request.

* There is, apparently, an omission of something here, or the word *and* should read *that*, but I could not compare the original with the record, not finding it in the proper file.

Upon consideration of the petition of the northwest farmers of Stratford, called Nickols' Farms, praying for village privileges, with the report of the committee appointed by this Assembly to view and make report of their circumstances to this Assembly: This Assembly do grant the inhabitants of said farms the liberty of village privileges, to be distinct from the town of Stratford and from the villages of Stratfield and Repton; and do order their bounds to be as follows, viz., that they run from the west door of Stratford meeting house three miles and a half in Bare Swamp Road as said road runs up; the end of which to be their south east corner boundary; and from said door aforesaid three miles and a half up Nickols Farms Road, and there to be another boundary; and then from said door up Little Success Road, as said road runs, three miles and half, there to be another boundary; and from said door up Rocky Hill Road, as said road runs, four miles and half, or in the street just above Joseph Seely's house, there to be another boundary, which is the southwest bounds of said village; and then a line from the aforesaid southeast corner bound to each of the aforesaid boundaries, terminating at the aforesaid southwest corner bounds, this line to be their south bounds; and from said southwest corner bounds to James Fairchilds, including Doctor Sherwood's farm, and from thence northwardly in Putatuck Path, as said path runs, to the south end of James Hubbel's farm, and from thence eastwardly along White Plain Brook north of Ephraim Hawley's farm to Poquanuck River, and up said river to the head of Stratford bounds northward, and this to be their west line; and then from the aforesaid southeast bounds in Bare Swamp Road, to run as said road runs, up to Sam^l Blaggs, and from thence a straight line to the Furr Mill River at the going over at Joshua's ground, excluding Ambrose Thompson, jun^r, and Capt. Josiah Curtice and John Clark, jun^r, their farms, and from the going over at Joshua's ground up to the head of the bounds of Stratford a parallel line with Stratford west line, this to be their east line; and the north line to be the dividing line between Stratford and Newtown; and that the village be called by the name Unity.

Upon the petition of James Wright of Killingsworth *v.* William Stannerd of Seybrook, complaining of a judgment of the superiour court holden in New London the 4th Tuesday of September, 1723, in an action which said Wright brought against said Stannerd for the recovery of seventy-nine acres [507] and a half of land in Seybrook || more particularly set forth in the writ, in which case final judgment at said supe-

riour court went against said Wright, and praying this Assembly that said judgment may be reversed, and that he may have another tryal in said case at the superiour court to be holden in New London March next: Upon consideration of said petition, this Court are of opinion said judgment complained of shall be reversed, and it is hereby reversed and made void; and the said petitioner is allowed another tryal in his said action at the superiour court to be held in New London in March next; and that no cost be allowed on this petition.

Upon the petition of Collin Frazer of Norwich *v.* Paul Wentworth of Norwich, setting forth to this Assembly, that said Wentworth had recovered a judgment against him, said Frazer, for the sum of ten pounds eight shillings debt due by book, and costs at the county court in New London in June last, and thro' a mistake he had no appeal entered to the superiour court in New London in September last, and thereupon prayeth this Assembly that he, said Frazer, may have another tryal in said case at the superiour court to be held in New London in March next, and that the execution taken out by said Wentworth upon said judgment might be stayed: Upon consideration whereof, this Assembly reverseth said judgment and grant said petitioner the liberty of another tryal in said case, at the superiour court to be held in New London in March next, and do order that said execution be stayed and not served, and the petitioner to pay the respondent his costs, allowed to be £2 00s. 9d.

An Act in Addition to an Act for Highways, in our
Law Book, Page 50.

Be it enacted by the Governour, Council and Representatives, in General Court Assembled, and by the authority of the same, That if any person so warned, (as in said act is provided,) shall refuse or neglect to attend the service in manner (as is in said act provided,) he shall forfeit for every days neglect four shillings for a person, and eight shillings for a man and team, which forfeitures shall be improved as in said act; any law, usage, or custom to the contrary notwithstanding.

Upon consideration of a memorial laid before this Assembly by the Reverend Trustees of Yale College, signifying that they have made choice of Mr. Elisha Williams of Newington parish to be Rector of said College, desiring this Assembly would free the inhabitants of said Newington from their country rates: This Assembly rejoice in the good providence that conducted the reverend trustees to fill up the vacancy of a rector in said college with a gentleman so agreeable to the

country, and so very acceptable to the Assembly; and do enact that when the said Mr. Elisha Williams shall remove to New Haven into the service of rector in Yale College, according to appointment of the said reverend trustees, that Newington, or the inhabitants of said parish, shall be freed from paying their country tax for the space of four years next coming; on condition that the money be improved towards settling another minister in said parish.

[508] A List of the several Towns of this Colony, sent in to this Assembly.

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford,	24784	: 1	: 6	New Haven,	31160	: 13	: 2
New London,	17563	: 1	: 0	Fairfield,	27937	: 01	: 1
Haddam West,	5055	: 11	: 6	Haddam East,	8596	: 02	: 0
Norwalk,	15412	: 0	: 7	Stratford,	22207	: 01	: 2
Colchester,	10618	: 2	: 0	Seybrook,	12390	: 14	: 0
Wethersfield,	19364	: 0	: 0	Stanford,	15626	: 02	: 6
Midletown,	17704	: 5	: 3	New Milford,	2739	: 11	: 6
Hebron,	5231	: 4	: 0	Groton,	12577	: 6	: 10
Pomfrett,	6375	: 10	: 0	Glassenbury,	6056	: 6	: 0
Windham,	8012	: 0	: 6	Farmington,	15827	: 15	: 0
Killingsworth,	6868	: 9	: 9	Coventry,	4578	: 1	: 6
Danbury,	7271	: 0	: 0	Canterbury,	5721	: 4	: 0
Mansfield,	5166	: 10	: 6	Branford,	13565	: 15	: 0
Waterbury,	3812	: 6	: 0	Plainfield,	6713	: 14	: 9
Guilford,	19921	: 0	: 1	Killingly,	5058	: 0	: 0
Symsbury,	7737	: 5	: 6	Greenwich,	10189	: 10	: 0
Lebanon,	12404	: 2	: 0	Preston,	9847	: 14	: 4
Norwich,	22018	: 0	: 6	Derby,	5310	: 11	: 0
Durham,	5764	: 0	: 10	Lyme,	12264	: 19	: 10
Windsor,	19566	: 18	: 0	Stonington,	14914	: 17	: 11
Wallingsford,	16853	: 16	: 3	Woodbury,	8278	: 0	: 0
Milford,	22113	: 17	: 10	Add'n Guilford,	841	: 6	: 0
				Fourfold ditto,	40	: 10	: 0

Upon the prayer of Jonathan Scott of Waterbury, setting forth that his son John Scott is now in captivity among the Indians at Canada, and that he is so reduced that he cannot get him home: Whereupon this Assembly grants the said Jonathan Scott five pounds out of the publick treasury; and if said Scott shall recover his son, then this Assembly will further consider the matter, and do therein as they shall think fit.

An Act for Emitting Bills of Credit.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith emitted a certain

number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to the sum of two thousand pounds and no more; twelve hundred pounds whereof shall be of the bills of credit of this Colony now in the Treasurer's hands for the exchange of the bills of this Colony of the first impression, and eight hundred pounds of the bills of credit now in the said Treasurer's hands brought into the treasury by the act of this Assembly October, A. D. 1724, entitled An Act for levying a tax on polls and all rateable estate; to be put into the said Treasurer's hands by the committee hereafter to be appointed in this act, taking his receipt for the same. And the said Treasurer is accordingly hereby impowred and ordered to issue forth and emit the same, towards the payment of the publick debts of this Colony and the further necessary charges thereof, according to such orders as shall be given him from [509] time to time || according to law. And Roger Wolcott, Nathan^l Stanly, Esq^{rs}, and Mr. Ozias Pitkin, are appointed a committee by this Assembly to receive of the said Treasurer the sum of eight hundred pounds in good bills of credit brought in by the rate aforesaid, that are undefaced and suitable to be issued forth in publick payments, giving him a receipt thereof, and again to put the same into the said Treasurer's hands, for to be issued forth in payments as is before in this act provided, taking his receipt therefor.

And it is further enacted, That as a fund and security for the repayment and drawing in the said sum of two thousand pounds into the treasury, this Assembly grants a tax or rate of two thousand one hundred pounds, to be levied on polls and all the rateable estate within this Colony, and to be paid into the treasury at or before the last day of August which will be in the year of our Lord one thousand seven hundred and thirty-five; which said rate shall be paid in bills of credit of this Colony, or in money as it passes generally currant in the country at the time of payment, and in no other manner.

This Assembly appoint Capt. William Preston of Woodbury to be a Justice of the Peace for the county of Fairfield, to continue in that office till this Assembly in May next.

Upon the report of the committee appointed by this Assembly in May last, to inspect the difference and difficulties between the northern inhabitants of the town of Branford and other the inhabitants of the said town, made to this Assembly in their present sessions: It is resolved and ordered by this Assembly, that the inhabitants of the said town do, some time this next ensuing winter, levy a rate upon the inhabitants of

said town in general, amounting to the sum of one hundred and fifty pounds currant money, to be improved for the defraying of the charge already expended by the erecting of a begun new meeting house in the northerly part of said town; and also that the said town of Branford shall be and is hereby divided into two parishes or distinct ministerial societies. And the line of partition by which they shall be divided is ordered to be as followeth, viz., to begin at the country road by Guilford bounds, and thence running westerly in said road until it comes to a highway going northward next west of Micah Palmer's house on the northerly side of said road between said Palmer's lot and the school land, and thence running northerly in said highway until it meets with and intersects the line granted and conceded to by the said town of Branford in their meeting December 28th 1724, and from thence the said partition line to run westerly in the said line or lines conceded unto by the town as aforesaid, until it comes to New Haven bounds; and all the lands on the southerly side of said partition line to belong to and pay their ministerial and other society charges to the south society, and all the lands lying northward of the said dividing line to belong to and pay their society charges to the north parish in said Branford; hereby granting to each of the said societies distinct powers and privileges by law belonging to a particular parish; and further, that the said new meeting house, so far carried on as now it is, shall belong to the said north society.

[510] Upon the prayer of the north society of Guilford, desiring they might have a tax of one penny on the acre for the maintaining the gospel amongst them: This Assembly, considering said prayer, do hereby enact, that there be a tax of one penny per acre on all the lands in said parish, for the end aforesaid, for the space of four years next ensuing.

Upon the petition of Richard Rogers of New London, praying for the sole liberty of making duck, to be equivalent to Hollands duck: This Assembly do grant unto the said Rogers the sole liberty, for the term of seven years next coming, of making duck, equivalent to Hollands duck; and all persons in this Colony are hereby forbidden to make, during said term, any such duck as aforesaid, without a liberty of said Rogers. Always provided, that if any person shall provide materials to make duck as aforesaid, and the said Rogers shall not upon such terms work the said materials into duck as a committee from this Assembly shall order, it shall be in the liberty of such person to procure any other person to work such materials; anything to the contrary above written notwithstanding.

Resolved by this Assembly, That sundry of the towns in the northeasterly part of the Colony be set off to be a distinct county and be accordingly furnished with officers ; the compleating of which, together with the limits of said county, is deferred till May next.*

Upon the prayer of Capt. James Rogers, Esqr, in behalf of the inhabitants of the Neck and Nehantick Quarter in New London, that they might have parish privileges with respect to their school : This Assembly, considering said prayer, do order and enact that they have parish privileges as they prayed for.

This Assembly order, That the two hundred and fifty-five pounds two shillings and seven pence, now in the hands of Mr. Timothy Green, received of Capt. Christopher Christophers, naval officer, for the use of this Colony, be delivered to Mr. John Whiting, Treasurer, taking his receipt for the same ; which receipt said Green shall deliver to the Secretary of this Colony.

Upon the petition of Thomas Hill of Fairfield, in behalf of himself and others of his neighbours living within the bounds following: westerly by the West Parish in said Fairfield, south southwest by the rear of the building lots in Fairfield, easterly by the Mill River, so called, east northeasterly by the parish of Stratfield, north by the north bounds of Fairfield, first brought to this Assembly in May last and continued to this Assembly, desiring they may be made a parish : This Assembly, hearing the reasons offered by Mr. Eben^z Wakeman, agent for the old parish in Fairfield, why said Hill and neighbours should not have parish privileges granted them, as well as the arguments of said petitioners why they should be a parish, do hereby order and grant that said petitioners shall be a parish, and are hereby enabled to set up the worship of God among themselves : and the bounds abovesaid shall be the bounds of said parish, and so be and remain until this Assembly shall order otherwise. And it is hereby enacted, that said parish shall [have] and hath allowed all the privileges and advantages as are by law allowed to other parishes in this government.

* "A bill that the towns of Lebanon, Windham, Mansfield, Plainfield, Canterbury, Killingly, Pomfret, Coventry, and Ashford, bounded easterly by the lines of the Colony, shall be and remain to be one entire county, with the privileges and powers as are given by the law to the respective counties, Windham to be the county seat, and the county to be known by the name of Windham County," passed the Lower House, Oct. 15. 1717. In October, 1718, a similar bill, respecting the same towns together with Hebron, passed the Lower House. *Journals L. H., Towns & Lands, IV., 161a.* A bill for the same purpose also passed the Lower House in October, 1723.—*Journal U. H., Civil Officers, &c., I., 378. II. 20.*

Upon the petition of James Corbin of Woodstock, brought to this Assembly in May last, in behalf of himself and part-[511] ners, praying for a patent for himself || and partners of a certain tract of land as set forth in said petition, at which Assembly said Corbin and partners was allowed to have a patent of said lands signed by the Governour and Secretary: but inasmuch as Col^o John Chandler of Woodstock had, without the observation of this Assembly, obtained a patent for some of the land prayed for, therefore it was ordered by said Assembly in May last, that said Chandler should be cited to appear at this Assembly, to shew reason to this Assembly why said patent should not be granted: whereupon the said Chandler was cited and did appear at this Assembly, and shewed his reasons why said patent should not be granted, which reasons by this Court were judged insufficient: Whereupon it is enacted by this Assembly and the authority thereof, that said Corbin shall be allowed a patent for said land, under the seal of this Colony, signed by the Governour and Secretary; with this proviso, that all the claimers that have regulated themselves according to the order of the committee in 1719 shall not be prejudget thereby.

This Assembly, taking notice of the honest meaning of John Downes of Milford in discovering the fifty-one pounds money, which he found and took up in the town of Milford aforesaid sometime in June last, which is supposed to be fraudulently taken out of the publick treasury, do therefore grant him the sum of three pounds out of the publick treasury.

Upon the prayer of Sarah Bishop, widow of Stephen Bishop, late of Guilford, deceas'd, desiring she might have liberty to sell so much land formerly mortgaged by Capt. Stephen Bishop to his daughter-in-law, the widow Elizabeth Bishop, as will pay said mortgage and the interest thereof: This Assembly, considering said prayer, do enact and order, that the said memorialist have liberty, with the direction of the court of probates in Guilford, to sell as much land as prayed for.

Upon the memorial of Anna Whiting and John Whiting, administrators of the estate of Capt. Joseph Whiting of Hartford, late Treasurer of this Colony, deceas'd, praying this Assembly that some abatement might be made of the great sum the estate of said deceas'd was indebted to this government as appeareth by the act of the Assembly in May last: Upon consideration whereof, this Assembly doth allow that, on condition said petitioners shall pay the sum of six hundred pounds within one month after the rising of this Assembly, to the present Treasurer for the use of this Colony, taking

his receipt for the same, and also six hundred pounds more at or before the rising of this Assembly in October next, in publick bills of credit, to the Treasurer of this Colony for the time being, and take his receipt for the same, for the use of this Colony, and deliver said receipts to the Secretary of this Colony within one week after they are respectively taken, then this Assembly doth discharge said estate from any further demands: but in case said administrators doth not perform said condition, then the secretary to grant execution for the sum of two thousand and sixty pounds thirteen shillings and eleven pence, to be levied on said estate.

Upon the memorial of Capt. John Mason, taking the principal matters of fact therein contained to be,

1. The judgment of the Court of Inquiry at Stonington, August 23d, 1705, that Oaneco and other Indians should be [512] put into the possession || of divers tracts of land therein described, and recover his cost and charge, allowed to be £573 12s. 8d.

2. The appointment of a committee by the General Court in October, 1706, with full power finally to agree with Oaneco about the difference arising upon his claims to the lands in New London and Colchester, and their agreement with him thereupon on the 29th of November following, and this Assemblys taking further time, at their sessions in May following, to advise upon their acceptance of the said agreement which they had impowred a committee fully to compleat.

3. That, beside the agreement aforesaid, the committee gave an obligation under their hands and seals to pay the sum of seven hundred pounds silver money, 15 p. weight, the said Oaneco having given to them, on behalf of the government, a deed of all his lands, (the sequestred lands only excepted,) and became bound to give further assurances if need so required.

And taking the prayer to be, that this Assembly would consider the matters contained in this memorial, and see that the aforesaid judgment may be fulfilled, or the agreement complied with, or some other way found out to answer the money and damages.

It is observed by this Assembly, that the aforesaid judgment was fully satisfied by the said agreement.

That the said agreement was made by a committee fully impowred finally to issue the controversy, and did not depend on the approbation of this Assembly, and no one article therein complain'd of as not complied with, and neither the said obligation nor so much as a copy thereof produced to this Assembly.

That the effect of the whole memorial terminates in a request for finding out some expedient for the gaining the money for which its represented a bond or obligation was given by the said committee after they had executed the trust committed to them by perfecting the aforesaid agreement.

Whereupon it is considered by this Assembly, that it is proper to defer the further consideration of the said memorial till the memorialist produce the obligation alledged to be given by said committee. And Roger Wolcott, James Wadsworth, Esqrs, are appointed a committee to hear any further pleas or evidences of the memorialist, relating to his memorial, as also to enquire after and get a full understanding of what has been done on the part of this government, and make their report of the whole matter, with their opinion thereupon, to this Assembly in May next.

Resolved by this Assembly, That ten pounds be allowed to Dea. Green, in addition to what was allowed in his account last May, there being so much omitted in said account by mistake.

This Assembly grants to our agent, Jeremiah Dummer, Esqr, for his salary, the sum of one hundred pounds in bills of publick credit, and desire his Honour the Governour to receive the same of the Treasurer and send the same to the agent or his order.

This Assembly grants Mr. Green, the printer, the sum of twenty-five pounds, being the remaining part of his salary this year.

[513] This Assembly grants his Honour the Governour the sum of two hundred pounds in bills out of the publick treasury, for his salary this year.

This Assembly grants his Honour the Deputy Governour the sum of fifty pounds in bills out of the publick treasury, for his salary this year.

This Assembly grants Mr. Treasurer Whiting the sum of sixty pounds out of the treasury, for his salary this year.

This Assembly grants Mr. Secretary the sum of eight pounds, for his salary this year.

Resolved by this Assembly, That the petitions, *Levy v. Isa Demedina*, *Robbins v. Hancox*, *Coleman v. Wright*, now depending before this Assembly, be continued, and they are hereby continued to this Assembly in May next.

An Act for Levying a Tax on Polls and all Rateable Estate.

This Assembly grants a rate of two pence on the pound on all the polls and rateable estate in this government, to be

paid into the treasury in the bills of credit of this Colony, with the usual advance of twelve pence on the pound ; or the good bills of credit of four signers of the Massachusetts Bay, or in the bills of credit of New York, Rhode Island, or New Hampshire, without advance on them ; or in silver money as it passeth generally in the country.

Upon the petition of Lt. James Harris, in behalf of the new parish, being the north part of Lyme and south part of Colchester, shewing to this Assembly that the circumstances of the people of said parish are such that, in order to their setting up and maintaining the worship of God among them and defraying the necessary parish charges there, they stand in special need of the usual favours and indulgences of this Court, as granted to others in the like cases : This Assembly grants them liberty and full power to levy a tax of one penny upon each acre of the unimproved land within the said parish, annually for the term of four years next after the ordination of their first settled minister ; the money to be improved to the support of the ministry and other parish charges.

Cost allowed Abram Pinto of Stratford against Asher Levy of New York, for attendance at this Assembly to answer the petition of said Levy, the sum of £1 2s. 2d.

Cost allowed Thomas Kimberly of Glassenbury against Daniel White of Windsor, for attendance at this Assembly to answer the petition of said White, the sum of £1 01s. 0d.

Cost allowed Isaac Demedina of Hartford against Isaac Jacobs of Branford, for attendance at this Assembly to answer the petition of said Jacobs, the sum of £1 8s. 0d.

[514] Whereas this Assembly have thought convenient, by reason of some incident avocations, to break up their sessions before the Secretary has time to compare and read off the doings of this Assembly : Therefore, be it hereby ordered, that the Hon^{ble} the Governour, Mathew Allyn, Roger Wolcott, Nathaniel Stanly, Esq^{rs}, Capt. Ozias Pitkin, Capt. Thomas Seymour, Col^o David Goodrich, Mr. John Curtice, Mr. Henry Wolcott, and Mr. Thomas Kimberly, be a committee to assist the Secretary in comparing the several records and entries made at this Assembly. And the said committee are to take effectual care, that the said records be compleat and perfect, which thereupon shall be attested by the Secretary.

The Acts of the Assembly, as they stand recorded in the preceding pages, was read in the presence of his Honour the Governour, Roger Wolcott, Nathaniel Stanly, Esq^{rs}, Col^o David Goodrich, Mr. Thomas Kimberly, Mr. Henry Wolcott,

and Capt. Thomas Seymor, mentioned in the above act, and by them ordered to be signed. HEZ WYLLYS, *Secretary*.

[257] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN, ON THE 16TH DAY OF OCTOBER, ANNO DOM., 1725.

Present, The Honourable Joseph Talcott, Esq., Governour.

John Hamlin,	} Esq'rs, } <i>Assistants</i> .	John Hooker,	} Esq'rs, } <i>Assistants</i> .
Sam'l Eells,		Joseph Wakeman,	
John Hall,		Joseph Whiting,	
Hez. Brainerd,			

Upon the prayer of Anna Mott, wife of Gershom Mott of Canterbury, in the county of New London, in behalf of her said husband (now confined by sickness) and herself, setting forth that about a year since she was delivered of three children at a birth, (which thro' God's mercy are all still living,) and has ever since languished under distressing and very expensive sickness, viz., first by a pleurisie, secondly a dropsie, and lastly a dangerous imposthume, (of which she is not yet cured,) successively seizing on her; her said infants most or all the while out at nurse at a great expence; and lastly her said husband being by sore sickness in the summer past (from which he is not yet fully recovered,) brought very low and nigh the dust of death; by which series of adverse providences the holy and allwise God has exercised them-withal, they have been and are reduced to great want and straits; and praying that a brief craving the contribution and charity of the good people in such and so many towns as the Governour and Council shall see meet, might be granted for their relief in this distress:

Ordered, That a brief be therefore granted, and that it be directed, and it is hereby granted and directed to pass into and thro' the towns and respective congregations in New London, Groton, Stonington, Preston, Norwich, Lebanon, Canterbury, Plainfield, Pomfret and Killingly, for the end aforesaid; and that the money collected by said brief be transmitted to the Reverend Mr. Sam'l Eastabrook of said Canterbury, and by him delivered for the relief of the said poor distressed family.

[258] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN NEW HAVEN, ON THE 26TH DAY OF OCTOBER, ANNO DOM., 1725.

Present, The Honourable Joseph Talcott, Esq., Governour.
The Honourable Jonathan Law, Esq., Deputy Governour.

John Hamlin,	} Esq'rs, } <i>Assistants</i> .	John Hall,	} Esq'rs, } <i>Assistants</i> .
Samuel Eells,		John Hooker,	
Math. Allyn,		Joseph Wakeman,	
Roger Wolcott,		Nath'l Stanly,	
Ja. Wadsworth,		Joseph Whiting,	

Whereas the Honourable the Governour and Council at Hartford, on the 11th of August last past, did direct and authorize the Dept. Governour with such as he should call to his Council to set bounds to the Indians in the counties of New Haven and Fairfield, out of which limits they should be liable to be treated as enemies; pursuant whereunto boundaries were set and proclamations accordingly were sent forth into several towns in the counties aforesaid, and also to the several tribes of Indians in the said counties, which confinement was to continue till the Assembly or Governour and Council should order otherwise; and the General Court in their present sessions at New Haven having committed the whole affair of regulating the Indians to the Governour and Council: It is resolved, that the restraint laid upon the Indians in the counties aforesaid is hereby taken off, and also the restraint laid upon those at Farmington; and the said Indians have hereby liberty given to them of the whole limits of the counties aforesaid without restraint, as they have been wont heretofore to have; only they are still prohibited of painting themselves, and when they go into the woods to hunt that they wear a white cloth on their heads, and that they be admonished against going beyond the limits of this Colony, lest they should be taken for enemies by men of the neighbouring Provinces.

And it is hereby ordered, That proclamation hereof be made in the towns of New Haven, Milford, Guilford, Branford, and New Milford; also in Fairfield, Stratford, Litchfield, and Woodbury, and Farmington; and also that the Indians in their several tribes have forthwith notice hereof given to them.

[259] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, THE 22^D DAY OF NOVEMBER, A. D. 1725.

Present, The Honourable Joseph Talcott, Governour.

Roger Wolcott,	} Esq's,	Capt. John Marsh,
Nath'l Stanly,		Capt. Thomas Seymour,
Col. David Goodrich,		Hez. Wyllys.
Mr. Henry Wolcott,		

Whereas, Daniel Messenger of Hartford exhibited to this board an account of charge expended on one Jonathan Taylor, a stranger lately taken sick at his house and dyed there, praying that he may be allowed for the same out of the publick treasury: Ordered, that besides the sum of £4 10s. 6d. inventory estate of the said deceased in the hands of said Messenger, he shall have paid him out of the publick treasury the sum of five pounds one shilling and six pence, to answer the charges mentioned in the said account.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD,
ON THE 13TH OF APRIL, ANNO DOM., 1726.

Present, The Honourable Joseph Talcott, Esq'r, Governour.

Roger Woolcott, Esq'r,	Capt. William Wadsworth,
Capt. Samuell Mather,	Capt. Ozias Pitkin.

A letter to Mr. Williams, elect rector of Yale College, was read and approved at this board, and ordered that the same be signed by the secretary, and his Honour is desired to have it transmitted to Mr. Williams.

At the same time, upon the Governour's laying before this board that the commissioners appointed by the Assembly to meet the commissioners from Rhode Island upon the Colony line mean now to move on that affair, and there was no money in the treasury remitted, or that could be drawn out for the supply of the necessary charges of said commissioners, and that there is in the hands of Joseph Pitkin, high sheriff, moneys paid to him by Pison, and for the use of this Colony: It is thereupon resolved, that the said high sheriff shall deliver of said money, (so brought into his hands by Pison for the use of this Colony,) thirty pounds unto Major Roger Woolcott, Esq'r, taking his receipt for the same; and Major Woolcott is to improve said money as there may be occasion, for the carrying on the treaty now to be pursued, &c., between the commissioners of this Colony and Rhode Island, and to give an account of his expending said money, either to the General Assembly in May next, or to this board.

ERRATUM.

Page 553, line 30, for Tho Yale, read Theo. Yale.

INDEX.

- Account, provision for appointing auditors in action of, 495.
- Account, Dr. Charles, 266.
- Adams, Benjamin, 166; ensign, 916; captain, 555: — Eliphalet, 303: — Jeremiah, heirs of, v. Colchester, 215, 247, 281, 315, 360: — Joseph, deputy for Canterbury, 19, 41, 68, 108, 172, 206, 233, 328, 366, 411, 440, 482, 513, 553; captain, 175; justice, 456: — Richard, ensign, 413: — Samuel, 259; deputy for Canterbury, 1: — William, 114.
- Adgate, Thomas, deputy for Norwich, 270, 411, 482.
- Alderman, William, 185.
- Alford, Col. John, 255.
- Allin, John, 201.
- Allyn, George, captain, 244: — Gideon, 357; lieutenant, 234: — Joseph, 295: — Mathew, 214, 247, 504; in court, 1, 18, 41, 67, 106, 140, 172, 206, 232, 269, 303, 328, 366, 439, 482, 513, 553; in council, 16, 66, 89, 132, 163, 196-8, 202, 203, 227, 258, 259, 288, 289, 365, 407, 436, 472, 474, 506-11, 551, 552; in nomination, 20, 69, 142, 207, 271, 332, 413, 485, 561; chosen assistant, 3, 43, 108, 174, 234, 305, 367, 441, 515; auditor, 3, 307, 520; judge county court, 11, 43, 124, 177, 240, 317, superior court, 375, 455, 517; on Mass. boundary, 17; commissioner Simsbury copper mines, 87, 252; committee of war, 430, 534; committee 2, 113, 131, 196, 218, 252, 257, 370, 391, 406, 427, 444, 471, 505, 550, 563, 577; land granted to, to be laid out, 9, 114: — Robert, 257, 471: — Samuel, 47, 181, 199, 264, 405: — Theophilus, ensign, 45; lieutenant, 368.
- Ames, John, deputy for Preston, 42.
- Andrew, Rev. Samuel, 91, 94, 99.
- Andrews, Abraham, 458: — John, 26, 49, 91, 458: — Joseph, 458: — Rebecca, 450: — Sarah, 49.
- Appeals: in small causes, restricted, 22, 559; commission to hear, 150, 444; decision concerning, 402.
- Applebee, Thomas, 117.
- Arnold, John, 240, 293, 301, 310, 362: — Jonathan, 192; lieutenant, 515.
- Ashcraft, 199, 205.
- Ashford, may embody the church estate, 35; Cushing and Chandler's claim to lands in, 121, 162, 319, 536, 574; in Windham probate district, 141; bounds of, 194; tax for ecclesiastical purposes in, 315; military officers, 330; military watch at, 408; highways in, 540; to send in list, 533; exempted from tax, 565.
- Ashley, Jonathan, 247.
- Aspinwall, Peter, 130, 374; deputy for Kilmington, 19, 107, 172, 270, 304, 329, 367.
- Attorneys at law, taxation of, 525.
- Atwater, Jeremiah, 79, 143, 291.
- Auditors of the treasurer's accounts appointed, 3, 43, 109, 176, 237, 307, 370, 450, 520.
- Auditors in the action of account, 495.
- Austin, John, 326, 476; in council, 477, 509.
- Avery, Christopher, 242; deputy for Groton, 482, 553: — Ebenezer, 215; deputy for Groton, 173, 206; grant of land to, 321: — Ephraim, 135, 136: — James, 188, 246, 276, 364, 402; deputy for Groton, 2, 42, 439, 514; in council, 200, 204; lieutenant, 270: — Samuel, deputy for Groton, 68, 106, 141; justice, 125, 173, 242, 318: — Thomas, in council, 199, 200: — William, 229, 272.
- Ayres, David, 276: — Lawrence, 77, 110: — Richard, 77, 110, 236.
- Babcock, Joseph, 229.
- Bacchus, Joseph, 78, 120, 162, 180, 257, 524, 530, 557; deputy for Norwich, 19, 41, 68, 106, 141, 233, 304, 329, 366, 411, 440, 514, 554; justice, 125, 178, 242, 318, 518.
- Bacon, Jacob, 394, 523: — John, 110: — Nathaniel, 314: — Thomas, 259.
- Baker, Alexander, Joshua, 199, 204: — Joseph, 298: — William, 403.
- Baldwin, Elizabeth, 50: — Sylvester, 229: — Theophilus, 50: — Zachariah, deputy for Milford, 42, 68; grant of ferry to, 431.
- Ball, Allen, captain, 45.
- Bancroft, Samuel, 132.
- Bannister, Thomas, 242.
- Bantam, liberty granted to make settlement at, 126.

- Barber, Peter, 89, 361: — Thomas, 586.
 Barker, Daniel, 452: — Edward, 462; deputy for Branford, 2, 19, 270, 439, 483, 514; justice, 12, 43, 124, 178, 241, 317, 379, 456, 518: — William, 58, 259.
 Barnard, Joseph, 61.
 Barnes, John, 337, 357.
 Barnum, Francis, deputy for Danbury, 2: — Richard, deputy for Danbury, 19, 233, 270, 304; grant to, 26.
 Bartlett, Barnerd, 548: — John, deputy for Norwalk, 41.
 Bassett, Samuel, ensign, 306.
 Bastard, one to pay as reputed father of, though acquitted of fornication, 416.
 Bate, Bates, Daniel, 11: — Hannah, 11: — John, 10: — Jonathan, 502, 536; deputy for Stamford, 432, 514, 553: — Mary, 10: — Robert, 98: — Samuel, 11.
 Bateman, Eleazer, deputy for Killingly, 329.
 Bayberry tallow, gathering of, regulated, 284, 334, 461.
 Beach, Isaac, 355, 373: — John, his will construed, 355, 372: — Joseph, 355, 373; lieutenant, 45: — Nathaniel, 355, 373.
 Beard, John, grant of land to be laid out, 45, 179: — Samuel, lieutenant, 429.
 Beardsley, Thomas, 8.
 Beebe, James, justice, 12, 44, 125, 178, 241, 318, 379; deputy for Danbury, 68, 140, 513, 554: — Samuel, 38.
 Beggars and idle persons, act for restraining, 82.
 Belcher, Jonathan, 255, 414: — Moses, deputy for Preston, 233.
 Belden, Jonathan, 328; deputy for Wethersfield, 68, 269, 304; ensign, 524.
 Bell, John, 77, 110, 285, 336; deputy for Stamford, 141: — Jonathan, deputy for Stamford, 2: — Thomas, 223.
 Bellamy, Mathew, 358, 377.
 Ben Uncas, 199; installed sachem, 409, 428.
 Benedict, James, deputy for Danbury, 483; ensign, 48: — John, deputy for Norwalk, 304, 514: — Thomas, ensign, 4, 491.
 Benjamin, John, 529.
 Bennett, Daniel, 280, 358: — James, 71; justice, 12, 44, 125, 178, 241, 334, 379, 457: — John, 357: — Thomas, 448; justice, 179, 241, 318, 379, 457, 519; captain, 412.
 Benton, Andrew, 48: — Ebenezer, 48; ensign, 236: — James, John, Mercy, 69: — Samuel, 162, 184.
 Betts, Samuel, 71, 147.
 Bidwell, James, 8.
 Bigamy, how punished, 26.
 Bigsby, Benjamin, 206.
 Bill, Joshua, 471; deputy for Groton, 19, 173, 232, 304, 328, 366, 411, 439.
 Billings, Ebenezer, 238, 300, 301, 321; deputy for Stonington, 232, 304; ensign, 275: — Joseph, 196: — William, 196; deputy for Preston, 1.
 Bills and bonds, act permitting assignment of, repealed, 183; cases relating to law of, 454, 488.
 Bills of credit, emitted, 9, 33, 52, 73, 128, 156, 190, 363, 397, 415, 430, 450, 465, 493, 499, 546, 570; committee to sign, 17, 370, 409; called in, 30, 35, 58, 66, 72, 129, 144, 148, 190; to be burned, 29, 73, 126, 122, 160, 185, 212, 226, 239, 244, 326, 373, 451, 527; made legal tender, 74; counterfeited, 58, 97, 435, 436, 472, 486; act against counterfeiting, 467; to be printed in New London, 183, 365, 507, 508; means used for recovering credit of, 134, 169, 504; lodged in Boston for exchange, 134, 165, 167, 169, 198, 209; description of, 167.
 Bingham, Abel, deputy for Windham, 233, 366, 439, 483: — Jonathan, 52: — Thomas, ensign, 519.
 Birchard, James, 38.
 Bird, Thomas, 337; deputy for Farmington, 173.
 Birdsey, Abel, deputy for Stratford, 554.
 Bishop, Joseph, 219, 236; justice, 12, 44, 125, 178, 241, 318, 379, 457, 518: — Samuel, 49, 401, 432, 528; justice, 12, 43, 124, 178, 241, 317, 379, 456, 518; lieutenant, 235; in nomination, 332, 413, 485, 561: — Sarah, Stephen, 574: — Thomas, 357.
 Bissell, Isaac, lieutenant, 334: — John, 217, 530; lieutenant, 330: — Nathaniel, ensign, 334.
 Blackledge, Joseph, 215.
 Blackly, Samuel, 236.
 Blagg, Samuel, 568.
 Blanchard, George, deputy for Killingly, 172, 207, 233, 411, 483, 514.
 Blaze, John, 166.
 Blynn, Peter, 311.
 Boarn, Joseph, 556.
 Boats and canoes, act against taking without leave, 238.
 Bolles, John, 290-2.
 Bolton, to be laid out, 63, 153; act for settlement of, 216; military officers, 330; may embody in church estate, 529; v. Coventry, 549.
 Book debt, act concerning, construed, 336; auditors may be appointed in action of, 496.
 Booth, Elisha, 135: — Joseph, 372.
 Borden, Joseph, 210.
 Borland, John, 299.
 Bostick, John, deputy for New Milford, 554: — Nathaniel, 453.
 Bounds of land, how established, when lost, 149.
 Boutenot, Stephen, 194.
 Bow, Samuel, 53.
 Brackett, John, 319.
 Braddick, John, 266.
 Bradford, Joseph, 63, 183, 201, 310, 358, 499, 559, 565; in council, 199.
 Bradley, Abigail, 495: — Abraham, 495; justice, 11, 43: — Benjamin, 564: — Nathan, 100.
 Brainerd, Daniel, deputy for Haddam, 270, 304, 329; auditor, 307: — Hezekiah,

- deputy for Haddam, 2, 19, 44, 68, 107, 140, 172, 207, 233, 270, 304, 329, 367; clerk, lower house, 207; grant to, as such, 225; speaker, 233, 270, 304, 329; grants to, as such, 257, 287, 326, 362; in nomination, 207, 271, 332, 413, 485, 561; chosen assistant, 367, 441, 515; in court, 366, 410, 439, 462, 513, 553; in council, 407-9, 472, 506, 507, 578; auditor, 520; justice, 317; committee, 63, 121, 161, 240, 247, 281, 310, 314, 403, 484, 492, 504, 505, 534: — James, captain, 344: — Joshua, lieutenant, 306; captain, 558: — William, lieutenant, 344.
- Brands of towns, for horses, 9, 124, 127, 162, 217; may be set on cattle, 155.
- Branford, military officers, 109, 305; north part desire to be a separate society, 5, 534, granted, 34, 571; in Guilford probate district, 141; draining swamp in, 163, 259; townsmen do not pay minister's salary, 462.
- Breed, John, ensign, 174.
- Brewster, Benjamin, quarter-master, 59: — Daniel, 76, 120, 211, 353; deputy for Preston, 1, 68, 140, 233, 270, 304, 366, 514, 554; justice, 12, 178, 287, 318, 379, 518.
- Bridges: over Pilgrim's Harbor, 183; between Stonington and Westerly, 215, 285; between New Haven and Wallingford, 238, 359; maintained by Samuel Morris, 239; over Quinebaug river, near Pomfret, 322, 364.
- Briefs granted, 126, 256, 260, 303, 465, 578.
- Brockway, Richard, 97: — William, grant of ferry to, 455.
- Bromfield, Edward, 88, 114.
- Bromley, Luke, 223.
- Brooks, Ebenezer, deputy for Killingly, 553: — Henry, 208: — Thomas, ensign, 521.
- Brown, Cornelius, 489: — Ebenezer, deputy for Canterbury, 41: — Ephraim, lieutenant, 444: — James, 195; deputy for Norwalk, 207: — John, 353, 560; justice, 12, 44, 125, 287, 379, 456, 518; deputy for Preston, 19, 107, 140, 270, 514, 554; in council, 166: — Rachel, Peter, 560: — Samuel, 549; lieutenant, 179: — Thomas, deputy for Canterbury, 411.
- Brunson, Abraham, deputy for Lyme, 1, 19, 41, 68; discharged from lieutenantancy, 7: — Isaac, deputy for Waterbury, 367: — John, ensign, 306; deputy for Waterbury, 411: — Richard, 142: — Samuel, 246; justice, 178, 241, 317, 379, 456, 518: — Timothy, 280.
- Bryant, Symon, 130; deputy for Killingly, 107, 140, 233, 440.
- Buckingham, Daniel, 11, 96, 212, 266; deputy for Saybrook, 2, 19, 106, 482; justice, 12, 44, 125, 178, 242, 318, 379, 456; refuses to give up college books, 91-7: — Gideon, Sarah, 217: — Thomas, deputy for Saybrook, 140, 172, 206, 233, 270: — Rev. Thomas, 446; declines attending meeting of college trustees, 99; deputy for Hartford, 106.
- Buell, David, 399; deputy for Killingworth, 19, 68, 106, 140, 233, 270, 304, 329, 366, 440, 513: — John, 126, 472, 541; deputy for Lebanon, 107; lieutenant, 331: — Peter, 550; deputy for Coventry, 270, 367, 439, 514; lieutenant, 329: — Samuel, 191; justice, 12, 44, 125, 178; captain, 69: — Thomas, 216.
- Bulkley, Edward, 258, 492; deputy for Wethersfield, 233, 483: — Gershom, quarter-master, 72; cornet, 340.
- Bull, Hannah, 116: — Jonathan, licenced to practice medicine, 324.
- Bunce, John, 61, 195: — Jonathan, Sarah, 46.
- Burd, John, 275.
- Burglary, construction of law concerning, 342.
- Burnett, Gov. William, of N. Y., demands command of the militia, 534; letters received from, 434, 466.
- Burnham, Jonathan, 468: — Joseph, 287, 327: — Nathaniel, 192, 549, 550; committee, 7, 52, 406; auditor, 370; on Mass. boundary, 17; deputy for Wethersfield, 323, 367, 440, 513: — Samuel, 287, 327: — William, preached election sermon, 307.
- Burr, John, 194, 243, 512; deputy for Fairfield, 2, 68, 106, 140, 172, 233, 367, 411, 439, 482, 513, 553; speaker, 411, 440, grant to, as such, 433, 470; in nomination, 485, 561; auditor, 3, 176, 544; justice, 12, 44, 125, 178, 241, 318, 379, 457, 518; major, 519; committee, 3, 183, 203, 364, 484: — Peter, 66, 118, 243, 244, 399, 423, 480, 540; present in court, 1, 18, 41, 67, 106, 206, 232, 269, 328, 366, 410, 439, 482; in nomination, 20, 69, 142, 207, 271, 332, 413, 485; chosen assistant, 3, 42, 108, 174, 234, 305, 367, 441; in council, 16, 39, 40, 89, 93-98, 132, 202, 203, 227, 228, 259, 288, 289, 365, 472, 506, 507; auditor, 43, 72, 109, 237, 370, 443, 450; committee, 2, 8, 42, 48, 59, 73, 89, 111, 122, 504; on New York boundary, 71, 126, 422, 496; judge, county court, 12, 43, 125, 185, 241, 317, 378, 456; of probate court, 412, 456; chief judge, superior court, 375, 455; his death, 508.
- Burroughs, John, 266, 325, 401, 502; deputy for Groton, 206: — Samuel, 159.
- Bushnell, Benajah, 227; deputy for Norwich, 270, 440; captain, 271: — Caleb, 202, 520; captain, 58; grant to, 193: — Richard, 6, 256, 206; deputy for Norwich, 2, 19, 41, 106, 172; speaker, 2, 107, 173; grant to, as such, 14, 196; justice, 12, 178, 242, 318, 379, 456, 518; judge, county court, 13, 44, 124; in nomination, 20, 69, 142, 207, 271; in council, 166, 200, 260.
- Butcher, John, testimony concerning his land, 374; patent may be granted for, 428.
- Butler, John, 369: — Thomas, 122: — Walter, 179, 474, 476.

- Butt, Samuel, 323; deputy for Canterbury, 106, 269, 304, 553.
- Cadwell, Edward, 530: — Thomas, 542.
- Cady, Daniel, deputy for Canterbury, 1, 19: — Joseph, captain, 239.
- Camp, Amos, 522: — John, 195, 451.
- Campbell, John, 294.
- Canada, a name given to Windham village, 323.
- Canfield, Mathew, 71.
- Canterbury, military officers, 175, 413; in Windham probate district, 141; v. Plainfield, 281.
- Carns, Thomas, 337.
- Caroe, David, ensign, 125.
- Carpen meadow, 89.
- Carter, Samuel, 451.
- Carver, David, deputy for Canterbury, 233, 304, 328.
- Cary, Eleazer, captain, 331; deputy for Windham, 366, 553: — Joseph, lieutenant, 174; deputy for Windham, 2, 41, 68, 107, 141, 173, 207.
- Case, John, deputy for Symsbury, 411, 482: — Joseph, deputy for Symsbury, 2, 19, 42, 68, 366: — Richard, deputy for Symsbury, 304.
- Catlin, Samuel, 403; ensign, 380; lieutenant, 554.
- Cattle, town brand may be set on, 155.
- Celton, Robert, 374.
- Cesar, sachem, 199.
- Chalker, Abraham, 96; his land at Hebron, 209: — Stephen, 504.
- Chambers, Thomas, 548.
- Chandler, John, 52, 202, 536; on Mass. boundary, 17; claims land in Ashford, 121, 319, 574.
- Chapin, Ephraim, deputy for Mansfield, 514.
- Chapman, Jeremiahs, 49, 268; in council, 102, 103, 132, 135, 138, 296; lieutenant, 458: — Nathaniel, 11, 94, 117, 212; deputy for Saybrook, 68, 106, 328, 366, 411: — Samuel, 97, 98, 539; captain, 220.
- Chappell, Caleb, ensign, 443.
- Charter, to be printed, 77, 192.
- Chauncey, Rev. Charles, 339: — Ichabod W., 339: — Rev. Nathaniel, 168, 180, 508; preached election sermon, 108: — Sarah, 29.
- Cheesbrough, Nathaniel, justice, 12, 44, 125, 178, 242: — Samuel, deputy for Stonington, 366.
- Cheshire, named, &c., 452; addition made to, 470; may embody in church estate, 490.
- Cheshire, Richard, 175.
- Chester, John, 469; ensign, 451; captain, 524: — Mercy, 187: — William, 260.
- Chicken (Indian), 203, 540.
- Christophers, Christopher, 97, 211, 316, 476, 547, 558; in council, 40, 102-4, 132-9, 164-71, 199-204, 228-31, 260-8, 289-301, 365, 406, 435-7, 506-7, 472, 473, 477-80, 552; deputy for New London, 269, 366; in nomination, 69, 142, 207, 271, 332, 413, 485, 561; elected assistant, 367, 441, 515; in court, 439, 482; auditor, 370, 443, 450, 520; judge, county court, 456, 517, probate court, 317, 378, 456, 517; committee, 448, 484, 505: — Richard, 32, 42, 48, 118, 156, 162, 212, 476, 548; chosen assistant, 3, 42, 108, 174, 234, 305; in court, 18, 41, 67, 106, 140, 172, 206, 232; in council, 39, 40, 66, 89-104, 132-9, 163-71, 199, 204, 228-30, 259-68, 289-300, 435, 477-80; in nomination, 20, 69, 142, 207, 271, 332; judge superior court, 11, 44, 124, 180, county court, 12, 13, 178, 241, 317, probate court, 13, 44, 124, 178, 241, 317; auditor, 43, 72, 109, 176, 237, 544; committee, 73, 79, 111, 144, 147, 185, 195: — Richard, jun., in council, 297, 301, 406, 437, 473, 479-81; sheriff, 473, 477.
- Church, James, ensign, 441: — John, ensign, 558: — Joseph, 275.
- Civil actions: acts concerning small causes, 22, 55, 210, 559; auditors in book account, 496; pleading regulated, 186, 274; execution how granted on judgment, the justice dead or removed, 280; writs of error, 402.
- Clark, Benjamin, 237, Daniel, 543, 563: — Elizabeth, 563: — George, 194, 227, 355, 361, 364, 399, 401, 432, 434, 495, 528; deputy for Milford, 106, 141, 173, 206, 270, 304, 329, 367, 410, 440, 483, 513, 553; committee of trials, 444; auditor, 370, 443, 450, 520; suspected of taking bills from the treasury, 566: — Isaac, ensign, 235: — John, 3, 7, 92, 191, 266, 447, 486, 504, 568; deputy for Saybrook, 2, 19, 206, 440; v. Fitch, 111, 341, 354, 549: — John, jun., 215; lieutenant, 442: — Nathaniel, exempted from training, 533: — Samuel 4, 98, 147, 272, 523; deputy for Milford, 2, 19, 42, 233; auditor, 43; lieutenant, 48; captain, 110; justice, 317, 379, 456, 518; land to be laid out for, 45: — Thomas, 423: — William, 193, 202, 422, 448; justice, 12, 44, 125, 178, 242, 318, 379, 456; deputy for Lebanon, 19, 41, 140, 366, 411, 439, 482; speaker, 366; in council, 166, 260, 295; in nomination, 413, 485; judge, probate court, 378, 456; committee of trials, 444.
- Clemeuts, John, 184.
- Close, Joseph, 58, 65.
- Cockapuncitt, 240.
- Coe, Joseph, ensign, 319, lieutenant, 516: — Robert, ensign, 70.
- Coit, John, 104, 111, 268; in council, 437: Joseph, 135, 136: — Martha, 61: — Solomon, 61, 111, 187, 267, 297; deputy for New London, 440, 482, 553.
- Colchester, military officers, 283; Bunce v. 195; heirs of Adams v. 215, 247, 281, 315, 360; bounds of, 240; new society formed in, 531, 577.
- Cole, Joseph, 522: — Nathaniel, 8.
- Coleman, Ebenezer, 360, 548, 576; deputy for Colchester, 1, 19, 207: — Edward, 405, 432.

- Collectors of taxes, names of, to be sent to treasurer, 280, 501; penalty for refusal to serve as, 280.
- Collet, Thomas, 476.
- Collins, John, 73, 526; in council, 479.
- Colt, John, lieutenant, 21; captain, 412; deputy for Lyme, 68, 141, 304, 329, 367, 411, 483: — Joseph, 275; deputy for Lyme, 173: — Ruth, 275.
- Common fields: proprietors may choose clerk, 25, tenure of his office, 276; regulated, 424; encroachments on, act to prevent, 449.
- Comstock, Samuel, 71; lieutenant, 109, 491; deputy for Norwalk, 173, 411, 553: — Widow, 290.
- Conant, Josiah, 322; deputy for Mansfield, 270, 304; ensign, 307.
- Cone, Stephen, lieutenant, 558.
- Constables: their powers for gathering rates 154, for preserving the peace, 345.
- Cook, Aaron, 106, 185; deputy for Hartford, 1, 18, 41, 68; justice, 11, 43, 124, 177, 241, 317, 379, 456; committee, 3, 19, 20, 82, on state house, 91, 157, of war, 430, on copper mines, 252; in council, 477, 508; dead, 520: — Aaron, jun., lieutenant, 441: — John, 399; deputy for Preston, 411: — Joseph, ensign, 554: — Samuel, 339, 377.
- Copp, John, 45, 72, 73, 89, 223, 522; deputy for Norwalk, 68, 107; justice, 518; surveyor, New York boundary, 435, 496, 510; Jonathan, 488.
- Copper mines, acts for regulating, 84, 371.
- Corbin, James, 536, 574.
- Cornwall, Benjamin, 548: — Joseph, ensign, 394: — William, 50.
- Couch, Samuel, 89, 219, 540; deputy for Fairfield, 172, 206; justice, 379, 457, 533: — Thomas, 476.
- Council stated, 15, 64, 125.
- Counterfeit, bills of credit, act against, 467, may be seized, 62, proclamation concerning, 97; coin, penalty for making, 193.
- Court, superior, establishment of, 11, and county, quorum how made, 182.
- Coventry, laid out, 52; in Windham probate district, 141; and Tolland line, 192; enlarged, 427; Bolton *v.* 549; *v.* Tolland, 550; military officers, 329; ecclesiastical tax in, 130; to send in lists, 210.
- Cowles, Isaac, 552; ensign, 5; lieutenant, 369.
- Cracraft, Capt., 138.
- Crampton, Joseph, 236.
- Crane, Henry, deputy for Durham, 41, 68, 206, 328, 411, 440, 483, 514, 554; captain, 70: — Jacob, 128: — Jonathan, 127; deputy for Windham, 19, 41, 233, 270, 304.
- Cranston, Samuel, 230; claims land, 119.
- Crawford, Quintin, 89, 361.
- Crery, John, ensign, 368; lieutenant, 515; deputy for Plainfield, 440; 483.
- Criminals, may be sold in service to defray costs of prosecution, 560; convicted in other colonies, not to remain here, 213.
- Crittenden, Samuel, ensign, 110; lieutenant, 174: — Thomas, lieutenant, 4.
- Crommelin, Charles, 252.
- Cross, John, 96.
- Curtis, Benjamin, 29, 376, 486; deputy for Stratford, 233, 270, 329: — Ebenezer, deputy for Stratford, 440: — Isaac, 223: — Israel, deputy for Danbury, 107, 172: — John, 577; deputy for Woodbury, 19, 68, 269; for Wethersfield, 553: — Joseph, 215; chosen assistant, 3, 42, 108, 174, 234; present in court, 18, 67, 106, 140, 206, 269; in nomination, 20, 69, 142, 207, 271; in council, 39, 89-93, 132, 163, 202-3, 227, 288-9; justice, 318, 379, 457, 518; judge, county court, 538: — Josiah, 568: — Nathaniel, 215: — Stephen, deputy for Woodbury, 42: — Thomas, 246; deputy for Wallingford, 2, 19, 42.
- Cushing, John, claims land in Ashford, 121, 319, 162.
- Cutler, James, 166: — Rev. Timothy, preached election sermon, 3; desired to become rector of Yale college, 101; freed from taxation, 159; sermon preached by, to be printed, 148.
- Danbury, military officers, 525; sale of public land near, 422, 540, 562.
- Darrow, Christopher, Nicholas, 327.
- Dart, Daniel, 303, 324: — Ebenezer, 208: — Elizabeth, Thomas, 176.
- Darwin, Samuel, 334.
- Davell, Joseph, 223.
- Davenport, Rev. John, 101, 114; may record map, 506.
- Davis, Andrew, 293, 548: — Comfort, 492: — Samuel, 358: — William, 258, 267, 296.
- Dean, John, ensign, 4; land to be laid out for, 179.
- Deer, act for protection of, 28.
- Deerfield, soldiers at, 481.
- De Medina, Isaac, Levy *v.*, 423, 576; Jacobs *v.*, 430, 548, 577.
- Denison, Edward, 276: — George, 179: — John, 437: — Robert, 321, 388, 488, 558; in council, 200: — William, 301.
- Denton, Benjamin, 457.
- Derby, military officers, 305; quit-claim to be given proprietors of, 185.
- De Wolf, Elizabeth, Joseph, 210.
- Dickerman, Abraham, lieutenant, 305: — Isaac, 236, 359, 364, 434, 485, 523; deputy for New Haven, 41, 68, 106, 140, 172, 206, 233, 270, 304, 328, 366, 411, 482, 513, 553.
- Dickinson, Daniel, 139: — Joseph, 117: — Thomas, 117, 542.
- Diggins, Jeremiah, 391.
- Dimond, Moses, 90, 243, 320; deputy for Fairfield, 328; justice, 412, 457, 519.
- Dix, Samuel, 311.
- Dodge, Thomas, 201.
- Doolittle, Joseph, 180; deputy for Wallingford, 1, 173, 329.

- Douglas, Richard, 267, 290, 302, 324: —
William, 490.
- Dowe, Ebenezer, 242, 393.
- Downes, Christian, 236: John, 575: —
Samuel, 236.
- Driggs, Joseph, 556.
- Dudley, Joseph, 94; deputy for Saybrook,
270: — Mary, proprietor of Saybrook
ferry, 212, 284, 323: — Nathaniel, en-
sign, 445.
- Dummer, Jeremiah, 133, 226, 507; papers
sent to, 16, 197, 203, 227, 228, 299; re-
ceived from, 66, 98, 262, 364; orders as
to his salary, 286, 363, 404, 468, 532, 576;
thanked for defence of the charter, 318;
to petition the king relative to the N. Y.
boundary, 385: — Lt. Gov. William,
133; letters received from, 474, 552.
- Dunham, Solomon, 454.
- Dunlapp, Eliza, Hannah, James, 355.
- Durham, military officers, 70, 319, 516; in
Guilford probate district, 141.
- Durk, John, William, 323.
- Dyer, John, 532; deputy for Canterbury,
366, 482, 513.
- Easterbrook, Rev. Samuel, 578; preached
election sermon, 43.
- Eastman, Phillip, 403, 565.
- Easton, Elizabeth, 530: — John, 139:
Jonathan, 530, 561.
- Ecclesiastical affairs:
Ashford may embody in church estate,
35; tax for church purposes, 315.
Bolton, ecclesiastical tax in, 216; may
embody in church estate, 529.
Branford, north part wish to be a society,
5, 34, 534; granted, 571.
Colchester, society made in south part
of, 531.
Coventry, tax for ecclesiastical purposes
in, 130.
East Haddam, south part wish to be a
society, 531, 555.
Fairfield, assistant minister recommend-
ed to first society, 547; north-west part
of middle parish wish to be a society,
522, granted, 573.
Farmington, south-west part made a
parish, 458; Great Swamp society
enlarged, 48, 56, 116, named Kensing-
ton, 316.
Greenwich, east society, grants to 117,
221.
Groton, north part wish to be a soci-
ety, 524, granted, 557.
Guilford, north-west part made a society,
176; may embody as church, 533; tax
for ecclesiastical purposes in, 572.
Haddam, part of, with part of Lyme,
wish to be a society, 414, 450.
Lebanon Crank, ecclesiastical tax in, 113;
may embody in church estate, 211.
Litchfield, may embody in church estate,
310; ecclesiastical tax in, 338.
Lyme, south-east part wish to be a soci-
ety, 115, granted, 160, bounds, etc.,
274, 322, 373, may embody as church,
442; north part, with part of Haddam,
wish to be a society, 414, 450, 531;
north part made a society, 457.
- Middletown, east side may go on as a
society, 113, grant to, 214, may em-
body as church, 250.
- New Haven, north-east parish may em-
body in church estate, 47.
- New London, north parish, 193, 218, 256,
287, 320.
- New Milford, ecclesiastical tax in, 121,
272, 453.
- Norwalk, location of meeting house at
114, 147, 191.
- Norwich, north-east part made a society,
45, 318, called Newent, 332, may em-
body as church, 370; West Farms may
embody in church estate, 45, ecclesi-
astical tax in, 185.
- Preston, north society, location of meet-
ing house, 6; may embody as church,
214.
- Saybrook, Potapang petition to be a
parish, 273, granted, 313, ecclesiasti-
cal tax in, 377, 380, may embody as
church, 520; west part made a society,
443, may embody as church, 565.
- Simsbury, location of meeting house in,
563.
- Stafford, ecclesiastical tax in, 208, 326,
539; may embody as church, 369.
- Stonington, divided into two societies,
180, 211, 246; location of meeting-
houses in, 211, 238, 300, 309; north
society may embody as church, 520.
- Stratford, troubles in church and town
of, 249; north part made a society, 8,
freed from tax, and named Repton, 29;
bounds, 214; Nichols' Farms wish to
be a society, 523, granted, and named
Unity, 568.
- Tolland, ecclesiastical tax in, 123; may
embody as church, 309.
- Voluntown, tax for ecclesiastical pur-
poses in, 242, 394, 523; may embody
as church, 411; location of meeting
house, 448, 523, 560.
- Wallingford, West Farms ask to be a soci-
ety, 49, granted, 377, named Chesh-
ire, 452, may embody as church, 490;
north part made a society, 521.
- Wethersfield, west society called New-
ington, 246; south part made a society,
311, named Stepany, 381.
- Windham, north-east part made a soci-
ety, etc., 4, 50, 73, 272, 323; may em-
body, as church, 370.
- Windsor, Poquannuck wish to be a soci-
ety, 447; granted, 489.
- Societies may choose their clerks, 427;
time of holding annual meetings, 360;
powers of, for support of ministry and
schools, 33; tything-men to be chosen,
277; penalty for forming separate meet-
ings, 248, 401; brief granted for build-
ing Presbyterian church in New York,
126; for missionary work in Provi-
dence, 303, 465.
- Edgerton, John, ensign, 494; lieutenant,
519.

- Edwards, Daniel, 111: — John, 38, 42, 43, 131, 159, 223; justice, 12, 44, 123, 178, 241; deputy for Fairfield, 41; to have care of state house, 466: — Richard, 185.
- Eells, Samuel, 240, 480, 512; in court, 1, 18, 41, 67, 106, 140, 172, 206, 232, 269, 303, 328, 366, 410, 439, 482, 513, 553; in council, 39, 40, 66, 89, 92-8, 132, 138, 163, 169, 202-3, 227, 230, 258-9, 288-9, 301, 365, 436, 506, 509, 552, 578; in nomination, 20, 69, 142, 207, 271, 332, 413, 485, 561; elected, 3, 43, 103, 174, 234, 305, 367, 441, 515; committee, 2, 234, 314, 364; on New York boundary, 71, 126, 170, 422, 496; judge, superior court, 11, 44, 124, 180, 240, 316, 375, 455, 517.
- Egunk Hill, 62.
- Election sermons: Messrs. Cutler (1717), 3; Easterbrook (1718), 43; Chauncey (1719), 103; Hosmer (1720), 174; Marsh (1721), 234; Buraham (1722), 307; Williams (1723), 368; Woodbridge (1724), 444; Mather (1725), 517.
- Elliot, John, 17, 63, 182, 434; deputy for Windsor, 2, 19, 41; executors of, *v.* Forward, 453: — Mary, 183.
- Ellsworth, Daniel, 325: — Job, 403; ensign, 237; captain, 333.
- Elmor, Edward, Samuel, Sarah, 391.
- Ely, Richard, deputy for Lyme, 106, 439, 554; ensign, 412.
- Eno, James, 214: — William, 259.
- Ensign, James, 48, 257, 327, 399, 406, 504, 550; deputy for Hartford, 140, 172, 206, 232, 269, 304, 328, 366, 410, 439, 482, 513.
- Ensworth, Elizabeth, John, Tyxall, 532.
- Equity and error, committee to hear and determine matters in, 150, 444.
- Estates, distributors of intestate, to be sworn, 21; executors, &c., to return inventory of, 497.
- Evarts, Daniel, James, 69; Ebenezer, Nathaniel, Sarah, 357.
- Executions, powers of sheriff as to levying, 353; judgment how granted on, the justice dead or removed, 280.
- Executors, part may sell land, when, 398; to return inventory, 497.
- Fairbanks, Samuel, 201.
- Fairchild, James, 568: — Samuel, deputy for Durham, 19, 106; lieutenant, 70.
- Fairfield, military officers, 372; court house to be built in, 36; salt meadow to be drained, 89; school land in, patented, 243, may be sold, 320; northwest part of middle parish ask to be a society, 522, granted, 573; assistant recommended to minister of first parish, 547.
- Fairfield county, military officers, 3, 72, 234, 340, 519; surveyor, 339; sheriff, 473; time of holding superior court in, 279.
- Fairweather, Benjamin, 195, 399, 537; cornet, 3: — John, 405.
- Farmington, military officers, 5, 275, 369, 376; second society of, see Great Swamp, Kensington; Middletown *v.*, 328, 340, 405, 429, 548, 566; *v.* Wethersfield, 360; southwest part made a parish, 458; Indians at regulated, 552.
- Farrin, Nathaniel, 434; deputy for Milford, 410.
- Fasts appointed, 100, 169, 230, 365.
- Fellows, Ephraim, 301: — John, deputy for Plainfield, 68.
- Fenn, James, ensign, 442.
- Ferries: at Norwich, fare at, 79; Saybrook, regulated, 144, 212, 250, 284, 323; over Quinabaug, at Plainfield, 318; over Connecticut, granted to B. and T. Smith, 322; Niantecutt, fare at, 325; between Stratford and Milford, 327, 361; over Oronoque, 431; over Livett's *r.* Lyme, 442; over Connecticut granted to Pratt and Brockway, 455, to J. Smith, 468, to R. Wolcott, 562.
- Ferris, Joseph, 117.
- Finch, Samuel, lieutenant, 212.
- Firgoe, Ralph, 199, 204, 358.
- Fish, Moses, deputy for Groton, 106: — Samuel, 276.
- Fisheries: weirs, &c., in certain streams regulated, 115, 324.
- Fisk, Ebenezer, 112: — John, 112, 372, 527.
- Fitch, Ebenezer, 194, 195, 208, 257, 403; deputy for Windsor, 41, 106, 172, 207, 233, 270, 304, 329, 366, 411; auditor, 43, 109, 307; committee, 48, 111, 122, 326, 328, 340, 406; with others proposes to set up a slitting mill, 312: — James, 63, 273, 323, 403, 446, 528, 536: — Jeremiah, a rioter, 387; deputy for Lebanon, 19, for Windham, 411, for Coventry, 514, 553; Clark *v.*, 111, 341, 354, 549: — John, 5, 490; deputy for Windham, 2, 19, 68, 411, 439, 483, 513; justice, 65, 124, 178, 241, 317, 518; judge, probate court, 142, 178, 241, 317: — Nathaniel, 413; captain, 143; deputy for Lebanon, 172: — Samuel, 532: — Col. Thomas, 134, 209, 212; bills of credit lodged with, for exchange, 165, 169, 168, 198: — Lt., 482.
- Fobes, Caleb, deputy for Preston, 173, 207, 329; ensign, 554.
- Foot, Daniel, 327, 357, 548: — Isaac, 534: — Moses, 327, 357: — Nathaniel, 538; ensign, 283; deputy for Colchester, 439, 513, 554: — Stephen, 259.
- Forcible entry and detainer, act concerning, 343.
- Ford, Ebenezer, Mathew, 486.
- Forward, Samuel, Elliott's executors *v.*, 453.
- Foster, Bartholomew, 183: — Edward, 46.
- Fowler, Abraham, 35, 100, 137; in court, 1, 5, 18, 41, 67, 106, 140; in council, 39, 66, 89-96, 132, 163; chosen assistant, 3, 43, 103; justice, 178; in nomination, 20, 69, 142: — Joseph, 399; deputy for Lebanon, 553.
- Foxcraft, Daniel, 325, 337.

- Franks, Jacob, 488, 526.
 Frary, Samuel, ensign, 109; lieutenant, 516.
 Frazer, Collin, 569.
 Frazier, Sarah, 436.
 Freeman, John, Deputy for Preston, 19, 42, 107.
 French, John, 69.
 Fresneau, Andrew, 251, 371.
 Frisbey, Edward, 462.
 Fuller, Nathaniel, 402.
- Gager, Samuel, 527.
 Gaines, John, ensign, 555.
 Gallop, Benadam, 229: — John, 242, 393: — William, deputy for Stonington, 2, 42, 141, 172, 366, 553.
 Gardiner, John, in council, 103, 171, 231, 289, 300, 435, 437: — Peter, 488, 490: — Samuel, ensign, 533.
 Garrett, Joshua, 391.
 Gates, Daniel, ensign, 558; — Joseph, deputy for Preston, 411, 439; lieutenant, 412: — Josiah, 290: — Thomas, justice, 11, 43, 124, 241, 317, 379, 456, 518; deputy for Haddam, 140, 207, 366, 411, 440, 482, 514.
 Gaylord, Hezekiah, 209, 480; lieutenant, 330; deputy for Hebron, 553: — Josiah, 362: — William, 472; grant of land to, 176.
 Geer, Joseph, 273.
 General Assembly: previous question, in lower house, 30; lower house, how formed on election day, 188; commission to determine writs of error, 150, 444; petitions to, regulated, 54; money received for petitions to, 153; speeches of governor may be printed, 268; election of judges and justices by, regulated, 377; election of deputy governor by, 415, of governor, 483.
 Gilbert, Amy, Josiah, 556: — John, deputy for New Haven, 140, 206, 233, 270: — Nathaniel, 548: — Samuel, 549.
 Gillett, Joseph, lieutenant, 184: — Josiah, 319.
 Girdler, Francis, 391.
 Glassenbury, military officers, 465; and Hartford dividing line, 82, 131; lines of lots in, 336, 394, 468; *v.* Hebron, 549.
 Glover, Deborah, 519; — William, 520.
 Goats, damage feasant, 339; may go at large in north-east part of the colony, 491, except Norwich, 544.
 Gold, John, 433: — Nathan, 56, 243, 399, 490, 540; present in court, 1, 18, 41, 67, 105, 140, 172, 206, 232, 269, 303, 328, 366; in council, 16, 39, 89, 90, 132, 202, 204, 227, 230, 258-9, 301; in nomination, 20, 69, 142, 207, 271, 332; chosen deputy governor, 3, 42, 107, 174, 234, 305, 367; chief judge, superior court, 11, 41, 124, 150, 240, 316; judge, probate court, 13, 44, 125, 178, 241, 317, 378; land to be laid out for, 193, 386; his death, 414; grant to heirs of, 433: — Samuel, 22: — Thomas, ensign, 239.
 Goodman, Richard, 247.
 Goodrich, David, 244, 264, 469, 477; deputy for Wethersfield, 2, 19, 42, 68, 107, 140, 173, 207, 233, 269, 304, 329, 367, 440, 483, 513, 553; committee, 42, 82, 258, 327, 337, 394, 406, 422, 429, 484, 504, 550, 577; justice, 11, 43, 124, 178, 241, 317, 379, 456, 518; auditor, 237, 520; in council, 508, 551, 579; captain in an expedition, 410, 435; committee of war, 430, 534: — William, 327.
 Goodwin, Nathaniel, ensign, 244: — Ozias, 506: — William, in council, 509.
 Goodyear, Abigail, Nathaniel, Stephen, 73.
 Gore, Samuel, captain, 234.
 Governor, may give bond for observing acts of trade, 364; election of, by assembly, 483.
 Graham, Hezekiah, 454.
 Grannis, John, lieutenant, 70.
 Grant, Mathew, 271: — Nathaniel, 325: — Samuel, 271: — Thomas, 310.
 Grave, John, 61, 71: — Joseph, 71: — Nathaniel, ensign, 235.
 Green, Job, claims land, 119: — Jonas, 103-4, 132, 135, 268, 293; in council, 434: — Timothy, 192, 490, 558; agreement with as printer, 4; to print bills of credit, 133, 137, 139, 365, 506; salary, 40, 78, 162, 225, 286, 362, 428, 498.
 Great Swamp Society, in Farmington, part of Middletown annexed to, 48; part of Wethersfield annexed to, 56, 116; named Kensington, 316.
 Greenfield, in Fairfield, made a society, 573.
 Greenslitt, John, 196.
 Greenwich, military officers, 108, 109, 212; western boundary, 6, 15, 58, 65; to send but one deputy to assembly, 221; grant to old town society, 117, 221.
 Gregory, John, justice, 12, 44, 125, 179, 241, 318, 379, 457, 519; deputy for Danbury, 19, 68, 107, 130, 172, 207, 270, 304, 329, 410, 440, 483, 513, 554: — Mathew, deputy for Norwalk, 440.
 Griffen, Ruth, 247.
 Griswold, Edward, 309: — Jacob, 177, 195: — John, 177; deputy for Lyme, 233, 513, lieutenant, 412: — Mabel, 177: — Nathaniel, 548: — Samuel, 446; ensign, 412.
 Gross, John, 296.
 Grosvenor, Leicester, lieutenant, 235.
 Groton, military officers, 4, 270, 368; patents *v.* town of, 257, 276; complaints of Indians at, 364; north part ask to be a society, 524, granted, 557.
 Guardians, powers of, as to division of lands, 188.
 Guilford, military officers, 4, 110, 174, 235, 236, 445; probate court, established in, and effort to make a county, 141; north-west part made a society, 176, may embody in church estate, 533, ecclesiastical tax in, 572.
 Gunn, Samuel, 194, 227; deputy for Milford, 19, 106, 141, 173, 206; captain, 429.

- Haddam, military officers, 15, 306, 344-5, 515, 558; sign-post to be on both sides the river, 191; county tax, east side, 286; Indians complain of wrong at, 199, 205; south part, east side, ask to be a distinct society, 414, 450, 531, 555.
- Hale, Rev. James, 565: — Jonathan, 469.
- Hall, Amos, 522: — Daniel, 50; ensign, 369: — Isaac, 211: — John, 50, 87, 118, 180, 192, 307, 463, 512, 531, 555; justice, 12, 43, 124, 178, 241; committee of trials, 444; judge, county court, 517; deputy for Wallingford, 19, 42, 68, 108, 173, 304, for Plainfield, 141, 368; committee, 63, 78, 111, 121-2, 147, 161, 183, 193, 218, 250, 256, 321, 357, 364, 389, 403, 414, 484, 505; auditor, 109, 490; in nomination, 142, 207, 271, 332, 413, 485, 561; elected, 305, 367, 441, 515; in court, 303, 328, 366, 410, 439, 482, 513, 553; in council, 365, 407-9, 472, 474, 506-7, 578: — Samuel, 211, 214, 359, 364; deputy for Middletown, 2, for Wallingford, 207, 269, 329, 366; lieutenant, 5: — Thomas, captain, 110: — William, captain, 214; deputy for Mansfield, 2.
- Hallam, Amos, ensign, 521: — Edward, 179, 293; ensign, 442.
- Hamilton, Jonas, 291, 292.
- Hamlin, John, 154, 212; in nomination, 20, 69, 142, 207, 271, 332, 413, 485, 561; chosen assistant, 3, 42, 108, 174, 234, 305, 367, 441, 515; in court, 1, 18, 41, 67, 106, 140, 172, 206, 232, 269, 303, 328, 366, 410, 439, 482, 513, 553; in council, 40, 89-98, 132, 138, 163, 196, 202, 204, 227-8, 230, 258-9, 365, 407-9, 472, 474, 506, 507, 509, 578; committee, 2, 13, 63, 121, 144, 174, 422; commissioner, copper mines, 87; judge, superior court, 11, 44, 124, 180, 240.
- Hancock, Daniel, 381: — Thomas, 471, 549, 576: — William, 246, 381.
- Hand, Benjamin, 459; deputy for Guilford, 68, 141, 207: — Joseph, deputy for Guilford, 172.
- Handy, Richard, ensign, 331.
- Hanford, Samuel, 369, 451; deputy for Norwalk, 19, 141, 173, 329; captain, 158; justice, 379, 457: — Thomas, land granted to, to be laid out, 411.
- Hannison, James, 61.
- Harph, John, licensed to practice physic, 334.
- Harriman, John, 56.
- Harris, Ebenezer, 88, 93: — James, 88, 274, 321, 388, 458, 577: — Joseph, in council, 102; lieutenant, 287: — William, 61, 111, 187; captain, 25; deputy for Middletown, 173, 206, 233, 329.
- Harrison, Isaac, ensign, 109: — Nathaniel, 364, 434, 462, 526; deputy for Branford, 2, 19, 68, 140, 207, 233, 270, 304, 329, 411, 439, 483, 553; justice, 12, 43, 124, 178, 241, 317, 379, 456, 518.
- Hart, Howkins, 414, 528, 531, 555; deputy for Wallingford, 68, 106, 140, 366, 411, 440, 483; ensign, 372: — Isaac, ensign, 376: — John, 180; deputy for Farmington, 19, 106, 367, 411, 553; ensign, 5; lieutenant, 275: — Thomas, justice, 11, 42.
- Hartford, military officers, 4, 46, 184, 235, 244, 380, 441, 515, 554; state house to be built at, 36, 84, 91, 102, 120, 157, 216; and New Haven, wagon line between, 37; and Windsor, dividing line, 49, 81, 122; and Glassebury, dividing line, 82, 131; sign post to be on both sides the river, 191; marsh land drained, 163; riot at, 341, 375, 387; school land, 548, 562; claims to western land by, 504.
- Hartford county, enlarged, 131, 339; military officers, 244, 499; time of holding county court, 59, 81, superior court, 279; county court, adjourned, 488; precaution against riot in, 332; sheriff, 473.
- Hatch, Joseph, 465; lieutenant, 330; captain, 521.
- Hawkins, Joseph, deputy for Derby, 439, 482.
- Hawley, Ephraim, 568: — John, 376, 522; deputy for Stratford, 141, 173, 207, 233, 270, 329, 411, 440; justice, 184, 241, 318, 379, 457, 518: — Joseph, 258, 550; deputy for Farmington, 140, 173, 233, 270, 304, 439, 483, 513; lieutenant, 5; captain, 369: — Samuel, 230.
- Haynes, John, 17, 311: — Jonathan, 313.
- Hayt, John, deputy for Stamford, 270: — Samuel, 77; captain, 245.
- Hazen, John, 520; quarter-master, 494.
- Hebron, military officers, 330; tax for ecclesiastical purposes, 209; land and boundaries regulated, 218, 251; to send in list, 533; v. Glassebury, 549.
- Heiresses, land of, not to be sold without their consent, 425.
- Hemingway, Abraham, 437.
- Hempstead, Joshua, 42, 448, 534, 547, 550; deputy for New London, 41, 440, 513; in council, 229, 230; auditor, 520; ensign, 237; lieutenant, 442: — Phebe, 534.
- Hendrick, William, 377.
- Hewett, Benjamin, 301; ensign, 44; lieutenant, 275.
- Hickocks, Benjamin, deputy for Woodbury, 141; lieutenant, 341: — Thomas, 423, 434, 470; deputy for Waterbury, 329, 411, 440, 483, 554: — William, deputy for Waterbury, 270; lieutenant, 306.
- Hide, Jabez, 527; lieutenant, 108; deputy for Norwich, 172, 233, 514, 554: — Samuel, deputy for Lebanon, 2, 41, 68, 304; neglects his military duty, 413.
- Highways, law concerning, construed, 372, 459; act to prevent encroachments on, 449; penalty for neglect to work on, 569; to be laid out towards Boston, 506; in Ashford, 540.
- Higley, John, 259.
- Hill, Elizabeth, 324: — Isaac, 459: — Jonathan, 88, 199, 204, 324, 488; deputy for New London, 106, 172, 206, 232; denies that an act for a brief had passed, 267: — Luke, 327, 357: — Samuel, 73, 310, 323, 495; lieutenant, 110: —

- Thomas, 46, 411, 490, 522, 573; quarter-master, 340.
- Hillhouse, Rev. James, 388, 458, 558.
- Hills, Joseph, 469, 494, 528.
- Hine, Sarah, v. Nettleton, 416.
- Hinman, Andrew, 281, 323; deputy for Woodbury, 513: — Edward, granted monopoly of making cornstalk molasses, 25; — Titus, deputy for Woodbury, 107, 207.
- Hinsdale, Isaac, 470.
- Hioll, John, 49.
- Hodge, Henry, 196.
- Holcomb, Jonathan, 512: — Nathaniel, deputy for Symsbury, 173, 206, 328: — Thomas, deputy for Symsbury, 106, 140, 173, 206, 233, 270.
- Hollister, Gideon, Rebecca, 559.
- Holly, Daniel, John, Joseph, 37.
- Holmes, John, lieutenant, 558.
- Hooker, Daniel, 326: — James, 71; justice, 12, 43, 124, 178, 241, 317, 379, 456, 518; probate judge, 142, 178, 241, 317, 378, 456, 518; deputy for Guilford, 207, 366: — John, 192, 469; justice, 11, 43, 124, 177, 241, 317, 333; deputy for Farmington, 42, 68, 140, 206, 329, 367; speaker, 42, 68, 207; grant to, as such, 64, 81, 225; committee, 13, 49, 69, 78, 81, 121-2, 218, 334, 337, 399, 406, 491, 534, 550; in nomination, 20, 69, 142, 207, 271, 332, 413, 485, 561; chosen assistant, 368, 441, 515; in court, 366, 410, 439, 482, 513, 553; in council, 407-9, 436, 474, 506, 509, 552, 578; commissioner of copper mines, 87; judge, superior court, 375, 455, 517; to regulate Indians, 552: — Thomas, 326.
- Hopkins, John, 21, 423, 550; deputy for Waterbury, 19, 42, 140, 270, 513; justice, 518.
- Horses, impounded, where to be cried, 24.
- Horsley, William, 223.
- Hosford, Nathaniel, 541: — Obadiah, captain, 330.
- Hosmer, Rev. Stephen, preached election sermon, 174: — Thomas, captain, 235.
- Hotchkiss, Abraham, Deborah, 564: — John, 470; deputy for Wallingford, 440, 514; captain, 521.
- Hough, John, 179; ensign, 458.
- Hovey, Nathaniel, 323.
- How, Isaac, ensign, 331.
- Howard, Benjamin, deputy for Mansfield, 41, 68; ensign, 330: — John, Samuel, Susanna, 12, 61: — Stephen, captain, 485.
- Howd, John, 259; lieutenant, 109: — Jonathan, deputy for Branford, 42.
- Hoyt, John, captain, 331; deputy for Stamford, 2, 19, 107, 141, 173, 233, 304, 329, 367, 440: — Jonathan, 550; deputy for Stamford, 482, 514, 553.
- Hubbard, David, deputy for Glassenbury, 483, 553: — John, 53; deputy for Glassenbury, 2, 19, 68, 206, 270, 304, 367, 411, 440.
- Hubbell, Daniel, 372: — Eleazer, 405: — James, 568: — Richard, 88, 399; deputy for Fairfield, 19; committee, 8, 71.
- Huistead, Samuel, 61, 88, 93, 361.
- Hull, Benjamin, 377; licenced to practice medicine, 35: — John, ensign, 494.
- Humphreys, John, 124, 240: — Samuel, 240, 549; deputy for Symsbury, 106, 140, 304, 366, 411, 439, 482, 513, 554; justice, 11, 43, 124, 178, 241, 317, 379, 456, 518; ensign, 369, 555; captain, 516.
- Hunter, Gov. Robert, 71.
- Huntington, Christopher, 6; in council, 200; deputy for Norwich, 482: — James, ensign, 271: — John, ensign, 330; lieutenant, 521: — Thomas, 309, 368, 523; justice, 11, 317, 379, 456, 518; deputy for Mansfield, 19, 140, 173, 207, 233, 270, 304, 328, 366, 411, 440, 482; in council, 509.
- Huntley, Aaron, 457; deputy for Lyme, 206.
- Hutchins, John, deputy for Killingly, 523.
- Hutchinson, John, ensign, 441; Samuel, ensign, 143.
- Hutson, John, 111.
- Identity, case of Nath. Wilson, 59, 162, 184.
- Idle and poor persons, act for better ordering of, 112.
- Immorality, act for suppressing, to be annually read in town meeting, 160.
- Impost, on rum, etc., 36, 1224, 282, 350.
- Indians: title of land obtained from, void, 13, 355; bill for gospelizing, to be drawn, 15; liquor not to be sold to, 31: to be settled in villages, 32, 40; land reserved for, at New London, regulated, 77, 131, 148, 193, 402; indentures made by, to be acknowledged, 184; guardian of Pequods appointed, 188; fears from the Mohegans, 109; alarms from western Indians, 203; Pequods at Groton, 256, 364; war with eastern Indians, 334, 409, 425, 502; land reserved for, at Stonington, 352; an Indian murderer given up to, 362; arms may not be lent to, 381; depredations in Massachusetts, 407; restricted in their limits, 408, 475, 479, 486, 535, 551, 579; Ben Uncas installed sachem, 409, 428; Capt. Mason may live among Mohegans, 429; act to secure frontiers from, 464; alarm from, at Litchfield, 472, 512; suits for goods sold to, not to be maintained, 493; alarm from, at New Milford, 551; mischief done by, at Stratford, 551; at Farmington, regulated, 552, 579; alarm from, in Hampshire co., 552; put under care of governor and council, 563; John Mason's claim, 575.
- Inhabitants: tax on non-residents coming to trade, 23; admission of, regulated, 146, 356; criminals convict in other colonies, 213.
- Ireson, Richard, 137.
- Iron sifting mill, proposal to set up, 312.
- Ives, Gideon, 307, 432; deputy for Wallingford, 207, 233, 269, 304, 411: — Joseph, captain, 70: — Samuel, ensign, 71.
- Jackson, Robert, 417.
- Jacobs, Isaac, 430, 495, 548, 577.

- Jagers, Jonathan, 49, 62, 88-9, 361.
 Jailers, how appointed, 376, 461.
 James, Rev John, land granted to, may be laid out, 333.
 Jenckes, Col., 203.
 Jesse, David, Mary, 59.
 Jessup, Edward, 89.
 Johnson, Ebenezer, 7, 364; deputy for Derby, 2, 19, 41, 68, 107, 141, 233, 270, 304, 329, 367; justice, 11, 43, 124, 184, 241, 317, 379, 456: — Ebenezer, jun., lieutenant, 306: — Isaac, captain, 452: — Jacob, deputy for Wallingford, 233: — Nathaniel, 163, 462; deputy for Branford, 207, for Pomfret, 304: — Samuel, 491: — Rev. Samuel, 67, 99, 100: — William, 12.
 Jones, Thomas, 531.
 Joshua, his legatees have neglected to settle Bolton, 63.
 Joshua's ground, in Stratford, 568.
 Judd, Anthony, deputy for Farmington, 2, 106: — Benjamin, 472: — Daniel, 327: — Thomas, 21; deputy for Waterbury, 2, 19, 42, 68, 106, 140, 173, 440, 513; justice, 11, 43, 124, 178, 241, 317, 379, 456, 518; land granted to, may be laid out, 255, 323.
 Judges and justices, how nominated and elected, 377, may sell delinquents in service to defray costs, 560; of county court may appoint jailers, 376; of superior court, salary, 14, 62, 251, 280, when disqualified, 179, quorum of, how made, 182.
 Judgments of justices, execution how granted, the justice removed, 280.
 Judson, James, justice, 12, 44, 125, 178; deputy for Stratford, 41, 141: — Jeremy, 225; deputy for Stratford, 107; captain, 175: — John, deputy for Woodbury, 141, 233: — Joseph, ensign, 340; deputy for Woodbury, 513.
 Keeler, Samuel, 236.
 Keeny, Joseph, 311; deputy for Preston, 68, 329.
 Kellogg, Martin, grant of land to, 47, 281: — Samuel, 71.
 Kelsey, Abigail, 70: — John, deputy for Killingworth, 19, 68, 233, 270, 513, 553: — Joseph, lieutenant, 44: — Thomas, 70: — William, 375.
 Kendall, Isaac, 315: — Joshua, ensign, 330.
 Kensington, named, 316; military officers, 376.
 Kilborn, Abraham, 324, 336, 469; deputy for Glassenbury, 233: — George, 327: — John, Susanna, Thomas, 529.
 Killingly, military officers, 239; neglects to send in list, 83, 130; in Windham probate district, 141; woman shot by Indian at, 201, 206.
 Killingworth, military officers, 20, 44, 69, 191, 494, 519; quit claim to be given to, 118; in Guilford probate district, 141.
 Kimberly, Thomas, 29, 113, 114, 247, 281, 325, 357, 406, 429, 469, 471, 492, 549, 550; deputy for Glassenbury, 2, 19, 42, 68, 107, 140, 172, 206, 233, 270, 304, 329, 367, 411, 440, 483, 513, 553; clerk, lower house, 68, 107, 233, 270, 329, 367, 411, 440, 483, 514, 554, grants to, as such, 81, 257, 287, 362, 434, 470, 505; justice, 317, 379, 456, 518; in council, 509.
 King, address to be made to, relating to ports, 95, to eastern boundary, 203.
 King, John, 102, 104, 258: — Joseph, 59, 162, 184.
 Kingsbury, Ephraim, deputy for Plainfield, 207, 270; ensign, 516: — Joseph, ensign, 108: — Nathaniel, 272; lieutenant, 533.
 Knapp, Caleb, deputy for Greenwich, 2, 19, 41, 68, 173, 207, 367, 411, 513; captain, 108: — Moses, 211: — Samuel, deputy for Danbury, 233.
 Kneeland, Benjamin, 549.
 Knowles, Thomas, deputy for Woodbury, 304, 367.
 Lake, Thomas, 88.
 Lambert, John, 357: — Samuel, 194.
 Land: tenure of, 13, 76; Indian titles invalid, 13, 355; public, acts to prevent unlawful entries on, 75, 403, how to be entered in the list, 76, 338; west of Litchfield, &c., not to be settled on, without leave, 127, 355, claim of Hartford and Windsor to, 504; devises of, how witnessed, 142; lost bounds, how established, 149; guardians of minors may divide, 188; undivided in towns who owns, 189, 396; division of, how compelled, 217; forcible entry and detainer of, 343; titles obtained by town votes confirmed, 394; part of executors may sell, when, 398; exchanges, made by towns and proprietors with individuals, validated, 413; common and undivided, regulated, 424, act to prevent encroachments on, 449; of married women may not be sold without her consent, 425; signing of patents for, regulated, 535.
 Lane, David, killed by Indians, 551: — John, deputy of Killingworth, 3, 41, 106.
 Lassall, Thomas, 4, 173, 207, 304, 366, 411, 440, 483, 553.
 Lathrop, Samuel, 16; ensign, 235; captain, 446: — Simon, 166, lieutenant, 271.
 Lattimore, Abigail, 257: — Robert, 267, 316, 489; in council, 17, 200, 296.
 Lattroth, John Jacob, 371.
 Law, Jonathan, 240, 349; in court, 1, 18, 41, 67, 140, 172, 206, 232, 269, 303, 328, 410, 482, 513, 553; in council, 40, 66, 89, 98, 138, 163, 169, 292-3, 227, 230, 258-9, 288-9, 436, 474, 506-9, 552, 578; deputy for Milford, 2; in nomination, 20, 63, 142, 207, 271, 332, 413, 485, 561; chosen assistant, 3, 43, 108, 174, 234, 305, 367, 441, deputy governor, 485, 515; auditor, 176, 544; committee, 3, 15, 58, 65, 185, 314, 334; on New York boundary, 57, 71, 102, 126, 422; on Rhode Island boundary, 535; judge, county court, 11, 43, superior court, 11, 44, 124, 180, 240, 317, 375, 455; chief judge, 517; to regulate Indians, 551.

- Lawrence, Daniel, deputy for Plainfield, 304, 329, 366.
- Leavensworth, John, deputy for Stratford, 68.
- Lebanon, military officers, 10, 143, 332, 411, 441, 443-4, 516; enlarged, 80; in Windham probate district, 141; Crank Society, power of justices to extend through, 45, ecclesiastical tax in, 113, may embody in church estate, 211.
- Lechmere, Ann, Thomas, 525.
- Lee, Daniel, Elizabeth, 69: — John, 21: — Stephen, captain, 376: — Thomas, 160; ensign, 3; deputy for Lyme, 19, 106, 206, 439, 454.
- Leet, Caleb, 35, 538; deputy for Guilford, 2, 19, 42, 68, 107, 141, 172, 233, 270, 304, 329, 366, 440, 483, 513, 554; in council, 479; committee, 5, 310, 364: — Pelatiah, deputy for Guilford, 411.
- Lefingwell, John, 202; cornet, 59; captain, 557: — Samuel, 79, 520: — Thomas, in council, 260.
- Levinz, James, 372, 527: — Joseph, justice, 518.
- Levy, Asher, v. De Medina, 423, 576; v. Pinto, 488, 577.
- Lewis, Edmund, 225, 376, 490, 522; deputy for Stratford, 107, 366, 482, 554; county surveyor, 339; on New York boundary, 497; justice, 518: — James, 112; deputy for Stratford, 19, 207, 304, 411, 514; captain, 20: — Joseph, deputy for Waterbury, 233, 554: — Nathaniel, 374; ensign, 369: — Philip, 565: — Sarah, 374: — William, 112.
- Limitation of action of book debt, 336.
- Linsley, John, 163, 462; deputy for Branford, 107.
- Listers, duty of, 21, number to be chosen, 463.
- Lists of estates, 22, 57, 88, 118, 158, 182, 220, 236, 271, 307, 348, 370, 433, 468, 497, 550, 570; how land shall be entered in, 76, 338; what sufficient warning for inhabitants to bring in, 155; who may be relieved from over charge in, 301; estate lost after date of, not to be abated, 412.
- Litchfield, liberty granted to settle at, 126; military officers, 331; in Woodbury probate district, 143; v. Waterbury, 281, 308; may embody in church estate, 310; tax for ecclesiastical purposes, 338; annexed to Hartford county, 339; means for defence of, 407, 475, 511, 541; desires a patent, 431, granted, 471; alarmed by Indians, 472-3; not to be deserted, 500; soldiers sent to, 512.
- Livingstone, Col. John, 321, 388, 458: — Philip, 126.
- Lockwood, Eliphalet, deputy for Norwalk, 440: — Gershom, deputy for Greenwich, 107, 141, 207, 270, 367, 440, 483: — James, deputy for Norwalk, 233, 304, 411, 483.
- Long, Sarah, 114, 391.
- Loomis, Benjamin, 114, 405: — Joseph, 510; ensign, 333: — Josiah, 404: — Nathaniel, 511; ensign, 330: — Rebeckah, 214, 247.
- Lord, James, 266: — Richard, 195, 457; deputy for Lyme, 141; Thomas, 457.
- Lord's day, acts for preventing profanation of, 248, 277, 401.
- Loring, Nehemiah, 522, 537, 567.
- Lucas, Mr., 325.
- Lyman, Thomas, deputy for Durham, 141, 173, 233, 270, 304, 411, 483, 554; ensign, 516.
- Lyme, military officers, 3, 7, 21, 44, 411; ferries at, regulated, 144, 442; fishing cove at, protected, 324; Niantic quarter ask to be a society, 115, granted, 160, bounds, 274, 287, freed from tax, 322, 373, may embody in church estate, 442; north end, with part of Haddam desire to be a distinct society, 414, 450, 531, north part made a society, 457; north part with south part of Colchester made a society, 531, tax laid in, 577.
- Lynde, Benjamin, 513: — Nathaniel, 260; justice, 178; deputy for Saybrook, 304: — Samuel, justice, 242, 318, 373, 456, 528, 537; in council, 260; deputy for Saybrook, 440, 513, 553; auditor, 443.
- Lyon, Abel, deputy for Pomfret, 553; Abel, deputy for Pomfret, 270: — John, ensign, 109; deputy for Greenwich, 554.
- Lyron, Lovis, v. Edwards, 38, 131, 159, 223.
- Macconnel, Isabella, 299.
- Mack, John, 457.
- McDowell, Archibald, Fergus, 268.
- Macknight, Patrick, 126.
- Maltby, Samuel, 364, 548; deputy for Branford, 304, 329; auditor, 307.
- Mansfield, military officers, 214, 307, 516; horse brand, 9; in Windham probate district, 141.
- Mansfield, Jonathan, ensign, 341; Moses, 79, 143.
- Manslaughter, how punished, 144.
- Manufacturers: cornstalk molasses, 25; linseed and rape oil, 79, 143; slitting mill, 312; duck, 572.
- Map of the colony to be drawn, 188, 196, 203, 228.
- Maples, Stephen, 199, 204.
- Markham, Patience, 61.
- Marks, William, 142.
- Married woman, land of, not to be sold without her consent, 425.
- Marsh, John, 126, 473-4, 541; lieutenant, 4; captain, 330; justice, 317, 379, 456, 518; in council, 579: — Rev. Jonathan, preached election sermon, 234: — Joseph, lieutenant, 10; captain, 332; deputy for Lebanon, 366: — Thomas, 272; William, deputy for Plainfield, 483.
- Marshall, Thomas, land granted to, 46; deputy for Greenwich, 2.
- Martin, Caleb, 533: — Joseph, lieutenant, 441.
- Marvin, John, 195: — Reynold, 374; deputy for Lyme, 41, 173, 233, 329, 367,

- 411, 483, 513; captain, 44: — Samuel, 71; deputy for Norwalk, 41, for Lyme, 304; lieutenant, 158.
- Mason, John, 485; in council, 200; deputy for Stonington, 304, 329, 439; justice, 318, 379; sent to Deerfield, 481; his claims, 575: — Peter, 199.
- Massachusetts: and Connecticut boundary, 17, 52, 345; Connecticut bills to be redeemed in, 133; soldiers sent to, 472, 482, 552, 566.
- Masshantuxett, 256.
- Mather, Rev. Azariah, preached election sermon, 517: — Samuel, 185, 257, 312, 391, 428, 544; captain, 65; justice, 65, 124, 177, 241, 317, 379, 456, 518; committee of trials, 444; deputy for Windsor, 106, 172, 207, 233, 440, 483; in council, 580; auditor, 176, 443, 450; commissioner on copper mines, 252; ferry granted to, 442; — Warham, justice, 11, 43, 124, 178, 241, 317, 379, 456, 518; probate judge, 13, 124, 178, 241, 378, 455, 517; in nomination, 20, 69, 413, 485.
- Mathews, Thomas, 377.
- Mawdsley, Joseph, 469.
- Mead, Benjamin, deputy for Greenwich, 513: — Daniel, 117: — Ebenezer, justice, 12, 44, 125, 179, 241, 318, 379, 457, 519.
- Meakins, John, 163: — Samuel, ensign, 46.
- Meigs, Janna, 3, 97, 273; deputy for Guilford, 2, 42; captain, 4; justice, 318, 379, 456, 518.
- Menobscus, 205.
- Meriden, estates of, where to be taxed, 414; made a society, 521.
- Merrell, Daniel, 46: — John, ensign, 184; lieutenant, 515.
- Merriman, Hannah, 405: — John, 59; land confirmed to, 238.
- Merrit, John, 202, 390; in council, 200.
- Messenger, Daniel, 579.
- Middletown, military officers, 5, 7, 25, 109, 368, 380, 394, 516, 554; representatives vote to settle college at, 30; part of, annexed to Great Swamp society, 47; layout of lots in, 61; sign post on both sides the river, 191; east side may go on as a society, 113, ecclesiastical tax in, 214, may embody in church estate, 256; and Wallingford bounds, 310, 338; *v.* Farmington, 328, 340, 405, 429, 548, 566; bounds of land, east side, 492.
- Miles, Joseph, 260: — Samuel, 215, 349; deputy for Greenwich, 41; cornet, 112.
- Milford, military officers, 48, 110, 429, 442; marsh in, to be drained, 89.
- Military affairs: Massachusetts governor asks aid in war with Indians, 334; governor Burnett demands command of the militia, 334; report of committee on defence of the colony, 335; militia regulated, 361; town stock to be inspected, 363; a troop may be enlisted in eastern towns, 391, 502, 520; ammunition to be procured, 406; provision for defence against Indians, 407, 511; resolves on war with eastern Indians, 425, 435, 502; committee of war, 426, 430, 498, 534; arms to be viewed, 436; garrison in western towns disbanded, 505; soldiers sent to New Milford, 485, 512, 537; arms in possession of governor Saltonstall, 546; soldiers may be sent to Mass., 566.
- Miller, William, 469.
- Mills, Peter, 181: — Samuel, molested by New Yorkers, 58, 65: — Thomas, lieutenant, 531.
- Minor, Elnathan, lieutenant, 461: — Ephraim, deputy for Stonington, 329, 411, 483, for Woodbury, 439: — James, 352; lieutenant, 174; justice, 489, 518; deputy for Stonington, 553: — John, 193, 220; justice, 12, 44, 125: — Joseph, 193, 220, 355, 505; justice, 179, 241, 318, 379, 457, 518; deputy for Woodbury, 2, 19, 42, 107, 173, 207, 269, 304, 367, 483, 554; auditor, 307, 370; captain, 340: — Manasseh, 38, 229; deputy for Stonington, 2, 19, 42, 68: — William, deputy for Lyme, 1.
- Minority pleaded in bar of an action of trespass, 453.
- Mitchell, Daniel, 209: — John, 117.
- Mix, Daniel, 180.
- Mixer, John, 35.
- Momohoc, land reserved for, 352.
- Montgomery, Francis, 263.
- Moon, Jacob, 502, 536; *v.* Bell, adm'r of Weed, 336, 470.
- More, Edward, 47: — John, 247; justice, 11: — Mary, 247: — Thomas, 403, 549; deputy for Windsor, 513: — William relieved from assessment, 6; a rioter, 387.
- Morehouse, Daniel, ensign, 234: — John, 417: — Samuel, grants to, 219, 494.
- Morgan, James, 188; deputy for Groton, 514, 553; justice, 518: — John, 524, 557; guardian of Pequods, 188; in council, 200; deputy for Groton, 269: — William, ensign, 270.
- Morris, Abraham, 195: — Eleazer, 437: — Samuel, 428; exempt from tax for making bridges, 239.
- Moss, Jane, 446: — John, 391, 446: — Joseph, 361, 400, 432, 494, 528: — Samuel, ensign, 150; lieutenant, 372.
- Mott, Anna, wife of Gershon, has three children at a birth, 578.
- Munn, James, 257.
- Munson, John, 504; has leave to set up a wagon line, 37; deputy for New Haven, 439, 482, 513, 553: — Joseph, 356: — Theophilus, deputy for New Haven, 41, 68, 106, 172: — Thomas, 391.
- Murwin, Mr., 71.
- Nash, Thomas, 387.
- Naval and maritime affairs: seizure of Mr. Sloss' turpentine, 9, 14, 16, 39, 66; address made to the king relative to the ports, 95; the solicitor general gives an opinion relative to entering vessels, 98.
- Negroes, act to prevent nocturnal disorders by, 390.

- Nettleton, Joseph, adjudged to pay as father of bastard, though acquitted of fornication, 416.
- New Fairfield, explanation asked of grant of, 399.
- New Haven, military officers, 45, 70, 179, 305, 341, 368, 452; court house to be built at, 36; settlement of college at, 30, 83; and Hartford, wagon line between, 37; northeast society may embody in church estate, 47; jail at, regulated, 181; and Wallingford, bridge between, 238, 359; draining of solitary cove meadow, 437.
- New Haven county, military officers, 112, 244, 521; time for holding superior court in, 279; enlarged, 339; sheriff appointed, 473.
- New London, military officers, 109, 210, 237, 442, 453; settlement of Indians at, 32; court house to be built in, 36, 464; land reserved for Indians at, regulated, 77, 131, 148, 193, 402; dispute between proprietors and town, 131, 161; patent construed, 189; small pox at, 102, 132, 135, 288, 324; jail at, 164, 171, 180, 263; North parish in, regulated, 193, 218, 256, 287, 320, 388, 452, 458, 488, 558, 565; alarmed by Indians, 199; a highway closed in, 313; fort repaired, 268; school land may be sold, 316, 489; bounds with Norwich, 380; ferry regulated, 473, 478, 480; disorders at, on Sundays, 478; Neck and Nehantick quarter, school privileges, 573.
- New London county enlarged, 7; military officers, 59, 494; 557; sheriff appointed, 473; time for holding county court, 524.
- New Milford, tax for support of minister at, 121, 272, 453; Newtown v., 51; in Woodbury probate district, 143; military watch at, 408, 511; soldiers sent to, 485, 512, recalled, 537; to send in list, 533; Indians cause alarm at, 551.
- New Scituate, in Ashford, 536, 540, 574.
- New York, orders for running boundary with, 56, 71, 96, 102, 126, 164, 170, 382, 422, 434, 496, 509, other references to boundary, 6, 90, 335, trouble at Greenwich, 58, 65, report of committee on N. Y. committee's report relative to boundaries, 418; brief granted for building Presbyterian church in, 126.
- Newbury, Hannah, 495: — Joseph, 9, 114.
- Newent, in Norwich, named, 332; may embody in church order, 370.
- Newington, in Wethersfield, named, 246; freed from tax, 569.
- Newton, Ezekiel, 450: — James, deputy for Colchester, 2, 19, 41, 68, 107, 141, 173, 233, 270, 304, 329, 411: — John, 50: — Lydia, 450: — Roger, 355, 364; land granted to, to be laid out, 114; deputy for Milford, 233, 270, 304, 329, 367, 440, 483, 513, 553.
- Newtown, v. proprietors of Stratford, etc., 51; military officers, 412, 465; tax for building meeting house, 51; difficulty with Mr. Towsey, 448; to send in list, 533; released from tax, 556.
- Niantick Quarter, in Lyme, made a society, 115, 160, 274.
- Niantecutt ferry, fare at, 325.
- Nichols, Benjamin, 115: — Cyprian, 48; captain in an expedition, 552: — Richard, 559.
- Nichols' Farms, in Stratford, wish to be a society, 523, granted, and named Unity, 568.
- Niles, Nathaniel, 273.
- Noble, John, 199, 204: — Stephen, 177, 485; deputy for New Milford, 554.
- Nonage pleaded in bar of an action, 453.
- Norden, Nathaniel, 137.
- North, Isaac, Martha, 549: — Thomas, 471, 549.
- North Stonington named, 444.
- Northrop, Daniel, Gamaliel, 110: — Joel, Ruth, 450: — John, lieutenant, 465.
- Norton, Benjamin, 231, 261, 266: — Isaac, lieutenant, 376.
- Norwalk, military officers, 4, 158, 491; location of meeting house at, 114, 147, 191.
- Norwich, military officers, 108, 234, 271, 446, 494, 519; northeast part made a society, 45, tax remitted, 318, named Newent, 332; West Farms may embody in church estate, 45, ecclesiastical tax in, 185; land reserved for Indians at, regulated, 77; ferry at, 79; v. Preston, 144; and New London bounds, 380; excepted from an act relating to goats, 544.
- Noyes, Catharine, 522, 567: — John, 223, 285; deputy for Stonington, 68, 206, 270: — Moses, 273; justice, 12, 44, 125, 178, 242, 318, 379, 456, 518: — Rev. Moses, 457; grant of land to, 345: — Oliver, 567: — Thomas, 524, 557; captain, 371; justice, 379, 456; deputy for Stonington, 19, 513.
- Nuisances, on highways, law construed, 459; act to prevent, 449.
- Oaneco, 575.
- Oaths, for distributors of estates, 21; for chainmen, 55; for tything men, 349; of allegiance, etc., to be taken, 466.
- Odell, Samuel, ensign, 318.
- Olcott, Thomas, 60: — Timothy, 217, 530.
- Olmstead, James, justice, 12, 44, 125, 178, 241, 318, 379: — Samuel, captain, 558.
- Orcutt, Joseph, 539; lieutenant, 329.
- Oronogue River, ferry over, granted, 431.
- Osborn, Richard, justice, 12, 44, 125, 178, 241, 318, 379, 457, 519: — Samuel, 306.
- Packer, James, ensign, 368; deputy for Groton, 2.
- Paine, Elisha, deputy for Canterbury, 140, 172, 440: — Philip, 38.
- Painter, Thomas, ensign, 179.
- Palmer, Daniel, 505; justice, 12, 44, 125, 178, 242, 318, 379, 456, 518; deputy for Stonington, 107, 411, 483; in council, 166: — Eleazer, deputy for Killingly, 42: — Gershom, ensign, 69; captain,

- 494: — Ichabod, captain, 174: — John, 378: — Jonathan, 229: — Nehemiah, 61-2, 88, 93, 361: — Sarah, Stephen, 378.
- Palmer, Andrew, 49.
- Panthern, in Farmington, made a society, 458.
- Park, Robert, 242, 393.
- Parker, Samuel, deputy for Coventry, 304, 328, 367, 411, 482; captain, 329.
- Parnale, Joshua, 80.
- Parsons, Samuel, deputy for Durham, 206, 328, 366, 440: — Rev. Mr., 407.
- Partelow, Richard, 80.
- Partridge, Col., 474, 552.
- Pattacunk, in Saybrook, 313.
- Peck, Jeremiah, deputy for Waterbury, 207, 233: — John, lieutenant, 150: — Joseph, insane, 25; deputy for Milford, 68; ensign, 521: — Paul, 60: — Samuel, 25, 543, 563; deputy for Greenwich, 107, 173; justice, 12, 125, 179, 241, 318, 379, 457, 519; captain, 212: — Sarah, 25.
- Pedlars, regulated, 23, 266, 276.
- Pelton, John, 257.
- Pendall, —, 205.
- Pennymau, Mary, 415.
- Perkins, Jabez, 309, 523; deputy for Norwich, 206, 304, 329, 366; captain, 235: — John, 201: — Sarah, 526.
- Perry, John, 407; captain, 330: — Yelverton, 283.
- Peters, John, 549.
- Pettibone, Samuel, ensign, 278; lieutenant, 369.
- Phelps, Joseph, 240, 246, 549; deputy for Symbury, 2, 19, 42, 68, 233, 270, 439, 513, 554; justice, 557: — Samuel, 6: — Timothy, 209: — William, 247.
- Phillips, George, 259.
- Physicians, licenced, 15, 35, 182, 324, 334; to pay poll taxes, 338.
- Pickett, John, 316, 490; in council, 17, 40, 102-4, 132, 136, 171, 200, 228, 264-8, 289-98, 365, 406, 434, 473, 477-81.
- Pierce, Timothy, 180, 322, 524, 557; deputy for Plainfield, 19, 42, 68, 106, 141, 172, 207, 233, 270, 304, 329, 366, 411, 440, 513, 553; captain, 368; justice, 125, 178, 242, 318, 379, 456, 518; probate judge, 518; in council, 295; in nomination, 561.
- Pierson, Abraham, justice, 12, 125, 178, 242, 318, 379, 456, 518; deputy for Killingworth, 329, 411: — Peter, 457.
- Pinto, Abraham, 488, 526, 577.
- Pirates, references to, 39, 166, 230-1, 266, 269.
- Pitkin, Joseph, 543; sheriff, 473, 476: — Ozias, 163, 476; in council, 136, 580; committee, 340, 391, 428, 447, 571, 577; justice, 379, 456, 518; deputy for Hartford, 553: — in nomination, 561: — William, 17, 29, 137, 153, 183-4, 212, 325, 543; in court, 1, 18, 41, 67, 106, 140, 172, 206, 232, 269, 328; in council, 16, 39, 40, 66, 89-98, 132-4, 163, 170, 196-8, 202-3, 227-8, 258-9, 288-9, 365; in nomination, 20, 69, 142, 207, 271, 332; elected, 3, 42, 108, 174, 234, 305; committee, 9, 14, 37, 48, 59, 79, 119, 131, 169, 196, 209, 217, 286, 327; on Massachusetts boundary, 17; on New York boundary, 57, 126; on state house, 91, 157.
- Plainfield, military officers, 20, 368, 515-6; v. inhabitants of Egunk Hill, 62; in Windham probate district, 141; v. Canterbury, 281, ferry at, 318; act of 1699 concerning, construed, 374.
- Platt, Joseph, 89, 114, 147, 156, 162, 369; justice, 12, 44, 125, 220, 241, 318, 379, 457, 518; deputy for Norwalk, 68, 107, 141, 207, 233, 329, 483, 553; committee, 200, 212, 236, 334; on New York boundary, 170.
- Pleading regulated, 186, 496; law construed, 274, 453, 415, 454.
- Plumbe, George, 103, 296: — John, 120, 180, 197, 211, 258, 322, 448; in council, 17, 40, 102-4, 132-9, 164-71, 229-31, 260-8, 291-301, 365, 406, 434, 473, 477-81; justice, 242, 379, 456, 518.
- Podunk, 322.
- Poisson, James, 437, 561, 580.
- Poll tax, persons aged 70 years freed from, 220, 239; physicians to pay, 338.
- Polygamy and unchastity, act for punishment of, 26.
- Pomfret, military officers, 235, 413; neglects to send list, 83; in Windham probate district, 141.
- Popery, declaration against, to be made by certain officers, 466.
- Poquannuck, in Windsor, ask to be a society, 447; granted, 489.
- Port Royal expedition alluded to, 257, 299.
- Porter, Experience, deputy for Mansfield, 553: — Hezekiah, 311; lieutenant, 520: — John, 214, 225; deputy for Stratford, 19, 68; ensign, 176: — Samuel, commissioner on Mass. boundary, 17; licenced to practice physic, 182: — Thomas, ensign, 329: — Timothy, lieutenant, 5.
- Ports, address to be made to the king concerning, 95.
- Post, Stephen, his land where taxed, 47.
- Potatuck Indians, alarm from, 551.
- Pottapaug, in Saybrook, ask to be made a society, 273, granted, 313.
- Potter, Joseph, 278.
- Pratt, Benjamin, ensign, 442: — Isaac, 499: — John, 14, 72: — Nathaniel, deputy for Saybrook, 140, 172, 233; lieutenant, 7: — Peter, 192, 194, 561; freed from training, 433: — Samuel, 278; captain, 442; deputy for Saybrook, 553: — William, grant of ferry to, 455; captain, 7.
- Prentiss, Samuel, deputy for Stonington 270, 439.
- Prentts, John, 23: — Jonathan, 258, 316, 490, 547; in council, 17, 40, 103-4, 133-9, 164-7, 199, 200, 228-31, 239-301, 365, 406, 435, 437, 473, 477-81; justice, 124, 178, 190, 379, 456, 518: — Stephen, 324; deputy for New London, 304, 328: — Thomas, deputy for New London, 366, 410.

- Preston, military officers, 411, 554; location of meeting house, north society, 6; *v.* Stonington, 62; *v.* Norwich, 144; *v.* Voluntown, 286; north society may embody in church estate, 214.
- Preston, William, captain, 372; justice, 571; deputy for Woodbury, 2, 233, 328, 411, 439, 483, 554.
- Pretender, abjuration of the, to be made by officers, 446.
- Previous question made use of in house of representatives, 30.
- Probate courts, to be held by one judge and clerk, 16, 58, 117, 189, 353; wills may be proved out of court, 118; devises of land how witnessed, 142; established in Guilford and Windham, 141, in Woodbury, 143; may be held in any town in the district, 372.
- Prout, John, 79, 91, 143.
- Providence, brief granted for sending minister to, 303, for meeting house in, 465.
- Public worship, penalty for non-attendance on, 248; disorders in, restrained, 277, 401.
- Quinnipiac river, navigation of, protected, 463.
- Randall, John, 211.
- Ransom, Joseph, 457.
- Rates, see Lists, Taxes.
- Rawhones, Jonathan, 202.
- Raymond, John, 58: — Lydia, 527: — Samuel, 71.
- Read, Jacob, 240: — John, deputy for Norwalk, 19; where to be listed, 210; commissioner on N. Y. boundary, 126; to consult as to means for recovering the credit of paper money, 169, 504: — John 2d, 369.
- Religion, see Sabbath, Ecclesiastical.
- Repton, in Stratford, made a parish, 8; named, 29; memorial of, 287; bounds of, and privileges granted to, 314, 375, 486.
- Reynolds, David, ensign, 212: — James, lieutenant, 109; deputy for Greenwich, 233, 304, 411, 440, 483: — Joshua, 38, 117; deputy for Greenwich, 233, 304, 411, 440, 483: — Joshua, 38, 117; deputy for Greenwich, 19, 68, 141.
- Rhode Island, land in Voluntown claimed by men of, 119, 170; boundary with, 203, 219, 227-8, 505, 509, 538, 580; letter sent to, 230; missionary work in, 303, 465.
- Rice, Samuel, deputy for Wallingford, 140.
- Richards, John, 49, 119, 267; deputy for New London, 1, 18, 68, 140, for Waterbury, 367; in council, 102-4, 132-9, 164-71, 200, 481: — Obadiah, 119: — Samuel, 327, 361, 369: — Thomas, 48.
- Richardson, Amos, 116: — Ebenezer, 20, 222: — Nathaniel, 20: — Stephen, 116, 285; deputy for Stonington, 107.
- Ridgefield, military officers, 48; ministerial tax in, 55; to send in lists, 533; exempted from tax, 557.
- Riggs, John, 194, 355, 364, 523; captain, 306; justice, 318, 379, 456, 518; deputy for Derby, 2, 19, 41, 68, 107, 141, 173, 206, 304, 329, 367, 439, 482, 514, 554.
- Riot, precaution against, 332; at Hartford, 341, 375, 399, 538, sentence of rioters commuted, 404; at Middletown, 437; riot act, 346.
- Ripley, Jeremiah, deputy for Windham, 141, 173, 328, 513; ensign, 174; lieutenant, 331: — Joshua, 322, 387; justice, 11, 65, 124, 317, 379, 456, 518; deputy for Windham, 107, 207, 270, 304.
- Rix, James, Thomas, 196.
- Robbins, Joshua, 257, 556; lieutenant, 331; deputy for Wethersfield, 2, 207; justice, 11, 43, 124, 178, 241, 317, 379, 456, 518: — Richard, 549, 576.
- Roberts, Benjamin, 542: — Eunice, Samuel, 556.
- Robin, an Indian murderer, given up to the Indians, 362.
- Robin Cassasinamon, 256.
- Robinson, David, insane, 90, 167-8, 180, 404, 409, 427, 508: — Ebenezer, 220: — Edward, 291-2, 296: — Mary, 220: — Thomas, ensign, 306.
- Roby, Andrew, 486.
- Rockwell, Joseph, 187, 210, 556; deputy for Middletown, 2, 106, 140; captain, 7: — Samuel, 132.
- Rocky Neck field, in Stamford, 285.
- Rogers, James, 15, 49, 313, 324, 327, 358, 361, 490, 573; deputy for New London, 1, 18, 41, 68, 106, 140, 172, 206, 232, 269, 304, 328, 410, 482, 513, 553; speaker, 483, 514, 554, grant to, as such, 505; auditor, 237; committee, 15, 258, 309, 316, 353, 484, 505, 523; on Rhode Island boundary, 538; justice, 518: — John, 15, 259, 324, 327, 361; makes disturbance at New London, 166; *v.* Wheeler, 6; small pox in his family, 288: — Joseph, 146; ensign, 429: — Richard, 313; proposes to manufacture duck, 572: — Samuel, 261, 388, 458; in council, 434: — Sarah, 146.
- Rose, Daniel, 257: — Jonathan, lieutenant, 306; deputy for Branford, 411: Robert, 89, 222: — Thomas, 405, 432; deputy for Preston, 173, 207, 304, 366, 439.
- Rossiter, Abigail, 560: — Timothy, 560; ensign, 175.
- Rowley, Jabez, 504.
- Royce, John, 311; deputy for Mansfield, 2, 107.
- Rudd, Nathaniel, ensign, 332.
- Ruff, Jonathan, prison keeper, New London, 263.
- Ruggles, Rev. Thomas, 92, 97, 99.
- Russ, Hezekiah, 549.
- Russell, Benjamin, lieutenant, 330: — John, 163, 185, 259, 327, 544; deputy for Branford, 68, 107, 140, 172, 233, 514, 553; auditor, 176, 237; captain, 109; ensign, 368: — Rev. Samuel, 92, 99, 462.
- Rutland, Mass., destroyed by Indians, 407.
- Rye *v.* Greenwich, 6, 15.
- Ryley, Isaac, 405; lieutenant, 239.

- Sabbath, acts for preventing prophanation of, 248, 277, 401.
- Sabin, Benjamin, deputy for Pomfret, 107, 411: — Ebenezer, deputy for Pomfret, 140, 440: — John, 374; deputy for Pomfret, 207, 270, 304, 329, 366, 411, 440, 482, 513, 553; building bridge, 322, 364; justice, 456, 518.
- St. John, Samnel, lieutenant, 48.
- Sage, John, 38.
- Salaries granted, 39, 81, 155, 225, 286, 361, 405, 443, 502, 533, 576.
- Saltonstall, Gurdon, 496; in court, 1, 18, 41, 67, 105, 140, 172, 206, 232, 269, 328, 366, 410, 439; in council, 16-7, 39-40, 66, 89-104, 132-9, 163-71, 196-204, 227-31, 258-68, 288-301, 365, 406-9, 434-7, 472-81; in nomination, 20, 69, 142, 207, 271, 332, 413; chosen governor, 3, 42, 107, 173, 234, 305, 367, 440; going to Boston, 164, 197; thanked, 219; speeches to be printed, 268; allowed attendant to general assembly, 198; requested to render account, 288; takes oath of allegiance, 472; his death, 483; arms in hands of his executors, 546; public papers in hands of his widow, 507.
- Sanford, Andrew, ensign, 110, lieutenant, 442: — Robert, 46.
- Savage, John, 7: — Nathaniel, 214; lieutenant, 554: — William, 544, 563; lieutenant, 7; captain, 109; deputy, for Middletown, 41, 68, 106, 140, 173, 206, 233, 329, 366, 411, 440, 482, 514, 553.
- Saybrook, military officers, 7, 177, 220, 234, 442, 444; military company divided, 447; grant to school of, 84, 216; in Guilford probate district, 141; ferry regulated, 144, 212, 250; Potapung ask to be a society, 276, granted, 313, ecclesiastical tax in, 377, 380, may embody in church estate, 520; west part made a society, 443, may embody in church estate, 565.
- Schools: how long to be kept, 10; societies may lay tax for support of, 33; public money for, to whom paid, 400.
- Schuyler, Philip, 511.
- Scidmore, Thomas, ensign, 412.
- Scott, David, 309: — George, 358: — John, 570: — Jonathan, grants to, 246, 570: — Mary, 309.
- Scranton, John, ensign, 4; lieutenant, 445: — Samuel, 69.
- Seabury, John, deputy for Groton, 68.
- Searles, Ebenezer, deputy for Stonington, 172, 513; a rioter, 445.
- Seely, James, lieutenant, 372: — Joseph, 568: — Nathaniel, grant of land to heirs of, 71.
- Selden, Samuel, 323.
- Selectmen, powers of, as to idle poor, 112.
- Selleck, Jonathan, 56: — Nathan, 285.
- Sessions, Nathaniel, ensign, 235.
- Seward, Caleb, deputy for Durham, 2, 68, 106, 173, 233, 270, 304, 366: — William, deputy for Durham, 141, 514.
- Sexton, Gershom, 326.
- Seymour, Ebenezer, 494, 523; counterfeiter, 436: — Henry, 261: — John, 403: — Richard, 8, 14, 88, 114: — Thomas, 257, 286, 327, 406, 429, 471, 485, 504, 541, 550, 577; deputy for Hartford, 140, 172, 206, 232, 269, 304, 328, 366, 410, 439, 482, 513, 553; lieutenant, 253; captain, 554.
- Shacknaple, John, 290, 402.
- Sharp, William, deputy for Pomfret, 329, 513.
- Shaw, Benjamin, 404.
- Shayler, Thomas, 245; captain, 515.
- Sheep, act for encouragement of keeping, in Windsor, 145.
- Shepard, Abigail, John, 177: — Samnel, grant of ferry to, 318.
- Sheriffs, powers of, for conserving the peace, 345-6, for serving executions, &c., 353, 460: how appointed, 461; appointed, 473.
- Sherman, Benjamin, 210: — Bezaleel, 209: — Daniel, 56: — David, 26, 71: — Jane, 209: — John, 203; in court, 1, 18, 41, 67, 140, 172, 207, 269; in council, 39, 89-90, 163, 227, 288-9; in nomination, 20, 69, 142, 207, 271, 332; elected assistant, 3, 43, 108, 174, 234, 305; justice, 379, 457, 518; probate judge, 145, 173, 241, 317, 378, 456, 518.
- Sherwood, Doctor, 568: — Samuel, captain, 318.
- Shevie, Ephraim, 472, 487.
- Shilton, Daniel 29, 376; lieutenant, 10.
- Shove, Seth, 114.
- Shute, Gov. Samuel, asks aid in war with Indians, 334; to take bond of governor for observing acts of trade, 364.
- Silliman, Daniel, 22: — Robert, 399; deputy for Fairfield, 304, 367, 411, 439; auditor, 443, 450: — Thankfull, 22.
- Simon, (Indian,) 205.
- Simpson, Benjamin, 215.
- Singleton, Richard, Wait, 275-6.
- Skinner, Benjamin, 209; deputy for Hebron, 553: — John, 447: — Joseph, Richard, 511: — Thomas, 319, 511.
- Slapp, Jolin, lieutenant, 516.
- Slaves, act to prevent disorders in the night by, 390.
- Sloss, John, loan made to, 9, 14; his turpentine seized, 16, 39, 66; Jagers v., 49, 88, 89.
- Small causes, acts relating to, 22, 55, 210, 559.
- Small pox, orders relating to, 266, 276, 290, 302; brought into New London, 102, 258, 288, in Wethersfield, 264.
- Smith, Benjamin, 327: — Benoni and Timothy, 361; ferry granted to, 322: — David, 542: — Ebenezer, ensign, 5; captain, 554: — Elizabeth, 240: — Francis, 217: — George, 103, 105: — John, 301: — Joseph, 61, 306, 361; ensign, 345: — Jonathan, ferry granted to, 468: — Nathaniel, ensign, 331: — Nehemiah, 485; justice, 12, 44, 125, 178, 242, 318, 379, 456; deputy for Groton, 42, 232, 269, 304, 328, 366, 411, 432; in council, 477; his land may be sold, 240: — Obadiah, captain, 108: — Philip, 132, 529, 542: — Samuel, 504,

- 542; deputy for Glassbury, 42; captain, 179; ensign, 331: — Thomas, 126; lieutenant, 45; captain, 368.
- Societies: powers of, for support of ministry and schools, 33; penalty for refusal to serve as collector, 280; time for annual meetings, 380; may choose their clerks, 427; offices vacant, how filled, 515.
- Southmaid, John, grant of land to, 323.
- Spaulding, Edward, lieutenant, 175: — Samuel, lieutenant, 413.
- Spencer, Daniel, Jared, Nathaniel, 240, 245: — John, 245: — Obadiah, 46: — William, deputy for Haddam, 2, 19, 41, 68, 107, 172.
- Sperry, Daniel, 423; lieutenant, 452: — Joshua, William, 423.
- Spirituous liquors, excise and impost on, 36, 224, 282, 350; sale of, regulated, 156, 221, 392.
- Sprague, Ephraim, captain, 441: — John, 76, 120, 162, 180, 247; deputy for Lebanon, 68, 107, 140, 172.
- Squinimo, 322.
- Stafford, to be laid out, 63, 154; military officers, 329-30; money for sale of, how appropriated, 91; ecclesiastical tax, 208, 326, 539; may embody in church estate, 369; military watch at, 408, 512; land to be sold inhabitants of, 504.
- Stamford, military officers, 245, 331.
- Stanly, Caleb, 543: — Nathaniel, 163, 185, 475, 541; justice, 241, 317, 379, 456; ensign, 4; lieutenant, 244; captain, 441; commissioner of copper mines, 520; in nomination, 413, 485, 561; chosen assistant, 515; in court, 553; in council, 477, 508, 511, 551-2, 578-9; committee, 370, 447, 550, 571, 577; committee of war, 430, 534: — Samuel, 458: — Timothy, deputy for Waterbury, 68: — Thomas, 327.
- Stannerd, Joseph, 278: — John, Samuel, 548: — William, 548, 568.
- Stanton, Joseph, deputy for Stonington, 141, 206, 232; in council, 200.
- Starr, Benjamin, 364; in council, 169, 230-1, 435: — John, lieutenant, 525: — Jonathan, 265; in council, 136-7, 169, 228, 264; captain, 270.
- State House to be built in Hartford, 36, 84, 91, 120, 177, 216; dimensions of, 102, 157; provision for care of, 466.
- Steel, Ebenezer, 258; deputy for Farmington, 206, 233, 270, 304; captain, 5: — James, 61: — Margaret, 294, 299.
- Stent, Eleazer, 357; captain, 305: — Samuel, 357; ensign, 306.
- Stephens, Benjamin, 562: — Henry, 301: — John, ensign, 519: — Josiah, 191; deputy for Killingworth, 2, 140, 173, 207, 483; captain, 20: — Nathaniel, ensign, 525: — Thomas, deputy for Plainfield, 513: — Timothy, 61: — Lieut., his sons taken by Indians, 407.
- Stepney, in Wethersfield, named, 381.
- Sterling, Daniel, ensign, 44; lieutenant, 412.
- Steward, James, 191.
- Stillman, George, 264.
- Stockbridge, Moses, 549.
- Stocking, Daniel, John, 60-1.
- Stoddard, Col. John, 502, 552: — Robert, 246, 274.
- Stone, John, 194, 328, 364, 402; deputy for Stamford, 19, 68, 107, 173, 270, 304, 329, 367, 440: — Joseph, deputy for Guilford, 107, 270, 304, 329, 411, 440, 483.
- Stonington, military officers, 45, 174, 275, 371, 461, 521; *v.* Preston, 62; and Westery, bridge between, 215, 285; divided into two societies, 180, 211, 246; societies organized, 228; meeting house located, north society, 211, 238, 300, 309; north society named, 444, may embody in church estate, 520.
- Storrs, Samuel, deputy for Mansfield, 411: — Thomas, 368; deputy for Mansfield, 19, 41, 68, 107, 140, 173, 207, 233, 328, 366, 440, 482, 514, 553; lieutenant, 214; captain, 516.
- Stoughton, Thomas, deputy for Windsor, 554.
- Stow, Thomas, 437; ensign, 7; lieutenant, 380.
- Stratfield, in Fairfield and Stratford, military officers, 318.
- Stratford, military officers, 10, 20, 45, 175-6; north part, made a society, 8, named Repton, and privileges granted to, 29, 314; *Newtown v.*, 51; Moses Wheeler's claims to land in, 123; trouble about settling minister at, 249; Nichols' Farms ask to be a society, 523, granted, and named Unity, 568; mischief done by Indians at, 551.
- Strays, acts concerning, 24, 155, 191.
- Street, Nicholas, deputy for Groton, 19.
- Strickland, Elizabeth, 470.
- Strong, Adino, ensign, 372: — Asahel, 561: — Benajah, 26: — Jacob, 506, 511: — John, 511: — Joseph, deputy for Coventry, 270, 304, 328, 411, 439, 482, 553; justice, 317, 379, 456, 518: — Sarah, 26.
- Sturgiss, David, Peter, 61: — Jonathan, 71, 244, 320; deputy for Fairfield, 270; sheriff, 473, 481.
- Sunner, Hezekiah, lieutenant, 368.
- Superior court, salary of judges of, 14, 62, 251, 280; writs of error from, how determined, 150, 444; time for holding, 279; adjourned session in May, 1724, 443.
- Surveyors, fees of, 115; oath of chainmen, 55.
- Swan, John, 229, 301.
- Swine, may go at large within certain limits, 24; going on commons, regulated, 222.
- Sydervelt, Abraham, 252, 371.
- Symsbury, military officers, 278, 369, 516, 555; copper mine at, 87, 252, 371, 520; draining wet land in, 259; measures for defence of, 407, 511; *v.* Windsor, 549; location of meeting house in, 563.
- Tainter, Michael, 360; justice, 11, 43, 124, 178, 317, 379, 456, 518; deputy for Colchester, 41, 68, 107, 141, 173, 207, 233, 241, 367, 411, 483, 554.

- Talcott, Benjamin, deputy for Glassenbury, 172; justice, 317, 379: — John, 193, 216: — Joseph, 17, 29, 183, 184, 325, 399, 496, 546; in nomination, 20, 69, 142, 207, 271, 332, 413, 485, 561; elected assistant, 3, 43, 108, 174, 234, 303, 367; deputy governor, 414, 441; governor, 484, 514; in court, 1, 18, 41, 67, 106, 140, 172, 206, 232, 269, 303, 328, 366, 410, 439, 482, 513, 553; in council, 16, 39-40, 89-98, 132, 202-3, 227, 258-9, 289, 301, 365, 406-9, 472, 474-7, 506-11, 551-2, 578-80; committee, 2, 9, 37, 48, 59, 82, 131, 157, 209, 212, 257, 327, 363, 370, 406; probate judge, 12, 42, 124, 177, 241, 317, 373, 455, 517; judge, superior court, 240; commander of an expedition, 409, 435; committee of trials, 444; grants to, 470, 509; takes oath of allegiance, 472; to procure public papers of Mrs. Saltonstall, 507: — Joseph, of Wethersfield, 405.
- Talraage, James, quarter-master, 521.
- Tanners, leather to be sealed before leaving hands of, 123.
- Tappin, James, lieutenant, 25.
- Taverns regulated, 156, 221, 392.
- Taxes laid, 145, 223, 320, 362, 431, 489, 576, to redeem bills, 10, 33, 35, 53, 116, 128, 144, 156, 398, 430, 500, 546, 571; taxation of peculiars, 6, of attorneys, 525, of physicians, 338; names of collectors to be sent the treasurer, 280, 501; powers of constables for gathering, 154; persons over 70 exempt from poll tax, 220, 239.
- Taylor, Daniel, justice, 12, 44, 125, 178, 242: — John, 565; quarter-master, 3; lieutenant, 72: — Jonathan, 580: — Sarah, 565: — William, 293, 302.
- Thaxter, Samuel, commissioner on Mass. boundary, 17.
- Theft and burglary, construction of act relating to, 342.
- Thomas, Jehiel, 423.
- Thompson, Ambrose, 568; deputy for Stratford, 2: — Isaac, 285: — John, 446; deputy for Stratford, 41, 366: — Joseph, lieutenant, 521: — Mathew, 462: — Samuel, deputy for New Haven, 2, 19.
- Thrall, Timothy, deputy for Windsor, 68.
- Timber, act for preservation of, 60.
- Tolland, military officers, 330, 521; ecclesiastical tax, 123, 465; may embody in church estate, 309; horse-brand, 124; bounds, 192-3; provision for defence of, 512; committee to settle affairs of, 491; v. Coventry, 550.
- Tongue, John, 358.
- Town clerks, to send names of tax collectors to treasurer, 280, 501; to read certain acts annually in town meeting, 161, 348.
- Town offices, vacancies in, how filled, 515.
- Towsey, Thomas, v. Newtown, 448.
- Tozer, —, 205.
- Tracy, Christopher, Jedediah, Lydia, 519: — Daniel, deputy for Norwich, 141: — Joseph, 471, 530: — Solomon, 471, 530; in council, 200; deputy for Norwich, 2; cornet, 557.
- Trade, acts for regulating, 23, 266, 276.
- Treasurer, his accounts to be adjusted, 19, 48, 59, 72; to attend at New Haven, 20, 142, 207, 275, 337, 415, 486, 561; funds put in hands of, 325, 414. See Whiting.
- Treat, Charles, 187: — James, 47: — Joseph, 349; justice, 11, 43, 124: — Richard, 211, 349: — Salmon, 47.
- Trespasses on public lands, act for preventing, 75, 355, 403, 449.
- Trowbridge, John, sheriff, 473, 479; in council, 508: — Stephen, lieutenant, 244: — Thomas, 564: — Mr., 38.
- Trueman, Joseph, 476.
- Trumble, Joseph, lieutenant, 59.
- Trumbull, J. H., 341.
- Tudor, Samuel, 287, 327.
- Tuller, John, 240.
- Tulley, William, 278.
- Turner, Isaac, 378.
- Tyler, John, 377.
- Tytle, John, 476.
- Tything men, towns to choose, 277; oath for, 349.
- Uffoot, Samuel, lieutenant, 175.
- Unchastity, act against, 26.
- Union, sold, for benefit of Yale college, 130; proprietors of, to have a patent, 213.
- Unity, in Stratford, made a parish, 568.
- Vagabonds, act for restraining, 82.
- Vandreuil, governor, 407.
- Vauquellin, Robert, 56.
- Ventrus, Moses, ensign, 15.
- Vibber, John, 488; ensign, 210.
- Voluntown, 405; committee to consider circumstances of, 76, 322; Rhode Island men claim land in, 119, 170; enlarged, 120, 162; quit claim to be given proprietors of, 186; ecclesiastical tax in, 242, 394, 523; Preston v. 286; may embody in church estate, 411; location of meeting house in, 448, 523, 560.
- Wadsworth, James, 35, 216, 250, 469, 508; deputy for Durham, 2, 19, 41; clerk, 2, 14, speaker, 19, 38; in nomination, 20, 69, 142, 207, 271, 332, 413, 485, 561; chosen assistant, 43, 108, 174, 234, 305, 367, 441, 515; in court, 41, 67, 106, 140, 172, 206, 232, 269, 303, 328, 366, 410, 439, 482, 513, 553; in council, 132-3, 163, 196, 202-3, 227-8, 258-9, 288-9, 365, 407-9, 474, 506-7, 552; committee, 3, 5, 13, 49, 63, 78, 81, 121, 147, 161, 183, 192-3, 218, 256, 273, 281, 321, 323, 337, 357, 422, 434, 491, 504-5, 517, 576; commissioner on copper mines, 87; judge, county court, 124; committee of trials, 444; judge, superior court, 517: — John, 7, 20; deputy for Farmington, 2, 19; auditor, 3: — Nathaniel, 327; ensign, 275: — William, 534, 550, 552; deputy for Farmington, 42, 68, 329, 411, 439, 483, 513, 553; justice, 64, 124, 379, 456, 518; in council, 580.

- Wakeman, Ebenezer, 485, 573; deputy for Fairfield, 482, 513, 553; justice, 519; auditor, 520: — Joseph, 22, 156, 162, 212, 243, 320; deputy for Fairfield, 2, 19, 41, 68, 106, 140, 206, 233, 270, 328; in nomination, 20, 69, 142, 207, 271, 332, 413, 485, 561; chosen assistant, 441, 515; in court, 482, 513, 553; in council, 506-7, 511, 578; committee, 8, 90, 147, 209, 334, 355, 490; on N. York boundary, 57, 102, 510; justice, 241; judge, probate court, 508, 518, county court, 517, 538.
- Waldo, Daniel, deputy for Pomfret, 173: — Edward, deputy for Windham, 328, 553; lieutenant, 332.
- Walker, Jacob, 123: — Zachariah, deputy for Woodbury, 173.
- Wallace, James, 548.
- Wallingford, military officers, 150, 372, 521, 531; bounds with Waterbury, 7, 38, 61, 65; with Middletown, 305, 338; West Farms ask to be a society, 49, granted, 377, named Cheshire, and may lay tax, 452, may embody in church estate, 490; copper mine, 87; bridge, 238, 359; public lands at, to be sold, 400, 432; navigation of New Haven east river, 463; Meriden to pay taxes with, 414; north part made a society, 521.
- Walton, John, deputy for Greenwich, 554. Wampaneag, 199.
- Wanton, William, claims land, 119.
- Ward, Andrew, justice, 12, 43, 124, 178, 241, 317, 379, 456, 518; deputy for Guilford, 19, 233, 513, 554: — Peter, deputy for Killingworth, 41; ensign, 44; lieutenant, 518: — Thomas, 259; justice, 11, 43, 124, 178, 241, 317, 379, 456, 518: — William, 315; deputy for Wallingford, 553.
- Warner, Andrew, lieutenant, 7: — Ebenezer, deputy for Woodbury, 328, 411; lieutenant, 340: — Ephraim, deputy for Waterbury, 2, 106, 173, 207, 304; lieutenant, 239; captain, 306: — Ichabod, ensign, 516: — John, lieutenant, 109; captain, 516: — Joseph, 214: — William, 127; captain, 331.
- Warren, Ephraim, deputy for Killingly, 367.
- Waterbury, military officers, 306; bounds with Wallingford, 7, 38, 61, 65; with Litchfield, 281, 308; in Woodbury probate district, 143; quit claim to be given to, 211; watch at, 408, 511.
- Waterhouse, John, 171, 290.
- Waterus, Abraham, 23: — Jabez, Sarah, 119.
- Waters, Samuel, ensign, 330.
- Watson, Caleb, John, Sarah, 540: — Nathaniel, 127.
- Wattell, William, lieutenant, 332.
- Way, Joseph, 97.
- Wayatuck, 472.
- Weatung, scout sent to, 511.
- Webb, Rev. Joseph, 114, 547: — Joseph, lieutenant, 245: — Samuel, 414, 504; ensign, 245.
- Webber, Richard, 166.
- Webster, David, 77: — John, 77; ensign, 515: — Joseph, 8: — Sarah, 77: — William, 8; ensign, 235.
- Weed, Abraham, 336, 470: — Daniel, 361: — Jonas, deputy for Stamford, 41, 68: — John, Jonathan, 175: — Samuel, 77, 110, 175, 236; deputy for Stamford, 41, 233; lieutenant, 331.
- Welch, James, 88, 93: — John, 202.
- Weller, Thomas, 189, 222.
- Wells, Ephraim, deputy for Colchester, 483: — Gideon, ensign, 517: — Ichabod, 8: — James, 266; justice, 11, 43, 124, 178, 241, 317, 379, 456, 518; deputy for Haddam, 411, 440, 482, 513, 554: — John, 225; deputy for Stratford, 2, 304, 482: — Jonathan, 8: — Philip, 56: — Robert, 405, 556: — Samuel, 469: — Thomas, 8, 550; captain, 465, 517; deputy for Glassenbury, 513.
- Welton, Richard, deputy for Waterbury, 304.
- Wentworth, Paul, 569.
- West, Ebenezer, deputy for Lebanon, 207, 233, 270, 304, 329; justice, 518: — Francis, 186.
- Western lands: settlement on, forbidden, without leave, 127, 355, 403; petitions for townships in, 405; claims of Hartford and Wethersfield to, 504.
- Westover, Jonathan, 259; deputy for Symsbury, 328.
- Wetherell, Daniel, in council, 17.
- Wethersfield, 88; military officers, 239, 331, 451, 517, 524; school at south part, 51, 83, 184; south part made a society, 311, named Stepney, 381; part annexed to Great Swamp society, where to pay tax, 56; West Society and Great Swamp Society, 116; West Society named Newington, 246; small pox at, 264; Farmington v., 360; petitions for township in western lands, 405.
- Whaley, Samuel, 242.
- Wheeler, Ephraim, deputy for Plainfield, 411; — Jeremiah, 135: — Joshua, 6: — Moses, 123, 327, 361: — Robert, 280, 358: — Thomas, 89: — William, 211, 246.
- Wheelock, Ralph, 52.
- Whetmore, Azrahiah, Izariah, 83, 314, 550; deputy for Middletown, 19, 41, 68, 270, 304, 366, 411, 440, 482, 514, 553: — Francis, 187, 556: — Thomas, deputy for Killingly, 207, 270, 304, 411, 440, 483, 514.
- White, Daniel, 549, 563: — Jacob, Joseph, Mary, 543, 563.
- Whiting, Anna, 79, 161, 195, 400, 486, 532, 574: — Charles, 127, 231, 538; — John, 28, 79, 161-2, 186, 195, 214, 225, 400, 486, 506, 527, 574, 576; chosen treasurer, 26, 43, 103, 174, 234, 305, 368, 441, 515: to attend assembly, 142, 207, 275, 337, 415, 486, 561; cornet, 244: — Joseph, treasurer, 3; his death, 26; settlement with his estate, 60, 79, 122, 142, 159, 161, 195, 207, 217, 250, 400, 486, 494, 532, 544, 574: — Joseph, (New Haven) 28, 307, 358, 391; deputy for New Ha-

- ven, 304, 439; clerk, 304; in nomination, 332, 413, 485, 561; chosen assistant, 515; in court, 553; in council, 511, 578; justice, 124, 178, 241, 317, 379, 456; committee of trials, 444: — Samuel, 63, 183, 303: — William, 15, 17, 63, 183, 251, 399; sheriff, to prevent riot, 332; deputy for Hartford, 1, 18, 41, 63; in council, 481; commissioner of copper mine, 252; on Mass. boundary, 17; committee of war, 420; land granted to, 52.
- Whitney, Elizabeth, John, 142: — Joshua, 6; deputy for Plainfield, 2.
- Whittlesey, John, lieutenant, 234: — Stephen, 531, 555; deputy for Saybrook, 42, 68, 304, 328, 366, 411, 482, 513; proprietor of ferry, 212, 250, 284, 323; auditor, 370.
- Wilcox, John, lieutenant, 494; ensign, 516: — William, 229.
- Wilcoxson, Joseph, lieutenant, 69.
- Wildman, Abraham, deputy for Danbury, 207, 410, 440: — Jacob, 319.
- Wilford, Richard, 526.
- Wilks, James, 495.
- Willard, Rev. Joseph, killed by Indians, 407: — Josiah, secretary of Mass., letters received from, 98, 257: — Samuel, ensign, 444.
- Williams, Eleazer, preached election sermon, 368: — Elisha, 42, 81, 111, 118, 122, 195; deputy for Wethersfield, 19, 41, 107, 140, 173; clerk, lower house, 19, 42, 141, 173, grant to, as such, 38, 65, 162, 196; auditor, 109; students under tuition of, 99; rector of Yale College, 569, 580: — Henry, 528: — Jacob, Joseph, 544: — John, 9, 114, 314, 476, 481, 485, 534, 556; lieutenant, 235: — Park, 188: — Thomas, 16, 243; justice, 12, 65, 125, 242, 318; deputy for Plainfield, 2; dead, 394.
- Williamson, Caleb, 543.
- Willington, 194, 198, 536.
- Wills, may be proved out of court, 118; devising land, how witnessed, 142; administrators of, to return inventory, 497; part of executors may sell land, when, 398.
- Wilmot, Thomas, ensign, 452.
- Wilson, Elizabeth, 52: — Nathaniel, 59, 162, 184: — Samuel, 247.
- Windham, military officers, 174, 331-2, 485, 533; northeast part made a society, 4, privileges granted to, 50, 73, 272, 323, may embody in church estate, 370; probate court established at, 141.
- Windham county to be constituted, 573.
- Windsor, military officers, 65, 237, 333, 520; assessments in, in 1716, 14; and Hartford, dividing line, 49, 81, 122; sign post on both sides the river, 191; keeping of sheep in, 145; equivalent lands laid out to, 325, 357, 393; listers refuse to give up list, 445; draining marsh in, 510; Poquonnuck ask to be a society, 447, granted, 489; south side petition, 494; v. Symsbury, 549; claims of, to western land, 504.
- Wolcott, Charles, 29, 511: — George, 257: — Henry, 9, 114, 434, 504, 549, 550; deputy for Windsor, 2, 19, 270, 304, 329, 366, 411, 440, 483, 513, 554; committee, 3, 327, 340, 406, 577; land granted to, to be laid out, 29; lieutenant, 237, 333; in council, 579: — John, 29: — Jonathan, 511: Josiah, 29: — Roger, 113, 132, 194, 209, 212, 250, 504, 541; deputy for Windsor, 68, 140; speaker, 141, 162; in nomination, 20, 69, 142, 207, 271, 332, 413, 485, 561; elected assistant, 3, 174, 234, 305, 367, 441, 515; in court, 1, 18, 172, 206, 232, 269, 303, 328, 366, 410, 439, 482, 513; in council, 16, 39, 196-8, 227-8, 259, 288-9, 365, 407-9, 472, 474, 508-11, 551-2, 578, 580; committee, 2, 42, 73, 79, 89, 196, 198, 217, 257, 321, 327, 334, 406, 444, 550, 563, 576, 577; auditor, 3, 72; captain, 333, in expeditions, 410, 435; major, 499; justice, 124; judge, county court, 378, 455, 517; on boundary commissions, New York, 57, 422, 496, Massachusetts, 17, Rhode Island, 505, 538, 580; committee of war, 430; 534; committee of trials, 444; ferry granted to, 562: — Samuel, 29; lieutenant, 517: — Sarah, 29: — Symon, 113, 405: — William, 511.
- Woodbridge, Benjamin, 215: — Jemima, John, 80, 179: — Rev. Samuel, preached election sermon, 444: — Rev. Timothy, 63, 183, 195, 446, 470, 477; refuses to attend meeting of college trustees, 99; deputy for Hartford, 106.
- Woodbury, military officers, 340, 372; probate court at, 143; military watch at, 408, 511; north bounds to be surveyed, 431; ask patent for addition to, 471.
- Woodruff, John, ensign, 48; lieutenant, 110; captain, 442: — Mathew, 520.
- Woodward, John, 448; deputy for Lebanon, 207, 233, 270, 329, 411, 439, 482, 513, 553; justice, 518.
- Wooster, Abraham, ensign, 10: — Ebenezer, 361: — Jonas, 115.
- Worden, Isaac, Rebecca, Thomas, 80-1.
- Wright, David, 327: — James, 568: — Joseph, 257, 548, 576; deputy for Colchester, 270, 304, 323, 439: — Mary, 201: — Thomas, 556.
- Writs of error, decision concerning, 402; commission to hear, 150, 444.
- Wyard, John, 437.
- Wyatt, Israel, deputy for Colchester, 367, 510: — Richard, 361.
- Wyer, Katharine, 188.
- Wyllys, Hezekiah, 17, 250, 488; chosen secretary, 3, 43, 108, 174, 234, 305, 368, 441, 515; committee, 9, 195, 286, 363, 370; committee of war, 534; justice, 518; in council, 477, 508, 511, 551, 579; grants to, 39, 89, 225, 287, 362, 433, 505, 576: — Samuel, 80.
- Yale, Elihu, thanked, 84: — Theophilus, captain, 150; deputy for Wallingford, 483, 514, 553; justice, 518: — Thomas, 522; justice, 12, 43, 124, 178, 241, 317,

- 379, 456: — Nathaniel, 49, 359, 434; deputy for New Haven, 2, 19, 328, 366, 411.
- Yale College: trustees advised to go on with, at New Haven, 30; allowance to trustees attending assembly, 38; grants to, 38, 125, 130, 214, 283, 325, 337; settled at New Haven, 83; books to be moved thither, 91, 94, 95; some students desert, for Wethersfield, 98; may have common seal, 340; rector Cutler freed from taxes, 159; brief granted for building rector's house, 256, 260, 267: *v.* Levinz and Fisk, 372; explanatory charter, 416; may exchange lands, 446; Elisha Williams chosen rector, 569, 580.
- Yeomans, Edward, 159.
- Youngs, John, 56.

The first part of the report deals with the general conditions of the country, and the second part with the details of the various districts. The first part is divided into two sections, the first of which deals with the general conditions of the country, and the second with the details of the various districts. The second part is divided into three sections, the first of which deals with the details of the various districts, the second with the details of the various districts, and the third with the details of the various districts.

