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Connecticut (Colony)

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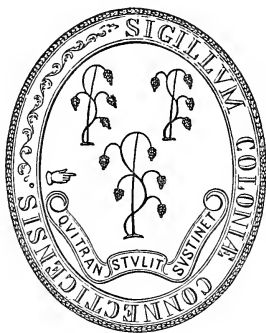
OF THE

COLONY OF CONNECTICUT,

v. VIII

FROM OCTOBER, 1735, TO OCTOBER, 1743, INCLUSIVE.

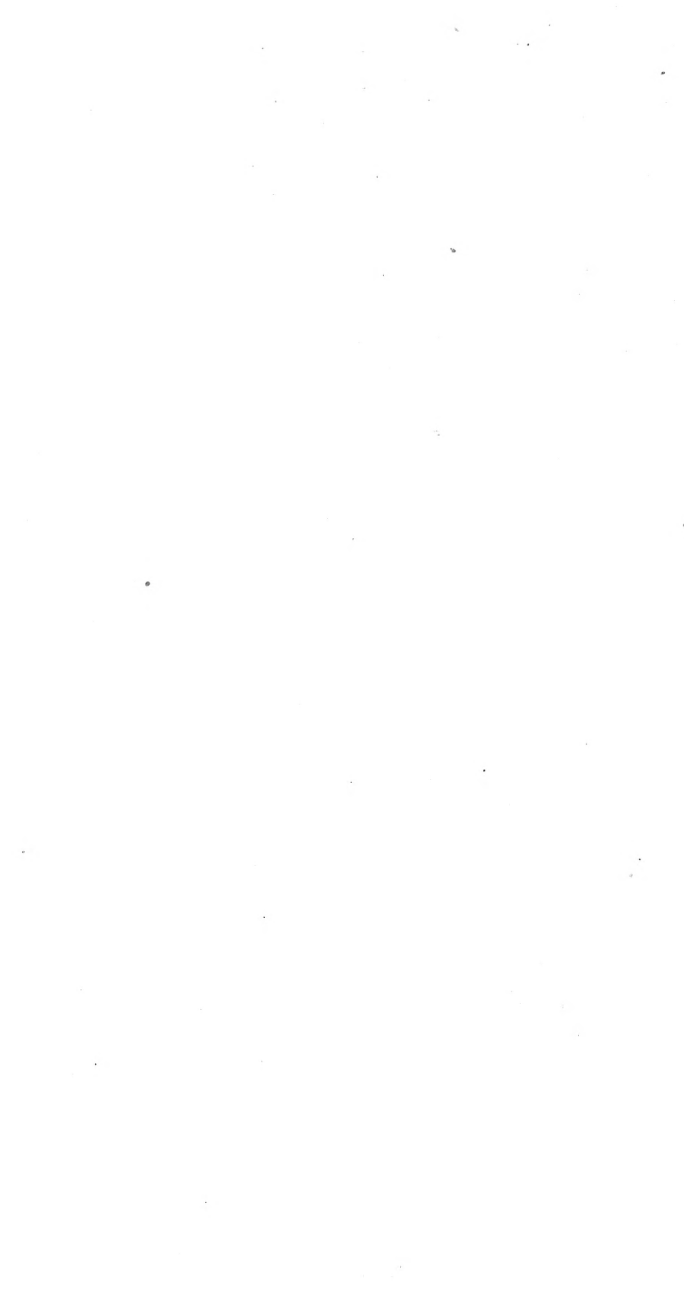
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GENERAL ASSEMBLY.



BY CHARLES J. HOADLY,

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1874.



N O T E .

1160582

THIS publication contains from page 224 of volume VI. of the manuscript *Records of the Colony of Connecticut*, to the end of that volume, and the first 221 pages of volume VII.

The Journal of the Governor and Council for the years embraced in this volume, is not known to be extant. There are on record, however, two entries of their acts, both by Governor Law: one, of February 25th, 174 $\frac{1}{2}$, appointing April 7th, 1742, as a day of fasting and prayer, and also granting a brief for Jeremiah Foster to ask charitable contributions: the other, of September 1st, 1743, granting a commission of sewers for draining land in Killingworth.

C. J. H.

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January 21, 1874.

THE PUBLIC RECORDS

OF THE

COLONY OF CONNECTICUT.

[VOL. VI., PAGE 224.]

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUTT IN NEW ENGLAND IN AMERICA, ON THURSDAY THE EIGHTH DAY OF OCTOBER, ANNO REGNI REGIS GEORGHII 2^{di}, MAGNÆ BRITANNIÆ & C., NONO, ANNOQUE DOM. 1735.

Present :

The Honourable Joseph Talcott, Esq^r, Governour.

The Hon^{ble} Jonathan Law, Esq^r, Deputy Governour.

Samuel Eells,	John Burr,	}	Esq ^{rs} , <i>Assistants</i> .
Roger Wolcott,	Samuel Lynde,		
James Wadsworth,	Edmund Lewiss,		
Nathaniel Stanly,	William Pitkin,		
Joseph Whiting,	Thomas Fitch,		
Timothy Pierce,			

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

Mr. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Mr. Daniel Coit, Mr. William Whiting, for New London.
 Mr. Thomas Dyer, Mr. Nathaniel Wales, for Windham.
 Mr. David Buel, Mr. Daniel Griswould, for Killingsworth.
 Mr. Roger Newton, Mr. Nathan Baldwin, for Milford.
 Mr. Joseph Strong, Mr. Peter Buel, for Coventry.
 Mr. Samuel Hanford, Mr. James Lockwood, for Norwalk.
 Mr. William Wadsworth, Mr. Thomas Curtiss, for Farmington.

Mr. Luke Perkins, Mr. Dudley Woodbridge, for Groton.
 Mr. Richard Lord, Mr. Daniel Ely, for Lyme.
 Mr. Caleb Cone, for Haddam.
 Mr. Henry Crane, Mr. Nathan Camp, for Durham.
 Mr. James Leavinz, Mr. John Dwight, for Killingly.
 Mr. Isaac Dickerman, Mr. Jonathan Allyn, for New Haven.
 Mr. Ebenezer Silliman, Mr. John Silliman, for Fairfield.
 Mr. Simon Lothrop, Mr. Hezekiah Huntington, for Norwich.
 Mr. Ephraim Curtiss, Mr. Joseph Blackleach, for Stratford.
 Mr. Andrew Lord, Mr. Jedadiah Chapman, for Saybrook.
 Mr. John Russel, Mr. Thomas Harrison, for Brandford.
 Mr. Benjamin Skinner, Mr. Joseph Phelps, for Hebron.
 Mr. Experience Porter, Mr. Thomas Huntington, for Mansfield.
 Mr. John Grigory, Mr. James Bebee, for Danbury.
 Mr. John Humphrey, Mr. James Case, for Symsbury.
 Mr. Isaac Spencer, for East Haddam.
 Mr. Joseph Addams, Mr. Jabez Fitch, for Canterbury.
 Mr. Stephen Hopkins, Mr. Joseph Lewiss, for Waterbury.
 [225] Mr. Jonathan Hoit, Mr. Jonathan Bates, for Stanford.
 Mr. Samuel Hill, Mr. Pelatiah Leet, for Guilford.
 Col. David Goodrich, Mr. John Chester, for Weathersfield.
 Mr. John Riggs, Mr. Sam^l Bassett, for Derby.
 Mr. William Preston, Mr. Noah Hinman, for Woodbury.
 Mr. Benjamin Hall, Mr. Theophilus Yale, for Wallingford.
 Mr. Ephraim Kingsbury, Mr. Joseph Warren, for Plainfield.
 Mr. Thomas Wells, for Glassenbury.
 Mr. James Reignolds, Mr. David Lockwood, for Greenwich.
 Major John Sabin, Mr. Benjamin Sabin, for Pomfrett.
 Mr. Theophilus Baldwin, Mr. Samuel Canfield, for New Milford.
 Mr. Henry Allyn, Mr. Roger Newberry, for Windsor.
 Mr. George Phillipse, Mr. Jabez Hamlin, for Middletown.
 Mr. John Bulkley, Mr. Israel Newton, for Colchester.
 Mr. John Perry, Mr. Philip Eastman, for Ashford.
 Mr. Ebenezer West, Mr. William Throop, for Lebanon.
 Mr. Joseph Gates, Mr. John Brown, for Preston.
 Mr. Theophilus Baldwin, Mr. John Breed, for Stonington.
 Mr. Roger Newton, Speaker } of the House of Representa-
 Mr. John Russel, Clerk } tives.

This Assembly do establish and confirm Mr. John Cook of Hartford to be Lieutenant 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. Samuel Talcott of Hartford to be Ensign 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. Timothy Stone of Guilford to be Captain of the 1st company or trainband in the town of Guilford, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. John Williams to be Captain of the fifth company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Brewster to be Lieutenant of the fifth company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jabez Huntington to be Captain of the Troop of Horse in the county of Windham, and order that he be commissioned accordingly.

[226] This Assembly do establish and confirm Mr. Deliverance Brown of Canterbury to be Lieutenant of the company or trainband in the first society in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Bradford of Canterbury to be Ensign of the company or trainband in the first society in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Allyn of Groton to be Ensign of the 2d company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Sherwood to be Lieutenant of the company or trainband at the west parish in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Rumsey to be Ensign of the company or trainband at the west parish in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Christopher Avery, 2d, of Groton, to be Captain of the 2d company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mark Williams of Preston to be Captain of the 3d company or trainband in

the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ephraim Herick of Preston to be Ensign of the 3d company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Trumble to be Lieutenant of the Troop of Horse in the county of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Packer of Groton to be Captain of the third company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Fisk of Haddam to be Captain of the first company or trainband in the town of Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Arnold of Haddam to be Lieutenant of the first company or trainband in the town of Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Gideon Brainerd to be Ensign of the first company or trainband in the town of Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Cone of East Haddam to be Captain of the company or trainband in the town of East Haddam, and order that he be commissioned accordingly.

[227] This Assembly do establish and confirm Mr. Thomas Fuller of East Haddam to be Lieutenant of the company or trainband in the town of East Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Mead to be Captain of the west company or trainband in the west society of the town of Greenwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Wilson to be Lieutenant of the west company or trainband in the west society in the town of Greenwich, and order that he be commissioned accordingly.

The gentlemen nominated to stand for election in May next, sent in by the freemen of this government to this As-

sembly, are, the Honourable Joseph Talcott, Esq., the Hon^{ble} Jonathan Law, Esq., Samuel Eels, Esq., Roger Wolcott, Esq., James Wadsworth, Esq., Nathaniel Stanly, Esq., Joseph Whiting, Esq., Ozias Pitkin, Esq., Timothy Pierce, Esq., John Burr, Esq., Samuel Lynde, Esq., Edmund Lewiss, Esq., William Pitkin, Esq., Thomas Fitch, Esq., Capt. Roger Newton, Mr. Ebenezer West, Capt. Samuel Hill, Capt. Andrew Burr, Mr. Richard Christophers, Capt. John Bulkley.

An Act respecting the Appointment of Guardians for
Minors of the Age of Discretion.

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 there be any male person or persons between the age of fourteen and twenty-one years, or females between the age of twelve and eighteen years, who have neither father, guardian nor master, then each and every of the judges of the respective courts of probate in this government within whose district such minor or minors, male or female, live, shall notify such minor or minors to appear before him and elect some meet person or persons for his, her or their guardian or guardians; and upon refusal or neglect thereof, such judge shall appoint, and the respective judges aforesaid are hereby authorized and impowered to appoint, guardian or guardians in all such cases, taking the usual bond by law already provided upon the appointment of guardians; and the power and authority of such guardian or guardians shall be as good and effectual, to all intents and purposes, as if elected by such minor or minors and established by the court of probates; any law, usage or custom to the contrary notwithstanding.

Upon the memorial of Hannah Hurlburt, administratrix on the estate of Stephen Hurlburt, late of Farmington, deceas'd, shewing to this Assembly that the debts due from said estate surmount the moveable part thereof the sum of forty-seven pounds, and that it is necessary to sell so much of the said deceas'd's real estate as will be sufficient to pay said forty-seven pounds with the necessary charges arising thereon, and praying liberty to do the same: Resolved by this Assembly, that the said administratrix, together with Capt. Daniel Hall of Middletown in the county of Hartford, be appointed, and they are hereby appointed and substituted, to make sale of so much of the real estate of the said deceas'd as will be sufficient to pay the said forty-seven pounds with the necessary charges arising thereon, taking the direction of the court of probates in the county of Hartford therein, and to make and execute deed or deeds accordingly.

[228] Upon the report of Ozias Pitkin, Esqr, Capt. Thomas Welles and Mr. Jonathan Hills, shewing to this Assembly that they have repaired to the northeast part of Windsor and viewed the lands there with those adjoining, and considered the circumstances of the inhabitants there, did judge it best they should be a distinct society there: This Assembly do thereupon grant that the said inhabitants be one distinct society by themselves, and that they shall have the same parish powers and privileges as other societies allowed by law in this government have, and that the bounds of the said society shall be the following lines: To begin upon the Colony line between the town of Windsor and Endfield, five miles and a half east from Connecticutt River, and from thence to run south nine degrees west until it intersects a west line drawn from Bolton bounds half a mile south of said Bolton northwest corner, and from thence east to said Bolton bounds, then north to said Bolton northwest corner, then east to Tolland bounds, then north to said Tolland northwest corner, then east to Willamantick River, then north to Stafford bounds, then west to the southwest corner of said Stafford bounds, and from thence further west by the said Colony line to the place first mentioned; and that the said society shall be known by the name of Ellington Parish.

Ordered by this Assembly, That the post that came express from the Governour and Council of the Province of the Massachusetts Bay, to bring letters to his Honour the Governour, relating to the counterfeiters of the bills of credit of this Colony, shall be paid out of the publick treasury the sum of fourteen pounds for his service.

This Assembly grants a rate of one penny 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 in good bills of credit of four signers of the Massachusetts Bay, or in the bills of credit of New York, without advance on them; or in silver money as it now passeth in the country.

This Assembly observing that the act passed by this Assembly in May, 1734, in relation to schooling the Indian children at Farmingtown, is expired: Therefore this Assembly do revive the said act, and the same is hereby revived and to be of force during the months of November, December, &c., until the last of April next coming, and no longer.

Forasmuch as the town of Greenwich have not sent in the list of the rateable estate of said town to this Assembly, well vouched according to law: It is resolved by this Assembly,

that said town shall be doomed, and they are hereby doomed, and ordered to pay taxes the year ensuing proportionable to a list of sixteen thousand pounds rateable estate, and to receive their school money accordingly.

This Assembly do grant liberty to the inhabitants of the easternmost society in Windsor to imbody themselves into church estate, they first having obtained the approbation of their neighbouring churches.

This Assembly do appoint Mr. Benjamin Skinner of Hebron to be a Justice of the Peace in and for the county of Hartford.

[229] An Act for Repealing a certain Act made and passed by the General Assembly of this Colony at their Sessions in Hartford on the 8th Day of May, Anno Dom. 1733, entituled An Act further providing for the more effectual collecting the Duty of Impost on Rum and for imposing a greater Duty thereon.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid act, entituled An Act further providing for the more effectual collecting the duty of impost on rum and for imposing a greater duty thereon, and every clause and paragraph thereof, be repealed and made void, and the same is hereby repealed and made void accordingly; and the same duty shall be paid to the naval officer as was provided by an act of this Assembly made in the eighth year of the reign of the late King George, entituled An Act for the better regulating the duty of impost on rum, &c.

On the memorial of Lydiah Johnson, administratrix on the estate of Ebenezer Johnson, late of Wallingford, deceas'd, shewing to this Assembly that the debts due from said estate is £55 14s. 1d., of which there is no moveables in said administratrix's hands to pay, and praying to this Assembly for liberty to sell so much of the real estate of the said deceas'd, under the direction of the court of probates in the county of New Haven, as to make the said aforesaid sum with the contingent charges arising thereon: This Assembly do, therefore, authorize and fully impower the said administratrix to sell so much of the real estate of the said deceas'd as to enable her to pay the aforesaid sum with the necessary charges arising thereon, at the direction of the court of probates in the county of New Haven.

Upon the memorial of John Dixon of Volluntown, shewing this Assembly there is about eighty acres of ungranted land belonging to this government, lying in the additional grant made to said Voluntown; said land lyes west on John Stoyles

land, and north on James Dorance his land, and southeast on Robert Hindman's land, and east on Peter Button's land; and the said Dixon praying this Assembly to grant him said land on such terms as they think best: but if said Assembly be not satisfy'd as to the value of said land, then the memorialist prays liberty to call out the surveyour for the county of Windham, at his own cost, to prize and survey said land as to the number of acres and the value thereof, and make report to this Assembly in May next, in order said memorialist may have said land: This Assembly grants liberty to the memorialist to call out the county surveyour for the county of Windham, to prize and survey said land as to the number of acres and as to the value thereof, and make report thereof to this Assembly in May next.

Upon the memorial of Samuel Kingsbury, living on the mile of land, so called, adjoining to the additional grant to Voluntown in the county of Windham, shewing to this Assembly that there is two small strips of common land lying in said mile of land and adjoining to said memorialist's land he lives on, containing about fifty or sixty acres; and the memorialist praying this Assembly to grant him said lands on such terms as they please, or give the said memorialist liberty to call out the county surveyour for said county, to survey and prize said land, on his own cost: This Assembly grants liberty to the memorialist to call out the county surveyour for said county of Windham, to prize and survey said land as to the number of acres and the value thereof, at the cost of the memorialist, and to make report thereof to this Assembly in May next.

[230] Upon the memorial of Elizabeth Belding, administratrix on the estate of Gideon Belding, late of Weathersfield, deceas'd, representing to this Assembly that the estate of the said deceas'd is indebted 22*l.* 18*s.* 6*d.* more than the moveable estate in the hands of said administratrix amounts to, and praying that this Assembly would appoint her, or some other person, to sell so much of the lands belonging to the estate of the said deceas'd as shall be sufficient to pay the sum aforesaid: This Assembly do thereupon appoint and impower Samuel Belding, of said Weathersfield, to sell, by the direction of the court of probate in the county of Hartford, so much of the land belonging to the aforesaid estate of the said Gideon Belding, deceas'd, as shall be sufficient for the paying of the aforesaid sum of 22*l.* 18*s.* 6*d.*, and necessary charges arising thereupon.

This Assembly do appoint Capt. John Marsh and Mr. James Church a committee to repair the State House at Hartford,

and also to procure shutts to be made to the lower windows of said house, to prevent the great damage sustained by breaking the glass; and that the cost be paid, two-thirds out of the Colony treasury, the other third part out of Hartford county treasury.

Upon the memorial of Ebenezer Rowley of East Haddam, shewing to this Assembly that he executed a deed of mortgage in due form of law, to the Governour and Company of his Majesty's English Colony of Connecticut, of forty acres of land lying in said East Haddam, for the consideration of fifty pounds in bills of credit on said Colony paid by said Governour and Company, as by the said deed, dated August 7th, A. D. 1733, doth appear: yet nevertheless, it appearing to this Assembly that the memorialist, for the land thus made over, has not received any part of the said fifty pounds; and praying to this Assembly that a committee might be enabled to give to him a lawful conveyance of said land, or some other way whereby he and his family may not be exposed to loss and damage: This Assembly do thereupon grant that the Governour and Secretary of this Colony, for the time being, shall execute a deed of release, under the seal of the Colony, of the said mortgaged land, unto the memorialist, agreeable to the act of this Assembly empowering the Governour and Secretary to execute deeds of release to those mortgagers who have taken money out upon loan and paying the same into the treasury again with the lawful use thereof.

Upon the memorial of William Judd of Woodbury, shewing to this Assembly the great difficulties he labours under by the loss of the sight of one of his eyes, and that he is [in] danger of losing the sight of his other eye, and praying that for the future he may be exempted from taxes on his poll: This Assembly grants to said William Judd a freedom from all taxes on his poll for the future, and he is hereby exempted from the same accordingly.

This Assembly do establish and confirm Mr. Benjamin Holt of Wallingford to be Lieutenant of the west company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Eliasaph Meriman of Wallingford to be Ensign of the west company or trainband in the town of Wallingford aforesaid, and order that he be commissioned accordingly.

[231] Upon the memorial of Sarah Barlow, widow and relict of Samuel Barlow, late of Fairfield, deceas'd, and ad-

ministratrix on his, said Barlow's, estate, shewing to this Assembly that the debts due from the said estate surmount the personal estate to the sum of 48*l.* 10*s.* 11*d.*, praying this Assembly to impower such person or persons as they shall think proper, to make sale of so much of the real estate of the deceas'd as shall satisfy the surmounting debts aforesaid: Resolved by this Assembly, that the memorialist, with the assistance of Capt. David Sherman, taking the advice of the court of probate in the district of Fairfield, shall have liberty and are hereby impowred to sell so much of the real estate of the said deceas'd as shall be sufficient to answer the sum of 48*l.* 10*s.* 11*d.* money, and the necessary charges arising thereon.

Upon the memorial of Charles Spencer, of Hartford, in the county of Hartford, praying for the reversal of a judgment of the superiour court held at Hartford the last Tuesday of March last, rendered in an action wherein the said Charles Spencer was plaintiff against John Prentiss, of New London, in the county of New London, defendant, &c., and that he may have another tryal of the said case at the superiour court to be held at Hartford in March next, and that the whole cost follow the judgment that may be given at the said tryal: Resolved by this Assembly, that the said judgment of said superiour court be set aside, and that the petitioner shall have another tryal of his said case at the superiour court to be holden at Hartford in March next, and that the whole of the cost from the beginning of said suit, as also the costs on the said petition at this Assembly, shall follow the judgment that may be given at the said tryal.

Upon the petition of the proprietors of the common and undivided lands of Fairfield against John Lockwood, complaining that the clerk of the superiour court had sent out execution against the proprietors aforesaid, in favour of said Lockwood, about twenty years after judgment was given, and after the same was satisfied by the agreement of the parties, praying that the doings of the officer that had levyed said execution should be made void: Resolved by this Assembly, that all the doings of the officer in levying said execution shall be void, and the same is hereby declared null and void, and the said Lockwood is hereby allowed the liberty to take out a writ of *scire facias* from the said clerk, returnable to the next superiour court in Fairfield county, against the said proprietors, to shew reason why the said Lockwood shall not have an *alias* execution upon the said judgment; and if the said superiour court do allow the same, they shall direct such execution to some suitable person not inhabiting in said Fairfield, who shall be put under a proper oath to serve the same.

Upon the petition of Nathan Gillett against Timothy Horsford, shewing to this Assembly that in the county court held in Hartford in April last, the said Timothy Horsford recovered a judgment against him for fifty pounds and cost, upon a note of the hand given by the said Gillett to the said Horsford, praying for relief in equity therein, for that the said note was given in exchange for another note of fifty pounds given by said Horsford to said Gillett, which appears by the evidence, and free confession of both parties, to be given only to oblige them to abide the judgment of arbitrators in a controversy respecting land, which they had agreed to refer to them; and it also appearing to this Assembly the said controversy is not issued by said arbitrators, and the said note was wrongfully obtained and sued by the said Horsford: Resolved by this Assembly, that the said judgment be set aside and reversed, and that the said Horsford be debarred from bringing any other suit or having other recovery on said note.

[232] This Assembly do order and direct the Treasurer of this Colony, Mr. John Whiting, to attend the General Assembly on Thursday the 23d instant, and bring with him a sufficiency of the bills of credit on this Colony in his hands to defray the charges of this Assembly.

This Assembly do establish and confirm Mr. Daniel Alling of New Haven to be Captain of the sixth company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Beecher of New Haven to be Lieutenant of the 6th company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jeremiah Osborne of New Haven to be Ensign of the sixth company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Knowles of Woodbury to be Captain of the north company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Mitchel of Woodbury to be Ensign of the north company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Williams of Saybrook to be Captain of the company or trainband

in the north society in the town of Saybrook, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Martin Kellogg of Weathersfield to be Captain of the 4th company or trainband in the town of Weathersfield, and order that he be commissioned accordingly.

Upon the memorial of the inhabitants of the town of Hebron, by their agent Mr. Benjamin Skinner, praying to this Assembly to appoint some suitable gentlemen a committee to repair to said Hebron and view the circumstances thereof, and fix and ascertain the place for the building a meeting house upon: This Assembly do thereupon grant that Mr. Ebenezer West, Mr. Richard Abbe and Capt. Eleazer Carey, be a committee to repair to Hebron and view the circumstances thereof, and fix and ascertain a place for their erecting and building a meeting house upon, and make report of their doings thereon to the General Assembly to be holden at Hartford in May next.

Upon the report of Messrs. Samuel Mather, John Marsh and Henry Allyn, a committee appointed by the General Assembly in their session at Hartford in May, 1735, to repair to the town of Symsbury and hear the several parties there in reference to their being made into distinct ecclesiastical societies, &c., and to divide said town into distinct societies, and to describe and set forth the bounds of such division, and to report their doings to this Assembly: This Assembly orders, that the said town of Symsbury shall be divided into two distinct ecclesiastical societies, with powers and privileges of societies, and [233] the dividing line between said societies shall be as followeth, (*viz* :) To begin at Horskins's Hill or the dug way (as it is called) on the west side of the river, and from thence to run a west northwest point to Symsbury west bounds, and from said dug way to run northerly, easterly and southerly, as the river runs, to Windsor bounds; including in the south society all on the south and southward of said line, and on the east side of the river to the south bounds of said town; and all north of said line and north of the river to the north bounds of said town to belong to the north society.

Upon the report of Messrs. Ebenezer West, Samuel Hill and John Bulkley, a committee appointed by this Assembly in their sessions at Hartford in May last, to view the circumstances of the first society in Lyme and declare to this Assembly at this time in what place in said society they think the inhabitants thereof may with most conveniency erect a new meeting house; which said committee having done, as

follows, (*viz* :) that the place where the old meeting house now stands in said society is most suitable for that purpose: It is ordered and enacted by this Assembly, that the new meeting house in said society be erected on the place where the old meeting house now stands, or as near thereto as the same may be with conveniency erected.

A List of the Rateable Estate of the following Towns in this Government, sent in to this Assembly, (*viz* :)

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford,	31270	17	1	New Haven,	40001	8	4
New London,	22000	0	0	Fairfield,	38288	8	7
Windham,	16820	10	0	Norwich,	34197	11	7
Brandford,	17326	14	3	Lyme,	16969	14	2
Stratford,	26978	16	5	Glassenbury,	8099	18	0
Waterbury,	8092	0	0	Farmington,	23073	13	0
Danbury,	10082	1	0	Wallingford,	27903	13	0
Stonington,	21886	5	0	Weathersfield,	22365	19	3
Ashford,	5796	6	0	Saybrook,	14647	5	0
Coventry,	8292	19	9	Derby,	7400	6	6
Hebron,	8983	4	0	Mansfield,	7689	18	0
Woodbury,	12043	12	0	Plainfield,	8379	11	0
New Milford,	5907	11	6	Killingsworth,	9470	12	3
Symsbury,	10696	11	6	Durham,	8755	9	6
Lebanon,	23855	6	5	Milford,	24519	1	0 $\frac{1}{2}$
Norwalk,	23346	16	4	Guilford,	24134	17	2
East Haddam,	11606	5	6	Killingly,	13611	6	0
Colchester,	14947	8	0	Canterbury,	9175	10	8
Stanford,	21058	9	0	Midletown,	27030	2	0
Groton,	16585	17	10	Pomfrett,	9660	6	6
Haddam,	7188	6	4	Windsor,	25916	0	0
				Preston,	13220	3	0

Upon the memorial of George Richards, administrator on the estate of Samuel Harriss, late of New London, deceas'd, praying this Assembly to grant him power to sell so much of lands of the deceas'd as shall be necessary to make payment of his debts, &c. : Resolved by this Assembly, that the said George Richards shall have full power, by and with the advice of the judge of the probate for the district of New London, to sell so much land of the deceased as shall amount to 62*l.* 8*s.* 11*d.* to answer said debts, &c., with the necessary charges thereon.

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

Upon the memorial of Joseph Woodbridge, of Newington

in the county of Hartford, administrator on the estate of the Reverend Mr. John Woodbridge, late of Springfield, deceas'd, shewing to this Assembly that the debts due from the said deceas'd, allowed by the court of probate, amount to the sum of £501 15s. 9d., and that the whole of the personal estate of said deceas'd amounts to the sum of £125 4s. 8d., so that there remains the sum of £376 11s. 1d., for the payment whereof the said administrator hath nothing in his hands, and praying this Assembly to empower him to sell so much of the lands of said deceas'd as may be sufficient for the payment of said sum with the charges arising on said sale: This Assembly grants the prayer of said memorialist, and do thereupon appoint and empower the said administrator, by and with the advice and direction of the court of probate of the county aforesaid, to make sale of so much of the lands of the said deceas'd as shall be sufficient for the paying and discharging the aforesaid sum of £376 11s. 1d., together with the necessary charges that may arise upon such sale.

Upon the petition of Matthias Hitchcock of Wallingford, shewing to this Assembly that one Mathew Bellamy of said Wallingford, in said county of New Haven, brought his action against him, said Hitchcock, for the recovery of about two acres of land in said Wallingford, &c., as per his writ dated the 30th of March, 1730, which action finally ended at the superiour court at said New Haven in March, 1731, in favour of said Bellamy; shewing also that he very much missed his plea; praying that the said final judgment might be reversed, and he be allowed one tryal more of said case at the superiour court at New Haven in March next: Resolved by this Assembly, that the said final judgment shall be reversed, and the same is hereby reversed and made void, and the petitioner is hereby granted full liberty to have one tryal more of said case as prayed for, at the superiour court at New Haven in March next, and the future cost to follow said tryal.

An Act for Reviving and further Continuing an Act made in October, in the eighth Year of his Majesty's Reign, in Addition to the Law entituled An Act for Preventing and Punishing any Person or Society who shall strike or emit any Bills of Credit, &c.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid act relating to said bills, &c., shall be revived and further continued, and the same is hereby revived and made of full force for the future.

Upon the petition of James Packer, of Groton in the county of New London, *vs.* the proprietors of the common land in said

Groton, complaining of the doings of Timothy Pierce, Esq^r, Mr. Ebenezer West and Mr. Jabez Huntington, a committee [235] appointed in May last upon || the memorial of the present petitioner, by the consent of the agent of said proprietors, to settle and ascertain the bounds between a grant of 150 acres of land on Mistick Hill, made to Mr. John Packer, and the lands of said proprietors; and praying the said doings of said committee, appearing in their report executed under their hands and seals, dated the seventh day of August, 1735, may be set aside, inasmuch as the said committee did not pursue the directions of the act appointing them: Resolved by this Assembly, that the doings of the said committee and the report aforesaid. executed as aforesaid, be set aside, and the same is hereby reversed, set aside and made null and void and of none effect, and that the dispute between the parties be referred to be determined by the rules of the law; anything in said report notwithstanding.

The committee appointed by this Assembly, upon the memorial of the trustees, to view the state of Yale College, having reported that it will be best that the roof, with some part of the backside and ends, also the kitchen, the doors and back windows, be all mended, the foreside new coloured, and the fences erected: This Assembly do appoint Capt. Isaac Dickerman and Mr. John Ponderson a committee to oversee said work, who are hereby ordered to draw fifty pounds out of the treasury of the Colony for said service, and to lay their accounts before this Assembly in May next.

It is ordered and enacted by this Assembly, That the brand for horses and other creatures in the town of East Haddam shall be the following figure, (*viz.*) ○.

Upon the prayer of the north society in Killingsworth in the county of New London: This Assembly do appoint James Wadsworth and Samuel Lynde, Esq^{rs}, and Capt. Sam^l Hill, to be a committee to repair to said society, view the same, and upon hearing the inhabitants there the said committee shall pitch upon the place for the setting up a meeting house for said society, and return their doings to this Assembly in May next.

Upon the Petition of Thomas Hall and Thomas Hall Jun^r, both of Wallingford in the county of New Haven, *vs.* David Strickland, of Middletown in the county of Hartford, shewing that said Strickland recovered a judgment at the county court held at Hartford in and for said county in November, 1734, for the sum of twenty-four pounds damages and three pounds nineteen shillings and one penny cost, &c., against the peti-

tioner; and therein representing that their attorney failed of getting an appeal from said judgment to the superiour court held at Hartford in and for said county in March next after said November; and praying for liberty of an appeal to the superiour court to be held at Hartford in and for said county in March next, and that the whole cost may follow the final judgment: Resolved by this Assembly, that the petitioners shall have liberty of an appeal as prayed for, and thereby granted an appeal from said judgment, to the superiour court to be held at Hartford as aforesaid in March next, and to bring forward their suit at said superiour court as if an appeal had been pending in said suit from said county court, upon the petitioners giving bond of prosecution as the law directs; and also the execution thereon shall be stayed, and money thereon already paid in part of satisfaction of said execution shall be repaid to the petitioners by said Strickland, before said Strickland shall prosecute his said suit; and the whole costs shall follow the final judgment in said cause.

[236] Upon the memorial of the proprietors of Union: It is resolved, that the tax granted on the lands in Union by this Assembly in October last, of three pence per acre for the space of four years then next coming, shall be paid, the first tax as it was set as aforesaid, and but two pence on the acre per year for the other three years in which said lands are taxed as aforesaid.

This Assembly do establish and confirm Mr. Nathan Baldwin to be Captain of the westernmost company or trainband in the town of Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jeremiah Peck of Milford to be Ensign of the westernmost company or trainband in the town of Milford, and order that he be commissioned accordingly.

An Act directing the rendering Judgment on Bonds conditioned for securing Damages which may happen at several Times.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That it shall be lawful for the obligee to bring his action on the first breach of the condition mentioned in any bond given for the purposes mentioned in the title of this act, and upon the forfeiture of the bond, found on demurrer, tryal or confession, on any motion made for the chancery of the bond, the court shall proceed to consider what is due in equity on the bond at that time, and enter up judgment for the same with costs, and award

execution thereon; and upon any further breach or neglect of performance of any other condition annexed or endorsed on said bond, the obligee, or his executors or administrators, may take out a *scire facias* against the obligor, his heirs, executors or administrators, from the clerk of the court where the action was first bro't, to shew cause why execution should not be awarded for the money then due or for the damages then sustained, and the court shall proceed to make up judgment for that which shall by them be found due, with additional costs; and so from time to time till all the conditions mentioned in or annexed to the said bond are performed and compleated; any law, usage or custom to the contrary notwithstanding.

An Act ordering that there shall be the Sum of twenty-five thousand Pounds in Bills of Credit stamped to be Exchange for Some of the Bills of this Colony that are counterfeited.

This Assembly are now informed that the five pound bills, the forty shilling bills, the ten shilling bills, and the two shilling bills of credit, emitted by this Colony, are counterfeited, whereby the credit of said bills is in danger to be lost and many innocent people wronged: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be forthwith stamped on the new plates of this Colony, (which plates shall have added in some proper place [1735.],) the sum of twenty-five thousand pounds; which bills shall be signed by the committee that signed the last bills of credit emitted on this Colony; which bills, when signed, the said committee shall deliver to the Colony Treasurer, taking his receipt for the same, who shall exchange said [237] bills || for the five pound bills of this Colony stamped on the old plate, the forty shilling bills stamped on the old plate and have not the form of a wheel stamped on them just below the body of the bill on the right hand, the ten shilling bills stamped on the old plate, and also for the two shilling bills emitted by this Colony and stamped on the old plate and hath not the star stamped on them below the body of the bill as aforesaid. And the said committee are hereby directed to cause the said new plates, or such of them as need, to be ingraved deeper and fairer, and also to procure paper for said bills and get them stamped as reasonably as may be, upon the charge of the Colony; said committee to be under oath for their faithful discharge of the trust reposed in them.

John Richards, Esq^r, of New London, and Margaret Douglass and William Douglass, executors of the last will and

testament of Richard Douglass, late of New London, deceas'd, filed a bill in this Court, complaining that the Hon^{ble} John Winthrop, Esqr, late of New London, deceas'd, at his death had sundry valuable goods belonging to the inhabitants of New London in his possession, and that the said inhabitants brought their action against the executors to the last will of the said deceas'd, for the recovery of said goods, and that thereupon the Honourable Wait Winthrop, Esqr, of Boston, now since deceas'd, came to New London and there did compound said difference with Robert Lattimore, James Rogers and Joshua Hempstead, agents for said inhabitants; and to effect the same the said Wait Winthrop, Esqr, did then, that is to say, on the 13th day of July, 1709, in consideration of said goods, give a bond to the said Robert Lattimore, James Rogers and Joshua Hempstead, duly executed under his hand and seal, for the payment of the sum of six hundred pounds in lawful money, upon condition he did not pay to the said Lattimore, Rogers and Hempstead, the sum of seven hundred and fifty ounces, troy, of silver money, together with forty-five ounces, troy, of like silver money, interest, at or before the 13th day of July then next coming; upon which the said agents discharged the action.

That afterwards, the inhabitants of New London considering the said bond was made to the said Lattimore, Rogers and Hempstead, personally, and yet the moneys therein contracted to be paid was really their estate, by their agents, Jonathan Prentiss and William Douglass, both then of New London but now since deceas'd, and Jeremiah Chapman, of New London, in order to secure said moneys to the said inhabitants did stipulate and agree with the said Lattimore, Rogers and Hempstead, that they should put the said bond into the hands of the said Prentiss, Douglass and Chapman, agents as aforesaid, and also execute a power of attourney for the prosecuting a suit on said bond, and accordingly the said Lattimore, Rogers and Hempstead, did then, that is to say, on the 24th day of April, 1722, execute in due form of law a power of attourney to said Prentiss, Douglass and Chapman, as they were agents for said town of New London, and to their successors, agents or attourneys, appointed or to be appointed by the town of New London, to ask, demand, and sue out, &c., said bond, and also then gave to the said Prentiss, Douglass and Chapman, their bond to the penal sum of one thousand pounds, that they would not revoke said power of attourney.

That sometime after this, the said Wait Winthrop being then deceas'd, administration on his estate was committed to Thomas Leechmere, Esqr, of whom the inhabitants of New

London demanded payment of said bond, but he, not having [238] personal estate in his || hands to pay said debts, applied himself to this Assembly for order to sell the lands of the deceased for the payment of the same, and obtained such order; and in pursuance whereof, and to satisfy said debt, the said Thomas Leechmere in the month of October, 1726, did sell so much lands of the deceas'd to the said John Richards and Richard Douglass as amounted to the sum of three hundred pounds silver money and ninety pounds paper currency; and in order to make payment for the same, the said Richards and Douglass, for a valuable consideration, bought the said bond of the inhabitants of New London, and delivered the same to Thomas Leechmere, Esqr, administrator as aforesaid, in payment for said lands; and he, having received it in payment as aforesaid, did deface the hand and seal set to said bond.

That afterwards, by his Majesty's order, this Assembly issued out their precept to the sheriff of the county of New London, commanding him to put John Winthrop, Esqr, heir to said Wait Winthrop, Esqr, deceas'd, into the lands purchased of Thomas Leechmere as aforesaid, and accordingly the said officer gave possession of said lands to the said John Winthrop, by which means the said Richards and Douglass have wholly lost the said lands, and the estate of the said Wait Winthrop, Esqr, deceas'd, takes advantage of the defacing said bonds as of a discharge from the same, without paying back to the said Richards and Douglass one penny for what they paid for said lands; and hereupon the said John Richards and executors of the last will and testament of said Richard Douglass, deceased, move to this Court, that, in equity and good conscience, the estate of the said Wait Winthrop ought to pay the sums contracted to be paid in said bond, the defacing the hand and seal set thereto as aforesaid notwithstanding; and that they may have due relief from the extreme right of the law in the case they pray, that the said Joshua Hempstead, being the only surviving obligee in said bond, may be ordered by this Court to grant a power of attorney to the petitioners to prosecute an action on said bond, or that he should be ordered to give such power of attorney to such person or persons as the inhabitants of New London shall appoint for their agent; and that the defacing said bond, being done for the reasons aforesaid, should not be allowed sufficient to bar a recovery in such suit, nor any law of limitation for bringing suits on bonds in this Colony be pleaded in bar of such action. To this the said Joshua Hempstead replied, that he, with Robert Lattimore and James Rogers, had already given a letter of attor-

ney to Prentiss, Douglass and Chapman, as aforesaid, and bound himself in a thousand pound bond not to revoke said power, and was thereupon discharged from said bond, nor ought in equity to be troubled any more about it.

Whereupon this Court proceeded to consider the case with the evidence, and find the matters of fact in said bill to be proved : It is therefore the opinion of this Court, that the said John Richards and executors of the last will of Richard Douglass ought to have relief in equity in this case. And hereupon this Court do order and decree, that Jeremiah Chapman [239] of New London, || agent for the inhabitants of New London, or any other person or persons that shall be appointed by the inhabitants of the town of New London for that purpose, are and shall be accounted and accepted as lawful attorneys to the said obligees in said bond, to prosecute an action upon the same to final judgment and execution ; and that the law of this Colony limiting the time for the bringing actions on bonds shall not be pleaded in bar of any action brought on this bond ; and that the said bond shall be as good and sufficient evidence in said tryal, notwithstanding the defacing aforesaid, as if the same had not been defaced, unless the defendant shall shew in such tryal that the same was defaced for some other reason or cause than what is abovementioned ; and that the sums that shall be recovered on such suit shall belong to the petitioners.

Whereas it is found by experience that oftentimes the under military officers in the troops and foot companies in this Colony neglect and refuse to attend on the duties of their respective posts, and there is as yet no provision made in the law to impose any fine or penalty on such delinquent officers :

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any lieutenant, or ensign, cornet, or quartermaster, shall neglect the trust reposed in them or any of them, shall forfeit to the use of the company or troop to which they respectively belong, the fines hereafter expressed, (viz :) a lieutenant of foot or troop, for one day's absence from training or appearing, the sum of fifteen shillings money ; for any ensign, cornet, or quarter-master, for one day's absence from training, the sum of twelve shillings money ; and the distress therefor to be granted by the major of the regiment to which such company or troop doth belong, unless such lieutenant, cornet, ensign, or quarter-master, shall make such excuse within twelve days as such major, or the captain of the com-

pany to which he or they belong, shall think is reasonable why such distress should not be granted.

And it is further provided by the authority aforesaid, That every sergeant of the foot or corporal of the troop shall, for one day's neglect, pay a fine of ten shillings money, to the use of the company to which they do respectively belong; and the distress to be granted by the captain and lieutenant of such company, or the two chief military officers in such troop or company to which they belong, unless they shall make excuse within twelve days after such neglect, to the satisfaction of such two chief officers.

Whereas Joshua Chappel of Lebanon preferred a memorial to this Assembly, by which he has informed us that he expected to have received of the government fifty pounds in money upon loan, and thereupon gave a mortgage deed to the Governour and Company of this Colony of certain lands in Lebanon, dated, and also gave bond to Windham county committee for the interest of said money, and obtained an order to the Treasurer of this Colony, to receive said money, which money he could not obtain; and desiring the Hon^{ble} the Governour and Company would appoint some meet person or persons with full power to re-convey said land to him again, and that said committee may be ordered to deliver said bonds to [240] him, said Chappell: || Whereupon it is resolved, that his Honour the Governour and Secretary are hereby impowred to give said Chappell a deed of release of said land, and that Timothy Pierce, Esq^r, and John Crerey, being the committee appointed for the loaning of said money in the county of Windham, are hereby directed to re-deliver to the said Chappell the bonds aforesaid.

Upon the memorial of John Bliss, Samuel Curtiss, John Taylor, Samuel Rowley, Joshua Tillotson, Richard Curtiss and John Thompson, all of Hebron, praying for the abatement of the costs taxed against each of them respectively by the county court held in Hartford by adjournment in June last, upon prosecutions had there against them upon complaint of one of the grand jurors of said Hebron: Resolved by this Assembly, that the one-half of the cost taxed and allowed in said adjourn'd county court against each of the respective memorialists be abated, and the same is hereby abated, and the memorialists are discharged from the paying of the said half so abated; any judgment given or execution granted out for the same notwithstanding.

His Honour the Governour laying before this General Court a letter from the Hon^{ble} the Lords of the Board of Trade,

directed to the Governour and Company of Connecticutt, desiring an account of the laws in force in this Colony on the 25th of March, 1731, by which any duties or impositions are laid on the trade and shipping of Great Britain; as likewise an account of the duties and impositions now payable by any act or acts of this Assembly on the importation and exportation of negroes, wines or other kind of liquors, or any goods, wares or merchandize and shipping, to be prepared, together with a list of said laws, and transmitted as soon as possible: On consideration whereof, his Honour the Governour is desired to signify to their lordships, that on the 25th of March, 1731, there were no other laws in force in this government by which any duty was laid in any of the cases above referred to, excepting only a law entituled An Act concerning free trade, by which a duty of twelve shillings and sixpence on every hundred pounds of goods imported into this Colony was laid, explained by an act of this Assembly in the fourth year of King George the first, to be only on goods imported from the neighbouring Provinces; as also an act passed by this Assembly in the 9th year of King George the first, laying a duty of four pence per gallon on rum imported in vessels not belonging to any of the inhabitants of this Colony, and of three pence per gallon when imported in vessels belonging to the inhabitants of this Colony; which acts are lying before their lordships in the Law Book of this Colony lately transmitted to them; and since the time abovementioned, no law has been passed laying any duty in any of the cases mentioned by their lordships, by which any duty is now payable.

Upon petition of Samuel Eells of Milford, Esqr, shewing to this Assembly that there was in said Milford about one acre and an half of land at a place called Long Swamp Plains, bounded east and west with highways, north with land formerly Thomas Wheeler jun^{rs}, and south with land formerly belonging to Nathaniel Baldwin; which small lot of land was laid out to Pitty Deal, on the right of one Charles Deal, who are both deceas'd and left no issue or heir known of; and [241] || further shewing that he had purchased all the estate that did belong to the said Charles and Pitty of one who supposed he had good right to sell the same, yet by some it is thought by force of the law the said small lot might be challenged as an escheat to this Colony; praying that this Assembly would grant to him all the Colony right to said land: Upon consideration whereof, this Assembly do give and grant unto the said Samuel Eells, his heirs and assigns, all the right and interest of this Colony in and unto the above described and bounded lot of land.

Upon the Memorial of John Bellamy, late of Greenwich, now of or resident in Branford, shewing to this Assembly that having been committed to the goal in Fairfield in Fairfield county, &c., he was by the sheriff of said county suffered to depart said goal on bond for appearance before the superiour court to be holden at said Fairfield in February last, &c., and that upon his non-appearance Thomas Hill, Esqr, sheriff of said county, was sentenced by said superiour court to pay a fine of one hundred pounds to the Treasurer of this Colony; and moving to this Assembly that, any time between this time and the third Tuesday of November next, he may be admitted to enter into bonds with sureties, &c., and that upon due certificate, &c., the clerk of the superiour court may be directed to underwrite the said judgment or sentence of said superiour court against the said Thomas Hill, Esqr, fully satisfied; as per his memorial on file, dated October 16th, 1735: It is resolved by this Assembly, that the memorialist be admitted, on any day before the third Tuesday of November next, to give bond with sufficient sureties to the Governour and Company of this Colony, for the payment of one hundred pounds with lawful interest on or before the 15th of October next, and Nathaniel Stanly, Esqr, is hereby directed to take the said bond so to be executed, and deliver the same to the Secretary, who is likewise directed to deliver the same to the publick Treasurer of this Colony, taking his receipt therefor. And further, the clerk of the superiour court is hereby directed, on certificate signed by the Treasurer that such bonds are lodged in his hands, to underwrite the said judgment or sentence of the superiour court fully satisfied.

On the petition of the proprietors of the town of Hebron *vs.* Thomas Fitch, Esqr, &c.: The question was put, whether anything should be granted, and resolved by this Assembly in the negative.

On the petition of Isaac Burr and Mary Burr *vs.* Jonathan Ellsworth, executor, &c.: The question was put, whether anything should be granted, and resolved by this Assembly in the negative. *Cost allowed respondent 4l. 4s. 7d. Ex. granted April 28th, 1736.*

Upon the petition of Edward Hutchinson, Esqr, and Mary Wolcott *vs.* James Enno, &c.: The question was put, whether the pleas offered in abatement of said petition are sufficient, and resolved in the affirmative. *Cost allowed respondents 6l. 10s. 11d.*

Upon the petition of the town of Weathersfield *vs.* the town of Farmington: The question was put, whether anything

should be granted, and resolved by this Assembly in the negative.

Upon the petition of Timothy Woodbridge, &c., *vs.* the executors of the last will of Andrew Fresneau deceas'd: The question was put, whether the prayer thereof should be granted, and resolved in the negative. *Cost allowed respondents 4l. 1s. 3d.*

Upon the memorial of Yelverton Perry, shewing to this Assembly that a ferry across the river called Stratford River, at a place called Hawkins's *alias* Perry's Ferry, is greatly [242] || needed, and praying that the privilege of keeping said ferry may be granted to him: Granted in this Assembly, that the memorialist have liberty to keep said ferry, and that the fare thereof be, for man, horse and load, five pence; for single man, two pence, and for single horse, three pence; and that he have said privilege during the pleasure of this Assembly, and that it be under the same regulations with other ferries in this government.

Upon the memorial of the reverend Trustees of Yale College, praying for a further continuance of the additional grant of one hundred pounds made to said college: Resolved by this Assembly, that there shall be paid out of the publick treasury of this Colony to the treasurer of said college, for the use of the same, the sum of one hundred pounds *per annum* for the space of three years next coming, in addition to the standing allowance made to said college; the payment of said additional hundred pounds to be made as follows, (*viz.*;) fifty pounds in May, and fifty pounds in October, annually, for the term of three years as aforesaid.

Upon the memorial of John Curtiss and Daniel Coit, two of the members of the late New London Society, praying relief against Robert Allyn of Groton, in reference to the decree of the court of chancery holden at Hartford the third Tuesday of September last past: This Assembly are informed that the members of the said late society design speedily to settle their whole affairs, and by a just computation of loss and gain to divide the whole estate and credits they have, or that any of the late factors or officers of the said late society have: Whereupon it is now resolved, that execution of said decree be suspended until this Assembly in May next.

This Assembly grants to Mr. Green, the printer, the sum of twenty five pounds for his half years salary.

Upon the memorial of Charles Dewey, of Hebron as the line runs formerly stated, and, as the same line by the late

committee is ordered, of Colchester, and Obadiah Horsford and Samuel Palmer, both of Hebron in the county of Hartford, complaining of the doings of James Wadsworth, Edmund Lewiss and Samuel Lynde, Esq^{rs}, a committee who run and stated the line between the townships of Colchester and Hebron on the eighth of February, 173 $\frac{2}{3}$, as it affects the property of their lands; and praying that the doings of said committee may be set aside: Resolved by this Assembly, that the doings of the said committee on the line aforesaid shall not be construed to affect the property of the memorialists.

Upon the memorial of Capt. Samuel Smith, of New Haven, west parish, as agent for said parish, shewing to this Assembly the broken circumstances of said parish, by reason of their ministers, one after another, declaring themselves to be of the Church of England principles, and carrying from them considerable estate and inhabitants, whereby they are incapable to maintain the gospel amongst them; and praying to this Assembly for some relief: Upon consideration whereof, this [243] Assembly do appoint Edmund Lewiss, Esq^r, || Captain John Riggs and Capt. Nathan Baldwin, a committee, and at the request of the said Smith or others of said parish to repair to the said parish, to view, hear, observe and consider, the whole circumstances of them, and to make report to this Assembly in May next what is necessary to be done for their relief.

This Assembly grants to the Secretary the sum of ten pounds out of the publick treasury for his salary the present year.

Cost allowed the town of Middletown against the town of Wallingford, for attendance, &c., to answer the memorial of said Wallingford preferred by their agents, Samuel Hall, Gideon Ives and John Hall 2d, &c., is £2 11s. 6d. *Ex. granted Feb'y 18th, 173 $\frac{5}{8}$.*

Cost allowed the town of Lyme against the town of East Haddam, for attendance, &c., to answer the memorial of said East Haddam preferred by their agent Isaac Spencer, &c., is £4 12s. 1d. *Ex. granted April 2d, 1736.*

Cost allowed Joshua Raymond against James Hilhouse, for attendance, &c., to answer the memorial of said Hilhouse preferred against the north parish in New London, which was negatived, is £4 7s. 6d. *Ex. granted November 20th, 1735.*

The several Acts, Grants and Orders of this Assembly, as they stand entered in the pages of this book next preceding,

were read in the presence of both Houses, and by them ordered to be signed by the Secretary as perfect and compleat.
 GEORGE WYLLYS, Secretary.

[244] *Connecticut* }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUTT IN NEW ENGLAND IN AMERICA, ON THURSDAY THE 13TH DAY OF MAY, ANNO REGNI REGIS GEORGHII, MAGNÆ BRITANNIÆ &C. 2^{di}, 9^{no.}, ANNOQUE DOMINI, 1736, AND CONTINUED BY SEVERAL ADJOURNMENTS TILL 29TH DAY OF THE SAME MONTH.

Present :

The Honourable Joseph Talcott, Esqr, Governour.

The Hon^{ble} Jonathan Law, Esqr, Deputy Governour.

Samuel Eells,	Timothy Pierce,	} Esqrs, Assistants.
Roger Wolcott,	John Burr,	
James Wadsworth,	Samuel Lynde,	
Nathaniel Stanly,	Edmund Lewiss,	
Joseph Whiting,	William Pitkin,	
Ozias Pitkin,	Roger Newton,	

Representatives or Deputies (that were returned to attend at this Assembly) are us follow, (viz^t.)

Mr. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Mr. Daniel Coit, Mr. John Richards, for New London.
 Mr. Eleazer Cary, Mr. Jabez Huntington, for Windham.
 Mr. Josiah Conant, Mr. Elnathan Brigham, for Mansfield.
 Mr. Joseph Palmer, Mr. Theophilus Baldwin, for Stonington.
 Mr. Richard Lord, Mr. Stephen Lee, for Lyme.
 Mr. Joseph Strong, Mr. Samuel Parker, for Coventry.
 Mr. Ebenezer West, Mr. Jonathan Trumble, for Lebanon.
 Mr. John Sabin, Mr. Joseph Craft, for Pomfrett.
 Mr. James Beebe, Mr. Thomas Benedict, for Danbury.
 Mr. Samuel Willard, Mr. Jedadiah Chapman, for Saybrook.
 Mr. Isaac Spencer, for East Haddam.
 Mr. Ephraim Kingsbury, Mr. William Marsh, for Plainfield.
 Mr. John Chester, Mr. Thomas Curtiss, for Weathersfield.
 Mr. Hezekiah Park, Mr. John Cook, for Preston.
 Mr. Nathan Baldwin, Mr. Robert Treat, for Milford.
 Mr. Isaac Dickerman, Mr. Jonathan Allin, for New Haven.
 Mr. Ebenezer Silliman, Mr. Andrew Burr, for Fairfield.
 Mr. Benajah Bushnell, Mr. Hezekiah Huntington, for Norwich,
 Mr. James Reignolds, Mr. [Nathaniel] Peck, for Greenwich.

Mr. Jonathan Hoyt, Mr. Jonathan Maltbie, for Stanford.
 Mr. Samuel Hanford, Mr. Samuel Fitch, for Norwalk.
 Mr. Samuel Hill, Mr. Pelatiah Leet, for Guilford.
 Mr. Joseph Minor, Mr. Andrew Hinman, for Woodbury.
 Mr. Isaac Kendall, Mr. Samuel Snow, for Ashford.
 Mr. John Bostwick, Mr. Theophilus Baldwin, for New Milford.
 Mr. Theophilus Nickols, Mr. Ephraim Curtiss, for Stratford.
 Mr. James Brainerd, for Haddam.
 Mr. Christopher Avery, Mr. Dudley Woodbridge, for Groton.
 Mr. Stephen Hopkins, Mr. William Judd, for Waterbury.
 Mr. William Gold, Mr. Nathaniel Harrison, for Branford.
 Mr. John Lane, Mr. David Buel, for Killingsworth.
 [245] Mr. Benjamin Skinner, Mr. Joseph Phelps, Jr., for Hebron.

Mr. Henry Crane, Mr. Nathan Camp, for Durham.
 Mr. James Levinz, Mr. John Dwight, for Killingly.
 Mr. Joseph Addams, Mr. Jabez Fitch, for Canterbury.
 Mr. John Bulkley, Mr. Israel Newton, for Colchester.
 Mr. Henry Allyn, Mr. Roger Newberry, for Windsor.
 Mr. George Phillips, Mr. Jabez Hamlin, for Middletown.
 Mr. Thomas Wells, Mr. Jonathan Hale, for Glassenbury.
 Mr. William Wadsworth, Mr. Anthony Judd, for Farmington.
 Mr. Joseph Phelps, Mr. James Smith, for Symsbury.
 Mr. Benjamin Hall, Mr. Jacob Johnson, for Wallingford.
 Mr. John Riggs, Mr. Samuel Bassett, for Derby.

Mr. Samuel Hill, Speaker, } of the House of Representa-
 Mr. John Bulkley, Clerk, } tives.

This day being appointed by charter and the laws of the Colony for the election of the publick officers of this corporation, (*viz.:*) Governour, Deputy Governour, Assistants, Treasurer, and Secretary, and proclamation being made, the freemen proceeded to give in their votes to persons appointed by the Governour, Council and Representatives, to receive, sort and count them; which persons were, James Wadsworth, Esq^r, Nathaniel Stanly, Esq^r, Joseph Whiting, Esq^r, Ozias Pitkin, Esq^r, Timothy Pierce, Esq^r, John Burr, Esq^r, Samuel Lynde, Esq^r, Edmund Lewiss, Esq^r, William Pitkin, Esq^r, William Wadsworth, Thomas Wells, Isaac Dickerman, John Richards, Ebenezer Silliman, Josiah Conant, Esq^{rs}, Messrs. Dudley Woodbridge, Jonathan Trumble and Theophilus Nickols. And the freemen's votes being bro't in, sorted and counted,

The Honourable Joseph Talcott, Esq^r, was chosen Governour of this Colony the year ensuing, and the Governour's oath and the oath required by act of Parliament relating to trade

and navigation, were administred to him in the presence of this Assembly.

The Honourable Jonathan Law, 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 the Assembly.

Samuel Eells, Roger Wolcott, James Wadsworth, Nathaniel Stanly, Joseph Whiting, Ozias Pitkin, Timothy Pierce, John Burr, Samuel Lynde, Edmund Lewiss, William Pitkin, and Roger Newton, Esq^{rs}, were chosen Assistants for the year ensuing, and the assistant's oath was administred to Samuel Eells, Roger Wolcott, James Wadsworth, Nathaniel Stanly, Joseph Whiting, Ozias Pitkin, Timothy Pierce, John Burr, Samuel Lynde, Edmund Lewiss, and William Pitkin, Esq^{rs}, in the presence of the Assembly.

Mr. John Whiting was chosen Treasurer of this Colony for the year ensuing, and had the Treasurer's oath administred to him accordingly.

And George Wyllys was chosen Secretary of this Colony for the year ensuing, and was accordingly sworn to that office and trust in the presence of this Assembly.

[246] This Assembly do appoint the Honourable Jonathan Law, Esq^r, to be Chief Judge of the Superiour Courts in this Colony for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^r, Roger Wolcott, Esq^r, James Wadsworth, Esq^r, and Joseph Whiting, Esq^r, to be Judges of the Superiour Courts in this Colony the year ensuing.

This Assembly do appoint William Pitkin, Esq^r, to be Judge of the County Courts in the county of Hartford for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^r, to be Judge of the County Courts in the county of New Haven for the year ensuing.

This Assembly do appoint Samuel Lynde, Esq^r, to be Judge of the County Courts in the county of New London the year ensuing.

This Assembly do appoint John Burr, Esq^r, to be Judge of the County Courts in the county of Fairfield the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^r, to be Judge of the County Courts in the county of Windham the year ensuing.

This Assembly do appoint the Honourable Joseph Talcott, Esq^r, to be Judge of the Court of Probates in the county of Hartford the year ensuing.

This Assembly do appoint Joseph Whiting, Esq^r, to be Judge of the Court of Probate in the district of New Haven the year ensuing.

This Assembly do establish Joshua Hempstead, Esq^r, to be Judge of the Court of Probates in the district of New London the year ensuing.

This Assembly do appoint John Burr, Esq^r, to be Judge of the Courts of Probate in the district of Fairfield the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^r, to be Judge of the Court of Probates in the district of Windham the year ensuing.

This Assembly do appoint James Hooker, Esq^r, to be Judge of the Courts of Probate in the district of Guilford the year ensuing.

This Assembly do appoint Jonathan Hoit, Esq^r, to be Judge of the Court of Probates in the district of Stanford the year ensuing.

This Assembly do establish and confirm Joseph Minor, Esq^r, to be Judge of the Court of Probates in the district of Woodbury the year ensuing.

This Assembly do appoint Samuel Mather, David Goodrich, William Wadsworth, John Marsh and Thomas Wells, Esq^{rs}, to be Justices of the Peace and Quorum in the county of Hartford the year ensuing.

This Assembly do appoint John Hooker, Hezekiah Wyllys, Henry Allyn, John Chester, Giles Hall, Jabez Hamlin, Joseph White, James Wells, John Bulkley, Nathaniel Foot, Benjamin Skinner, John Humphrey, John Buel, Joseph Bird, John Huntington, John Bissell, Samuel Olmstead, Israel Newton, and Thomas Hart, Esq^{rs}, to be Justices of the Peace in and for the County of Hartford the year ensuing.

[247] This Assembly do appoint Samuel Bishop, James Hooker, John Riggs, John Russell, and Samuel Hill, Esq^{rs}, to be Justices of the Peace and Quorum in the county of New Haven the year ensuing.

This Assembly do appoint Thomas Judd, Andrew Ward, Janna Meiggs, Samuel Gunn, Henry Crane, Samuel Hall, John Bostwick, jun^r, Benjamin Hall, Timothy Hopkins, Thomas Clark, Isaac Dickerman, John Prout, Roger Brunson, William Gold and Theophilus Yale, Esq^{rs}, to be Justices of the Peace in and for the county of New Haven the year ensuing.

This Assembly do appoint Daniel Palmer, Joseph Backus,

Joshua Hempstead, Benajah Bushnell, John Griswold, Esq^{rs}, to be Justices of the Peace and Quorum in the county of New London the year ensuing.

This Assembly do appoint Abraham Pierson, David Buel, Samuel Willard, Joseph Blague, Nathaniel Clark, Thomas Lee, Richard Lord, Thomas Prentiss, Jeremiah Miller, John Richards, Jabez Hide, William Hide, jun^r, Jabez Perkins, James Avery, Christopher Avery 2d, Humphrey Avery, John Brown, John Cook, Hezekiah Parke, Joseph Minor, Theophilus Baldwin and Daniel Dennison, Esq^{rs}, to be Justices of the Peace in the county of New London the year ensuing.

This Assembly do appoint Joseph Platt, Joseph Minor, Andrew Burr, John Thompson, Jonathan Hoit, Esq^{rs}, to be Justices of the Peace and Quorum in the county of Fairfield the year ensuing.

This Assembly do appoint Thomas Fitch, Moses Dimon, Samuel Couch, John Grigory, James Bebee, William Preston, Samuel Hanford, John Copp, Ephraim Curtiss, Samuel Hoit, James Rennals, Ebenezer Mead, jun^r, Nathaniel Peck, Thomas Bennett, Thomas Tousey, John Read, James Benedict, Joseph Keeler, and Benjamin Hecock, Esq^{rs}, to be Justices of the Peace in the county of Fairfield for the year ensuing.

This Assembly do appoint Joseph Addams, Ebenezer West, Richard Abbe and William Throop, Esq^{rs}, to be Justices of the Peace and Quorum in the county of Windham for the year ensuing.

This Assembly do appoint Joshua Ripley, Joseph Strong, John Woodward, Joseph Levinze, Peter Buel, Josiah Conant, Philip Eastman, Joseph Cadey, Leicester Grosvenour, Jonathan Huntington, John Ctery, Ebenezer Dow, Esq^{rs}, to be Justices of the Peace in the county of Windham the year ensuing.

This Assembly do appoint Roger Wolcott, Esq^r, and Capt. Henry Allyn, to return the thanks of this Assembly to the Reverend Mr. Jonathan Marsh, for his sermon which he preached before the General Assembly on the 13th day of May instant, and desire a copy thereof, that it may be printed.

This Assembly do appoint Joseph Whiting and Samuel Lynde, Esq^{rs}, Messrs. Roger Newberry, Eleazer Carey, Thomas Wells, Robert Treat, Jedadiah Chapman and Theophilus Nickols, to be Auditors to audit the Colony accounts with the Treasurer and make report at this time.

This Assembly do establish and confirm Gideon Hollister to be Lieutenant of the company or trainband at the parish of

Eastbury in the town of Glassenbury, and order that he be commissioned accordingly.

[248] This Assembly do establish and confirm Mr. John Breed, junr, to be Captain of the third company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Brown to be Lieutenant of the third company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Christopher Palmer to be Ensign of the 3d company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Crocker to be Lieutenant of the 4th company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Daniel Dennison to be Ensign of the fourth company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan Smith to be Ensign of the 3d company or trainband in the town of Groton, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Joseph Smith, junr, to be Ensign of the north company or trainband in the town of Midletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Cowles, junr, to be Ensign of the company or trainband at the parish of Southington in the town of Farmingtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mathew Griswold to be Ensign of the fifth company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Lewiss to be Captain of the 3d company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy

Phelps to be Lieutenant of the 3d company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Nye to be Ensign of the company or trainband in the town of Tolland, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Rudd to be Captain of the 2d company or trainband in the town of Windham, and order that he be commissioned accordingly.

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

[249] This Assembly do establish and confirm Mr. Isaac Burnapp to be Ensign of the 2d company or trainband in the town of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Lawrence to be Captain of the 1st company or trainband in the town of Plainfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Stephens 3d, to be Lieutenant of the 1st company or trainband in the town of Plainfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Spaulding to be Ensign of the 1st company or trainband in the town of Plainfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Whitney to be Captain of the 2d company or trainband in the town of Plainfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Parkhurst Lieutenant of the 2d company or trainband in the town of Plainfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Warren to be Ensign of the 2d company or trainband in the town of Plainfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Morriss Tillotson to be Captain of the south company or trainband in the town of Hebron, and order him to be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Phelps

Lieutenant of the south company or trainband in the town of Hebron, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Buel to be Ensign of the south company or trainband in the town of Hebron, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Steadman Ensign of the third company or trainband in the town of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Boardman to be Lieutenant of the company or trainband in the parish of Newington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Willard Ensign of the company or trainband in the parish of Newington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Comestock to be Lieutenant of the fifth company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Saunders to be Ensign of the fifth company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Olmstead Captain of the company or trainband in the town of Ridgefield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Olmstead to be Lieutenant of the company or trainband in the town of Ridgefield, and order that he be commissioned accordingly.

[250] This Assembly do establish and confirm Mr. Benjamin Hoyt Ensign of the company or trainband in the town of Ridgefield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Hamlin Captain of the company or trainband at the New Field in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Gilbert to be Lieutenant of the company or trainband at the New Field in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Philip Kirtland Lieutenant of the north company or trainband in the town of Saybrook, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. George Hubbard Lieutenant of the southeast company or trainband in the town of Middletown of the east side of Connecticut River, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Yeomans to be Ensign of the southeast company or trainband on the east side of Connecticut River in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Bulkley Captain of the 2d Troop in the county of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Horner Lieutenant of the 2d Troop in the county of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Otis Cornet of the 2d Troop in the county of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Olmstead Quarter Master of the 2d Troop in the county of Hartford, and order that he be commissioned accordingly.

An Act in Addition to An Act entituled An Act for Amendment of the Law providing Auditors shall be appointed in Actions of Account, &c., and for Amending the Writ upon Pleas in Abatement.

Whereas in said act special reference seems to be had to actions brought to the county and superiour courts :

It is now resolved and enacted. by this Assembly and the authority thereof, That, for the future, the last paragraph of said law, respecting the amendment of writs ordered to abate, shall extend to all actions brought before any assistant or justice of the peace; any law, usage or custom to the contrary notwithstanding.

Whereas the bills of credit on this Colony of sundry denominations have been counterfeited and uttered by evil-minded persons; and further to carry on the fraud and deceit, it hath been wickedly practiced to break said bills into halves and quarters; whereby our publick officers and private persons are rendered unable to discover the counterfeit bills and the cheat and deceit therein: Which evil practice the better to prevent,

[251] *Be it enacted by the Governour, Council and || Representatives, in General Court assembled, and by the authority of the same,* That no person henceforward do adventure to halve or quarter any of the bills of this Colony of the denominations of five pounds, forty shillings, twenty shillings, ten

shillings, or five shillings, on pain of the displeasure of this Assembly.

And it is hereby further enacted, That the Treasurer of this Colony shall not, after the twentieth day of May next, receive any halves or quarters of any of the bills of this Colony of the denominations abovementioned in any payments to the publick treasury whatsoever. And further, the Treasurer is hereby forbidden to emit and pay out of the treasury any halves or quarters of the bills of this Colony of the aforesaid denominations; who is also hereby directed to receive any of the halves or quarters of the true bills of this Colony of the said denominations, and give in exchange for them the bills lodged in his hands for exchange, at any time before the said twentieth day of May next, and no longer. **1160582**

An Act for stating the Fees of the Judges of the Superior and County Courts, and of the Assistants and Representatives in the General Assembly, and of the Justices of the Quorum.

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 judges of the superiour court shall have, for each day's attendance of each of them on the said court, eighteen shillings; and that the judges of the several county courts in this Colony, respectively, shall, for each day's attendance, have fourteen shillings; and that the assistants, for their attendance on the General Assembly, each twelve shillings *per diem*; and each representative, for his attendance on the General Assembly, nine shillings *per diem*; and that the justices of the quorum shall, for their attendance on the county court, have each ten shillings *per diem*; any law, usage or custom to the contrary notwithstanding.

An Act in Addition to an Act entituled An Act for enlarging and stating Posts' Wages, and Witnesses for their Travel.

Resolved by this Assembly, That, for the future, all posts employed in the publick service shall be allowed six pence per mile out, and no more.

An Act for the better providing for Jurys in Tryals in Civil Causes, and for the better Payment of Searchers and Gaugers of Tar and Turpentine, and for further Allowance to Witnesses.

Resolved by this Assembly, That the jurys in the several courts of tryals shall have thirty shillings for each action they shall try; and that the searchers and gaugers of tar and turpentine shall take for their searching and gauging each barrel of tar or turpentine four pence; and that witnesses that attend at any of the courts of pleas shall be allowed three shillings *per diem* for their attendance.

An Act referring to the Law entituled An Act in Addition to the Law entituled An Act for regulating the Militia.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That every centinel above the age of fifty years shall be released out of the trainbands within this Colony, but not from keeping arms and ammunition, &c., as mentioned in said act.

An Act in Addition to An Act entituled An Act to encourage the destroying of Wolves, &c.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, [252] That if any person or persons || shall kill or destroy any grown wolf or wolves within the bounds of any town in this Colony, such person or persons shall receive out of the publick treasury the sum of five pounds, and no more; and twenty shillings, and no more, out of the treasury of the town within the bounds whereof such wolf shall be killed; as a reward for killing the same; and half so much out of each of the aforesaid treasuries for every wolf's whelp that shall be killed as aforesaid.

An Act in further Addition to an Act entituled An Act in Addition to an Act concerning Sheep and Swine.

Forasmuch as great damages are often done amongst cattle and sheep by their being worried or killed by dogs in the woods or elsewhere, whereof full proof of the facts cannot be had, by means whereof the owner or owners of such sheep and cattle are without remedy for their damages, and the dogs suffered to live in cases where there is great cause to suspect what dog or dogs were the doers of such mischief: For remedy whereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, &c., That when any person or persons, living in any town in this Colony, shall complain to any one of the selectmen of such town, or to any one of the sheep-masters of the flock within the limits whereof such mischiefs are done, that the cattle or sheep have been greatly worried or have been killed or wounded by dogs, and that there is suspicion what dog or dogs did said mischief, and informs such selectman or sheep-master what dog or dogs they are that are so suspected, such selectman or sheep-master shall consider what such complainant shall offer as cause of such suspicion, and, if he judge it needful, of any other matter that may convince him of the reasonableness or unreasonableness of such suspicion, and when he shall be satisfied there is great suspicion the dog or dogs complained of have

done the mischiefs mentioned in such complaint, such selectman or sheep-master is hereby directed to declare his opinion that he hath considered such dog or dogs shall be killed; after which sentence given, it is hereby declared lawful for any person or persons to kill such dog or dogs.

And be it further enacted, That if after such sentence given, such dog or dogs shall not be killed by the owner or owners, or by some other person, and such mischief shall again be done by dogs, the owner or owners of such cattle or sheep worried, killed or wounded by dogs, shall recover all his damages against the owner or owners of such dog or dogs sentenced to be killed as aforesaid; unless upon tryal the owner or owners of such dog or dogs shall satisfy the court, assistant or justice, before whom the tryal is, that the damages were not done by his or their dog or dogs sentenced as aforesaid. Always provided, that the owner or owners of such dog or dogs be notified of the sentence of such selectman or sheep-master before the damage sued for was done, and that no prosecution for damage by virtue of this act be made after four days from the time such damages were done.

Resolved by this Assembly, That the Treasurer of this Colony deliver to the Honourable the Governour and Nathaniel Stanly, Esqr, so much in bills of credit lodged in the treasury as may be sufficient to purchase one hundred pounds sterling, which the said Honourable the Governour is desired to transmit to our Agent, Mr. Wilks, in Great Britain, to be improved by him to prevent the ill designs of Capt. John Mason, gone home to make complaints against this government; and other services of this Colony, as occasion may require.

Upon the report of the committee for repairing Yale College of sundry disbursements thereon: This Assembly order [253] that Capt. Isaac Dickerman draw || out of the publick treasury, for defraying the same and perfecting the repairs of said college, the sum of fifty pounds.

An Act directing that there shall be a Contribution, and the Money thereby raised to be improved for the Civilizing &c. of the Indians, and a Sum granted for the Instructing the Nahantick Indians in the Town of Lyme in the County of New London.

Notwithstanding that the first settlers of this Colony from time to time by persons skilled in the Indian tongue endeavoured to gain the said natives to a belief of the Christian religion, yet the said Indians did generally refuse the same: but of late the Indians have desired to be instructed in the Christian religion, which this government, as well as many pious persons therein, have encouraged: And to the end that so good a work may be furthered,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That at the next publick Thanksgiving that shall be appointed in this Colony, there shall be a contribution attended in every ecclesiastical society or parish in this government, and that the money that shall be raised thereby shall be improved for the civilizing and christianizing of the Indian natives in this Colony, (exclusive of the Moheags, who are already provided for;) and that his Honour the Governour send forth his order to the ministers of the respective parishes accordingly; and the Governour and Council, for the time being, are hereby appointed to receive the said contribution, and they are hereby directed carefully to improve the same for the end abovesaid; and they shall give an account of their doings therein to this Assembly, that so further care from time to time may be taken.

And whereas this Assembly are now informed that the said Nahantick Indians desire their children may be instructed,

Thereupon it is resolved, that the Colony Treasurer do pay out of the publick treasury unto Messrs. Thomas Lee of Lyme, and Stephen Prentiss of New London, the sum of fifteen pounds; who are appointed to receive the same, and therewith they shall hire some suitable person to instruct the said children to read, and also in the principles of the Christian religion, and also render an account to this Assembly of their disbursements of the money aforesaid.

Whereas this Assembly in October last did order that the charges of subsisting certain Indian children at the school at Farmingtown should be paid out of the publick treasury: Whereupon Capt. William Wadsworth hath laid before this Assembly an account of the said charges, which amounts to the sum of twenty-eight pounds, which is hereby ordered to be paid out of the publick treasury unto the said Capt. Wadsworth, who shall pay the several sums to the respective persons mentioned in said account.

This Assembly being informed that a parcel of Indians that sometime dwelt at New Milford are removed and settled on the west side of Ousatunnuck River, in a bow on the west side thereof, about three or four miles above New Fairfield, upon a piece of plain land there, and have a desire to continue at said place: Whereupon it is resolved by this Assembly, that no person shall lay out any grant or farm on said plain piece of land without the special leave of this Assembly. And it is further hereby enacted and declared, that whosoever shall, contrary to this order, survey or cause to be surveyed or laid

out any grant of this Court in the place aforesaid, shall not thereby procure any title thereto.

[254] Upon the report of Roger Wolcott and Nathaniel Stanly, Esqrs, and others, shewing to this Assembly that there are several sums of money due to this government from sundry persons mentioned in said report, amounting [to] £4819 4s. 3d.: This Assembly do order that the Colony Treasurer forthwith proceed to levy and recover said sums of money, and any others that are due to this government. And in such cases wherein judgment is already recovered, the Treasurer is directed to take out execution and deliver the same into the hands of some officer proper to levy the same, taking his receipt.

Whereas by the account bro't in by the committee appointed by this Assembly to look into the Treasurer's entries in reference to sundry sums of money due to the Colony, Joseph Backus, sheriff of the county of Hartford, was found in arrears, having received divers sums due to the government and not paid the same into the Treasurer's hands, upon which the said sheriff hath at this time desired to give bond with sufficient surety for the money due from him as aforesaid: Whereupon this Assembly do appoint and fully empower Nathl Stanly, Esqr, and Capt. John Marsh, of Hartford, to be a committee to enquire into and state the sums of money due from the said sheriff, as aforesaid, with the Treasurer, and cause a proper entry thereof to be made by the Treasurer, and then to take sufficient bond, to the Governour and Company, of the said sheriff, and a substantial surety; both principal and surety to be joyntly and severally bound for the whole and in the whole sum due from the said sheriff, with lawful interest for the same, when it shall be stated and settled as aforesaid.

It being moved in this Assembly, that some further provision may be made at the time for effecting a division of all such lands as are now lying in common between the government and the towns of Hartford and Windsor, agreeable to an act of this Assembly in May, 1731, which has till this time been omitted, for want of the assistance of James Wadsworth, Esqr, whose publick improvement in the government has been an hindrance in his way to said service: Thereupon this Assembly do resolve, that Capt. John Riggs be added to the committee heretofore appointed for that service, that any two of the gentlemen a committee from the government have power to joyn with the committee from said towns in effecting said division, and make report to this Assembly in May next.

This Assembly do appoint Samuel Lynde, Esqr, to be Major

of the county of New London, and order that he be commissioned accordingly.

This Assembly do appoint Mr. Ebenezer Silliman to be one of the County Surveyours in the county of Fairfield.

To the Honourable General Assembly to be holden at Hartford in May, A. D. 1736. Pursuant to the order of the Honourable General Assembly holden at New Haven October 8th, 1735, granting to the inhabitants of the town of Hebron that we, the subscribers, should repair to the said town and view the circumstances thereof, and fix and ascertain a place for their meeting house to be built upon, and make report of our doings thereon to this Assembly: We, the subscribers, on the 14th, and 15th days of April, 1736, accordingly did re-[255] pair to said town || and view their circumstances, and ascertain and affix the place to build their meeting house upon, which is in the wast land on the hill about ten or eleven rods easterly from the dwelling house of Mr. John Phelps in said town, on which we stuck down a stake about two foot distance from a black oak bush; the said house to be erected in the most convenient place within the space or distance of three rods from the said stake or bush; which place we judge to be the most convenient place to build their meeting house upon. All which we humbly submit to this Assembly.

Ebenezer West, Richard Abbe, Eleazer Cary.

The foregoing report being read, &c., is accepted and approved of by this Assembly.

To the Honourable General Assembly, to be convened at Hartford May the second Thursday, *anno Domini* 1736:

Whereas it was your Honours' pleasure (at the petition of the inhabitants of the north society in Killingsworth) to appoint us, the subscribers, to repair to said society and view the same, and, upon hearing, to pitch upon a place for the setting up a meeting house for divine service, do now take leave to inform your Honours that, having attended said service this 13th day of November, 1735, and fully heard the parties concerned, have pitched upon a place upon a stony hill northerly from the new bridge over the Bare-Swamp brook, where we marked a walnut tree with the letter **M**, and laid some stones at the root of said staddle, which stands about forty or fifty rods from said bridge; which place we are of opinion will well suit said society for to set their meeting house on. All which is humbly submitted by your Honours' obedient servants.

James Wadsworth, Samuel Lynde, Samuel Hill.

The above report was read in and approved by this Assembly,

and said society is ordered to proceed to build their meeting house upon the place pitched upon by said committee, as aforesaid.

The Additions to the Lists of Estate of the Several Towns hereafter mentioned, sent in to this Assembly, are as follow, (viz.)

	<i>Single additions.</i>			<i>Fourfold assessments.</i>		
To Hartford,	£683	18	9	-	-	£1007 7 0
To New Haven,	1616	17	9	-	-	132 0 0
To New London,	1070	0	0	-	-	1061 0 0
To Fairfield,	393	9	0	-	-	1377 3 0
To Windham,	149	0	0	-	-	
To Norwich,	163	1	0	-	-	169 4 0
To Milford,	253	3	0	-	-	
To Saybrook,	614	12	6	-	-	230 16 0
To Stratford,	1389	7	9	-	-	
To Windsor,	966	0	0	-	-	
To Guilford,	17	7	0	-	-	1526 2 0
To Lyme,	387	19	6	-	-	65 2 0
To Lebanon,	1114	17	0	-	-	
To Woodbury,	52	2	6	-	-	
To Colchester,				-	-	325 4 0
To Farmington,	305	6	0	-	-	88 16 9
To Killingsworth,	158	17	6	-	-	
To Canterbury,	85	2	6	-	-	
To Preston,	573	0	6	-	-	176 14 0
To Stamford,	445	7	0	-	-	76 14 0
To Middletown,	126	13	0	-	-	65 0 0
To Wallingford,	296	7	0	-	-	
To Glassenbury,	621	1	11	-	-	
To East Haddam,	537	19	0	-	-	909 4 0
To Mansfield,	810	8	0	-	-	
To Waterbury,				-	-	229 0 0
To Hebron,	208	10	0	-	-	
To New Milford,	97	7	0	-	-	23 10 0

[256] Upon the memorial of the inhabitants of the town of Windsor, shewing to this Assembly that the east bounds of the town of Symsbury, by order of this Assembly, was laid out by Messrs. Nickols, Steel and Stanly, *anno Dom.* 1687, which said line was confirmed *anno Dom.* 1710; and when the town of Symsbury was laid out by David Goodrich, Thomas Kimberly, Esq^{rs}, and Jonathan Burnham, they began at the southeast corner at the ancient monument at the southeast corner of Symsbury, being a white oak tree with stones about it, and from thence run the easterly bounds of Symsbury to the northeast corner thereof; and the said memorialists shew-

ing to this Assembly that, althô the said white oak tree hath for above fifty years been perambulated from as the southeast corner of Symsbury, yet, of late, the inhabitants of the town of Symsbury have refused to perambulate the bounds between Symsbury and Windsor; and thereupon praying to this Assembly to declare and order where the bounds between the towns of Windsor and Symsbury is and shall remain, and appoint a committee to run and ascertain the same, by making monuments therein according to law: It is considered, resolved and declared, that the bounds between the towns of Windsor and Symsbury shall begin at the white oak tree, at the southeast corner of Symsbury, (mentioned in the report of Messrs. Goodrich, Kimberly and Burnham, when they laid out the town of Symsbury;) and from thence a straight line to the northeast corner of Symsbury, as laid out by Goodrich, Kimberly and Burnham, is, and shall remain to be, the dividend bounds between the towns of Windsor and Symsbury. And this Court do appoint and fully impower Capt. Thomas Wells of Glassenbury and Mr. Jonathan Burnham of Weathersfield, to run the said dividend line, and ascertain the same by making monuments in it, according to law; to be done at the cost of the town of Windsor. And the said committee are to notify the selectmen of Symsbury of the time of their laying out said line, six days at least before they begin the work.

Upon the petition of Jonathan Ellsworth, of Windsor in the county of Hartford, sole surviving executor of the last will and testament of John Elliot, late of Windsor aforesaid, Esqr, deceas'd, against Samuel Strong, of said Windsor, and John Parry, of Ashford in the county of Windham, and Bridgett his wife, administrators on the Estate of Mr. Ebenezer Fitch, late of the said Windsor, deceas'd, shewing to this Assembly that the said Elliot, in and by his last will and testament, had appointed and nominated the said Ellsworth and the said Fitch his executors, who had accepted said trust, and that a very considerable part of the estate of the said Elliot, deceas'd, had come into the hands of the said Fitch, deceas'd, and remained in his hands at the time of his decease, &c.; and that the petitioner could have no remedy in the common course of the law against said administrators; and thereupon praying this Assembly to order that the said administrators shall account for the whole of the estate of the said testator, Elliot, that came into the hands of the said Fitch, deceas'd, with the profits thereof; and praying this Assembly to appoint auditors, to hear and adjust the said accounts, and make return of their award at the sessions of this Assembly in October next, as by the said petition appears. The said

petitioner and the said administrators appeared, and the said administrators declared they had nothing to object against this Assembly granting the prayer of the said petitioner. Where- [257] upon this Assembly do order and appoint || that William Pitkin, Esq^r, and Capt. Thomas Seymour, both of Hartford, and Capt. John Bissell of Bolton, shall be auditors, to hear the accounts aforesaid and the parties thereon, and adjust and settle the same, and make report of their award and doings in the premises to this Assembly at their sessions in October next.

Upon the petition of James Harriss of New London *vs.* Peregrine Gardner of said New London, praying for a new tryal of a case between them, which had its final tryal at the superiour court at Norwich in March last, and for a reversal of said judgment: Resolved by this Assembly, that the said Harriss have another tryal of said case at the superiour court to be held at New London on the fourth Tuesday of September next, and that the future cost only follow the final judgment in said case.

Upon the petition of Nathaniel Burnham and Daniel Warner of Weathersfield, complaining of wrong done them by a jury appointed and sent out by the county court in the county of Hartford to lay out a highway thro' several divisions of land in said Weathersfield; praying that a jury may be again sent out to lay out said way, in such place as they may think proper, and also to apprise what damages any particular person may sustain thereby: Resolved by this Assembly, that the adjourn'd county court, to be holden at Hartford in June next, do, by their order, direct the sheriff of the county to summon a jury of good and lawful men of the county, to lay out said highway anew, in part or whole as they shall think proper, and apprise what damages particular persons may sustain thereby; and particularly, to apprise what damages the petitioners may sustain by the new laying out proposed or by reason of the former laid out, if the jury that shall be summoned and sent out by order of said county court approve of the former laying out; provided the petitioners will be at the charge of the application to the county court, jury, &c.

Upon the prayer of Abigail Wills of Windsor, shewing to this Assembly that she is under distressing circumstances, being impotent and unable to support herself, and the two towns of Hartford and Windsor (to one of which she undoubtedly belongs) refusing to afford her any relief, whereby she is in danger of perishing for want of sustenance: Resolved by this Assembly, that the said Abigail Wills (as soon

as she conveniently may) be carried to Windsor, (where her right of dower was, till of late disposed of,) and there delivered to one of the selectmen or overseers of the poor in said town, who are hereby commanded to receive said Abigail Wills and provide for her as their own poor, until they shall be by law discharged therefrom. And it is further resolved, that the said selectmen, for the time being, shall, and they have hereby full and free liberty to take out a writ of *scire facias* against the town of Hartford, (if they see cause,) to appear at the superiour court in Hartford and shew cause why they should not be chargeable with the maintenance of said Abigail Wills; which court shall, upon hearing the parties, determine the case according to law.

Upon the petition of John Dowde *vs.* Charles Hazelton: Resolved by this Assembly, that the evidences of James and Benjamin Right, given into this Court by the petitioner, shall lye on the files of this Court; and in case the bond referred to in the petition be ever put in suit, the said evidences shall be received and improved in the tryal, and be accepted of [258] equal credit and force as if the witnesses were || present, in case the witnesses, or either of them, cannot be at the tryal, by reason of death, sickness, being out of the government, or any extraordinary providence. And, inasmuch as it appears very suspicious that the said bond was fraudulently obtained: It is resolved by this Assembly, that the said bond be put in suit within the space of one year after the rising of this Assembly; and forever after, whoever would take benefit thereby shall be wholly barred and secluded. *Cost allowed the petitioner is £8 18s. 4d.*

On the petition of Joshua Raymond, agent for the north parish in New London, *vs.* James Hillhouse, &c.: The question was put, whether anything should be granted, and resolved by this Assembly in the negative.

On the petition of Daniel Dickingson *vs.* Nathaniel Rizley and Elizabeth his wife, and David Rizley and Abigail his wife: The question was put, whether anything should be granted, and resolved by this Assembly in the negative. *Cost allowed respondents is £2 19s. 3d.*

On the petition of Simon Chapman of Windsor *vs.* William Thrall of Windsor: The question was put, whether anything should be granted, and resolved by this Assembly in the negative. *Cost allowed the respondent is £3 15s. 5d.*

The petition of Jacob Gray, Isaac Gray, William Gray, Samuel Gray, Thomas Disbrough and Abigail his wife, John Nott and Martha his wife, Sarah Jackson, all of Fairfield,

and Christopher Sturgis and Mary his wife, of Stamford *vs.* Andrew Burr and the rest of the proprietors of the common and undivided land in Fairfield, being read and the parties heard upon the same: The question was put, whether anything should be granted thereon, and resolved by this Assembly in the negative. *Cost allowed the respondents is £4 15s. 10d. Ex. granted May 29th, 1736.*

Upon the memorial of the inhabitants of the town of Ashford, shewing to this Assembly that, *anno Dom. 1714*, by order of the General Court, they procured the bounds of said town to be set out, beginning at Pomfrett northwest corner and extending thence to Woodstock southwest corner, and from thence northward to a heap of stones on a rock upon the southeasterly side of a large hill westward of and not far distant from a meadow lying on Still River, so called, near the west bounds of Woodstock; that, in the year 1723, Thomas Kimberly, surveyour of the county of Hartford, was directed to run a line for the west bounds of Ashford, and to begin at the nine mile and half tree, (so called,) in the line of Windham and Mansfield, and to continue a north line from thence with the variation of nine degrees east till it intersected Coll. Allyn's north line aforesaid; that, in May, 1724, the said inhabitants obtained a patent, wherein said north bounds is particularly expressed and confirmed to be, from said rock and stones laid on it by Coll. Allyn, and to extend six miles and half west nine degrees north, being the course run or intended to be run, by said Coll. Allyn; that, in October last past, the county surveyour of Windham county run said north line from said northeast bounds, whereby it appeared that the north bounds of said town were not well set out according to their patent; and praying this Assembly to enact, that the doings of said county surveyour of Windham county, in ascer- [259] taining the said bounds, be confirmed and ratified: || Thereupon resolved and declared by this Assembly, that a line beginning at a rock with a heap of stones upon it, which stones are marked **W** on the one side, for Woodstock, and **A** on the south side, for Ashford, which is the northeast corner of said Ashford, and **U**, for Union, on the westerly side, thence west nine degrees north to the extent of six miles and thirty rods to a stake and heap of stones thirty nine rods due north from a stake and stones set up by Mr. Kimberly for Ashford northwest corner, shall be and remain to be the north bounds of the town of Ashford forever.

Upon the memorial of John Hurlburt and others, inhabitants of the town of Woodbury, shewing to this Assembly the great difficulties they are exposed unto in their attendance

upon the publick worship of God in the northern society in Woodbury, to which they belong, and praying for relief: Resolved by this Assembly, that Messrs. Isaac Dickerman, John Riggs, and John Bostwick, jun'r, be a committee, at the charge of the memorialists, to repair to the town of Woodbury and, having given notice to the inhabitants in the north society in Woodbury, to view the circumstances of the memorialists and consider, whether it be convenient to make them a distinct society with the bounds and limits proposed in their memorial, and make report to this Assembly in October next.

Upon the memorial of James Norman of Norwich, administrator on the estate of Nathaniel Leffingwell, late of said Norwich, deceas'd, shewing to this Assembly that the debts due from the said deceas'd amounted to the sum of £100 13s. 2d., more than the personal estate of said deceas'd, and that he hath nothing in his hands for the payment of said sum; also shewing that there is a large estate in lands, of which the deceas'd dyed possessed and seized; praying that he may be impowred, by the order and direction of this Assembly with the concurrent direction of the court of probate in the county of New London, to sell so much of the said lands as will be sufficient for the payment of the said £100 13s. 2d, together with the necessary costs of the said memorial and sale aforesaid, to be allowed by said court of probate; as by the said memorial appears: This Assembly have thereupon ordered and fully impowred the said James Norman to make sale of so much of the lands of the said deceas'd as may be sufficient for the payment of the said sum of £100 13s. 2d, with the necessary charges aforesaid, to be allowed by and according to the direction of the court of probate in New London.

On the memorial of James Cone, agent for the parish of Millington, in the township of East Haddam, praying this Assembly to appoint such method as this Court shall think best for prefixing a place to erect a meeting house upon in said society: Granted, that Giles Hall, Richard Lord, and Samuel Willard, Esq^{rs}, be a committee to repair to said parish of Millington and ascertain a place they shall think most proper and convenient for erecting a meeting house in said parish, and report their opinion to this Assembly in October next.

Upon the memorial of the inhabitants of the northerly and northwesterly parts of the town of Mansfield, shewing to this Assembly that many of the inhabitants in said town live very remote from the place of the publick worship of God in Mansfield, and are laid under very great difficulties in their attendance upon the same; and that, in consideration thereof,

[260] the inhabitants of said town did, February last || past, vote and agree to apply themselves to this Assembly for a committee to view their circumstances, see if it were convenient to divide said town into two distinct societies, and, if so, to fix a divisional line, &c.: Resolved by this Assembly, that William Pitkin, Esqr, John Marsh and Ebenezer West, Esqrs, be a committee to repair to the town of Mansfield, and having notified the said inhabitants, to view their circumstances, and hear them in relation to said proposed division, and, upon their judging the same convenient, proceed to draw and describe a divisional line, and make report to this Assembly in October next.

Upon the memorial of the inhabitants of the parish of New Cheshire in Wallingford, by their agent, Benjamin Hall of said parish, shewing to this Assembly that the said parish did, by their vote, (wherein more than two-thirds of said inhabitants qualified by law to vote were in the affirmative,) agree to build a meeting-house for the publick worship in said parish; and praying this Assembly to appoint a committee to affix and ascertain the place for the said parishioners to build a meeting-house upon: This Assembly do, therefore, appoint William Wadsworth, John Riggs, Esqrs., and Capt. Jonathan Allyn, to be a committee to repair to said parish and to view the circumstances thereof, and satisfy themselves as to the most suitable place for the said parishioners to build a meeting-house upon, and make report to this Assembly in October next.

Upon the memorial of Joshua Raymond, of the north parish in New London, agent for said parish, shewing to this Assembly that Joseph Backus, Esqr., Messrs. Simon Lothrop and John Huntington, auditors appointed by this Assembly to settle accounts between the said parish and Mr. Hilhouse, had found the said parish in arrears 587*l.* 9*s.* 3*d.*, of which part was paid, and that said parish had granted a rate of six pence on the pound to ballance the whole, and no man in said parish could be prevailed upon to gather the said rate, &c.; praying that the sheriff of New London county might be appointed to collect the same and pay the same to the committee of said parish in two months, and to allow him the same fees as the law allows in other cases, and that the execution issued out against said parish for the arrears aforesaid may be suspended two months: This Assembly grants the prayer of said memorialist, and the said sheriff is hereby ordered to collect the said rate and make payment thereof to the said committee, taking the fees allowed by law in other cases; and that the said ex-

ecution against said parish be, and the same is hereby ordered to be, suspended for two months.

Upon consideration of the memorial of the Rev^d. Timothy Woodbridge of Symsbury, the memorial of the inhabitants of the north society in Symsbury, the memorial of the inhabitants of the south society in Symsbury, the memorials of the inhabitants of Turkey Hills in Symsbury, the inhabitants of the north part of Symsbury called Salmon Brook, The Falls, and Higleys, the memorial of sundry persons living in Symsbury, Windsor and Farmingtown: It is resolved, that Roger Wolcott, Esq^r, James Wadsworth, Esq^r, and Capt. Thomas Wells, be a committee, and they are hereby appointed a committee, to repair to Symsbury, upon the costs of the memorialists, and to hear the parties on said memorials, and consider the same, [261] and make || their report, how they find the true state of the matters laid in said memorials, with their opinion thereupon, to this Assembly in October next. The said committee are to direct and advise the people of Symsbury, in what manner to defray the ministerial charges in said town for six months last past, and until the latter end of October next.

Whereas this Assembly, in its sessions at New Haven, October, *anno Dom.* 1735, did, upon the memorial of Samuel Kingsbury, grant liberty that Josiah Conant, surveyour of the county of Windham, should survey and make an apprizal of two certain tracts of ungranted lands belonging to this government, lying in the mile of land, so called, that lyes adjoining to Voluntown, which pieces of land lye near and adjoining to the land of said Samuel Kingsbury, in order to the said Kingsbury's having said land made sure to him; and the said surveyour having surveyed said land and laid a plat of the same, as also his apprizal of the same, before this Assembly, which is accepted; and granted, that if the said Kingsbury shall pay to the Treasurer of this Colony, for the use of the government, the sum of twenty-two pounds fourteen shillings and three pence in good bills of publick credit, at or before the first day of October next, that then he have a patent executed for the same in due form by the Governour and Secretary.

Upon the memorial of the inhabitants of Stafford, shewing to this Assembly their indigent circumstances, and difficulty to support the gospel ministry among them, praying for a tax on all the unimproved land within said town: Granted by this Assembly, that the town of Stafford aforesaid are allowed and impowred, for the space of four years next ensuing, to levy a tax of one penny per acre *per annum* on all the unim-

proved lands within said town, and the money so raised shall be by the collector of said town collected and paid into the hands of John Huntington, Esq^r, and Capt. Samuel Chapman, of Tolland, they or either of them to receive and improve the same for the support of the gospel ministry in said town.

Upon the memorial of Ebenezer Sage of Middletown, administrator on the estate of Samuel Stow, jun., late of said Middletown, deceas'd, shewing to this Court that the debts due from the estate of said deceas'd surmount the moveable part of said estate the sum of 10*l*. 19*s*. 10*d*., also shewing that there is real estate of which the deceas'd dyed seized, of which lyeth in a house about four acres of homestead, &c., and thereupon praying this Assembly to empower the memorialist to sell the said house and so much of the land of said deceas'd as may be sufficient to procure and pay the said sum of 10*l*. 19*s*. 10*d*. together with the necessary charges thereon, to be sold as the court of probate in Hartford shall direct: This Assembly do thereupon order and fully empower the said administrator, to sell the said house, and so much of the lands of the said Stow, deceas'd, as shall be sufficient for the payment of the said sum of 10*l*. 19*s*. 10*d*. with the necessary charges arising on such sale, according to the direction of the court of probate in Hartford aforesaid.

Upon a representation made by some of the inhabitants in Colchester, Hebron and Glassenbury, of their difficulty in attending upon and having access to the publick worship of God in the aforementioned places to which they respectively belong, shewing also that they have obtained the liberty of the ministers whereto they || belong, to hire an orthodox minister to preach the word of God to and amongst them; praying this Assembly would grant them the aforesaid privilege: Resolved by this Assembly, that the memorialists, inhabitants as aforesaid, shall and may have liberty of hiring an orthodox minister to preach the word of God to them as prayed for; provided that the minister they shall hire, &c., be one that hath the approbation of some association in the government; and they are hereby granted liberty of having a minister as aforesaid, with the approbation of some association as aforesaid; provided also, that they be not excused from taxes towards the support of the gospel ministry and other society charges in the societys to which they respectively belong.

Upon the memorial of the inhabitants of the town of New Milford, praying for liberty to ask the contribution of such as this Assembly shall think proper, towards building a bridge over the river at said New Milford: Granted, that the select-

men of said town have liberty to ask the contribution of such persons as they shall see cause, within the counties of New Haven and Fairfield, to the amount of £200; and that they keep an exact account of what they so receive and of their disposition of the same, and lay it before the Hon^{ble} Jonathan Law and Samuel Eells, Esq^{rs}, for their approbation.

On the memorial of John Winston of New Haven, &c.: Granted, that the said memorialist be released and exempted from being charged for his head in the publick lists for the future, and is hereby released and exempted accordingly.

Upon the petition of Samuel Smith and the rest of the inhabitants that attend the publick worship of God in the meeting house in the west parish in New Haven, setting forth the difficult circumstances of said parish, being unable to settle and support a gospel minister among themselves, after so many disappointments: This Assembly do grant to said inhabitants the sum of forty pounds a year, for the space of four years next coming, to be paid out of the publick tax that shall be levied by order of this Assembly upon the town of New Haven. And Joseph Whiting, Esq^r, and Capt. Isaac Dickerman are to receive such sums of money, and take effectual care that the same be improved for the settling or supporting of an orthodox gospel minister in said parish.

This Assembly grants to his Honour the Governour the sum of three hundred and fifty pounds for his service the year current, one half to be paid in June next, the other half in October next.

This Assembly grants to his Honour the Deputy Governour the sum of one hundred and seventy-five pounds for his service the year current, and that the one half be paid in June next, and the other half in October next.

This Assembly grants to Francis Wilks, Esq^r, Agent for this Colony, &c., the sum of one hundred and fifty pounds in bills of credit, to be paid him out of the publick treasury, for his years salary.

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

Whereas this Assembly have been informed from the Treasurer of this Colony that he hath not a sufficiency of money in his hands to defray the charges of this Colony,

[263] *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That the said Treasurer shall be, and he is hereby, impowred and authorized, to issue out and deliver the sum of one thousand pounds of the exchange bills of the new im-

pression now in his hands, towards the payment of the debts and necessary charges of this Colony, 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 said bills into the treasury again, this Assembly grants a tax or rate of one thousand and fifty pounds, to be levyed on the polls and all other rateable estate within this Colony, and to be paid into the treasury at or before the last day of May, A. D. 1741; which said rate shall be paid in bills of credit of this Colony with the advance of twelve pence, or in money as it passeth generally in the country at the time of payment, and in no other manner.

An Act for Emitting Bills of Credit.

Whereas there is in the hands of Mr. John Whiting, Treasurer of this Colony, the sum of nine hundred sixty-one pounds five shillings and one penny half penny, in good bills fit for further service, which were bro't in by the rate granted October, A. D. 1735, and are lodged in the treasury for the further disposal of this Assembly:

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer shall be, and he is hereby, authorized and impowred to issue out and deliver the aforesaid sum of £961 5s. 1d. $\frac{1}{2}$ ob. towards the payment of the debts and necessary charges of this Colony, according to such orders as shall be given him from time to time, according to law.

Cost allowed Nathaniel Fuller of Ashford, for his attendance &c. to answer the petition of Edward Hutchinson, Esq^r, and Mrs. Mary Wolcott, which was negativ'd, £1 3s. 10d.

Whereas the business of this Assembly has drawn out their present sessions to such a length that all the members thereof cannot, without great inconvenience, stay to hear the records of the acts of this Assembly read off and compleated:

This Assembly do order and appoint Roger Wolcott, Nathaniel Stanly, Ozias Pitkin, William Pitkin, Esq^{rs}, Capt. John Marsh, Mr. Joseph Buckingham, Capt. William Wadsworth, Capt. John Chester, Capt. Thomas Wells, Capt. Henry Allyn, and Mr. Roger Newberry, a committee, in the name and behalf of this Assembly, to attend his Honour the Governour, to hear the records of the acts of this Assembly read off, and to see them perfected and then signed by the Secretary as compleat.

The several Acts, Grants and Orders of this Assembly, as they stand entered in the pages of this book next preceding,

were read in the presence of his Honour the Governour and the committee above named, and by them ordered to be signed by the Secretary as compleat.

GEORGE WYLLYS, Secretary.

[264] *Connecticut* }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUTT IN NEW ENGLAND IN AMERICA, ON THE SECOND THURSDAY OF OCTOBER, (BEING THE 14TH DAY OF SAID MONTH,) ANNO REGNI REGIS GEORGH 2^{di}, MAGNÆ BRITANNIÆ &C. 10^{mo}, ANNOQUE DOMINI 1736.

Present:

The Honourable Joseph Talcott, Esq^r, Governour.

The Hon^{ble} Jonathan Law, Esq^r, Deputy Governour.

Samuel Eells,	Timothy Pierce,	} Esq ^{rs} , <i>Assistants</i> .
Roger Wolcott,	John Burr,	
James Wadsworth,	Sam ^l Lynde,	
Nath ^l Stanly,	Edmund Lewiss,	
Joseph Whiting,	William Pitkin,	
	Roger Newton,	

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

Mr. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Mr. John Richards, Mr. Joshua Raymond, for New London.
 Mr. Eleazer Carey, Mr. Thomas Dyer, for Windham.
 Mr. Joseph Palmer, Mr. Theophilus Baldwin, for Stoningtown.
 Mr. Benjamin Hall, Mr. Theophilus Yale, for Wallingford.
 Mr. William Gold, Mr. Thomas Harrison, for Branford.
 Mr. Experience Porter, Mr. Thomas Stores, for Mansfield.
 Mr. Isaac Kendal, Mr. Philip Eastman, for Ashford.
 Mr. Benjamin Skinner, Mr. Hezekiah Gaylord, for Hebron.
 Mr. John Bostwick, Mr. Theophilus Baldwin, for New Milford.
 Mr. John Humphrey, for Symsbury.
 Mr. Joseph Strong, Mr. Peter Buel, for Coventry.
 Mr. Jonathan Alling, Mr. Joseph Mix, for New Haven.
 Mr. Ebenezer Silliman, Mr. John Silliman, for Fairfield.
 Mr. James Avery, Mr. John Chester, for Groton.
 Mr. Nathan Baldwin, Mr. Robert Treat, for Milford.
 Mr. Joseph Tracy, Mr. Isaac Huntington, for Norwich.
 Mr. John Griswould, Mr. John Lee, for Lyme.
 Mr. Anthony Judd, Mr. John Hart, for Farmingtown.
 Mr. Stephen Hopkins, Mr. Thomas Clark, for Waterbury.

Mr. Isaac Cutler, Mr. John Dwight, for Killingly.
 Mr. Hezekiah Brainerd, for Haddam.
 Mr. Samuel Olmstead, for East Haddam.
 Mr. Thomas Wells, Mr. Jonathan Hale, for Glassenbury.
 Mr. Abel Lyon, Mr. Seth Paine, for Pomfrett.
 [265] Mr. Samuel Hill, Mr. Timothy Stone, for Guilford.
 Mr. Jonathan Hoit, Mr. Jonathan Maltbie, for Stanford.
 Mr. John Riggs, Mr. Samuel Bassett, for Derby.
 Mr. Elihu Chauncy Mr. Nathan Camp, for Durham.
 Mr. Samuel Hanford, Mr. John Betts, for Norwalk.
 Mr. George Phillipse, Mr. Jabez Hamlin, for Middletown.
 Mr. John Lane, Mr. John Stevens, for Killingsworth.
 Mr. Hezekiah Park, Mr. Mark Williams, for Preston.
 Mr. Henry Allyn, Mr. Roger Newberry, for Windsor.
 Mr. Ebenezer West, Mr. Jonathⁿ Trumble, for Lebanon.
 Mr. Joseph Minor, Mr. Noah Hinman, for Woodbury.
 Mr. James Beebe; Mr. Thomas Benedict, for Danbury.
 Mr. John Bulkley, Mr. Israel Newton, for Colchester.
 Mr. Joseph Blackleach, Mr. Daniel Halley, for Stratford.
 Mr. Joseph Addams, Mr. Jabez Fitch, for Canterbury.
 Mr. David Goodrich, Mr. John Chester, for Weathersfield.
 Mr. Samuel Willard, Mr. Jedadiah Chapman, for Saybrook.
 Mr. Ephraim Kingsbury, Mr. William Marsh, for Plainfield.
 Mr. James Reynolds, Mr. Nathaniel Peck, for Greenwich.

Mr. Ebenezer Silliman, Speaker } of the House of Repre-
 Mr. John Richards, Clerk } sentatives.

This Assembly do establish and confirm Mr. Joseph Bird of Litchfield to be Captain of the 2d company or trainband in the town of Litchfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Baldwin of Litchfield to be Lieutenant of the 2d company or trainband in the town of Litchfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abraham Goodwin of Litchfield to be Ensign of the 2d company or trainband in the town of Litchfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Woodruff of Litchfield to be Lieutenant of the 1st company or trainband in the town of Litchfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Walker of Litchfield to be Ensign of the 1st company or trainband in the town of Litchfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Brewster of Norwich to be Lieutenant of the 5th company or trainband of the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Webster to be Captain of the 4th company or trainband in the town of Hartford, and order that he be commissioned accordingly.

[266] This Assembly do establish and confirm Mr. Isaac Kellogg of Hartford to be Lieutenant of the 4th company or trainband in the town of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Swetland of Hebron to be Captain of the north company or trainband in the town of Hebron, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benoni Trumble of Hebron to be Lieutenant of the north company or trainband in the town of Hebron, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan White of Hebron to be Ensign of the north company or trainband in the town of Hebron, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Fassett to be Lieutenant of the company or trainband taken off partly from Pomfrett, partly from Canterbury and Mortlake, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Holland to be Ensign of the company or trainband taken off partly from Pomfrett, partly from Canterbury and Mortlake, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Foot to be Captain of the first company or trainband in the town of Colchester, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Samuel Fuller to be Ensign of the first company or trainband in the town of Colchester, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ephraim Burritt to be Ensign of the first company or trainband in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Holcomb to be Ensign of the 3d company or trainband in the town of Synsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Ward, jun^r, to be Ensign of the town company or trainband in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Andrew Ward, jun^r, to be Ensign of the first company or trainband in the town of Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Newcomb to be Lieutenant of the Troop in the county of Windham, and order that he be commissioned accordingly.

[267] This Assembly do establish and confirm Mr. William Throop, jun^r, to be Cornet of the Troop in the county of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Seabury to be Quarter Master of the Troop in the county of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Minor to be Captain of the south part of the second company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Wheeler to be Ensign of the south part of the 2d company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

An Act in Addition to one Law of this Colony entitled

An Act relating to Small Causes.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That in any action brought before any assistant or justice of the peace upon any bond, bill or note (and the same being well witnessed) for money only, and the demand doth not exceed the sum of forty shillings, that in such action there shall not be any appeal allowed; any law, usage or custom to the contrary notwithstanding.

An Act in Addition to an Act in Page 226,* entitled
An Act for Explaining of and Addition to that Law
made October, 1714, concerning Listers.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the listers shall incur the same penalty upon their neg-

* Passed October, 1717, Volume VI., page 21.

lecting to send the additions and fourfold assessments to the General Assembly in May, annually, as upon their neglecting to send the sum total to said Court in October.

An Act for Enlarging the Fees of County Surveyours.

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 county surveyours in this Colony that shall at any time be called to officiate in their offices shall have twelve shillings *per diem* for man and horse, and his necessary charges borne, while he is upon said service, and no more; any law, usage or custom to the contrary notwithstanding.

An Act in Addition to one Law of this Colony entituled
An Act concerning the Dowry of Widows.

Whereas it is provided in the first paragraph of said act, "That every married woman (living with her husband in this Colony or elsewhere absent from him with his consent or thro' his meer default, or inevitable providence, or in case of divorce where she is the innocent party,) that shall not before marriage be estated by way of joynture in some houses, lands, tenements, hereditaments for term of life, or with some other estate in lieu thereof, shall, immediately after the death of her husband, have right and interest by way of dower in and to one-third part of the real estate of her deceased husband's lands, &c., to be to her during her natural life," and yet in said act there is no provision made how such woman shall have her said dower set out to her; so that some widows have been put to their suit, and others, not being able in so chargeable a manner to recover their dowries, have suffered great wrong: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That upon the death of any man possessed of any real estate [268] and that his widow || hath, by the abovementioned law, a right of dower in such estate, and the person or persons that have by law a right to inherit said estate do not, within sixty days next after the death of such person, by three sufficient free-holders of the same county, to be appointed by the judge of the probate (in whose district the estate doth lye) and to be put under oath, set out and ascertain such dower, that then the widow may make her complaint to the judge of the probate in whose district the estate lyeth, which judge shall decree and order that such woman's dowry shall be set out by three sufficient freeholders of the county, which persons shall be sworn faithfully to proceed in the said affair according to their best skill. And when any widow's dowry is set out by

either of the methods aforesaid, the same shall be returned to the judge who ordered such dowry to be set out, and, upon approbation thereof by the said judge, such dower shall remain fixed and certain, and all persons concerned therein shall be thereby concluded.

An Act for the Repealing one certain Law of this Colony made and passed by this Assembly holden at Hartford the 8th Day of May Anno Dom. 1735, entitled An Act for laying an Excise on Divers Sorts of Liquors, appointing Commissioners of Excise, licensing Retailers, and further regulating Tavern-keepers.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid law, with every clause and paragraph thereof, be repealed and made void, and the same is hereby repealed and made void.

Always provided, and it is hereby provided, That all the lycences already granted to any retailer, by any of the county courts, shall be and remain to be good and valid for such time as they were respectively granted; and every such retailer shall for such term pay the excise mentioned in the aforesaid law; and no persons in those towns that have any lycenced retailer, but only such retailer, shall sell or vend any of the liquors mentioned in said law during said term, upon the same penalty as was provided in said act.

And it is hereby further provided, That the several commissioners of excise in the respective towns shall be, and are hereby declared to be, accountable to the treasurer of the town where they live, for all excise due to such town for the term aforesaid, as fully as if the abovementioned act had not been repealed as abovesaid.

And be it enacted by the authority aforesaid, That all the laws made and passed by this Assembly, for the regulating tavern-keepers, and their taking out their lycences, and were in force at the enacting of said law, shall be revived, and the said laws are hereby revived, and shall hereafter remain in full force.

This Assembly grants a rate of one penny 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 in good bills of credit of four signers of the Massachusetts Bay, or in the bills of credit of New York, without advance on them; or in silver money as it passeth in the country.

This Assembly do order and direct the Treasurer of this Colony, Mr. John Whiting, to attend the Assembly on Tues-

day the 26th of October instant, and bring with him a sufficiency of the bills of credit in his hands to defray the charges of this Assembly.

[269] The Gentlemen nominated by the Votes of the Freemen of this Government to stand for Election in May next, sent in to this Assembly, are as follow, (*viz'*.)

The Honourable Joseph Talcott, Esq^r, the Hon^{ble} Jonathan Law, Esq^r, Samuel Eells, Esq^r, Roger Wolcott, Esq^r, James Wadsworth, Esq^r, Nathaniel Stanly, Esq^r, Joseph Whiting, Esq^r, Ozias Pitkin, Esq^r, Timothy Pierce, Esq^r, John Burr, Esq^r, Samuel Lynde, Esq^r, Edmund Lewiss, Esq^r, William Pitkin, Esq^r, Roger Newton, Esq^r, Thomas Fitch, Esq^r, Capt. John Bulkley, Mr. Ebenezer West, Capt. Samuel Hill, Capt. Andrew Burr, Mr. Ebenezer Silliman.

This Assembly do establish and confirm Mr. James Cornish, jun^r, 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. Samuel Pettibone 3d, to be Lieutenant of the south company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Thomas Mumford, jun^r, to be Captain of the east company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Williams, jun^r, to be Lieutenant of the east company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Morgan, jun^r, to be Ensign of the east company or trainband in the town of Groton, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Joseph Gallop to be Captain of the west company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. George Denison to be Lieutenant of the west company or trainband in the

town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Mason to be Ensign of the west company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

Whereas the town of Saybrook have not sent the sum total of their list of estate well vouched as the law directs (for this present year): Be it therefore enacted, that said town of Saybrook shall be doomed, and said town is hereby doomed, the sum of seventeen thousand pounds to pay taxes on for the year ensuing, and to receive their school money accordingly.

This Assembly being now informed by a letter from Colo. William Codington, of Newport in the Colony of Rhoad Island, and by account from Mr. Justice Hempstead, of New London, that sometime since one John Brown of said Rhode Island, merchant, had his shop broken up and sundry goods stolen out of it; whereupon the said Brown gave notice thereof in the publick prints, and one John Dean, of Stoningtown, and Daniel Collins, of New London, supposing that the [270] persons that had broken said shop, &c. || were in New London, informed said Mr. Justice Hempstead thereof, who, upon their motion, granted out a writ by which the officer seized Richard Kating, John Hamilton, and Dennis Dehortee, with sundry goods, and brought said persons and goods before the said justice, and upon examination one of said persons confessed he broke open said shop and stole said goods and handed them out to one other of them, and that afterwards said goods were shared among the said three persons; upon which the said justice committed said persons to the goal in New London; and upon advice given to the persons concerned at Rhode Island, Colo. John Codington, sheriff, &c., came to said New London with order to take said persons and goods and carry them to said Rhoad Island, there to be proceeded against, &c.: but it so happened that said Mr. Justice Hempstead was out of town, and had in his own custody secured said goods, but by order of some other of the civil authority, the said persons were delivered out of prison and sent to Rhode Island, and the goods still left in custody as aforesaid. After which, when the goods were in the custody of the law and secured to be brought in evidence for our Sovereign Lord the King, thereby to convict the criminals, the aforesaid Dean and Collins, pretending that said Brown was in debt or some way obliged to them, by a writ taken out against said Brown, without law or right so to do, have attached and secured said goods, so that thereby the King's attorney at Rhoad Island cannot improve said goods as an evidence on behalf of our

Sovereign Lord the King, so that said persons are likely to escape and justice be eluded, unless there be some effectual care taken to send the said goods to Rhode Island.

Therefore, be it enacted and ordered by this Assembly, That the officer that hath taken said goods, as aforesaid, whether it be the sheriff of said New London county, his deputy, or any of the constables in the respective towns in said county, shall, at sight hereof, deliver all the aforesaid goods, taken from said Hempstead as aforesaid, unto Mr. Joseph Talman of New London, who is desired by the authority of said Rhoad Island to receive the same and carry them to Rhoad Island aforesaid. And of this order the said sheriff, his deputy or the said constables that have taken said goods, are to take notice and conform themselves thereunto, as they will answer the same at their peril, being served with a copy thereof by Mr. John Richards of New London, who is hereby directed to do the same and make return thereof to his Honour the Governour.

Upon the petition of the town of Wallingford *vs.* the town of Middletown, in reference to the dividing line between said towns: It appears that this Assembly, at their sessions at New Haven, October 11th, 1722, did order that a north line from the cedar tree, or place where it stood, (being the southwest corner of Middletown,) to be run by the needle of the surveying instrument, should divide said towns; and thereupon that the said town of Wallingford procured the surveyour of New Haven county to run said line by the needle of the surveying instrument, and that afterwards the town of Middletown procured the surveyour of Hartford county to run said line, and also that neither of said lines passeth right between said towns: that run by the surveyour of New Haven county taking from Middletown, and that run by Hartford county surveyour taking part of Wallingford. Wherefore, to the end that the dividing line between said towns may be truly run: It is now ordered and enacted by this Assembly, that the line dividing between said towns shall be a line run from the said southwest corner of Middletown, parallel to Middletown [271] center line, as far northward until || it intersects the south line of those lands commonly called the Purchase Lands, and that then the line already ordered by this Assembly for the east side line of said Purchase Lands, shall divide said towns. And Capt. Thomas Wells, surveyour of Hartford county, is hereby ordered and fully impowred to run and sufficiently mark out said dividing line parallel to said Middletown center line, from the said southwest corner to the said Purchase Lands; to be done at the charge of Wallingford, Middletown to have notice six days at least before said service is

attended. And said Capt. Wells shall make return of his doings to this Assembly in May next.

Upon the report of Messrs. William Wadsworth, John Riggs and Jonathan Alling, being a committee appointed by the General Assembly holden at Hartford in May last, to repair to the parish of New Cheshire in the town of Wallingford, to view the circumstances thereof, and satisfy themselves as to the most suitable place for said parishioners to build a meeting-house upon, and make report, &c.: said committee, according to their direction, having attended said service on the 16th of September last, and set up a stake with stones about it, on the northeast corner of the Reverend Mr. Hall's lot, near his dwelling house, by the highway that runs north and south and at the end of the highway that comes in from the east, which said place said committee report to be the most suitable place for the said parishioners to build their meeting-house upon: This Assembly do, therefore, accept the abovesaid report and establish said place accordingly.

This Assembly do establish and confirm Mr. Mathew Griswold to be Lieutenant of the 5th company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Phelps 2d to be Ensign of the 5th company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Sanford to be Captain of the company or trainband at the parish of North Haven in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Sackett to be Lieutenant of the company or trainband at the parish of North Haven in the town of New Haven, and order that he be commissioned accordingly.

Upon the memorial of John Griswold, Esqr, and the rest of the inhabitants of the east part of the first society in Lyme, complaining that the report of a committee appointed by the General Assembly held at Hartford, May, 1735, respecting the placing a meeting-house in said society, is very grievous to said memorialists; and praying that the doings of said committee may be set aside and a new committee appointed to repair to said society, to view the situation and circumstances of said society, and to report, &c.: Resolved by this Assembly, that Samuel Hill, Ebenezer West and John Bulkley, Esqrs, are hereby appointed and impowred a committee to repair to said society and give notice to the inhabitants thereof,

and hear the parties, review the circumstances and situation of said society, and report to the General Assembly, to be holden at Hartford in May next, their opinion where is the most suitable and proper place to erect a meeting-house on for said society.

William Pitkin, Esqr, Capt. John Bissell, and Capt. Thomas Seymour, auditors appointed to audit the accounts between the administrators on the estate of Ebenezer Fitch, late of Windsor, deceas'd, executor to the last will and testament of John Elliott, deceas'd, and Jonathan Ellsworth, executor of [272] the last will || and testament of John Elliott, Esqr, deceas'd, having returned their award to this Assembly, upon which the said administrators moved that there was probably an error in said award, and, therefore, that the said accounts might be reconsidered by said auditors: The parties being heard, and there appearing a great probability that said accounts had not been throughly examined by said auditors, it is resolved by this Assembly, that the said auditors do again audit said accounts, and return their award to this Assembly at their sessions in May next; provided that the said administrators pay to the said Ellsworth lawful interest for the sum they shall be found in arrears, from this time to the meeting of this Assembly in May next.

Upon the memorial of John Thrall of Windsor, administrator on the estate of Aaron Moses, late of Windsor, deceas'd, shewing to this Assembly that the debts due from the estate of the said deceas'd Aaron Moses do surmount the whole of the personal estate of the said deceas'd the sum of £26 13s. 4d., for the payment of which said administrator hath nothing in his hands, and thereupon praying to this Assembly to impower said memorialist, or some other meet person, to sell so much of the land of said deceas'd as will procure said sum of £26 13s. 4d., together with necessary charges arising thereon: Whereupon this Assembly grants, that the memorialist, with Mr. Roger Newberry of Windsor, taking the advice of the court of probates in the county of Hartford, shall have liberty, and are hereby fully impowred, to sell so much of the land of the said Aaron Moses, deceas'd, as will advance and procure the said sum of £26 13s. 4d., together with the necessary charges arising thereon.

Whereas this Assembly, at their sessions in October, 1707, did grant to Nathan Gold, Peter Burr, Esqrs, of Fairfield, and their associates, a certain tract of land for a township, bounded southerly on Danbury, and running from thence northerly fourteen miles; easterly it bounds on New Milford,

westwardly on the Colony line; provided it doth not prejudice former grants and be under such regulations for the settlement thereof and number of inhabitants as this Court shall think fit: And whereas sundry persons, claiming a right by said grant, have moved to this Assembly for a patent for said lands: It is thereupon resolved by this Assembly, that, provided the persons mentioned in said grant, their associates, heirs or assigns, shall settle on said lands so many good inhabitants as will make up in the whole fifty families within three years next coming, that then and in that case a patent for those lands shall be granted and executed to the persons mentioned in said grant, their associates, heirs or assigns, and such settlers, their heirs. &c., as shall be settled as aforesaid.

Upon the memorial of Thomas Lamb, of Weatauge, praying this Assembly to grant to him about three acres of land near to him, to build a house upon, to accommodate his other lands, for a reasonable sum, or in exchange for other lands: Resolved and granted by this Assembly, that the memorialist have three acres of land prayed for, and that Edmund Lewiss, Esqr, be appointed, and he is hereby appointed and impowred, at the cost of the memorialist, to repair to Weatauge and lay out said three acres of land to the memorialist, and if he shall judge that it will best accommodate the publick to ex-[273] change the same || with the memorialist, then to measure out an equivalent of the memorialist's land, where it will best serve the publick: but if he shall judge it most convenient to sell the same, then to set a price thereon, and make return to the Assembly in May next, in order to the memorialists having a patent thereof.

Upon the memorial of Thomas Read, Jonathan Bell, and sundry others of the towns of Stanford and Norwalk, praying this Assembly that they may be a distinct ecclesiastical society, with bounds as therein mentioned, &c., or that a committee may be appointed to view their circumstances: This Assembly do grant said memorialists a committee, and do appoint Messrs. John Fowler of Milford, Ephraim Curtiss of Stratford, and Seth Samuel Burr of Fairfield, a committee to repair to the towns of Stanford and Norwalk, (giving warning to the parties,) and view the circumstances of the memorialists, hear all parties concerned, and make report of what they find to this Assembly at their sessions in May next, with their opinion thereon. The charge of the committee to be defrayed by the memorialists.

Upon the memorial of the parish of Eastbury, praying this Assembly to grant a tax of one penny half penny per acre on

all the unimproved lands in said parish per year, for the term of four years from this time, for the support of the publick worship of God and building a meeting house amongst them: Resolved by this Assembly, that there be a tax of one penny half penny per acre levied on all the unimproved lands in said parish per year, for the term of four years next, for the use aforesaid; and that the same be so assessed by the committee of said parish from year to year during said term. And it is further resolved, that the collectors of rates from year to year shall have full power to gather, distrain for, and receive the same, (when so assessed, whether of the resident or non-resident proprietors,) as they are by law to gather and distrain for and receive other taxes, &c.; and that they shall in like manner be accountable therefor.

Upon the memorial of John Sherwood of Stratford, shewing to this Assembly that this Assembly, in October, 1718, granted unto the heirs of Capt. Nathaniel Seely two hundred acres of land, to be taken up in the county of Fairfield or New Haven, and that the said heirs conveyed the same to Joseph Lyon, who conveyed the same to Thos. Sherwood, who got the same surveyed and laid out in the country land west of Danbury, as by a survey of the same made by Edmund Lewis, Esq^r, surveyour of the county of Fairfield, dated the 27th of March, 1724, may appear, and that in the settlement of his estate the same was divided to the memorialist and his brother Daniel Sherwood, who has since conveyed his right therein to the memorialist; and further shewing that the said survey was made before the grant to the proprietors of Ridgefield of the country land west of Danbury &c., was made, and that therefore the same was reserved out of said grant, out of which all lands then taken up was excepted; and therefore the memorialist praying for a patent of said grant: It is resolved by this Assembly, that the said John Sherwood have a patent of said two hundred acres, according to the survey aforesaid, executed by the Governour and Secretary, and under the seal of this Colony, as the law directs.

Upon the memorial of Hannah Judd of Hartford, administratrix on the estate of Ebenezer Judd, late of Hartford, deceas'd, [274] shewing to this Assembly that the debts due from || the estate of the said deceased surmount the moveable estate the sum of £16 4s. 3d., and praying to this Assembly for liberty to sell so much of the real estate of said deceas'd as will amount to the sum of £16 4s. 3d. with the necessary charges of selling the same: This Assembly do substitute and appoint the said administratrix, Hannah Judd, and Deacon Thomas Richards of Hartford, with the advice and direction

of the court of probate in the county of Hartford, to make sale and execute deeds of conveyance of so much of the real estate of the said Ebenezer Judd, deceas'd, as will amount to the sum of £16 4s. 3d., with the necessary charges that may arise in selling the same.

Upon the memorial of Anthony and Peter Demill, of Stamford, setting forth to this Assembly that they have given security to this Colony for their taking upon loan two hundred pounds of the country money, and hath actually paid interest for two hundred pounds for some time, and that the said Anthony and Peter Demill have never yet had but one hundred and fifty pounds of the country money; which matters of fact appearing to this Assembly: Whereupon this Assembly do enact and order, that the said Anthony and Peter Demill shall forthwith have paid them out of the Colony treasury the sum of fifty-eight pounds and fourteen shillings, and the treasurer is hereby ordered to pay said sum out of the money bro't into said treasury for interest, &c.

Upon the memorial of the inhabitants of the parish of Eastbury, praying that the former committee appointed to set the place for their meeting house be again appointed to repair to said parish, at the cost of said parish, and review the matter, and hear said society, and anew affix a place to build their meeting house on: Resolved by this Assembly, that their former committee, *viz.* Capt. John Marsh, Mr. Henry Wolcott and Mr. Joseph Pitkin, do, at the cost of said parish, repair to said society, review, and hear the society, and anew affix a place for said parish to build their meeting house on, and make report to this Assembly in May next.

Upon the memorial of the inhabitants of the western part of the first society in Norwich, together with some of the inhabitants of the adjacent society in Norwich: Resolved by this Assembly, that Messrs. Richard Abbey, Experience Porter and Ebenezer Gray, be a committee, at the charge of the memorialists, to repair to said western part of said first society and view their circumstances with the circumstances of some of the inhabitants in the said adjacent society, and to set out bounds and limits for a society there according as they shall judge it reasonable, and report what they find and do, with their opinion thereon, to this Assembly in May next.

Upon the memorial of Josiah Deming, John Stillman, Hezekiah May, and the rest of the selectmen of the town of Weathersfield, praying this Assembly that some meet person may be appointed by this Assembly, in conjunction with Colo. David Goodrich, to sell so much of land of

Isaac Griswold of said Weathersfield, who is *non compos mentis*, as shall be necessary from time to time for the comfortable support of the said Isaac, &c. : Resolved by this Assembly, that the said Coll. David Goodrich and Mr. Hezekiah May shall be impowred, and are hereby impowred, with the advice of the selectmen of said town, to sell so much of the land of the said Isaac Griswold, from time to time, so long as he shall continue incapable of taking care of himself, as they, said Goodrich and May, with the selectmen of said town [275] for the time being, || shall think necessary for his comfortable subsistence, and the money for which the land shall be sold shall be carefully improved for that purpose ; and all the land so disposed of and sold by the said Goodrich and May shall be a good estate of inheritance to the grantee or grantees, their heirs and assigns forever.

Upon the memorial of Josiah Curtiss of Stratford, ferryman, praying this Assembly that the fare of the ferry called Stratford Ferry may, for the future, be six pence for a man and horse : This Assembly do grant that, for the future, the fare of said ferry shall be six pence money for man, horse and load ; any law, usage or custom to the contrary notwithstanding.

This Assembly order, That the sum of fifty-three pounds eighteen shillings and three pence be paid out of the publick treasury unto Messrs. Isaac Dickerman and John Ponderson, which, together with fifty pounds granted in May last, is in full for repairing Yale College.

Whereas this Assembly, at their sessions in May, 1735, upon the memorial of Chickens, an Indian sagamore, appointed Messrs. Samuel Hanford, Theophilus Nickols, and Seth Samuel Burr, a committee to lay out some lands which said Chickens had saved to himself in a deed to Capt. Samuel Couch, which committee was ordered to make return of their doings to this Assembly in their sessions in October last, but said committee having omitted doing anything in the affair, and the time being now elapsed for their making their return : This Assembly, at the joynt request of both parties, do hereby appoint Mr. Ebenezer Silliman to be one of said committee, in the room of said Nickols, and that said committee proceed in the affair according to the former instructions given in that case, and make their return to this Assembly in their sessions in May next.

Upon the memorial of the town of Coventry, shewing to this Assembly that, sometime before February, 173 $\frac{1}{2}$, they voted to make some additions to and repair their meeting

house, which occasioned some strife among the inhabitants, to accomodate which they did, in their meeting holden February 23d, 1736, vote that there should be a society set off, at any time when the General Assembly sees cause, in the northwestwardly and westwardly parts of said town, and that the rate bills that be made in said town about the cost of adding to and repairing said meeting house should be kept on the town records, and that when the said Assembly shall see fit to set off a society as aforesaid, those persons that shall be left in the first society should refund and pay back, to those persons that now inhabit in the said northwestwardly and westwardly parts of said town, all such sums of money that shall be by them paid to the repairing and adding to the meeting house, as aforesaid, for to build a meeting house in such new or second society, within eighteen months after such setting off; always providing said setting off be within seven years after making said vote; praying this Assembly to enact in such form as to oblige the said money to be paid according to said vote, for the full accommodating the difficulty aforesaid: It is therefore resolved and declared by this Assembly, that it shall be the duty of the selectmen and clerk of said town to keep said rate bills, above referred to, on their records, and that upon a societys being set off, as aforesaid, the people that shall be left to the first society shall pay the money back to them that shall be so set off, according to the true meaning and intent of said vote; and in case of a failure, this Assembly will order a distress for the same.

Upon the memorial of the town of Coventry, shewing to this Assembly that the lands in said town are held in two distinct proprietries, and that one of them have not, in the laying out their lands, made any provision amongst them neither [276] for publick nor || private highways, and that the other has made provision; whereby discords and difficulties do arise; praying this Assembly for relief, by sending a committee to hear and report what is right to be done: Resolved by this Assembly, that Messrs. Ebenezer West, Richard Abbey, and Josiah Conant, be a committee to repair to the town of Coventry, at the cost of the town, to hear the persons concerned about the controversy, and to make their report to this Assembly in May next, what they think to be right to be done in the premises; and that a copy of this act, and a notification of the time when and the place where the committee will meet, signed by Joseph Strong and Peter Buel, agents for said town, to be set up on the sign post and at the house of Abner Fitch and Mr. Rose, at least ten days before the

meeting of said committee, that all concerned may be notified to appear, if they see cause.

Upon the memorials of Godfrey Malbone, Robert Stoddard, jun'r, and Peregrine Gardner, shewing that there is no stated ferry across New London river between New London and Norwich, and shewing that a ferry is needed somewhere about Moheage or Massapeag, said Stoddard and Gardner representing that the place called Stoddard's Ferry is the most convenient place for a ferry to be kept, and said Malbone representing that a place across the river against his farm, called Massapeage, is the most convenient place for a ferry to be kept; and each of them joyntly moving to this Assembly, to appoint a committee, at the joynt cost of the memorialists, to repair to said river, and view the said places, and make report, &c.: Resolved by this Assembly, that John Bulkley, Esq'r, Mr. Simon Lothrop, and Mr. Hezekiah Huntington, be a committee to repair to said river, view the same, with all the circumstances attending both said places and any other place that may be proposed, and report to the Assembly to be held at Hartford in May next; and also to report what the fare of said ferry ought to be, and who ought to take the profit of said ferry; and all at the joynt cost of the memorialists.

Upon the memorial of Daniel Benedict, Danie Taylor, and Theophilus Taylor, all of Danbury, praying that a certain tract of land, containing about three hundred and ten acres, lying west of and near Danbury, and belonging to the memorialists by virtue of a grant and patent from this Assembly, may be annexed to said town of Danbury: Resolved by this Assembly, that tha said tract of land, belonging to the memorialists, be, and the same is hereby, annexed to the township of Danbury, and shall be in the jurisdiction thereof, and that those persons that shall live thereon shall pay their dues and taxes to the said town of Danbury, and belong to the first company or trainband in said town.

Upon the memorial of the town of Weathersfield, praying that execution on a judgment of the adjourned county court held in Hartford in June last, given on a writ of *scire facias* against the selectmen of said town of Weathersfield, in favour of sundry persons of Farmingtown and Weathersfield for the payment of highways, may be stayed until the rising of this Assembly in May next: It is resolved, that the execution on said judgment be stayed until the rising of this Assembly in May next, for the reasons assigned. And it is enacted, that, in case said town of Weathersfield do not get the laying out

the highways above referred to set aside, as also the judgment aforesaid, they shall pay to the parties in whose favour the judgment aforesaid was given, the lawful interest of the sum said judgment is given for, to be divided to them according to their interests in the judgment aforesaid.

[277] Upon the prayer of Ebenezer Carter, praying this Assembly to grant a sum of money to be put into the hands of a committee, to be improved by their direction, in such way as they shall think proper, in order to bring the wife and children of the memorialist's brother, John Carter, from Canada, &c.: Resolved by this Assembly, that such a sum or sums of money, not exceeding one hundred and fifty pound in the whole, shall be drawn out of the treasury of this Colony by Thomas Fitch, Esqr, Capt. Samuel Hanford, and Capt. Joseph Platt, and be by them improved and disposed of, at such time and in such manner as they shall think most likely, for the recovering the said John Carter's wife and children from Canada.

Upon the memorial of John Curtiss and Daniel Coit, members of the late New London Society, for themselves and the rest of the members of said society, praying that the bonds of particular members of said society may be received, as far as such bonds will go, in lieu of the general bonds given by said Curtiss and Seymour and others, for the interest of money loaned by the government to the members of said society: Resolved by this Assembly, that Nathaniel Stanly, Esqr, and Capt. John Marsh, committee, be directed to accept bonds for the interest of particular mortgagers, and endorse the sums on the said general bond, so far as they will go in payment; provided that no such bond be taken for any interest that is already become due, and that such bond is given with surety, or by the party himself to the good satisfaction of the said committee.

The Sum Total of the Lists of the several Towns in this Colony following, sent in to this Assembly and accepted, viz:

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford,	31683	3	8	New Haven,	39207	0	7
Fairfield,	34837	1	4	New London,	26000	0	0
Windham,	17261	13	0	Branford,	17459	5	9
Plainfield,	8429	3	0	Weathersfield,	22728	11	8
Glassenbury,	8685	19	6	Killingly,	12910	10	0
Norwalk,	24512	17	11	Stonington,	23346	6	8
Durham,	8873	8	6	Farmington,	23489	9	10
Groton,	16693	18	0	Guilford,	25344	0	5 $\frac{3}{4}$
East Haddam,	12713	15	0	Canterbury,	9388	12	9
Lyme,	17175	14	8	Haddam,	8458	8	10

New Milford,	6059	1	2	Stanford,	22135	11	0
Pomfrett,	12514	10	0	Hebron,	9152	10	0
Greenwich,	13413	11	0	Ashford,	6399	9	0
Killingsworth,	10090	11	0	Danbury,	10180	14	0
Symsbury,	11899	18	0	Preston,	14595	6	0
Waterbury,	8377	13	0	Norwich,	34495	13	4
Mansfield,	8931	10	0	Woodbury,	12885	11	0
Wallingford,	28871	3	0	Derby,	7091	9	7
Milford,	24687	19	4	Midletown,	27614	2	0
Colchester,	14860	3	0	Coventry,	8778	18	10
Lebanon,	25188	15	6	Windsor,	27115	8	8
Stratford,	28387	2	3				

Upon the memorial of Rachel Jones of Hebron, administratrix on the estate of her late husband Samuel Jones, late of said Hebron, deceas'd, shewing to this Assembly that the said Samuel Jones, deceas'd, did in his life-time borrow and receive of this government the sum of three hundred pounds of bills of publick credit, and, to secure the payment thereof, [278] he did, by one deed of mortgage by him given || of thirty-four acres of land, dated July 6th, 1733, convey said thirty and three acres in Hebron to the Governour and Company, defeazable only on his paying one hundred pounds by the 1st day of May, 1741; and to secure the payment of one other hundred pounds, gave one other like deed, dated June 28th, defeazable only on his paying said hundred pounds by the first day of May, 1741; and to secure the other hundred pounds he gave another like deed, dated January 30th, 1734, defeazable only on his paying said hundred pounds by the 1st day of May, 1742; as also that he did give his bonds for the payment of the interest of said sums for the terms of time aforesaid; and also shewing that he hath not left personal estate sufficient to pay his other debts and to discharge the payments of the principal and interest aforesaid; shewing also that the children of said Jones are, all of them, so young that they will not arrive to the age of twenty and one years until after the year 1742, and cannot dispose of lands to discharge the debts aforesaid, whereby the estate of said Jones will be very much wasted, if remedy can't be had; praying that she may be enabled to sell so much of the other lands of the said Jones, deceas'd, as will discharge the payment of said borrowed money and interest: Whereupon, it is by this Assembly resolved, that upon the said Rachel Jones first coming to the judge of probate in the county of Hartford and giving good and sufficient bonds with surety to the acceptance of said judge, conditioned that upon her selling lands of the said Jones, deceas'd, she will pay and discharge

the mortgages aforesaid to the full sum of what she doth or can sell lands for, which bond the said judge is hereby impowred and directed to take, and in case of non-fulfillment of the conditions to sue and recover, and to pay and discharge the mortgages with the same on such recovery, then the said Rachel shall have power, and the said Assembly doth hereby on that condition grant unto her power, by and with the leave and approbation of said court of probate, and in such manner and by such means as said court shall appoint, to sell sufficient of the lands of said Jones that are not mortgaged as aforesaid, to discharge and pay said borrowed money and interest. And a deed or deeds by the said Rachel given, of any lands by her so sold, shall be good and sufficient in the law to the sure holding the same to the heirs and assigns of any such grantee forever. And that the said Rachel pay to the said judge sufficient for his care and trouble therein.

This Assembly do establish and confirm Mr. George Richards of New London to be Lieutenant of the second company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Latimore to be Ensign of the second company or trainband in the town of New London, and order that he be commissioned accordingly.

On the memorial of the inhabitants [of the] parish of Rip-ton and the Reverend Mr. Jedadiah Mills, minister of the gospel there, shewing to this Assembly the difficulty of their supporting the gospel ministry amongst them, by themselves, and praying for relief: Resolved by this Assembly, that the constables of the town of Stratford, when they have gathered the country rate of the inhabitants of said parish, shall pay the same unto the said Reverend Mr. Mills, for supporting him in his ministerial work there, and so do from year to year during the full term of ten years from the date hereof, except what shall be gathered of those professors of the church of England who shall choose to order their part to be brought [279] || into the publick treasury, and of every such sum take his, said Mills', receipt, and that shall be a sufficient discharge for said constable for that part of the rate gathered by him; and likewise the present constable is directed to pay to said Mills the country rate now in his hands or to be by him collected of the inhabitants of said parish for the year past, and take his receipt thereof, which shall likewise be his discharge. And it is ordered, that this shall not be understood to abate any part of the duty of said parish in paying to the said minister what they have agreed for.

An Act in Addition to an Act for the more effectual keeping open Ditches and Dreins that have been made or hereafter shall be made by Commissioners of Sewers.

That inasmuch as the clearing said ditches and dreins in some cases may be more easily and more effectually performed in a general and more publick manner than is provided in said act:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whensoever any such proprietors shall in their lawful meeting vote and agree by their major vote, to be computed by their interest, that the said ditches and dreins shall be repaired at the publick charge of the proprietors, that the commissioners of sewers shall be enabled, and they are hereby impowred, to imploy persons to do the same, and to assess the proprietors therefor, and to levy the same in the same form as they are by law enabled to do for their first making the said ditches and dreins.

An Act for the Emitting Bills of Credit for the Payment of the publick Debts of this Colony.

Whereas this Assembly hath been informed by the Treasurer of this Colony, that he hath not a sufficiency of money in his hands to defray the charges of this Assembly:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer shall be, and he is hereby, impowred and authorized to issue and deliver the sum of one thousand and two hundred pounds of the exchange bills now in his hands, towards the payment of the debts and necessary charges of this Colony, agreeable 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 the polls and all other rateable estate within this Colony, and to be paid into the treasury at or before the last day of May, 1739; which said rate shall be paid in the bills of credit of this Colony, or in money as it generally passeth in the country at the time of payment, and in no other manner.

Whereas Ben-Uncas, sachem of the Moheag Indians, hath declared that he doth embrace the Christian religion, which is the only instance of any of the chiefs of the Indian natives in this Colony becoming Christian, thô much pains have been taken with them: This Assembly, being willing to encourage

so good a beginning, do desire his Honour the Governour to procure for the said sachem a coat (made in the English fashion,) and a hat, and also a gown for the said sachem's wife; and his Honour is desired to draw out of the publick treasury sufficient money to procure said coat, hat and gown; and that a copy of this act shall be a sufficient order to the Colony Treasurer to deliver out the money aforesaid to his Honour the Governour.

[280] On the memorial of John Curtiss and Daniel Coit, in behalf of the members of the late New London Society, representing to this Assembly that very great difficulties lye in the way of their dividing the common stock of said society among the proprietors thereof, whereby many suits are, and are likely further to arise among themselves, in regard several of said proprietors claim exemption from loss in the stock, by means whereof the same is in great part in danger of being exhausted and expended; praying that this Assembly would appoint and fully empower commissioners to hear and determine all such controversies, to the end that the same may be fully appeased and settled, and discord be for the time to come effectually prevented, and that a speedy and equitable distribution of said common stock or estate of said society may be made among the proprietors thereof: It is resolved by this Assembly, that Ebenezer West, Andrew Burr, Ebenezer Silliman, Thoms^s Wells and Giles Hall, Esq^{rs}, be Commissioners, fully authorized and impowred to hear and determine all such suits, claims and controversies, as have arisen or shall or may arise by and among the proprietors claiming exemption from loss that hath happened unto said society or members thereof in diminution of the joynt stock of the same, with full power to establish a rule for the apportioning each ones share and dividend, and to award thereon according to equity; with full power to issue forth process signed by the major part of said commissioners; giving them, the said proprietors, notice when and where they shall attend and adjust their accounts, a copy whereof left with said Daniel Coit, the late clerk of said society, fifteen days inclusive before the convention of said commissioners, to be and deemed to be a good service of such process, and the said clerk is hereby ordered to notify all the members of said late New London Society at least six days before said convention. Said commissioners, or the major part of them, to appoint time and place for audience, chuse their own clerk and swear him, interrogate parties under oath, and any witnesses that may be needed; any three of said commissioners to be a quorum to hear and determine;

and that they hold plea, render sentence, and grant execution proper thereon, to be levied by the officers as executions by law in other cases are to be, and that such sentence be definitive to the party adjudged; and that each of said commissioners have fifteen shillings *per diem* paid him by the party that moved for such suit or process, which cost shall also by them be judged amongst the said proprietors as said commissioners shall judge just. And if any other dispute shall arise amongst the proprietors, or any of them, respecting the premises, in any respect whatsoever, the same commissioners, by the same manner, and by the same rule, to determine the same.

Upon the memorial of sundry of the inhabitants of the town of Waterbury, praying that they may be released from paying to the minister's rate in the society whereunto they belong, and have liberty to hire an orthodox minister to preach to them: This Assembly frees the memorialists from paying their minister's rate to the society whereunto they now belong, for five months in a year for two years from this time, that is, from the beginning of December until the last of April annually, in case they shall procure an orthodox minister, allowed to be so by the neighbouring ministers, to preach to them said time.

[281] Upon the petition of Nathaniel Bundy of Stoningtoun vs. John Dixon and John Gallop, and the rest of the proprietors of the common and undivided lands in Voluntown: The question was put, whether the pleas offered in abatement thereof are sufficient, and resolved by this Assembly in the affirmative. *Cost allow'd respondents against Nathl Bundy is, 5l. 10s. 9d., and against the town of Stoningtoun 3l. 2s. 2d., to answer the memorial of Daniel Palmer, &c.*

Upon the memorial of the first society in Hartford, shewing this Assembly that they, by a vote of all of said society then present (except two) voted on the 11th of this instant October to build a meeting house where Mrs. Abigail Woodbridge's barn now stands in Hartford, near the dwelling house of the Reverend Mr. Daniel Wadsworth, provided this Assembly fix the said place to be the place where a meeting house shall be built for said society, and also shewing that the said Mrs. Woodbridge will give a deed of land at said place, convenient for such a purpose, in exchange for the place formerly given and appointed for that purpose; and thereupon praying to have said place where said barn stands affixed for the purpose aforesaid: Resolved by this Assembly, that the said place where said barn stands be, and the same is hereby, fixed and determined to be the place for building and erecting a meet-

ing house upon by and for said first society; any other place appointed, or act passed, notwithstanding.

This Assembly do appoint and impower Mr. Isaac Dickerman and Mr. John Ponderson to proceed to make further repairs of Yale College, and to draw out of the Colony treasury the sum of twenty-five pounds to be improved for that service.

This Assembly do hereby order the Treasurer of the Colony to pay out of the publick treasury unto Mr. Timothy Green, printer, the sum of fifty pounds money, being for one year's salary of the said printer for the service done for this Colony.

On the petition of Mathew Copley, jun^r, *vs.* John Anderson: The question was put, whether anything prayed for therein should be granted, and resolved by this Assembly in the negative. *Cost allowed respondent is 2l. 12s. 1d.*

On the petition of Josiah Hart of Windham *vs.* Owen Owen, Esq^r, &c.: The question was put, whether anything prayed for therein should be granted, and resolved in the negative by this Assembly. *Cost allowed respondent is 4l. 0s. 4d., Ex. granted November 8th, 1736.*

Forasmuch as there are sundry accounts of the annual rates and payments made by the inhabitants of Symsbury to the Reverend Mr. Timothy Woodbridge for his support in the ministry: It is thereupon resolved, that the inhabitants of Symsbury do forthwith make up and settle all such accounts with Mr. Woodbridge, and pay to him what shall be found in arrear of the sums granted to him, the ballance to be paid in current money as it now passeth, or bills of publick credit. And whereas the Reverend Mr. Timothy Woodbridge served the people of Symsbury in the work of the gospel ministry for one whole year, now last past before the present sessions of this Assembly, and no allowance hath been made him for his service: This Assembly, in consideration thereof, do assess the inhabitants of the town of Symsbury (except the inhabitants of the two north societies, now set off) in the sum of one hundred pounds current money or bills of publick credit, to be leyed on their polls and rateable estate according to their list of this current year, and do appoint and fully impower John Case of Symsbury a collector, to gather said rate of said inhabitants, as it is by law in that case provided for the gathering ministers' rates, and pay in the same to the Reverend Mr. Woodbridge for his service aforesaid.

It is further provided, that if the inhabitants of Symsbury shall not, within two months, pay to Mr. Woodbridge the ar- [282] rearages of his former account, as aforesaid, || that then Messrs. Henry Allyn and Roger Newberry, of Windsor, upon

the motion of Mr. Woodbridge, repair to Symsbury, hear what the parties shall offer in the case, and adjust the accounts, and report to this Assembly in May next what the ballance on said accounts is; all to be done at the cost of the inhabitants of Symsbury.

This Assembly desire his Honour the Governour to issue out an advertisement, and cause the same to be put into the Boston newspaper, informing all persons that have any bills of the Colony of Connecticut, of those sorts which were by this Assembly in October last ordered to be called in and exchanged,—signifying to them that there is a sufficiency of money in the treasury for that service, where all persons may have such bills exchanged, provided they bring them in to the Treasurer within the space of six months from the rising of this Assembly; and that the act of the General Assembly in May last, requiring the halves of quarters of bills to be bro't into the treasury by the 20th of May next, be inserted in said advertisement.

Ordered by this Assembly, That Mr. Timothy Green, printer, be allowed out of the publick treasury the sum of fifteen pounds besides what he hath already had orders to receive, for his service in the stamping of the 25000*l.* in bills last printed.

Upon the report of the committee appointed by this Assembly in May last to ascertain a place in the parish of Millington to erect a meeting house upon: Resolved by this Assembly, that the place described in said report (*viz.*) upon the eastern side of a hill, about a mile or mile and quarter southeastwardly of the house of Mr. Jonathan Chapman, and about three quarters of a mile east of the house of Samuel Fuller, where said committee have marked two white oak staddles and laid stones about them, shall be, and is hereby appointed to be, the place for said parish to build a meeting house upon.

Upon the report of Roger Wolcott, James Wadsworth and Thomas Wells, Esq^{rs}, relating to the affair of Symsbury societies with some part of Windsor and Farmingtoun, accepted by this Assembly:

Resolved and enacted by this Assembly, That the inhabitants aforesaid at the southwest corner of said Windsor, with part of the inhabitants of said Farmingtoun and Symsbury, be, and are hereby made, one distinct society, endowed with parish powers and privileges as fully as other parishes already by law are allowed; and the bounds thereof as followeth: Easterly by a line parallel to Windsor bounds with Symsbury, from

Hartford bounds to the south bounds of Paquanuck society, so far east as to take in the house of Peter Mills; south on Hartford bounds to their northwest corner, then further west till it intersects a south line drawn from the house of Daniel Foot; then bounded west by a line drawn north from the southwest corner till it takes in the house of Daniel Foot, then to continue northward till it takes in the houses of Timothy Moses, Thomas Addams, Lemuel Roberts and Richard Roberts, and then the line to extend east to Windsor bounds; and the remainder bounded by Paquanuck society; and said parish to be known by the name of Wintonbury Parish.

And it is further resolved and enacted, That there be a distinct society at the northwest corner of Symsbury, at the [283] || place called Salmon Brook; and the inhabitants thereof are hereby made one distinct society, and are endowed with parish powers and privileges, as fully as other parishes allowed by law are; and the bounds of said parish is as followeth: To begin at the mouth of Salmon brook, then bounded east by said brook to the place where the path near Capt. Holcomb's crosseth it, from thence by a line drawn northward to the west side of the great marsh, and so continue to Symsbury north bounds; bounded north and west at the bounds of Symsbury, bounded south by Saxton's brook, excluding Saxton's lands and the families of Higleys, and from Saxton's brook by a line drawn west-northwest to Symsbury west bounds.

And it is further resolved and enacted, That there be a society in the northeast corner of Symsbury, at the place called Turkey Hills; and the inhabitants thereof are hereby made one distinct society, and are endowed hereby with parish powers and privileges as other parishes already allowed by law have; and is bounded as followeth: Bounded south by the little river, east by Windsor and Suffield bounds, north by Symsbury bounds, west by the lastmentioned society.

And it is further resolved and enacted, That the remaining part of the inhabitants of said Symsbury be one distinct society, endowed with parish powers and privileges as aforesaid.

This Assembly grants unto Mr. Secretary Wyllys the sum of ten pounds money, for his salary the current year.

The several Acts, Grants and Orders, of this Assembly, as they stand entered in the pages of this book next preceding, were read in the presence of both Houses, and by them ordered to be signed by the Secretary as compleat.

GEORGE WYLLYS, Secretary.

[284] *Connecticut* }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUT IN AMERICA, ON THURSDAY THE 12TH DAY OF MAY, ANNO REGNI REGIS GEORGHII 2^{di}, MAGNÆ BRITANNIÆ, &c., DECIMO, ANNOQUE DOMINI 1737, AND CONTINUED BY SEVERAL ADJOURNMENTS TILL THE 31ST DAY OF THE SAME MONTH.*

Present :

The Honourable Joseph Talcott, Esq^r, Governour.

The Honourable Jonathan Law, Esq^r, Deputy Governour.

Samuel Eells,	Timothy Pierce,	} Esq ^{rs} , <i>Assistants</i> .
Roger Wolcott,	John Burr,	
James Wadsworth,	Samuel Lynde,	
Nathaniel Stanly,	Edmund Lewiss,	
Joseph Whiting,	William Pitkin,	
Ozias Pitkin,	Roger Newton,	

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

Capt. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Mr. John Richards, Mr. Jeremiah Miller, for New London.
 Mr. Richard Abbe, Capt. Jabez Huntington, for Windham.
 Capt. Nathan Baldwin, Mr. Robert Treat, for Milford.
 Mr. Ebenezer West, Mr. Gershom Clark, for Lebanon.
 Capt. William Preston, Mr. Noah Hinman, for Woodbury.
 Mr. David Sherman, Mr. Joseph Blackleach, for Stratford.
 Mr. John Griswould, Mr. Richard Lord, for Lyme.
 Mr. William Marsh, Mr. Thomas Peirce, for Plainfield.
 Mr. Andrew Lord, Mr. Jedadiah Chapman, for Saybrook.
 Capt. John Bulkley, Capt. Israel Newton, for Colchester.
 Mr. Jedadiah Tracey, Mr. John Cook, for Preston.
 Capt. Samuel Handford, Mr. Thomas Benedict, for Norwalk.
 Capt. Jonathan Alling, Mr. Joseph Mix, for New Haven.
 Capt. Andrew Burr, Mr. Ebenezer Silliman, for Fairfield.
 Mr. Hezekiah Huntington, Capt. Joseph Tracey, for Norwich.
 Mr. Luke Perkins, Mr. Dudley Woodbridge, for Groton.
 Mr. Josiah Conant, Capt. Thomas Stores, for Mansfield.
 Mr. John Grigory, Mr. Thomas Benedict, for Danbury.
 Capt. Jonathan Hoit, Mr. Jonathan Maltbie, for Standford.
 Mr. Joseph Strong, Mr. Thomas Porter, for Coventry.
 Capt. Stephen Noble, Mr. John Bostwick, for New Milford.
 Mr. Isaac Spencer, for East Haddam.
 Capt. John Riggs, for Derby.
 Major John Sabin, Mr. Joseph Craft, for Pomfrett.

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

Capt. John Russell, Capt. Thomas Harrison, for Branford.

Capt. Henry Allyn, Mr. Roger Newberry, for Windsor.

[285] Capt. George Phillips, Mr. Jabez Hamlin, for Middletown.

Mr. Isaac Kendall, Mr. Philip Eastman, for Ashford.

Capt. Samuel Hill, Capt. Timothy Stone, for Guilford.

Coll. David Goodrich, Capt. John Chester, for Weathersfield.

Mr. Joseph Leavinz, Mr. Hezekiah Sabin, for Killingly.

Capt. Joseph Addams. Mr. Jabez Fitch, for Canterbury.

Mr. Ebenezer Mead, Capt. Nathaniel Peck, for Greenwich.

Mr. John Lane, Mr. Elnathan Stephens, for Killingsworth.

Capt. Hezekiah Gaylord, Mr. Joseph Phelps, for Hebron.

Capt. Benjamin Hall, Capt. Theophilus Yale, for Wallingford.

Mr. Joseph Phelps, Mr. Benajah Case, for Symsbury.

Capt. Daniel Palmer, Mr. Theophilus Baldwin, for Stonington.

Mr. Nathan Camp, Mr. Elisha Chauncey, for Durham.

Mr. Stephen Hopkins, Mr. Joseph Lewiss, for Waterbury.

Capt. Thomas Wells, Mr. Jonathan Hale, for Glassenbury.

Capt. James Brainerd, for Haddam.

Mr. Ebenezer Silliman, Speaker	} of the House of Representatives.
Mr. John Russell, Clerk	

This day being appointed by charter and the laws of this Colony for the election of the publick officers of this corporation, (*viz:*) Governour, Deputy Governour, Assistants, Treasurer, and Secretary, proclamation was made, and the freemen proceeded to give in their votes to persons appointed by the Governour, Council and Representatives, to receive, sort and count them; which persons were, Roger Wolcott, Nathaniel Stanly, Joseph Whiting, Ozias Pitkin, Timothy Pierce, John Burr, Samuel Lynde, William Pitkin, Roger Newton, Esq^{rs}, Mr. John Chester, Mr. Joseph Buckingham, Mr. John Russell, Mr. Robert Treat, Mr. John Griswold, Mr. John Richards, Mr. Jonathan Hoit, Mr. Joseph Blackteach, Mr. Richard Abbee, and Mr. Josiah Conant. And the freemen's votes being bro't in, sorted and counted,

The Honourable Joseph Talcott, Esq^r, was chosen Governour of this Colony for the year ensuing, and the Governour's oath and the oath required by act of Parliament relating to trade and navigation, were administred to him in the presence of the Assembly.

The Honourable Jonathan Law, 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.

Samuel Eells, Esq^r, Roger Wolcott, Esq^r, James Wads-

worth, Esqr, Nathaniel Stanly, Esqr, Joseph Whiting, Esqr, Ozias Pitkin, Esqr, Timothy Pierce, Esqr, John Burr, Esqr, Samuel Lynde, Esqr, Edmund Lewiss, Esqr, William Pitkin, Esqr, Roger Newton, Esqr, were chosen Assistants for the year ensuing, and the Assistant's oath was administred to them by his Honour the Governour.

[286] Mr. John Whiting was chosen Treasurer of this Colony for the year ensuing, and had the Treasurer's oath administred to him accordingly.

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

This Assembly do appoint the Honourable Jonathan Law, Esqr, to be Chief Judge of the Superiour Courts in this Colony the year ensuing.

This Assembly do appoint Samuel Eells, Esqr, Roger Wolcott, Esqr, James Wadsworth, Esqr, Joseph Whiting, Esqr, to be Judges of the Superiour Courts in this Colony the year ensuing.

This Assembly do appoint William Pitkin, Esqr, to be Judge of the County Courts in the county of Hartford the year ensuing.

This Assembly do appoint Samuel Eells, Esqr, to be Judge of the County Courts in the county of New Haven the year ensuing.

This Assembly do appoint Samuel Lynde, Esqr, to be Judge of the County Courts in the county of New London the year ensuing.

This Assembly do appoint John Burr, Esqr, to be Judge of the County Courts in the county of Fairfield the year ensuing.

This Assembly do appoint Timothy Pierce, Esqr, to be Judge of the County Courts in the county of Windham the year ensuing.

This Assembly do appoint the Honourable Joseph Talcott, Esqr, to be Judge of the Courts of Probate in the county of Hartford the year ensuing.

This Assembly do appoint Joseph Whiting, Esqr, to be Judge of the Courts of Probate in the district of New Haven the year ensuing.

This Assembly do appoint Joshua Hempstead, Esqr, to be Judge of the Courts of Probate in the district of New London the year ensuing.

This Assembly do appoint John Burr, Esqr, to be Judge of the Courts of Probate in the district of Fairfield the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^r, to be Judge of the Courts of Probate in the district of Windham the year ensuing.

This Assembly do appoint James Hooker, Esq^r, to be Judge of the Courts of Probate in the district of Guilford the year ensuing.

This Assembly do appoint Joseph Minor, Esq^r, to be Judge of the Courts of Probate in the district of Woodbury the year ensuing.

This Assembly do appoint Jonathan Hoit, Esq^r, to be Judge of the Courts of Probate in the district of Standford the year ensuing.

This Assembly do appoint Samuel Mather, David Goodrich, William Wadsworth, John Marsh and Thomas Wells, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Hartford the year ensuing.

This Assembly do appoint John Hooker, Hezekiah Wyllys, James Wells, Henry Allyn, John Chester, Giles Hall, Jabez Hamlin, Joseph White, Thomas Hart, John Humphrey, John [287] Bulkley, Nathaniel Foot, Israel Newton, Benjamin Skinner, John Bissell, John Buel, Samuel Olmstead, Joseph Bird and Samuel Chapman, Esq^{rs}, to be Justices of the Peace in and for the county of Hartford the year ensuing.

This Assembly do appoint Samuel Bishop, John Riggs, John Russell and Samuel Hill, Esq^{rs}, to be Justices of the Peace and Quorum in the county of New Haven the year ensuing.

This Assembly do appoint James Hooker, Theophilus Yale, Andrew Ward, Samuel Gun, Janna Meiggs, Henry Crane, Samuel Hall, Benjamin Hall, John Bostwick, jun^r, Timothy Hopkins, John Prout, Isaac Dickerman, Roger Brownson, William Gold and Thomas Clark, Esq^{rs}, to be Justices of the Peace in and for the county of New Haven the year ensuing.

This Assembly do appoint Daniel Palmer, Joseph Backus, Joshua Hempstead, Benajah Bushnell and John Griswold, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of New London the year ensuing.

This Assembly do appoint Abraham Pierson, David Buel, Samuel Willard, Joseph Blague, Nathaniel Clark, Thomas Lee, Richard Lord, Thomas Prentiss, Jeremiah Miller, John Richards, Christopher Avery, 2d, Humphrey Avery, Theophilus Baldwin, John Cook, Hezekiah Parks, Jabez Hide, William Hide, jun^r, Jabez Perkins, Jedediah Tracy, Luke Perkins, Hezekiah Huntington, Daniel Denison, and John Led-

yard, and John Lane, Esq^{rs}, to be Justices of the Peace in and for the county of New London the year ensuing.

This Assembly do appoint Joseph Platt, Joseph Minor, Andrew Burr, John Thompson, Jonathan Hoit, and Ebenezer Silliman, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Fairfield the year ensuing.

This Assembly do appoint John Grigory, William Preston, James Beebe, Samuel Handford, Thomas Bennett, Thomas Tousey, Ephraim Curtiss, Sam^l Couch, John Read, Samuel Hoit, Ebenezer Mead, Nathaniel Peck, James Benedict, Benjamin Heacock, Noah Hinman, Joseph Blackleach, Ebenezer Smith, Jonathan Maltbie, and James Reynolds, Esq^{rs}, to be Justices of the Peace in and for the county of Fairfield the year ensuing.

This Assembly do appoint Joseph Addams, Ebenezer West, Richard Abbee, and William Throop, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Windham the year ensuing.

This Assembly do appoint Joshua Ripley, Joseph Strong, Joseph Leavinze, John Woodward, Peter Buell, Leicester Grosvenour, Josiah Conant, Philip Eastman, Joseph Cadey, Jonathan Huntington, John Creerey, and Ebenezer Dow, Esq^{rs}, to be Justices of the Peace in and for the county of Windham the year ensuing.

This Assembly do establish and confirm Mr. James Utley to be Captain of the third company or trainband in the town of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Steadman to be Lieutenant of the 3d company or trainband in the town of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Philip Abbott to be Ensign of the 3d company or trainband in the town of Windham, and order that he be commissioned accordingly.

[288] This Assembly do establish and confirm Mr. Jonathan Russell to be Lieutenant of the 2d company or trainband in the town of Brandford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Butler, jun^r, of Brandford, to be Ensign of the 2d company or trainband in the town of Brandford aforesaid, and ordered that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Hart to be Lieutenant of the northwest company or trainband in

the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Galpin to be Ensign of the northwest company or trainband in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaiah Tuttle to be Ensign of the company or trainband at the parish of North Haven in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Lockwood to be Captain of the second company or trainband in the town of Norwalk, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. John Raymond to be Ensign of the second company or trainband in the town of Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Cornish to be Ensign 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. Andrew Tuttle to be Captain of the northeast company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Perkins to be Lieutenant of the northeast company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Israel Munson to be Ensign of the northeast company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Nye to be Lieutenant of the company or trainband in the town of Tolland, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ephraim Grant to be Ensign of the company or trainband in the town of Tolland, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Hubbell to be Captain of the company or trainband in the parish of Ripton, in the town of Stratford, and order that he be commissioned accordingly.

[289] This Assembly do establish and confirm Mr. Joseph Blackleach to be Lieutenant of the company or trainband at the parish of Ripton, in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Lothrop to be Lieutenant of the third company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Bishop to be Captain of the fourth company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Lothrop to be Lieutenant of the 4th company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Lawrence to be Ensign of the 4th company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Bouton to be Ensign of the second company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Hodgskins to be Captain of the company or trainband in East Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Blachly to be Lieutenant of [the] company or trainband at East Guilford, in the town of Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Graves to be Ensign of the company or trainband at East Guilford, in the town of Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Zachariah Bicknell to be Captain of the company or trainband in the town of Ashford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Wad-

kins to be Ensign of the company or trainband in the town of Ashford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Luke Perkins to be Lieutenant of the 2d company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Clark to be Captain of the 3d company or trainband in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Buckingham of Lebanon, to be Lieutenant of the 3d company or trainband in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

[290] This Assembly do establish and confirm Mr. John Doggett of Lebanon, to be Ensign of the 3d company or trainband in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Hezekiah Sabin to be Captain of the company or trainband at Thompson parish, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Dwight to be Lieutenant of the company or trainband in Thompson parish, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Penuel Child to be Ensign of the company or trainband at Thompson parish, and order that he be commissioned accordingly.

This Assembly do appoint Nathaniel Stanly, Esqr, and Capt. John Marsh, to return the thanks of this Assembly to the Reverend Mr. Benjamin Colton for his sermon preached before this Assembly on the day of Election, and desire a copy of it for the press.

Nathaniel Stanly, Esqr, and the rest of the committee ordered by this Assembly to receive the contribution money for gospelizing the Indians and exchange the torn bills with the Treasurer, are hereby ordered to take a true account of the sum total of such torn bills, and then consume the same in the fire; and on their shewing an account thereof unto the Treasurer of this Colony, the said Treasurer is hereby ordered to deliver out unto the said committee the like sum in good bills of this Colony printed for exchange.

This Assembly do appoint Joseph Whiting, William Pitkin, Esqrs, Mr. John Richards, Mr. Elibu Chauncey, Mr. Jonathan Hale, Mr. Nathan Baldwin, Mr. Dudley Woodbridge, Mr. Jonathan Maltbie, Mr. Jabez Fitch, and Mr. Jabez Hamlin, Auditors, to audit the Colony's accounts with the Treasurer.

Edmund Lewiss, Esqr, surveyour of the county of Fairfield, being appointed by this Assembly in October last to lay out to Thomas Lamb of Weatauge three acres of land then granted to him, and exchange the same with him if he thought best for an equivalent of said Lamb's land, and lay out the same to the Governour and Company, &c., and make return to this Assembly, accordingly now exhibited his survey of said grant to said Lamb, as also of an equivalent of said Lamb's land to the said Governour and Company; which is accepted by this Assembly; and the said Edmund Lewiss, Esqr, is hereby further appointed to take of the said Thomas Lamb to the Governour and Company of this Colony a well executed deed of the land surveyed to them as aforesaid, and lodge the same in the Secretary's office to be recorded; which being recorded, the said Lamb may have a patent according to the survey.

Samuel Eells, Esqr, appointed by this Assembly to be judge of the county courts in the county of New Haven, declining to sit in that office, this Assembly do appoint Roger Newton, Esqr, to be Judge of the County Courts in and for the county of New Haven the year ensuing.

[291] This Assembly do establish and confirm Mr. John Mitchell to be Lieutenant of the north company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Valentine Prentice to be Ensign of the north company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

Whereas Mrs. Elizabeth Ledyard, executrix upon the last will and testament of Capt. Richard Christophers, late naval officer in the port of New London, nor any other person in her behalf, hath rendered any account of the several sums of money received and bonds taken by said Capt. Christophers in his said capacity: Therefore, this Assembly do appoint and fully empower Samuel Lynde, Esqr, and Mr. John Richards, to reckon with, state and settle, the said accounts with the said executrix and Mr. Isaac Ledyard, (with whom said executrix is joyned in marriage;) and they shall receive of them all sums of money and bonds, in the said executrix's hands, that belong to this government, and deliver such money to the Treasurer, taking his receipt; and the bonds to Mr. Jeremiah Miller, the present naval officer, taking his receipt for the same. And, forasmuch as this Assembly is now informed that the late sheriff, Mr. Richard Christophers, Junr, deceas'd, had in his hands several sums of money that he had

levyed by executions for this government, which hath yet never yet been paid into the Colony treasury: Therefore, this Assembly do appoint Samuel Lynde, Esqr, and Mr. John Richards, to receive the said money of the widow of said deceas'd, or other person, if any there be, that administers upon the said deceas'd's estate, and deliver what money they shall so receive to the Colony Treasurer, taking his receipt for the same. And the said persons are directed to lay their doings, both in reference to the money, &c., received by the said naval officer, and the money levyed by the said sheriff, before this Assembly in October next.

This Assembly do appoint Nathaniel Stanly, Esqr, to receive of the Colony Treasurer all the broken money in the hands of said Treasurer, emitted by any of our neighbouring governments, that by acts of any of said governments ought to be exchanged. And the said Nathaniel Stanly is hereby directed to take the first suitable opportunity to send such broken money to the respective Treasurers proper to exchange the same, and return the same unto the said Colony Treasurer, taking his receipt for such money. And the said Nathaniel Stanly, Esqr, is also directed to take the same care to exchange the broken money contributed to christianize the Indians, and to return what he shall receive in exchange to his Honour the Governour.

Upon consideration of the complaints of the people in some parts of this government of the great scarcity of grain among them, and that persons are in danger of suffering thereby, unless the exportation thereof out of the government be prevented,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority [292] of the same, That no flour or || grain, (oats, and necessary stores for vessels bound to sea only excepted,) before the twentieth day of June next, (without special allowance of the Governour and Council,) be exported out of this government, unless such as is already shipped on board some vessel for transportation.

And it is further enacted by the authority aforesaid, That if any master of any vessel, before the twentieth day of June as aforesaid, shall receive on board his vessel any flour or grain, other than oats and necessary sea stores as abovesaid, in order for exportation out of this government, such master shall be liable to a fine of fifty pounds money, and the owner or owners of such grain, &c., shall forfeit to the government all the flour or grain shipped for exportation as aforesaid, or the value thereof in money.

And it is further enacted by the authority aforesaid, That if, at the expiration of the term aforesaid, the Honourable the Governour and Council shall judge it necessary to continue the prohibition aforesaid for a longer time, his Honour the Governour is desired to issue out his proclamation for prohibiting the exportation thereof for such time as he, with the Council, shall think proper.

And it is further enacted by the authority aforesaid, That it shall be the duty of the constables [and] grandjurors in the several towns in this government, to enquire after all breaches of this act and the contempt of the orders of the Governour and Council as aforesaid, and to make presentment thereof to the next assistant or justice of the peace, who is impowred to bind such person or persons over to the next county court in the county to which such authority belongs, to answer for his delinquency as aforesaid.

An Act for the better Enforcing an Act passed by this Assembly in their present Session, Prohibiting the Exportation of Grain.

It is now further enacted, That the collector and naval officers in the several ports in this government be, and they are hereby, directed and impowred, (when the master of any vessel applies to them for a clearing,) to make strict enquiry, whether they have any of the grain or flour prohibited in said act on board their said vessel for exportation, and, if need be, to examine such masters upon oath; and if, upon examination, they find any grain or flour was shipped on board said vessel after the prohibition aforesaid, they are hereby strictly forbidden to grant any clearing for said vessel till such grain or flour, prohibited as aforesaid, is landed.

This Assembly do establish and confirm Mr. Ebenezer Eaglesstone to be Lieutenant of [the] south company or trainband in the town of Midletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Wait Cornwall to be Ensign of the south company or trainband in the town of Midletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Allyn of Midletown to be Ensign of the Newfield company or trainband in the town of Midletown aforesaid, and order that he be commissioned accordingly.

[293] This Assembly do establish and confirm Mr. John Talcott to be Captain of the company or trainband in the town of Bolton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Pit-

kin to be Lieutenant of the company or trainband in the town of Bolton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Talcott to be Ensign of the company or trainband in the town of Bolton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Stiles to be Lieutenant of the second company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Fyler to be Ensign of the second company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Sadd to be Ensign of the north company or trainband on the east side Connecticut River in the town of Windsor, and order that he be commissioned accordingly.

An Act for the further Restraining of Appeals and Reviews in some Cases.

Whereas many evil minded persons, by pretence of great damages in their actions of debt, trespass, of the case, and in other personal actions, have had opportunity of removing said actions from court to court, whereby justice hath long been delayed and bills of cost much enhanced, contrary to the true intent of the laws of this Colony: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when any action of debt, trespass, of the case, or any other personal action, is brought before any assistant or justice of the peace, and, upon tryal of the case, the debt or damage is found not to exceed the sum of twenty shillings, there shall be no appeal allowed; any law, usage or custom to the contrary notwithstanding.

And it is further enacted by the authority aforesaid, That when any action, as aforesaid, is brought before any of the county courts in this Colony, and, upon tryal of such action, or on a demurrer, the debt or damage found doth not exceed the sum of forty shillings, there shall be no appeal or review allowed. But if it so happen that any such action be removed to the superiour court upon pleas of abatement, and upon tryal of the action there the debt or damage found exceed not the sum of forty shillings, there shall be no review.

And it is further enacted by the authority aforesaid, That in every such tryal before the superiour or inferiour court, if the debt or damage found doth not exceed the sum of ten pounds, there shall not be allowed in the plaintiff's bill of cost for

more than one attorney; any law, usage or custom to the contrary notwithstanding.

An Act in further Addition to the Law entituled An Act against Theft and Burglary.

Whereas it is, amongst other things, enacted in one law of this Colony, entituled An Act against theft and burglary, that [294] every assistant and justice of the peace || in the county where such offence is committed, or where the thief shall be apprehended, is hereby authorized to hear and determine all offences against said law, provided that the damage exceed not the sum of forty shillings; which clause in said law, this Assembly are now informed, hath been differently understood, and some of the justices of the peace have committed, or bound over to the county court, persons that have been guilty of theft, when the value of the things stolen hath not exceeded the sum of forty shillings; whereby justice hath been delayed, to the damage of many of his Majesties good subjects: Which mischief 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 in every such case, if the value of the goods, money or things stolen, doth not exceed the sum of forty shillings, the assistant or justice of the peace, before whom such matter or complaint is brought, shall proceed to hear and give judgment therein according to law; any usage to the contrary notwithstanding.

An Act in Addition to and Alteration of an Act made in the fifth Year of his Majesties Reign, intituled An Act concerning Strays and lost Goods.

Whereas in said act it is provided, that the finder of any lost goods or stray beast shall carry a true description of such goods or stray beast to the register of the town, &c., which is found inconvenient for the inhabitants of the towns of Hartford, Windsor, and Midletown, on the east side of the river:

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the clerk of the first society in Hartford, the clerk of the first society in Windsor, and the clerk of the first society in Midletown, on the east side the great river, shall be the officer in said towns respectively to receive the description and marks of said goods or beast found within the bounds of said towns respectively on the east side of the river; and the said clerks, respectively, are hereby directed and impowred to enter the same, and to proceed in the same manner and with the same powers as the registers of the towns in said act are directed and impowred to do.

An Act for Altering the Times for holding the Superior Courts.

Whereas the business in the superiour courts holden in the counties of Hartford and New London is increased, and cannot be finished within the week appointed, which hath occasioned divers adjournments, to the great charge of those that have suits in said courts: Which inconvenience 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, the superiour court in the county of Fairfield shall be annually holden at Fairfield in said county upon the last Tuesday excepting one in the months of August and [295] February; and that the superiour court in the || county of New Haven shall annually be holden at New Haven, in the county of New Haven, upon the last Tuesday in the months of August and February; and that the superiour court for the county of Hartford shall annually be holden at Hartford, in the county of Hartford, upon the first Tuesday of the months of September and March; and that the superiour court in the county of Windham shall annually be holden at Windham, within the county of Windham, upon the third Tuesday in the months of September and March; and that the superiour court in the county of New London shall be annually holden at New London, in said county of New London, upon the fourth Tuesday in the month of September, and at Norwich upon the fourth Tuesday of March; any law, usage or custom to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That all actions, suits and tryals whatsoever, now depending in any of the superiour courts, shall be heard, tryed and determined at the times above appointed for the holding said court; and all bonds already taken for the appearance of any person before said court, or bonds upon appeal or review, shall be understood, taken and held, to oblige all persons concerned to appear before the said court in the several counties at the above-mentioned times and places; and the judges of said superiour court shall take notice thereof and proceed accordingly.

The Additions to the Lists of Estate of the Several Towns hereafter mentioned, sent in to this Assembly, are as follow (viz:)

	<i>Single Addition.</i>				<i>Fourfold Assessment.</i>			
	£	s.	d.		£	s.	d.	
To Hartford,	720	1	6	-	-	-	2549 13 0	
To New Haven,	1754	2	6	-	-	-	1001 10 6	
To Windsor,	652	4	0	-	-	-	1098 2 0	
To Symsbury,	72	14	0	-	-	-	176 0 0	
To Standford,	621	10	0	-	-	-	32 0 0	

To Middletown,	418	11	0	-	-	-	50	0	0
To Windham,	118	10	0						
To Stratford,	10	0	0	-	-	-	202	2	0
To Lebanon,	1664	0	0	-	-	-	88	0	0
To Glassenbury,	162	12	10						
To Preston,	159	14	0	-	-	-	169	16	0
To Groton,	52	7	6						
To Hebron,	270	0	4	-	-	-	466	8	0
To Wallingford,	669	2	0	-	-	-	947	0	0
To Derby,	494	16	9	-	-	-	73	0	0
To Milford,	617	10	0						
To East Haddam,	112	18	6	-	-	-	83	6	0
To Farmington,	642	5	0	-	-	-	338	12	0
To Stonington,	35	0	0						
To Mansfield,	226	18	0	-	-	-	40	0	0
To Durham,	30	3	0						
To Lyme,	383	5	6	-	-	-	408	0	0
To Norwich,	105	7	0	-	-	-	114	17	0
To Guilford,	76	17	6	-	-	-	993	17	6
To Weathersfield,	1424	4	0	-	-	-	54	2	0
To New London,	46	14	0						
To Killingsworth,	178	1	6	-	-	-	12	0	0
To Norwalk,	596	10	4	-	-	-	210	0	0
To Brandford,	547	18	0	-	-	-	263	8	0
To Coventry,	516	5	10	-	-	-	138	12	0
To Fairfield,	4342	7	3	-	-	-	297	16	0

[296] *Resolved by this Assembly*, That there be allowed and paid to the chief judge of the superiour court the sum of twenty-five shillings *per diem* for every day he is on the circuit, in lieu of any former allowance whatsoever.

This Assembly do appoint Joseph Whiting, Esqr, William Pitkin, Esqr, Capt. Thomas Wells, Capt. John Chester, Mr. Roger Newberry, and Mr. Joseph Buckingham, Auditors to audit the Colony accounts with the Treasurer at some convenient time after the rising of this Assembly, and to make their report to the Assembly in October next.

Whereas sundry sums of money have by order of this Assembly been delivered to Capt. Richard Christophers, late of New London, deceas'd, and others, a committee appointed to build a Battery at New London, and no account as yet has been laid before this Assembly, shewing how much of the money aforesaid has been disbursed in said affair: This Assembly do appoint and fully empower Samuel Lynde, Esqr, and Mr. John Richards, to reckon with, state and settle the accounts of the said committee, or the executors or adminis-

trators of either of them, and make report to the Assembly in October next.

This Assembly do appoint Samuel Lynde, Esqr, Mr. John Griswold, and Mr. Luke Perkins, a committee to repair to New London and view the present state and circumstances of the battery there, and lay an account of the same before this Assembly in October next, as also their opinion what is expedient further to be done in said affair.

Upon the complaint of the Sachem of Moheagen, and also the complaint of sundry of the Moheagen Indians: This Assembly do appoint and direct James Wadsworth, Samuel Lynde and John Richards, Esqrs, to repair to Moheagen and hear the said complaints, and endeavour that the said Indians may live peaceably together and their rights preserved to them, their fields well fenced, their corn saved from being destroyed by their neighbours' cattle; and the said persons are also directed to prevent, if possible, the said Indians being supplied with strong drink, hoping that, if that evil practice can be prevented, the said Indians will more heartily embrace the gospel; and the said persons are directed to return their doings to this Assembly in October next.

This Assembly do appoint Nathaniel Stanly, Esqr, Capt. Thomas Wells, Capt. Andrew Burr and Mr. John Richards, a committee to receive of his Honour the Governour the money that was contributed in the several societies in this government for the civilizing and christianizing the Indians in this Colony; and that said committee count and sort the said money, and what of it hath been emitted by this Colony and by act of this Assembly is to be exchanged for new bills, that said committee do exchange the same with the Colony Treasurer; and the whole the committee are to return to the Governour; and if there be any part of said money that hath been emitted by any of our neighbouring governments and by acts of Assembly ought to be exchanged, his Honour the Governour is desired to use proper measures that such money be exchanged.

Whereas the western inhabitants of the first society in Norwich, and some of the inhabitants of the adjoining society [297] ety in Norwich, preferred a petition || to the Assembly in October last, praying the Assembly to appoint a committee to view their circumstances and report to this Assembly their opinion, whether they be sufficient to make a distinct society, and to set bounds for them, &c.; which Assembly appointed a committee, who repaired to said western part of said first society and viewed the same with the adjoining society in said Norwich, and have prescribed bounds and limits, and re-

ported to this Assembly that the persons and lands within said limits is sufficient for a distinct ecclesiastical society; which report was read and approved, and thereupon it is

Resolved by this Assembly, That the western part of the first society in Norwich with some part of the adjoining society in said Norwich, within the bounds and limits hereafter mentioned, shall be a distinct ecclesiastical society, with all the powers and privileges that are allowed to other societies in this Colony. And the bounds of said society shall be as followeth, *viz*: Beginning at Norwich town line, where it crosseth Pease brook, thence running easterly thirty rods to the northward of a new house supposed to belong to Israel Lothrop, jun^r, excluding the houses of Samuel Pettiss and Benjamin Lothrop; and from thence to the north corner of Daniel Johnson's land, and thence to said Johnson's east corner; and from thence to James Ford's north corner, and from thence to said Ford's east corner, as his line runs; and so from said Ford's east corner a straight line to a heap of stones on the westerly side of a highway that goeth from Norwich to Lebanon near the house of Josiah Backus in the dividing line between the first and west societies in said Norwich; thence running by said highway or road to the bridge at Bradford's brook, then by said brook to the mouth of the brook at the river, and from thence to the mouth of Cramberry Pond brook at the river; and then to the west side of John Hewitt's house, excluding the house and improvements of Sam^l Gifford; thence to the west corner of Eleazer Hide's house; thence to the west corner of Aaron Fergoe's house; and from thence south twenty-five degrees west to a heap of stones by Trading Cove brook, about twelve rods east of Mr. Jonathan Copp's land, and thence the same course to the town line between New London and Norwich; thence running as Norwich town line runs by New London to Colchester, excluding the house and improvements of Capt. Robert Dennison; and so by said Colchester to Lebanon, to the first mentioned bound. Which society shall be known by the name of New Concord.

Whereas, on the memorial of some of the inhabitants of Norwalk and some of the inhabitants of Stanford, preferred to this Assembly in October last, praying to be a distinct society, Messrs. Seth Samuel Burr, John Fowler and Ephraim Curtiss were appointed a committee to view the circumstances of the memorialists and make report thereon: And whereas the first society in Norwalk offered sundry reasons why the report of said committee, made to this Assembly at their present sessions, should not be accepted, praying that the bounds

offered by the old society in Norwalk to be the east bounds of said new society might be established, or a new committee sent to view the circumstances of all concerned and make report of their opinion thereon: This Assembly do appoint [298] Messrs. John Riggs, Theophilus Nickols, || and David Sherman, junr, a committee to repair to said Norwalk and Stanford, view the circumstances of those praying to be formed into a society, hear the agents of the societies out of which the said society is proposed to be taken, and view their circumstances, if desired, and make report to this Assembly in October next; all at the cost of the old society in Norwalk. And the further consideration of this affair is referred to the session of this Assembly in October next.

Whereas this Assembly did, at their sessions in May, A. D. 1735, (on the memorial of the inhabitants of the first society in Lyme,) appoint Capt. Samuel Hill, Mr. Ebenezer West, and Capt. John Bulkley, a committee to repair to said society, view their circumstances, and fix a place to build a new meeting house on for the publick worship of God; who, having performed said service, made report to this Assembly at their session in October, 1735, that the most convenient place to build said house on is the place where the old meeting house standeth, or as near as conveniently may be; which report was accepted: And whereas this Assembly, at their session in October last, on the memorial of the eastern inhabitants in said society, appointed the said Capt. Samuel Hill, Mr. Ebenezer West and Capt. John Bulkley, again to repair to said society, notify the inhabitants thereof, view their situation, and consider their circumstances, with relation to a place to build said meeting house upon, and report to this Assembly at this time; who, having performed said service, made report that they could not find any place in said society that, on all accounts, would so well accommodate the greatest part of the inhabitants of said society as the hill on which the old meeting house now stands, and, therefore, proposed that a new house be erected about four rods northwards of the old meeting house: This Assembly do accept the report of said committee, and order that the new meeting house be erected and finished in the aforesaid place, with all convenient speed; and the committee and inhabitants of said society are required to take notice hereof, and conform themselves accordingly.

Whereas this Assembly heretofore appointed Messrs. John Marsh, Henry Wolcott and Joseph Pitkin, a committee to affix the place for erecting a meeting house in Eastbury parish in Glassenbury, who accordingly did affix a certain place, and

made report thereof to this Assembly at their session in October, 1733: And whereas this Assembly, upon the motion of said society, at their sessions in October last, did anew appoint the said Marsh, Wolcott and Pitkin, anew to fix the place for the building a meeting house upon in said society; which committee have again considered the circumstances of said society, and heard the pleas, &c., and have reported that the said meeting house ought to be set upon the place which they had described and affixed in their report to the Assembly in October, 1733, abovementioned, and accordingly affixed that to be the place, as by their report made to this Assembly, and by them now accepted, appears: Whereupon this Assembly do again establish the aforesaid place, mentioned in the aforesaid report to the Assembly in October, 1733, to be the place for the meeting house in said society to be, and accordingly order that the said meeting house shall be built there.

[299] *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That the east bounds of the society of Wintonbury shall be and extend so far east as to take into said society the dwelling house of Peter Mills, and from thence to run north to Poquannuck society, and south to Hartford bounds.

Upon the memorial of the inhabitants of the parish of Wintonbury, praying this Assembly to appoint a committee to fix and ascertain a place for the building a meeting house, &c.: This Assembly do order and appoint Messrs. John Seymour, James Church and Edward Cadwell, all of Hartford, to be a committee to repair to the said parish and to view the circumstances thereof, and to set out, affix and ascertain, the place where the inhabitants of said parish shall set up and build their meeting house upon, and make report to this Assembly at their present session.

We, the subscribers, being appointed by the General Assembly to set out and affix a place for the building a meeting house in the parish of Wintonbury, as appears by a copy of said act, bearing date May the 12th, 1737: Pursuant thereto, we repaired to said parish the 24th instant, and viewed the circumstances of said parish, and have affixed the place for building their meeting house on the east side of a brook called Wash Brook, near the bank of the hill, about twenty rods northwesterly from a stake set up by Capt. Henry Allyn for the center of the bounds of said parish, and have there marked a black oak staddle for the southwest corner of said meeting house; as witness our hands, this 24th of May, 1737.

John Seymour, Edward Cadwell, James Church, *Com^{tes}*.

The above report of the committee is accepted and approved by this Assembly.

Whereas this Assembly, at their session in October last, did appoint Thomas Welles, Esqr, surveyour of the county of Hartford, to run the line and state the bounds between the towns of Middletown and Wallingford, from said Middletown southwest corner up northward until it intersected the south side line of the purchased lands, parallel with said Middletown center line, as of record appears: And whereas the said surveyour, in pursuance thereof, hath performed the said service, run the said line, and fixed monuments therein, &c., as by his report of his survey thereof appears: This Assembly do now accept the report of said surveyour, and order that the same be recorded in the publick records of this Colony for deeds, surveys of land, &c. And this Assembly do enact, and it is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that the line so run and ascertained, as by the said report of the said surveyour appears, is, and forever hereafter shall be, the dividant line between the town of Middletown and the town of Wallingford.

This Assembly being now informed by the report of Messrs. Samuel Hanford, Ebenezer Silliman and Seth Sam^l Burr, a committee chosen by this Assembly, pursuant to a clause in a deed given by Chickens, an Indian, to Capt. Samuel Couch, wherein said Indian reserved to himself and his children, &c., out of a parcel of land sold to said Couch, what should be necessary, [that they] have not laid out said lands: Resolved by this Assembly, that said committee do proceed to finish said work, and make their report to this Assembly in October next.

[300] Whereas William Pitkin, Esqr, Messrs. John Bissell and Thomas Seymour, were by order of this Assembly in May last, upon the petition of Jonathan Ellsworth of Windsor, sole surviving executor of the last will and testament of John Elliot, Esqr, deceas'd, appointed auditors to hear and adjust the accounts between the said executor and John Parry and Bridgett his wife, of Ashford, and Samuel Strong of Windsor, administrators on the estate of Mr. Ebenezer Fitch, late of said Windsor, deceas'd, who was one of the co-executors of said will, &c., respecting all the estate of said Elliot, deceas'd, came into the hands of the said Fitch and remained in his hands at the time of his death, with the profits thereof, &c., as of record appears; and the said auditors having reported their doings in the premises, to this Assembly in October last,

which report not being accepted, they were again appointed to review, consider and adjust said accounts, and make report to this Assembly in their present session; and also did order said administrators should pay lawful interest of the sum they should be found in arrears to said executors, from the sitting of this Assembly in October last to the sitting of this present Assembly, as of record appears: And whereas the said auditors have now made return of their award, that they having heard, examined and adjusted the said accounts, upon the whole do find, that the said Ebenezer Fitch, co-executor as aforesaid, had received in his life time of the estate of said Elliot, deceas'd, which remained in his hands at the time of his death with the profits thereof, the sum of £462 13s. 0d., money, and that they have computed the interest thereof, according to the said order of Assembly, and found it to be £19 2s. 0d., as by their report dated May 25th, 1737, appears; which report and award is accepted and approved by this Assembly: And it is thereupon considered, that the said Jonathan Ellsworth, executor, &c., as aforesaid, shall recover of the said Parry, &c., administrators on the estate of said Fitch, deceas'd, the sum of £481 15s. 0d. money, together with costs of courts, which is allowed to be £31 10s. 6d., and that execution be awarded by the Secretary, &c.

Ex. granted June 1st, 1737.

To the General Assembly of his Majesties Colony of Connecticut now holden at Hartford, May 12th, 1737:

Upon the memorial of the town of Coventry to the General Assembly holden at New Haven in October last, shewing to said Assembly that the lands in the said town are held in two distinct proprieties, and that one of then have not, in the laying out of their land, made any provision amongst themselves for publick or private highways, and that the other hath; and prayed for relief by sending a committee: whereupon it was resolved by said Assembly that Mr. Ebenezer West and we, the subscribers, should be a committee to repair to said town, at their cost, to hear the persons concerned about the controversy, and make report to this Assembly, as by the said act may appear: Upon which, we, the subscribers, did repair to the said town, and on the fifth and sixth days of May instant, [301] did || then and there hear the persons on the premises; and it did appear to us, that the biggest part of said township doth consist of a tract of land said to contain six miles square, and is a distinct propriety, and are provided with many necessary highways, altho not with all that are necessary; and there is another tract of land in said town, lying on the south of said six miles, being part of that tract of land called the

Mile and Quarter, which is all lying in particular farms, purchased by particular men, and there are about seventeen or eighteen householders dwelling upon it, but were never tenants in common or proprietors as the other were, but only purchasers of particular farms as aforesaid, and there is necessity of one highway, at least, to be laid across it, and yet there is none yet ever laid out. And it appears to us that some of the highways that have been laid out in the first mentioned propriety were laid at the charge of the town and all the inhabitants at equal charge; so that, upon the whole, we are of opinion that the highways that shall hereafter be made in said town be done at the charge of the town.

All which we submit to this Honourable Assembly, May 12th, 1737.

Richard Abbe, }
Josiah Conant. }

The above report of the committee is accepted and approved by this Assembly.

Upon the memorial of Ebenezer Brown of Lebanon, shewing to this Assembly that John Wadsworth, late of Lebanon, deceas'd, was at the time of his death the full sum of two hundred seventy-six pounds eleven shillings and six pence more in debt than his personal estate would answer, and that the real estate that he dyed possessed and in the improvement of was of the value of about twenty and three pounds, and that he had a real estate worth a considerable sum, the use of which was saved to his father and mother, (*viz.*) Joseph Wadsworth and Lydia Wadsworth his wife, both of said Lebanon, for the full term of their lives and the life of the longest liver of them; and praying that he, the said Ebenezer Brown, he being administrator on the said deceas'd's estate, might have power to sell so much of said lands of said deceas'd as to pay and satisfy the debts aforesaid with the cost thereon; and the said administrator further shewing that the said Joseph had mortgaged to the Governour and Company of this Colony forty and nine acres of land in Lebanon, which is in two pieces, for the sum of ninety pounds in money, payable on the first day of May, 1741, and that the said Joseph Wadsworth did after give a deed thereof to his son-in law, Oliver Brewster, and his wife Martha, and that thereupon the said deceas'd did become bound in a bond of five hundred pounds to the said Oliver and Martha, to pay said ninety pounds and procure a full discharge and release from said mortgage; praying for liberty to sell so much of the said deceas'd's lands as may be needful to pay said ninety pounds and procure a discharge from said mortgage; the said Joseph and Lydia also shewing

[302] to this || Assembly that they are willing, and will joyn with the said administrator, to sell so much of the lands, the improvement of which is in them, as shall be needful to pay what the other lands of the deceas'd will not be sufficient to pay of said debts: Whereupon it is resolved by this Assembly, that the said administrator, with the advice and at the direction of the court of probate in the county of Windham, sell so much of the aforesaid deceas'd's lands aforesaid, as to pay the aforesaid sum of 27*l.* 11*s.* 9*d.* and the cost thereon to be allowed by the judge of said court of probate, the deed thereof to be approved by the said Joseph and Lydia, by their releasing their right in the lands so sold. And it is further resolved by this Assembly, that the said administrator, by the advice and at the direction of said court of probate, sell so much of the deceas'd's lands as shall be sufficient to pay said mortgage, (*viz.*) said ninety pounds, and the cost of obtaining the same discharged; always provided, that he, the said administrator, first give a good bond with surety to said judge of said court of probate, to pay and discharge said mortgage on his selling said land therefor, which bond the said judge is hereby directed and impowered to take to himself and successors in that office, and on the not fulfilling the condition thereof, he and they are hereby impowered to sue out the same. And the said administrator is by this Assembly fully impowered to act as is before in this act provided, the said Joseph and Lydia likewise releasing as is before said. And the cost of selling and procuring a discharge from said mortgage, &c., to be allowed by said judge of probates.

Upon the memorial of John Hunt, Belcher Noyes, both of Boston, Eleazer How, Benjamin Rice, Joseph Stratton and Nathan Brigham, all of Marlborough, Robert Breck, of Springfield, and Jonas Houghton, of Lancaster, all in the Province of the Massachusetts Bay, praying for the confirmation of a certain tract of land that the said memorialists say that one Toto, an Indian formerly living near Hartford, conveyed to James Cornish, sen^r, of Westfield, lying near the township of Symsbury, six miles square, by his deed dated the 10th of June, 1686, and that they, the memorialists, by sundry mean conveyances, have obtained about seven thousand acres of said land that lyes within this Colony from said Cornish, and that about two thousand acres of the same is within the bounds of the towns of Symsbury and Hartland; and that they have obtained a survey of the remaining five thousand acres by Capt Thomas Wells, surveyour of the county of Hartford, as follows, (*viz.*) Beginning on Mannatuck Hill, at a heap of stones which is a corner bounds of the town of Suffield; and

from thence the line runs west twenty-four degrees north five miles and eighty-four rods by Symsbury north bounds, as run by Colonel David Goodrich, &c., to Symsbury northwest corner; and from thence running by the bounds of the township of Hartland one mile and three hundred rods to the Colony line; then it turns and runs by the Colony line east nine degrees south nine hundred thirty-eight rods to the west bounds [303] of the town of Westfield; and then it turns and runs south thirteen degrees west by the west bounds of Westfield eight hundred twenty-five rods to a corner of Westfield, about four rods from Symsbury north bounds; and then the line runs east by Westfield to the west bounds of Suffield; and then it turns, and runs bounding by the west bounds of Suffield, two hundred ninety-five rods, to the place where it first began; as by said survey, performed the first and second days of October, 1734, under the hand of said Wells, in the Secretary's office appears; supposing the said land was confirmed by the commissioners from both governments to said Cornish or his assigns. Considering that altho' this government hath had no equivalent for said land: yet, to prevent all disputes about the land said to be purchased of said Indian, (a great part whereof is in the town of Symsbury and in the township of Hartland, all which was anciently granted by this Assembly:)

It is now granted and resolved, That if the memorialists shall, within twelve months next after the rising of this Assembly, pay into the publick treasury of this Colony the sum of five hundred pounds in current money of this Colony, and also release all the estate and demand whatsoever they have or do claim in the said Symsbury and in the said township of Hartland unto the respective proprietors of the said Symsbury and Hartland, and the memorialists, their heirs and assigns, forever thereby barred from any demand in the premises, that then the memorialists shall have a patent executed in due form of law of the land surveyed as aforesaid by said Wells, that thereby they may be enabled to hold the same to themselves, their heirs and assigns forever.

Hannah Judd, administratrix on the estate of Ebenezer Judd, late of Hartford, deceas'd, shewing to this Court that the estate of the deceas'd is indebted £32 4s. 1d. more than the personal estate of the deceas'd amounts to, and praying for the liberty of this Court to sell so much of the land of said deceas'd as to procure the sum aforesaid, with necessary charges: This Court doth appoint and fully authorize and empower the said Hannah Judd and Deacon Thomas Richards, taking the advice of the court of probate in the county of

Hartford, to sell so much of the real estate of the deceas'd Ebenezer Judd as may be sufficient to raise the sum of thirty four pounds four shillings and one penny, with necessary cost arising thereon.

Upon the memorial of John Thrall, of Windsor, administrator on the estate of Aaron Moses, late of Windsor, deceas'd, shewing to this Assembly that the debts due from the estate of the said deceas'd Aaron Moses do surmount the whole of the personal estate of said deceas'd the sum of £47 12s 5d., for the payment of which said administrator hath nothing in his hands; and thereupon praying to this Assembly to empower said memorialist, or some other meet person, to sell so much of the land of the said deceas'd as will procure said sum of £47 12s. 5d., together with necessary charges arising thereon: Whereupon this Assembly grants that the memorialist, with Mr. Roger Newberry of Windsor, taking the advice of the court of probate in the county of Hartford, shall have liberty and are hereby fully impowred to sell so much of the land of the said Aaron Moses, deceas'd, as will advance and procure the sum of £47 12s. 5d., together with the necessary charges arising thereon.

[304] Upon the memorial of Andrew Hinman and Thomas Knowles, shewing that in the year 1729 they obtained of the Indian natives in this Colony a deed to themselves of a considerable tract of land, being about six miles north and south and about four miles east and west, and lies in the northerly corner of this Colony, with design (by taking off said Indians claim) to serve the publick interest, and that they were at considerable expence to effect the same, and praying this Assembly to grant them liberty to take up in the ungranted lands in this Colony one hundred acres of land upon their executing a deed of release of all their claim to the lands contained in the deed from said Indians to the government: This Assembly grants to the memorialists one hundred acres of land to be laid out in the ungranted lands of this government on the west side of Ousatunnuck River, within the limits of the purchase made by the memorialists of the Indians, mentioned in their deed dated June 19th, 1729, in one entire and regular piece, by Edmund Lewiss, Esqr, surveyour of the county of Fairfield, so as not to prejudice any former grant; they having first executed a deed of release of all their claim to the lands purchased of the Indians as aforesaid, to the Governour and Company of this Colony.

On the memorial of the Reverend Mr. Daniel Fuller of Wellington, setting forth the great difficulties and discouragement

ments he labours under in the work of the ministry, for want of a sufficient maintenance and the inability of the inhabitants to add thereto: Resolved by this Assembly, that a rate of five pence on the pound be raised on the polls and stock rateable of the inhabitants of said town, and ten shillings on each hundred acres of land, and so *pro rato*, within said town for four years next ensuing, and that the money so raised be paid to the Reverend Mr. Fuller for his support in the work of the ministry the aforesaid term, if he continues in the work of the ministry there; and the former tax laid on the lands within said township to cease at the commencing of this, althô what is now due upon the former tax upon said lands shall be paid. And the inhabitants of Wellington, at their annual town meeting, shall choose collectors to gather the rates now ordered to be raised for the support of said Mr. Fuller; and the said collectors that shall be so chosen are hereby fully impowred to demand and collect said rate from year to year and pay the same to said Mr. Fuller. And if any person neglects or refuseth to pay his part or proportion of the said rate, the collector chosen to collect such rate shall proceed to levy the same as other rates are levied that are or have been granted to support the gospel ministry; and every such collector is hereby thereunto fully impowred.

Upon the memorial of John Dixon, of Voluntown in the county of Windham, representing that upon his, the said Dixon's, exhibiting and preferring his memorial at the General Assembly held at New Haven in October, 1735, praying for a [305] grant of about eighty acres of land, &c., || the said Assembly in the said session did grant him liberty to call out, and that he accordingly did call out, the surveyour of the county of Windham, to view and survey said tract of land and make his report to this Assembly, and that said surveyour, having viewed and surveyed said land, bath since made his report to this Assembly, and nothing hitherto by this Assembly having thereupon been acted and done, he prays that said tract of land may, upon reasonable terms, be granted him, as per his memorial on file, dated May 10th, 1737, according to the description, boundaries and situation set forth in said report of said surveyour, which is also on file, dated April 30th, 1737: Whereupon this Assembly grants to the said John Dixon all that land which lyeth within the following abutments, (*viz:*) West on John Stoyles land and north with James Darrence's land, south-east on Robert Hindman's land, and east on Peter Button's land, as the same is more particularly described in the survey thereof aforesaid, which contains fifty-eight acres and sixty-eight rods, and lies within the ad-

ditional grant made to Voluntown; to be to him, the said Dixon, and to his heirs forever; provided always, that the said Dixon, or his heirs, pay to the Treasurer of this Colony, for the use of the said Colony, the sum of twenty pounds in good bills of credit, on or before the last day of October next. And this Assembly do further grant, that upon his payment of the said sum, and producing the Treasurer's receipt thereof, he shall, upon his cost, have a patent under the seal of this Colony, signed by the Governour and Secretary, in due form, &c., for his holding the same.

Upon the memorial of Ephraim Squire, of Durham, administrator upon the estate of Thomas Miller, late of Middletown, deceas'd, shewing this Assembly that the debts due from the said deceas'd amount to £50 6s. 11d., and that the moveable estate that belonged to the said deceas'd is no more than £20 12s. 10d., all which is allowed by the court of probate, so that there remains due from said estate £29 14s. 1d. more than the moveables: Therefore this Assembly doth appoint and fully empower the said Ephraim Squire, having first taken the advice of the judge of the probate in the county of Hartford, to sell so much of the real estate of the said deceas'd as will raise the said sum of twenty-nine pounds fourteen shillings and one penny, with the necessary charges of such sale. And the said Squire is hereby authorized and fully empowered to give a good and sufficient deed or deeds of such estate he shall sell as aforesaid.

Upon the memorial of Nathaniel Stanly, Esqr, Samuel Wells and others, proprietors of the common field in Hartford called the Hoccanum Field, complaining that they were wronged by a vote of the proprietors of said field on the first Monday in March last, by altering the line of fence of said field, at a time when some of the proprietors of said field could not pass over the river to said meeting, and that the committee of said field would not adjourn said meeting that the proprietors might come together: Resolved, that said committee shall, within fourteen days next coming, warn the proprietors of said field to meet together to regulate the affairs of said field, as the law directs.

[306] Upon the memorial of John Edwards, Gideon Allen, proprietors, and the rest of the proprietors of that tract of land in the county of Fairfield called New Fairfield, praying to be enabled to act as other proprietors of common and undivided lands in any towns are enabled by law to do: Resolved by this Assembly, that the said John Edwards, Gideon Allen, and the rest of the grantees named and mentioned in the

grant made of said tract by the General Assembly in May, 1707, and their heirs and assigns, and their associates, proprietors of said tract, are allowed and enabled, and they are hereby allowed and enabled and fully impowred, to warn, begin and hold their meetings from time to time, and by their major votes, reckoned by interest, to regulate, manage, improve and divide said tract, as they shall see good, and have the same officer or officers, powers, privileges and authorities, for the warning, holding or acting in said meetings, for the purpose aforesaid, and shall be under the same regulations, as proprietors of common and undivided lands in the respective towns in this Colony by law have and enjoy and are under the regulation and government of.

Upon the memorial of the Reverend Mr. Timothy Woodbridge of Symsbury, shewing this Assembly that, notwithstanding the act of this Assembly in October last, ordering the inhabitants of Symsbury should forthwith make up and settle all accounts with the memorialist for his rates, salaries, &c., and pay him the ballance due in current money, &c.; and that this Assembly assessed the inhabitants of Symsbury, except the inhabitants of the two north societies then set off, in the sum of one hundred pounds money, to be levied, &c., and appointed John Case to collect the same and pay the same to the memorialist, and further appointed auditors, &c., to adjust the accounts aforesaid between the said memorialist and the said inhabitants, &c.; and informing this Assembly that nothing had been done in the premises, and thereupon praying for a redress of said grievances: Whereupon this Assembly have resolved, that the inhabitants of Symsbury shall forthwith settle and adjust their accounts, and make payment of the ballance they shall be found in arrears due to the said Mr. Woodbridge for his service in the ministry, from the beginning until the sitting of this Assembly in October, 1735. And this Assembly do appoint Ozias Pitkin, Esqr, Capt. John Whiting, and Capt. John Chester, to be auditors, in due form of law, as in other cases, to hear the parties, settle and adjust the aforesaid accounts, and make report of what they shall find and award in the premises, to the General Assembly next after their doing the same; all at the cost of said inhabitants. And this Assembly do further order and enact, that the listers of said Symsbury for this present year do and shall, within ten days next after the rising of this Assembly, proceed and make a rate upon the inhabitants of said Symsbury, excepting the inhabitants of the two north parishes aforesaid; which rate shall, in the whole, amount to

one hundred and ten pounds money, and shall be made upon the list of the polls and rateable estate of the said inhabitants for the year 1736. And the said listers are directed, immediately upon making said rate, || to deliver the same to Mr. James Cornish, jun^r, of said Symsbury, whom this Assembly do fully authorize, appoint and command, forthwith to gather and pay the same to the said memorialist, for his service in the ministry from October, 1735, to October, 1736. And it is further enacted and resolved, that if the said listers shall neglect or refuse to make the aforesaid rate and deliver the same to the said Cornish, within the time above limited, they shall forfeit and pay a fine of twenty pounds each, one half to the said memorialist, and the other half to the county treasurer of the county of Hartford, to be recovered by the bill or plaint of the memorialist to the county court in Hartford county. And if the said collector shall neglect his duty in collecting said rate, within three months after his receiving the same, the Secretary shall, upon notice thereof given him, make out a writ of distress, directed to the sheriff of Hartford county, to distrain the said sum out of the moneys, goods or chattels of the said Cornish, &c., as is already provided by law against collectors, and make payment of said sum to the memorialist.

Upon the petition of the inhabitants of the town of Weathersfield, shewing that this Assembly, at their sessions in May, 1732, upon the memorial of James Patterson and others, inhabitants in Farmington and annexed to the parish of Newington, complaining of their want of highways to accommodate them to attend the publick worship of God in that parish, &c., had appointed Capt. Jabez Hide, Capt. Sampson How, and Mr. Philip Eastman, a committee to repair to said parish and view and consider, whether the said memorialists could be tolerably accommodated with highways in Farmington, and if not, where they could in Weathersfield, &c., and to make report; who accordingly reported, that the said memorialists could not be tolerably accommodated in Farmington, but that they might be in Weathersfield, by making two highways therein, &c.; which report was by said Assembly accepted, and the said highways ordered to be laid out, &c., by direction of the county court in the county of Hartford; who at the adjourned county court in Hartford in June, 1732, ordered a jury to lay out said highways and return their doings, &c.; which jury accordingly reported their doings in the premises to said county court, which was accepted, and the town of Weathersfield ordered to pay for damages and cost, £138 7s. 7d., for which a writ of *scire facias* hath been

awarded against the selectmen of Weathersfield, and final judgment recovered thereon against said selectmen, &c.; praying this Assembly to appoint a new committee to hear, view and report concerning the premises, as they shall find the same to be, &c., at the session of this Assembly in October next, and that the said final judgment and execution thereon might be suspended until the said October session, &c., for the reasons assigned in the petition: Whereupon this Assembly do appoint and fully authorize and impower, Capt. Thomas Wells of Glassenbury, Mr. Roger Newberry, and Capt. Timothy Stone, to be a committee, at the cost of both the parties, to repair to the habitations of the said complaining inhabitants, and to view the same and the lands and places adjacent, || both in Farmingtown and Weathersfield, and to hear all the parties with their pleas and evidences thereon, and duly consider the same, and make report of what they shall find best and fittest to be done in the premises, at the session of this Assembly in October next. And this Assembly do further order, that the aforesaid execution upon the said final judgment against the said selectmen be, and the same is hereby, suspended until the rising of this Assembly in October next. And this Assembly do continue the further acting on the said petition until the session of this Assembly in October next.

Upon the petition of John Brush, of Greenwich in the county of Fairfield, against John Lyon, late of said Greenwich, now of Rye in the county of Westchester and Province of New York, representing and complaining that there hath for some years last past been considerable dealing and sundry transactions of importance between them, said Brush and Lyon, and that, notwithstanding several attempts equitably to settle their affairs and adjust all their accounts, he, said Brush, hath been therein grievously imposed upon and wronged, and praying relief of this Assembly, and, particularly, that a committee may be appointed, impowered and directed, as a court of chancery, to inspect, examine and enquire, &c., as per said petition on file, dated May 7th, 1737, may more at large appear: Resolved by this Assembly, that a committee be appointed and impowered, as prayed for; and Joseph Whiting, Esqr, of New Haven, Edmund Lewiss, Esqr, of Stratford, and Ebenezer Silliman, Esqr, of Fairfield, are hereby appointed a committee for the purpose aforesaid, and fully impowered and directed, at such time and place within this Colony as they shall think convenient, seasonably to cite or notify the parties that they should be before them, and accordingly repairing to such place they, the said committee, shall appoint,

are impowered and directed fully to examine and enquire into such facts in said petition alledged and complained of, by inspecting such their account or accounts, or other writings, as may thereunto relate, and by examining the parties, or any other who may be able to give evidence in the premises, (whom they are also impowered to summon to appear before them,) under oath or otherwise; and if either of the said parties shall refuse so to appear and submit to such examination, and answer to such interrogations as shall be required of them, or to expose to their inspection such account or accounts, or other writings, as shall be demanded of him or them, the said committee, or any two of them, shall, notwithstanding, proceed to enquire and examine, so far as they shall be able, relating to the premises, and upon the whole to draw up their opinion, according to the rules of equity, and thereof make report to this Assembly in their session at New Haven in October next; provided the petitioner lay down the charge of the committee to the committee; and the charge of the whole enquiry shall be inspected by them, and be also reported by them to this Assembly in October next.

[309] Upon the petition of the inhabitants of the town of Hebron against the inhabitants of the town and the proprietors of the town of Colchester, complaining of the doings of James Wadsworth, Samuel Lynde and Edmund Lewiss, Esq^{rs}, with respect to settling a line between the said towns on the eastwardly side of a river called Jeremy's River, to a black oak tree, which is Colchester northeastwardly corner, as in their report or settlement, made the 8th day of February, 173 $\frac{2}{3}$; praying that the doings of said committee at that place might be set aside and made void: Whereupon it is resolved by this Assembly, that the doings of said committee, with respect to the said line on the eastward of said river, be set aside, and the same is hereby set aside and made void; and that the line there shall be, in all respects and every circumstance relating thereto, as it would have been if the said committee had never acted thereon.

Upon the petition of the town and proprietors of the town of Preston against the town and the proprietors of the town of Voluntown, praying for a settlement of the line dividing between the said towns, as per their petition: Resolved by this Assembly, that Mr. Richard Abbe, Capt. Thomas Wells and Capt. John Bulkley, be a committee to repair to the town of Preston and make enquiry into what hath been done relating to the said line between the towns aforesaid, and to hear the parties, and make report of the same, with their

opinion thereon, to this Assembly at their sessions in October next; at the charge of the petitioners.

Upon the memorial of Moses Hawkins of Derby, representing to this Assembly that the privilege of keeping a ferry over the river called Stratford River, was formerly granted to his father, Joseph Hawkins, now deceas'd, at the place where said Joseph Hawkins lived in Derby, and that the said Joseph Hawkins was at very considerable cost and expence to accommodate persons in passing said ferry; and also shewing that the said Hawkins's present situation between the two rivers lays him under advantages to keep a ferry over the great river at the place aforesaid and the little river in Derby also, which is likewise greatly needed in some seasons of the year: Resolved and granted by this Assembly, that the said Moses Hawkins shall, during the pleasure of this Assembly, have the sole liberty to keep a ferry over the said Stratford river, at the place where he now dwells, and over the said little river in Derby at the most convenient place; and that the fare of the ferry over the great river shall be, for man, horse and load, six pence; and for single man, three pence; and that the fare of the ferry over the little river shall be, for man, horse and load, six pence, and for single man, three pence; and that the said ferries shall be under the same regulations as other ferries in this government.

Resolved by this Assembly, That the fare of the ferry called Keeñey's Ferry, over Connecticutt River, in Hartford, shall be six pence for man, horse and load; and that the fare of the ferry over Connecticutt River in the town of Glassenbury shall be sixpence for man, horse and load, for the future.

[310] Upon the memorial of John Carey and Sarah Lucey, of Windham, administrators on the estate of Josiah Lucey, late of said Windham, deceas'd, shewing to this Assembly that the personal estate of said deceas'd amounts to no more than the sum of £167 2s. 8d., and the debts due from the estate amount to the sum of £274 15s. 5d., so that the debts due from the said estate amounts to the sum of one hundred and seven pounds twelve shillings and nine pence more than the personal or moveable estate will pay, and therefore pray that this Assembly would be pleased to impower them, or some meet person, to sell so much of the lands of the deceas'd as to procure the said sum to pay the debts remaining due from said estate: It is therefore resolved by this Assembly, that the said John Carey and Sarah Lucey, or either of them, by the direction of the court of probate for the county of Windham, are impowered, and are hereby authorized and fully impowered, to sell so much of the land belonging to the estate of

said deceas'd as to procure the said sum of £107 12s. 9d, money, with the necessary charges of selling said land, and to make and execute good and ample deed or deeds of sale to the persons that purchase the same.

The First Society in Hartford having by their vote, wherein more than two-thirds of the inhabitants qualified to vote have declared that it is necessary to build a meeting house in said society, therein to attend the publick worship of God: This Assembly having considered that affair, with the several places proposed to set said house on, do now resolve and determine, that the southeast part or corner of the burying lot in Hartford, with part of Capt. Nathaniel Hooker's lot adjoining thereto, shall be the place to erect a meeting house upon by and for said society, and order said society to proceed to build accordingly.

Upon the memorial of Josiah Phelps the second, Josiah Phelps the 4th, Elijah Owen, Samuel Owen, John Thrall, Isaac Gillett, Robert Winchell and Ebenezer Hurlburt, all of Windsor, praying that they with all other inhabitants on the tier of lots in the northwest corner of the town of Windsor, bounded north on Suffield, west on Symsbury, south on the river, and east on the common land in said Windsor, may be annexed to the parish of Turkey Hills, &c., for the reasons assigned, as by their memorial on file: Resolved by this Assembly, that said memorialists and all the inhabitants on said tier of lots, with the said tier of lots bounded north on Suffield, east on the common and undivided land in said Windsor, and south with the river, be annexed, and the same are hereby annexed to, and made part of the society of Turkey Hills.

This Assembly do allow and grant lycence unto Mr. Jonathan Abbott of Ridgefield, to practice physick in this Colony.

[311] Upon the memorial of John Nevil of Glassenbury, shewing to this Assembly that he borrowed of the Colony £50 0s. 0d., money, sometime since, and has made payment of the interest 'till the payment of the bond, which became due to this Colony the first of May instant, being three pounds, and that he having gotten together some money to take up his bond for the interest, which money with his house and goods were consumed by fire in April last, and praying to this Assembly to remit to him the said bond due the first of May instant of three pounds for interest: Whereupon it is resolved by this Assembly, that the said three pounds, due to the Colony the first of May instant, be remitted to the said John Nevil, and that the Treasurer of said Colony is hereby ordered and directed to deliver said bond to the memorialist.

Upon the memorial of Daniel Webster and others, proprietors and inhabitants of New Hartford, praying the lands in said town may be taxed to the support of the ministry, &c., as by their memorial on file: This Assembly have resolved, that the said lands shall be taxed at five shillings for and upon each hundred acres of land laid out in said town, annually for four years next coming; and the said inhabitants of New Hartford shall appoint a committee to make said rate, and a collector or collectors to gather the same, under the regulation of the laws of this Colony respecting collectors of rates; and such collector or collectors shall be accountable to Nathaniel Stanly, Esqr, and Mr. John Austin, of Hartford, who are hereby appointed to receive the same, and directed to improve the same for the support of a minister to preach the gospel at New Hartford aforesaid.

On the memorial of the selectmen of Lyme, setting forth that one Isaac Tubbs of said town hath for divers years been under distraction, so as to be under the care and charge of the selectmen of said town, and that all his moveable estate is already expended, and sundry debts due to several persons for his subsistence hitherto, amounting to near forty pounds; praying that some meet person or persons may be impowred to sell so much of the said distracted person's land as will be sufficient to discharge said debts and defray the charge of selling the same: This Assembly doth authorize and empower Messrs. John Griswold and Richard Lord to sell so much of said Tubbs's real estate as to procure the sum of forty pounds money, to be improved for the ends aforesaid, and to give ample conveyance of the land so sold.

Upon the memorial of the inhabitants of the society or parish of East Guilford, shewing to this Assembly that, by a vote of the inhabitants computed according to law, they judge it necessary to build a meeting house for the worship of God in said society, and praying this Assembly to affix the place for building said meeting house: This Assembly do appoint Major Samuel Lynde, Capt. John Russell and Mr. John Lane, a com-[312] mittee to repair to || said society, view and consider the situation and circumstances of said inhabitants, and report to this Assembly at their session in October next their opinion, where is the best place in said parish to erect a meeting house on for said inhabitants.

Upon the memorial of the south society of Preston, shewing to this Assembly that more than two-thirds of the inhabitants of said society at their meeting February 21st, 1737, voted to build a new meeting house in said society for divine worship, and praying to this Assembly for a committee to ascertain and

fix the place to build said meeting house on: Resolved by this Assembly, that Capt. Benajah Bushnell, Mr. Simon Lothrop, of Norwich, and Mr. Luke Perkins of Groton, be a committee to repair to said south society of Preston, with full power to fix and ascertain the place to build a meeting house upon, and to make return to this Assembly in October next.

Upon the memorial of the parish of Wilton, shewing to this Assembly that said parish at their meeting December 21st, 1736, by more than two-third parts thereof, voted that it was necessary to build a new meeting house in said parish for the worship of God, and praying this Assembly for a committee to repair to said parish and ascertain and fix the place to build a meeting house upon: Resolved by this Assembly, that Capt. Andrew Burr, Capt. Jonathan Hoit and Mr. Jonathan Maltbie, be a committee to repair to said parish, with full power to ascertain and fix a place to build a meeting house upon, and make return of their doings to this Assembly in October next.

Upon the memorial of Capt. George Philipse and Jabez Hamlin, Esqr, agents for the town of Middletown, praying that the ferry over Connecticut River at Middletown, (in the town platt,) which was formerly granted to Mr. Izrahiah Wettmore, should be granted to said town of Middletown, &c., for the reasons assigned in the memorial: This Assembly do thereupon grant the said ferry to the said town of Middletown, to be kept by such person or persons as they shall nominate and appoint from time to time to keep and attend the same; and that this grant shall continue during the pleasure of this Assembly. And this Assembly do hereby enact, that the fare of said ferry for the future shall be as formerly.

Upon the memorial of the north society of Killingsworth: This Assembly grants liberty to the inhabitants of said society to imbody into church estate, with the approbation of their neighbouring churches.

Upon the memorial of Samuel Warner, administrator with the will annexed on the estate of Lieutenant Robert Warner, late of Middletown, deccas'd, shewing to this Assembly that [313] the debts due from the estate || of said deccas'd do surmount the goods and chattels of said deccas'd the sum of £66 5s. 8d., for the payment of which there is no other way but by the sale of some of the said deccas'd's lands; thereupon praying this Assembly to empower him to sell so much of the land belonging to said deccas'd as will procure the sum of £66 5s. 8d. as aforesaid, together with the necessary charges arising thereon, &c.: Whereupon it is resolved by this Assembly, that the said administrator be, and he is hereby, appointed

and impowred to make sale of so much of the real estate of the said deceas'd as will procure the said £66 5s. 8*d.*, with the necessary charges arising thereon, taking the direction of the court of probate in the county of Hartford therein, and to make and execute deed or deeds accordingly.

Upon the memorial of Abigail Thompson of Fairfield, administratrix on the estate of her late husband David Thompson, late of said Fairfield, deceas'd, shewing to this Assembly that the debts due from said estate surmount the moveable estate of the deceas'd £237 1s. 10*d.*, praying this Assembly that she, said administratrix, or some other meet person, may be impowred to sell so much of the lands of said deceas'd as shall be necessary to pay the aforesaid sum of £237 1s. 10*d.* and the necessary charges arising thereon: Resolved by this Assembly, that Abigail Thompson, the abovenamed memorialist, be impowred, and she is hereby impowred, with the direction of the court of probate in the district of Fairfield, to sell so much of the lands of David Thompson, late of said Fairfield, deceas'd, as to make the sum of £237 1s. 10*d.*, together with what shall be needful for defraying the necessary charges arising on the sale aforesaid.

Upon the memorial of Godfrey Malbone, of Newport, and Robert Stoddard, jun'r, of Groton, shewing that upon their memorial to this Assembly, at their session in October last, this Assembly did then appoint John Bulkley, Esq'r, Messrs. Simon Lothrop and Hezekiah Huntington, a committee, at the cost of said memorialists, to repair to the river running from Norwich to New London, and the same view, and the circumstances of the two certain places in said river that the memorialists informed this Assembly were convenient to have a ferry at, (*viz.*) at one or other of them, and any other place that to them might be proposed, and to make report to this Assembly: and whereas the said Bulkley had been under indisposition of body for considerable time, and could not attend said service, and thereby nothing had been done in the premises; praying that the said committee might be again appointed to that service, &c., as per their memorial appears: This Assembly thereupon appoint the said Bulkley, Lothrop and Huntington, at the cost of the memorialists, to repair to the said river, view the said places and any other places that may be proposed to them for the having the said ferry, and report what they shall find respecting the premises to this Assembly in October next.

[314] Upon the memorial of Titus Hurlburt, administrator on the estate of George Buttolph, late of New London,

deceas'd, shewing to this Assembly that the debts due from the estate of the said deceas'd do surmount the goods and chattels of said deceas'd the sum of 340*l.* 3*s.* 11*d.*, for the payment of which sum there is no other way but by the sale of some of the said deceas'd's lands: thereupon praying this Assembly to impower him to sell so much of the lands belonging to said deceas'd as will procure the sum of 340*l.* 3*s.* 11*d.*, as aforesaid, together with the necessary charges arising thereon, &c.: Whereupon it is resolved by this Assembly, that the said administrator be, and he is hereby, appointed and impowered to make sale of so much of the real estate of the said deceased as will procure the said sum of 340*l.* 3*s.* 11*d.*, with the necessary charges arising thereon, taking the direction of the court of probate in the district of New London therein, and to make and execute deed or deeds of the same accordingly.

On the memorial of Nathaniel Pratt of Saybrook, setting forth the distressed state of his son Samuel Pratt, under distraction, and praying that he, or some other person, may be appointed and impowered to sell some part of the distracted person's real estate, to defray some necessary charges already arisen and what may further arise: This Assembly grants liberty to the said Nathaniel Pratt, and doth hereby authorize and fully impower him, with the advice and direction of Samuel Lynde, Esq^r, to sell of the real estate of his said son not exceeding the value of fifty pounds, and to give ample conveyance of the land so sold; the money to be improved by the said Nathaniel Pratt for the uses aforesaid.

Upon the memorial of John Merriman, of Wallingford, jun^r, administrator, and Susannah Merriman, administratrix, upon the estate of George Merriman, late of said Wallingford, deceas'd, shewing to this Assembly that the debts and other allowances due from said estate surmount the moveable estate of the deceas'd 79*l.* 7*s.* 3*d.*, and praying for liberty of this Assembly to make sale of so much of the real estate of the deceas'd as will amount to said sum of 79*l.* 7*s.* 3*d.*, with the necessary charge thereon arising: This Assembly do hereby substitute and appoint Capt. John Merriman, John and Susannah Merriman, all of Wallingford aforesaid, to make sale and execute deeds of conveyance of so much of the real estate of the deceased as will amount to said sum of 79*l.* 7*s.* 3*d.*, with the charges arising upon selling the same, taking the advice of the court of probates for the district of New Haven.

Upon the memorial of Hannah Smith of Weathersfield, executrix of the last will and testament of Nathan Smith, late of said Weathersfield, deceas'd, shewing to this Assembly

that the debts due from the estate of said Smith, deceas'd, amounted to the sum of 77*l.* 8*s.* 8*d.* more than the goods and chattels of the said deceas'd, and there being no other way [315] whereby the said debts || can be paid but by the sale of some of the lands of the said deceas'd, and praying for liberty to make sale of so much of the real estate of the said deceas'd as will amount to the sum of 77*l.* 8*s.* 8*d.*, due as aforesaid, and necessary charges of such sale thereon arising: This Assembly do therefore grant liberty to the said executrix, joyntly with Coll. David Goodrich, at the direction of the court of probates in the county of Hartford, to make sale of so much of the lands of the said Nathan Smith, deceas'd, as shall amount to the sum of 77*l.* 8*s.* 8*d.* aforesaid, together with the necessary charges thereon arising for the said sale; and do hereby fully empower said executrix and the said Goodrich to make and execute good and ample deeds of said land, when sold, &c.

Upon the memorial of Rose Slawson of Stanford, together with the selectmen of said town of Stanford, representing to this Assembly that the said Rose Slawson is left in widowhood under very indigent circumstances, having a number of small children, and one of them, (*viz.*) Silas Slawson, is deprived of the use of his reason, and so unable to improve his estate or to do anything for his own support; also shewing that he had left him by his father at the time of his decease about the sum of eighty pounds; and praying for liberty to sell the lands belonging to said Silas Slawson, in order to his support: Resolved and granted by the Governour, Council and Representatives, in General Council and Representatives, that the memorialist and Jonas Weed shall have liberty, and are hereby empowered, to sell the lands of said Silas Slawson, being under the direction of the court of probate in the district of Standford, and that the money received therefor shall be improved for the support and maintenance of said Silas Slawson by the persons appointed to sell the lands as aforesaid.

Upon the memorial of Elnathan Brigham and the rest of the northern inhabitants in Mansfield, praying for a committee to repair to said Mansfield and view their circumstances, respecting the divisional line to be drawn between the new society in the northern part of said Mansfield and the old society therein: Resolved by this Assembly, that Capt. Benajah Bushnell, Capt. John Bulkley and Mr. Dudley Woodbridge, shall be a committee to repair to said Mansfield, at the cost of said memorialists, and view their circumstances, and state a dividant line between the old society in said Mansfield and

the said northern part of said town, so as best to suit the old society in said Mansfield and the new one proposed, and make report to this Assembly at their session in October next.

On the petition of Joseph Lockwood, and others therein named, *vs.* the proprietors of the town of Fairfield: The question was put, whether the pleas offered in abatement thereof are sufficient, and resolved by this Assembly in the affirmative. *Cost allowed respondents is 4l. 17s. 10d. Ex. granted May 31st, 1737.*

On the petition of John Bennett, of Preston, *vs.* Nathaniel Bundy, of Stoningtown: The question was put, whether the petitioner shall have another tryal, &c., as prayed for, and resolved by this Assembly in the negative.

[316] On the petition of the town of Windham *vs.* the town of Canterbury, on file, &c.: The question was put, whether anything prayed for in the same should be granted, and resolved by this Assembly in the negative.

On the petition of the inhabitants of the town of Symsbury *vs.* the inhabitants of the town of Windsor, on file, &c.: The question was put, whether anything prayed for therein should be granted, and resolved by this Assembly in the negative. *Cost allowed the respondents is 3l. 14s. 2d. Ex. granted Aug. 11th, 1737.*

On the petition of John Bliss, &c., *vs.* John Curtiss, &c., on file, &c.: The question was put, whether the pleas offered in abatement of the same are sufficient, and resolved by this Assembly in the affirmative. *Cost allow'd respondent is 3l. 9s. 2d. Ex. granted December 23d, 1738.*

On the petition of James Hilhouse *vs.* Daniel Denison, lying on the files, &c.: The question was put, whether anything prayed for in the same should be granted, and resolved by this Assembly in the negative. *Cost allow'd respondents is 4l. 4s. 0d. Ex. granted March 25th, 1738.*

An Act for the Emitting Bills of Credit for the Payment of the publick Debts of this Colony.

Whereas this Assembly are informed from the Treasurer of this Colony, that he hath not a sufficiency of money in his hands to defray the necessary charge and debts of this Colony, but hath in his hands the sum of fifteen hundred pounds formerly struck on the old plate, for exchange, of twenty shilling bills and bills under five shillings that are not hitherto known to be counterfeited:

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer is hereby authorized and

impowered to issue out and deliver the said sum of fifteen hundred pounds, in twenty shillings, three shilling, two shilling and sixpenny, and two shilling bills, of the said exchange bills now in his hands, towards the payment of the debts and necessary charges of this Colony, according to such orders as shall be given him agreeable to the direction of the law.

And be it further enacted by the authority aforesaid, That as a fund or security for the payment and drawing the said bills into the treasury again, this Assembly grants a tax or rate of one thousand five hundred and seventy-five pounds, to be levied on the polls and all other rateable estate within this Colony, and to be paid into the treasury at or before the last day of May, 1742. 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 for Emitting Bills of Credit.

Whereas there is in the hands of Mr. John Whiting, Treasurer of this Colony, the sum of one thousand pounds in good bills of credit, fit for further service, which were brôt in by the rate granted October, 1735:

[317] *It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That the said Treasurer shall be, and he is hereby, impowered and authorized to issue out and deliver the aforesaid sum of one thousand pounds towards the payment of the debts and the necessary charges of this Colony, according to such orders as shall be given him from time to time agreeable to the direction of the law.

This Assembly grants to his Honour the Governour the sum of three hundred and fifty pounds, for his salary this current year; to be paid the one half at this time and the remainder at October next.

Granted to his Honour the Deputy Governour the sum of one hundred and seventy-five pounds, for his salary this current year; to be paid the one half at this time and the remainder in October next.

Granted to Franciss Wilks, Esqr, our Agent at the Court of Great Britain, the sum of one hundred and fifty pounds, for his salary this current year.

Granted to Mr. John Whiting, Treasurer of this Colony, the sum of thirty pounds, for his past services about the loan money and interest.

Granted to Mr. Timothy Green, the printer, the sum of twenty-five pounds, for his half years salary.

Cost allowed by this Assembly to Jonathan Yeomans, of Middletown, for attendance, &c., to answer the memorial of Francis Whittmore, &c., named in their memorial on file, is 2*l.* 8*s.* 4*d.* *Ex. issued July 26th, 1737.*

Whereas the business of this Assembly has drawn out their present session to such a length that all the members thereof cannot, without great inconvenience, stay to hear the records of the acts of this Assembly read off and compleated: This Assembly do order and appoint Roger Wolcott, Nathaniel Stanly, Ozias Pitkin, William Pitkin, Esq^{rs}, Capt. John Marsh, Mr. Joseph Buckingham, Capt. Henry Allyn, Mr. Roger Newberry, Coll. David Goodrich, Capt. John Chester, Capt. Thomas Wells and Mr. Jonathan Hale, a committee in the name and behalf of this Assembly, to attend his Honour the Governour to hear the records of the acts of this Assembly read off, and to see them perfected and then signed by the Secretary as compleat.

The several acts, grants and orders of this Assembly, as they stand entered on the pages of this book next preceding, were read in the presence of his Honour the Governour and the committee abovenamed, (except Ozias Pitkin, Esq^r.) and by them ordered to be signed by the Secretary as compleat.

GEORGE WYLLYS, Secretary.

[318] *Connecticut* }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN, IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA, ON THURSDAY THE 13TH DAY OF OCTOBER, ANNO REGNI REGIS GEORGIJ 2^{di}, MAGNÆ BRITANNIÆ & C. 11^{mo}, ANNOQUE DOMINI 1737; AND CONTINUED BY SEVERAL ADJOURNMENTS TILL THE SECOND DAY OF NOVEMBER NEXT ENSUING.

Present.

The Honourable Jonathan Law, Esq^r, Deputy Governour.*

Samuel Eells, Esq ^r ,	Timothy Pierce, Esq ^r ,	} <i>Assistants</i>
Roger Wolcott, Esq ^r ,	John Burr, Esq ^r ,	
James Wadsworth, Esq ^r ,	Samuel Lynde, Esq ^r ,	
Nathaniel Stanly, Esq ^r ,	Edmund Lewis, Esq ^r ,	
Joseph Whiting, Esq ^r ,	William Pitkin, Esq ^r ,	
	Roger Newton, Esq ^r ,	

* The Governour was so ill as to be unable to be present. *Journal U. H.*

Representatives or Deputies that were returned to attend at this Assembly are as follow, (viz^t.)

- Capt. John Marsh, Mr. Joseph Buckingham, for Hartford.
Capt. Daniel Coit, Capt. Robert Denisson, for New London.
Capt. Jabez Huntington, Capt. Nathaniel Rudd, for Windham.
Mr. Ebenezer West, Mr. Jonathan Trumble, for Lebanon.
Capt. William Preston, Mr. Noah Hinman, for Woodbury.
Capt. James Reynolds, Capt. Nathaniel Peck, for Greenwich.
Mr. Deliverance Brown, Mr. Obadiah Johnson, for Canterbury.
Mr. John Humphrey, Mr. Benajah Case, for Symsbury.
Capt. John Bulkley, Capt. Israel Newton, for Colchester.
Capt. Jonathan Hoit, Mr. Jonathan Maltbye, for Standford.
Mr. Samuel Willard, Mr. Andrew Lord, for Saybrook.
Mr. Richard Lord, Mr. Richard Ely, for Lyme.
Mr. Hezekiah Brainard, for Haddam.
Mr. Hezekiah Parks, Mr. John Cook, for Preston.
Capt. Stephen Noble, Mr. John Bostwick, for New Milford.
Capt. Isaac Dickerman, Capt. Jonathan Alling, for New Haven.
Mr. Ebenezer Silliman, Capt. John Burr, for Fairfield.
Mr. Hezekiah Huntington, Capt. Joseph Tracy, for Norwich.
Mr. William Morgan, Mr. James Avery, for Groton.
Mr. Joseph Strong, Capt. Samuel Parker, for Coventry.
Mr. Experience Porter, Mr. Cordial Stores, for Mansfield.
Capt. Henry Allyn, Mr. Roger Newberry, for Windsor.
Capt. Joseph Platt, Capt. Samuel Handford, for Norwalk.
Capt. Thomas Wells, Mr. Jonathan Hale, for Glassenbury.
Capt. William Wadsworth, Mr. Anthony Judd, for Farmington.
Capt. John Russell, Capt. William Gould, for Brandford.
Capt. John Riggs, Capt. Samuel Bassett, for Derby.
Mr. Isaac Spencer, for East Haddam.
Mr. Ebenezer Lyman, Mr. Elihu Chauncey, for Durham.
Mr. Samuel Danielson, Mr. John Dwight, for Killingly.
[319] Mr. Hezekiah Gaylord, Mr. Joseph Phelps, for Hebron.
Mr. Philip Eastman, Mr. Zachariah Bicknal, for Ashford.
Mr. Stephen Hopkin's, Mr. Joseph Lewiss, for Waterbury.
Capt. James Beebe, Mr. Thomas Benedict, for Danbury.
Mr. John Lane, Mr. Jonathan Lane, for Killingsworth.
Capt. George Phillipse, Mr. Jabez Hamlin, for Midletown.
Mr. Robert Treat, Mr. John Fowler, for Milford.
Mr. Theophilus Nickols, Mr. Daniel Halley, for Stratford.
Mr. Joseph Craft, Mr. Ebenezer Holebrook, for Pomfrett.
Capt. Samuel Hill, Capt. Timothy Stone, for Guilford.
Coll. David Goodrich, Capt. John Chester, for Weathersfield.
Mr. John Creery, Mr. Daniel Lawrence, for Plainfield.
Capt. Theophilus Yale, Capt. Benjamin Hall, for Wallingford.

Mr. Increase Billings, Mr. John Noyes, for Stonington.

Mr. Ebenezer Silliman, Speaker, } of the House of Repre-
 Capt. John Russell, Clerk, } sentatives.

This Assembly do establish and confirm Mr. Samuel Hutchinson to be Lieutenant of the north company or trainband in the first society in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Clark to be Ensign of the north company or trainband in the first society in the town of Lebanon, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. John Beckwith of Lyme to be Ensign of the second company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Increase Billings of Stonington to be Ensign of the second company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ichabod Palmer of Stoningtown to be Ensign of the third company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Beebe of New London to be Lieutenant of [the] first company or trainband in the town of New London, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Hempstead 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.

[320] This Assembly do establish and confirm Mr. Daniel Rockwell to be Cornet of the Troop in the county of New London, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Smith to be Quarter-Master of the Troop in the county of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elisha Sheldon to be Captain of the first company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Seward to be Lieutenant of the company or trainband in the town of Durham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elisha Chauncey to be Ensign of the company or trainband in the town of Durham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Theophilus Rosseter to be Ensign of the company or trainband in North Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Peter Farnum to be Lieutenant of the west company or trainband in the town of Killingsworth, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Buel to be Ensign of the west company or trainband in the town of Killingsworth, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Weed to be Lieutenant of the first company or trainband in the town of Standford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Bell, junr, to be Ensign of the first company or trainband in the town of Standford, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Andrew Ward, junr, of Guilford, to be Lieutenant of the second company or trainband in the town of Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Lattimer to be Captain of the 5th company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Prentiss to be Lieutenant of the fifth company or trainband in the town of New London, and order that he be commissioned accordingly.

[321] This Assembly do establish and confirm Mr. Abraham Morgan to be Ensign of the fifth company or trainband

in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Herick to be Lieutenant of [the] second company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Amos Waldbridge to be Ensign of the company or trainband in the town of Stafford, and order that he be commissioned accordingly.

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

The Gentlemen nominated by the Freemen of this Government to stand for Election in May next are as follow, (viz :)

The Honourable Joseph Talcott, Esqr, the Honourable Jonathan Law, Esqr, Samuel Eells, Esqr, Roger Wolcott, Esqr, James Wadsworth, Esqr, Nathaniel Stanly, Esqr, Joseph Whiting, Esqr, Ozias Pitkin, Esqr, Timothy Pierce, Esqr, John Burr, Esqr, Samuel Lynde, Esqr, Edmund Lewiss, Esqr, William Pitkin, Esqr, Roger Newton, Esqr, Thomas Fitch, Esqr, Mr. Ebenezer Silliman, Capt. John Bulkley, Mr. Ebenezer West, Capt. Samuel Hill, Capt. Andrew Burr.

An Act appointing a Special Court to be holden in Saybrook for the Tryal of Kate, an Indian Woman, now confined in the Goal at New London on Suspicion of murthuring her bastard Child.

Whereas the tryal of the said Indian woman hath been already long delayed, and may probably be much longer, by reason of the weakness and infirmity attending some of the principal evidences necessary on said tryal, which renders it impracticable for them to attend on the stated superiour courts: To the end, therefore, that justice may not be delayed,

It is enacted by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the judges of the superiour court, or any three of them, shall meet at Saybrook, at such place in said town as the chief judge shall appoint, on the third Tuesday of November next, and there proceed to the tryal of the said Kate in due course of law, as though the tryal had been at one of the stated courts; any law, usage or custom to the contrary notwithstanding.

An Act in Addition to an Act intituled An Act for the Encouragement and better Supporting the Schools that by Law ought to be kept in the several Towns and Parishes in this Colony, which Act was made in May, 1733.

Whereas in said act the money raised by the sale of the

seven townships, laid out in the western lands and ordered by this Assembly to be sold, was appropriated to the support [322] of the several schools in the towns that gave || in their lists in the year then last past, and upon the improvement of said money to any other use, the money to be returned into the treasury of this Colony :

It is now declared and resolved by this Assembly and the authority thereof, That in case any of the towns or parishes as aforesaid, by their major vote in any of their meetings regularly assembled, shall well and truly sequester their proportion of such money to the support of the gospel ministry as by the laws of this Colony established, and shall from time to time continue to improve it to that end, this Assembly will not proceed to take the forfeiture as aforesaid, but do hereby release the said money to the support of the ministry as aforesaid ; any former act of this Assembly to the contrary notwithstanding.

The Sums Total of the Lists of Estate of the several Towns in this Colony following, sent in to this Assembly and accepted, (viz.)

Hartford,	32171l. 7s. 9d.	New Haven,	39942l. 10s. 0½d.
New London,	27877 15 5	Fairfield,	35916 6 10
Windham,	17099 9 0	Norwich,	39133 0 9
Groton,	17511 4 0	Farmington,	24216 6 6
Lebanon,	26273 0 9	Waterbury,	8493 19 0
Saybrook,	16045 4 0	Durham,	8886 18 0
Pomfrett,	11033 5 0	Glassenbury,	8423 14 0
Hebron,	10153 15 6	Windsor,	28524 15 0
Preston,	14103 10 0	Woodbury,	12358 8 0
Mansfield,	8082 6 0	Lyme,	17425 16 9
Plainfield,	8542 17 3	Killingsworth,	10442 6 4
Norwalk,	24806 0 11	Brandford,	17346 15 6
New Milford,	6813 16 4	Symsbury,	11785 19 0
Danbury,	10550 12 0	Guilford,	25597 19 9
Greenwich,	15159 10 0	Coventry,	9122 3 0
Killingly,	13050 8 0	East Haddam,	11948 9 6
Ashford,	6123 10 0	Stratford,	29184 5 0
Stonington,	23644 1 0	Millford,	24522 12 10
Wallingford,	30686 14 9	Midletown,	26814 0 0
Standford,	21773 4 3½	Derby,	7149 4 0
Weathersfield,	22553 17 6	Colchester,	14896 4 0

Upon the memorial of Stephen Hart, Joseph Hart, &c., heirs of Stephen Hart, formerly of Farmingtown, deceas'd, shewing that this Assembly, May 8th, 1673, granted to Stephen Hart aforesaid, deceas'd, one hundred and fifty acres of land, in such place where it might be conveniently found,

&c. ; and that at this Assembly, October 11th, 1705, the said grant was made and confirmed to the heirs of the said Stephen Hart, deceas'd, to be taken up in some convenient place where it might not prejudice any former grant ; and that the said grant yet remains unsurveyed, &c. ; and praying the said 150 acres may be laid out, &c. : This Assembly grant the prayer of the said memorialists, and order that there be surveyed and laid out to the heirs of Stephen Hart aforesaid, deceas'd, one hundred and fifty acres of land on the west side of Ousattunnuck river, not within the bounds of any of the townships there already laid out. And Edmund Lewiss, Esqr, surveyour of the county of Fairfield, is directed and impowred to survey and lay out the same accordingly.

[323] On the memorial of the west society in Fairfield, praying to have a committee appointed to ascertain a place for the erecting a meeting house in said society : This Assembly do appoint Mr. John Thompson, Capt. Samuel Comstock, and Mr. John Bartlett, a committee to repair to said society, view the circumstances of the same, hear the parties thereon, and ascertain the place for the setting the meeting house on, and make report to this Assembly, for confirmation.

Upon the representation of Messrs. Benajah Bushnell, John Bulkley and Dudley Woodbridge, who were a committee appointed by this Assembly, in their sessions at Hartford in May last, to repair to Mansfield and to view the circumstances of said town, in order to the forming a new society in the northerly part thereof, and to affix a divisional line, &c., and shewing to this Assembly that the said committee, on the 11th day of July last past, entered upon said service, and, having viewed the situation thereof, do judge it most convenient that there be a new society formed in the northerly part of said town, within the lines hereafter mentioned : Whereupon it is resolved and enacted by this Assembly, that there be a distinct society in the northerly part of said town of Mansfield, and that the inhabitants thereof are hereby endowed with the same parish powers and privileges as other parishes allowed by law in this Colony are ; and the said society to lye within the following lines, (*viz.*) Beginning at a white oak tree standing at the Willamantick river, being the northwesterly corner of said town ; thence running in the line dividing between said town of Mansfield and the town of Willington and Ashford six miles and an hundred and ten rods to an heap of stones, erected in said line by the town of Mansfield for a corner of said society ; from thence running southerly two miles to a heap of stones erected by the town for the same purpose, and from said heap of stones to run a

line so as to leave Mr. Freeman's house in the old society, about forty rods, and just to include the dwelling houses of Stephen Cross and Abel Wright in the new society, till it comes to Willamantick river; and from thence to run by said river to the first mentioned boundary.

Upon the memorial of Samuel Humphrey and others, proprietors of the bridge across the river in Symsbury, praying this Assembly to empower the proprietors of said bridge to manage the affairs thereof by their major vote, &c.: This Assembly do enact and empower the proprietors of said bridge, and they are hereby impowred, to meet together upon notice given them by any three of the principal proprietors of said bridge appointing time and place of such meeting; and said proprietors being so assembled, to chuse a clerk to enter the votes of said proprietors, who shall take the same oath that is already provided by law for proprietors' clerks. And said proprietors shall have full power in said meetings to agree upon such measures as they shall think proper, to order the affairs of said bridge, and for keeping said bridge in repair, and also to chuse a committee to take the care of said bridge, and agree with and appoint some suitable person to tend said bridge and to take the toll or fare of those that cross on said bridge; and also said proprietors in said meetings to agree on any method of warning meetings of said proprietors for the future. All the votes of said proprietors to be computed by their interest in said bridge.

Upon the memorial of Loiss Stanton, widow and relict of Samuel Stanton, jun^r, late of Stonington in the county of New London, decess'd, she being administratrix on the estate of said decess'd, shewing to this Assembly that the debts due from said estate surmount the moveable estate of the decess'd [324] £498 0s. 2d., and praying || for liberty of this Assembly to make sale of so much of the real estate of the decess'd as will amount to the sum of said debts and also defray the necessary charges thereon arising: This Assembly do hereby substitute and appoint Mr. John Noyes of Stonington and Loiss Stanton the memorialist, to make sale and execute deeds of conveyance of so much of the real estate of the decess'd as will procure the sum of £498 0s. 2d. with the necessary charges arising thereon, taking the direction of the court of probate in the county of New London.

Upon the memorial of Josiah Loomiss of Symsbury, shewing this Assembly the great care and pains he has taken for the cure of a certain lame Indian, named Peter, and praying this Assembly to order that he shall be paid for his care and pains

taken as aforesaid, out of the publick treasury of this Colony : This Assembly do enact and grant, that the said Josiah Loomiss shall be paid out of the publick treasury of this Colony the sum of twelve pounds money, for his pains and care taken as aforesaid ; and the Treasurer is hereby ordered and directed to pay unto the said Josiah Loomis, out of the publick treasury of this Colony, the said sum of twelve pounds money, taking his receipt for the same.

Upon the memorial of Ebenezer Fowler, administrator of the estate of William Smith, late of Guilford, deceas'd, shewing to this Assembly that the debts and charges due from said estate surmounts the personal estate the sum of £10 14s. 4d., and praying for liberty and power to sell so much of the real estate as may procure the said sum of £10 14s. 4d. with the necessary charges arising in selling the same : This Assembly grants liberty and full power to the said Ebenezer Fowler, with the direction of the court of probate in Guilford, to sell so much of the real estate of said deceas'd as may procure the said sum of £10 14s. 4d. for the payment of the debts of said deceas'd, with the necessary charges arising thereon.

Upon the memorial of Lydia Thomas of New Haven, administratrix of the estate of Samuel Thomas, late of New Haven, deceas'd, shewing that the debts due from said deceas'd's estate do amount to a greater sum than the whole inventory of said deceas'd's estate, both real and personal, by the sum of £7, 15s. 2d., and praying that she might have liberty to make sale of all the real estate of said deceas'd, to enable her to the payment of the debts aforesaid : It is resolved by this Assembly, that the said Lydia Thomas shall have liberty, and is hereby fully impowred, to make sale of the said deceas'd's real estate, to enable her to pay the said debts so far as the same on sale shall amount ; always observing the direction of the judge of probates in New Haven therein.

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

This Assembly do establish and confirm Mr. Josiah Beers to be Ensign of the north company or trainband in the town of Stratford, and order that he be commissioned accordingly.

[325] This Assembly do order and direct the Treasurer of this Colony, Capt. John Whiting, to attend the Assembly on Thursday, the 27th day of October instant, and bring with him a sufficiency of the bills of publick credit in his hands to defray the charges of this Assembly.

On the report of Andrew Burr and Jonathan Maltbie, who were, together with Jonathan Hoit, Esqr, appointed to be a committee by the Assembly, in May last, to ascertain and affix a place to build a meeting house upon in the parish of Wilton, shewing that the said Burr and Maltbie had heard and viewed the circumstances of said parish, and have ascertained and affixed the place to build said meeting house upon to be a piece of land belonging to John Marvin of Norwalk, lying in said parish on the eastwardly side of the country road from Norwalk to Danbury, on a place called and known by the name of the Sharp Hill, where they set down a stake and laid stones thereto: Resolved by this Assembly, that the place ascertained by said committee be fixed and ascertained as the place for building said meeting house on in said parish, at the stake abovementioned.

Upon the memorial of William Moor, Isaac Gillett and Ephraim Phelps, committee of Turkye Hill parish in Symsbury and Windsor, shewing to this Assembly that the said parish or society, at their meeting regularly assembled, June the 16th, 1737, voted, wherein more than two-thirds of the voters agreed, that it was necessary to build a meeting house in said society for the worshipping God in, and praying this Assembly that they would appoint a committee to affix a place in said society whereon they may build said meeting house: This Assembly do appoint Messrs. James Church, Joseph Talcott, junr, and John Edwards, of Hartford, a committee to repair to said parish and view the situation of the inhabitants thereof, and affix and ascertain a place in said society whereon they may think it most convenient for said inhabitants to build their meeting house, and make report of their doings in the premises to this Assembly in their sessions in May next.

Upon the memorial of the southwest military company in Windsor, shewing to this Assembly that there is about five or six families living in the north-east part of Farmingtoun which are part of Wintonbury parish but are not by law obliged to attend upon and do military duties nor service there, yet they are so remote from the town of Farmingtoun that they have never attended upon military service in said Farmingtoun; praying this Assembly that they may be ordered to attend and perform military duty and service with said southwest military company: Whereupon this Assembly enact and order, that those persons that by law are obliged to train, who live in the northeast part of Farmingtoun and in the parish of Wintonbury, shall attend and perform military duties and service in said military company or trainband, and shall be

liable to the penalties of the law for their neglect to attend said service as if they had always belonged to said trainband or company.

This Assembly do establish and confirm Mr. Jeremiah Peck to be Lieutenant of [the] west company or trainband in the town of Milford, and order that he be commissioned accordingly.

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

[326] Upon the petition of John Meach, of Preston in the county of New London, shewing to this Assembly that John Rude, of Preston aforesaid, and Nathaniel Brayman and Mehetabell Brayman, of Stafford in the county of Hartford, bro't their action against him, demanding sixty acres of land, and that the final judgment of the superiour court in New London in September last was rendered against him; and also praying for a rehearing of said cause at the superiour court to be held in Norwich in March next: Resolved by this Assembly, that the said John Meach is allowed a new tryal of his said cause at the superiour court to be held at Norwich in the county of New London on the 4th Tuesday of March next: upon this condition, that the said Meach pay to the said Rude, &c., all the cost recovered against him at the superiour court in September last in said cause, before he enter this action; and all the future cost follow the final judgment.

Upon the petition of Benjamin Wright of Killingsworth, representing and shewing to this Assembly that by his writ, dated November 18th, 1735, he brought his action of trespass against Ephraim Kelsey of Saybrook, demanding fifty pounds damage, before the county court held at Norwich, 4th Tuesday of said November, which by sundry continuances and tryals came to its final tryal before the superiour court at New London in September last, on the plea Not Guilty, in which tryal the other matters being conceded by the parties and whether a certain deed of feoffment, alledged to have been given by James Wright, the plaintiff's father, to one James Wright his son, was, in fact, the said father's act and deed, remaining the only or principal point in question, the defendant, concealing said original writing, gave in evidence of the aforesaid fact only a copy thereof, and that, upon the sole evidence of such copy, the jury found the defendant not guilty, and so, in effect, that the said deed was the act of the said James the father, and that judgment was thereupon given that the defendant recover his cost,—prays for a reversal of

said final judgment and liberty of another tryal of this case at the superiour court to be held at Norwich in March next, and that in such tryal the said copy may not be admitted as evidence of the abovesaid questioned matter of fact, and that the whole cost follow such final tryal, as per his petition on file, dated October the 6th, 1737, appears: Resolved by this Assembly, that the petitioner have liberty of another tryal of this case before the superiour court to be holden at Norwich in March next, and that the whole cost follow the judgment.

Upon the memorial of Henry Cook, Barnabas Ford and others, inhabitants of the town of Waterbury, shewing to this Assembly the difficulty that they lye under, in attending the publick worship in said town, and that said town, at their meeting held in said Waterbury, September 29th, 1736, upon application made to them, granted to the memorialists liberty, for themselves and others that should live within two miles and an half of the dwelling house of Barnabas Ford, to hire a gospel minister in the months of December, January and [327] February, with exemption || from any ministerial charges in the town society during said time, and said liberty was granted by said town for three years next after said meeting; praying this Assembly that the vote of said town might be confirmed unto them, &c.: Whereupon this Assembly order and enact, that during said three months granted by the town of Waterbury to the memorialists, in the three years then next ensuing, the memorialists shall be exempted from paying any charges to the support of the minister in said town society; provided they maintain a gospel minister amongst themselves.

This Assembly do establish and confirm Mr. Ebenezer Barnes to [be] Ensign of the company or trainband at the parish of Southington in Farmingtown, and order that he be commissioned accordingly.

An Act directing Listers in their Office and Duty.

Be it enacted by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the listers in the several towns in this Colony, being sworn to a faithful discharge of their office, shall, by themselves or one or more deputed by them, sometime in the month of July annually, warn all the inhabitants proper to be listed in their towns, or leave notice at their houses or places of usual abode, to give in their respective lists; and the said inhabitants, being so warned, shall give in to the listers, in writing, a true account of all the rateable estate being their property or belonging to them on the twentieth of August following, at or before the tenth of September follow-

ing, particularly mentioning therein all such things as are in this act hereafter expressly valued, signed with their names or marks; which accounts the said listers shall accept, adding, according to their best judgments, for all things hereafter mentioned in this act to be listed that are not particularly valued, and make the whole into one general list.

Be it further enacted by the authority aforesaid, That the listers in the respective towns shall return the sum total of the list unto the General Assembly 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, some time before the first of July preceding; and that 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 this 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.

Be it further enacted by the authority aforesaid, That it shall be the duty of the said listers, after the rising of the General Assembly in October annually, carefully to inspect the said list till the last day of December following, annually, and to add fourfold for all the polls and estate rateable they shall find left out of the list by any particular person or persons, the property whereof did belong unto any of the persons [328] aforesaid on || the twentieth of August preceding; and if any doubt thereon shall arise, the said estate shall be adjudged or reputed the property of the person assessed for the same, unless he can shew it to have been the property of some other person on the said twentieth of August aforesaid; and also add to the said lists fourfold for the whole rateable estate and polls of all such as have given in no lists at all, as a penalty on the said inhabitants for their neglect, who shall pay rates for the same according to their fourfold assessments; and the one-half of all sums arising upon such additions shall by the constable and other collectors of rates that shall be made upon such lists be paid to the listers as a reward for their trouble, and the other half shall be for the uses for which such rates are made. And the said listers shall transmit the sum total of all the additions they shall so make, to the General Court in May following, incurring the same penalty for their neglect hereof as is provided in the second paragraph of this act in case they shall neglect to send the sum total of the list to October Court.

Be it further enacted by the authority aforesaid, That the

listers in each of the respective towns in this Colony shall, annually, sometime in the month of January, deliver the list of the polls and rateable estate of the inhabitants of their town, by them made, to the clerk of the town, taking his receipt for the same, upon penalty that every lister that shall refuse and neglect the same shall pay to the treasury of such town the sum of ten pounds, to be recovered by action, bill, plaint or information.

Be it further enacted, That when and so often as any person or persons are overcharged in their lists, it shall be the duty of the listers to grant relief in such cases only where the estate shall appear not to have belonged to the person on the twentieth of August preceding, or that it was not left out by him through 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: but if such listers will not give just relief, then, upon application made by the aggrieved party to an assistant or justice of the peace, with two of the selectmen of the town, (notifying two or more of the listers to shew reason, if any they have, why relief should not be granted them,) they shall consider the case and give such relief as they shall judge just. And the same liberty is allowed for any that may be overcharged in the list now brought in, or ought to be brought in to this Assembly.

Be it further enacted by the authority aforesaid, That if any of the listers in the respective towns shall forget or neglect, within the time ordered by the law, to demand any person's list, within the precincts whereto such listers are appointed, that then, in every such case, such listers shall and are hereby required, at any time in the same year, before the first day of May next following, to demand such list of every person forgotten as aforesaid. And if any person, of whom such list as aforesaid is demanded, shall neglect to bring in a true [329] list of his or their estates unto the listers demanding, within five days after the demand, that then such listers shall make up a list for the person so neglecting, according to the best of their discretion, and return the same to the General Assembly. And all persons shall be accordingly assessed in the several rates to be made upon such list.

Be it further enacted by the authority aforesaid, That all the male persons in the several towns in this Colony from sixteen years old to seventy, (except the Governour, Deputy Governour, Assistants, ministers of the gospel, the rector and tutors of the collegiate school, school-masters, and students of the

college until the expiration of the time for taking their second degree, shall be set in the list each person at eighteen pounds; every ox or steer of four years old and upwards, at four pounds per head; each cow, steer or heifer of three years old and upwards, at three pounds; every steer or heifer of two years old, at two pounds; each steer or heifer of one year old, at one pound; each horse or mare of three years old and upwards, at three pounds; all horse-kind of two years old, at two pounds; each horse-kind of one year old, at one pound, except troopers' horses freed by law; every swine of one year old and upwards (except boars) at one pound; each dwelling house having three acres of land adjoining, the land to be set in the list at twenty shillings per acre, and each dwelling house having land adjoining in lesser quantities in proportion; all the meadow lands in the county of Hartford, both plowing and mowing, at fifteen shillings by the acre, except boggy meadow, which, if mowed, at five shillings by the acre; and all other plow-lands within this Colony at ten shillings by the acre. And all meadow lands, both salt and fresh, within the counties of New Haven, New London, Fairfield, and Windham, (except boggy meadows,) at seven shillings and sixpence by the acre: the boggy meadows, if mowed, at five shillings by the acre.

Always provided, That all plow-lands shall be so assessed only for that year in which the crops are taken off or separated from the said land, but in the next year following it shall be assessed as and for pasture land at eight shillings per acre, and so from year to year till the year wherein the said land shall be plowed for another crop, (except lands in common fields not improved,) in which it shall be rate free; and in the year in which the crop is to be taken off or separated from the said land, it shall be rated at ten shillings, as aforesaid. All upland pasture, either for feeding or mowing, shall be assessed at eight shillings by the acre, excepting only such lands as are much overgrown with wood, bushes, briars, and the like, whereby the land becomes unserviceable for pasture; which lands shall be assessed at two shillings per acre. All lands inclosed for improvement, either for plowing or feeding, shall be exempted for four years. That all horse-kind and other creatures rateable by law that are put upon any farm in this Colony, remote from the towns where the owners dwell, and under the care, occupancy and improvement of a tenant there, shall be put into the lists of the polls and rateable estate of such tenant in the town or peculiar where such farm lyeth; and that in all other cases, all horse-kind and other creatures rateable by law shall be put into the list of the polls

and rateable estate of the owners thereof, in the towns [330] || where they dwell. And all peculiars, or lands not as yet laid within the bounds of any town, those lands, with the persons and estates thereupon, shall be assessed by the rates of the next town unto it, the measure or estimation to be by the distance of the meeting houses. All lands liable by the law to be put into the lists shall be entered in the list according to their real quantity within fence or improvement. All ships and other vessels, off the stocks and finished fit for sailing, shall be set in the list at fifteen shillings the tun, according to the true and just burthen of them, to be computed by the carpenters rule. That all the ministers of the gospel that now are, or hereafter shall be, settled in this Colony, during the continuance of their publick service in the gospel, shall have all their estates, lying in the same town where they dwell, and all the polls belonging to their several families, exempted; and also that the rector of Yale College, for the time being, his estate shall be under the same regulations as ministers of the gospel; and in like manner shall all lands in this Colony sequestred to or improved for schools and other pious uses.

Be it further enacted by the authority aforesaid, That all allowed attorneys at the law in this government shall be set in the annual list, for their faculty, 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. And all traders, trades-men and artificers, shall be rated in the list proportionable to their gains and returns. In like manner all ware-houses, shops, work-houses and mills, where the owners have particular improvement or advantage thereof, according to the best judgment and discretion of the listers. Such persons who are disabled by sickness, lameness or other infirmity, their polls are exempted. Servants and children who take not wages, their masters or parents shall pay for them, but such as take wages shall pay for themselves.

And be it further enacted by the authority aforesaid, That all listers shall be obliged to take the oath made and provided for fence-viewers, clerks of trainbands, &c., *mutatis mutandis*; and that all other laws of this Colony directing listers in their office and duty shall be repealed, and are hereby repealed, made void and of none effect.

An Act for the more effectual Preventing the Dividing into Halves and Quarters the Bills of Publick Credit on this Colony of the Denominations of Five Pounds, Forty Shillings, Twenty Shillings, Ten

Shillings and Five Shillings, and for Calling in the Halves and Quarters of such Bills that are yet outstanding.

Whereas, notwithstanding the provision heretofore made to prevent the dividing the bills of this Colony of the denominations aforesaid, and for exchanging such as were divided, [331] many evil-minded persons, presuming || that the time for exchanging such bills would be from time to time prolonged, have continued to tear and divide them, and the halves and quarters of the bills so divided to utter and receive, whereby not only the charge of making such bills is greatly enhanced, but opportunity given of imposing false and counterfeit bills on his Majesties good subjects: Which mischiefs more effectually to prevent,

Be it enacted by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Treasurer of this Colony shall receive into the publick treasury, by way of exchange, the halves and quarters of the true bills of this Colony of the denominations aforesaid, until the first day of January next, and no longer.

And, that this act may be the more effectually published, it is further enacted by the authority aforesaid, That the Secretary of this Colony, as soon as conveniently may be, shall cause to be inserted in one or more of the publick news-papers a copy of this act, that so all the possessors of such divided bills may be acquainted therewith and conform themselves thereto, on the penalty of losing such divided bills.

An Act for the Ordering and Directing the Sale and Settlement of all the Townships in the Western Lands.

Be it enacted by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all the townships in the western lands, on both sides the Ousatunnuck river, be disposed of and settled, and that each town on the east side of said river shall be divided into fifty-three rights, (exclusive of the lands granted to the college, and all former grants of this Court that are surveyed and recorded in the publick records of this Colony and are lying in either of said towns,) of which fifty-three rights, one shall be for the use of the ministry, forever, that shall be settled in the town according to the constitution and order of the churches established by the laws of this government, as is provided in the first paragraph in the act entituled An Act relating to ecclesiastical affairs; one for the first gospel minister settled as aforesaid; and one other right for the support of the school in such town; and the same rule shall be attended in every of said townships, being five in number; and the re-

maining fifty rights in said towns shall be sold at a publick vendue to the highest bidders, being of his Majesties subjects inhabitants of this Colony that will settle and inhabit at least three years in such towns, and to no other persons. Further, the two townships on the west side of Ousatunnuck river shall be divided, the northwest township into twenty-five rights, and the southwest into fifty-three rights, and that the same reserves be made in either of them for ministry, ministers and school lands, as are resolved to be made in the five townships abovesaid.

It is further enacted by the authority aforesaid, That any person qualified as abovesaid, and being desirous to purchase an interest in said lands, and proposing to settle the same per his agent, being esteemed able and likely to do and perform all duties and orders of the place, shall be allowed so to do; and every purchaser shall be obliged, within three years next after their purchase, to build and finish an house of eighteen feet square and seven feet stud, and to subdue and fence at [332] least six acres of land in such town where he is a || settler or hath fixed his agent; and no person shall have any benefit by their purchase, but shall be liable to forfeit the same, unless by himself or his agent he perform all duties, pay taxes, &c., as shall be enjoyned.

Agreeable to which, it is further enacted by the authority aforesaid, That the northeastern township, that joyns to the Colony line and upon Hartford and Windsor lands, be sold at Hartford, at the court house, to the highest bidders, being persons qualified as aforesaid, on the second Tuesday of April next. The vendue to begin at one of the clock afternoon, and so to continue by adjournment from time to time till the whole be sold; and that the same be set up at fifty pounds per right; and that Roger Wolcott, Esqr, and Nathaniel Stanly, Esqr, and Capt. John Marsh, or any two of them, are appointed a committee to sell and assign the rights in the abovesaid township to be disposed of by vendue at Hartford aforesaid, and take bonds, with surety, of the purchasers, for the money bidden and for performance of the conditions of settlement, and give deeds with defeazances in manner and form as hereafter in this act shall be directed.

Further, That the town joyning to Litchfield north line, and eastwardly on Torrington, be set up and sold at the court house at New Haven, at vendue as abovesaid, to begin on the first Tuesday of December next at one of the clock afternoon, and so to continue by adjournment, as abovesaid, till the whole be sold; and that the same be set up at sixty pounds per right; and that Samuel Eells, Esqr, and Joseph Whiting,

Esqr, and Capt. Isaac Dickerman, or any two of them, are appointed a committee to sell and assign the rights, take bonds and give deeds with defeazances, in manner and form as hereafter in this act shall be directed.

Further, That the northwest town, bounding west by Ousattunnuck river, shall in like manner be vendued and sold at the court house at New London on the first Tuesday of January next, at one of the clock afternoon, and continued by adjournment, as aforesaid, till the whole be sold; and that the same be set up at sixty pounds per right; and that Samuel Lynde, Esqr, and Messrs. John Griswold and John Richards, or any two of them, are appointed a committee to sell the rights, take bonds, give deeds with defeazances, in manner and form as hereafter in this act shall be directed.

Further, That the middle town, bounded west on Ousattunnuck river, shall in like manner be vendued and sold at the court house in Fairfield, on the first Tuesday of February next, at one of the clock afternoon, and continued by adjournment, as aforesaid, till the whole be sold; and that the same be set up at fifty pounds per right; and that John Burr, Esqr, Edmund Lewiss, Esqr, and Mr. Ebenezer Silliman, or any two of them, are appointed a committee to sell the rights, take bonds, give deeds with defeazances, in manner and form as hereafter in this act shall be directed.

Further, The southern town, bounded westerly on said river, shall in like manner be vendued and sold at the court house in Windham, on the first Tuesday of March next, at one of the clock afternoon, and continued by adjournment, as aforesaid, till the whole be sold; and that the same be set up at fifty pounds per right; and that Timothy Pierce, Esqr, [333] Messrs. Ebenezer West and Jonathan Huntington, or || any two of them, are appointed a committee to sell the rights, take bonds, give deeds with defeazances, in manner and form as hereafter in this act shall be directed.

Further, The northwest township, on the west side of the said river, shall be vendued and sold at the court house in Hartford on the third Wednesday in May next, at one of the clock afternoon, and so to continue in like manner as above-said; and that the same be set up at thirty pounds per right; and that the aforesaid committee for the county of Hartford, or any two of them, do direct and manage the sale and disposition thereof, as of the other township abovementioned for the said county.

Further, That the southwest township, on the west side of said river, shall be vendued and sold at the court house in New Haven on the third Wednesday in October next, at one of

the clock afternoon, and so to continue in like manner as above-said; and that the same be set up at thirty pounds per right; and that the aforesaid committee for the county of New Haven, or any two of them, do direct and manage the sale and disposition thereof, as of the other township abovementioned for the said county.

And it is further enacted by the authority aforesaid, That the several committees appointed for the sale of the said townships in the respective counties, are hereby authorized and fully impowered, in the name of the Governour and Company, to execute deeds of conveyance of the several rights or parcels of land aforesaid to the highest bidders, qualified as aforesaid, with conditions to each deed annexed, that if the purchaser do, by himself or his agent, enter on the said land within two years next after the purchase of the right, and do build and finish an house thereon not less than eighteen feet square, seven feet stud, and do fence and clear six acres of land, and do continue thereon for the space of three successive years commencing after the two years aforesaid, (unless prevented by death or inevitable providence,) then the said deed to remain in full force and virtue: but on default or neglect in either or all of the said articles, the same shall be void and of none effect. And the several committees in the respective counties aforesaid shall take bond obligatory in double the sum for which each right shall be respectively sold, on each respective purchaser to whom the same shall be sold, together with one good surety with him, payable to the Treasurer of this Colony for the time being, for the use of the Governour and Company of said Colony, within two years after the purchase of such right.

An Act in Alteration of and Addition to an Act entitled An Act for the Suppressing and Punishing Rogues, Vagabonds, Common Beggars and other lewd, idle, dissolute and disorderly Persons, and for setting them to Work.

Be it enacted by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That, for the better ordering the House of Correction at Hartford, there shall be appointed by this Assembly two meet persons overseers of said house, who shall take an oath before the county court at Hartford for a faithful dis- [334] charge of their trust; which overseers shall, from || time to time, provide materials, tools, and suitable bedding, for the keeping and employing the prisoners that shall be there committed, and also make a yard on the back side or at the end of said house, suitable for such prisoners to work in, and sufficient to keep them from running away. And, in order to

enable them thereunto, the Governour and Council are desired and impowered to draw out of the publick treasury such sums as shall be needful, not exceeding the sum of five hundred pounds, and deliver the same to the overseers to be by them laid out as aforesaid; and the said overseers are hereby ordered, carefully to observe and see that the master of said house keepeth good order, the prisoners under due correction and hard to labour as the law directs; and also to see that no embezzlement or misimprovement be made of the stores, bedding, &c., or earnings of the prisoners; and to dispose of the effects of the stores and the earnings of the prisoners that are over and above the charge of their support, for the procuring further stores or paying the master's salary. or they may order the master to dispose of them to the ends aforesaid, rendering his account for them to said overseers. And the said overseers are hereby impowered to call the said master to his account, on oath, once in three months, for the stores, earnings of the prisoners, and other things committed to his trust: and if they find the master unfaithful, they are to complain of him to the county court at Hartford; and if, upon hearing the cause, the court shall find him guilty, they shall amerce him according to his offence, or displace him.

And be it further enacted and provided by the authority aforesaid, That when the earnings of any prisoner shall not answer the charge of his sickness and support in said house, the overplus shall be borne by such prisoner, his parents, master, or the town to which he belongeth, as the law directs.

And it is further provided, That when any idle and disorderly persons are committed to said house, they shall not be released therefrom without special order from the overseers.

And it is further enacted by the authority aforesaid, That if the master of said house shall wilfully or negligently suffer any of his prisoners to escape, he shall by fresh suit or hue and cry recover them back again, at his own cost, or be amerced by the county court aforesaid for his offence, not exceeding ten pounds, to be deducted out of his salary. And that all such prisoners as shall escape and be brought back again by any lawful means, upon his re-entrance into said house, shall receive ten stripes on his naked body; and so every Monday morning for the space of four weeks next ensuing.

And be it further enacted by the authority aforesaid, That no person lawfully sentenced to be sent to the house of correction shall be taken out of the custody of the officer conveying him there, or out of the house, by attachment, or any writ in civil cases, (excepting a writ of execution,) nor shall such

prisoner be taken out of the custody of the officer or house of [335] correction, by execution, until he have || received the correction of said house, if he be not excused from such correction by his mittimus.

It is further resolved, That a suitable salary, as the county or inferiour court in the county of Hartford shall determine, shall annually be allowed to the master of said house, to be paid out of the publick treasury or the earnings of the prisoners.

Always provided, and it is hereby provided, That this act be in force until the rising of this Assembly at their session in October, which will be in the year of our Lord 1741, and no longer.

Upon the memorial of Mr. James Pierpont, late of Boston, now of New Haven in the county of New Haven, praying for liberty to build a cart bridge over the ferry river at New Haven, with liberty to take toll of such as shall pass over said bridge :

Be it enacted by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if the inhabitants proprietors of New Haven shall grant to the said James Pierpont, his heirs and assigns forever, a suitable quantity of the flats that are now common to the said proprietors, for the said Pierpont, to encourage him to undertake said affair, to be at such place and form as said proprietors and Pierpont shall agree upon, that then said Pierpont is hereby allowed to build and continue a cart bridge over said river at or near the place called Dragon. And the said Pierpont, his heirs and assigns, shall and may, from time to time and at all times forever, maintain and keep in repair said bridge, for the passage of all his Majesties subjects, they paying the toll hereafter mentioned, (*viz.:*) For each single man, three pence ; for each man, horse and load, eight pence ; for each team and load, sixteen pence ; for each horse, ox or cow, four pence ; swine and sheep, one penny per head. (Excepting only all publick officers and posts on publick business, who shall all pass and repass over said bridge without paying or allowing any toll.) Which toll the said Pierpont, his heirs and assigns, shall demand, levy and receive of such persons that pass over said bridge. Always provided, that the said Pierpont, his heirs and assigns, shall none of them build or maintain said bridge so as to obstruct or hinder the passing of scows, boats laden with wood, timber, hay or other loading, and also hulls of sloops or other large vessels, up and down said river : but the said bridge shall be built so high, or with good convenience to draw up the same, that the

said river may be freely used and improved for scows, boats and hulls of vessels as aforesaid; and nothing in this act shall be understood to the contrary.

An Act declaring and further directing how the Colony Treasurer shall proceed in Reference to Taxes granted by this Assembly.

Be it enacted by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Colony Treasurer's warrant, directed to the constables in the several towns, chosen to collect the publick taxes or rates, is or shall be sufficient to enable the said constables, respectively, to collect and pay in all such rates to the said Treasurer.

[336] *And it is || hereby declared,* That the said constables shall proceed accordingly.

Be it further enacted by the authority aforesaid, That when this Assembly doth grant any rate or tax to be levied upon the inhabitants of this Colony, the Treasurer of the Colony, for the time being, (without any further notice to him given,) shall send forth his writ in his Majesties name, directed to the respective constables chosen as aforesaid, requiring them to levy and collect such rates or taxes, and pay them in to the said Treasurer, according to law. And if any such constable shall neglect to collect and pay in such tax, then the said Treasurer shall send out his distress, directed to any of the sheriffs in this Colony, requiring them, or any of them, to levy such tax of the constable so neglecting; and the sheriff shall forthwith levy the same.

Whereas this Assembly, at their session in May last, appointed Samuel Lynde, Esqr, and Mr. John Richards, to reckon, state and settle accounts, with Mr. Isaac Ledyard and Mrs. Elizabeth Ledyard his wife, which Elizabeth is executrix on the last will and testament of Capt. Richard Christophers, late naval officer in the port of New London, respecting the several sums of money received and bonds taken by the said Capt. Richard Christophers in his aforesaid capacity, and to receive of them all sums of money and bonds in the hands of said executrix, that belong to this government, and deliver the money to the Treasurer of this Colony, taking his receipt, and the bonds to Mr. Jeremiah Miller, the present naval officer, taking his receipt for the same; which service not being performed: This Assembly do now appoint Samuel Lynde, Esqr, and Mr. John Griswold, to perform the service aforesaid, and make report of their doings to this Assembly in May next.

An Act in Addition to the Laws of this Colony relating
to the Militia.

Be it enacted by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That, for the future, the fine for troopers neglect of trooping on such day as shall be legally for that end appointed, shall be twelve shillings *per diem*; and for foot souldiers neglect of training on such days as for that end shall be legally appointed, shall be six shillings *per diem*; any law, usage or custom to [the] contrary notwithstanding.

On the report of Samuel Lynde, Esq^r, Messrs. John Russell and John Lane, who were appointed a committee to ascertain and fix a place for building a meeting house upon in the parish of East Guilford, shewing that they had viewed and heard the circumstances of said East Guilford inhabitants, and that they judge the most convenient place for said society to erect a meeting house upon is on the green, where the old meeting house now stands, about midway between [337] || the said old meeting house and Capt. Janna Meiggs's sabbath house; the south-east corner of said house to be at a stake stuck down by them: Resolved by this Assembly, that the place abovementioned for the society of East Guilford to erect a meeting house upon is fixed and determined according to the report of said committee

On the petition of Daniel Palmer, jun^r, of Stoningtoun, sometime called of Voluntown, *vs.* John Gallop and John Dixon, both of Voluntown, and the rest of the proprietors of the common and undivided land in said Voluntown, praying this Assembly to reverse the judgment of the last superiour court held at Windham, in the cause between the said parties, and to grant to the petitioner one tryal more of the said case at the superiour court to be holden at Windham in March next: Resolved by this Assembly, that the petitioner shall have one tryal more of his said case at the superiour court in March next, and that the future cost only follow the final judgment.

Upon the petition of Capt. Ichabod Palmer, of Stoningtoun, against Stephen Minor, &c., of said town: This Assembly do reverse the judgment of the late superiour court at New London upon the writ of *scire facias*, and the said judgment is hereby reversed. And to the end that said Palmer may have an opportunity to put in the proper plea in his case, and the said Minor, &c., have such relief as the law will give them: This Assembly do grant liberty unto the said Minor, &c., to have another tryal of their action brought against said Palmer, &c., excutors on the last will of Capt. Saxton, before the su-

perious court to be holden at Norwich in March next; and all the charges shall follow such tryal.

Upon the memorial of Esther Hurlburt, administratrix on the estate of Daniel Hurlburt, late of Midletown, deceas'd, shewing to this Assembly that the debts due from the estate of said deceas'd do surmount the goods and chattels of said deceas'd the sum of £243 17s. 7d., for the payment of which there is no other way but by the sale of some of the said deceas'd's lands; thereupon praying this Assembly to empower her, or some other meet person, to sell so much of the land belonging to said deceas'd as will procure the sum of £243 17s. 7d. as aforesaid, together with the necessary charges arising thereon, &c.: Whereupon it is resolved by this Assembly, that the said administratrix, with the assistance of Jabez Hamlin of Midletown. Esqr, be, and they are hereby, appointed and empowered to make sale of so much of the real estate of the said deceas'd as will procure the said sum of £243 17s. 7d. with the necessary charges arising thereon, taking the direction of the court of probates in the county of Hartford therein, and to make and execute deed or deeds accordingly.

Upon the report of Messrs. John Thompson, Samuel Comestock and John Bartlett, a committee appointed by this Assembly in their present sessions for to fix and ascertain a place for the erecting a meeting house on in the west society in Fairfield, shewing to this Assembly that they have, agreeable to [338] their instructions, repaired || to said society, and ascertained the place to be about four rods and five feet southwestly from the southwest corner of the school house in said society standing on the west side of Muddy Creek, so called; there to be the southeast corner of said house: Resolved by this Assembly, that the abovedescribed place shall be the place for said society to erect their meeting house upon, and they are hereby ordered and directed to proceed to erect and build said house upon the same.

Upon the memorial of Daniel Messenger, Zachariah Seymour and Anthony Horskens, in behalf of themselves and the rest of the inhabitants of the plantation called Harwinton, shewing to this Assembly sundry grievances and difficulties suffered by them for want of town privileges, and praying the same may be now granted unto them by this Assembly; and also praying the lands within the bounds of said plantation may be taxed, and that they may have liberty to imbody in church estate: Resolved by this Assembly, that said plantation be a town incorporated, and known by the name of Harwinton, and vested with town privileges as other towns in this

Colony established by law are; and that a tax of two pence per acre shall be assessed and levied upon all the lands within the bounds of said town, annually, for the space of four years next after the session of the General Assembly in May next, in lieu of any former grant or tax; and that the collector, for the time being, in said town shall annually collect said tax, who are hereby authorized and impowred to collect the same as other collectors of town rates by law are; and, having collected the same, said collectors are to deliver the same to such committee or committees from time to time as said town shall make choice of for that purpose, and to be by them applied and improved for the support of the gospel ministry and building a meeting house in said town. And it is also further resolved, that said inhabitants have liberty to imbody themselves into church estate and settle an orthodox minister of the gospel in said town, with the advice and consent of the neighbouring churches. And it is further by this Assembly resolved, that the letter A shall be the brand for horses in the town of Harwinton.

Upon the report of Messrs. Thomas Wells, Roger Newberry and Timothy Stone, a committee appointed by this Assembly, in their sessions in May last, to repair to the inhabitants of Farmington and Weathersfield in Newington parish, and hear all parties, &c., and report to this Assembly what they found best and fittest to be done, &c., as by the act of this Assembly in May last appears;—reporting that the highway laid out in Weathersfield bounds northeasterly of Ebenezer Smith's dwelling house, from the highway in said Farmington to the highway leading westerly from James Francis's dwelling house, is necessary and convenient: but the other highway laid out from said Farmington bounds east in Capt. [339] John || Chester's lot, is needless and inconvenient, and that the same ought to be set aside, and that the said inhabitants may be better accommodated with highways elsewhere; and proposed that an highway be laid out in said Farmington bounds, from the west end of the said highway leading from the said Francis's house further westerly to the foot of a hill on the south side of the place where an old house stood, and from thence up said hill, partly in said Francis's land and partly in Ebenezer Kilbourn's land, until it comes to the top of said hill, and to lye all in said Kilbourn's land, and from thence further west, on the north side of said Kilbourn's lot, until it comes to the dugway to William Smith's land, and then further west, on the south side of said William Smith's land, until it opens into the highway where the said William Smith now dwells; this highway to be three rods in breadth.

And that there be also another highway laid out in said Farmingtown bounds, from the north end of the highway by David Curtiss's house, further northerly upon a straight line as near as may be conveniently laid out, until it intersects the aforesaid highway on the north side of said Ebenezer Kilbourn's land at the brow of the hill near where the said old house stood, and to be two rods in breadth;—being submitted to this Assembly for their acceptance and determination: This Assembly do approve of and accept said report, and thereupon order, that the said highway in Capt. Chester's lot be set aside, and all the doings of the Assembly, county court and jury, in laying out said highway, assessing damages, granting execution, &c., so far as they relate to said highway, are hereby set aside and made void. And it is further ordered and enacted, that the highways in said report proposed to be laid out in Farmingtown be accordingly laid out by order of the county court in the county of Hartford, as the law directs.

Whereas some of the inhabitants of the town of Norwalk made their application to this Assembly in May last for a committee to view the circumstances of some of the inhabitants in said town together with some of the inhabitants of the town of Standford, who have moved to be united and formed into one distinct ecclesiastical society, which was then granted; and the said committee having made report at this time: This Assembly does thereupon grant and enact, that there shall be an ecclesiastical society formed within the following limits, (*viz.:*) Bounded south on the sea, and then bounded easterly, from the salt water to the country road, by the brook called Roatan Brook, and from thence northward, until it meet with Canaan south line, to run a straight line, which shall pass fifty rods west of Samuel Kellogg's dwelling house, then beginning at an old chimney standing about two miles and an half eastward of Standford meeting house, and on the south side of the country road, and running thence south to the salt water, and then northerly across the country road, excluding John Webster's dwelling house, and then running northerly a straight line until it meets with Canaan south line, where it crosses Norroton River; and that the inhabitants within said limits shall be invested with all such privileges as are usually granted to other ecclesiastical societies in this Colony; and shall be called and known by the name of Middlesex.*

[340] On the memorial of Samuel Jacobs, Daniel Finch, Benjamin Barns, Isaac Blakely, Nathaniel Hitchcock, William Rogers, Abel Smith, Joseph Molthrop and Caleb Hitchcock, inhabitants in New Haven, shewing this Assembly that they

* Now the town of Darien.

are settled within the bounds of the parish of East Haven, on a certain tract of land called the Half Mile, in the northeast corner of said society and remote from the publick worship of God in said parish; praying this Assembly to discharge them from the said East Society and annex them unto the North Society in said town, so as to include the said memorialists and no other inhabitants, bounding so far south as to include Benjamin Barns's farm, and so eastward to the east part of said half mile, between Mr. Mather's and Abraham Hemingway's land, and so north to Wallingford town line between Brandford and said half mile, including all the lands east of said north society within said bounds: Resolved by this Assembly, that the said memorialists be discharged from said East Society, and annexed to the said North Society in said New Haven; and that the bounds abovementioned, including the said memorialists, be the bounds between the said east and north parishes abovesaid.

Whereas this Assembly, in their session October 10th, 1734, did, upon the prayer of Peter Tyler, Samuel Harrington and sundry others of the northerly inhabitants in the north parish in the town of Brandford, grant liberty to the memorialists to improve some orthodox minister of the gospel to preach to them during the months of December, January, February and March, annually, and their minister's rate during said term should be abated: And whereas sundry other persons have lately settled in the vicinity of said memorialists, and now address this Assembly for the same privileges, &c., as were granted to the inhabitants praying as aforesaid: Resolved by this Assembly, that John Baldwin, Moses Page, Jedediah Frisbie, Phinehas Pond, Elnathan Tyler, Isaac Ingraham, John Page, Daniel Maltbie, Samuel Goodsell, the present memorialists, shall be intituled to the same privileges, and have the same exemption, as was granted to the former memorialists, and for the same space of time; and that all others that may be settled among said memorialists, so as to need the same favour, shall take benefit by this grant.

On the memorial of Thomas Richards, Nathaniel Arnold, &c., in behalf of the rest of the inhabitants living in the northwest quarter of the bounds of Waterbury, shewing to this Assembly the necessity of a separate and distinct society in said northwest quarter; praying this Assembly that they would send a committee to view their circumstances in the said northwest quarter of the bounds of said Waterbury, upon the costs of the memorialists, in order to make a separate society there, and to make report to this Assembly in

May next: Resolved by this Assembly, that Capt. John Riggs, Capt. Isaac Dickerman and Mr. John Fowler, be appointed a committee to view the circumstances of the north-[341] west || quarter of said town of Waterbury, and make report to this Assembly in May next, at the costs of the memorialists.

On the memorial of Robert Denison of New London, shewing administration on the estate of Robert Denison, late of New London, deceas'd, was granted to him, and that on a true inventory of the moveable estate that could be found there appeared in the whole £60 4s. 5*d.*, and the debts due from said estate amounts to £545 4s. 11*d.*, whereupon there is wanting of the personal estate of said deceas'd, to satisfy the said debts, the sum of £485 0s. 6*d.*: Whereupon this Assembly granteth to the said Robert Denison, with Mr. William Whiting of said New London, full power and authority, with the direction of the court of probate therein, to sell and convey so much of the lands of the said Robert Denison, deceas'd, as will procure the said sum of £485 0s. 6*d.* for the payment of said debts, together with what more shall be needful for satisfying the necessary charges arising thereon.

Upon the report of Messrs. Benajah Bushnell, Simon Lthrop and Luke Perkins, who were a committee appointed by this Assembly, at their session in May last, to repair to the south society in Preston, to affix and ascertain the place for building a new meeting-house on, shewing to this Assembly that the spot on which the old meeting-house now stands in said society is the most convenient and accommodable place in said society on which to build a new meeting-house, which report hath been read and approved: And it is thereupon resolved by this Assembly, that the spot on which the old meeting-house now stands in said society shall be the place on which to erect a new meeting-house for said society.

Upon the memorial of Samuel Bate, James Bate, Stephen Smith, junr, and Daniel Smith, all of Haddam in the county of Hartford: This Assembly do order, that the said memorialists do, annually, give in to the listers of Durham a true list of their respective polls and rateable estate; and that the said memorialists, during the pleasure of this Assembly, be discharged, and they are hereby discharged from paying any parish taxes in said Haddam; and that they pay during such term all parish charges in Durham, and that the officers in that town have full power to demand and collect parish taxes of the memorialists accordingly.

This Assembly grants a rate of one penny on the pound on

all the polls and rateable estate in this government, to be paid into the treasury in bills of credit of this Colony with the usual advance of twelve pence on the pound; or in good bills of credit of four signers of the Massachusetts Bay, or in bills of credit of New York, without advance upon them; or in silver money as it now passeth in the country.

Whereas the town of Haddam have neglected to send in to this Assembly the sum total of their list, well vouched accord-[342] ing to law: || It is resolved by this Assembly, that the said town of Haddam be doomed, and they are hereby doomed, in the sum of £8500, to pay taxes on the year ensuing, and to receive their school money accordingly.

Whereas the town of Canterbury have neglected to send in their list to this Assembly, well vouched according to law: It is resolved by this Assembly, that the said town of Canterbury be doomed, and they are hereby doomed, in the sum of £10500, to pay taxes on the year ensuing, and to receive their school money accordingly.

On the memorial of the town and proprietors of Preston, shewing to this Assembly that, at their sessions in May last, they did appoint Mr. Richard Abbee, Capt. Thomas Wells and Capt. John Bulkley, a committee to repair to the town of Preston and make enquiry into what hath been done relating to the line between the towns of Preston and Voluntown, and make report to this present sessions of their opinion thereon; and that, by the providence of God, Mr. Richard Abbee was, sometime in July last, removed by death; whereupon they pray that this Assembly would appoint some other person in the room of the said Abbee to joyn with those other two gentlemen, to repair to the said towns, enquire into and hear the parties relating to the line between the said towns, and make report of the same, with their opinion thereon, to this Assembly in May next, at the charge of the petitioners: Resolved by this Assembly, that Mr. Samuel Willard be appointed in the room and stead of the said Mr. Richard Abbee, to joyn with the said Capt. Thomas Wells and Capt. John Bulkley, and that they proceed according to the directions given by the said act of this Assembly in May last, and make report of the same with their opinion thereon to this Assembly in May next, at the charge of said petitioners.

On the memorial of Timothy Stone of Guilford, praying this Assembly to grant and order that the memorialist should be discharged from the fourth society in said Guilford and annexed to the first society in said town, and that he should not be liable to pay any taxes that have or shall be granted by the

fourth society: Resolved by this Assembly, that the said Timothy Stone is discharged from said fourth society and is annexed to the said first society, and that he is not liable to pay any taxes that have or shall be granted by the said fourth society.

This Assembly do establish and confirm Mr. Daniel Goodwin to be Ensign 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. Samuel Caudy to be Captain of the company or trainband at the parish of West Haven in the town of New Haven, and order that he be commissioned accordingly.

[343] This Assembly do establish and confirm Mr. Israel Bunnell to be Lieutenant of the company or trainband at the parish of West Haven in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Carter to be Captain of the company or trainband in the parish of Canaan, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Seeley to be Lieutenant of the company or trainband at Canaan parish, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Seymour to be Ensign of the company or trainband at the parish of Canaan, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Gilbert to be Lieutenant of the company or trainband in the parish of Greenfield in the town of Fairfield, and order that he be commissioned accordingly.

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

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

This Assembly do establish and confirm Mr. Thomas Richards to be Ensign of the first company or trainband in the town of Waterbury, and order that he be commissioned accordingly.

On the petition of John Brown of Voluntown *vs.* Nathan Cheesbrough of Stoningtown, &c., on file: The question was

put, whether the prayer of the same should be granted, and resolved by this Assembly in the negative. *Cost allow'd the respondent is £4 4s. 8d.*

On the petition of Thomas Hill, of Fairfield, *vs.* Elizabeth Burr, of Charlestown: The question was put, whether anything should be granted, and resolved by this Assembly in the negative.

Upon the petition of John Brown of Voluntown *vs.* Nathan Cheesbrough of Stonington, on file: The question was put, whether the prayer thereof should be granted, and resolved by this Assembly in the negative. *Cost allowed respondent is £4 11s. 2d.*

On the petition of John Thompson &c., *vs.* John Curtiss &c., named in the petition on file: The question was put, whether anything prayed for by the petitioners should be granted, and resolved by this Assembly in the negative. *Cost allowed the respondents is £5 6s. 10d. Ex. granted December 23d, 1738.*

On the petition of John Bannister, of Boston, merch., *vs.* Robert Wheeler, of Stratford, &c., named in the petition on file: The question was put, whether the prayer thereof should be granted, and resolved by this Assembly in the negative.

[344] On the petition of James Rogers of New London *vs.* Justus Bush of Greenwich: The question was put, whether the prayer thereof should be granted, and resolved by this Assembly in the negative. *Cost allowed respondent, 4l. 0s. 10d. Ex. granted December 1st, 1740.*

On the petition of John Boardman, of Preston, *vs.* Samuel Coye and Lydia his wife: The question was put, whether the pleas offered in abatement of the same were sufficient, and resolved by this Assembly in the affirmative. *Cost allowed respondents is £4 18s. 2d. Ex. granted December 29th, 1737.*

Upon the memorial of the parish of Unity, in the town of Stratford, shewing to this Assembly that they labour under great difficulties with respect to the support or upholding the gospel ministry amongst them, &c., and praying this Assembly to contribute to the support or upholding the gospel ministry now settled amongst them: This Assembly do grant unto the inhabitants of the said parish their country rate or tax for the term of five years, to be improved for the support of the gospel ministry among them; and that the constable of Stratford, annually chosen and appointed to gather the country rate, shall annually gather the same of the inhabitants of said parish, and the same pay to the committee of

said parish for the end aforesaid, whose receipt shall be sufficient so far to discharge the said constable with the Treasurer of this Colony.

Upon the memorial of some of the proprietors and inhabitants of the town of New Hartford, praying for an addition of the tax of five shillings upon each hundred acres of land, granted in May last, as in said memorial is set forth: Resolved by this Assembly, that the said tax of five shillings be advanced to eight shillings; and this Assembly doth hereby grant a tax of eight shillings upon each hundred acres of land in said town, for four years next coming, to be levied and collected of the proprietors thereof by such collector as the inhabitants of said town shall choose; who shall have the same authority, and observe the same directions in levying and collecting the same, as is by law given to other collectors; and the money he shall so collect, he shall be accountable for, and deliver the same to Nathaniel Stanly, Esq^r, and Mr. John Austin, both of Hartford, who shall receive the same and improve it for the support of a gospel minister in said town, according to their best discretion, as far as the same will answer for that purpose.

Upon the memorial of Samuel Littlefield and Sibill Littlefield, shewing to this Assembly that the moveable estate of Hezekiah Wilcox, late of Groton, deceas'd, is not sufficient for the payment of the just debts due from said estate, but that the debts surmount the moveable estate the sum of one hundred sixteen pounds one shilling and eight pence half-penny, and praying liberty to sell so much of said Willeox's real estate as shall be sufficient to make the sum of £116 1s. [345]. 8½*d.* with the necessary charges arising thereon: || Resolved by this Assembly, that John Walsworth of Groton be hereby impowered to sell so much of the real estate of the said Wileox as shall procure the sum of £116 1s. 8½*d.*, with the necessary charges of the sale, taking the advice of the judge of the court of probate in the county of New London.

Upon the memorial of Stephen Mallery, praying this Assembly to grant him liberty to set up a ferry over Stratford river, at a place called Oronoke: This Assembly grant free liberty to the said Stephen Mallery, to set up, keep and maintain a ferry at the place abovesaid, during the pleasure of this Assembly, and that the fare thereof shall be the same that is stated for Stratford ferry, for men, horses, &c.

An Act in Addition to a Law of this Colony intituled
An Act for the better Preservation and Encrease
of Deer in this Colony.

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

the same, That when any person or persons shall be convicted of killing any buck, doe, or fawn, contrary to said act, shall pay and forfeit for every such offence the sum of five pounds; the one moiety to the person or persons as shall prosecute the same to effect, the other moiety to the treasury of the town in which the conviction is made. And if any person or persons so convicted shall be unable to satisfy such judgment, such offender shall be by the assistant or justice of the peace, before whom the offender is convicted, put to service to the complainer, or other person, for the space of fifty days, for defraying the same.

And be it further enacted by the authority aforesaid, That any one assistant or justice of the peace shall hear and determine any offences committed against this or any other law of this Colony, made to prevent the killing of deer.

An Act for Perambulating the Dividing Line between this Colony and the Colony of Rhode Island.

This Assembly do appoint and impower Roger Wolcott and James Wadsworth, Esqrs, and Mr. Humphrey Avery, or any two of them, to be Commissioners on the behalf of this Colony to joyn with Commissioners that are or shall be appointed by the General Assembly of the Colony of Rhode Island, to perambulate the dividend boundary line between said Colonies, and to renew monuments in the line, and to make report thereof to this Assembly at their next sessions after said service shall be performed. And his Honour the Governour is desired to send a copy of this act to the Governour of Rhode Island.

Upon the memorial of the inhabitants of the society called New Concord, in the town of Norwich, shewing to this Assembly that by their vote, wherein were more than two thirds of the lawful voters, they have agreed that it is necessary to build an house for the publick worship of God in said society, and praying for liberty to lay a tax on all unimproved lands, lying in farms of fifty acres and upwards, in said parish, [346] || of two pence per acre for the space of four years next coming, &c.: Granted by this Assembly, that Messrs. Experience Porter, Jonathan Trumble and Gershom Clark, be a committee to repair to said society and hear the people, and ascertain and fix a place for erecting their meeting house upon, and to make report to this Assembly in May next. And the inhabitants in said society are hereby allowed and impowred to lay a tax of two pence per acre on all the unimproved lands of non-resident proprietors in said society, lying in farms of fifty acres and upwards, for the space of four years next; exclusive of the lands of such persons in said society as are

dissenters from the established churches in this Colony. Which tax shall be collected by the collectors that may be chosen in said society, and paid to the society committee from time to time, to be improved towards building their meeting house.

Upon the petition of John Brush, of Greenwich, *vs.* John Lyon, of Rye in the county of Westchester in the Province of New York, representing that a certain deed, dated September 30th, 1734, conveying the house and land of the said Brush to the said Lyon, put into the hands of one Bush to lye as a security for the said Lyon in case the said Brush should by certain arbitrators by them agreed upon to adjust all accounts and dealings between them and for the obligation of the parties to abide the award of the said arbitrators, notes of the hand of the value of three hundred pounds were mutually given by each of the parties; and if the said Brush should be found in arrears to the said Lyon, and he unable to pay the same, that the said deed should be delivered to the said Lyon; and that great wrong and injury was done unto said petitioner by the unjust award of the said arbitrators and the delivering up the said deed, whereby his whole inheritance was likely to be unjustly taken from him; praying this Assembly, in May last, that commissioners might be appointed to enquire into the whole affair, and make report of the whole matter to this Assembly; who were accordingly appointed and fully authorized thereunto, and accordingly have enquired and made report to this Assembly, among other things, that the said Lyon was truly indebted unto the petitioner in the sum of £169 18s. 5d. New York money, and £163 5s. 0d. New England money, and were of opinion that the said deed given for the security of the said Lyon was unjustly delivered up to said Lyon, and ought to be vacated and made void, and be forbidden forever to be given in evidence against the petitioner or his heirs on tryal of the title of said house and land: Whereupon it is by this Court ordered and decreed, that the said deed is and shall be void and of none effect in the law, and that it shall not be admitted in any court in this government, nor given in evidence on any tryal of the title for said house and land. And further, that the said petitioner [347] shall recover of the petitionee the sum of sixty-six || pounds seventeen shillings and one penny, the cost taxed by the commissioners, and the cost of this Assembly, taxed at £15 6s. 8d., and that execution shall be granted by the Secretary of this Court for the same. *Ex. granted May 2d, 1738.*

On the memorial of William Whitney, of the town of Nor-

wich, shewing to this Assembly that he hath lately erected a bridge over Shoutucket River, near the landing place in said Norwich, to the great advantage and comfort of travellers that are obliged to pass over said river, and that in doing said work he hath been at great expence and cost, occasioned partly by loss of his timber, &c., in the extraordinary floods the last winter season; and praying this Assembly for some relief in said case: Resolved and granted by this Assembly, that the said William Whitney be allowed, and he is hereby allowed and impowred, to demand and take toll of all persons that shall pass and repass over said bridge, excepting such persons as may have occasion to pass the same upon the publick services of this Colony; and that the fare of said bridge shall be, for man, horse and load, eight pence, and for single man, or for an horse or other beast, four pence, and for sheep or swine, one penny per head; which fare of said bridge shall be perpetual, unless the town of Norwich, or others that are desirous to have the same a free bridge, shall, within the space of two years next coming, pay to said Whitney the sum of two hundred and twenty pounds money, being what he hath disbursed in erecting the same, that then the passage over said bridge shall be free to all persons, for themselves and creatures.

On the memorial of Samuel Emmons, agent for the parish of Millington in the town of East Haddam, shewing to this Assembly that, in order to settle and support a minister and build a meeting house, their taxes run very high and render their proceedings very difficult, and there is much unimproved land lying within said parish, belonging to non-resident proprietors as well as to many among themselves; praying a relief by a tax of one penny an acre on all the unimproved land in said parish, for the defraying the charges therein: Resolved by this Assembly, that a tax of one penny an acre shall be assessed and leyed upon all the unimproved lands within the said parish, annually, for the space of four years next after the rising of this Assembly, and that the collectors, for the time being, in said parish shall annually collect the same, who are hereby authorized and impowred to collect the same as other collectors of town rates by law are; and having collected the same shall deliver it to such committee or committees, from time to time, as the said parish shall make choice of for that purpose; to be by them applied and improved for the support of the gospel ministry and building a meeting house in said parish.

Upon the memorial of Ebenezer Beecher, Jasper Gunn, and

the rest of the inhabitants of that part of the town of New [348] Haven called Chestnut Hill, || representing to this Assembly their numbers and circumstances, &c., moving that they, together with certain of the inhabitants of Milford near situated and adjoining to them, might become together a distinct and separate parish, &c., or that a committee may be appointed to view and enquire, and report what is best to be done in the premises to this Assembly in May next, as per their memorial on file: Resolved by this Assembly, that Edmund Lewiss, Esqr, Messrs. John Thompson and Ephraim Curtiss, all of Stratford in Fairfield county, be a committee to the purpose abovesaid. And the said Edmund Lewiss, Esqr, and Messrs. Thompson and Curtiss, are hereby directed, on due notice first given to all parties concerned, to repair to and within the said parish and proper enquiry to make touching the circumstances of the said memorialists and all matters in their said memorial mentioned, or thereunto properly relating, and report thereof to make to this Assembly in May next; and that the said enquiry be at the proper cost and charge of the memorialists.

Upon the memorial of Barnabas Baldwin, Joel Northrop, Stephen Hind, and others, to the number of fifteen, living on the northerly part of the bounds of Milford at a place called Northrop's Farms, &c., praying that they may be set off from Milford and be joynd to their neighbours living on the westerly part of the bounds of New Haven, and that they all might be made one distinct ecclesiastical society: Upon consideration whereof, this Assembly do order and enact, that Edmund Lewiss, Esqr, Messrs. John Thompson and Ephraim Curtiss, [be,] and they are hereby appointed a committee to view their circumstances, hear the parties, and make report thereon to the Assembly in May next.

Granted to his Honour the Deputy Governour the sum of ten pounds out of the publick treasury, for his extraordinary service in the session of this Assembly.

Granted to Mr. Secretary Wyllys the sum of ten pounds for his salary the current year.

Granted to Mr. Green, the printer, the sum of twenty-five pounds, being the remaining part of his salary the current year.

This Assembly do appoint Samuel Eells, Esqr, Joseph Whiting, Esqr, Roger Newton, Esqr, Capt. Isaac Dickerman, Capt. Jonathan Alling, Capt. John Russell, Mr. John Fowler, Mr. Robert Treat, Capt. John Riggs, Capt. Samuel Bassett, and Capt. George Phillips, a committee to hear the records of the acts of this Assembly read off and completed.

The whole record of the several acts, grants and orders of this Assembly, as they stand entered in the pages of this book next preceding, were read in the presence of the committee abovenamed, (except Sam^l Eells, Esq^r.) and compleated.

GEORGE WYLLYS, Secret^y.

[349] *Anno Regni Regis Georgii secundi Magnæ Britannicæ, &c., undecimo.*

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUTT, IN NEW ENGLAND IN AMERICA, ON THE SECOND THURSDAY OF MAY (BEING THE 11TH DAY OF SAID MONTH,) AND CONTINUED BY SEVERAL ADJOURNMENTS UNTILL THE 31ST OF THE SAME, ANNOQUE DOMINI 1738.*

Present :

The Honourable Joseph Talcott, Esq^r, Governour.

The Honourable Jonathan Law, Esq^r, Deputy Governour.

Samuel Eells,	Timothy Pierce,	} Esq ^{rs} , Assistants.
Roger Wolcott,	John Burr,	
Nathaniel Stanly,	Samuel Lynde,	
Joseph Whiting,	Edmund Lewiss,	
Ozias Pitkin,	William Pitkin,	
	Roger Newton,	

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

Capt. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Capt. Daniel Coit, Mr. Joshua Raymond, for New London.
 Capt. Jabez Huntington, Mr. Isaac Burnapp, for Windham.
 Mr. Joseph Blackleach, Mr. Theophilus Nichols, for Stratford.
 Mr. John Humphrey, Mr. Sam^l Pettibone, for Symsbury.
 Capt. Benjamin Hall, Capt. Theophilus Yale, for Wallingford.
 Capt. Christopher Avery, Capt. Ebenezer Avery, for Groton.
 Capt. John Parry, Mr. Philip Eastman, for Ashford.
 Mr. Joseph Leavinz, Mr. John Clough, for Killingly.
 Major John Sabin, Mr. Ebenezer Holbrook, for Pomfrett.
 Mr. Josiah Conant, Capt. Thomas Storrs, for Mansfield.
 Mr. Elihu Chauncey, Mr. Moses Parsons, for Durham.
 Capt. Isaac Dickerman, Capt. Jonathan Allyn, for New Haven.
 Mr. Ebenezer Silliman, Capt. Andrew Burr, for Fairfield.

*The Journal of the Upper House is not found.

Mr. Hez^h Huntington, Mr. Joseph Kingsbury, for Norwich.
 Capt. James Raynolds, Capt. Ebenezer Meed, for Greenwich.
 Capt. Nathan Baldwin, Mr. John Fowler, for Milford.
 Mr. Joseph Strong, Capt. Samuel Parker, for Coventry.
 Capt. John Bulkley, Capt. Nath^l Foot, for Colchester.
 Mr. William Marsh, Mr. Thomas Stephens, for Plainfield.
 Mr. Joseph Palmer, Mr. Increase Billings, for Stonington.
 Capt. John Riggs, Capt. Samuel Bassett, for Derby.
 Mr. John Benedict, Mr. Thos. Benedict, for Danbury.
 Capt. Thomas Wells, Mr. Jonathan Hale, for Glassenbury.
 [350] Capt. James Lockwood, Mr. John Marvin, for Norwalk.
 Capt. Joseph Addams, Mr. Jabez Fitch, for Canterbury.
 Capt. Jonathan Hoit, Mr. Jonathan Maltbie, for Stamford.
 Mr. Pelatiah Leet, Capt. Samuel Hill, for Guilford.
 Capt. Samuel Willard, Mr. Joshua Bushnell, for Saybrook.
 Mr. Nathaniel Bostwick, Capt. Stephen Noble, for New Milford.
 Mr. Ebenezer West, Mr. Jonathan Trumble, for Lebanon.
 Capt. Samuel Mather, Mr. Roger Newberry, for Windsor.
 Capt. George Phillips, Mr. Jabez Hamlin, for Middletown.
 Mr. Stephen Hopkins, for Waterbury.
 Mr. Hezekiah Brainerd, for Haddam.
 Mr. Isaac Spencer, for East Haddam.
 Capt. William Preston, Capt. Andrew Hinman, for Woodbury.
 Capt. Joseph Halley, Mr. John Hart, for Farmington.
 Capt. David Buell, Mr. Joseph Wilcox, for Killingsworth.
 Capt. William Gold, Mr. Jonathan Russell, for Branford.
 Mr. John Griswold, Capt. John Lee, for Lyme.
 Mr. Joseph Phelps, Mr. Samuel Palmer, for Hebron.
 Col^o David Goodrich, Capt. John Chester, for Weathersfield.
 Mr. Hezekiah Parks, Mr. John Cook, for Preston.
 Mr. Ebenezer Silliman, Speaker } of the House of Repre-
 Mr. Jonathan Trumble, Clerk* } sentatives.

This day being appointed by the royal charter and the laws of this Colony for the election of the publick officers of this corporation, (*viz*:) Governour, Deputy Governour, Assistants, Treasurer, and Secretary, proclamation was made, and the freemen proceeded to give in their votes to persons appointed by the Governour, Council and Representatives, to receive, sort and count them; which persons were, Roger Wolcott, Esq^r, Nathaniel Stanly, Esq^r, Joseph Whiting, Esq^r, Ozias Pitkin, Esq^r, Timothy Pierce, Esq^r, John Burr, Esq^r, Samuel Lynde, Esq^r, Edmund Lewiss, Esq^r, William Pitkin, Esq^r, Messrs. Joseph Buckingham, John Chester, Isaac Dickerman,

* Saturday, May 27th, Upon an extraordinary occasion, Mr. Jonathan Trumble, Clerk of this House, was dismiss from his services, and Samuel Willard was chosen Clerk and sworn.—*Journal L. H.*

John Fowler, John Lee, John Griswold, Joseph Blackleach, Jonathan Hoit, Jabez Fitch, and Jonathan Trumble. And the freemen's votes being bro't in, sorted and counted,

[351] The Honourable Joseph Talcott, Esqr, was chosen Governour of this Colony for the year ensuing, and the Governour's oath and oath required by act of Parliament relating to trade and navigation, were administered to him in the presence of the Assembly.

The Honourable Jonathan Law, Esqr, was chosen Deputy Governour of this Colony for the year ensuing, and the Deputy Governour's oath was administered to him accordingly.

Samuel Eells, Esqr, Roger Wolcott, Esqr, James Wadsworth Esqr, Nathaniel Stanly, Esqr, Joseph Whiting, Esqr, Ozias Pitkin, Esqr, Timothy Pierce, Esqr, John Burr, Esqr, Samuel Lynde, Esqr, Edmund Lewiss, Esqr, William Pitkin, Esqr, Roger Newton, Esqr, were chosen Assistants for the year ensuing; and the Assistant's oath was administered to Samuel Eells, Esqr, Roger Wolcott, Esqr, Nathaniel Stanly, Esqr, Joseph Whiting, Esqr, Ozias Pitkin, Esqr, Timothy Pierce, Esqr, John Burr, Esqr, Samuel Lynde, Esqr, Edmund Lewiss, Esqr, William Pitkin, Esqr, and Roger Newton, Esqr, accordingly.

John Whiting, Esqr, was chosen Treasurer of this Colony for the year ensuing, and had the Treasurer's oath administered to him accordingly.

George Wyllys was chosen Secretary of this Colony for the year ensuing, and was sworn to that office and trust in the presence of the Assembly.

This Assembly do appoint the Honourable Jonathan Law, Esqr, to be Chief Judge of the Superiour Courts in this Colony the year ensuing.

This Assembly do appoint Samuel Eells, Esqr, Roger Wolcott, Esqr, James Wadsworth, Esqr, and Joseph Whiting, Esqr, to be Judges of the Superiour Courts in this Colony the year ensuing.

This Assembly do appoint William Pitkin, Esqr, to be Judge of the County Courts in the county of Hartford for the year ensuing.

This Assembly do appoint Roger Newton, Esqr, to be Judge of the County Courts in the county of New Haven the year ensuing.

This Assembly do appoint Samuel Lynde, Esqr, to be Judge of the County Courts in the county of New London for the year ensuing.

This Assembly do appoint John Burr, Esqr, to be Judge of

the County Courts in the county of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^r, to be Judge of the County Courts in the county of Windham the year ensuing.

This Assembly do appoint the Honourable Joseph Talcott, Esq^r, to be Judge of the Courts of Probates in the county of Hartford for the year ensuing.

This Assembly do appoint Joseph Whiting, Esq^r, to be Judge of the Courts of Probate in the district of New Haven for the year ensuing.

[352] This Assembly do appoint John Richards, Esq^r, to be Judge of the Courts of Probates in the district of New London the year ensuing.

This Assembly do appoint John Burr, Esq^r, to be Judge of the Court of Probate in the district of Fairfield the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^r, to be Judge of the Court of Probate in the county of Windham for the year ensuing.

This Assembly do appoint James Hooker, Esq^r, to be Judge of the Court of Probate in the district of Guilford for the year ensuing.

This Assembly do appoint Joseph Minor, Esq^r, to be Judge of the Court of Probate in the district of Woodbury the year ensuing.

This Assembly do appoint Jonathan Hoit, Esq^r, to be Judge of the Court of Probate in the district of Standford the year ensuing.

This Assembly do appoint Samuel Mather, David Goodrich, William Wadsworth, John Marsh and Thomas Wells, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Hartford the year ensuing.

This Assembly do appoint John Hooker, Hezekiah Wyllys, Thomas Hart, Henry Allyn, John Chester, Giles Hall, Jabez Hamlin, Joseph White, Samuel Olmstead, John Bulkley, Nathaniel Foot, Israel Newton, Benjamin Skinner, Joseph Phelps, John Bissell, Samuel Chapman, John Humphrey, John Buel, Joseph Bird, Hezekiah Brainerd, and Samuel Griswold, Esq^{rs}, to be Justices of the Peace in and for the county of Hartford the year ensuing.

This Assembly do appoint Samuel Bishop, James Hooker, John Riggs, John Russell and Samuel Hill, Esq^{rs}, to be

Justices of the Peace and Quorum in and for the county of New Haven the year ensuing.

This Assembly do appoint Theophilus Yale, Andrew Ward, Janna Meiggs, Henry Crane, Samuel Gun, Samuel Hall, Benjamin Hall, John Bostwick, Roger Brownson, Timothy Hopkins, Isaac Dickerman, John Prout, Thomas Clark, William Gold, to be Justices of the Peace in and for the county of New Haven for the year ensuing.

This Assembly do appoint Joseph Backus, John Griswold, Joshua Hempstead, Hezekiah Huntington, and Christopher Avery, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of New London the year ensuing.

This Assembly do appoint Abraham Pierson, David Buel, John Lane, Nathaniel Clark, Joseph Blague, Richard Lord, Thomas Lee, Samuel Willard, Thomas Prentiss, Jeremiah Miller, John Richards, John Ledyard, Humphrey Avery, Luke Perkins, Daniel Palmer, Theophilus Baldwin, Hezekiah Parkes, John Cook, Jabez Perkins, Jabez Hide, Jedadiah Tracy, Joshua Raymond, James Avery, Increase Billings, Isaac Huntington, Esq^{rs}, to be Justices of the Peace in and for the county of New London the year ensuing.

This Assembly do appoint Joseph Platt, Joseph Minor, Andrew Burr, John Thompson, Jonathan Hoit, and Ebenezer Silliman, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Fairfield for the year ensuing.

[353] This Assembly do appoint Samuel Conch, John Read, Ephraim Curtiss, Joseph Blackleach, Samuel Handford, Benjamin Heacock, Jonathan Maltbie, Samuel Hoit, James Reynolds, Ebenezer Mead, Nathaniel Peck, John Grigory, James Beebe, William Preston, Noah Hinman, Thomas Bennet, Thomas Tousey, James Benedict, Theophilus Nickols, James Lockwood, Thomas Benedict, and Ebenezer Smith, Esq^{rs}, to be Justices of the Peace in and for the county of Fairfield for the year ensuing.

This Assembly do appoint Joseph Addams, Ebenezer West, Jonathan Huntington and Jonathan Trumble, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Windham the year ensuing.

This Assembly do appoint Joshua Ripley, Joseph Strong, John Woodward, Joseph Leavinz, Peter Buel, Josiah Conant, Leicester Grosvenour, Joseph Cadey, John Crery, Ebenezer Dow, Ebenezer Wales, and Thomas Storrs, Esq^{rs}, to be Justices of the Peace in and for the county of Windham the year ensuing.

Ordered by this Assembly, That Samuel Lynde, Esq^r, and

Capt. David Buel, return the thanks of this Assembly to the Reverend Mr. Jared Elliott, for his sermon delivered before this Assembly on the 11th instant, and desire a copy thereof, that it may be printed.

This Assembly do establish and confirm Mr. Joseph Mather to be Lieutenant of the first company or trainband in the town of Lyme, and ordered that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Peck to be Ensign of the first company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Lothrop of Norwich to be Captain of the 3d company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Hide to be Lieutenant of the 3d company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Raymond to be Lieutenant of the third company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Sabin to be Captain of the 7th company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jacob Hide to be Lieutenant of the 7th company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Ayers to be Ensign of the 7th company or trainband in the town of Norwich, and order that he be commissioned accordingly.

[354] This Assembly do establish and confirm Mr. John Brewster to be Captain of the first company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Killam to be Ensign of the first company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Pelatiah Mills to be Captain of the company or trainband in the parish of Wintonbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hubbard to be Lieutenant of the company or trainband in the parish of Wintonbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Loomiss to be Captain of the south company or trainband on the east side of Connecticutt river in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Roger Wolcott, jun^r, to be Lieutenant of the south company or trainband on the east side of Connecticutt river in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Grant to be Ensign of the south company or trainband on the east side of Connecticutt river in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Holcomb to be Ensign of the first company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elnathan Peet to be Lieutenant of the Troop in the county of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Brinsmead to be Cornet of the Troop in the county of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Patterson to be Quarter-Master of the Troop in the county of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Woodruff to be Captain of the first company or trainband in the town of Litchfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Walker to be Lieutenant of the first company or trainband in the town of Litchfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Marsh to be Ensign of the first company or trainband in the town of Litchfield, and order that he be commissioned accordingly.

[355] This Assembly do establish and confirm Mr. Samuel Rogers to be Lieutenant of the company or trainband at the

parish of Salem, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. George Holmes to be Ensign of the company or trainband at Salem parish, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Pygan Addams to be Ensign of the second company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Simon Lothrop to be Captain of the first company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Hezekiah Huntington to be Lieutenant of the first company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Olmstead to be Lieutenant of the second Troop in the county of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Chamberlain, jun^r, to be Quarter-Master of the second Troop in the county of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Bassett to be Quarter-Master of the Troop in the county of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan Cheesbrough 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. Daniel Ely to be Captain of the —— company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Selden to be Lieutenant of the —— company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Ely to be Ensign of the —— company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Seaward to be Ensign of the second company or trainband in the town of Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Arnold to be Ensign of the first company or trainband in the town of Mansfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Tracy to be Ensign of the first company or trainband in the town of Norwich, and order that he be commissioned accordingly.

[356] This Assembly do establish and confirm Mr. Joseph Nickols to be Captain of the 4th company or trainband in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Peet to be Lieutenant of the 4th company or trainband in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Beach to be Ensign of the 4th company or trainband in the town of Stratford, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. James Lord to be Ensign of the first company or trainband in the town of Saybrook, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Bartlett to be Ensign of the first company or trainband in the town of Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Warner to be Captain of the west company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Baker, jun^r, to be Lieutenant of the west company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Hurlburt to be Ensign of the west company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Mead to be Captain of the ——— company or trainband in the town of Greenwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Solomon Close to be Lieutenant of the ——— company or trainband in the town of Greenwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Fletcher Newton to be Ensign of the first company or trainband in the town of Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Thompson to be Ensign of the company or trainband at the parish of West Haven in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Briggs to be Captain of the company or trainband at the parish of Standwich, and order that he be commissioned accordingly.

[357] This Assembly do establish and confirm Mr. John Ferriss to be Lieutenant of the company or trainband at the parish of Standwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Newman to be Ensign of the company or trainband in the parish of Standwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Griswold, jun^r, to be Ensign of the 5th company or trainband in the town of Windsor, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Nathaniel Talcott to be Captain of the first company or trainband in the town of Glassenbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Hale to be Lieutenant of the first company or trainband in the town of Glassenbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abner Moseley to be Ensign of the first company or trainband in the town of Glassenbury, and order that he be commissioned accordingly.

This Assembly do establish George Wyllys to be Captain of

the second company or trainband in the town of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Lee to be Captain of the fifth company or trainband in the town of Farmingtoun, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathⁿ Lewiss to be Lieutenant of the fifth company or trainband in the town of Farmingtoun, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Patterson to be Ensign of the fifth company or trainband in the town of Farmingtoun, and order that he be commissioned accordingly.

The Commissioners from the Province of New York and the Colony of Rhoad Island intending to meet at Norwich in this Colony on the 24th day of May instant: This Assembly do hereby appoint Andrew Burr and Theophilus Nickols, Esq^{rs}, to meet the Commissioners from New York at the borders of this Colony, and congratulate them, in the name of this Assembly, on their arrival into this government, and accompany and conduct them to Norwich, the place of their [358] congress. || And John Richards, Esq^r, and Mr. John Curtiss are appointed to meet the Commissioners from Rhoad Island at the borders of this Colony, and congratulate them, in the name of this Assembly, on their arrival into this Colony, and to accompany and conduct them to Norwich, the place of their congress. The whole expence of the commissioners on their travel in this government to Norwich to be borne out of the treasury. And the Honourable the Governour and Council are desired to draw out of the publick treasury such sum as they shall think needful, to defray such charge.

This Assembly do appoint and fully impower the Honourable Jonathan Law, Esq^r, Roger Wolcott, Esq^r, John Bulkley, Esq^r, Thomas Fitch, Esq^r, and Mr. Joseph Fowler, or any three of them, Agents in the name and stead of the Governour and Company of this Colony of Connecticutt, to appear before any commissioners, court or judge, to plead, implead, prosecute or defend, in any matter or cause wherein this Colony shall or may be concerned, as they, or their council learned in the law shall advise; with full power to substitute one or more attorney or attorneys under them. And his Honour the Governour is desired to execute and deliver to them a publick instrument of procuration accordingly.*

*The Lower House resolved that the Assembly on the 20th adjourn to meet at Norwich on the 23d, that the agents of the Colony before the commissioners' court.

Ordered by this Assembly, That the Treasurer of this Colony now deliver out of the publick treasury unto the Agents appointed by this Assembly to appear in behalf of the Governour and Company of this Colony at the Commissioners' Court to be holden at Norwich on the 24th instant, the sum of five hundred pounds, for the service of this government.

This Assembly direct John Richards, Esqr, of New London, with his best discretion and prudence, to provide Ben Uncass, Sachem of the Moheag Indians, cloathing suitable to appear before the Hon^{ble} Commissioners' Court to be holden at Norwich the 24th instant, at the cost of this Colony.

An Act for the Regulating of Pleas.

Whereas it is found by experience that admitting demurrers to the declaration to be made in any case after issue hath been joyned and verdict thereon given, tends greatly to the delay of justice and enhancing bills of cost:

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no defendant shall in the tryal of any cause be admitted to demur to the declaration after he hath pleaded to issue and a judgment thereon hath been given by any court; any law, usage or custom to the contrary notwithstanding.

An Act in further Addition to the Acts and Laws of this Government relating to Common Fields and Fences; and for Repealing an Act of this Government, intituled An Act in Addition to an Act concerning Common Fields and Fences, in Page 377, made at New Haven, October, 1730.

Whereas hitherto no provision hath been made in the law of this government, directing how or in what manner non-resident proprietors of common fields of any towns in this Colony shall become obliged to maintain and keep in sufficient repair their part or || proportion of common fence, whereby many difficulties and inconveniences have accrued: 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 non-resident proprietors of any common field within this government shall, annually, certify to the clerk of said common field, under his or their hands, whom he or they have appointed and impowered to be his or their agent or agents, to act in his or their behalf in all affairs respecting his or their common interest therein; which agent or agents shall be by the non-residents first bro't to the clerk and certify

might the more readily receive the instructions of the Assembly. The Upper House dissented. A committee of conference was appointed, and, after a further consideration, the Lower House still resolved by a majority of 10, that it was best to adjourn to Norwich.

his acceptance to be agent or agents in behalf of said non-residents, who shall become obliged to do all duties and attend all orders of said proprietors, as fully as the resident proprietors by law are. And if said non-resident proprietor or proprietors shall neglect or refuse to constitute his or their agent or agents in the town where such common field lyes, and certify the same as aforesaid, that then and in that case it shall be the duty of the respective fence-viewers, upon view of the common fence and finding any part of said non-resident proprietor's fence insufficient, to notify the clerk of said field of the insufficiency thereof, under their hands; which notification so given shall be deemed legal warning to the aforesaid non-resident proprietors to take due care to keep in sufficient repair such fence; and on failure thereof the said fence-viewers are directed to attend the law made and provided in case of resident proprietor's neglect or default.

Always providing, That if at any time the fence-viewers aforesaid shall repair any fence belonging to non-residents as aforesaid, an account of the costs thereof rendered to and demand made of the clerk abovesaid, who shall make entry thereof, which shall be deemed as effectual as if made to such non-resident proprietor or proprietors.

And it is further enacted by the authority aforesaid, That when and so often as the proprietors of any common field in this government, at their lawful meetings, agree by their major vote, computed as the law directs, to alter or new lay their common fence, the committee to effect the same shall cause their doings to be entered with the clerk of said field. And that the proprietors' committee, from time to time as occasion requires, shall have power, and are hereby impowred, when and so often as any person or persons shall purchase any lands within such common field, they shall set out to the purchasers their proportion, at the desire and charge of the grantor, who shall maintain said fence till such time as he procure the same to be done, and cause entry thereof to be made by the clerk of said field.

And it is further enacted by the authority aforesaid, That the proprietors of each and every of the common fields in this government shall have full power, and are hereby authorized and impowred, at their annual meetings on the first Monday of March, or such other time as they shall appoint, to choose their own fence-viewers and haywards out of their own number of proprietors, who shall be sworn to a faithful [360] discharge || of the duties belonging to their respective offices; and if any person or persons shall refuse to serve as

aforesaid, he or they shall incur the same penalty as is by law made and provided in case of town officers refusal.

Be it further enacted by the authority aforesaid, That the clerk of each common field in this government, respectively, shall be allowed for all entries by him made and copies given out, as by law is allowed to town clerks.

And it is further enacted by the authority aforesaid, That the act entitled An Act in addition to the act concerning common fields and fences, in page 377, made at New Haven, October, 1730, be repealed, and the same is hereby repealed and made void.

An Act for Reviving and further Continuing one certain Law of this Colony entitled An Act to enable Creditors to recover their just Debts out of the Estate and Effects of their absent or absconding Debtors, made in the 12th Year of the Reign of his late Majesty George the 1st. And also for Reviving the last Paragraph of the Law, entitled An Act in Addition to the said Law, made at New Haven, October, 1726, relating to the Recording the Names of those that appear as Attorneys to prosecute any Action in the Name of any Person not being an Inhabitant of this Colony, in such Courts where such Attorneys shall appear.

Whereas the said law was to continue and be of force for five years and no longer, which time is now expired, and the said law being found needful for the benefit of his Majesties subjects in this Colony in general:

It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid law shall be revived, and the same is hereby revived, and shall remain in full force, in all the parts and paragraphs thereof, until this Court shall order otherwise; excepting the last paragraph in said law, which was repealed by this Assembly in their sessions in New Haven in October, 1726. And the said last paragraph in the law made at New Haven, October, 1726, in addition as aforesaid, is also hereby revived, and shall be in full force until this Court shall order otherwise.

An Act for the Repealing one certain Law of this Colony made and passed by this Assembly holden at Hartford the 12th Day of May, Anno Dom. 1737, entitled An Act for the further Restraining of Appeals and Reviews in some Cases.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid law, with every clause and paragraph thereof, be repealed; and the same is hereby repealed and made void.

An Act for Regulating and Stating the Fees for Branding of Horses

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 fee for branding one horse or horse-kind and entering the same on record shall be nine pence per head, and six pence for each copy given out by said brander of any horse or horse-kind entered as aforesaid, and four pence per mile for his travel from his own house to brand any horse or horse-kind; any law, usage or custom to the contrary notwithstanding.

[361] An Act appointing and impowering sundry Persons that are Purchasers of the six Townships lying in the Western Lands (so called) that have been sold by Order of the General Assembly at their Sessions in October last to meet and make Partition of said Land amongst themselves.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the township sold at Hartford by order of this Assembly, upon the second Tuesday of April last, shall be called and known by the name of Norfolk; and that the purchasers thereof shall have liberty, and liberty and full power is hereby granted to them, to assemble themselves, notice being first given to them in the following manner, (*viz.:*) that when any five of them shall apply themselves to any assistant or justice of the peace in the county of Hartford, said assistant or justice is hereby directed and impowered to grant a warrant directed to one of said purchasers that shall make application, commanding him to give notice to every of said purchasers to meet at such town and place as they shall appoint, at least ten days before such meeting: and said purchasers being so warned and convened shall have liberty, and are hereby fully impowered, to choose their clerk, who shall take the following oath, (*viz.:*)

You A. B. being chosen clerk for the purchasers of the town of Norfolk, do swear by the name of the ever living God that you will truly and faithfully execute the office of clerk for said purchasers according to your best skill. You shall make true entries of all votes and orders of said purchasers made according to law, as also of all grants, deeds of sale or gift, mortgages and alienations of lands lying in said town, and give true copies of the same when you are so required, taking only your just fees: So help you God.

And it is further enacted and declared, That all and every entry and record made by said clerk, mentioned in said oath, shall be as effectual as the record of such deed, &c., are when entered on town records in any other town in this Colony.

And be it further enacted, That the said purchasers of Norfolk be impowered by their major vote, to be computed according to their interest, to make partition of said land, and to lay out the three publick lots in said township, and to choose committees, levy taxes, appoint agents and collectors, as fully, to all intents and purposes, as the proprietors of common and undivided lands in any town in this Colony may do. And all partitions of lands made according to their interest by said purchasers in their lawful meetings, by their major vote as aforesaid, are hereby declared valid and lawful. And the said purchasers at their meetings are impowered to adjourn their meetings to such time and place as they shall think proper, and to call after meetings in such manner as they shall order and agree.

Be it further enacted, That the township sold at New Haven by order of the Assembly, on the first Tuesday of December last, is hereby named, and shall forever hereafter be called and named, Goshen. And that the township sold at New London by order of the Assembly, on the first Tuesday of January last, is hereby named, and shall forever hereafter be [362] called and named, Canaan. || And that the township sold at Fairfield by order of the Assembly, on the first Tuesday of February last, is hereby named, and shall forever hereafter be called and named, Cornwall. And that the township sold at Windham by order of the Assembly, on the first Tuesday of March last, is hereby named, and shall forever hereafter be called and named, Kent. And that the township sold at Hartford by order of the Assembly, on the third Wednesday of instant May, is hereby named, and shall forever hereafter be called and named, Salisbury.

And be it further enacted, That the purchasers of the five last mentioned townships, *viz:* Goshen, Canaan, Cornwall, Kent and Salisbury, each and every of them, are hereby fully impowered to call a meeting and choose their clerks, committees, agents and collectors, grant taxes and make partition of their lands, and to adjourn their meetings and call after meetings, as is in this act provided and granted to the purchasers of Norfolk: and also to lay out the three publick lots in each of said townships.

Be it further enacted, That the southermost township lying on the west side of Ousatunnuck river, to be sold at New Haven on the third Wednesday of October next, the purchasers thereof, after such purchase made, shall have the same power to call a meeting, choose their clerk, committees, agents and collectors, grant taxes and make partition of said township, and to do every other act and thing, as fully, to all intents and

purposes, as the purchasers of the aforesaid six townships have by this act to them granted.

Provided nevertheless, That this act, nor anything therein contained, notwithstanding, shall make any estate to said purchasers but by their fully complying with the act of Assembly made in October last, directing the sale of said townships.

Be it further enacted, That the five townships lying on the east side of Ousatunnuck river, namely Goshen, Canaan, Cornwall, Kent and Norfolk, shall be and are hereby annexed to the county of Hartford.

An Act for the Removing and Ejecting those Persons who have encroached and unjustly entered upon that Part of the Colony Lands lying within the Township which is by this Assembly called and named Salisbury.

Whereas the abovesaid township was by the act of this Assembly in their session at New Haven in October last ordered to be sold by a committee in said act named and appointed, at time and place and manner as in said act is also particularly provided, and according to such order and direction has been tendered to sale, and bid for by sundry persons: And whereas sundry persons have, without right of their own or leave from the Governour and Company of this Colony, unjustly entered into and upon several parcels of land lying within said township, and the same still unjustly hold, occupy and possess: This Assembly doth, therefore, order and appoint, that Mr. Daniel Edwards, of New Haven, and Mr. Robert Walker, junr, of Stratford, be a committee, who shall be and are hereby fully authorized and impowred to repair to and upon said [363] lands, and in the || name of said Governour and Company to take and receive legal deeds of quit-claim of and from the several and respective persons who shall be found to have entered upon and to be possessing of any parcel of said township as abovesaid, of any or all the lands by them so held and possessed, in case they, or any of them, shall be induced such to execute; or otherwise the said Daniel Edwards and Robert Walker are hereby authorized and impowred to commence and prosecute any suit or suits in the law, necessary for the ousting the said wrongful possessors, to final judgment, execution thereon to levy, and full seizin and possession of said lands from them so recovered in the name and behalf of the said Governour and Company in due form of law to take and receive. And further, it is hereby provided, that the said committee in said act of this Assembly in October last named, shall, and they the said committee are hereby directed, after they have been duly certified of the removal of said wrongful possessors and recovery of seizin and possession by the said

committee in this act for that purpose especially appointed, forthwith, in the name and behalf of the said Governour and Company, to execute good and ample deeds of release and quit-claim of all the lands within said township, to the said bidders, or those to whom the said bidders have or shall resign their rights.

An Act for Stating the South Line in that Township in the Western Lands commonly called the South Township lying east of Ousatunnuck River.

Whereas in the report of the committee by this Assembly appointed to survey the several townships in said western lands, the south line of said south township is left to be afterwards settled and stated by this Assembly: Therefore, this Assembly now grants, that the south line of said township shall be at the north line of Fairweather's Purchase, which lyes above New Milford, beginning at the northwest corner of said Fairweather's Purchase by the aforesaid river, and thence running east so far as said purchase extends, and from thence a straight line to the northwest corner of Waramaug's Reserve, and thence east by said reserve to Litchfield west line. And Messrs. Edmund Lewiss, Andrew Burr and Thomas Knowles, are hereby appointed to run and ascertain the said south line, first duly notifying all the adjoining proprietors; and the charge thereof to be defrayed out of the publick treasury of this Colony.

This Assembly do appoint Capt. Nathaniel Hooker and Mr. James Church, of Hartford, to be Overseers of the House of Correction in Hartford, according to the act of this Assembly holden at New Haven in October last, entituled An Act in alteration of and addition to an act entituled an act for suppressing and punishing rogues, vagabonds, common beggars, and other lewd, idle, dissolute and disorderly persons, and for setting them to work. Which overseers shall annually lay the accounts of their disbursements of the money by them received of the Governour and Council, (as is provided in said act,) before the county court in the county of Hartford; which court, upon their approbation of said accounts, shall order to the said overseers a meet allowance for their pains and trouble in the trust aforesaid, out of the incomes of said house of correction; and if no such incomes arise, or not sufficient therefor, then in whole or in part out of the publick treasury of this Colony.

[364] This Assembly do appoint Capt. Gideon Cobb of Canterbury to be a Surveyour of Lands for the county of Windham.

This Assembly, upon consideration of a motion made by

Mr. Joshua Raymond of New London, that certain gentlemen who were appointed by this Court in October, 1736, to enquire for and state the most convenient place for a ferry across New London river near Massapeage and to report to the next Assembly in May their doings, &c., may now be authorized and impowred to attend the said service and make report of their doings thereon to this Assembly in October next, which they have hitherto failed to do,—hath resolved, that Capt. John Bulkley, Mr. Hez^b Huntington and Capt. Simon Lothrop, at the desire and charge of such gentlemen as shall see cause to call them forth, be a committee with full power to enquire after the most suitable place for a ferry across New London river near Massapeage, and to fix and ascertain the same, having first notified the selectmen of the towns of New London and Groton; and to make report to this Court of their doings, in October next.

Ordered by this Assembly, That the Treasurer of this Colony pay out of the publick treasury unto Samuel Eells and Joseph Whiting, Esq^{rs}, and Mr. Isaac Dickerman, the sum of nineteen pounds and fifteen shillings bills of credit, for expence of time, &c., for selling the township at New Haven, &c., which is the whole of their account allowed therefor.

Ordered by this Assembly, That the Treasurer of this Colony pay out of the publick treasury unto Samuel Lynde, Esq^r, Mr. John Griswold and Mr. John Richards, the sum of twenty-two pounds and thirteen shillings bills of credit, for expence of time, &c., for selling the township in New London, which is the whole of their account allowed therefor.

This Assembly do order the Treasurer of this Colony to pay out of the publick treasury unto John Burr, Esq^r, Edmund Lewiss, Esq^r, Mr. Ebenezer Silliman, and Mr. Andrew Burr, the sum of nineteen pounds four shillings bills of credit, for their service and expence in selling the township at Fairfield, which is the full of their account now allowed for the same.

This Assembly, having allowed the account of Timothy Pierce, Esq^r, Mr. Ebenezer West and Mr. Jonathan Huntington, committee, for their time and expence in venduing the township at the court house in Windham, to the amount of twenty-one pounds ten shillings, do order the Treasurer of this Colony to pay out of the publick treasury to the said committee the sum abovementioned, in full for the same.

This Assembly do appoint Ozias Pitkin, Esq^r, William Pitkin, Esq^r, Mr. Joseph Buckingham, Capt. John Chester, Capt. Thomas Wells and Mr. Roger Newberry, to be Auditors to audit the Colony accounts with the Treasurer, and make return of their doings to this Assembly in October next.

It is enacted and resolved by this Assembly, That the several committees appointed by the General Assembly at New Haven in October last, to sell the seven townships in the western lands of this government, shall deliver all the bonds by them taken for the payment therefor to the Treasurer of this Colony, taking his receipt for the same; which receipts shall be by the said committee delivered to the Secretary of this Colony.

[365] Whereas there is in the hands of the Treasurer a considerable sum in bills of credit received by him for the interest of the loan money:

Resolved by this Assembly, That the said Treasurer be, and he is hereby, authorized and impowred to issue out and deliver the sum of four thousand pounds, towards payment of the debts and necessary charges of this Colony, according to such orders as shall be given him from time to time according to law.

The Additions to the Lists of Estate of the several Towns in this Government hereafter mentioned, sent in to this Assembly, are as follow, (viz.)

	<i>Single Additions.</i>			<i>Fourfold Assessments.</i>		
	£	s.	d.	£	s.	d.
To Saybrook,	66	0	0	-	234	2 0
To Middletown,	299	0	0	-	239	19 0
To Brandford,	717	7	6	-		
To Hebron,	406	11	0	-	216	0 0
To Plainfield,	91	18	0	-		
To Pomfrett,	271	0	0	-		
To Norwalk,	303	8	0	-		
To Wallingford,	121	18	0	-	1117	2 0
To Danbury,	20	14	0	-	42	16 0
To Windsor,	1048	4	9	-	1177	16 6
To Mansfield,	539	15	0	-		
To Guilford,	320	15	0	-	571	15 0
To Windham,	309	0	0	-	96	0 0
To New Milford,	51	18	0	-	30	11 0
To East Haddam,				-	214	0 0
To Stanford,	463	11	6	-	222	0 0
To Hartford,	325	10	6	-	784	6 0
To Groton,	672	6	6	-		
To Weathersfield,	349	19	0	-	787	1 0
To Preston,	413	12	0	-		
To Lebanon,	540	17	0	-		
To Lyme,	621	7	0	-	431	0 0
To Ashford,	62	0	0	-		
To Stratford,	226	19	6	-		

To Fairfield,	1010	8	9	-	-	-	-	-	696	0	0
To Farmington,	1431	0	0	-	-	-	-	-	14	0	0
To Derby,	218	3	2	-	-	-	-	-			
To Stonington,	422	1	6	-	-	-	-	-	720	19	0
To Milford,	216	15	9	-	-	-	-	-			
To Woodbury,	332	16	0	-	-	-	-	-			
To New Haven,	1646	18	3	-	-	-	-	-	152	16	0
To Glassenbury,	156	10	0	-	-	-	-	-			
To Colchester,	240	3	0	-	-	-	-	-			

Upon the report of John Edwards, James Church and Joseph Talcott, jun^r, a committee appointed to repair to the parish of Turkey Hills, &c., at the sessions of this Assembly in October last, and to affix a place in said society for the inhabitants of said parish to set their meeting house upon: This Assembly do order that the place where the inhabitants shall [366] set their meeting house on || shall be at the oak staddle marked, (mentioned in the said committee's report,) and that staddle to be the north bounds of the place hereby affixed, it being in or against Samuel Clark's land, upon the highway which runs north and south thro' the said parish, and between two highways, the one leading from the west or the Copper Hills eastward to said highway by Samuel Clark's house, and the other leading out of said north and south highway still eastward to Windsor by the house of Isaac Owen.

Upon the report of Experience Porter, Gershom Clark and Jonathan Trumble, a committee appointed to repair to the parish of New Concord in Norwich, at the sessions of this Assembly in October last, to affix a place in said society for the inhabitants of said parish to build their meeting house on: This Assembly do order, that the place where the inhabitants set their meeting house on shall be at the stake mentioned in the said committee's report, and that the said stake be included within the sills of the meeting house.

Upon the memorial of Joseph Whiting and others, shewing to this Assembly, that they have in their custody some considerable sums of the broken but true bills of this Colony, and praying that the Treasurer of this Colony may be ordered to exchange the same: It is resolved by this Assembly, that the said Treasurer do exchange the several sums of said broken bills that shall be found in the hands of the memorialists: that is to say,

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Joseph Whiting,	2	12	6	Increase Billings,	7	10	0
Nathan Baldwin,	8	2	3	Isaac Spencer,	1	5	0
William Marsh,	5	5	0	Jon th Hoit,	4	9	4
Joseph Plumb,	0	18	9	Pell. Lect,	5	5	0

Will ^m Pitkin,	0	2	6	David Goodrich,	0	10	0
David Field,	5	0	0	Samuel Talcott,	8	0	0
Isaac Dickerman,	13	0	0	Thomas Stephens,	1	10	0
Samuel Willard,	0	5	0	Elihu Chauncey,	1	0	0
Joseph Backus,	15	0	0	Nath ^l Stanly,	1	0	0
Benoni Olcott,	0	7	6	Hannah Hall,	1	10	0
Elihu Hall,	6	10	0	Joshua Bushnell,	0	10	0
Thos. Benedict,	1	3	9	Thomas Storrs,	0	8	9
Hezekiah Brainerd,	0	17	6	Jos. Farnsworth,	20	10	10
Samuel Lynde,	0	15	0	Sam ^l Hill,	10	0	0
John Hall,	5	0	0				

Always provided the said memorialists bring in their several sums, to be exchanged as aforesaid, before the rising of this Assembly.

Upon the memorial of the Presbyterian society in the parish of Reading in Fairfield county, setting forth to this Assembly their low circumstances, and praying a remission of their country tax: This Assembly do grant unto the said society their country tax for the space of four years next coming.

Upon the memorial of Samuel Gains, administrator on the estate of Simon Gains, late of Glassenbury, deceas'd, shewing to this Assembly that the debts due from the estate of the said deceas'd surmount the goods and chattels of the said deceas'd the sum of £46 15s. 9d., and there being no other way whereby the said debts can be paid but by the sale of some of the lands of the said deceas'd, and praying to this Assembly that he, the said administrator, may be im- [367] powered to sell so much of the lands of the || said deceas'd as will procure the said sum of £46 15s. 9d. with the necessary charges arising thereon: Resolved by this Assembly, that the said Samuel Gains, administrator as aforesaid, shall sell so much land of the said deceas'd Simon Gains as will procure the sum of £46 15s. 9d. with the necessary charges arising thereon, and to be done by the direction of the court of probate for the district of the county of Hartford.

Whereas John Lyon, of the town of Rye in the county of West Chester in the Province of New York, has by his memorial on the files of this Court, dated May the 18th, 1738, represented to this Assembly that he, the said Lyon, has bro't his petition at this Court against John Brush, of Greenwich in the county of Fairfield, in and by said petition praying this Assembly to revoke, reverse and set aside, the decree, order and sentence of this Assembly held in New Haven in October last past, given in favour of said Brush against the said Lyon for

the sum of £82 3s. 8d., &c., as in and by said petition now on the files of this Assembly does more fully appear; which said petition being by order of this Assembly continued till the sessions of this Assembly in October next, &c., and he, the said Lyon, having now given the said Brush sufficient security for the aforesaid sum of £82 3s. 8d., with the lawful interest thereof till the rising of this Assembly in October next, &c.; and thereupon the said Lyon prays that this Assembly would order that execution for the aforesaid sum of £82 3s. 8d. be suspended till the rising of this Assembly in October next: Resolved by this Assembly, that said execution be suspended, and the same is hereby ordered to be suspended, until the rising of this Assembly in October next.

Whereas this Assembly, at their session in October last, did, on the memorial of the inhabitants of that part of New Haven called Chestnut Hill, praying to be a distinct society, appoint a committee to view their circumstances and make report to this Assembly in their present sessions: And whereas the committee so appointed have made report to this Assembly, which report (on the representation of John Carrington and others) hath been rejected: And whereas the said Carrington, &c., have now prayed for another committee to view their circumstances and make report, &c.: It is now resolved by this Assembly, that Messrs. William Gold of Brandford, W^m Ward and Joseph Thompson of Wallingford, be a committee to repair to said Chestnut Hill and farms above, and, having notified all persons concerned, view their circumstances, state the bounds of said society, (if they judge it best they should be a distinct society,) and make report to this Assembly in October next; all at the charge of the said Carrington and the rest so praying.

Whereas Capt. John Riggs, Capt. Isaac Dickerman and Mr. John Fowler, were by the General Assembly, at their sessions in October last at New Haven, appointed a committee to view the circumstances of the northwest quarter of Waterbury and make report to the Assembly now sitting: And whereas but two of said committee viewed and reported to this Assembly concerning the premises, which report was thereupon not accepted: Resolved by this Assembly, that Mr. John Fowler of Milford, Capt. Samuel Bassett and Mr. Gideon Johnson of Derby, be a committee to repair to said Waterbury and, at the charge of the people in the northwest quarter of said [368] town, || view their circumstances, and if they judge it best that the said northwest quarter be a distinct ecclesiastical society, that then they state the bounds thereof. And the

said committee are further directed to notify the said town of Waterbury before they proceed, and, at their desire and upon their charge, to view the other parts of the town, and make report to this Assembly in October next.

Upon the memorial of the inhabitants of the town of Harwinton, praying this Assembly to appoint a committee to fix and determine a place where the said inhabitants shall build a meeting house for publick worship: Resolved by this Assembly, that Coll. David Goodrich, Capt. John Chester, and Mr. Jonathan Burnham, shall be a committee, and are hereby directed, at the cost of said inhabitants, to repair to Harwinton aforesaid, and view and affix a place to build a meeting house on, and make return thereof to this Assembly in October next.

On the memorial of George Clark, of New York, Esqr, and others, representing to this Assembly that they had, for a very valuable consideration, purchased two tracts of land of the Indian proprietors or claimers, which they then thought were within the bounds of New York government, but since the running of the line, a considerable part of it proves to be in this; praying that a committee might be sent by this Assembly to enquire into that affair and report their opinion thereon: Resolved by this Assembly, that Messrs. Edmund Lewiss, Andrew Burr and William Gaylord, be a committee, at the cost of the memorialists, to enquire into the affair and make report to this Assembly in October next.

Upon the memorial of the agent of the town of Stafford, shewing that this Assembly, in May, 1736, granted to the inhabitants of said town liberty and authority to lay a tax of one penny per acre annually on all the unimproved lands in said town, to be collected and improved for the support of the gospel ministry there, for the space of four years then next coming; and complaining that, for want of some proper persons being specially appointed to collect said tax, they have failed of the benefit thereof: Resolved by this Assembly, that Moses Fuller and Cornelius Daviss, collectors of the minister's rate and tax in said town for the years 1736 and 1737, shall be impowred, and they are hereby impowred, to collect the tax due according to said act for the years in which they were collectors, and shall pay the same unto Samuel Chapman, Esqr, to be improved for the purpose aforesaid; and that the collectors of said town, that shall from time to time hereafter be appointed to collect said tax, until said four years be expired, are hereby fully impowred to levy and collect said tax granted by said act, and pay the same as aforesaid; and

that which is now due upon said tax shall be collected and paid to said Samuel Chapman for the use aforesaid, on or before the last day of July next; and the first day of August for the fourth year shall be the time for the payment of said tax. And whereas many of the claimers and owners of said unimproved land live out of this Colony, whereby the collecting of said tax is rendered difficult: It is resolved by this Assembly, that the collectors aforesaid, or some suitable person by him or them appointed, shall, annually, notify and warn said claimers twenty days before the time of payment aforesaid, and shew them a copy of this act, and if, after they shall be so warned, they shall neglect and refuse to make payment of said tax to said collectors within said twenty days, that then it shall be in the power of any two of the selectmen of said town of Stafford to extend or lease so much of the land aforesaid belonging to said claimers refusing to make payment as aforesaid, and for so long a time, as will answer said tax and all charges for extending and leasing the same; which land shall be extended at a publick vendue to the highest bidder, after there hath been a notification in writing under the said selectmen's hands set up in said town of Stafford upon the sign-post at least twenty days before said lands be extended, shewing the time and place thereof. And a lease well executed by said selectmen shall be a good and effectual title in the law to him that shall so hire and receive the said lease, and to his heirs and assigns, for holding the same during the term in said lease. And if any person living in this Colony shall, after seasonable notice given him by said collector, refuse to make payment of said tax, he or they so refusing shall be proceeded against as is already by law provided for the collecting town rates. And it is further enacted, that the said Fuller and Daviss, collectors as aforesaid, shall, by themselves or some person by them appointed, notify the proprietors, whether in the government or those living out of the government, at least twenty days before the extending of any lands or their making distress as aforesaid, fully and amply as in this act is before provided.

Upon the petition of Henry Brooks, of Saybrook in the county of New London, shewing to this Assembly that John Chapman of said Saybrook bro't his action against him, said Brooks, at the county court at New London in June last, demanding five and an half acres of land; which action came to the county court in November last, where judgment was rendered against him for the surrendry of said land and £6 19s. 10d. cost, which judgment was executed soon after; also shewing that his appeal mist entering by a mere accident;

and also praying for a reversal of all the doings of said execution, and also that he may enter his appeal at the superiour court to be held at New London in September next, the fourth Tuesday; further praying, that in case he obtain judgment in his favour, that the superiour court may allow in his bill of cost all the cost that he hath paid upon said execution, as part of his cost against said Chapman: Resolved by this Assembly, that all the doings on said execution is hereby reversed and set aside, and the said Brooks and Chapman are hereby put into the same state, in respect to said cause, as they were when said judgment was rendered at said county court; and also said Brooks may enter his appeal of said cause at the superiour court to be held at New London the fourth Tuesday of September next, and that in case judgment comes out in said Brooks's favour, that then what cost he hath paid on said execution shall by said superiour court be taxed in favour of said Brooks as part of his cost of tryal.

[370] Upon the memorial of Lawrence Knickerbacker, John Dikeman, William White and Abram Vandueson, of Weatauge, setting forth their purchasing deeds of certain lands now in the northwest township of this government, of the Indians; praying this Assembly to grant them a recompence therefor: This Assembly do grant in recompence, as abovesaid, unto the said Lawrence Knickerbacker, John Dikeman, William White and Abram Vandueson, one right in the northwest township, under the same restrictions as the other rights in said township, and that the committee appointed to make sale and give deeds of the other rights in said township shall, and are hereby impowred to give and execute a deed unto the said memorialists, after the same manner and with the same conditions as they are impowred and ordered to do of the other rights in said township. upon the memorialists quitting their claim to all their rights obtained by said purchases of the Indians, to the Governour and Company of this Colony, to the acceptance of the said committee; which shall be so done on or before the first day of August next. or the memorialists shall not take any benefit by this grant.

Upon the memorial of the proprietors of the common and undivided land in Windsor, shewing to this Assembly the great difficulty they labour under by reason of several proprietors' meetings, or pretended proprietors' meetings, in said Windsor at and since the 12th day of December last; praying this Assembly that the said meetings, and all the doings therein, may be set aside and made null and void: Resolved by this Assembly, that said meetings, and all the proceedings

and doings in said proprietors' meetings, at and since said 12th day of December last, shall be held and accounted null and void, and the same is hereby declared to be null and void; and that said proprietors shall and may, for time to come, proceed to act, vote and do, as if no such proprietors' meeting had been.

Upon the memorial of Adoniram Treadwell, of New Delaway in the Colony of Connecticut, shewing to this Assembly that by two purchases he has obtained two hundred and fifty acres of land on the west side of the Ousatunnuck river, as set forth in his memorial to this Assembly, and praying that he may have a patent for the said land, &c.: This Assembly grants to the memorialist the liberty of having a patent for the said land, and that the same be executed in due form of law.

Whereas Samuel Smith the second, of the town of Suffield in the county of Hampshire in the Province of the Massachusetts Bay, in and by his memorial on the files of this Court, dated May 20th, 1738, representing to this Assembly that whereas the said Smith has bro't his petition before this Assembly against Charles Hazelton, of the town of Killingsworth in the county of New London, &c., in and by said petition complaining that said Hazelton has unjustly recovered judgment against him at the county court held at New London in June last past, for the sum of one hundred and thirty [371] || pounds money, with cost of suit, &c.; and the said Smith praying a reversal of the judgment of the aforesaid county court, as is more fully set forth in said petition now on the files of this Court, &c.; which said petition being by order of this Assembly continued till October next, by means whereof the said Smith may be much wronged unless execution on the aforesaid judgment of the said county court be suspended till the sessions of this Assembly in October next; and the said Smith praying this Assembly that execution on said judgment be suspended accordingly: Resolved by this Assembly, that execution on the aforesaid judgment of the county court held at New London in June last past, given against the said Smith for the sum aforesaid, be stayed, and the same is hereby ordered to be stayed, till the sessions of this Assembly in October next.

Upon the memorial of the inhabitants of New Concord in Norwich, praying this Assembly to enable them to lay a tax upon all the unimproved land in said society belonging to non-resident proprietors: Resolved by this Assembly, that the inhabitants of said society are hereby enabled to lay a tax of two pence per acre upon all the unimproved land in said

society belonging to non-resident proprietors the space of four years next coming, exclusive of the lands of such as dissent from the churches established in the government, and in lieu of any former tax granted by this Assembly. And in order to the collecting and gathering the same, the committee of said society, for the time being, are hereby enabled to make a list of said tax and deliver the same to the collectors of rates in said society, who are hereby impowred to proceed to collect the same as by law they are enabled to collect other rates; and the said collectors are to account with said committee for the money by them collected for said tax, as they are for other rates by them collected.

Upon the memorial of Benjamin Grigory, of Norwalk in the county of Fairfield, shewing to this Assembly that he hath made a good mortgage deed to the Governour and Company of this Colony, of thirteen acres of land in Norwalk aforesaid, and caused the same to be recorded, as security for sixty pounds money which he supposed he should have received out of the treasury, but hath not received said sixty pounds nor any part thereof; and praying this Assembly to release and discharge the said mortgage deed and the title made thereby, &c.: Resolved by this Assembly, that his Honour the Governour and the Secretary of the Colony of Connecticut be desired, and they are hereby desired and impowred, to make a good deed of release of the said thirteen acres of land conveyed by the deed aforesaid, dated April 29th, 1737, unto him, the said Benjamin Grigory, in such manner and form as the releases are made to other mortgagers upon their payment of the money by them borrowed.

Upon the memorial of John Stoyel of Stonington, shewing to this Assembly that he hath been unjustly fourfolded for his head by the listers of the town of Norwich the sum of seventy-two pounds, and praying this Assembly to release him from said fourfold assessment: Resolved by this Assembly, that the said John Stoyell be released from said fourfold assessment made by the said listers of Norwich, and he is hereby released.

[372] Upon the memorial of Timothy Dimmuck of Mansfield, shewing to this Assembly that he had signed and delivered to him a deed of quit claim by his brother Daniel Dimmuck of Wright's Town, of all his right in a certain parcel of land in Ashford, called Horse Shoe Meadow, which deed is dated December 18th, 1736, and that the said Daniel dyed and did not acknowledge it, so that the same cannot be recorded, and thereupon prays for relief, for the reasons assigned: Whereupon it is resolved by this Assembly, that the town clerk of the

town of Ashford, in which the said lands lye, record the deed with the evidence entered on the same deed of its being executed by the said Daniel. And it is enacted by this Assembly, that the deed so recorded shall be judged to be sufficient in the law at all times, for the holding the right of said Daniel in said lands to the said Timothy, as if it had been acknowledged by said Daniel as the law directs.

Upon the memorial of Nathaniel Fuller, Aaron Fuller and Moses Fuller, shewing to this Assembly that a judgment was recovered against them by the Governour and Company, at the adjourned county court held at Hartford in January last, for the sum of £256 7s. 6*d.* debt, and 2*l.* 5s. 1*d.* cost, and praying that execution on said judgment may be suspended, to give time for the memorialists to dispose of some estate to procure money to answer said judgment: Resolved by this Assembly, that if the said memorialist, or any or either of them, on their own cost shall, on or before the first day of July next, give good land security of double the value of the sums abovesaid with the lawful interest thereof, to be reckoned from the time of giving said judgment, for the payment of the said sums with the interest thereof to the said Governour and Company on or before the 1st day of May, A. D. 1742, which security shall be by a mortgage deed of such lands to be taken by the same committee (in the county where such lands lye) as was appointed to take the mortgage deeds for money loaned out by this Colony; upon the receipt of which deed, made to the satisfaction of said committee, such committee shall give a receipt which shall be in full satisfaction and discharge of the judgment abovesaid.

Upon the memorial of Lois Stanton, widow of Samuel Stanton, junr, late of Stonington in the county of New London, deceas'd, shewing to this Assembly that the debts of said estate doth surmount the personal estate of the deceas'd the sum of £104 18s. 11*d.* more than the £498 0s. 2*d.* which she represented to the Assembly in October last that said estate was then indebted more than the personal estate amounted to, which debts in the whole amount to the sum of £602 19s. 1*d.* more than the personal estate of said deceas'd; and also shewing this Assembly that she hath not sold any of the real estate of said deceas'd, pursuant to an act of this Assembly in October last impowring the memorialist with the assistance of Deacon John Noyes to sell of the real estate aforesaid to the value of £498 0s. 2*d.*, as abovesaid; and praying to this Assembly to impower her, &c., to sell so much of said real estate as will amount to the sum of £602 19s. 1*d.* in the whole: Resolved by this Assembly, that liberty

[373] shall be granted || to the memorialist, and the same is hereby granted to her, and she together with the said Mr. John Noyes are hereby fully impowred, by and with the direction of the court of probates in the county of New London, to sell so much of the real estate of the aforesaid deceas'd as will amount to the sum of £602 19s. 1*d.*, in the whole, for the payment of the debts aforesaid. And the act of this Assembly relating to the sale of £498 0s. 2*d.* worth of said estate, past by this Assembly in October last past, is hereby repealed.

Upon the memorial of James Morgan of Groton, administrator on the estate of Gershom Brown, late of said Groton, deceas'd, shewing to this Assembly that the debts due from said estate surmount the personal estate of the deceas'd the sum of £35 1s. 6*d.*, and praying liberty to sell so much of the real estate of the deceas'd as to amount to the sum of £35 1s. 6*d.* with the cost arising thereon: Resolved by this Assembly, that the said Morgan, with the advice of the court of probate in New London, be impowred, and he is hereby impowred, to sell so much of the real estate of said deceas'd as shall amount to the sum of £35 1s. 6*d.* and the charge arising thereon.

Upon the memorial of Samuel Gruman and Abigail Rockwell of Norwalk, administrators on the estate of John Rockwell, late of Norwalk, deceas'd, shewing to this Assembly that the debts due from said estate surmount the moveable part of said estate the sum of £99 4s. 5*d.*, and praying for liberty to sell so much of the lands of the said deceas'd as will answer and defray the said sum and necessary charges arising thereon: Resolved by this Assembly, that the said Sam^l Gruman and Abigail Rockwell be impowred, and they are hereby authorized and fully impowred, to make sale and disposition of so much of the lands of the said deceas'd as will be sufficient to answer the said £99 4s. 5*d.* with the necessary charges arising thereon, taking the direction of the court of probates in the district of Fairfield therein.

Upon the memorial of Ebenezer Heath, administrator on the estate of Samuel Eaton, late of Tolland, deceas'd, shewing this Assembly that the debts due from the said estate of the said deceas'd, with what is allowed the widow of the said deceas'd for her necessity, amounts to £101 15s. 0*d.*, and the moveable estate that belonged to the said deceas'd's estate is no more than £57 17s. 7*d.*, all which is allowed by the court of probates, so that there remains due from said estate £43 17s. 5*d.* more than the moveables: Therefore this Assembly doth

appoint and fully empower the said Ebenezer Heath, having first taken the advice of the judge of the court of probates in the county of Hartford, to sell so much of the real estate of said deceas'd as will raise the sum of £43 17s. 5d. with the necessary charges arising on such sale. And the said Heath is hereby authorized and fully empowered to give a good and sufficient deed or deeds of such estate he shall sell as aforesaid.

Upon the memorial of the town of Hebron, shewing to this Assembly that the circumstances of that town is such that they cannot with any tolerable conveniency be holden together in one ecclesiastical society, and that the peace and prosperity of said town will be very much promoted by dividing them into two societies; and praying to this Assembly that they [374] would appoint them a committee to view || their circumstances, &c.: Resolved by this Assembly, that Major Roger Wolcott of Windsor, William Pitkin, Esqr, of Hartford, and Captain Thomas Welles of Glassenbury, shall be a committee, and they are hereby appointed, ordered and empowered, to repair to said town and, at their cost, carefully to view, consider and examine into all their circumstances relating to their situation, ability and inclination to be made two societies, and to order, fix and determine a line for their division, if they shall be of opinion that the peace, prosperity and best good of said town may be promoted and subsisted thereby. And if upon viewing and considering, &c., as aforesaid, said committee shall be of opinion that it is best for said town to be continued and holden together in one ecclesiastical society, they are then ordered and empowered to fix and determine a place for them to build a meeting house upon, where they shall think will be most convenient for the whole; and to make report of their opinion and doings relating to the whole affair to this Assembly at their sessions in October next.

Upon the memorial of Samuel Morriss, junr, administrator on the estate of John Haskall, late of Pomfrett, deceas'd, shewing that there is the sum of £127 3s. 0d. in debts due from said deceas'd to be paid to sundry persons, for the payment of which he hath nothing in his hands; and praying that he may be authorized to sell a piece of land belonging to said deceas'd, of about one hundred acres in Thompson parish, &c., for the discharging said debts; for the reasons set forth in said memorial: This Assembly grants the prayer of the memorialist, and that he, with and by the advice and direction of the court of probate in the county of Windham, be empowered, and he is hereby empowered with such direc-

tion and advice, to sell the said piece of land, or so much thereof as shall be needful, and make proper conveyances thereof for the purpose aforesaid. (*viz.*) to pay and discharge the said debts, and the incident charges thereon arising.

Upon the memorial of Joshua Bushnell of Saybrook, executor of the last will and testament of Joseph Scone, late of said Saybrook, deceas'd, shewing to this Assembly that the debts and charges due from the estate of said Joseph Scone surmounts the personal estate of said deceas'd the sum of £20 17s. 11d., and praying to this Assembly for liberty to sell so much of the real estate of the said deceas'd as will amount to the sum aforesaid, &c. : Resolved by this Assembly, that the said Joshua Bushnell shall have liberty, and liberty is hereby granted to him and he is hereby fully impowred, by and with the advice and direction of the court of probates in Guilford, to sell so much of the real estate aforesaid as will amount to the sum of £20 17s. 11d., for the payment of the debts and charges aforesaid.

Resolved by this Assembly, That the Treasurer be ordered, and he is hereby ordered and directed, to deliver to his Honour the Governour £86 15s. 0d. in bills of credit out of the treasury of this Colony; which sum is hereby granted to his Honour towards defraying the charges of his lady's funeral.*

[375] This Assembly grants to his Honour the Governour three hundred and fifty pounds for his salary for this current year.

This Assembly grants to his Honour the Deputy Governour one hundred seventy-five pounds for his salary for the current year.

This Assembly grants to the Treasurer of this Colony the sum of one hundred pounds money, to be paid out of the publick treasury of this Colony, for his salary for the year ensuing.

This Assembly do appoint William Pitkin and Thomas Wells, Esq^{rs}, to be a committee to adjust the Secretary's accounts for his care and labour, (by the direction of the Assembly.) respecting the mortgages and bonds given in security

*The wife of Governor Talcott died suddenly, about noon, on Thursday, May 25th, 1738. There could be no session of the General Assembly without the presence of the Governor or Deputy Governor: the latter was absent, attending the Commissioner's Court at Norwich, and public business was pressing. Governor Talcott did not suffer his private grief to interfere with his official duty, but returned and presided in the Upper House in the afternoon. A joint committee was appointed by both Houses, to confer on what might be proper to offer to his Honor on the sudden and sorrowful event, and the Lower House also appointed Mr. Speaker, the Clerk, and Capt. Samuel Willard, to draw an address of condolence, which, with the Governor's reply, is printed in the *Massachusetts Historical Society's Collections*, 3d series, I, 246.

for the loan-money, lodged in his office, and pass an order to the Treasurer for so much of the same as they shall allow, who is hereby ordered to pay the same accordingly.

Upon the prayer of Timothy Green, printer, representing to this Assembly that his salary is not a sufficient and meet recompence for his service: Resolved by this Assembly, that the said printer's salary for the future shall be seventy pounds *per annum*, and that his half year's salary, now due to him for his past services, shall be thirty-five pounds, and that the same shall be now paid to him out of the Colony treasury.

Upon the memorial of Prince Tracy of Willington, representing the peculiar circumstances of one Reuben Goff, an idiot child now resident in Wellington, and praying for relief, &c., as per his memorial on file, dated May 15th, 1738: Resolved by this Assembly, that there be paid out of the publick treasury of this Colony, for the support of the said Reuben Goff, the sum of ten shillings per week; and that Nathaniel Stanly, Esqr, of Hartford, do from time to time sign and direct orders to the Treasurer of this Colony (on the application of such meet person as the town of Willington shall to that purpose appoint,) to draw out of the publick treasury the sum of ten shillings per week, quarterly, to be improved for the subsistence of the said idiot child, during the pleasure of this Assembly.

Whereas the business of this Assembly has drawn out their present sessions to such a length that all the members thereof cannot, without great inconvenience, stay to hear the records of the acts of this Assembly read off and compleated: This Assembly do order and appoint Roger Wolcott, Nathaniel Stanly, Ozias Pitkin, William Pitkin, Esqrs, Captain John Marsh, Mr. Joseph Buckingham, Capt. Samuel Mather, Mr. Roger Newberry, Coll. David Goodrich, Capt. John Chester, Capt. Thomas Wells, and Mr. Jonathan Hale, a committee, in the name and behalf of this Assembly, to attend his Honour the Governour to hear the records of the acts of this Assembly read off, and see them perfected and then signed by the Secretary as compleat.

The several Acts, Grants and Orders of this Assembly, as they stand entered in the pages of this book next preceding, were read in the presence of his Honour the Governour and the major part of the committee abovenamed, and by them ordered to be signed by the Secretary as compleat.

GEORGE WYLLYS, Secretry.

[376] *Anno Regni Regis Georgii 2di, Magnæ Britannicæ, &c., duodecimo.*

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA, ON THE SECOND THURSDAY OF OCTOBER, (BEING THE 11TH DAY OF SAID MONTH,) AND CONTINUED BY SEVERAL ADJOURNMENTS TILL THE 2D DAY OF NOVEMBER FOLLOWING, ANNOQUE DOM. 1738.

Present :

The Honourable Joseph Talcott, Esq^r, Governour.

The Honourable Jonathan Law, Esq^r, Deputy Governour.

Samuel Eells,	} Esq ^{rs} ,	Timothy Pierce,	} Esq ^{rs} ,	<i>Assistants.</i>
Roger Wolcott,		John Burr,		
James Wadsworth,		Samuel Lynde,		
Nath ^l Stanly,		Edmund Lewiss,		
Joseph Whiting,		William Pitkin,		
		Roger Newton,		

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

Capt. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Mr. John Richards, Mr. Jeremiah Miller, for New London.
 Capt. Jabez Huntington, Mr. John Fitch, for Windham.
 Mr. Joseph Blackleach, Mr. Theophilus Nickols, for Stratford.
 Capt. Joseph Minor, Capt. William Preston, for Woodbury.
 Mr. John Grigory, Capt. James Beebe, for Danbury.
 Capt. Thomas Wells, Mr. Jonathan Hale, for Glassenbury.
 Capt. Theophilus Yale, Capt. Benjamin Hall, for Wallingford.
 Mr. John Dwight, Mr. Boaz Starns, for Killingly.
 Capt. Ebenezer Avery, Mr. Humphrey Avery, for Groton.
 Capt. Joseph Addams, Mr. Jabez Fitch, for Canterbury.
 Mr. Ephraim Kingsbury, Mr. Thomas Stephens, for Plainfield.
 Mr. Jonathan Lane, Mr. John Lane, for Killingworth.
 Capt. Isaac Dickerman, Capt. Jonathan Alling, for New Haven.
 Capt. Andrew Burr, Mr. Ebenezer Silliman, for Fairfield.
 Mr. Hez^h Huntington, Mr. Samuel Backus, for Norwich.
 Mr. Pelatiah Leet, Mr. Samuel Robinson, for Guilford.
 Mr. Joseph Strong, Mr. Peter Buell, for Coventry.
 Mr. John Humphrey, Mr. James Case, for Symsbury.
 Capt. John Chester, Coll. David Goodrich, for Weathersfield.
 Capt. Nathaniel Peck, Mr. Jabez Mead, for Greenwich.
 Mr. John Griswold, Capt. Daniel Ely, for Lyme.
 Capt. Samuel Mather, Mr. Roger Newberry, for Windsor.

Mr. Jabez Hamlin, Mr. Seth Wetmore, for Middletown.
 Mr. Robert Treat, Mr. John Fowler, for Milford.
 Mr. Elihu Chauncey, Mr. James Wadsworth, jun^r, for Durham.
 [377] Mr. Ebenezer West, Mr. Jonathan Trumble, for Lebanon.
 Mr. Ebenezer Holbrook, Capt. John Daniels, for Pomfrett.
 Mr. John Bostwick, Capt. Stephen Noble, for New Milford.
 Capt. John Bulkley, Capt. Israel Newton, for Colchester.
 Mr. Hezekiah Brainerd, for Haddam.
 Mr. Philip Eastman, Mr. James Bicknal, for Ashford.
 Capt. Sam^l Hecoeks, Mr. Joseph Lewiss, for Waterbury.
 Capt. Hez^h Gaylord, Mr. Joseph Phelps, for Hebron.
 Capt. Samuel Willard, Mr. Joshua Bushnel, for Saybrook.
 Capt. Jonathan Hoit, Mr. Jonathan Maltbye, for Standford.
 Mr. Experience Porter, Mr. Cordial Stores, for Mansfield.
 Capt. Joseph Platt, Capt. Samuel Comestock, for Norwalk.
 Mr. Joseph Palmer, Mr. Joseph Denison, for Stoningtown.
 Mr. Isaac Spencer, for East Haddam.
 Capt. John Riggs, Capt. Samuel Bassett, for Derby.
 Capt. William Wadsworth, Mr. John Hart, for Farmington.
 Capt. William Gold, Mr. Jonathan Russell, for Brandford.
 Mr. Jedadiah Tracy, Mr. John Cook, for Preston.
 Mr. Ebenezer Silliman, Speaker } of the House of Repre-
 Mr. Andrew Burr, Clerk } sentatives.

This Assembly do establish and confirm Mr. Amos Cheesbrough to be Ensign of the first company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Theophilus Baldwin to be Captain of the company or trainband in the town of New Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Bostwick to be Lieutenant of the company or trainband in the town of New Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Canfield to be Ensign of the company or trainband in the town of New Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Gates to be Captain of the north company or trainband in the first society in the town of East Haddam, and order that he be commissioned accordingly.

[378] This Assembly do establish and confirm Mr. Thomas Wheeler to be Lieutenant of the south part of the second

company or trainband in the town of Stoningtoun, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Rufus Minor to be Ensign of the south part of the second company or trainband in the town of Stoningtoun, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Brockway to be Lieutenant of the fifth company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Williams to be Captain of the fourth company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Morgan to be Lieutenant of the fourth company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Geer, jun^r, to be Ensign of the fourth company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Rockwell to be Lieutenant of the Troop in the county of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Smith to be Cornet of the Troop in the county of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hutchins to be Quarter Master of the Troop in the county of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Chester to be Captain of the first company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elihu Chauncey to be Captain of the second company or trainband in the town of Durham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Fairchild to be Lieutenant of the second company or trainband in the town of Durham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Seaward to be Ensign of the second company or trainband in

the town of Durham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Parsons to be Ensign of the first company or trainband in the town of Durham, and order that he be commissioned accordingly.

[379] This Assembly do establish and confirm Mr. Joseph Pitkin to be Captain of the third company or trainband in the town of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Burnham, junr, to be Lieutenant of the third company or trainband in the town of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Williams, junr, to be Ensign of the third company or trainband in the town of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Hills to be Captain of the fifth company or trainband in the town of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Welles to be Lieutenant of the fifth company or trainband in the town of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Hills to be Ensign of the fifth company or trainband in the town of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Stephens to be Captain of the company or trainband in the town of Danbury, and order that he [be] commissioned accordingly.

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

This Assembly do establish and confirm Mr. Ebenezer Hiccock to be Ensign of the company or trainband in the town of Danbury, and order that he [be] commissioned accordingly.

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

This Assembly do establish and confirm Mr. Nathaniel Gil-

bert to be Lieutenant of the second company or trainband in the town of Coventry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Rust to be Ensign of the second company or trainband in the town of Coventry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Judson to be Captain of the first company or trainband in the town of Stratford, and order that he [be] commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Porter to [be] Captain of the first company or trainband in the town of Coventry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Humphrey Davenport to be Lieutenant of [the] first company or trainband in the town of Coventry, and order that he be commissioned accordingly.

[380] This Assembly do establish and confirm Mr. Benjamin Palmer to be Ensign of the first company or trainband in the town of Coventry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Olmstead to be Captain of the company or trainband at the parish of Millington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Cone to be Lieutenant of the company or trainband in the parish of Millington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mathew St. John to be Captain of the company or trainband at the parish of Wilton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Betts to be Lieutenant of the company or trainband at the parish of Wilton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Lambert to be Ensign of the company or trainband at the parish of Wilton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Brownson to be Lieutenant of the south company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel

Knowles to be Ensign of the south company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Huntington to be Ensign of the first company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Clark to be Captain of the fifth company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jabez Fitch to be Ensign of the fifth company or trainband in the town of Norwich, and order that he be commissioned accordingly.

An Act for the better regulating Tryals on Writs of Error.

Whereas sundry debtors and other litigious persons, intending to delay and bring great cost upon them that have suits against them in the law, have taken out writs of error and prosecuted them from court to court; by which the action laid in the original writ hath been long delayed or defeated, and great cost thereby occasioned to the contending parties: Which for the future to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when on any writ of error, now depending in the superiour court, or that hereafter shall be brought before said court, the defendant in said writ of error shall recover judgment, that [381] || the judgment complained of is in nothing erroneous, he shall recover his cost against the plaintiff: but if upon tryal it shall be found that the judgment complained of is erroneous, judgment shall be given that said erroneous judgment shall be reversed, and that the plaintiff in error shall recover all that he hath been damnified thereby: that is, the whole that was recovered against him in said erroneous judgment on which execution hath been done; and no cost shall be taxed, but each party shall bear his own charge; any law, usage or custom to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That when any judgment shall be reversed as aforesaid, the plaintiff in the action on which such erroneous judgment was given may enter his action in the said superiour court, for which he shall pay the same fees as if he had brought his action by appeal; and the court shall proceed to try said action as if it had or could have been brought there by appeal. And the whole cost in said action, (excepting the cost on the writ of

error,) shall be taxed for him that shall recover final judgment.

And be it further enacted by the authority aforesaid, That after the rising of this Assembly, no person shall be allowed to review upon any judgment given on a writ of error.

Always provided, That this act continue of force for four years next after the rising of this Assembly, and no longer.

An Act in Addition to the Law of this Colony entituled
An Act for ascertaining the Towns Brand for
Horses, and providing Branders.

Whereas in said act there is no provision made to impower the respective towns in this Colony to choose more than two branders in each town: And whereas the inhabitants of many of said towns are exposed (by reason of their living very remote from said branders,) to great trouble and charge to obtain their horses to be branded: Which inconveniency to remove,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future each town in this Colony shall have liberty and are hereby impowered (at their discretion,) to choose a suitable number of persons, not exceeding six, to be branders for horses in said town. Which branders, being chosen and sworn as the law directs, shall be regulated in all things relating to their office by the laws of this Colony already established; any law, usage or custom to the contrary notwithstanding.

An Act impowering the Proprietors' Clerk of New Fairfield to record Deeds, Mortgages, &c.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the proprietors' clerk of New Fairfield shall have the same power, with respect to recording of deeds, mortgages and other instruments, as the town-clerks have in this government, and be as effectual in the law to all intents and purposes; and that the proprietors' clerk of New Fairfield shall take the same oath provided by law for the proprietors' clerk of Hartland.

It being represented to this Assembly that sundry Indians are dwelling within and lay claim unto that township ordered by this Assembly to be sold at New Haven on the third Wednesday of this instant October: And whereas Thomas Lamb of Weataug hath proposed to this Assembly, that for one right in said township he will procure from all the Indian claimers of said land a good and authentick deed of said township,

[382] *It is now resolved by this Assembly,* That the commit-

tee appointed to sell said township, or any two of them, shall execute to the said Thomas Lamb a good and sufficient deed of one right in said township, on the same conditions as to the rest of the purchasers, upon his producing to the committee a good and sufficient deed of sale to the Governour and Company of this Colony, of all the land contained in said township from all the Indian claimers thereof. Always provided, the said Lamb give bond with one sufficient surety, to the value of two thousand pounds, for his procuring such deed on or before the fifteenth day of January next.

This Assembly do establish and confirm Mr. Seth Samuel Burr to be Captain of the first company or trainband in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Squire to be Lieutenant of the first company or trainband in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Silliman to be Ensign of the first company or trainband in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Denison to be Ensign of the second company or trainband in the town of Saybrook, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Avery to be Lieutenant of the first company or trainband in the town of Groton, and order that he be commissioned accordingly.

The Gentlemen nominated by the Votes of the Freemen of this Corporation to stand for Election in May next, are as follow, (viz:)

The Honourable Joseph Talcott, Esq^r, the Hon^{ble} Jonathan Law, Esq^r, Samuel Eells, Esq^r, Roger Wolcott, Esq^r, James Wadsworth, Esq^r, Nathaniel Stanly, Esq^r, Joseph Whiting, Esq^r, Ozias Pitkin, Esq^r, Timothy Pierce, Esq^r, John Burr, Esq^r, Samuel Lynde, Esq^r, Edmund Lewiss, Esq^r, William Pitkin, Esq^r, Roger Newton, Esq^r, Thomas Fitch, Esq^r, Mr. Ebenezer Silliman, Mr. John Bulkley, Mr. Ebenezer West, Mr. Andrew Burr, Mr. Samuel Hill.

On the report of Messrs. John Fowler, Samuel Bassett and Gideon Johnson, a committee appointed by this Assembly in May last with instructions to repair to the town of Waterbury and view the circumstances of the northwest quarter of said town, and also all parts of said town, in order to make a sep-

arate society of the said northwest quarter: Resolved by this Assembly, that the said northwest quarter of said Waterbury, beginning at the line dividing between the towns of Waterbury and Woodbury, at the southwest corner of Capt. William Judd's great farm, and to continue eastward by the south side of said Judd's farm to the southeast corner thereof; and from thence to extend eastward to the southeast corner of the old farm of Joseph Nickols, late deceas'd; and from thence north-eastwardly unto the place where Williams's corn-mill now stands; from thence an easterly course to the southwest corner of Jonathan Prindle's farm, including the said Prindle; and [383] from the southeast corner of said Prindle's || farm easterly to the river, and then to run northerly by the river, the river being the east bounds thereof. until it comes where the west branch enters the main river, and then running as the west branch runs, to Litchfield bounds; the branch to be the bounds thereof; and then running westerly, as the line runs between the towns of Waterbury and Litchfield, until it comes to Woodbury town line; and then running southerly by the line between Waterbury and Woodbury to the forementioned southwest corner of Capt. William Judd's farm, shall be, and is hereby made. a distinct ecclesiastical society, with the same rights and privileges of such societies in this government, and shall forever hereafter be called and known by the name of Westberry.*

Upon the memorial of the parish of Middlesex in Fairfield county, shewing to this Assembly that they have had a society meeting, wherein more than two-thirds of said society have declared it necessary to build a meeting house in said parish for divine worship, praying this Assembly to appoint a committee to repair to said parish and to fix and ascertain the place for erecting said house upon: Resolved by this Assembly, that Capt. Samuel Couch, Capt. John Osborne, both of Fairfield, and Mr. Joseph Booth of Stratford, be a committee, at the cost of the memorialists, to repair to said society, view their circumstances and hear all parties concerned, and fix and ascertain the place for erecting said house upon, and make report of their doings to this Assembly in their present sessions.

Upon the memorial of the inhabitants of the town of Union, praying this Assembly to appoint a committee of judicious and disinterested persons to ascertain and affix a place for the building of a meeting house in said town; also for liberty to imbody themselves into church estate, and for a tax of two pence per acre on all the lands in said Union for the space of four

* Now Watertown.

years to come: It is resolved by this Assembly, that Mr. Joseph Strong, Capt. John Perry and Mr. Experience Porter, be a committee, at the cost of the memorialists, to repair to said Union and view the situation and circumstances thereof, and ascertain and affix the place for the building a meeting house in said Union, and make report of their doings thereon to this Assembly at their sessions in May next. And also, that the inhabitants of said Union may, with the approbation of the neighbouring churches, imbody themselves into church estate. Likewise, this Assembly grants a tax of two pence per acre on all the lands in said Union, for the support of the gospel amongst said inhabitants; which tax shall be collected by the collectors of rates annually chosen in said town, and by them be paid into the hands of the selectmen of said town, and by them be disposed of for the use aforesaid; which tax shall continue for the space of four years next after the rising of this Assembly.

On the memorial of Benjamin Hulls of Wallingford, representing to this Assembly that, sometime in the month of January last, his dwelling house was burnt, and that he had fifteen pounds in bills of credit on the Colony of Connecticut consumed in the flames, praying to this Assembly that they would grant him such a sum out of the publick treasury: Resolved by this Assembly, that fifteen pounds in bills of credit on this Colony shall be paid out of the publick treasury to said Benjamin Hulls, in consideration of said sum consumed as aforesaid; and the Treasurer is hereby ordered to pay out said sum to said Benjamin Hulls accordingly.

[384] Upon the memorial of John Sutlief and others, living in the north or northeastern part of Waterbury, shewing that they live at a great distance from the publick worship in said town, and their difficulty in attending thereon by reason thereof, praying for liberty to hire the Gospel preached among them for the space of two years, to be computed from February next, with exemption from paying ministerial charges to said town for such time only as they are able to hire the gospel preached among them: Resolved by this Assembly, that the memorialists shall and hereby have granted unto them the liberty of hiring the gospel preached among them for the space of two years, to commence and be computed from February next, with exemption from paying ministerial charges to said town for such time only as they hire the gospel preached among them.

On the memorial of Joseph Gorham of Fairfield, administrator on the estate of Daniel Lockwood, late of Fairfield, deceas'd, praying for power to sell lands of the said deceas'd

for the payment of the debts due from said estate: Granted by this Assembly, that the said Joseph Gorham, administrator to said estate, be, and is hereby, impowred, by the advice and direction of the court of probate for the district of Fairfield, to sell and legally convey so much of the real estate of the said deceas'd as shall make the sum of thirty-two pounds eight shillings, together with the necessary charges arising thereon.

On the memorial of Rebeckah Birge, administratrix on the estate of Daniel Birge, late of Hebron, deceas'd, shewing to this Assembly that the debts due from the estate of the said deceas'd surmounts the personal estate the sum of £44 5s. 8d., and praying for liberty to sell land, &c.: This Assembly grants liberty to said administratrix and Jonathan Root of Hebron, to sell so much of the real estate of said deceas'd, taking the advice of the court of probate in the county of Hartford, as to enable the said administratrix to pay the aforesaid sum with the necessary charges arising thereon.

On the memorial of Timothy Hatch of Tolland, administrator on the estate of John Hatch, late of Mansfield, deceas'd, shewing to this Assembly that the debts due from the estate of the said deceas'd surmounts the moveable estate of the said deceas'd the sum of £224 1s. 9d.: This Assembly grants liberty to the said administrator to sell so much of the real estate of the said deceas'd, taking the advice of the court of probate in the district of Windham, as to enable said administrator to pay the aforesaid sum with the contingent charges arising thereon.

Upon the memorial of the inhabitants of the first society in Brandford, by their agent Capt. John Russel, shewing to this Assembly that the said society, by their universal vote, did agree to build a meeting house in said society, and did also agree that said house should be set on the western side of their present meeting house, as near to said house as would be convenient, and praying for confirmation of said place: This Assembly do accept and confirm the abovesaid place to be the place for the said first society to build their meeting house upon.

[385] The Sums total of the Lists of Estate of the several Towns in this Colony, following, sent in to this Assembly and accepted, (viz.)

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Fairfield,	38021	11	11	Weathersfield,	23381	8	8
Norwich,	38426	9	0	Groton,	17756	17	10
Midletown,	28449	7	0	Farmington,	24823	19	3
Windham,	17423	19	4	Woodbury,	12990	14	6
Standford,	21768	9	3½	Durham,	8553	6	2

Coventry,	9001	8	0	Lyme,	18225	11	0
East Haddam,	12889	15	0	Guilford,	26718	8	2
Norwalk,	25186	17	11	Danbury,	10283	10	0
Milford,	24076	6	10	Haddam,	7996	2	2
Mansfield,	8826	10	0	Symsbury,	12390	10	6
Stonington,	21917	5	0	Ashford,	6393	0	0
Killingsworth,	10681	11	8	Windsor,	27891	19	0
Plainfield,	8659	9	0	Greenwich,	15018	19	3
Pomfrett,	11047	0	0	Hartford,	30945	10	1
Waterbury,	8405	2	0	Stratford,	30222	16	6
Canterbury,	10315	2	6	Brandford,	17930	8	8
New London,	28300	0	0	Derby,	7407	15	0
Glassenbury,	8956	5	0	Saybrook,	16131	18	3
Wallingford,	30015	17	0	Preston,	14934	15	8
Lebanon,	26353	14	0	Hebron,	9695	10	6
New Milford,	6867	12	0	Killingly,	14209	0	0
Colchester,	15506	10	0	New Haven,	39753	11	3

Upon the petition of Andrew Downer of Norwich against Nathaniel Berry of Tolland, shewing to this Assembly that they, the said Downer and said Berry, had, on the 9th day of March last past, sundry controversies subsisting between them, and that they by their bonds of arbitrament, dated the said 9th day, and the one well executed by said Downer and Joshua Lazell of Windham with him, the other well executed by said Berry and Joseph Walden of Windham with him, submitted all their controversies aforesaid to be decided by the arbitrary judgment of John Bissell of Bolton, Joseph Kingsbury of Norwich, jun^r, and Josiah Conant of Mansfield, and that the said arbitrators were to make their award in writing indented under their hands and seals, and deliver, or have it ready to deliver, to the parties at the house of said Walden on or before the last day of April next after said date of said bond; further shewing, that said arbitrators, having heard the parties, made an award on the premises according to their bonds of submission, and did deliver the same to the parties by the time and at the place aforesaid, and that they, the said arbitrators, awarded payment of money to be made by said Berry to said Downer, and other things to be done by them, as per the petition on file; and further shewing, that as to the discharges ordered to be given of all things submitted they both complied, and that since by some way or means he, the said Downer, hath lost the award given him, made as aforesaid, and thereupon prays to this Assembly for relief: Whereupon it is resolved by this Assembly, that whenever the said Downer shall bring any action on the bond aforesaid, declaring on said bond and condi- [386] tion || annexed and on said award, he shall not be

obliged to shew said award on oyer prayed, and that he shall have liberty to give in the evidence of the arbitrators, to prove that there was such an award made as their evidence shall express; and if the court and jury shall judge them credible in what they say as good and faithful witnesses, the same shall be taken by any court or jury where such action shall be brought or be depending, as good and effectual in the law as if the award was produced in the tryal; and that the said Downer shall have the liberty of giving in and improving this act in the tryal, without declaring on the same in his declaration.

We, the subscribers hereunto, pursuant to an act of the General Assembly held at Hartford, May the 11th, 1738, and being assisted with chainbearers, &c., have run the south line of the township of Kent in the following manner, having first notified the adjoining proprietors thereof: We began at the southwest corner bounds of the said township, being the northwest bounds of a tract of land formerly called Fairweather's, it being a white oak tree marked and stones laid to it, standing on the east side of the Ousatunnuck river; and from thence we run east with the line of the said Fairweather's land full six miles to the northeast corner of said Fairweather's land, being in the West Pond, so called; from thence we run east sixteen degrees and fifteen minutes south two miles and forty-eight rods straight to the northwest corner of Waramaug's Reserve, so called, being a large heap of stones on a rock and stones laid in the crotch of a rock-oak tree standing near; and from thence we run east forty degrees and thirty minutes south with the line of the said Waramaug's Reserve one mile and an half and eight rods, to a heap of stones lying where the east and west branches of Shippaug river meet together, which was said to be the northeast corner of the said Warramaug's Reserve, and the west bounds of Litchfield. Thus we have run the south line of the said township of Kent, and have made monuments in said line, being heaps of stones laid at every eighty rods end, excepting where the said line crosses ponds, and at one place on the east side of Bee-Tree brook, where we marked a white oak tree, there being no stones to be found; and we have also marked many trees in said line, so that the same may be easily found and known. The above work was completed September the 30th, A. D. 1738.

By us, { Edmund Lewiss, } *Committee.*
 { Andrew Burr, }

The above report of the committee is accepted and approved by this Assembly, and ordered to be recorded.

To the Honourable the General Assembly, sitting at New Haven October 12th, 1738:

Your committee reports as followeth, that sometime in the month of July last past we went to Hebron, and consulted the inhabitants of that town of their inclinations to continue in one ecclesiastical society or divide; and there were seventy-seven for continuing in one society, and forty-eight for dividing. We have also carefully examined into their ability, situation and other circumstances, according to your direction to us in your act of May last; and upon the whole we report, that it is for the best good of the said inhabitants that they continue and are holden together in one ecclesiastical society, and that their meeting house be set within five rods of their present meeting house, and northwesterly of it.

Roger Wolcott, William Pitkin, Thomas Wells, *Committee.*

The above report is accepted and approved by this Assembly, and ordered to be recorded.

[387] Whereas upon the memorial of Ebenezer Beecher, Jasper Gunn, and the rest of the inhabitants of that part of the town of New Haven called Chestnut Hill, and also of Barnabas Baldwin, Joel Northrop and others, to the number of fifteen, living on the northerly bounds of Milford, moving to the General Assembly at New Haven in October last that they might become one entire distinct parish, and praying for a committee, &c., the said General Assembly did appoint a committee, who accordingly making their report to the General Assembly at Hartford in May last, and the same not being accepted; and the said General Assembly in May last appointing another committee, (*viz.*) Messrs. William Gould, William Ward and Joseph Thompson, to view and report, &c.: And whereas the said last mentioned committee have to this Assembly made their report, that according to the direction of the said Assembly they have repaired to the abovesaid places, &c., and find and are of opinion that they, the abovesaid inhabitants and farms, are able and sufficient to support parish charges, and that their bounds and limits ought to be as follows, *viz.*: The north bounds in part upon the line between New Haven and Wallingford, so far as from New Haven northwest bounds easterly to the West Rocks, so called; thence southerly with the said West Rocks till it comes down to the south side of Samuel Baldwin's land; thence westerly to the highway at the end of Sperry's Farms; thence southerly, keeping said highway that leads up the great hill to Darby road; then southerly at the rear of Westfield lots or second division lots; then southerly till it comes to the south side of

Capt. Isaac Johnson's farm; then westwardly, between said Johnsons and that which was formerly Jeremiah Osborn's farm, to Milford east line; then westwardly to a cross highway; then keeping said highway to the southeast corner of Hogs Meadow Purchase, so called, in Milford; then westerly with the south line of Hogs Meadow Purchase, to the partition line between Milford and Derby; then northerly, in said partition line, to Lebanon brook, so called; then easterly by said Lebanon brook to New Haven line; then northerly in said line between New Haven and Milford till it comes to New Haven northwest corner bounds aforesaid; excluding the lands in said Milford on the race between New Haven line and Hogs Meadow Purchase from the aforesaid south bounds of the same, north to Derby road; and the lands of Fletcher Newton and John Hind in said Hogs Meadow Purchase, and Ephraim Gillett and his estate; and also exclusive of Samuel Sperry, Joshua Sperry and Jonathan Sperry, with their estates in New Haven bounds; as per said report on file, dated October sixth, 1738, doth appear:

It is thereupon resolved by this Assembly, That the abovesaid memorialists, inhabitants of New Haven and Milford situated and living within the bounds and limits above described, exclusive of the persons and estates above in said committee's report exempted and excluded, as also exclusive of the lands of Capt. John Riggs, Samuel Riggs and Joseph Riggs, lying within the bounds of Milford, be and become together one entire, separate and distinct society or parish, subsisting and known by the name of the Parish of Amity,* and endowed with all powers and privileges wherewith other parishes within this government are by law endowed.

Resolved, That the Colony Treasurer be directed, by a letter from the Secretary, that he attend the orders of this Assembly at New Haven on Monday next, the 30th of October instant; and that he bring with him two thousand pounds of the exchange bills that are in his hands

[388] *Resolved by this Assembly,* That Messrs. Isaac Dickerman and John Punderson, both of New Haven, be a committee to build and make up convenient seats in the council chamber in said New Haven, to accommodate the members of the Assembly and such gentlemen as attend thereupon; and that they lay their accounts before this Assembly in October next for their allowance.

This Assembly grants to each of the Commissioners from New York and Rhoad Island that attended the late court at

* Embracing the present towns of Woodbridge and Bethauy.

Norwich by special order from his Majesty, the sum of fifty pounds inclusive of what hath been already paid to them; and to the Honourable John Wanton, who presided, twenty pounds in addition to the aforesaid sum. And his Honour the Governour is hereby desired to draw the aforesaid sums out of the publick treasury, and send them to the respective gentlemen.

This Assembly do establish and confirm Mr. Daniel Tuttle to be Captain of the southeast company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Macock Ward to be Lieutenant of the southeast company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Hall to be Captain of the northeast company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Atwater to be Lieutenant of [the] northeast company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Royce to be Ensign of the northeast company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

On the memorial of the reverend trustees of Yale College in New Haven: This Assembly grants that there shall be paid out of the publick treasury of this Colony to the treasurer of said college, for the use of the same, the sum of one hundred pounds *per annum* for the term of three years next coming, in addition to the standing allowance made to said college; and also, that there be paid out of the publick treasury to the said trustees the sum of forty pounds, to defray the charges of laying out the college farms in the western townships.

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

An Act for Enlarging Goalers Fees.

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 goalers or keepers of the several goals within this Colony shall be allowed seven shillings per week

for dieting each prisoner; any law, usage or custom to the contrary notwithstanding.

This Assembly do establish and confirm Mr. Matthias Fuller to be Ensign of the company or trainband in the parish of Millington, and order that he be commissioned accordingly.

[389] On the petition of John Boardman of Preston *vs.* Jeremiah Kinne of Preston, (by continuance from the General Assembly in May last:) The question was put, whether the pleas offered in abatement of said petition are sufficient: Resolved by this Assembly in the affirmative. *Cost allowed respondents is 6l. 1s. 1d. Ex. granted Jan^y 2^d, 1738-9.*

On the petition of James Hilhouse of New London *vs.* Joshua Raymond, John Vibber, and the rest of the inhabitants of the north parish of New London, (by continuance from the General Assembly in May last:) The question was put, whether the pleas offered in abatement of the said petition are sufficient, and was resolved in the affirmative. *Cost allowed respondents is 5l. 7s. 0d. Ex. granted May 14th, 1739.*

On the petition of Thomas Edgcomb of Norwich, and Samuel Edgcomb, Henry Delamore and Joanna his wife, of New London, *vs.* Joshua Hempstead, Esq^r, John Plumb, Joshua Plumb, Peter Plumb, Joseph Truman and Elizabeth his wife, John Monroe and Lydia his wife, and Hannali Edgcomb, all of New London, (by continuance from the General Assembly in May last:) The question was put, whether anything prayed for in said petition should be granted, and resolved in the negative by this Assembly.

Upon the petition of Richard Blackleach of Stratford *vs.* Nathan Curtiss of Stratford, (by the continuance from the General Assembly in May last:) The question was now put, whether the prayer of said petition should be granted: Resolved by this Assembly in the negative. *Cost allowed respondent is 3l. 5s. 4d. Ex. granted March 14th, 1738-9.*

On the petition of Thomas Hill of Fairfield *vs.* Elizabeth Burr of Charlestown, (by continuance from the General Assembly in May last:) The question was put, whether the pleas offered in bar of said petition are sufficient, and resolved by this Assembly in the affirmative.

On the petition of Mary Wells of Stratford *vs.* Nathan Beardsly of Stratford, (by continuance from the General Assembly in May last:) The question was put, whether the prayer of the said petition should be granted, and resolved by this Assembly in the negative.

On the petition of Moses Burnham, &c., named therein, *vs.*

Joshua Hutchinson of Norwich, (by continuance from the General Assembly in May last:) The question was put, whether the prayer of said petition should be granted, and resolved by this Assembly in the negative. *Cost allowed respondents is 5l. 1s. 9d. Ex. granted November 18th, 1738.*

Upon the petition of John Stoyel of Norwich *vs.* John Gallop and Isaac Gallop, both of Voluntown, on file: The question was put, whether the pleas offered in abatement of the said petition are sufficient, and resolved in the negative.

Whereas sundry persons living on a tract of land called the Purchase Land lying between Farmington and Wallingford, and those persons settled on the east side the country road that runs north and south are annexed to Southington parish, and those on the west side said road to the parish of New Cheshire, and they not being under the regulation of any town makes it inconvenient: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all the persons living, or that shall hereafter settle, on the east side of said country road shall be in all respects under the regulations of said town of Farmington, both with respect to duty and privilege, as though they had been within their grant and patent. And in like manner those that live on the west side said country road shall be under the regulation of the town of Wallingford.

[390] Whereas this Assembly, at their sessions in May last, did appoint a committee to view the circumstances of Harwinton, and affix and ascertain a place for the building a meeting house in said Harwinton, and make report thereof to this Assembly in their present sessions; which report, being returned to this Assembly for approbation, was considered and ordered to be set aside: Whereupon this Assembly appoint Capt. William Wadsworth, Capt. Thomas Wells and Deacon John Hart, to be a committee to repair to said Harwinton, having first notified the selectmen of said town, and view the situation and circumstances thereof, and affix and ascertain the place for building a meeting house in said Harwinton, where it may best accommodate said town, and make return of their doings to this Assembly at their sessions in May next; to be done at the motion and cost of the proprietors.

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

Mr. John Punderson of New Haven now laid before the Assembly his account of expences in repairing Yale College in New Haven, which is allowed; and the Treasurer of this Colony is hereby ordered to pay out of the publick treasury to the said Mr. Punderson the sum of five pounds eight shillings and nine pence, the ballance of said account.

This Assembly grants liberty to the inhabitants of New Concord parish, in Norwich, to imbody into church estate, with the approbation of their neighbouring churches.

To the Honourable the General Assembly:

Your committee beg leave to report their opinion on the matters referred to them, as followeth:

That his Honour the Governour be desired by this Assembly to send one or more suitable person or persons, to be nominated by this Assembly, to the Honourable Governour Wanton at Newport, with a request that the Honourable Commissioners that held the Court of Enquiry at Norwich, in May and June last, would assemble and take affidavits concerning the paper or writing under the hands of Coll. Whiting and Capt. John Mason, deceas'd, of the choice of Major Ben Uncass to be Sachem of the Mohegan nation, in June, 1723, and of the succession then settled; which paper was then owned by Mr. Samuel Mason to be signed by his father, but now embezzled from off the files.*

That the Commissioners would supervise their minute-book and judgment of said court, and send the same with all the evidences that were given in writing in said court, as also the testimonies they shall now take concerning the said embezzled paper, to his Majesty, with a proper letter, as a report of their proceedings on the commission.

That the Honourable Commissioners would send to the Governour a copy of the commission with an exemplification of their minnte-book, judgment and evidence aforesaid, to be left in the Secretary's office. †

That his Honour and two Assistants be directed to draw [391] || out of the publick treasury such a sum as may suitably and honourably reward the commissioners for their costs and trouble herein.

Roger Wolcott,	John Richards,	} Committee.
Joseph Whiting,	Hezekiah Huntington,	
John Marsh,	John Riggs,	
Ebenezer West,		

* This document is printed at page 201 of the "Governor and Company of Connecticut, and Mohegan Indians, by their Guardians. Certified copy of Book of Proceedings before Commissioners of Review, MDCCXLIII." London, 1769. 4to.

† It is in *Indians*, I., doc. 173, and consists of 60 pp.

The above report is accepted and approved by this Assembly, and Roger Wolcott, Esqr, is nominated and appointed to agitate the affairs mentioned in the report, at Rhoad Island.

Upon the petition of Robert Stoddard, jun^r, of Groton, shewing to this Assembly that Edward Avery of said Groton recovered a judgment against him in June last, at a county court held at New London, for the sum of 37*l.* 0*s.* 0*d.* damages, and 7*l.* 4*s.* 2*d.* cost of suit, and that he appealed unto the superiour court held at New London in September last, and that, by a mistake of the clerk of said county court, his appeal was not entered; and shewing to this Assembly that an execution was granted by said clerk for the sum recovered and cost; and praying relief therein: Resolved by this Assembly, that the petitioner may enter his said appeal at the next superiour court to be holden at Norwich in said county on the fourth Tuesday of March next, and proceed therein as thô the same had been entered according to said appeal; and that said execution, and all proceedings thereon, is set aside; and in case the petitioner hath or is obliged to pay any money upon said execution, he shall have the same taxed as part of his cost at making up final judgment, in case he finally recover against the petitionee; and all cost follow the final judgment.

Mathew Allyn, Esqr, and Thomas Stoughton, proprietors of the common and undivided lands in Windsor, and the rest of the proprietors of said lands, by their petition to this Assembly shewing that they bro't their action against Ebenezer Holibert of Windsor, to recover of him about thirty-two acres of land, butted and bounded as in the plaintiffs' writ in said action, dated June 10th, 1736, which action came to a final tryal at the superiour court holden at Hartford in September, 1737, where the defendant pleaded that he had done no wrong and disseizin to the plaintiffs on about four acres of the said lands; and as to the remainder of the demanded premises, he, and those under whom he claims to hold, had been in the possession thereof for more than the space of fifteen years next before the date of the plaintiffs' writ; and thereupon the jury find that the defendant had done wrong and disseizin on the said four acres, and that the defendant and those under whom he holds had been in the possession of the rest of the demanded lands for more than the space of fifteen years next before the date of the plaintiffs' writ; and that the plaintiffs should recover the said four acres and their cost; and judgment was rendered accordingly, as by the said pleadings, verdict and judgment, doth appear. And now the plaintiffs in said action shewing to this Assembly that the testimonies

given in said tryal were in doubtful expressions to prove his fifteen years possession, and they were now able to clear up that matter of fact fully; and thereupon praying this Assembly to grant them another tryal of the action at the superiour [392] court to be holden at Hartford in March next: || It is thereupon resolved by this Assembly, that the plaintiffs in said action shall be allowed to have another tryal of said action at the superiour court to be holden at Hartford in March next, upon the same pleadings, and the plaintiffs shall recover their former cost. But if the plaintiffs shall recover only the said four acres, the defendant shall recover his future costs.

Upon the petition of David Tillotson, of Lyme in the county of New London, shewing to this Assembly that Nathaniel Avery of said Lyme recovered a judgment against him at the county court held at Norwich in said county the fourth Tuesday of November last, for the sum of £6 15s. 11d. for debt, and the sum of £4 2s. 1d. money for cost, and that he reviewed to June court last held in said county. and that by the mistake of the clerk of said court his review was not entered, and that an execution was granted on said judgment for debt and cost, and praying for relief therein: Resolved by this Assembly, that the said Tillotson have liberty to enter his review at the county court to be held at Norwich the fourth Tuesday of November next, and proceed as thô no such mistake had been; and that if the petitioner finally recover against the petitionee at making up final judgment, what money he shall or hath paid upon said execution shall be allowed as part of the cost of said tryal; and if the petitionee shall finally recover against the petitioner, he shall recover only the future cost and so much for debt as the debt he shall recover shall be bigger than the former recovery, and in case the final recovery for debt be less than the former recovery, then so much as that is less shall be deducted out of the cost that he shall then recover.

Upon the petition of Mary Dyx of Weathersfield *vs.* Jonathan Nott, &c.. named in said petition on file: The question was put, whether the pleas offered in abatement of said petition are sufficient, and resolved by this Assembly in the affirmative. *Cost allowed respondents, 3l. 14s. 7d. Ex. granted Decem. 6th, 1738.*

Upon the petition of John Lyon, of Rye in the county of Westchester and Province of New York. *vs.* John Brush, of Greenwich in the county of Fairfield and Colony of Connecticut, complaining to this Assembly that he was much wronged by the act of this Assembly passed in October last in favour of said Brush against vacating a certain deed that said Brush

had given him for his housing and lands, dated the 30th day of September, 1734, and giving to said Brush the sum of £82 3s. 8d. cost; and thereupon praying for a reversal of said act, or a new enquiry to be made in the premises; as per his petition on file at large appears; of which the said Brush exhibited pleas in bar, as on file appears: Resolved by this Assembly, that the pleas exhibited in bar of the said petition are insufficient. And its thereupon further resolved, that the said petition be continued, and the same is hereby continued to the session of this Assembly in May next, in Hartford; and that the said parties shall then be heard upon the whole affair and matters contained in said petition; and that execution for the cost aforesaid in said act allowed be suspended and stayed, and the same is hereby suspended and stayed, until the end of the sessions of this Assembly in May next.

[393] This Assembly do establish and confirm Mr. Samuel Smith to be Captain of the 3d company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Russell to be Lieutenant of the 3d company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac How to be Ensign of the 3d company or trainband in the town of New Haven, and order that he be commissioned accordingly.

An Act to revive one Law of this Colony entituled An Act for Preventing a Multiplicity of Petitions being bro't to the General Assembly.*

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said law be revived, and the same is declared to be revived, and to continue in force till this Assembly shall order to the contrary.

Whereas Thomas Elmor and William Elmor, both of the town of Windsor in the county of Hartford, brought their petition before this Assembly, shewing that Benjamin Thomas, of Stafford in said county, brought his action against them at the adjourned county court held in Hartford on the third Tuesday of June last past, for the sum of eighty pounds money, on a note of the hand, and before said court recovered judgment against them for the aforesaid sum, and that thro' a mistake no appeal in said action was then entered on record, &c.; praying this Assembly that they may have liberty now to give bond to the clerk of the county court in Hartford for

* Passed May, 1718. Vol. VI. 54.

the prosecuting an appeal in said case before the superiour court to be held in the county of Hartford in March next, and that they may have liberty of proceeding in said case from court to court, as well as if they had given bond and an appeal had been granted at the county court in June last, and that all the cost may follow the final tryal: Resolved by this Assembly, that the said Thomas Ellmor and William Elmor have liberty now of entering an appeal in said case to the superiour court to be held at Hartford in March next, they giving sufficient bond to the clerk of the county court in Hartford county for the prosecuting said appeal according to law, which bond the clerk of said county court is hereby directed and enabled to take; and that it shall be lawful for said Elmors to proceed in said case from court to court, as well as if said appeal had been regularly entered at the county court in June last; and that all the cost follow the final tryal.

Upon the memorial of Jonathan Marsh, Martyn Smith and others, proprietors and inhabitants of the township of New Hartford. praying that the inhabitants of said town may be invested with town privileges, and that they may imbody into church estate; and also, that the lands in said town may be taxed for the procuring and purchasing a minister's settlement, &c., as by their memorial on file fully appears: This [394] Assembly do grant, order || and enact, that the said township, which hath heretofore by this Assembly been called by the name of New Hartford in the county of Hartford, shall be one entire town and called by the name of New Hartford aforesaid; and that the inhabitants of said New Hartford be invested with all such powers, authorities and privileges, as are proper to and enjoyed by other towns in this Colony; and that the said inhabitants hereby have the liberty and consent of this Assembly to imbody themselves into church estate. with the approbation of the neighbour churches.

And this Assembly further grants, That all the lands within said town of New Hartford which are laid out shall be taxed at two pence upon the acre, annually, for the space of four years next after the rising of this Assembly; and that the inhabitants of said town shall appoint a suitable person or persons to collect the same, who shall proceed in collecting the same according to the direction of the law relating to society collectors; and such collector or collectors, upon failing to perform their trust, shall be proceeded against according to the law aforesaid. And it is further ordered, that the said tax, when collected, shall be by such collector or collectors paid into the hands of Nathaniel Stanly, Esqr, and Mr. John Austin, both of Hartford, who are hereby appointed a committee to receive

the same ; and the said tax shall by them be improved for the procuring and purchasing a convenient settlement for the minister in said town who shall be first ordained to preach the gospel ministry there.

An Act stating the Fare of the Ferry over Connecticut River at Rocky Hill in Stepney Parish in Weathersfield.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the fare of the ferry at Rocky Hill, in Stepney parish in Weathersfield, for the future shall be six pence for each person, horse and load, and three pence for each single person or horse ; any law, usage or custom to the contrary notwithstanding. And that if any ferryman of the said ferry shall presume to take more, he shall be liable to suffer the penalty already in such cases provided.

Forasmuch as his Honour the Governour hath informed this Assembly that Mr. John Read of Boston, at the desire of certain persons of the Province of the Massachusetts Bay that claim tracts of land in this Colony, came to the late court holden at Norwich, and there was assisting to the agents of this Colony, and hath also drawn some letters relating to the affairs of this government, &c. : Whereupon this Assembly do grant to the said Mr. Read the sum of thirty pounds ; and his Honour the Governour is desired to draw the same out of the publick treasury and send it to Mr. Read.

Upon the memorial of the inhabitants of the east part of the tract of land in Woodbury called their north purchase, shewing to this Assembly that their distance is such from the meeting house in the first or ancient society in said Woodbury that it is impracticable for them to attend the worship of God there at some seasons of the year ; and praying that they may have liberty of having the gospel preached among them for five months in the most difficult seasons in the year, until they shall be able to maintain it all the year ; and that, while they maintain such preaching, they may be dismissed [395] from paying any ministerial charges || in said first society ; and also that they may be freed from all charges of repairing or building any meeting house in said first society :

Resolved by this Assembly, That the memorialists have liberty to hire an orthodox minister to preach the gospel among themselves for five months annually, (*viz.*) November, December, January, February and March, until they are able to hire such preaching all the year, and that they shall be dismissed from paying any ministerial charges to the said first society, while they have such preaching among themselves ; and that

they shall be freed from all charges of repairing or building any meeting house in said ancient or first society: provided the said memorialists do not vote in the affair relating to a new meeting house in said first society.

Upon the memorial of the inhabitants of New Concord parish in Norwich, shewing to this Assembly that the place appointed for their meeting house to be built upon happens to be upon the land of Samuel Gager, and the said Gager refusing to give a deed of said land according as he had formerly pretended to; and praying to this Assembly that the committee that did formerly affix said place may again repair to said parish, and again view and affix a place to build said house on, and make report to next General Assembly, at the cost of the memorialists: Resolved by this Assembly, that Jonathan Trumble, Esqr, Gershom Clark, both of Lebanon, and Experience Porter of Mansfield, do again repair to said parish and review the said parish, and affix the place that shall appear to them, considering all circumstances, to be most proper and convenient for said parish to build a meeting house on for said parish, and make report to the General Assembly to be held at Hartford in May next; at the cost of the memorialists.

Upon the petition of William Fountain, of Fairfield county, against Isaac Hays, of Norwalk in said Fairfield county, and Stephen Baldwin and Eunice his wife, representing that the said Hays &c. had their action against him for the surrendery, of three eighth parts of a certain tract of land lying in said Norwalk, in the Seventy Rods, so called, by their writ dated the ninth day of November, 1737, and having obtained a judgment in said adjourned county court against him, he, by his attorney, had an appeal granted to the superiour court then next to be held in Fairfield; and complaining that, by the mistake of his attorney, (himself being out of the government,) the said appeal was not entered in said superiour court on his part, but by the appellees was entered, and the said judgment of the adjourned county court affirmed against him in said superiour court; praying this Assembly would revoke the judgment of said superiour court, and all the doings thereon, and that an appeal may be had from said adjourned county court to the superiour court to be held in Fairfield in and for the county of Fairfield in February next: Resolved, that the said judgment of the superiour court be revoked, and is hereby made void, with all the doings thereon; and that the said William Fountain have an appeal in said case to the superiour court to be held in Fairfield on the last Tuesday save one of February next; and that the future cost follow the final judg-

ment in the case: provided he, the said Fountain, before the county court next to be held in Fairfield, give in sufficient bond of recognizance to prosecute said action.

[396] Upon the memorial of Isaac Johnson, Ebenezer Beecher, and the rest of the inhabitants of the parish of Amity, representing that more than two-thirds of them, being legally convened, did declare it necessary to build a meeting house, and moving for appointment of a committee to view and report, &c., as per their memorial on file may appear: Resolved by this Assembly, that James Wadsworth, Esqr, and Capt. Henry Crane, both of Durham, and Capt. Samuel Hall of Wallingford, be a committee, and they are hereby appointed and directed, (at such time as to them shall be convenient, and at the proper cost of the said memorialists,) to repair to the said parish, and after having there viewed, inquired and satisfactorily informed themselves of the best and most convenient place to erect said house for the accomodating the said inhabitants, they are to affix the place thereof, and make report of their doings in the premises to this Assembly at their session at Hartford in May next.

Upon the petition of Daniel Trowbridge, Joseph Miles, Alexander Wolcott, James Peck, junr, and Samuel Brown, all of New Haven, shewing that there having been two sloops, the one belonging to Joshua Atwater of Wallingford and John White of New Haven, and the other to David Cobb of Milford, driven off to sea by stress of weather, and that the said Cobb's sloop having first been recovered at the joynt risk and trouble of said Cob and Trowbridge, the said Atwater applied himself to said Cobb to lend, and having borrowed said Cobb's sloop to go in quest of his own and said White's, they, the petitioners, on the request of said Atwater and White, entering on board and sailing out in said Cobb's sloop in quest as abovesaid, until the same without any fault or neglect in them was shipwreckt and lost, had thereupon, at the suit of said Cobb, a final judgment rendered against them for the damage in said loss sustained and cost; and thereupon praying that said judgment may be reversed, and a new tryal awarded, and that the whole cost may follow said tryal, or that commissioners with power to summons, enquire and report, may be appointed; as per their petition on file at large appears: Resolved by this Assembly, that a committee be appointed as prayed for. And Samuel Lynde, Esqr, Capt. Andrew Burr and Capt. William Gold, or any two of them, are appointed commissioners, and hereby fully impowered to summon all parties and witnesses to appear before them at time and place by them to be appointed, and as a court of chancery or equity

to enquire and examine into all matters of fact in said petition alledged, by examining the parties and witnesses under oath or otherwise, (which oath they are also hereby impowered to administer.) And having duly looked into the whole affair, and duly weighed everything which to them shall be evidential in the premises, they, the said commissioners, are directed upon the whole to consider by whom and in what manner and proportion the damage in the loss of said sloop ought to be born or paid, together with all the cost thereon now already arisen and expended, or by the end or conclusion of such their enquiry to arise, according to the rules of equity and good conscience; and of what they shall find touching the premises, together with their opinion thereupon, to make report to this Assembly at their session at Hartford in May next; and at the same time also certify and transmit to this Assembly the evidence of the facts they shall so report. And tho' the cost of said enquiry to be by the petitioners first paid, yet [it] is to be determined by whom it shall finally be born, according to equity as abovesaid. And that execution of said final judgment be suspended until the rising of this Assembly in May next.

[397] Whereas by the report of Edmund Lewiss, Esqr, and Capt. John Riggs, shewing to this Assembly that they, with Capt. Thomas Saymour of Hartford and Mr. Roger Newberry of Windsor, have made partition of the land belonging to the Governour and Company of the Colony of Connecticut and said towns of Hartford and Windsor, commonly called and known by the name Waramaug's Reserve, lying in the county of New Haven, as by said report now before this Assembly may appear; and the said Thomas Saymour and Roger Newberry, a committee from said towns, have by their deed under their hands and seals, bearing date October 11th, A. D. 1738, now lying before this Assembly, released one-half of said Warramaug's Reserve, as by said deed may fully appear: Whereupon this Assembly do grant, ratify and confirm, unto the Honourable Joseph Talcott, Esqr, Nathaniel Stanly, Esqr, and Capt. Thomas Saymour, of the town of Hartford, and to Coll. Mathew Allyn, Roger Wolcott, Esq^{rs}, and Roger Newberry, of the town of Windsor, and to the rest of the proprietors of the said tract of land belonging to the towns of Hartford and Windsor, one-half part of said tract of land containing one thousand one hundred and seven acres, bounding north by a line beginning at a heap of stones in the west bounds of said Waramaug's Reserves, about twelve rods southward of a little brook, and from thence runs east seven degrees thirty minutes south to a white ash pole standing on the west side

of Shippaug river, having an heap of stones about the root of it, and is marked E L and I R, on the north side, and T S and R N on the south side, which line is also the south bounds of the tract of land in said deed conveyed to the Governour and Company of said Colony; and south it bounds by Woodbury north purchase, west by New Milford north purchase, and east by Shippaug river; and also the Governour or Deputy Governour are hereby directed to execute a patent thereof to them or to their assigns, as they shall direct.

It being represented to this Assembly that the run of the south line of the township of Kent, as it is settled and recorded, excludes a corner of land which of right belongeth to the purchasers of that township and should be included into the said township of Kent by the said south line:

Wherefore, be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the south line of the said township of Kent, notwithstanding the settlement thereof on record as aforesaid, shall run after the following manner, (*viz.:*) From the south-westerly corner of the said township, which is the northwest corner of Fairweather's land, so called, being a white oak tree marked and stones laid to it, standing by the east side of the Ousatunuck river, east with the north line of the said Fairweather's land to his northeast corner, being full six miles; then south to the southeast corner of said Fairweather's land, which stands in the north line of New Milford north purchase; then east with the line of said New Milford north purchase to the west bounds of Warramaug's Reserve; then northeast, with the westerly line of Warramaug's Reserve, to the northwest corner thereof, being a large heap of stones on a rock, and a rock-oak tree stand- [398] ing by with stones || in the crotch; then east forty degrees thirty minutes south, with the line of the said Warramaug's Reserve, one mile and a half and eight rods, to an heap of stones lying where the east and west branches of Shippaug river meet together, which was said to be the northeast corner of Warramaug's Reserve and the west bounds of Litchfield.

Upon the petition of Charles Hazleton, of Killingsworth in the county of New London, shewing to this Assembly that he bro't his action of trespass against Nathaniel Williams of said town at the county court held by adjournment at Norwich, demanding the sum of £41 0s. 0d. money, and that judgment was rendered against him on a silent demurrer to the defendant's plea, and that he reviewed unto the county court

held at New London in said county the second Tuesday of June last, and that the clerk of said court neglected to enter said review, whereby he was hindered from prosecuting his said action; and praying for relief therein: Resolved by this Assembly, that the petitioner may enter his review at the county court to be held at Norwich the fourth Tuesday of November next, and that only the future cost follow the final judgment.

Upon the petition of John Mills, of Stratford in the county of Fairfield, against William Stannard of said Stratford, complaining that the adjourned county court, held in Fairfield on the second Tuesday of January last, denied him an appeal to the superiour court held in said Fairfield in February last past, in an action had in said adjourned court by him against said Stannard in book-debt, and that execution on the judgment of the said adjourned court was obtained and levied upon the said Mills for six pounds six shillings and ten pence; praying for an appeal in said case, as by his petition on file: Resolved, that the said John Mills shall have an appeal in his said action from the judgment of the said adjourned county court to the superiour court to be held in Fairfield in and for said county in February next; and that in case the said Mills recover final judgment against said Stannard, he, said Mills, shall have his whole cost of suit, including the said £6 6s. 10d. recovered by said execution as aforesaid: provided the said Mills give sufficient bond to prosecute said action and answer all damages in case he makes not his plea good; and that the said bond be given in recognizance before the said county court next to be held in Fairfield for Fairfield county. *Cost allowed the petitioner is £6 12s. 10d. Ex. granted December 11th, 1738.*

Whereas there is several thousand pounds due from sundry persons in this Colony to the Governour and Company, for interest of the loan money, and the persons to [from] whom it is due do neglect to pay the same according to their obligations: This Assembly do, thereupon, order and direct, that the Treasurer of this Colony do forthwith proceed to put all such bonds in suit as are already become due to the Governour and Company; and also take effectual care that those judgments of court already recovered, for money due as aforesaid and not answered, be, with all convenient speed collected by the sheriff, his deputy, &c., and paid in to the Colony treasury, according to a former act of this Assembly.

[399] *Resolved by this Assembly,* That for the present sessions, and for the future, each Assistant shall be allowed eight

pence per mile for his travel to and from the General Assembly, and each Representative shall be allowed six pence per mile for his travel as aforesaid; any law, usage or custom to the contrary notwithstanding.

This Assembly being now informed that there is in the hands of sundry persons some of the bills of credit emitted by this government which have been by acts of this Assembly ordered to be brought in and exchanged by the Treasurer: And for a further relief to such persons:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Colony Treasurer shall exchange all such bills that shall be brought to him for that end any time before the first day of December next, and no longer.

Upon the memorial of some of the inhabitants of East Guilford, shewing to this Assembly that the place ordered by this Assembly to build their meeting house is out of the center of said parish, and that the committee that affixed the same were imposed upon in their affixing it by a false plan; praying that the same may be again reviewed and the place again affixed by a wise, judicious committee, and make report to the General Assembly to be held at Hartford in May next: Resolved by this Assembly, that Samuel Lynde, Esqr, Capt. John Russell and Mr. John Lane, are hereby appointed a committee, with full power to repair to said parish and there hear all parties thereon, view and consider all circumstances relating thereto, and upon the whole proceed to affix, ascertain and determine the most proper and convenient place to build a meeting house on for said parish, at the cost of said parish, and make report to the General Assembly to be holden at Hartford in May next.

Upon the petition of John Kellogg, of the society of Canaan in the county of Fairfield, *vs.* the inhabitants of said society, praying to be dismissed from said society and returned to the first society in Norwalk in said county: Resolved by this Assembly, that the said John Kellogg be released from said society of Canaan and again annexed to, and he with his estate is hereby added and annexed to the said first society in Norwalk; and that for the future he pay his society taxes there accordingly.

Upon the memorial of James Morgan, jun^r, of Groton in the county of New London, administrator on the estate of Gershom Brown, late of said Groton, deceas'd, representing to this Assembly that the personal estate of the aforesaid deceas'd was but eighteen shillings, and that the debts due

from said estate, together with the charge arising by administering thereon, amounted to the sum of £39 19s. 7d., whereby the said estate was indebted £39 1s. 7d. more than the personal estate amounted to, and that the memorialist obtained a certificate of the late judge of the court of probate in the county of New London which shewed that said estate was indebted but £35 1s. 6d. more than the personal estate, which ought to have been £39 1s. 7d. in said certificate; and the memorialist not knowing but that said certificate was true, did by that obtain liberty from this Assembly to sell so much of the real estate of the said deceas'd as to pay the aforesaid sum of £35 1s. 6d., by which error and mistake said memorialist was wronged £4 0s. 1d.; and praying this [400] Assembly for liberty to sell so much of the real || estate of the said deceas'd, by the direction of the said court of probates, as to pay the sum of £4 0s. 1d. and the necessary charge that shall arise about the same; as by the memorial on file, dated October 9th, A. D. 1738: Resolved by this Assembly, that the memorialist have liberty, by the direction of the court of probates in the county of New London, to sell so much of the real estate of the said deceas'd as to pay the aforesaid sum of £4 0s. 1d. and the necessary charge that shall arise about the same.

Upon the memorial of Samuel Spencer, and others, living in the southerly part of the east society in Middletown, and of Ebenezer Smith, and others, of the inhabitants of Haddam Neck on the east side of the great river, praying for a committee to view their circumstances and see if there can conveniently be set off a new society from that part of Middletown with said Haddam Neck: Whereupon it is resolved, that Capt. Thomas Wells, Mr. Jonathan Hale and Mr. Abner Mosely, be a committee to go and view the circumstances of said memorialists and the inhabitants there, and see if a society may conveniently be had as prayed for, and make report thereof, with their judgment thereon, to this Assembly in May next.

This Assembly grants a rate of one penny on the pound on all the polls and rateable estate in this government, to be paid into the treasury in bills of credit of this Colony with the usual advance of twelve pence on the pound; or in good bills of credit of four signers of the Massachusetts Bay, or in bills of credit of New York, without advance on them; or in silver money as it passeth in the country.

This Assembly grants unto Mr. Agent Wilks the sum of one hundred and fifty pounds for his salary the current year;

and his Honour the Governour is desired to draw the same out of the publick treasury and send it to Boston, there to be delivered according to said Mr. Wilks's order.

This Assembly grants unto Mr. Secretary Wyllys the sum of twenty pounds for his salary the current year.

Ordered by this Assembly, That the Treasurer of this Colony pay to Mr. Green, printer, the sum of thirty-five pounds for the moiety of his salary the current year.

This Assembly appoints Capt. Samuel Willard County Surveyour for the county of New London.

On the petition of John Curtiss and Daniel Coit, of New London, *vs.* Robert Allyn, of Groton: The question was put, whether anything prayed for therein should be granted, and resolved by this Assembly in the negative. *Cost allowed respondents is £5 3s. 4d. Ex. granted June 1st, 1739.*

We, the subscribers, beg leave to inform this Honourable Assembly that, according to your direction in October last, we sold the town on the west of Colebrook for about £180 per lot, and not having time that day to finish the writings, the next day several of the purchasers declined it. We adjourned till the first Tuesday in September last, and told the purchasers that at that time we would attend them, and if they did not then take their deeds they would hazard their lots to be sold to others. But at that time, they all but [401] || one, who had taken a deed before, declined taking their deeds. We have adjourned to the first Tuesday of the next week, when we expect many purchasers will appear. We pray the direction of this Honourable Assembly in the affair.

New Haven, November 2d, 1738.

Roger Wolcott.
Nathl Stanly.

Upon the above report, resolved by this Assembly, that the sale of the abovementioned township be deferred till this Assembly shall give further order in that affair.

Ordered by this Assembly, That the Treasurer of this Colony pay unto John Richards the sum of four pounds four shillings and one penny, in full for his account of sundries, allowed by this Assembly, of expences with the gentlemen commissioners from Rhoad Island, per order of this Assembly; also to pay unto Mr. Jeremiah Miller the sum of ninety-six pounds nineteen shillings and five pence, in full of his account of sundries expended by order of this Assembly in the reception of the gentlemen commissioners into this government.

The Hon^{ble} Jonathan Law, Esq^r, laid before this Assembly

an account of his expences and service before the Court of Commissioners at Norwich: In consideration whereof, this Assembly grants to his Honour the sum of forty pounds, to be paid out of the treasury.

Roger Wolcott, Esq^r, laid before this Assembly an account of his expences and service before the Court of Commissioners at Norwich: In consideration whereof, this Assembly grants to the said Roger Wolcott, Esq^r, the sum of forty pounds, to be paid out of the treasury.

This Assembly do appoint Samuel Eells, Esq^r, Roger Wolcott, Esq^r, Joseph Whiting, Esq^r, Capt. Isaac Dickerman, Captain Jonathan Allyn, Captain Benjamin Hall, Mr. Robert Treat, Mr. John Fowler, Capt. Samuel Bassett, Capt. William Gold and Mr. Jonathan Russell, a committee in the name and behalf of this Assembly, to hear the records of the acts of this Assembly read off, and see them perfected and then signed by the Secretary as compleat.

Cost allowed Samuel Allyn of Windsor against George Hayes of Symsbury, to answer said Hayes's petition withdrawn, is £2 16s. 10d. *Ex. granted Feb. 20th, 1733*§.

Cost allowed Thomas Sparks and Elisha Loveland, of Glasenbury, against Timothy Smith of Hartford, to answer the memorial and citation of said Smith, is £5 3s. 8d.

The records of the several Acts, Grants and Orders of this Assembly, as they stand entered on the pages of this book next preceding, were read off in the presence of the committee abovenamed, and then signed.

GEORGE WYLLYS, Secret^y.

[402] *Anno Regni Regis Georgii secundi duodecimo.*

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA, ON THE SECOND THURSDAY OF MAY, (BEING THE 10TH DAY OF THE SAID MONTH,) AND CONTINUED BY SEVERAL ADJOURNMENTS UNTIL THE 1ST DAY OF JUNE FOLLOWING, ANNOQUE DOMINI, 1739.*

Present:

The Honourable Joseph Talcott, Esq^r, Governour.

The Hon^{ble} Jonathan Law, Esq^r, Deputy Governour.

*The Journal of neither House is found.

Samuel Eells, Esq ^r ,	Timothy Pierce, Esq ^r ,	} <i>Assistants.</i>
Roger Wolcott, Esq ^r ,	John Burr, Esq ^r ,	
James Wadsworth, Esq ^r ,	Samuel Lynde, Esq ^r ,	
Nathaniel Stanly, Esq ^r ,	Edmund Lewiss, Esq ^r ,	
Joseph Whiting, Esq ^r ,	William Pitkin, Esq ^r ,	
Ozias Pitkin, Esq ^r ,	Roger Newton, Esq ^r ,	

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

- Capt. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Mr. John Richards, Mr. Jeremiah Miller, for New London.
 Capt. Jabez Huntington, Mr. John Fitch, for Windham.
 Mr. Daniel Halley, Mr. Joseph Booth, for Stratford.
 Mr. Robert Treat, Mr. John Fowler, for Milford.
 Mr. Pelatiah Leet, Capt. Samuel Hill, for Guilford.
 Mr. Nathaniel Clark, Mr. Jedediah Chapman, for Saybrook.
 Capt. Caleb Cone, for Haddam.
 Mr. Josiah Conant, Mr. Cordial Stores, for Mansfield.
 Capt. James Bebee, Mr. Thomas Benedict, for Danbury.
 Capt. Israel Newton, Mr. Isaac Jones, for Colchester.
 Mr. Philip Eastman, Mr. James Bicknal, for Ashford.
 Capt. Isaac Dickerman, Mr. John Hitchcock, for New Haven.
 Capt. Andrew Burr, Mr. Ebenezer Silliman, for Fairfield.
 Mr. Hezekiah Huntington, Mr. Joseph Kingsbury, for Norwich.
 Mr. Joseph Strong, Capt. Samuel Parker, for Coventry.
 Mr. Jonathan Lane, Capt. David Buel, for Killingsworth.
 Capt. Jonathan Hoit, Mr. Jonathan Maltbie, for Standford.
 Capt. William Judd, Mr. Timothy Hopkins, for Waterberry.
 Mr. Isaac Spencer, for East Haddam.
 Capt. William Preston, Mr. Noah Hinman, for Woodberry.
 Mr. John Griswold, Mr. Joseph Lee, for Lyme.
 Mr. Seth Paine, Mr. Jacob Dana, for Pomfrett.
 Mr. Joseph Palmer, Capt. John Williams, for Stonington.
 [403] Capt. Hezekiah Gaylord, Mr. Joseph Phelps, for Hebron.
 Mr. Thomas Stephens, Mr. Isaac Shepard, for Plainfield.
 Mr. John Bostwick, Capt. Stephen Noble, for New Milford.
 Capt. Joseph Addams, Mr. Deliverance Brown, for Canterbury.
 Capt. Christopher Avery, Mr. Dudley Woodbridge, for Groton.
 Mr. Jabez Mead, Mr. David Lockwood, for Greenwich.
 Capt. John Russell, Capt. Sam^l Maltbie, for Brandford.
 Coll. David Goodrich, Capt. John Chester, for Weathersfield.
 Capt. John Riggs, Capt. Samuel Basset, for Darby.
 Mr. Jabez Hamlin, Mr. Thomas Johnson, for Midletown.
 Mr. John Humphrey, Mr. James Case, for Symsbury.
 Capt. Joseph Platt, Mr. John Betts, for Norwalk.

Capt. Thomas Wells, Mr. Jonathan Hale, for Glassenbury.
 Mr. Anthony Judd, Mr. John Hart, for Farmingtown.
 Capt. Elihu Chauncey, Mr. Robert Fairchild, for Durham.
 Mr. Ebenezer West, Mr. Jonathⁿ Trumble, for Lebanon.
 Capt. Theophilus Yale, Capt. Benjamin Hall, for Wallingford.
 Mr. Jedadiah Tracy, Mr. Nathaniel Brown, for Preston.
 Mr. Joseph Leavinz, Mr. Joseph Cadey, for Killingly.
 Capt. Henry Allyn, Mr. Roger Newberry, for Windsor.

Mr. Jonathan Trumble, Speaker } of the House of Repre-
 Capt. John Russell, Clerk } sentatives.

This day being appointed by the royal charter and the laws of this Colony for the election of the publick officers of this corporation, *viz*: Governour, Deputy Governour, Assistants, Treasurer, and Secretary,—proclamation was made, and the freemen proceeded to give in their votes to persons appointed by the Governour, Council and Representatives, to receive, sort and count them; which persons were, Nathaniel Stanly, Esq^r, Joseph Whiting, Esq^r, Timothy Pierce, Esq^r, John Burr, Esq^r, Samuel Lynde, Esq^r, Edmund Lewiss, Esq^r, William Pitkin, Esq^r, Roger Newton, Esq^r, Capt. Thomas Wells, Capt. John Marsh, Capt. James Beebe, Capt. Benjamin Hall, Mr. John Fowler, Mr. Hezekiah Huntington, Mr. Nathaniel Clark, Mr. Joseph Booth, Capt. Jabez Huntington, Mr. Josiah Conant, and Capt. John Russell. And the freemen's votes being bro't in, sorted and counted,

[404] The Honourable Joseph Talcott, Esq^r, was chosen Governour of this Colony for the year ensuing; and the Governour's oath, and the oath required by act of Parliament, relating to trade and navigation, were administred to him in the presence of this Assembly.

The Hon^{ble} Jonathan Law, 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.

Samuel Eells, Esq^r, Roger Wolcott, Esq^r, James Wadsworth, Esq^r, Nathaniel Stanly, Esq^r, Joseph Whiting, Esq^r, Ozias Pitkin, Esq^r, Timothy Pierce, Esq^r, John Burr, Esq^r, Samuel Lynde, Esq^r, William Pitkin, Esq^r, Roger Newton, Esq^r, Ebenezer Silliman, Esq^r, were chosen Assistants for the year ensuing.

The Assistant's oath was administred to Samuel Eells, Esq^r, Roger Wolcott, Esq^r, James Wadsworth, Esq^r, Nathaniel Stanly, Esq^r, Joseph Whiting, Esq^r, Ozias Pitkin, Esq^r, Timothy Pierce, Esq^r, John Burr, Esq^r, Samuel Lynde, Esq^r, William Pitkin, Esq^r, Roger Newton, Esq^r, and Ebenezer Silliman, Esq^r, Assistants, accordingly.

John Whiting, Esq^r, was chosen Treasurer of this Colony for the year ensuing, and had the Treasurer's oath administered to him accordingly.

George Wyllys was chosen Secretary of this Colony for the year ensuing, and was sworn to that office and trust in the presence of this Assembly.

This Assembly do appoint the Honourable Jonathan Law, Esq^r, to be Chief Judge of the Superiour Courts in this Colony the year ensuing.

This Assembly do appoint Samuel Eells, Esq^r, Roger Wolcott, Esq^r, James Wadsworth, Esq^r, and Joseph Whiting, Esq^r, to be Judges of the Superiour Courts in this Colony for the year ensuing.

This Assembly do appoint William Pitkin, Esq^r, to be Judge of the County Courts in and for the county of Hartford for the year ensuing.

This Assembly do appoint Roger Newton, Esq^r, to be Judge of the County Courts in and for the county of New Haven for the year ensuing.

This Assembly do appoint Samuel Lynde, Esq^r, to be Judge of the County Courts in and for the county of New London for the year ensuing.

This Assembly do appoint John Burr, Esq^r, to be Judge of the County Courts in the county of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^r, to be Judge of the County Courts in and for the county of Windham for the year ensuing.

This Assembly do appoint the Honourable Joseph Talcott, Esq^r, to be Judge of the Courts of Probate in the county of Hartford for the year ensuing.

This Assembly do appoint Joseph Whiting, Esq^r, to be Judge of the Court of Probate in the district of New Haven the year ensuing.

[405] This Assembly do appoint John Richards, Esq^r, to be Judge of the Court of Probate in the district of New London for the year ensuing.

This Assembly do appoint John Burr, Esq^r, to be Judge of the Courts of Probates in the district of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^r, to be Judge of the Court of Probate in the district of Windham for the year ensuing.

This Assembly do appoint James Hooker, Esq^r, to be

Judge of the Court of Probate in the district of Guilford for the year ensuing.

This Assembly do appoint Joseph Minor, Esqr, to be Judge of the Court of Probate in the district of Woodbury for the year ensuing.

This Assembly do appoint Jonathan Hoit, Esqr, to be Judge of the Court of Probate in the district of Standford for the year ensuing.

This Assembly do appoint Samuel Mather, David Goodrich, William Wadsworth, John Marsh, Thomas Wells, and John Chester, Esqrs, to be Justices of the Peace and Quorum in and for the county of Hartford for the year ensuing.

This Assembly do appoint John Hooker, Hezekiah Wyllys, Thomas Hart, Henry Allyn, Giles Hall, Jabez Hamlin, Joseph White, Samuel Olmstead, John Bulkley, Nathaniel Foot, Israel Newton, Benjamin Skinner, Joseph Phelps, John Bissell, Samuel Chapman, John Humphrey, John Buel, Joseph Bird, Hezekiah Brainerd, Samuel Griswold, and Jonathan Hale, Esqrs, to be Justices of the Peace in and for the county of Hartford for the year ensuing.

This Assembly do appoint Samuel Bishop, John Riggs, John Russell, Samuel Hill, and Isaac Dickerman, Esqrs, to be Justices of the Peace and Quorum in and for the county of New Haven for the year ensuing.

This Assembly do appoint James Hooker, Theophilus Yale, Andrew Ward, Janna Meiggs, Henry Crane, Samuel Gun, Samuel Hall, Benjamin Hall, John Bostwick, Roger Brownson, Timothy Hopkins, John Prout, Thomas Clark, William Gold, and Samuel Bassett, Esqrs, to be Justices of the Peace in and for the county of New Haven for the year ensuing.

This Assembly do appoint Joseph Backus, Joshua Hempstead, John Griswold, Hezekiah Huntington, and Christopher Avery the second, Esqrs, to be Justices of the Peace and Quorum in and for the county of New London for the year ensuing.

This Assembly do appoint Abraham Pierson, David Buel, John Lane, Nathaniel Clark, Joseph Blague, Richard Lord, Thomas Lee, Samuel Willard, Thomas Prentiss, Jeremiah Miller, John Richards, John Ledyard, Humphrey Avery, Luke Perkins, Daniel Palmer, Theophilus Baldwin, Hezekiah Parks, John Cook, Jabez Perkins, Jedadiah Tracy, Joshua Raymond, James Avery, Increase Billings, Isaac Huntington, Joseph Palmer, and Jabez Hide, Esqrs, to be Justices of the Peace in and for the county of New London for the year ensuing.

This Assembly do appoint Edmund Lewiss, Joseph Platt, Joseph Minor, Andrew Burr, John Thompson, and Jonathan Hoit, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Fairfield for the year ensuing.

This Assembly do appoint Samuel Couch, Samuel Handford, John Grigory, Samuel Hoit, James Reynolds, William Pres- [406] ton, James Beebe, John Read, || Ephraim Curtiss, Benjamin Heacock, Jonathan Maltbie, Ebenezer Mead, Nathaniel Peck, Joseph Blackleach, Noah Hinman, Thomas Tousey, James Benedict, Theophilus Nickols, James Lockwood, Thomas Benedict, Ebenezer Smith, Job Sherman, and Samuel Burr, Esq^{rs}, to be Justices of the Peace in and for the county of Fairfield for the year ensuing.

This Assembly do appoint Joseph Addams, Ebenezer West, Jonathan Huntington, and Jonathan Trumble, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Windham for the year ensuing.

This Assembly do appoint Joseph Strong, John Woodward, Joseph Leavinz, Peter Buel, Josiah Conant, Leicester Grosvenour, Joseph Cadey, John Crary, Ebenezer Dow, Ebenezer Wales, Thomas Stores, and Jacob Dana, and Benjamin Bedlake, Esq^{rs}, to be Justices of the Peace in and for the county of Windham for the year ensuing.

Ordered by this Assembly, That Samuel Eells, Esq^r, and Joseph Whiting, Esq^r, return the thanks of this Assembly to the Reverend Mr. Timothy Woodbridge, for his sermon delivered before this Assembly on the 10th instant, and desire a copy thereof, that it may be printed.

This Assembly do establish and confirm Mr. Benjamin Fenn to be Lieutenant of the Troop in the county of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Bassett, to be Cornet of the Troop in the county of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Eells, jun^r, to be Quarter Master of the Troop in the county of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Lee to be Lieutenant of the second company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Ketcham to be Captain of the first company or trainband in the town of Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Bene-

dict to be Lieutenant of the first company or trainband in the town of Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Jarvis to be Ensign of the first company or trainband in the town of Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Wattle to be Captain of the company or trainband at the parish of Goshen in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Fitch to be Ensign of the company or trainband at the parish of Goshen in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Porter to be Lieutenant of the first company or trainband in the town of Stratford, and order that he be commissioned accordingly.

[407] This Assembly do establish and confirm Mr. Theophilus Rossiter to be Captain of the north company or trainband in the town of Guilford, and order that he be commissioned accordingly.

This Assembly do establish Mr. Thomas Gould to be Lieutenant of the north company or trainband in the town of Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Baldwin to be Ensign of the north company or trainband in the town of Guilford, and order that he be commissioned accordingly.

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

This Assembly do appoint Mr. Fletcher Newton to be Lieutenant of the first company or trainband in the town of Milford, and order that he be commissioned accordingly.

This Assembly do appoint Mr. Joseph Treat to be Ensign of the first company or trainband in the town of Milford, and order that he be commissioned accordingly.

This Assembly do appoint William Whiting to be Captain of the sixth company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do appoint Gibson Harriss to [be] Lieutenant of the sixth company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do appoint Elisha Lothrop to be Ensign of

the sixth company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Maltbie to [be] Captain of the second company or trainband in the town of Standford, and order that he be commissioned accordingly.

This Assembly do appoint, establish and confirm, Mr. Samuel Knapp to be Lieutenant of the second company or trainband in the town of Standford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Weed to be Ensign of the second company or trainband in the town of Standford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Smith to be Lieutenant of the western company or trainband in the town of Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Smith to be Ensign of the western company or trainband in the town of Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Deliverance Brown to be Captain of the second company or trainband in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Bradford to be Lieutenant of the second company or trainband in the town of Canterbury, and order that he be commissioned accordingly.

[408] This Assembly do establish and confirm Mr. Henry Cleveland to be Ensign of the 2d company or trainband in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Lothrop to be Captain of the fourth company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Lawrence to be Lieutenant of the fourth company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jabez Perkins to be Ensign of the fourth company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Avery to

be Lieutenant of the first company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Bird to be Ensign of the second company or trainband in the town of Farmington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Kelsey to be Captain of the company or trainband at the north society in Killingsworth, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Parmele to be Lieutenant of the company or trainband at the north society in the town of Killingsworth, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Hull to be Ensign of the company or trainband at the north society in the town of Killingsworth, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Pitkin to be Captain of the company or trainband in the town of Bolton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel White to be Lieutenant of the company or trainband in the town of Bolton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Murdock to be Cornet of the Troop in the county of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Cutler to be Captain of the company or trainband in the first society in the town of Killingly, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Danielson to be Lieutenant of the company or trainband at the first society in the town of Killingly, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Cutler to be Ensign of the company or trainband at the first society in the town of Killingly, and order that he be commissioned accordingly.

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

[409] This Assembly do establish and confirm Mr. Thomas Stephens to be Ensign of the 2d company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan Baldwin to be Captain of the 2d company or trainband in the town of Newtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Obadiah Wheeler to be Lieutenant of the second company or trainband in the town of Newtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Glover to be Ensign of the second company or trainband in the town of Newtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Comestock the 2d, to be Ensign of the 5th company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Ranney to be Lieutenant of the first company or trainband in the town of Middletown, at the north society, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Merrick to be Captain of the company or trainband in the town of Willington, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Francis Fenton to be Ensign of the company or trainband in the town of Willington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Philip Abbott to be Lieutenant of the third company or trainband in the town of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Fuller to be Ensign of the 3d company or trainband in the town of Windham, and order that he be commissioned accordingly.

This Assembly do appoint Samuel Lynde, Esqr, Ebenezer Silliman, Esqr, Messrs. Jabez Hamlin, Jonathan Hale, Elihu Chauncey, John Betts, Jedadiah Chapman and Robert Treat, to be Auditors to audit the Colony accounts with the Treasurer, and make report of their doings; under their own hands and the hand of the Treasurer, to this Assembly in their present sessions.

This Assembly being informed by Mr. Treasurer Whiting that there is a considerable quantity of the interest money brought into the treasury that is of the old emission, *viz.* of star, wheel, &c., which by act of this Assembly ought to be

exchanged and consumed; and also, that there is in the treasury a considerable quantity of the old tenor bills that have been lodged in the treasury a long time, under the denomination of exchange bills, which also by act of this Assembly are not to pass any longer:

Resolved by this Assembly, That the present auditors shall take a particular account of each parcel thereof in this present audit, and having counted the same the said auditors are directed to consume them to ashes.

[410] This Assembly being informed that, notwithstanding the act passed in October last, directing the Treasurer to exchange several sorts of the bills of credit emitted by [this] Assembly, yet many of said bills are not yet bro't in and exchanged: Whereupon this Assembly do order the Colony Treasurer, during the sitting of this Assembly and no longer, to receive all such bills as might have been exchanged by him by the said act of October last, and in lieu of such bills the Treasurer shall pay out of those bills put into the treasury for the exchanging of those bills ordered to be bro't in by this Assembly.

Ordered by this Assembly, That the present auditors do receive of the Treasurer the bills of credit made on the new plate and others brought in for the interest money that are so torn and defaced as not fit for further service, and to burn them to ashes, and make report thereof to this Assembly in their present audit.

This Assembly being informed that a certain piece of land in the county of Windham, being in length about three miles and is bounded eastwardly by Rhoad Island line, northerly by Killingly, westerly by Plainfield, and southerly by Voluntown, is not in any town but still remains a peculiar, whereby great damages and disorder happens to the inhabitants settled on the said piece of land: 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 said tract of land be annexed to the town of Voluntown, and the said land is hereby annexed to the town of Voluntown, and shall be a part of that town.

An Act in further Addition to an Act entituled An Act
for Highways.

This Assembly being informed that the highways and country roads are not suitably repaired, for that many persons who by law ought to work in them rather chuse to pay their fine, (the same being but small,) than to labour in the highways by order of the surveyour: Which mischief to prevent,

Be it enacted by the Governour, Council and Representatives,

in General Court assembled, and by the authority of the same, That if any person obliged by law to work in the highways, and be thereunto lawfully warned, shall refuse or neglect to attend such service according to the warning given, he shall forfeit for every days neglect six shillings money for a person, and twelve shillings for a man and team; which forfeiture shall be recovered and improved as in said act is provided; any law, usage or custom to the contrary notwithstanding.

Ordered by this Assembly, That the ballance of Mr. Thomas Hancock's account with the Colony, (*viz:*) seven pounds ten shillings and four pence half-penny, be paid out of the publick treasury.

Upon the memorial of the inhabitants of the southerly part of Middletown on the east side of Connecticut River, and that part of Haddam called the Neck: Resolved by this Assembly, that said southerly part of the east society in Middletown, with that part of Haddam called Haddam Neck, beginning at the west end of the long lots at the great highway near the great river on the north side of Serjeant Thomas Hale's land, and from thence running east to the end of said long lots to another highway; thence running southwardly, as said highway runs, until it intersects a west line drawn from the north-west corner of Pine Swamp, as it lyeth in Middletown; thence running south, as said Pine Swamp lyeth, to Middletown south [411] || line; thence west, as Middletown south line runs, till it comes to Salmon River, so called; thence running as said Salmon River runs, until it emptieth itself into the great river called Connecticutt River, the whole bounding westwardly on said great river, shall be, and is hereby made, a distinct ecclesiastical society; and all the powers and privileges common to such a society are hereby granted to the inhabitants thereof. And the said society shall forever hereafter be called and known by the name of Midle-Haddam.

Upon the memorial of the parish of Middlesex in Fairfield county, shewing to this Assembly that a committee was appointed by this Assembly in their sessions in October last, to fix and ascertain a place in said parish to build a meeting house upon, and ordered them to make report of their doings in the premises to said Assembly in their sessions aforesaid; which said committee did make their report as aforesaid, but by some means said report was lost before it had passed both houses; praying this Assembly to appoint another committee for the purposes aforesaid: Resolved by this Assembly, that John Prout, Esq^r, Messrs. Jonathan Allyn and Joseph Mix, all of New Haven, be a committee, at the cost of the memorialists, to repair to said parish, view their circumstances,

hear the parties, and affix and ascertain a place in said parish for the erecting a meeting house upon for divine service, and make report to this Assembly in their present sessions of their doings in the premises.

Upon the memorial of the society on the east side of the great river in Hartford, shewing that there is a necessity of a new meeting house to be built in said society, for divine worship; praying this Assembly to appoint a committee to affix a place for the building a new meeting house on, and to make report to this Assembly in their present sessions: Whereupon this Assembly do appoint Ebenezer West, Esqr, of Lebanon, Mr. Joseph Kingsbury of Norwich, and Capt. John Fowler, a committee to repair to said society, view their situation, hear the persons concerned, and affix the place for building a new meeting house on for said society, and to make report thereof to this Assembly in their present sessions.

Upon the memorial of the inhabitants of North Haven society, by their agent John Grannis of said parish, shewing to this Assembly that the said inhabitants, at their meeting in said parish May the 11th, 1739, did by their vote, wherein more than two-thirds were in the affirmative, agree to build a meeting house for the publick worship of God in said parish, and praying this Assembly to appoint a committee to repair to said parish, and to view the circumstances thereof, and to affix and ascertain a place for said parishioners to build their meeting house upon: This Assembly do appoint Capt. Samuel Hall, Capt. Thomas Miles and Mr. Gideon Ives, to be a committee for the aforesaid purpose, and to make return of their doings to this Assembly in their present sessions.

Upon the memorial of Samuel Hiecock, &c., inhabitants of the parish of Westberry in the town of Waterbury in New Haven county, representing to this Assembly in their present session holden at Hartford in May, 1739, that in October last past they were made a separate society, and being desirous to embody in church estate and build a meeting house in said society, praying to this Assembly that they may. with the approbation of the neighbouring churches, embody in church estate; and also, that whereas more than two-thirds of said [412] society by their vote at their society meeting held in || said parish on the first Monday of December, 1738, agreed to build a meeting house in said parish for the publick worship of God, pray that a committee by this Honourable Assembly may be appointed to affix the place, &c.: Granted by this Assembly, that Capt. Benjamin Hall, Capt. William Preston and Capt. Joseph Thompson, be a committee, as prayed for, to repair to said parish and view the same, and hear the parties,

and affix the place to build said house, where it may best accommodate said parish, and report their doings to this Assembly in October next. And, having obtained the approbation of the neighboring churches, said parish may embody in church estate.

Upon the memorial of the inhabitants of Ellington parish in Windsor, praying to this Assembly to appoint a committee to affix a place for said inhabitants to build their meeting house upon in said parish: Resolved by this Assembly, that Capt. Thomas Wells, Capt. Joseph Pitkin and Capt. Jonathan Hills, be a committee to repair to said parish and view the situation of the inhabitants there, and ascertain a place in said parish whereon they may build a meeting house for divine worship, and make return thereof to this Assembly in their present sessions.

Upon the memorial of Thomas Dexter of Ashford, administrator on the estate of Zuriel Dexter late of Mansfield, deceas'd, shewing to this Assembly that the debts of the said deceas'd and charges due from his estate amounts to the sum of three hundred ten pounds six shillings and eight pence more than his personal estate, and praying for power to enable him, with the direction of the court of probates in Windham county, to sell so much of the real estate of the said deceas'd as will pay said £310 6s. 8d. with the necessary charges thereon: Resolved by this Assembly, that the said Thomas Dexter be, and he hereby is, impowered, by and with the direction of the said court of probates, to sell so much of the real estate of the deceas'd, aforesaid, as shall be sufficient to pay the said £310 6s. 8d. as also the necessary charges arising thereon.

On the memorial of Samuel Pitcher, Ezra Terrill, Joseph Hurlbutt, John Baker, and others, inhabitants of the west end of the north purchase in Woodbury first society, praying for liberty to hire the gospel preached to and amongst them in said west end six months, annually, for the term of two years next succeeding, and also to be released from paying the one half of their ministerial taxes to said society for said term, and exempted from paying anything towards a new meeting house that may be built in said first society: Resolved by this Assembly, that the memorialists and inhabitants in said west end of said north purchase may, and hereby have granted unto them the liberty of hiring the gospel preached to and among them for the space of six months, annually, for two years next coming; and they shall, and hereby are released from paying any more than the one half of their ministerial charges

to said first society for said two years ; and are also exempted and excused from paying anything towards building a new meeting house in said first society. -Always provided, that the inhabitants of the said west end of said north purchase are no ways active in the affair of building a new meeting house in said first society ; and provided that said inhabitants do hire an orthodox minister to preach the gospel amongst them in said west end six months annually for said two years.

[413] Upon the memorial of the selectmen of Killingly in the county of Windham, shewing to this Assembly that the memorialists were directed by an order of the county court held at Windham the fourth Tuesday of June, A. D. 1727, to take into their care the estate of one Esther Leavinz of Killingly aforesaid, an idiot person, and to see that it should be improved to the best advantage for the support and maintenance of said idiot, and that the said Esther Leavinze hath been and is likely to continue a considerable charge, and that she hath no estate but lands that are unimproved, and praying that thirty-three acres of the said Esther's lands may be sold for her support, &c. : This Assembly do order, that thirty-three acres of the said idiot's land be sold, and do hereby appoint Messrs. Isaac Cutler, Shepard Fisk and Wm. Leonard, or any two of them, to sell the same, and the money to deliver to the present selectmen of the town of Killingly, to be improved for defraying the past charges and future support of said idiot.

An Act directing how the Members of the late New London Society who, according to the Act of this Assembly made in May in the sixth Year of his Majesties Reign, have mortgaged their Lands to the Governour and Company of this Colony shall obtain Releases of their several Mortgages.

Whereas many of the members of the late New London Society have mortgaged their lands to the Governour and Company of this Colony for the several sums of money by them had and received of the Treasurer of the said Colony, pursuant to the act of this Assembly above referred to ; and notwithstanding the provision made by said act for the redemption of the said mortgages, great difficulties have arisen, by reason that certain committees by the said members of said society have given their bonds for the payment of the annual interest of the several sums of money which the said mortgagers received as aforesaid, and for which the said mortgages were made ; and there being no method yet provided in the law for the discharging such committees giving such bonds from the payment of the interest of the several sums borrowed, as aforesaid, included in their bonds aforesaid : For the pre-

vention whereof, and that the said mortgages may be released and the said committees indemnified,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That any of the aforesaid members of the late New London Society, that have taken any of the said money and made their mortgages of their lands as aforesaid, shall at any time, upon their being at the charge thereof and paying the principal sum received into the hands of the Treasurer of said Colony, and also paying the interest of the said sum unto the committee or committees who gave the bonds aforesaid in which the said interest is included, and pay the past cost thereon, and secure what their proportionable part may be of future losses, and producing a certificate under the hands of such committee that the said interest is fully paid to that time and all the costs arisen thereon, if any there be, and security for what future losses may appear, shall and may be released and discharged; and upon such mortgager or mortgagers producing a certificate, under the hand of the Treasurer aforesaid, that the sum or sums in the condition of his or their mortgages are fully paid to him, and also producing a certificate under the hands of such committee, as aforesaid, that the said interest is fully paid to them to that time, he or they, or his or [414] their || heirs, shall obtain a deed of release of the lands so mortgaged, under the hand of the Governour, &c., as is provided in and by the act before in this act referred to; and that the interest of such principal sum so paid to the said Treasurer shall thenceforward for the future cease; and the Treasurer aforesaid, or Secretary, in either of whose hands the bonds shall be, is hereby ordered to endorse the interest of such sum upon the several remaining bonds of that committee or number of men who gave their bonds for the payment of such mortgagers interest. And no execution for any interest shall, from and after such release, be issued out of the clerk's office of the court of commissioners lately held at New London respecting the affairs of said mortgagers, nor levied against such mortgager who has so obtained a release of such mortgage; any law, usage or custom to the contrary notwithstanding.

This Assembly do establish and confirm Mr. Samuel Butler to be Ensign of the north company or trainband in the town of Weathersfield, and order that he be commissioned accordingly.

This Assembly grants to his Honour the Governour the sum of four hundred pounds, to be paid out of the Colony treasury,

for his salary the current year; to be drawn out the one half at this time, and the remainder in October next.

This Assembly grants to his Honour the Deputy Governour the sum of two hundred pounds, to be paid out of the Colony treasury, for his salary the current year; to be drawn out the one half at this time, and the remainder in October next.

This Assembly do grant to Mr. Agent Wilks the sum of one hundred and fifty pounds for his salary the current year, and that his Honour the Governour be desired to draw the same out of the publick treasury and transmit it to the agent's receiver in Boston.

This Assembly grants to Mr. Timothy Green, printer, the sum of thirty-five pounds out of the Colony treasury, for his half years salary.

Upon the memorial of Martin Kellogg, shewing that he, with two more persons with him, had in October last gained a conference with certain strange Indians in the neighbourhood of New Hartford, and thereby he had quieted his Majesties subjects settled on the western lands: Whereupon this Assembly do grant and order, that there shall be paid out of the publick treasury, for the said service, the sum of fourteen pounds and fourteen shillings; whereof shall be to the said Kellogg the sum of seven pounds and ten shillings, and the remainder of said fourteen pounds and fourteen shillings shall be to those persons that attended the said Kellogg.

[415] This Assembly do establish and confirm Mr. George Richards to be Captain of the second company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Pygan Addams to be Lieutenant of the second company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Colefox to be Ensign of the second company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Hezekiah Hooker to be Captain of the 4th company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Steel to be Lieutenant of the 4th company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Caleb Wheeler to be Ensign of the 4th company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly grants to John Bulkley of Colchester, Esqr, the sum of twenty pounds out of the Colony treasury, for his service at the commissioners' court at Norwich as agent for said Colony.

This Assembly do appoint Mr. Aaron Eliot of Killingsworth a County Surveyour in the county of New London, in the room of Capt. Samuel Willard.

Ordered by this Assembly, That the Treasurer of this Colony pay out of the publick treasury unto Mr. Daniel Huntington, junr, the sum of seventeen pounds five shillings and two pence, for the services mentioned in his account now laid before the Assembly.

This Assembly appoints Benajah Williams, of Goshen in the County of Hartford, Tavern-keeper in said town for the year ensuing: provided he appear before the county court to be held in Hartford by adjournment on the 3d Tuesday of June next, and give bond according to the direction of the law relating to tavern-keepers.

Upon the memorial of the inhabitants of the north purchase in Woodbury east part, praying to this Assembly that they may have liberty to hire a minister to preach to them, and to set up a school amongst them, during the pleasure of this Assembly, and to be freed from paying parish taxes to the first society of said Woodbury during said time: Resolved by this Assembly, that the memorialists have liberty to hire an orthodox minister to preach the word unto them, and to set up a school, during the pleasure of this Assembly, and that they be free from paying any parish taxes to the first society of said Woodbury so long as they maintain the ministry and school amongst them; and also to have their part of the school money according to their list given, for the support of town and parish schools: provided the memorialists do not vote in any parish affairs in the first society of said Woodbury.

[416] Ben Uncas, Sachem of the Mohegan Indians, applying himself to this Assembly for their assistance to ascertain and maintain the bounds of his lands at Mohegan: Upon consideration whereof, this Assembly do appoint and direct James Wadsworth, Samuel Lynde and John Richards, Esqrs, or any two of them, to assist the said sachem with their council and advice in the best manner to ascertain and maintain the bounds of the said sachem's lands; as also in suing off and removing by any lawful means any person or persons that

have already entered upon, or shall hereafter enter upon, the said sachem's land, or any part thereof; as also to assist and advise said sachem in leasing out any parcels of his lands. And in regard of the ancient friendship between this Colony and the Moheag sachems, which still remains between this Colony and the present sachem, this Assembly instruct and desire the said James Wadsworth, Samuel Lynde and John Richards, to use their utmost care that said sachem be not encroached upon, or disseized of his lands.

Whereas this Assembly in their present sessions did appoint John Prout, Esqr, Messrs. Jonathan Alling and Joseph Mix, of New Haven, a committee to repair to the parish of Middlesex in Fairfield county and affix a place in said parish for the erecting a meeting house, and make report to this Assembly, &c.: And whereas the said committee have now made report to this Assembly, that they have ascertained and affixed the place for the building said meeting house, (*viz*:) to be at the southwest corner of Mr. Joshua Morehouse's home lot, where he now dwelleth, where an highway comes into the country road at a stake [and] heap of stones set up by said committee, or within forty feet of said stake and stones, if land can be procured for better conveniency of building, as by their report on file: This Assembly do thereupon accept and establish the report of said committee, and order that the parishioners of the said parish do proceed and build the said meeting house at the place fixed and ascertained by the said committee, as aforesaid.

Whereas James Wadsworth, Esqr, Mr. Henry Crane and Mr. Samuel Hall, having been by this Assembly in their session in New Haven in October last appointed a committee to repair to the parish of Amity in New Haven, to view, enquire and find the most convenient place whereon to erect an house for the worship of God in said parish, and the same to report to this Assembly; and the said committee having accordingly now reported to this Assembly that, sometime since their said appointment, they having thoroughly viewed and enquired into the circumstances of said parish, and fully heard the inhabitants thereof, respecting a place for their meeting house, and duly considered the matter, they are well satisfied that it will best accommodate the inhabitants of said society to set up their meeting house upon a lot in said parish claimed by Lieutenant Ebenezer Beecher of said parish to belong to him, at a place in said lot where the said committee have marked a dead oak tree on four sides and laid stones at the root, the place where said tree stands to be in the middle of said house; and that said Beecher hath agreed to give two acres of said

lot for the placing and convenience of said meeting house, gratis, and also what is necessary for a highway, so far as his land extends towards Milford line, &c., as per their report on file, dated November 16th, 1738: Resolved by this Assembly, that the said place in the said Lieutenant Beecher's lot, in said committee's report mentioned and described, shall be, and the said place is hereby fixed, stated and appointed to be the place whereon to erect and build an house for the worship of God in said parish; and the said meeting house is hereby ordered to be erected in said place accordingly.

[417] Upon the petition of Jonathan Shaw, of Canterbury in the county of Windham, complaining of a judgment recovered by Jabez Fitch of said Canterbury against said Shaw, at Windham county court in June last, praying for a reversal thereof, &c.: Resolved by this Assembly, that the said judgment be reversed, and the same is hereby reversed and set aside, with all the doings thereon, and that the said Shaw shall recover of said Fitch the sum of £11 0s. 0d. money, for damages, and his cost which is allowed to be £10 12s. 2d. *Ex. granted September 10th, 1739.*

Upon the memorial of Josiah Starr of Danbury, shewing that the memorialist hath bought of one Samuel Benedict of said Danbury a right which said Benedict bought at vendue at Windham for that purpose, in the southern township in the western lands, and obtained a deed of the committee for that end appointed, praying for a longer time to perform the conditions of said deed: Resolved by this Assembly, that the memorialist shall have, and hereby is granted to him, the space of four years, commencing after the two years mentioned in said Benedict's deed are compleated, for the entering upon, building, fencing and clearing, said right in said township.

Upon the petition of Daniel Trowbridge, Joseph Miles, Alexander Wolcott, James Peck, junr, and Samuel Brown, all of New Haven, *versus* David Cob of Milford, Joshua Attwater of Wallingford, and John White of said New Haven, all in the county of New Haven, complaining of a judgment of the superiour court held in New Haven on the last Tuesday of August last, obtained by said Cob for the sum of four hundred and forty pounds thirteen shillings damages and cost against them, representing that in equity they ought to be released from said judgment, and that the said Attwater and White ought to be charged therewith; and thereupon praying for relief according to equity and good conscience, as per their petition on file appears: Resolved and decreed by this Assembly, that the said petitioners be discharged, and they are

hereby discharged and released from the said judgment of the said superiour court, and recover of the said Attwater and White their cost of this petition, allowed to be £38 10s. 10d.; and that the said Cobb recover of the said Attwater and White the sum of four-hundred and forty pounds thirteen shillings money, damages, and his cost since said judgment arisen, allowed to be £8 4s. 6d., and that execution go forth from the Secretary of this Colony for the same accordingly. Provided nevertheless, that nothing in this resolve and decree be deemed, understood or construed in excuse of the said Daniel Trowbridge, master of the said vessel belonging to said Attwater and White, mentioned in said petition, from any demands which might or may by law be made by said owners thereof for any or any manner of damages by them sustained thro' the said master's neglect of his duty, but the same are saved to said owners, this decree, or anything therein contained, notwithstanding. *Execution granted for said Cob vs. said Attwater and White, June 1st, 1739. Ex. granted for said Trowbridge vs. the said Attwater and White, June 1st, 1739.*

[418] Upon the petition of Joseph Griswold of Killingsworth, shewing to this Assembly that upon the petition of some of the inhabitants of Killingsworth the county court held at New London in June, 1737, appointed a committee to enquire into the necessity of the alteration of the road from Killingsworth to Durham at a place called the mountain, to go thro' the petitioner's land, &c., which committee made their report, &c., upon which the said county court at their sessions at Norwich in November, 1737, made an order to the sheriff of said county to summon a jury to lay out said way thro' the petitioner's land, &c., who accordingly on the 17th day of December, 1737, laid out a way thro' the petitioner's land, without allowing him any damages. &c., and made return of their doings to the county court held at New London in June last, where the petitioner complained against the said return, &c., but said court accepted said return, &c., upon which the petitioner was admitted a review at the county court held at Norwich in November last, where he was again heard on his complaint, and the said court confirmed their former judgment and established the said highway thro' the petitioner's land, &c.; praying that the judgment and doings of the said county court in the premises should be annulled and made void, for the reasons set forth in the petition on file, dated April 27th, 1739: Resolved by this Assembly, that the whole proceedings of the said county court respecting the said highway, and the judgment establishing the same, referred to in the said peti-

tion, be set aside and annulled, and the same are hereby annulled, set aside and made utterly void.

Upon the memorial of John Grigory, James Beebe and Thomas Benedict, committee for the proprietors of Danbury, and Ebenezer Smith, agent for the town of Ridgefield, shewing to this Assembly, that the proprietors and inhabitants of the aforesaid towns have mutually agreed upon and fixed the line hereafter mentioned, to be the dividing line between said towns; which said line is as followeth, (*viz:*) Beginning at a monument known by the name of the Freeholders Corner, which is a heap of stones laid on a rock by the side of a birch tree standing on the SW. corner of a swamp; from thence running north N. 13° W. two miles and three-quarters to an heap of stones on the S. end of a steep rock; and from thence W. 29° N. to a stake set in the ground and stones laid to it, which is on the W. side of an hill, near against the northward end of the Bear Mountain; and from thence N. 5° W. to Danbury NW. corner; in which line there is monuments erected as the law directs; praying this Assembly that the line aforesaid may be fixed and established and remain to be the dividing line between the aforesaid towns; only saving and reserving to Danbury all those lands by the proprietors of said Danbury laid out on the west side of said line: Resolved by this Assembly, that the line aforementioned and described in the aforesaid memorial be fixed, and it is hereby fixed, confirmed and established to be, and forever hereafter shall remain to be, the dividing line between the aforesaid townships of Danbury and Ridgefield. That is to say: the dividing line aforesaid shall begin where the line from the aforesaid Freeholders Corner intersects the line between Danbury township and Capt. Couches patent, only reserving the lands on the west side of said line as already laid out to the proprietors of Danbury in severalty to said proprietors, and they are hereby reserved accordingly.

[419] Upon the memorial of the inhabitants of the parish of New Salem, therein setting forth their low and necessitous circumstances with respect to the maintaining the gospel amongst them, and praying that the unimproved lands in said parish may be taxed for the space of four succeeding years next coming at one penny per acre per year, and that the money raised thereby may be applied towards the support of the gospel amongst them: Resolved by this Assembly, that the unimproved lands in said society shall be annually taxed at one penny per acre for four years next succeeding, and the

money raised thereby applied towards the support of the gospel in said parish.

Upon the memorial of Ebenezer Warner, of Waterbury in the county of New Haven, shewing to this Assembly that Edmond Scott, late of said Waterbury, deceas'd, late husband of Martha Warner, wife of the present memorialist Ebenezer Warner, left two children, Jemima and Comfort, and there being but eleven pounds and eleven pence personal estate of the said deceas'd, which said sum was ordered to the said Martha by the court of probates for the bringing up of the said children, and Jemima being sickly, the said Ebenezer Warner having been at great cost to provide tendance and physick for her, and there being no personal estate to answer said debt, which he certifies to be £18 0s. 0d., and praying for liberty to sell land to answer the aforesaid debt: This Assembly grants liberty to and fully impowers Mr. Joseph Lewiss, of said Waterbury, taking the advice of the court of probate in the district of Woodbury, to sell so much of the land of the said Edmund Scott as to enable him, the said Lewiss, to answer and pay the aforesaid sum of £18 0s. 0d. money, with the incident charges arising on the sale thereof.

Whereas this Assembly, at their session in October last, appointed Messrs. Jonathan Trumble, Experience Porter and Gershom Clark, to be a committee to affix the place where the inhabitants of the parish of New Concord, in Norwich, should build their meeting house, &c., which committee made report of a place by them affixed for that purpose to this Assembly: And whereas many of the parishioners of said parish have now preferred their memorial against the acceptance of said report of said committee: This Assembly, having fully heard the several objections against said report, and the evidences respecting the same, and considered the said objections, &c., have resolved, that the report of said committee be set aside and annulled. And it is further resolved, that there be another committee for that purpose appointed; and accordingly this Assembly have appointed Messrs. John Richards of New London, Christopher Avery the 2d and Dudley Woodbridge, of Groton, to be a committee to repair to said New Concord, and to view the circumstances of said parish and the habitations of the parishioners thereof, to hear all parties on the premises, and then to establish and affix a place for the said inhabitants to set their meeting house for divine worship upon, and make report of their doings to this Assembly in October next, for consideration and confirmation.

Upon the memorial of Jonathan Hough, Abraham Water-

house and others, being inhabitants of the north parish of Saybrook living at a place called Pattecunk, praying to be made a separate and distinct society, &c., or that a committee be appointed to repair to said parish and view, &c., as per their memorial on file, dated May 2d, 1739: Resolved by this Assembly, that Capt. Samuel Hill of Guilford, Mr. Jonathan Lane of Killingsworth, and Mr. Isaac Spencer of East Haddam, be a committee, and they are hereby appointed a committee, to repair to said north parish, and view the circumstances thereof, as to the situation, extent, numbers of inhabitants, &c., and make report of what they find to be best and most reasonable to be done in the premises, to this Assembly in October next.

[420] Upon the memorial of the town of Hebron, by their agent John Thompson, and of the inhabitants of the north part of said town: Resolved by this Assembly, that Roger Wolcott, William Pitkin and Thomas Wells, Esq^{rs}, be a committee to repair to the said Hebron, if the said inhabitants by their vote in town meeting shall desire it, there to advise said inhabitants in reference to the matter prayed for; and having viewed said town, heard the inhabitants, and considered the whole, if the said committee shall think it will be for the benefit of said town to divide the same into two societies, they shall then make a line proper for that end, and report their doings to this Assembly in October next; to be done at the charge of said town.

Upon the memorial of Jabez Rockwell, of Ridgefield in the county of Fairfield, shewing that his brother John Rockwell made and executed unto him a deed of sale, dated the 31st day of August, 1736, of three acres of land in Ridgefield aforesaid, be it more or less, bounded east on the town street; south, highway; north, by Benjamin Wilson; west, by said Jabez Rockwell; and that the said deed was not acknowledged by said John Rockwell, who is now dead; and thereupon praying for a confirmation of said deed: Enacted and resolved by this Assembly, that the said deed shall be, and the same is hereby made to be, as good and effectual and compleat unto the said Jabez Rockwell, his heirs and assigns, for the holding the said land therein mentioned, as thô the same had been compleated by the acknowledgment of the said John Rockwell; and shall and may be recorded accordingly.

On the memorial of Joseph Chamberlain, jun^r, and Hannah his wife, praying that some meet person may be appointed and impowred to give and well execute a deed of release unto one John Niles of fifty acres of land that said Niles now dwells on in Colchester, in behalf of the heirs of one Aaron

Gillett, late of said Colchester, deceas'd: Resolved by this Assembly, that if John Skinner of said Colchester shall, to the acceptance of Capt. Nathaniel Foot of said Colchester, give a sufficient deed, executed according to law, to the heir of Aaron Gillett of said Colchester, late deceas'd, of that fifty acres of land lying in said Colchester that Reynold Marvin of Lyme released to said Skinner, that then the said Foot shall give a deed of release, executed according to law, unto the said Niles of all the estate and demand that the said heir hath in the said fifty acres the said Niles now lives on in said Colchester.

Upon the memorial of Joseph Latham the 3d, of Groton in the county of New London, administrator on the estate of Mr. Cary Latham of said Groton, deceas'd, therein shewing that the inventoried moveable estate of the said deceas'd amounted to the sum of £598 17s. 11d., and that the debts due from said estate with losses, &c., amounted in the whole to the sum of £873 7s. 11d., which surmounted the inventoried estate aforesaid the sum of £274 10s. 0d; and prays that some meet person or persons may be appointed by this Assembly to make sale of so much of the deceas'd debtor's land as shall be sufficient to satisfy and pay the aforesaid sum of £274 10s. 0d. with the necessary charges arising in the sale, &c.: Resolved by this Assembly, that the memorialist, with Capt. Ebenezer Avery of said Groton, are hereby [421] impowered and fully authorized, || with the direction of the court of probates in the district of New London, to sell so much of the land of the deceas'd Cary Latham as shall amount to the sum of £274 10s. 0d. money, with the necessary charges arising thereon, and make and execute a deed or deeds for the same accordingly.

Upon the memorial of Samuel Smith and the rest of the inhabitants of the parish of West Haven in the town of New Haven, praying for the leave of this Assembly to make sale of fifty acres of land to them granted by the proprietors of the common and undivided lands in said New Haven for a parsonage, to be and remain for the use of a congregational or presbyterian ministry in said parish; and praying also that Joseph Whiting, Esqr, and Capt. Isaac Dickerman, of said New Haven, may be impowered and directed to subduct out of the publick tax of said town the sum of forty pounds money, by the General Assembly in May, 1736. granted to the said parish, which was to have been subducted out of the publick rate of said town for the year 1737, and which hitherto has been omitted to be done: Resolved by this Assembly, that the inhabitants of said parish may, and they are hereby author-

ized and allowed to sell and alienate the said fifty acres of land to them granted as abovesaid, and bounded south, on other fifty acres of land by said proprietors granted to Chesnut Hill for a parsonage; west, on Milford line; east, on common lands; and north, on land belonging to Nathan Ford. Provided always, and it is hereby enacted, that the money, which on sale of said fifty acres shall be advanced, shall be and remain for the support of a gospel ministry in said west parish (as by the law of this Colony established) forever, and for no other use. And it is further resolved, that Joseph Whiting, Esqr, and Capt. Isaac Dickerman shall subduct out of the publick tax of said town for the current year, the said sum of forty pounds money, omitted to be taken out of the tax of said town in the year 1737, together with the sum of forty pounds money payable for the present year, according to the tenor of the act of Assembly in May, 1736; and that the same shall be improved for the support of an orthodox gospel minister in said parish, as in said act is provided.

Upon the memorial of the inhabitants of the town of Harwinton, shewing that this Assembly, at their sessions in October last, appointed Capt. William Wadsworth, Capt. Thomas Wells and Deacon John Hart, to be a committee to fix the place where the said inhabitants of Harwinton should set their meeting house, &c., and that said committee have not done that work; and praying that another committee may be appointed to do the same and make report to this Assembly in their present sessions, &c., as by said memorial on file: Resolved by this Assembly, that Capt. Martin Kellogg of Weathersfield, Capt. Benjamin Hall of Wallingford, with the abovesaid Capt. Welles, be a committee to repair to said Harwinton, and to view the said town and places of the memorialists' habitations, and to hear all persons concerned, and upon the whole to affix and ascertain the place where the said inhabitants shall set their meeting house for divine worship, and make report of their doings to this Assembly, either in their present sessions or in October next, for confirmation; and all to be done at the cost of the proprietors of said town, out of the tax already laid upon the proprietors by this Assembly.

[422] Upon the memorial of the inhabitants of the second or north society in New London, together with Ben Uncas, Sachem; therein shewing that they are about to settle a minister in said parish, and that the Indians are minded to joyn with them, in case the meeting house in said society shall be moved so as to accommodate them, &c.; and praying for a committee to determine the place where the said meeting house

shall be set, so as better to accommodate both English and Indians; and to direct how the expences thereof shall be born, &c.: Resolved by this Assembly, that James Wadsworth, Esqr, Messrs. John Richards and Jonathan Trumble, be a committee to go to said parish, view their circumstances, hear all parties and, if they shall think proper, ascertain the place where the said meeting house shall stand, and make report of their doings to this Assembly in October next.

Upon the memorial of Samuel Lewiss of Colchester, shewing to this Assembly, that he executed an ample deed of conveyance of eighty acres of his land to the Governour and Company of this Colony and to their successors, &c., in order to take some of the loan-money, and not having received said money, praying for a deed of release, &c.: Resolved by this Assembly, that the Governour and Secretary be impowered hereby, at the cost of said memorialist, to give said Lewiss a good and ample deed of release of the aforesaid eighty acres of land accordingly.

Upon the report of the committee who were appointed to review the parish of East Guilford, and affix upon a place where the inhabitants of the said parish should set up their meeting house for divine worship: It is now resolved by this Assembly, that the inhabitants of said parish shall set up and finish a meeting house for divine worship in said society on the same green where the old meeting house stands, at the place where said committee pitched down a stake, which stake stands about midway between said old house and Capt. Janna Meigs's house set up for said Meiggs's convenience on sabbath days; and the said inhabitants are to take notice thereof, and to conform themselves to this order.

On the petition of Samuel and Silence Chapman, executors of the last will and testament of Simon Chapman, late of Windsor, deceas'd, praying for a new tryal of a case wherein John Anderson of said Windsor recovered judgment upon bond against them, in the county court held at Hartford in April last, for the sum of £38 16s. 6d. York money, and £6 2s. 3d. costs, in our currency; shewing that they, the petitioners, were deprived of a principal witness in said case, (*viz.*) one Abraham, a negro servant; praying that said Abraham may be admitted as a lawful witness, with any other evidence that said Chapman shall or may find relating thereto; and also that the whole cost follow said final judgment: Resolved by this Assembly, that the petitioners shall and hereby have granted unto them a new tryal of said case at the county court to be holden at Hartford by adjournment on the third

Tuesday of June next, as prayed for ; and the whole cost shall follow said judgment.

Upon the memorial of Eleazer Cary, &c., selectmen of the town of Windham, shewing to this Assembly that Jonathan Preston of said Windham, son of John Preston, late of said Windham, deceas'd, by the providence of God being rendered *non compos mentis*, and thereby entirely unable to take care of himself, hath been supported by the town of Windham for [423] more than a year last past, || and continues to be so supported, and appears likely so to continue ; and that by the last will of his father, the late John Preston of Windham, deceas'd, there is given to the said Jonathan Preston an estate in lands, in common with his brethren and sisters, of the value of near fifty pounds ; and praying this Assembly to empower some meet persons to sell said Jonathan Preston's land for his support : Resolved by this Assembly, that Messrs. Isaac Burnap and Benjamin Bedlake, both of Windham, be empowered, and they are hereby empowered, to sell said land and deliver the money it shall be sold for into the hands of the treasurer of the town of Windham, for the time being, to be improved for the support of the said Jonathan Preston, both past and future.

Upon the report of Ebenezer West, Esqr, Mr. Joseph Kingsbury and Capt. John Fowler, a committee appointed by this Assembly in their present sessions to repair to the society on the east side of the great river in Hartford, and to affix a place in said society for the inhabitants of the said society to build a new meeting house on : Resolved by this Assembly, that the place where the inhabitants of said society shall build a new meeting house on shall be where their present meeting house now standeth. The sills of the new meeting house to enclose that spot of land whereon the present meeting house standeth.

Upon the memorial of the first society in New London, praying that a committee may be appointed to affix and ascertain the place where the said society shall build their meeting house, &c. : This Assembly do appoint Samuel Lynde, Esqr, of Saybrook, Mr. John Griswold of Lyme, and Mr. Christopher Avery the 2d of Groton, a committee to repair to said society, view and consider the circumstances thereof and hear the parties, and affix and ascertain the place where said society shall build their meeting house for divine worship, and make report of their doings to this Assembly in their sessions in October next.

Whereas this Assembly, in their present sessions, did ap-

point Capt. Thomas Wells, Capt. Martyn Kellogg and Capt. Benjamin Hall, to be a committee to repair to Harwinton and fix and ascertain a place for the inhabitants to set and build their meeting house for divine worship upon, and the said committee having now made report of their doings in the premises, under their hands, that they have viewed the circumstances of almost the whole of said township, and heard all persons concerned in the premises, and that they have laid stones to a stake standing in the line that divides the land between the proprietors of Hartford and Windsor, on the country road that runs east and west, where the said road cranks, and crosses said dividing line, and also where the road runs north and south; which place they look upon the most convenient for said inhabitants to build their meeting house upon, as by their report appears: Whereupon it is resolved by this Assembly, that the place above described and ascertained in the report of said committee shall be the place where the said inhabitants shall set their meeting house; and they are directed and ordered to erect and build the said meeting house at the said place accordingly.

Upon the memorial of the proprietors of the township of Danbury, and Samuel Couch, Daniel Chapman, Thomas Nash, Samuel Gold, and Hezekiah Gold, all in the county of Fairfield, shewing to this Assembly that, after a long controversy between them, the said proprietors of Danbury on the one side, [424] and the || said Couch, Chapman, Nash and Golds, on the other side, respecting the south bounds of the said township, which is the north bounds of the land granted and patented to said Couch and now belonging to him with said Chapman, Nash and Golds, they have amicably settled and concluded said difference, and have mutually agreed that a line run and drawn from the south-east corner of said township of Danbury, which is a great rock with stones upon it, unto a rock on the point of an hill, about the bigness of an hogshead, with stones upon it, and is about seventy rods west of where the Bennets live, and is that boundary that is and has been the reputed south-west corner of said township, is and shall be the south line of said township and north line of said land patented to said Couch, and the bounds dividing between the same, as the same line is run by Ebenezer Silliman, Esqr, one of the surveyours of the county of Fairfield, and is in course from the south-east to the south-west corner aforesaid west seven degrees south, and therein are monuments erected in every eighty rods, as by return of said surveyour, dated the 3d, 4th and 5th days of May, and 19th, 20th and 21st days of December, 1737, may appear; and thereupon praying for a confirmation of said line:

Resolved and declared by this Assembly, that the said line of monuments, so run and erected from said south-east to the said south-west corner of said township of Danbury, is and shall be and remain the bounds and dividing line between the said township of Danbury on the north, and the said lands patented by this government to said Couch on the south thereof; any former pretences to the contrary notwithstanding.

Upon the memorial of the inhabitants of New Hartford, praying this Assembly to appoint a committee to fix and ascertain a place for them to build a meeting house upon, as per their memorial on file: Resolved by this Assembly, that Messrs. William Wadsworth of Farmington, John Humphrey and James Cornish, junr, of Symsbury, be a committee to repair to New Hartford aforesaid, and to view the circumstances of the place and inhabitants, and to hear all parties, &c., and affix and ascertain a place where the said inhabitants shall build their meeting house upon, and make report of their doings to this Assembly in October next: to be done at the motion and costs of the inhabitants aforesaid.

Upon the report of Capt. Thomas Welles, Capt. Joseph Pitkin and Capt. Jonathan Hills, shewing to this Assembly that they did repair to Ellington parish in Windsor, and there affix a place for the inhabitants of said parish to build their meeting house upon for divine worship, which is upon rising land near the south-west corner of Nathaniel Grant, junrs, field, where they have set up a stake: Resolved by this Assembly, that the place so affixed shall be the place whereon said inhabitants shall build their meeting house for divine worship; and the said inhabitants are hereby ordered to proceed to build the same at said place accordingly.

Upon the memorial of Messrs. Daniel Edwards and Robert Walker: Resolved by this Assembly, that the said memorialists have twenty-four pounds two shillings and four pence, and the same is hereby granted unto them for their service in pursuance of the appointment of this Assembly in May last, in removing and prosecuting persons that had encroached on the lands belonging to this government in the township of Salisbury; and that the Treasurer of this Colony pay the same accordingly.

[425] To the Honourable General Assembly to be holden at Hartford in May next:

Upon the memorial of the inhabitants of the town of Union, preferred to the General Assembly holden at New Haven in October last, praying for a committee to ascertain and fix a place for building a meeting house for the worship of God:

pursuant thereunto, we, the subscribers, at the desire of the inhabitants of the aforesaid town of Union, did, upon the 14th day of November, A. D. 1738, repair to the aforesaid town, viewed their circumstances, heard debates, find them so universally united together desiring the said house to be built upon the southermost hill in the ten acres of land appropriated by the proprietors of said town for a place to build a meeting house, a training field, &c.: Whereupon we beg leave to report to your Honours, that we find the place accommodated to the center of said township, that we think it most convenient that a meeting house be erected and built upon the aforesaid hill, the sills thereof encompassing a certain stake set up one end in the ground, marked U, with stones about it. All which is humbly submitted by your Honours' most obedient servants.

Joseph Strong, John Parry, Experience Porter, *Committee*.

The above report of the committee is accepted and approved by this Assembly.

To the Honourable General Assembly, now sitting in Hartford:

We, the subscribers, pursuant to an order from your Honours, bearing date the second Thursday of May, *anno* 1739, have repaired to North Haven society, and, being assisted by a committee chosen by said society, have viewed and considered their circumstances, and have fixed a place where the said society shall set their meeting house, which is about ten rods southward from their old meeting house, and have pitched down four stakes at the said fixed place, where the four corners of said house shall stand. May, 1739.

Samuel Hall, Thomas Miles, Gideon Ives, *Com^{tee}*.

The above report of the committee is accepted and approved by this Assembly.

Upon the memorial of Nathaniel Goodyear, Enos Parden, Theophilus Goodyear, Joel Munson, Samuel Peck, Isaac Johnson, Stephen Cooper, Anthony Thompson, Andrew Goodyear, Thomas Morriss, Josiah Mansfield, William Payn, Jonathan Ives, and Mary Gilbert, all of New Haven and belonging to the first society in said town, representing their great distance from the place of divine worship in said society and the difficulties and disadvantages they labour under to attend the divine worship there, and moving to be annexed to the parish of North Haven in said town, as per their memorial on file dated February 26th, 173^s₉: Resolved by this Assembly, that the memorialists be, and they together with their families and estates hereby are, released from the said first society and annexed to and united with the said north parish, to be and re-

main of and with the said north parish until this Assembly shall see cause to order otherwise concerning them.

Upon the memorial of Daniel Sperry, Ralph Lines, Abell Mathews, Wait Chatterton, Daniel Bradley, Amos Bradley, John Hitchcock, Daniel Rexford, Lazarus Ives, Enos Turrel, John Turner, Nathaniel Tuttle, Jacob Hotchkiss, all of the first parish or society in New Haven, representing their distant [426] situation || from the place of divine worship and the difficulties they labour under to attend the divine worship there, and moving to be annexed unto the parish of New Cheshire in the town of Wallingford, as per their memorial on file, dated April 18th, 1739: Resolved by this Assembly, that the said memorialists, together with their families and estates, be and they hereby are annexed unto said parish of New Cheshire, to be and remain of and with the said parish of New Cheshire until this Assembly shall order otherwise.

Upon the memorial of the north-west society in Symsbury, praying that a committee may be appointed to affix the place where said society shall build their meeting house, &c. : This Assembly do appoint John Chester, Esqr, of Weathersfield, Mr. Joseph Talcott, junr, and Capt. Nathaniel Hooker, of Hartford, a committee to repair to said society and view and consider the circumstances of said society, and hear the parties, and affix and ascertain the place where said society shall build their meeting house for divine worship, and make report of their doings to this Assembly at their sessions in October next.

Upon the memorial of the first society in Symsbury, praying that a committee may be appointed to repair to said society and affix the place for building a meeting house in said society: This Assembly do appoint John Chester, Esqr, of Weathersfield, Mr. Joseph Talcott, junr, and Capt. Nathaniel Hooker, of Hartford, to be a committee to repair to the said society, and view and consider the circumstances of said society, and hear the parties there. and to fix and ascertain the place where said society shall build their meeting house for divine worship, and report their doings to this Assembly at their session in October next.

On the memorial of Messrs. John White of New Haven and Joshua Atwater of Wallingford, shewing to this Assembly that this Assembly have decreed in favour of David Cob against them, the said Attwater and White, for the sum of four hundred and forty pounds thirteen shillings, besides costs, praying this Assembly to lend them the aforesaid sums out of the interest of the loan'd money now in the hands of

the Treasurer : Resolved by this Assembly, that the Treasurer be directed. and he is hereby ordered and directed, to deliver out of the Colony treasury the sum of four hundred and fifty pounds out of the interest of the loan'd money now in his hands, to the said White and Atwater: provided they, the said White and Attwater, shall give bond with sufficient sureties to the acceptance of Nath^l Stanly and John Marsh, Esq^{rs}, of Hartford, for the repayment of the said sum with the lawful interest of the same, at or before the first day of June, A. D. 1741, unto the aforesaid Treasurer, for the use of the Governour and Company of this Colony.

On the memorial of John Whiting, Esq^r, Treasurer of this Colony, shewing to this Assembly that many of the bonds given for interest of the money loaned by this Colony, which ought to have been discharged, are delivered to the Treasurer and he stands charged therewith, by means whereof many suits have been bro't by the Treasurer on such bonds as aforesaid: Resolved by this Assembly, that the whole of the lawful charge, which have arisen on the suits bro't on the bonds which ought to have been discharged, shall be paid out of the Colony treasury. And this Assembly do appoint Ozias [427] Pitkin and John Marsh, Esq^{rs}, a committee to || examine into the state of the bonds now in the hands of the Treasurer, or that may hereafter be put into the hands of said Treasurer, and to deface and discharge those bonds which ought to be discharged, and give the said Treasurer a receipt of so many of said bonds as they shall so discharge. It is further resolved by this Assembly, that the Treasurer for the future demand no interest on the bonds given for interest of the money loaned by this Colony, but that he pursue the orders of this Assembly already given to put the bonds in suit speedily after they become due. And the Treasurer is desired and directed to return and pay to the several persons, on their request, the respective sums of money which he has already received as interest on the interest bonds as aforesaid.

His Honour the Governour having communicated to this Assembly a letter from Mr. Secretary Willard, respecting the perambulation of the line between the Massachusetts government and this, in the year 1734, by commissioners from each government: sundry of the proprietors of Ashford and Union objected against the doings of said commissioners being accepted, alledging that the line run by them, near or adjoining to the town of Woodstock, was not the true line agreed upon by the commissioners from each government in the year 1713, but run in prejudice of said proprietors: It is therefore resolved by this Assembly, that Capt. Thomas Welles and

Mr. Roger Newberry be a committee, and they are hereby appointed and fully impowered, in conjunction with a committee from the Massachusetts, to repair to said place, and having first notified the proprietors of Woodstock, Ashford and Union, they are to proceed by all proper methods to enquire into the mistakes complained of; and if, upon enquiry, they find there was a mistake, they are to rectify it, making proper monuments in the line. And the Secretary of this Colony is directed to send a copy of this resolve to Mr. Secretary Willard, signifying the desire of this Assembly that the Massachusetts government would, by their committee, joyn in the affair, that so the doings upon the whole may be confirmed.

Whereas this Assembly, at their sessions in October last, divided the lands with the towns of Hartford and Windsor, called Waramaug's Reserve, and ordered them a patent thereof, yet have not enabled them by any rule to call a meeting of the proprietors of said land: Resolved by this Assembly, that the Hon^{ble} Joseph Talcott, Esqr, and Nathaniel Stanly, Esqr, and Capt. Thomas Seymour, of the town of Hartford, and Mathew Allyn and Roger Wolcott, Esqrs, and Roger Newberry, of the town of Windsor, or any four of them, shall have power, and are hereby authorized to call a meeting of said proprietors, appointing time and place and business, by setting up notifications thereof in two publick places in each of said towns at least twenty days before said meeting; which notification so set up shall be a legal warning for said proprietors to meet.

Upon the memorial of Joseph Backus, junr, of Norwich: It is ordered and resolved by this Assembly, that the bond given by him and Samuel Backus of said Norwich, for the sum of £383 13s. 11d. now due to this government, both principal and interest, be deferred to the 10th of May, 1741, and no suit shall be bro't thereon till that time be past.

[428] An Act in Addition to and Explanation of the Law entituled An Act in Addition to and for the Explaining of the Law referring to Idiots.

Whereas the provision made in said act for the support of poor, impotent persons is limited to idiots and distracted persons, and no provision is therein made for the support of persons rendered impotent and unable to support themselves by age or sickness: Which to remedy,

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 thro' age, sickness, or otherwise, be rendered impotent and unable to support and maintain themselves, and having no estate to support them

withal, that then and in such case, the relatives of such impotent person or persons, in such degree of kindred as in said act is mentioned, shall relieve and support them in such manner as in said act is provided: on pain that every one failing therein shall forfeit thirty shillings per week for every weeks neglect, to be levied as in said act is provided.

Mr. James Harriss of New London representing to this Assembly an account of sundry disbursements by him made in a journey to Boston with Ben Uncas, sachem of the Mohegan Indians, to the Commissioners, in order to obtain copies for the service of this Colony, &c.: Resolved by this Assembly, that the Treasurer of this Colony pay unto the said James Harriss the sum of twenty-five pounds nine shillings, in full discharge of said disbursements, and also the sum of ten pounds money for his service in the said affair, and also the sum of five pounds money to the said sachem for his service in said affair.

This Assembly being informed that there is in the hands of the Treasurer the sum of £573 1*l*s. 7½*d*. of good bills fit for further service bro't in by the last rate, as also that there is a considerable quantity of money in the hands of said Treasurer bro't in for the interest of the loan money:

Resolved by this Assembly, That the said Treasurer be and he is hereby authorized and impowered, to issue out and deliver the said sum of £573 1*l*s. 7½*d*. of the rate bills, and the sum of three thousand pounds out of the interest of the loan money, towards payment of the debts and necessary charges of this Colony, according to such order as shall be given him from time to time according to law.

It having heretofore appeared to this Assembly that there is great need of a ferry over the great river, somewhere between New London and Norwich: This Assembly thereupon appoint John Bulkley, Hezekiah Huntington, Esq^{rs}, and Capt. Simon Lothrop, a committee, (at the cost of those who shall desire them,) to repair to said river, view the same, and find out the most convenient place for a ferry, and make report thereof to this Assembly in October next.

Ordered by this Assembly, That Ozias Pitkin, Esq^r, and Capt. John Marsh, receive of the Treasurer that receipt, mentioned in the result of the audit, under the hand of John Sloss for the sum of two hundred pounds, and that they deface the same accordingly. And also the Treasurer is directed to sue out that bond of about eight pounds under the hand of John Trowbridge of New Haven.

[429] *Ordered by this Assembly,* That the Treasurer pay

to Hezekiah Huntington and Simon Lothrop, for waiting on the Commissioners out of the government, the sum of one pound eight shillings.

Ordered by this Assembly, That the Treasurer pay unto Robert Geer, for three days tendance at the Commissioners' court, one pound and one shilling.

The Additions to the Lists of Estate of the several Towns in this Government hereafter mentioned, sent in to this Assembly, are as follow, (viz:)

Single additions.

Fourfold assessments.

	<i>Single additions.</i>			<i>Fourfold assessments.</i>				
	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>	
To Glassenbury,	72	10	0	-	-			
To Middletown,	191	4	0	-	-			
To Windsor,	893	0	0	-	-			
To Hartford,	681	2	0	-	-	88	0	0
To Weathersfield,	702	8	6	-	-			
To Killingsworth,	167	19	3	-	-	156	0	0
To New Haven,	1373	2	3	-	-	519	0	0
To New London,	268	0	0	-	-			
To Fairfield,	326	0	6	-	-	774	10	0
To Guilford, <i>over cast,</i>	37	8	10	-	-	699	19	0
To Norwich,	666	6	0	-	-	1109	14	0
To Stonington,	2020	12	4	-	-	131	10	0
To Symsbury,	204	7	0	-	-			
To Stratford,	122	0	0	-	-			
To Coventry,	301	11	0	-	-			
To Lyme,	528	9	6	-	-	72	16	0
To Standford,	131	2	6	-	-	217	15	0
To Killingly,	685	0	0	-	-			
To Wallingford,	342	0	0	-	-	72	0	0
To Farmington,	235	16	0	-	-	74	4	0
To Saybrook,	123	9	0	-	-	360	15	0
To Hebron,	139	0	0	-	-			
To Colchester,	636	0	0	-	-	144	0	0
To Mansfield,				-	-	15	0	0
To Windham,	352	16	10	-	-	32	4	0
To Norwalk,	213	18	0	-	-	485	8	0
To Woodbury,	407	12	0	-	-			
To Groton,	385	7	6	-	-			
To Preston,	110	0	0	-	-			
To Pomfrett,	777	0	0	-	-			
To Lebanon,	831	15	0	-	-			
To Brandford,	413	3	9	-	-	94	0	0
To Ashford,	24	0	0	-	-			
To Plainfield,	92	14	6	-	-			

Upon the petition of Mary Dyx *vs.* Jonathan Nott, &c., on

file: The defendant pleaded in abatement of the petition, that the matter in question, about which the judgment called in question was conversant, did not exceed the sum of fifteen pounds: On consideration whereof, this Assembly are of the opinion, that the damages demanded not exceeding the sum aforesaid, thô title of land was pleaded in justification of the trespass, the petition ought not to be heard; and thereupon have considered that the petition be dismissed. *Cost allowed to the respondents is £2 10s. 9d.*

[430] On the petition of Joshua Huntington of Norwich *vs.* John Waterman, jun^r, of Norwich, on file: The question was put, whether anything prayed for therein should be granted, and resolved by this Assembly in the negative. *Cost allow'd respondent is 3l. 9s. 6d. Ex. granted June 1st, 1739.*

On the petition of John Stoyel, of Stoningtown, *vs.* John Gallop, &c., of Voluntown, and Timothy Pierce, Esq^r, of Plainfield, and the rest of the inhabitants of Plainfield, and John Fellows of Plainfield, and the rest of the proprietors of the common and undivided lands in the township of Plainfield, on file: The question was put, whether anything prayed for in the said petition should be granted, and resolved by this Assembly in the negative. *Cost allow'd Gallop &c. of Voluntown, is 7l. 1s. 6d. Cost allow'd the town of Plainfield is 1l. 10s. 10d. Executions granted October 20th, 1739.*

On the petition of Mathew Allyn, Esq^r, and Thomas Stoughton, of Windsor, proprietors of the common and undivided land in Windsor, and the rest of the proprietors of said common and undivided lands, *vs.* Ebenezer Hallibird of Windsor, on file: The question was put, whether the pleas offered in abatement of said petition are sufficient, and resolved by this Assembly in the affirmative. *Cost allowed to the respondent is £4 7s. 0d. Ex. granted July 10th, 1739.*

On the petition of Dorothy Cross *alias* Rice, of Mansfield, *vs.* Peter Cross of Mansfield, as on file: The question was put, whether anything prayed for in the said petition should be granted, and resolved by this Assembly in the negative.

On the memorial of Thomas Tiffany, &c., of Ashford, *vs.* William Chandler of Thompson parish, one of the proprietors of New Scituate, and the rest of the proprietors thereof, on file: The question was put, whether anything prayed for in said memorial should be granted, and resolved by this Assembly in the negative. *Cost allowed to the respondents is £7 18s. 4d. Ex. granted June 23d, 1739.*

On the memorial of David Smith of Hartford: This Assem-

bly do hereby free and release the said David Smith from paying any rates or publick taxes for his head for the future.

On consideration of the memorial of William Cowles of Hartford: This Assembly do hereby free and release him for the future from paying any rates or taxes for his head.

This Assembly, upon the prayer of Samuel Gilman of Hartford, do free and release him from paying any rates or publick taxes for his head for the future.

Cost allowed William Bushnell of Hartford, for attendance, &c., to answer the petition of Betty Toney of Hartford, withdrawn, is £0 17s. 6d.

Cost allowed to John Thompson of Stratford against David Judson of Stratford, for attendance &c. to answer his petition, withdrawn, is £3 6s. 0d. *Ex. granted October 25th, 1739.*

Whereas the business of this Assembly has drawn out their present sessions to such a length that all the members there- [431] of cannot, without || great inconvenience, stay to hear the records of the acts of this Assembly read off and compleated: This Assembly do therefore order and appoint Roger Wolcott, Nathaniel Stanly, Ozias Pitkin, William Pitkin, Esq^{rs}, Capt. John Marsh, Mr. Joseph Buckingham, Coll. David Goodrich, Capt. John Chester, Capt. Henry Allyn, Mr. Roger Newberry, Capt. Thomas Wells, and Mr. Jonathan Hale, a committee in the name and behalf of this Assembly, to attend his Honour the Governour to hear the records of the acts of this Assembly read off, and see them perfected and then signed by the Secretary as compleat.

The several Acts, Grants and Orders of this Assembly, as they stand entered on the pages of this book next preceding, were read off in the presence of his Honour the Governour and the committee abovenamed, (except Roger Wolcott, Esq^r, and Capt. Thomas Wells,) and are true and compleat.

Test. GEORGE WYLLYS Sect^y.

[432] *Anno Regni Regis Georgii secundi decimo-tertio.*

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUT, IN NEW ENGLAND IN AMERICA, ON THE SECOND THURSDAY OF OCTOBER, (BEING THE 11TH DAY OF SAID MONTH,) AND CON-

TINUED BY SEVERAL ADJOURNMENTS UNTIL THE 31ST DAY OF THE SAME MONTH, ANNOQUE DOMINI 1739.*

Present:

The Honourable Joseph Talcott, Esqr, Governour.†

The Hon^{ble} Jonathan Law, Esqr, Deputy Governour.

Samuel Eells,	}	John Burr,	}	Esq ^{rs} , <i>Assistants</i> .
Roger Wolcott,		Samuel Lynde,		
James Wadsworth,		William Pitkin,		
Nathaniel Stanly,		Roger Newton,		
Joseph Whiting,		Ebenezer Silliman,		
Timothy Pierce,				

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

Capt. John Marsh, Capt. Joseph Pitkin, for Hartford.
 Mr. Nath^l Saltonstall, Mr. Jeremiah Chapman, for New London.
 Capt. Jabez Huntington, Mr. Ebenezer Wales, for Windham.
 Capt. John Fowler, Mr. Robert Treat, for Milford.
 Mr. Ebenezer West, Mr. Jonathⁿ Trumble, for Lebanon.
 Capt. James Beebe, Mr. John Benedick, for Danbury.
 Capt. James Lockwood, Mr. Sam^l Clugstone, for Norwalk.
 Capt. Caleb Cone, for Haddam.
 Capt. Stephen Lee, Capt. Daniel Ely, for Lyme.
 Mr. Thomas Stephens, John Douglass, for Plainfield.
 Mr. John Bostwick, Capt. Theophilus Baldwin, for New Milford.
 Capt. Isaac Dickerman, Mr. John Hitchcock, for New Haven.
 Capt. Andrew Burr, Capt. Samuel Burr, for Fairfield.
 Mr. Hez^h Huntington, Mr. Samuel Backus, for Norwich.
 Capt. Edmund Lewiss, Capt. Theophilus Nickols, for Stratford.
 Capt. Samuel Hill, Capt. Timothy Stone, for Guilford.
 Capt. Thomas Knowles, Capt. Andrew Hinman, for Woodbury.
 Mr. Stephen Hopkins, Capt. W^m Judd, for Waterbury.
 Mr. Isaac Spencer, for East Haddam.
 Capt. Henry Allyn, Mr. Roger Newberry, for Windsor.
 Mr. John Dyer, Capt. Deliverance Brown, for Canterbury.
 Capt. John Bulkley, Capt. Nath^l Foot, for Colchester.
 [433] Mr. Boaz Sterns, Mr. Penuel Childs, for Killingly.
 Capt. John Riggs, Capt. Samuel Bassett, for Derby.
 Mr. Ebenezer Holbrook, Mr. Joseph Craft, for Pomfrett.
 Mr. John Humphrey, Mr. Joseph Wilcox, for Symsbury.
 Mr. Amos Cheesbrough, Mr. Simeon Minor, for Stoningtown.

*The Journal of the Lower House is not found.

†The Governour, being unwell, did not give his attendance until the afternoon of the 17th.

Mr. Benja^a Skinner, Mr. Joseph Phelps, for Hebron.
 Mr. Hez^h Park, Mr. Nathaniel Brown, for Preston.
 Capt. Henry Crane, Mr. Nathan Camp, for Durham.
 Capt. John Chester, for Weathersfield.
 Mr. Jabez Mead, Capt. Nath^l Peck, for Greenwich.
 Capt. Jonath. Hoit, Capt. Jonath. Maltby, for Standford.
 Capt. Theophilus Yale, Capt. Benjamin Hall, for Wallingford.
 Capt. Christopher Avery, Mr. Dudley Woodbridge, for Groton.
 Capt. Thomas Welles, Mr. Jonathan Hale, for Glassenbury.
 Mr. Josiah Conant, Mr. Experience Porter, for Mansfield.
 Mr. Philip Eastman, Mr. Robert Knowlton, for Ashford.
 Mr. Joseph Strong, Capt. Samuel Parker, for Coventry.
 Mr. John Lane, Capt. David Buel, for Killingsworth.
 Mr. Thomas Hart, Mr. John Hart, for Farmingtown.
 Mr. Jabez Hamlin, Capt. Thomas Johnson, for Middletown.
 Capt. John Russell, Mr. Jonth Russell, for Brandford.
 Capt. Sam^l Willard, Mr. Nath^l Clark, for Saybrook.

Mr. Jonathan Trumble, Speaker	} of the House of Rep-
Capt. John Russell, Clerk	

This Assembly do establish and confirm Mr. Samuel Boughton to be Captain of the second company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Stephens to be Lieutenant of the second company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mathew Boughton to be Ensign of the second company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Andrew Ward, jun^r, to be Captain of the second company or trainband in the town of Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Hubbard to be Lieutenant of the second company or trainband in the town of Guilford, and order that he be commissioned accordingly.

[434] This Assembly do establish and confirm Mr. Mathew Griswold to be Captain of the south company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Read to be Captain of the company or trainband at the parish of Read-

ing in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Burr to be Lieutenant of the company or trainband at the parish of Reading in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Lemuel Sandford to be Ensign of the company or trainband in the parish of Reading in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Seaberry to be Lieutenant of the Troop in the county of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Amos Spafford to be Quarter Master of the Troop in the county of Windham, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Isaac Shepard, jun^r, to be Ensign of the second company or trainband in the town of Plainfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Warren to be Lieutenant of the second company or trainband in the town of Plainfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Obadiah Johnson to be Lieutenant of the first company or trainband in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Frost to be Ensign of the first company or trainband in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Allyn to be Captain of the second company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ralph Stoddard to be Ensign of the second company or trainband in the town of Groton, and order that he be commissioned accordingly.

[435] This Assembly do establish and confirm Mr. Nathaniel Holcomb the 3d to be Captain of the 1st company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do appoint Mr. Joseph Wilcoxson 2d to be Ensign of the first company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Hutchins to be Ensign of the 4th company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Coit to be Captain of the 3d company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Raynolds, junr, to be Ensign of the first company or trainband at Horseneck parish in the town of Greenwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Theophilus Nickols to be Captain of the north company or trainband in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Wait Cornwell to be Lieutenant of the south company or trainband in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Johnson to be Ensign of the south company or trainband in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Gates to be Lieutenant of the company or trainband in the west society in Colchester, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Randal to be Lieutenant of the 3d company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Breed to be Ensign of the 3d company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Brown to be Captain of the fifth company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ichabod Palmer to be Lieutenant of the fifth company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mathew Randal to be Ensign of the 5th company or trainband in the town

of Stoningtoun, and order that he be commissioned accordingly.

[436] This Assembly grants a rate of one penny on the pound on all the polls and rateable estate within this government, to be paid into the publick treasury in bills of credit of this Colony with the usual advance of twelve pence on the pound; or in the true bills of credit of four signers of the Massachusetts Bay, or in true bills of credit of New York, without advance on them; or in silver money as it passeth in the country.

Upon the motion of Ben Uncas, Sachem of the Moheag Indians, his Honour the Governour, &c., did direct Capt. John Pickett of New London to deliver to said sachem and Indians some of the fire-arms that belong to this Colony then in said Pickett's care, taking James Harris's bond for their safe return: and forasmuch as the difficulties the said Indians were then under is at an end: It is therefore ordered by this Assembly, that John Richards, Esqr, of New London, do take effectual care that the said Harris do presently deliver all the said arms delivered as aforesaid unto Mr. John Pickett of said New London, that they may be lodged with the other arms that are now in said Mr. Pickett's care.

The General Assembly of the Colony of Connecticut in their sessions at Hartford in May last appointed Messrs. John Richards, Christopher Avery and Dudley Woodbridge, a committee to repair to the parish of New Concord in the town of Norwich, view the circumstances of the inhabitants thereof and, having heard their pleas, to consider and affix a place to build a meeting house for divine worship, and to make report of their doings in the premises to the General Assembly to be held at New Haven in October instant. And accordingly the said committee have reported that, agreeable to their said appointment and instructions, they have considered and determined that the most suitable place for the inhabitants of said society to build a meeting house upon is a knowl or rising piece of ground in the field of John Birchard, on which the said committee have set down a stake to be encompassed by the sills of said house when it shall be erected. This Assembly does approve of and accept said report, and thereupon enact that the said society proceed to erect a house for divine worship in the place above described, and make report of their progress therein from time to time, according to the direction of the law.

This Assembly do appoint Capt. Daniel Ely to be a Justice of the Peace in and for the county of New London till the first day of June next.

This Assembly do appoint Mr. John Whiting to be a Justice of the Peace in and for the county of New London till the first day of June next.

Whereas the Honourable the General Assembly, at their sessions in May last, appointed Messrs. Benjamin Hall, Joseph Thompson and William Preston, a committee to repair unto [437] the parish of Westberry, to notify the inhabitants || thereof, hear their pleas and allegations, view and consider their circumstances, and appoint and ascertain the place in said society where to build a meeting house for divine worship, and report their doings to this Assembly: Said committee having repaired to said parish, &c., accordingly do report, that they have set up a stake with stones laid unto it in the southwest corner of Eliezer Scott's barn lot, near to the road or intended highway that runs north and south, where, they are of opinion, is the most convenient place to build a meeting house in said society: Whereupon this Assembly do approve of and confirm said report, and do establish the place above described in said southwest corner of said Scott's land where said committee set up a stake, to be the place where said society shall build their meeting house for the worship of God.

This Assembly do appoint Mr. Benjamin Hand to be a Justice of the Peace in and for the county of New Haven until the first day of June next.

This Assembly do order the Treasurer of this Colony to pay out of the publick treasury unto Peter Bours, Esq^r, of Rhoad Island, the sum of twenty-five pounds in bills of credit, to answer his trouble and charges in preparing and sending the report and judgment of the Commissioners with a letter to the King's Majesty.

It having heretofore appeared to this Assembly that there is great need of a ferry over the great river, somewhere between New London and Norwich: This Assembly thereupon appoint Hez^b Huntington, Esq^r, Capt. Simon Lothrop and Mr. Samuel Backus, a committee, (at the cost of those that shall desire them,) to repair to said river, view the same, and find out the most convenient place for a ferry, and make report thereof to this Assembly in May next.

The Gentlemen nominated by the Votes of the Freemen of this Colony to stand for Election in
May next are as follow, (viz:)

The Hon^{ble} Joseph Talcott, Esq^r.

The Hon^{ble} Jonthⁿ Law, Esq^r.

Samuel Eells, Esq^r.

James Wadsworth, Esq^r.

Roger Wolcott, Esq^r.

Nath^l Stanly, Esq^r.

Joseph Whiting, Esqr.	Ebenezer Silliman, Esqr.
Ozias Pitkin, Esqr.	Thomas Fitch, Esqr.
Timothy Pierce, Esqr.	Mr. Jonathan Trumble.
John Burr, Esqr.	Mr. Hezekiah Huntington.
Samuel Lynde, Esqr.	Capt. John Bulkley.
William Pitkin, Esqr.	Capt. Samuel Hill.
Roger Newton, Esqr.	Mr. Ebenezer West.

This Assembly do order and direct the Treasurer of this Colony, Capt. John Whiting, to attend the Assembly on Thursday the 25th day of October instant, and bring with him a sufficiency of the bills of credit in his hands to defray the charge of this Assembly.

[438] This Assembly do appoint Capt. David Whitney of the town of Canaan to be a Justice of the Peace for the county of Hartford until the first day of June next.

This Assembly do order and appoint Capt John Whiting, Treasurer, Mr. John Austin and Capt. Joseph Pitkin, to audit and settle an account of what bills of credit have been emitted by this Assembly from time to time to defray the incident charges, and what has been emitted in loan, and what has been drawn into the treasury again, and lay the accounts before this Assembly in May next, in order to inform the government what sum in the bills of publick credit on this Colony is now outstanding.

This Assembly do appoint Mr. Samuel Lewiss of the town of Kent to be a Justice of the Peace for the county of Hartford until the first day of June next.

This Assembly do appoint Mr. Nathaniel Skinner of Sharon to be a Justice of the Peace for the county of New Haven till the first day of June next.

This Assembly do establish and confirm Mr. Barnabas Baldwin to be Ensign of the sixth company or trainband in the town of New Haven, and order that he be commissioned accordingly.

Resolved by this Assembly, That the west parish in the township of Colchester be, for the future, called and known by the name of the Parish of West-Chester.

This Assembly being now informed that there is in the hands of sundry persons some of the bills of credit emitted by this government and broken bills which have been by acts of this Assembly ordered to be bro't in and exchanged by the Treasurer: And for a further relief to such persons,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Colony Treasurer shall exchange all such bills that

shall be brought to him for that end, any time before the first day of December next, and no longer.

Upon the petition of James Gordon of Boston, praying for the liberty of another tryal in a case of book-debt, tryed at the superiour court held at New London in September last between the said Gordon and Robert Mackee, of said New London, &c. : Resolved by this Assembly, that the said James Gordon have the liberty of another tryal in said case at the superiour court to be held at Norwich in March next, with the liberty to alter his reply to the plea of said Mackee, and that all the cost follow the final judgment in said cause.

Upon the petition of Benjamin Stoughton, of Windsor, *vs.* John Moore, junr, of said Windsor, complaining of a judgment of the superiour court held in Hartford in September last, given in favour of said Moore against him, and praying a reversal of the same and a rehearing of said case, for the reasons in said petition assigned: Resolved by this Assembly, that the said judgment be reversed and set aside, and [439] the same is hereby reversed and set aside, with all || the doings dependent thereon, and that the petitioner have liberty of another tryal of said case at the superiour court to be held in Hartford on the first Tuesday of March next, and that the whole cost follow the final judgment in said case.

Upon the memorial of the inhabitants living in the northerly part of the town of Waterbury, by their agents John Sutlief and Moses Blakeley, praying this Assembly for a committee to come and view their circumstances and to state a line between said inhabitants and the first society in said Waterbury: Resolved by this Assembly, that Capt. Thomas Miles, Mr. Stephen Hotchkiss and Capt. Joseph Thompson, all of Wallingford, be a committee to repair to said Waterbury and view the circumstances of the said inhabitants, and to hear all parties concerned fully on the premises, as well the first society of said Waterbury as the said inhabitants living in the northerly part of said town, and to fix and state a line between said inhabitants and said first society, and make report of their doings to this Assembly in their present session or in May next.

Upon the memorial of the inhabitants of the east part of the north purchase in Woodbury, praying to be one ecclesiastical society with such privileges as other societies have in this government: This Assembly grants to the inhabitants of the east part of the north purchase in said Woodbury, to extend west the one half the length of said north purchase, and north-east and south by the extent of the bounds of said pur-

chase, to be, and it is hereby ordered that they shall be, one entire distinct society, known and called by the name of Bethlehem, with all powers and privileges that are granted to other ecclesiastical societies in this government.

Upon the memorial of Jacob Strong, jun^r, Ebenezer Lyman and Daniel Stoughton, and others, inhabitants and proprietors of the town of Torrington, praying that their lands may be taxed for the settlement and support of a gospel minister, as per memorial on file appears: Resolved by this Assembly, that a tax of two pence per acre be laid upon all the lands within said town already laid out, as also on all the lands which may or hereafter shall be laid out within the second division in said town; and that the said Jacob Strong be, and he hereby is, appointed a collector to collect the same, and shall have equal power with other collectors of rates in this Colony; and the said rate, so to be raised and collected by the said collector, shall be by him paid into the hands of Capt. Henry Allyn of Windsor, and by him be improved for and towards the settlement and support of an orthodox gospel minister within and for said town, and to no other use or purpose whatsoever.

Upon the memorial of the proprietors of the township of Kent: Resolved and enacted by this Assembly, that the proprietors inhabitants of the said township of Kent be erected, [440] constituted, made and imbodyed, and they, with other inhabitants thereof, are hereby erected, constituted, made and imbodyed into a town, by the name of the town of Kent; and that they, and such others as become inhabitants thereof, and their successors, shall have, exercise and enjoy, the authorities, powers and privileges, and be under the regulations as other towns in this Colony have, exercise, enjoy and are under, by the laws of this government; and that the brand for said town be this figure, \mathfrak{N} ; and that their first town meeting be in December next, upon the warning of Samuel Lewiss of said town; and also that a tax of four pence per acre, for four years next coming, on all the divided land and such as shall be divided in said term in said town, to be reckoned by the acre without computing the addition or diminution made by sizing, be granted, and the same is hereby granted, to be levyed and collected of the several proprietors of such lands, annually, for the support of a minister in said town; and that the selectmen of the said town, for the time being, be a committee with full power to collect and improve the same for the purpose aforesaid.

Upon the memorial of the proprietors of the township of Canaan: Resolved and enacted by this Assembly, that the

proprietors inhabitants of said township of Canaan be erected, constituted, made and imbodyed, and they, with other inhabitants thereof, are hereby erected, constituted, made and imbodyed into a town, by the name of the town of Canaan ; and that they and such as become inhabitants thereof, and their successors, shall have, exercise and enjoy, the authorities, powers and privileges, and be under the regulations as other towns in this Colony have, exercise, enjoy and are under, by the laws of this government ; and that the brand for said town shall be this figure, ☉ ; and that the first town-meeting in said town be in December next, to be warned by David Whitney of said place. And also liberty is hereby granted to the inhabitants of said town to imbody in church estate, call and settle a minister, according to the laws of this government.

Upon the memorial of the proprietors of the township of Goshen : Resolved and enacted by this Assembly, that the proprietors inhabitants of the said township of Goshen be erected, constituted, made and imbodyed, and they, with other inhabitants thereof, are hereby erected, constituted and made and embodied into a town, by the name of the town of Goshen ; and that they, and such others as become inhabitants thereof, and their successors, shall have, exercise and enjoy, the authorities, powers and privileges, and be under the regulations as other towns in this Colony have. exercise, enjoy and are under, by the laws of this government ; and that the brand [441] for said town shall be this figure, _K ; and that the first || town-meeting in said place be in December next, upon the warning of Benajah Williams of said town ; and also, that a tax of forty shillings for each right or share of land in said town for four years be granted, and the same is hereby granted, to be levyed and collected of each proprietor of such right, for the support of a minister in said town ; and that the selectmen, for the time being, are appointed a committee and fully authorized to collect and improve the same for the purpose aforesaid.

Upon the memorial of Thomas Hiecox and Mirriam his wife, of the town of Waterbury, shewing to this Assembly that Samuel Richards of said Waterbury, deceas'd, died intestate and left one only child, a daughter about six days old, and the court of probate in the district of Woodbury, held October, 1737, allowed, for the bringing said child up till it should be four years old, the sum of thirty-five pounds, and, there not being sufficient personal estate, ordered that some of the lands of said minor child should be sold to pay the same, and appointed said Hiecox and his said wife, the

mother of said child, guardians to said minor; and further shewing to this Assembly that they, the memorialists, have bro't up said child until it is arrived to the age of four years, and there is no more personal estate of the deceas'd left towards paying said £35 0s. 0d. than £3 14s. 10d., and that there is due to said guardians from said estate of the deceas'd, towards paying said £35 0s. 0d., £31 10s. 2d., and no personal estate remaining to pay the same; praying that this Assembly would appoint some meet person to sell so much of the lands of the deceas'd Samuel Richards as shall be sufficient, and make payment of said £31 10s. 2d. to said Hickcox and Mirriam his wife: Whereupon this Assembly, as prayed for, do appoint and fully impower and authorize Mr. Stephen Hopkins of said Waterbury, to sell so much of the lands belonging to the estate of the said Samuel Richards, deceas'd, as shall be sufficient to pay said £31 10s. 2d. unto the memorialists and the charge of the sale thereof.

This Assembly do establish and confirm Mr. Caleb Spencer to be Ensign of the third company or trainband in the town of Saybrook, and order that he be commissioned accordingly.

An Act in Addition to one Law of this Colony entitled An Act for the better Preservation and Increase of Deer in this Colony.

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 time prohibiting the killing of deer shall be from the first day of January to the first day of August, annually, upon the same penalty as is by law already provided; any law, usage or custom to the contrary notwithstanding.

Upon the memorial of Joseph Fowler, agent of the first society in Lebanon, shewing to this Assembly that the said society, at the time of the building their new meeting house, did vote that they were willing a society should be set off in their northerly and north-westerly parts at any time when the Assembly should think fit, and that if such society should be [444*] set off within a certain number of || years therein mentioned, that those persons that should be left to the first society should pay back to such new society the money that should be paid by those persons that should be set off towards building said meeting house, and that they would lay the same before the Assembly for their confirmation, &c., and that the same had been accordingly confirmed; also shewing that the said society did, in their meeting holden on the 24th of April last past, vote and grant a rate of three pence on the pound on

their list given in last August, for the purchase of a bell for the said meeting house, and did vote that if a society should be set off, as aforesaid, by the time set in the former vote referred to, that the money that should be paid towards the purchase of a bell by those persons that should be set off, as aforesaid, shall be paid back to such new society by those left to the first society : and praying this Assembly to enact so as to oblige the same to be paid accordingly : Whereupon it is resolved by this Assembly, that if there be a society set off from said first society, by the time and in the manner and form set and mentioned in their former vote and agreement above referred to, those left to the first society by such setting off shall, within one year from such setting off, pay back to such new society all the money that shall be paid towards the purchase of a bell as aforesaid by those persons that now live on the land within said first society that shall then be set off for such new society, and that if the money be not paid accordingly, the same shall be then distrained and paid by some proper means as the Assembly shall direct.

Upon the memorial of William White of Salisbury, representing to this Assembly that, according to their act in May, 1738, he and Lawrence Knickerbaker, John Dikeman and Abram Vandusia, had a right in the township of Salisbury granted to them in case they, and each of them, should quit their claim to all right in said township which they had by virtue of any purchase made of the Indians, before the first day of August next after the said May, and not otherwise ; and that he had not made his deed by the said first of August, for reasons in his said memorial mentioned, but had and made his authentick deed of quit-claim to the Governour and Company of his said Indian right, dated the 9th day of instant October, and offers the same to this Assembly, praying this Assembly to accept of his said deed as thô made and delivered as by said act provided, and that the forfeiture of his part of said right might not be taken at his hands : This Assembly do accept of the said William White's deed of quit-claim, aforesaid, to all intents and purposes, as thô made and delivered before the said first day of August, 1738, and that he shall have and hold his part of the right granted as aforesaid by this Assembly in the said township of Salisbury as aforesaid, his failure notwithstanding.

Upon the memorial of the inhabitants of the southermost town on the west side the Ousatunuck river, shewing to this Assembly the number of settlers now in said town and the circumstances they are under, and praying for the countenance [445] and favour of this Assembly, first in allowing || them

to be formed as a town, and to have the privileges of other towns in the Colony, as also to call and settle some orthodox minister in the work of the ministry among them: Resolved by this Assembly, that the inhabitants of said town, qualified as the law directs, shall have and enjoy all such rights and privileges, and have such powers, as are usually granted to other towns in this Colony, and that the said inhabitants shall have liberty to call and settle some orthodox minister of the gospel in the work of the ministry in that place, taking the advice of the ministers of the neighbouring churches; and that said town hereafter be called by the name of Sharon.

And Capt. Jonathⁿ Dunham, of said town, is hereby appointed and impowered to warn the inhabitants of said town to meet in said town on the second Tuesday of December next, to choose town officers in said town for the year ensuing.

Upon the memorial of the selectmen of the town of Fairfield, in behalf of said town, shewing to this Assembly that they have, at the charge of said town, expended the sum of £68 1s. 9d. in providing necessaries for Joseph Bennet of said town, son of Joseph Bennet, deceas'd, in his needy circumstances occasioned by distraction, and praying to this Assembly for liberty to sell so much of the lands belonging to said Bennet as may be sufficient to amount to said sum, and also ten pounds more, to provide for his present necessity: This Court do appoint and fully impower and authorize Sam^l Burr of Fairfield, with the advice of the selectmen of said town, to make sale of so much of the lands belonging to said Bennet as may be sufficient to amount to the sum of £78 1s. 9d. together with the charge that shall arise in selling the same. £68 1s. 9d. whereof to defray said charge of that town, and ten pounds to be improved in providing necessaries for the support and comfort of said Bennet.

Upon the memorial of Obedience Fairchild of Stratford, representing to this Assembly that she had been at great cost and expences in bringing up her daughter Phebe, daughter also of her late husband Nathan Fairchild, and endeavouring a cure of a disease called the king's evil, which she, the said Phebe, labours under; praying that this Assembly would grant liberty and authority to sell some of the lands belonging to the said Phebe, to defray said charges: This Assembly do appoint Edmund Lewiss, Esq^r, and Capt. Theophilus Nickols, to adjust the account of past charges and expences the said Obedience hath been at upon the account of the disease and infirmities of the said Phebe, and do hereby impower the said

Edmund Lewiss and Theophilus Nickols to make sale of lands belonging to said Phebe, sufficient to answer said charges.

Upon the memorial of John Hide, jun^r, and Sarah Fanton, administrators on the estate of Jonathan Fanton, late of Fairfield, deceas'd, shewing to this Assembly that the debts due from the estate of said deceas'd surmount the credit and moveable estate the sum of £290 3s. 6d.; and praying to this Assembly that so much of the deceas'd Jonathan Fanton's real estate may be sold as may be sufficient to pay and satisfy the same with the necessary charges arising thereon: Resolved by this Assembly, that so much of the said deceas'd's real estate shall be sold as shall be sufficient to pay the said sum of £290 3s. 6d. with the necessary charges arising thereon; and that Capt. Andrew Burr of Fairfield be impowred, and is hereby impowred and authorized, to sell and pass deeds of conveyance for the same, with the direction of the court of probate in the district of Fairfield.

[416] Upon the memorial of Samuel Darling of New Haven, shewing to this Assembly that he, sometime in the winter last past, exhibited a complaint and information against John Bellamy of Wallingford, for uttering counterfeit five shilling bills of the Province of New York, upon which said Bellamy was examined and bound over to the superiour court to be holden in New Haven in August next after, in a recognizance of £300 payable to the Treasurer of this Colony; and that said Bellamy hath forfeited said recognizance, and by means whereof £300 money is become due to the government; and praying as a recompence therefor, according to the law of this government in page 170, he may receive out of the publick treasury of this government twenty pounds: This Assembly grants to said Darling the sum of twenty pounds as prayed for, and order that the Treasurer of this Colony pay unto said Darling the sum of twenty pounds out of the publick treasury of this Colony.

Whereas, upon the memorial of the northern inhabitants of the town of Waterbury in New Haven county, representing to this Assembly their great distance from the publick worship in said Waterbury, and praying to become a distinct parish and for a committee to fix and ascertain their parochial bounds, the said Assembly did appoint Messrs. Thomas Miles, Stephen Hotchkiss and Joseph Thompson, all of Wallingford, to be a committee to view the circumstances of said memorialists, ascertain their parochial bounds, &c., and to make their report in the premises to this Assembly in their present sessions: And whereas the said committee hath now reported to this

Assembly that they, having viewed and duly inquired into the circumstances of the said inhabitants, do find them able and sufficient to bear parish charges and become a distinct parish or society, within the following limits, (*viz.*) Beginning at the northwest corner of the first society in said Waterbury and the northeasterly corner of Westberry society, at two white oak trees known by the name of Two Brothers; then running southeasterly by the west branch until it comes into the river, then by the river until it comes where Spruce brook emptyeth itself into the river, a little below Upson's Island; then from the mouth of said brook a straight line to the falls of Hancox's brook, and from thence a straight line to the south side of Mr. Noyes's farm lying partly on a hill known by the name of Grassy Hill; and from thence a due east line to Farmingtown line, then north by said Farmingtown line to Harwinton bounds, then by Harwinton bounds and Litchfield bounds to the bounds first mentioned; bounding south on said Waterbury first society; east, on Farmingtown bounds; north, part on Harwinton and part on Litchfield bounds, and west, on said Westberry society; as by their report on file, dated October 25th, 1739: Resolved by this Assembly, that the said memorialists, within the limits above specified and described, be and become a separate and distinct society or parish, and that they shall have and be invested with all the powers and privileges wherewith other parishes within this Colony are endowed, and shall be known and called by the name of the Parish of Northbury.*

Upon the report of Samuel Lynde, Esqr, Messrs. John Griswold and Christopher Avery, shewing to this Assembly that the most convenient place for the inhabitants of the first society in New London to build their meeting house for divine worship upon is near the southeast corner of the green where the meeting house now stands, where is a stake set up, which is to be enclosed within the ground-sills within two feet of the southeast corner of said house: Resolved by this Assembly, that the said meeting house shall be built and erected on the place aforesaid; and the inhabitants are hereby ordered to proceed thereupon accordingly.

[447] Upon the memorial of the parish of Midle-Haddam, shewing to this Assembly that two-third parts of the legal voters in said parish did, in their parish meeting legally convened, vote to build a meeting house in said parish for divine service, and to apply to this Assembly to appoint a committee to affix and ascertain the place whereon to build the same:

* Now Plymouth.

Resolved by this Assembly, that Capt. John Chester of Weathersfield, Capt. Thomas Wells and Mr. Jonathan Hale, both of Glassenbury, be a committee with full power to repair to said society, at the cost of said society, notify all parties concerned and hear them thereon, affix and ascertain the place whereon to build a meeting house for said parish, and make return to the next General Assembly.

Upon the memorial of Jabez Chapman of East Haddam, praying this Assembly that a certain island, commonly called by the name of Twenty Mile Island, lying between the towns of Haddam and East Haddam, may be annexed to the town of East Haddam: Resolved by this Assembly, that the said island be annexed, and the same is hereby annexed, to the said town of East Haddam accordingly.

On the memorial of several of the inhabitants in the towns lately sold in the western part of this Colony, shewing the necessity of some proper measures being taken for the viewing of arms, &c., of the inhabitants in the respective towns who are by law obliged to keep arms, and dwelling in said towns:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the majors of the respective counties in this Colony take speedy care to appoint some suitable person in each town within their precincts to call forth and view the arms and ammunition of those that by law are obliged to keep arms in the respective towns, which persons are to make due return to the respective majors of all defects or want of arms and ammunition, as fully as commission officers are obliged by law to do; and the inhabitants of the said towns are to yield obedience thereto as if called forth by the proper officers appointed by law.

On the memorial of Elihu Hall, administrator on the estate of Caleb Atwater, late of Wallingford, deceas'd, shewing that the personal estate of the deceas'd is insufficient to answer debts and charges thereon; praying that liberty may be granted for the sale of some of the deceas'd's lands: Resolved by this Assembly, that the memorialist and Mr. Joshua Atwater shall [be], and hereby are, authorized to make sale of the deceas'd's real estate to the amount of £129 7s. 9d., which is the sum the deceas'd's moveable estate falls short of answering his debts, with the necessary charge of such selling; to be done under the direction of the court of probate in the county of New Haven.

Upon the report of Capt. William Wadsworth, Mr. John

Humphrey and Mr. James Cornish, jun^r, a committee appointed by this Assembly in May last to fix and ascertain a place for the inhabitants of New Hartford to build a meeting house for the publick worship of God in said town: This Assembly do accept of the report of said committee, and order that the said inhabitants proceed to erect a meeting house for divine worship in the place fixed by said committee.

[448] Upon the petition of Nathaniel Williams of Killingsworth *vs.* Charles Hazelton of said Killingsworth, praying for a reversal of a judgment of the superiour court held in New London on the fourth Tuesday of September last, recovered by said Hazelton against said Williams, &c.: Resolved by this Assembly, that the said petition be continued, and the same is hereby continued, to the sessions of this Assembly in May next, and that execution on said judgment be stayed and suspended till the rising of said Assembly.

Upon the report of Messrs. John Chester, Joseph Talcott, jun^r, and Nathaniel Hooker, a committee appointed by this Assembly at their sessions in May last to repair to the first society in Symsbury and view the circumstances of said society, and to affix the place where said society shall build their meeting house, and make report to this Assembly: Ordered by this Assembly, that the said first society in Symsbury shall build their meeting house at the place where said committee pitched a stake, at a place called Drake's Hill, on the west side of the highway that runs through said society on the west side of the river; and said society are ordered to build their meeting house at the place aforesaid. The sills of the house to include the stake pitched by said committee as aforesaid.

Upon the report of Messrs. John Chester, Joseph Talcott, jun^r, and Nathaniel Hooker, a committee appointed by this Assembly at their sessions in May last to repair to the north-west society in Symsbury, and to view and consider the circumstances of said society, and to affix and ascertain the place where said society shall build their meeting house, and to make report of their doings, &c.: Resolved by this Assembly, that the said society shall build their meeting house at the place where said committee pitched a stake, at the north end of a broad street in said society, where two roads meet, one from the northerly, and the other from the westward, on the south-east corner of a hill; and the said society are ordered to build their meeting house at the place aforesaid. The sills of the house to include the stake pitched as aforesaid.

Upon the memorial of John Thompson, in behalf of the

town of Hebron and the northerly inhabitants thereof, praying to this Assembly that the power given by this Assembly in their sessions in May last to Roger Wolcott, William Pitkin and Thomas Welles, Esq^{rs}, to repair to said Hebron and view, hear and consider their circumstances, and divide them into two societies if they think it proper, might be lengthened out: Resolved by this Assembly, that Roger Wolcott, William Pitkin and Thomas Welles, Esq^{rs}, be further impowered to repair to Hebron and review, reconsider, and draw a line anew for the dividing said town into two ecclesiastical societies, if they think it may be proper, and make report of their doings in the premises to this Assembly in May next.

Resolved by this Assembly, That, for the defence of the port at New London and the security of the sea coasts, Messrs. Thomas Prentice, John Ledyard and Christopher Avery 2d, be a committee to provide for and bring to the battery at said New London, for the use of this government, ten good cannon, suitable for said battery, mount them well on carriages; also provide eight carriage and eight swivel guns, suitable to furnish a sloop of about seventy tuns, and bring said guns to said battery; also provide 500 lb. of good gunpowder and twenty balls to each cannon and carriage gun, and shot suitable to the swivel guns in like proportion;—house said powder, ball, [449] &c., || near to said battery, there to be kept under the charge and care of said Prentice, to be used only for the defence of our coasts and said port, as this Assembly shall order from time to time; and that said committee shall repair the breaches in said battery, and secure it against the force of the seas breaking thereupon. And said committee are impowered to receive out of the publick treasury of this Colony for repairing said battery and securing the same, and for providing the said cannon and guns, &c., with the stores as aforesaid, a sum not exceeding £1100 0s. 0d.; and that said committee shall lay the accounts of their proceedings in the premises before this Assembly at their sessions in May next.

The Sums total of the Lists of Estate of the several Towns in this Colony following, sent in to this Assembly and accepted, (viz:)

	£	s.	d.		£	s.	d.
New Haven,	41697	6	3	Hartford,	30029	15	6
Fairfield,	37793	7	9	New London,			
Windham,	17775	5	0	Wallingford,	31553	19	9
Haddam,	8317	0	6	Stonington,	25547	11	6
Preston,	15930	0	6	Hebron,	9774	17	0
Norwalk,	24577	2	5	Standford,	22110	6	2
Greenwich,	15960	4	6	Killingly,	14957	0	0

Canterbury,	10577	12	0	Danbury,	10978	11	3
Guilford,	26990	4	3	East Haddam,	13127	11	0
Norwich,	41133	6	10	Plainfield,	9190	17	6
Midletown,	30321	0	0	Woodbury,	14066	12	9
Coventry,	10042	5	6	Farmington,	25426	4	6
Groton,	16817	0	3	Killingsworth,	10678	12	0
Glassenbury,	8654	11	6	Ashford,	6981	15	0
Windsor,	27641	0	0	Lyme,	19532	3	0
Waterbury,	8830	11	6	Weathersfield,	22857	7	3
Colchester,	15395	9	9	New Milford,	7107	14	7
Mansfield,	9173	17	0	Durham,	8987	19	0
Pomfrett,	11898	0	0	Symsbury,	12874	5	9
Lebanon,	27591	0	0	Say-Brook,	16987	4	3
Brandford,	17791	16	1	Derby,	8071	13	7
Milford,	24959	11	10	Stratford,	31273	15	10

An Act in Addition to the several Acts made and passed by this Assembly for the Regulation of Licenced Houses.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the constables and grand-jurors in the respective towns shall warn all tavern-keepers in their respective towns that they observe all the laws made to regulate licenced houses, and that they do not entertain any inhabitants of the town where they dwell, contrary to law. But if the said officers shall find such tavern-keeper doth not observe the laws aforesaid, then they shall make presentment thereof to the next county court in the county, at their first sitting; and such court shall summon the person so presented, forthwith to appear before them; and if upon tryal such person or persons be found guilty, the court shall enter up judgment for the forfeiture of the bond given by such person for his due observance of the laws, &c., and for cost of tryal; and such person shall enter into a bond of fifty pounds, to be forthwith acknowledged before said court in due form, for their keeping and observing the laws, &c.; which bond shall in like manner be prosecuted [450] in case of || a forfeiture.

And further it is provided, That whensoever any complaint is made by such constable or grand-jurymen, and therein it be inserted that the person so complained of had been by him warned as aforesaid, such complaint shall be sufficient evidence for the proof that warning had been given as aforesaid.

And further it is ordered, That said constables and grand-jurors, respectively, who shall make complaint as aforesaid, shall by said court be ordered to appear at said tryal, and be allowed to give evidence for the proof of those disorders complained of.

And further it is resolved, That the court before whom the tryal is shall allow the constable or grand-juror, who shall present as aforesaid, a meet recompence for their trouble and charge.

An Act Appointing the Days for the Freemen in the Counties of Hartford, New London and Windham, to meet for the Electing publick Officers in the Month of April, annually.

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 time for the freemen in the county of Hartford to meet in the spring for the electing publick officers shall be the first Tuesday in April; and in the counties of New London and Windham, shall be the second Tuesday of April, annually; any law, usage or custom to the contrary notwithstanding.

An Act for the better regulating the Militia of this Colony, and putting it in a more ready Posture for the Defence 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 Governour of this Colony, for the time being, shall be Captain General, and the Deputy Governour, for the time being, shall be Lieutenant General, over all the military forces within this Colony.

And be it further enacted by the authority aforesaid, That all the military companies in this Colony shall be formed into regiments, as followeth, (*viz:*) The companies in the towns of Hartford, Windsor, Symsbury, Bolton, Tolland, Harwinton, Torrington, New Hartford, Barkhempstead, Hartland, Colebrook, Winchester, and the first society in Farmington, be, and hereby are made and constituted one entire and distinct regiment, and shall be distinguished by the name of the First Regiment. The military companies in the towns of New Haven, Milford, Brandford and Derby, shall be, and hereby are, made an entire regiment, and shall be distinguished by the name of the Second Regiment. The military companies in the towns of New London, Norwich and Lyme, shall be, and hereby are, made one entire regiment, and shall be distinguished by the name of the Third Regiment. The military companies in the towns of Fairfield, Stratford, Danbury and Newtown, shall be one entire regiment, distinguished by the name of the Fourth Regiment. The military companies in the towns of Windham, Mansfield, Coventry, Ashford, Wil-

* A number of attempts to re-organize the militia had been made between 1722 and this time, which were generally defeated in the Upper House. In October, 1735, a scheme for dividing the militia into 13 regiments, made by a joint committee, was negatived by both Houses.

lington, Stafford and Union, shall be one entire regiment, distinguished by the name of the Fifth Regiment. The military companies in the towns of Weathersfield, Middletown and Glassenbury, and in the parish of Kensington, shall be a distinct regiment, distinguished by the name of the Sixth Regiment. The military companies in the towns of Saybrook, Guilford, Killingsworth and Haddam, shall be a distinct regiment, and shall be called the Seventh Regiment. || The military companies in the towns of Stonington, Preston and Groton, shall be one entire regiment, and shall be called the Eighth Regiment. The military companies in the towns of Norwalk, Stamford, Greenwich and Ridgefield, shall be one entire regiment, and shall be distinguished by the name of the Ninth Regiment. The military companies in the towns of Wallingford, Waterbury and Durham, and the parish of Southington, shall be an entire regiment, and shall be called the Tenth Regiment. The military companies in the towns of Plainfield, Canterbury, Pomfret, Killingsly and Voluntown, shall be one entire regiment, and shall be called the Eleventh Regiment. The military companies in the towns of Lebanon, Colchester, Hebron and East Haddam, shall be one entire regiment, and shall be called the Twelfth Regiment. The military companies in the towns of Woodbury, New Milford, Litchfield, Kent, Cornwell, Goshen, Canaan, Norfolk, Salisbury, Sharon and New Fairfield, shall be one entire regiment, and shall be distinguished by the name of the Thirteenth Regiment.

And be it further enacted by the authority aforesaid, That where, by the division aforesaid, it hath, or, by any division that hereafter may be made, it shall so happen, that any of the said companies of foot-souldiers have or shall be divided and left part in one regiment and part in another, in such case the minor part of such company so divided shall be added to that regiment to which the major part of said company doth belong.

Be it also further enacted by the authority aforesaid, That there shall be in each of said regiments appointed by the General Assembly, a Colonel, Lieutenant Colonel, and Major, who shall be commissioned by the Governour for the time being; which colonel or chief officer of each regiment shall be invested with the same power and authority in his regiment, and shall be obliged to the same duties, and liable to the same penalties, as by the laws of this Colony the majors in the several counties have heretofore been in their respective counties. And said chief officers are impowered and di-

rected to dignify the companies belonging to their respective regiments.

And be it further enacted by the authority aforesaid, That each regiment, where there is no troop of horse already formed, shall have liberty, with the advice and direction of the chief officers of said regiment, to form a Troop, consisting of a suitable number not exceeding sixty-four men including officers, and that the chief officers shall lead, or cause such troop to be led, to the choice of officers necessary for said troop, and make return thereof to the General Assembly.

This Assembly do appoint Roger Wolcott, Esqr, to be Colonel of the First Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Nathaniel Stanly, Esqr, to be Lieutenant Colonel of the First Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint William Pitkin, Esqr, to be Major of the First Regiment of souldiers in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Samuel Eells, Esqr, to be Colonel of the Second Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Joseph Whiting, Esqr, to be Lieutenant Colonel of the Second Regiment in this Colony, and order that he be commissioned accordingly.

[452] This Assembly do appoint Roger Newton, Esqr, to be Major of the Second Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Gurdon Saltonstall, Esqr, to be Colonel of the Third Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Hezekiah Huntington, Esqr, to be Lieutenant Colonel of the Third Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Daniel Ely, Esqr, to be Major of the Third Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint John Burr, Esqr, to be Colonel of the Fourth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Edmund Lewiss, Esqr, to be Lieutenant Colonel of the Fourth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Andrew Burr, Esqr, to be Major

of the Fourth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Jabez Huntington, Esqr, to be Colonel of the Fifth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Shubael Conant, Esqr, to be Lieutenant Colonel of the Fifth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Thomas Dyer, Esqr, to be Major of the Fifth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Thomas Wells, Esqr, to be Colonel of the Sixth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint John Chester, Esqr, to be Lieutenant Colonel of the Sixth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Jabez Hamlin, Esqr, to be Major of the Sixth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Samuel Lynde, Esqr, to be Colonel of the Seventh Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Samuel Hill, Esqr, to be Lieutenant Colonel of the Seventh Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint David Buel, Esqr, to be Major of the Seventh Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Ebenezer Avery, Esqr, to be Colonel of the Eighth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Christopher Avery, 2d, Esqr, to be Lieutenant Colonel of the Eighth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint John Williams, Esqr, to be Major of the Eighth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Jonathan Hoit, Esqr, to be Colonel of the Ninth Regiment in this Colony, and order that he be commissioned accordingly.

[453] This Assembly do appoint Thomas Fitch, Esqr, to be Lieutenant Colonel of the Ninth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint James Lockwood, Esqr, to be Major of the Ninth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint James Wadsworth, Esqr, to be Colonel of the Tenth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Benjamin Hall, Esqr, to be Lieutenant Colonel of the Tenth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Thomas Miles, Esqr, to be Major of the Tenth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Timothy Pierce, Esqr, to be Colonel of the Eleventh Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint John Dyer, Esqr, to be Lieutenant Colonel of the Eleventh Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Hezekiah Sabin, Esqr, to be Major of the Eleventh Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint John Bulkley, Esqr, to be Colonel of the Twelfth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Jonathan Trumble, Esqr, to be Lieutenant Colonel of the Twelfth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Joseph Fowler, Esqr, to be Major of the Twelfth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Joseph Minor, Esqr, to be Colonel of the Thirteenth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint William Preston, Esqr, to be Lieutenant Colonel of the Thirteenth Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint John Bostwick, Esqr, to be Major of the Thirteenth Regiment in this Colony, and order that he be commissioned accordingly.

An Act to prevent Injustice by passing False and Counterfeit Bills.

Whereas some persons, through ignorance and inadvertency, receive for their debts and in their dealings and busi-

ness, false and counterfeit bills, made in imitation of the bills of this or the neighbouring governments ; and there being no expedite remedy already provided in the common course of the law for the possessor or possessors against such person or persons that shall have delivered and passed said bill or bills ; whereby great injustice is done : For remedy whereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whensoever any person shall be the possessor of any false or counterfeit bill, made in imitation of the bills of credit of this or the neighbouring governments, it shall be the duty of such person, upon his discovering the same to be false or [454] counterfeit, to carry and deliver the same || to some assistant or justice of the peace and inform him that he concludes the same to be false and counterfeit ; and if such assistant or justice of the peace shall suppose the same to be false, as aforesaid, he shall seize the same and write the name of the person of whom he receives it on the back side thereof, and that it was delivered to him as a counterfeit bill. And such person that so delivers up such bill may, after such delivery, go to the person of whom he received the same, and demand of him pay for said bill, informing him where such bill is. And if the person of whom he received the said bill shall refuse or neglect to make him satisfaction therefor, or without such demand and refusal, if need so require, may bring his action for his damages in not paying him for said bill, or for putting off such bill to him, before any court, assistant or justice of the peace, proper to try the same, alledging the same to be delivered up as aforesaid. And in the tryal of any such cause, if the bill be found to be false or counterfeit, to the satisfaction of the court that tries the same, the said court shall proceed to enquire into the equity of the cause, by examining the parties under oath and taking any other evidence as they shall judge just and right ; and, upon their finding to their satisfaction that such plaintiff received the same bill of the defendant, they shall give judgment for the plaintiff for his just damages and cost for delivering up the said bill to the authority and prosecuting his action ; provided always said bill was delivered up, as aforesaid, before the plaintiff offered said bill back to the person of whom he received the same.

And be it further enacted by the authority aforesaid, That it shall be the duty of every assistant or justice of the peace that shall have such bill delivered to them, safely to convey the same bill to any court where the same may be wanted. And all and every person that hath had any such bill that shall by the possessor be delivered up, as aforesaid, and hath

satisfied the person to whom he delivered said bill for the same, shall have the like liberty in prosecuting and taking remedy as aforesaid; provided always, that no person shall be prosecuted, in form aforesaid, but within one year after he puts off such bill, which fact may be inquired of in form aforesaid.

And be it further enacted by the authority aforesaid, That if any court, assistant or justice of the peace, hath had the possession of such counterfeit or false bill for the space of one year, he shall destroy the same.

Resolved by this Assembly, That Joseph Whiting, Esqr, John Richards, Esqr, and John Burr, Esqr, be desired to take out the necessary copies in the several courts of probate whereof they are judges, and to send the same to his Honour the Governour; and that James Wadsworth, Nathaniel Stanly and Ozias Pitkin, Esqrs, be a committee to assist the Governour in preparing all things proper for the address to be laid before the King's Majesty, pursuant to the report of the committee, in reference to our law respecting intestate estates; which report is approved of by this Assembly.*

Ordered by this Assembly, That the Treasurer of this Colony pay unto Messrs. Isaac Dickerman and John Punderson, out of the publick treasury, the sum of twenty-eight pounds eight shillings and ten pence, for the making seats on the upper floor in the court house in New Haven.

[455] Granted to Mr. Printer Green the sum of thirty-five pounds, for his half years salary.

This Assembly do appoint Nathaniel Stanly, Joseph Whiting, Esqrs, Capt. Isaac Dickerman, Mr. John Hitchcock, Capt. Benjamin Hall, Capt. Theophilus Yale, Mr. Robert Treat, Capt. John Riggs, Capt. Samuel Bassett, Capt. John Russell, and Mr. Jonathan Russell, to be a committee to hear the records of the acts of this Assembly read off and completed.

On consideration of the memorial of Jonathan Sperry of New Haven, this Assembly do free and release him from paying any rates or publick tax for his head for the future.

On the petition of Joseph Cadey, one of the proprietors of the common and undivided lands in the town of Killingly, and the rest of the proprietors of said common and undivided

* Mr. Jeremiah Allen, of Boston, had communicated to Governor Talcott a copy of the order of the King in Council, of Feb. 15th, 1737-8, dismissing the appeal of Phillips against Savage, from the Massachusetts courts, in a case like that of Winthrop against Lechmere. In that order, (the text of which is printed in the *Proceedings of the Massachusetts Historical Society*, for October, 1873,) reference is made to certificates sent by the judge and register of the court of probate, as to what had been the customary mode of dividing the estates of intestates in that Province.

The report of the committee, mentioned above, is in *Civil Officers*, §c. II. 384, 532.

lands, *vs.* Joseph Thompson, Esq^r, of London, &c.: The question was put, whether the pleas offered in abatement of the same are sufficient, and resolved by this Assembly in the affirmative. *Cost allowed respondents is £3 19s. 7d. Ex. granted February 6th, 1739-40.*

The question was put, whether the prayer of the memorial of Joshua Hempstead of New London, and the rest of the inhabitants of the town of New London, *vs.* Benajah Bushnell, &c., of Norwich, and the rest of the inhabitants of the town of Norwich, (continued from the General Assembly in May last,) should be granted, and resolved by this Assembly in the negative.

The whole record of the several Acts, Grants and Orders of this Assembly, as they stand entered in the pages of this book next preceding, were read off in the presence of the committee abovenamed, and by them ordered to be signed as compleat.

GEORGE WYLLYS, Secret'y.

[END OF VOLUME VI.]

[VOL. VII. PAGE 1.]

Anno Regni Regis Georgii secundi decimo-tertio.

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA, ON THE SECOND THURSDAY OF MAY, (BEING THE 8TH DAY OF SAID MONTH,) AND CONTINUED BY SEVERAL ADJOURNMENTS UNTIL THE FIFTH DAY OF JUNE FOLLOWING, ANNOQUE DOMINI, 1740.*

Present :

The Honourable Joseph Talcott, Esq^r, Governour.

The Hon^{ble} Jonathan Law, Esq^r, Deputy Governour.

Samuel Eells,	Timothy Pierce,	} Esq ^{rs} , Assistants.
Roger Wolcott,	John Burr,	
James Wadsworth,	Samuel Lynde,	
Nathaniel Stanly,	William Pitkin,	
Joseph Whiting,	Ebenezer Silliman,	
Ozias Pitkin,		

*The Journal of the Lower House is not found.

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

- Capt. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Capt. Nath^l Saltonstall, Mr. Thomas Forsdick, for New London.
 Colo. Jabez Huntington, Mr. Benja. Bedlake, for Windham.
 Colo. John Chester, Mr. Elisha Williams, for Weathersfield.
 Colo. John Bulkley, Capt. Israel Newton, for Colchester.
 Capt. Leicester Grosvenor, Capt. Noah Sabin, for Pomfrett.
 Mr. Caleb Leet, Mr. Pelatiah Leet, for Guilford.
 Capt. John Fowler, Mr. Robert Treat, for Milford.
 Capt. Theophilus Nickols, Mr. David Sherman, for Stratford.
 Mr. Joseph Palmer, Mr. Joseph Denison, for Stonington.
 Mr. John Griswold, Mr. Joseph Lee, for Lyme.
 Capt. Isaac Dickerman, Mr. John Hitchcock, for New Haven.
 Major Andrew Burr, Capt. John Read, for Fairfield.
 Colo. Hez^b Huntington, Mr. Joshua Huntington, for Norwich.
 Major James Lockwood, Mr. Sam^l Cluckstone, for Norwalk.
 Colo. William Preston, Capt. Andrew Hinman, for Woodbury.
 Mr. Humphrey Avery, Mr. Dudley Woodbridge, for Groton.
 Capt. John Perry, Mr. James Bicknald, for Ashford.
 Capt. James Bebee, Mr. Thos. Benedict, for Danbury.
 Mr. Peter Buel, Mr. Nath^l Woodward, for Coventry.
 Mr. Josiah Conant, Capt. Thomas Storrs, for Mansfield.
 Colo. Thomas Welles, Mr. Jonathan Hale, for Glassenbury.
 [2] Mr. Joseph Leavinz, Mr. Joseph Dwight, for Killingly.
 Mr. Anthony Judd, Mr. John Hart, for Farmington.
 Mr. John Southmaid, Mr. Stephen Hopkins, for Waterbury.
 Mr. Abell Gun, Capt. Samuel Bassett, for Derby.
 Mr. Thomas Stephens, Mr. Thomas Pierce, for Plainfield.
 Major John Bostwick, Mr. Paul Welch, for New Milford.
 Capt. Henry Allyn, Mr. Roger Newberry, for Windsor.
 Colo. Benja. Hall, Capt. Samuel Hall, for Wallingford.
 Major Jabez Hamlin, Mr. Seth Wetmore, for Middletown.
 Mr. James Benedict, Mr. Samuel Smith, for Ridgefield.
 Capt. Nathaniel Peek, Mr. Jabez Mead, for Greenwich,
 Capt. Samuel Willard, Mr. Jedediah Chapman, for Saybrook.
 Mr. William Witter, Mr. Joseph Billings, for Preston.
 Capt. Elihu Chauncey, Mr. Robert Fairchild, for Durham.
 Mr. James Case, Mr. Joseph Wilcox, for Symsbury.
 Colo. John Dyer, Mr. Solomon Pain, for Canterbury.
 Mr. Joseph Phelps, Capt. Hez^b Gaylord, for Hebron.
 Colo. Jonathan Hoit, Capt. Jonathⁿ Maltbie, for Standford.
 Mr. Ebenezer West, Mr. Jonathan Trumble, for Lebanon.
 Capt. Joseph Bird, Mr. Ebenezer Marsh, for Litchfield.

Mr. Hezekiah Brainard, for Haddam,
Mr. Isaac Spencer, for East Haddam.

Mr. Elisha Williams, Speaker, } of the House of Repre-
Major Andrew Burr, Clerk, } sentatives.

This day being appointed by the royal charter and the laws of this Colony for the election of the publick officers of this corporation, (*viz.*) Governour, Deputy Governour, Assistants, Treasurer, and Secretary.—proclamation was made, and the freemen proceeded to give in their votes to persons appointed by the Governour, Council and Representatives, to receive, sort and count them; which persons were, Roger Wolcott, Esqr, James Wadsworth, Esqr, Nathaniel Stanly, Esqr, Joseph Whiting, Esqr, Ozias Pitkin, Esqr, Timothy Pierce, Esqr, John Burr, Esqr, Samuel Lynde, Esqr, William Pitkin, Esqr, Ebenezer Silliman, Esqr, Mr. Joseph Buckingham, Colo. Thomas Wells, Capt. John Fowler, Colo. Benjamin Hall, Mr. John Griswold, Capt. Samuel Willard, Capt. Jonathan Maltbie, Major James Lockwood, Colo. Jabez Huntington, and Mr. [3] Josiah Conant.|| And the freemen's votes being brought in, sorted and counted,

The Honourable Joseph Talcott, Esquire, was chosen Governour of this Colony for the year ensuing; and the Governour's oath and the oath required by act of Parliament relating to trade and navigation were administred to him in the presence of the Assembly.

The Honourable Jonathan Law, Esquire, 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 the Assembly.

Roger Wolcott, Esqr,	Samuel Lynde, Esqr,
James Wadsworth, Esqr,	William Pitkin, Esqr,
Nathaniel Stanly, Esqr,	Ebenezer Silliman, Esqr,
Joseph Whiting, Esqr,	Thomas Fitch, Esqr,
Ozias Pitkin, Esqr,	Jonathan Trumble, Esqr,
Timothy Pierce, Esqr,	Hezekiah Huntington, Esqr,

were chosen Assistants for the year ensuing, and had the Assistant's oath, provided by law, administred to them by [his] Honour the Governour accordingly.

John Whiting, Esqr, was chosen Treasurer of this Colony for the year ensuing.*

George Wyllys was chosen Secretary of this Colony for the year ensuing, and had the Secretary's oath, provided by law, administred to him by his Honour the Governour, in the presence of the Assembly.

* Mr. Whiting, being unsatisfied with the amounts granted him for his services in times past, did not take the oath of office till May 28th.

This Assembly do appoint the Honourable Jonathan Law, Esqr, to be Chief Judge of the Superiour Courts in this Colony for the year ensuing.

This Assembly do appoint Roger Wolcott, Esqr, James Wadsworth, Esqr, Joseph Whiting, Esqr, and Elisha Williams, Esqr, to be Judges of the Superiour Courts in this Colony for the year ensuing.

This Assembly do appoint William Pitkin, Esqr, to be Judge of the County Courts in the county of Hartford for the year ensuing.

This Assembly do appoint Roger Newton, Esqr, to be Judge of the County Courts in the county of New Haven for the year ensuing.

This Assembly do appoint Samuel Lynde, Esqr, to be Judge of the County Courts in and for the county of New London for the year ensuing.

This Assembly do appoint John Burr, Esqr, to be Judge of the County Courts in and for the county of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esqr, to be Judge of the County Courts in and for the county of Windham for the year ensuing.

This Assembly do appoint the Honourable Joseph Talcott, Esqr, to be Judge of the Courts of Probate in the district of Hartford for the year ensuing.

[4]. This Assembly do appoint Joseph Whiting, Esqr, to be Judge of the Courts of Probate in the district of New Haven for the year ensuing.

This Assembly do appoint John Richards, Esqr, to be Judge of the Courts of Probate in the district of New London for the year ensuing.

This Assembly do appoint John Burr, Esqr, to be Judge of the Courts of Probate in the district of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esqr, to be Judge of the Courts of Probate in the district of Windham for the year ensuing.

This Assembly do appoint Samuel Hill, Esqr, to be Judge of the Courts of Probate in the district of Guilford for the year ensuing.

This Assembly do appoint Joseph Minor, Esqr, to be Judge of the Courts of Probate in the district of Woodbury for the year ensuing.

This Assembly do appoint Jonathan Hoit, Esqr, to be Judge

of the Courts of Probate in the district of Standford for the year ensuing.

This Assembly do appoint John Marsh, Thomas Welles, John Chester and Henry Allyn, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Hartford for the year ensuing.

This Assembly do appoint John Hooker, Samuel Mather, David Goodrich, William Wadsworth, Hezekiah Wyllys, Thomas Hart, Giles Hall, Jabez Hamlin, Joseph White, Jonathan Hale, Hezekiah Brainerd, Samuel Olmstead, John Bulkley, Nathaniel Foot, Israel Newton, Benjamin Skinner, Joseph Phelps, John Bissell, Samuel Chapman, John Humphrey, Samuel Griswold, John Buel, Joseph Bird, Elisha Williams, Joseph Buckingham, David Whitney, Samuel Lewiss, and Thomas Hart, Esq^{rs}, to be Justices of the Peace in and for the county of Hartford for the year ensuing.

This Assembly do appoint Samuel Eells, John Riggs, John Russell, Samuel Hill and Isaac Dickerman, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of New Haven for the year ensuing.

This Assembly do appoint Roger Newton, Samuel Bishop, James Hooker, Andrew Ward, Theophilus Yale, Samuel Gun, Henry Crane, Samuel Hall, Benjamin Hall, John Bostwick, Timothy Hopkins, Thomas Clark, John Prout, William Gold, Benjamin Hand, John Southmaid, Samuel Bassett, Nathaniel Skinner, Roger Brunson, Samuel Hopson, to be Justices of the Peace in and for the county of New Haven for the year ensuing.

This Assembly do appoint Joshua Hempstead, John Griswold, Christopher Avery 2d, Richard Lord, Isaac Huntington, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of New London for the year ensuing.

This Assembly do appoint Abraham Pierson, John Lane, Samuel Willard, Joseph Blake, Nathaniel Clark, Thomas Lee, Daniel Ely, John Richards, Jeremiah Miller, Thomas Prentiss, James Avery, Humphrey Avery, John Ledyard, Luke Perkins, Theophilus Baldwin, Increase Billings, Joseph Palmer, John Whiting, Joseph Backus, Jabez Hide, Jabez Perkins, John Cook, Jedadiah Tracy, Joshua Raymond, David Buel, Jedadiah Chapman, Joseph Denison, Joshua Huntington, and Joseph Billings, Esq^{rs}, to be Justices of the Peace in and for the county of New London for the year ensuing.

[5] This Assembly do appoint Edmund Lewiss, Andrew Burr, John Thompson, Jonathan Hoit and William Preston, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Fairfield for the year ensuing.

This Assembly do appoint John Burr, Joseph Platt, Joseph Minor, John Grigory, Samuel Handford, Ephraim Curtiss, James Bebee, Samuel Hoit, Thomas Tousey, James Benedict, James Reynolds, Ebenezer Mead, Nathaniel Peck, Jonathan Maltbie, Benjamin Hickcox, John Read, James Lockwood, Thomas Benedict, Ebenezer Smith, Noah Himman, Joseph Blackledge, Theophilus Nickols, Job Sherman, Samuel Burr, and Joseph Wakeman, Esqrs, to be Justices of the Peace in the county of Fairfield for the year ensuing.

This Assembly do appoint Joseph Addams, Ebenezer West and Jonathan Huntington, Esqrs, to be Justices of the Peace and Quorum in and for the county of Windham for the year ensuing.

This Assembly do appoint Joseph Strong, John Woodward, Joseph Leavinz, Peter Buel, Josiah Conant, Leicester Grosvenour, Joseph Cadey, John Crery, Thomas Storrs, Ebenezer Wales, Ebenezer Dow, Benjamin Bedlake, Jacob Dana, Joseph Fowler, Elisha Pain, and Thomas Tiffany, Esqrs, to be Justices of the Peace in and for the county of Windham for the year ensuing.

Ordered by this Assembly, That Joseph Whiting, Esqr, and Capt. Isaac Dickerman return the thanks of the Assembly to the Reverend Mr. Jacob Hemingway, for his sermon delivered before the Assembly on the 8th instant, and desire a copy thereof, that it may be printed.

This Assembly do appoint Samuel Lynde, Esqr, Hezekiah Huntington, Esqr, Mr. Joseph Buckingham, Colo. Thomas Welles, Mr. Jonathan Hale, Mr. Robert Treat, Capt. Nathaniel Saltonstall, Capt. Nathaniel Peck, and Mr. Robert Fairchild, to be Auditors, to audit the Colony accounts with the Treasurer.

This Assembly do appoint Mr. Samuel Sturgess, of Fairfield, Surveyour of Lands in the county of Fairfield, instead of Ebenezer Silliman, Esqr, who now resigns said office.

Ordered by this Assembly, That the sum of eight pounds in bills of credit be paid out of the publick treasury to Mr. John Austin of Hartford, for his service in drawing out an account of the Colony bills that have from time to time been emitted, and what of said bills are now outstanding, &c., pursuant to the act of this Assembly in October last.*

Ordered, That there be paid out of the publick treasury unto Capt. John Whiting of Hartford, the sum of four pounds

* A copy of the account of the emission of bills of credit is in *Finance & Currency*, III, 83.

in bills of credit, for his service in drawing out an account of the Colony bills that have been emitted from time to time, and what of said bills are now outstanding, &c., pursuant to the act of the General Assembly in October last.

Whereas the town of New London neglected (in October last) to send to the Assembly the list of the polls and rateable estate in that town with the proper certificate, as the law directs, so that the Colony Treasurer hath been prevented in sending out his warrant to the constable of New London [6] for the || levying the tax granted by said Assembly in said October: Whereupon it is resolved by this Assembly, that the list of the said town of New London for the year 1739 shall be accounted, taken and deemed to be thirty thousand pounds, and the inhabitants of said town are hereby doomed accordingly; and the rate or tax granted upon the polls and rateable estate in the Colony in October last, shall be levied upon the inhabitants of said town according to the said list above-mentioned; and the Colony Treasurer is hereby directed to send forth his writ to the constable of New London, requiring him to levy said tax according to this resolve, accounting the said town list to be thirty thousand pounds.

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

This Assembly do establish and confirm Mr. Thomas Wheeler to be Captain of the south part of the 2d company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Rufus Minor to be Lieutenant of the south part of the second company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Stephens to be Lieutenant of the company or trainband at the parish of East Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benoni Trumble to be Captain of the north company or trainband in the town of Hebron, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan White to be Lieutenant of the north company or trainband in the town of Hebron, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Bushnell to be Ensign of the north company or trainband in the town of Hebron, and order that he be commissioned accordingly.

This Assembly do appoint Mr. Obadiah Johnson to be Captain of the first company or trainband in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Frost to be Lieutenant of the first company or trainband in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do appoint Mr. Solomon Pain to be Ensign of the first company or trainband in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Gates to be Lieutenant of the third company or trainband in the town of Preston, and order that he be commissioned accordingly.

[7] This Assembly do establish and confirm Mr. Ebenezer Coe to be Ensign of the first company or trainband in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hempstead to be Ensign 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. Jeremiah Kinney to be Lieutenant of the second company or trainband in the town of Voluntown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Babcock to be Ensign of the second company or trainband in the town of Voluntown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Gates to [be] Captain of the company or trainband at the 3d society in the town of Colchester, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Chamberlain to be Lieutenant of the company or trainband in the 3d society in the town of Colchester, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Rowley to be Ensign of the company or trainband at the 3d society in

the town of Colchester, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Phelps to be Captain of the south company or trainband in the town of Hebron, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Buel to be Lieutenant of the south company or trainband in the town of Hebron, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Charles Dewey to be Ensign of the south company or trainband in the town of Hebron, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Bushnell to be Lieutenant of the first company or trainband in the town of Saybrook, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Denison 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. Amos Cheesbrough to be Lieutenant 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. John Palmer to be Ensign of the first company or trainband in the town of Stonington, and order that he be commissioned accordingly.

[8] This Assembly do establish and confirm Thomas Richards to be Lieutenant of the first company or trainband in the town of Waterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Scott to be Ensign of the first company or trainband in the town of Waterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Blachley to be Captain of the third company or trainband in the town of Waterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Brunson to be Lieutenant of the third company or trainband in the town of Waterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Curtiss

to be Ensign of the third company or trainband in the town of Waterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Lyon to be Ensign of the west company or trainband in the town of Greenwich, and order that he be commissioned accordingly.

Upon the memorial of the inhabitants of the town of Goshen, shewing to this Assembly that more than two-thirds of the inhabitants have voted that it is necessary to build a meeting-house in said town, and praying this Assembly to appoint a committee to pitch upon the place: Whereupon this Assembly do appoint Capt. Nathaniel Hooker, Mr. Joseph Buckingham and Mr. James Church, all of Hartford, to be a committee to repair to said Goshen, view the same, hear the parties concerned, and then the said committee are directed to pitch upon the place that they shall think most convenient for said town of Goshen to set up a meeting-house at, (for divine worship,) and make report of their doings in the said affair to this Assembly, either at this session or in October next. All to be done at the charge of the memorialists.

Whereas, at a General Assembly holden at New Haven, October 11th, 1739, upon the memorial of Jacob Strong jun., Ebenezer Lyman and Daniel Stoughton and others, inhabitants and proprietors of the town of Torrington, praying that their lands might be taxed for the settlement and support of a gospel minister, it was resolved in the following words, (*viz.*) That a tax of two pence per acre be laid upon all the land within said town already laid out, as also on all the lands which may or hereafter shall be laid out within the second division in said town, and that the said Jacob Strong be and hereby is appointed a collector to collect the same, and shall have equal power with the other collectors of rates in this Colony; and the said rate to be so raised and collected by the said collector shall be by him paid into the hands of Capt. Henry Allyn of Windsor, and by him be improved for and towards the settlement and support of an orthodox gospel minister within and for said town, and to no other use and [9] purpose whatsoever: || And whereas, upon the memorial of the aforesaid Jacob Strong, &c., to this Assembly, representing that in the recording said resolve these words, (*viz.*) *Within said town already laid out, as also on all the lands,* were omitted to be entered, and praying for an amendment of said record by the addition of the said omitted words, &c.: Resolved by this Assembly, that the said words omitted, as

abovesaid, be added unto and inserted in the record of the said resolve; and that the said Jacob Strong be, and he hereby is, directed to proceed to collect the rate which may yet remain uncollected, as he should and ought to have done if the said words had not been omitted.

Upon the memorial of the inhabitants of the northwest part of the town of Derby, the southwest part of Waterbury, and the southeast part of Woodbury, praying this Assembly that they be made one distinct separate ecclesiastical society, and that this Assembly would appoint a committee to repair to said inhabitants, view their situation and circumstances, and report thereof to make to this Assembly: Resolved by this Assembly, that John Prout, Esqr, Capt. James Talmage, and Mr. John Hiccox, all of New Haven, be a committee with full power to repair to the place of said inhabitants and to notify the several parishes to which said inhabitants do belong, hear their allegations, view their situation and circumstances, and affix their bounds, (if they see cause,) and report of their doings thereof to make to this Assembly in their sessions in October next at New Haven.

This Assembly do establish and confirm Mr. John Sage, jun^r, to be Ensign of the company or trainband at the north society in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Hatch to be Captain of the company or trainband in the town of Kent, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Nathaniel Berry to be Ensign of the company or trainband in the town of Kent, and order that he be commissioned accordingly.

Forasmuch as the committees appointed by this Assembly and the Colony of Rhode Island have already measured the twenty miles west from Warwick Point, and erected a monument at the west end of said line, and have run a line for the dividend line or boundary between the two Colonies: And whereas the committees lately appointed by the said two Colonies to run the said dividend line have been disappointed in their meetings, whereby that affair has been hindered, and there is great complaint that some of the monuments are defaced or removed, which has occasioned much contention between the borderers, which for the future to prevent, and to render the line certain and visible in the place where the

King hath stated it: This Assembly do appoint and fully impower Roger Wolcott, James Wadsworth and Timothy [10] Pierce, Esq^{rs}, or any two of them, taking || with them Humphrey Avery, Esq^r, or another skilful surveyour, to joyn such persons as shall be alike impowered from the Colony of Rhode Island and run a straight line from the mouth of Ashawauge river to the said monument at the end of the twenty mile line (or the place where it was erected, if it be removed,) and from thence a due north line to the south bounds of the Province of the Massachusetts Bay; and what monuments they shall find in said line they shall renew, and for want of monuments to be found in said line they shall erect monuments at the distance of every half mile throughout, so that the same may be fixed and known to be the dividing line between the two Colonies. And the said committees are to report their doings herein to the General Assemblies of the respective Colonies aforesaid.

This Assembly do establish and confirm Mr. Josiah Willard to be Lieutenant of the company or trainband at the parish of Newington in the town of Weathersfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Wells to be Ensign of the company or trainband at the parish of Newington in the town of Weathersfield, and order that he be commissioned accordingly.

An Act for the making and 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 struck a certain number of bills of credit on this Colony, in suitable sums from ten shillings to five pounds, which in the whole shall amount to the sum of four thousand pounds, and no more, and shall be stamped on the new plate, with the addition of the date of this Assembly; and his Honour the Governour, Nathaniel Stanly and William Pitkin, Esq^{rs}, and Capt. George Wyllys, be a committee, under oath, for the faithful management of the affair; and any three of them to sign the said bills, and to deliver them into the hands of the Treasurer, taking his receipt for the same.

And it is further enacted by the authority aforesaid, That the Treasurer be, and he is hereby, impowered to issue forth and pay out the said sum of four thousand pounds, towards the payment of the *præmia* granted for the encouragement of such souldiers as shall voluntarily inlist themselves to go on the intended expedition ordered by his Majesty against the Spanish West-Indies, when they shall be called forth to

exercise*, and for other special occasions of this Colony, according to such orders as shall be given him from time to time, according to law.

And, as a fund and security for the repayment and drawing in of the said bills into the treasury again, this Assembly grants a tax or rate of four thousand two hundred pounds, to be levied on polls and all other rateable estate of this Colony, and to be paid into the treasury at or before the last day of May *anno Domini* 1747; 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.

This Assembly do establish and confirm Mr. Benjamin Holt to be Captain of the first company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

[11] This Assembly do establish and confirm Mr. Eliasaph Merriman to be Lieutenant of the first company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elnathan Street to be Ensign of the first company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

Forasmuch as by one law of this Colony entituled An Act directing listers in their duty and office, it is provided that, if the listers in the respective towns in this Colony shall not annually send the sum total of the list of the polls and rateable estates of the inhabitants of such towns to this Assembly at their sessions in October, such town shall be doomed by this Assembly: And whereas the listers of the towns of Ridgefield and Litchfield, respectively, have not sent the sum total of such list of the polls and rateable estate in their respective towns to the sessions of this Assembly in October last, ac-

*At the beginning of the session the Governor communicated two letters of his grace the Duke of Newcastle, one of his Majesty's principal Secretaries of State, to the Governor and Company of Connecticut, directing a proclamation of war (enclosed) to be published in this Colony, against the King of Spain, his vassals and subjects; and also respecting an expedition forming against the Spanish West Indies and dominions in America. By the desire of the Assembly, the Governor accordingly issued a Proclamation, informing all who would volunteer to serve in the expedition, that his Majesty had been pleased to signify, that such troops as should be raised in America should be commanded by Colonel Spotswood till joined by the regular troops from Great Britain, the whole then to be under the conduct of Lord Cathcart; that the soldiers enlisting in this Colony should be commanded by proper officers, to be appointed by the Governor and to receive his Majesty's commissions; that they should be supplied with arms and proper clothing, and also be paid by his Majesty, with an assurance of their sharing in the booty which might be taken from the enemy; that they should be sent back to their homes when the expedition should be over, unless any desired to settle elsewhere; and that such as should enlist and be actually called forth (not exceeding five hundred men) should have five pounds each, as a premium, paid to them out of the Colony treasury.—*Journal U. H., War, IV. 54.*

ording as it is in said act provided: This Assembly do sentence and doom the inhabitants of the town of Ridgefield to pay into the publick treasury of this Colony the sum of twenty-nine pounds fifteen shillings, and the inhabitants of the town of Litchfield the sum of twenty-seven pounds six shillings and four pence; and the Treasurer is ordered and directed to send forth his warrant to the constables of the said towns, respectively, to levy and collect the said sums of the inhabitants of the towns to which they belong, and to pay in the same to the publick treasury; and the said constables are hereby impowered, respectively, to levy the said sums of the inhabitants, and required to pay in the same to the publick treasury, as is by law required in cases where the lists are orderly returned to this Assembly.

An Act directing when the Freemen in the several Towns in this Colony shall meet in Order to their putting in their Proxies and for the chusing Deputies for to attend the General Assembly in May.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the freemen in the several towns shall annually meet at nine of the clock in the morning on the Monday next following the first Tuesday in April, when they shall proceed to the choice of their Deputies, and also to put in their votes for the choice of a Governour, Deputy Governour, the twelve Assistants, the Treasurer and Secretary; any law, usage or custom to the contrary notwithstanding.

An Act for opening and adjourning the Commissioners' Court at New London.

It being represented to this Assembly by some of the judges of said court of commissioners that the business of said court is not yet finished and compleated, and that the said court now stands adjourned till the first Wednesday of June next, which is like to interfere with the business of this Assembly: Which inconvenience to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any one of the judges of said court be on the spot for opening of said commissioners' court, shall have full power and authority to open and adjourn said court.

And it is further enacted by the authority aforesaid, That [12] if none of the judges of said court should be there on the said first Wednesday of June, that it shall be the duty of the clerk of said court, and he is hereby authorized and impowered, to adjourn said court by proclamation, from day to day, till the judges may arrive at the said New London; and

all persons concerned in the said court are to take notice thereof accordingly.

Upon the memorial of John Thrall of Windsor, shewing this Assembly the grievous hurt and damage he has sustained relating to a highway being laid out through his farm at the northwesterly corner of Windsor aforesaid, by a jury impannelled for that purpose by order of the county court held in Hartford by adjournment in January, 1738, whose return was made to the county court held at Hartford in April, 1739, accepted and established, &c.; praying a reversal of the doings of the said jury thereon, &c., for the reasons assigned in his petition on file, &c., and that a jury *de novo* be impannelled by the county court for the county of Hartford, to do that work upon his own costs, &c: Resolved by this Assembly, that the next county court to be held at Hartford for said county, upon the proper cost of the said John Thrall, shall cause another jury of good and lawful men to be summoned, six of them out of the town of Hartford and six of them out of the town of Farmington, to repair to the place aforesaid, lay out the said highway so far as relates to said Thrall's farm, assess damages, &c., and make return of their doings, &c., according to the direction of the law; and that upon the said Thrall's procuring such jury *de novo* &c., the doings of the former jury shall be set aside and made void. And it is further resolved, that the said Thrall have liberty to fence up the said highway as laid out by the former jury, for the security of his farm, until the next county court as aforesaid: provided he make proper bars or gates for the people to pass across his farm.

Upon the memorial of Gershom Clark, town-clerk of the town of Lebanon, representing to this Assembly that one certain deed executed by one James Tuttle, of said Lebanon, to one Nathaniel Topliff, of Dorchester in the Province of the Massachusetts Bay, and his heirs, in trust for the use of Samuel Topliff, late of Lebanon now of Willington, and Hannah his wife, during the term of their natural lives, and the life of the longest liver of them, and after that to the heirs of said Hannah in fee, was received by the said town-clerk to record, and was by him recorded in said Lebanon records, and the said deed stood so recorded for some considerable time; and the said Samuel Topliff, being minded to sell the said land, but could not, because he had only his life therein, came sundry times to the house of the said town-clerk, to see said deed, and sometime in the fall of the year last past, the said Samuel Topliff came to his house when he was from home, and obtained the sight and use of the book of records wherein

said deed was entered, and being some time alone in the room with the said book, after that he had the use of it he went away; not long after which the said town-clerk looking on said records, he found the said deed, as therein had been recorded, cut and torn out of said records and utterly spoiled; and sometime after, the said town-clerk had brought to him a deed in fee of said land, given by the said Tuttle to another [13] person, to be recorded: || whereupon the memorialist prays for advice, and the care of this Assembly for the relief of such persons as are like to be wronged and injured: It is resolved by this Assembly, that Jonathan Trumble, Ebenezer West and Jonathan Huntington, Esq^{rs}, or any two of them, be a committee hereby authorized by this Assembly to summon before them all the parties and evidences in the case, and enquire concerning the matters and things represented by the said town-clerk, and examine them under oath, and commit them to the common goal of the county if they shall refuse to answer to the questions which shall be asked, and find out as far as may be the authors of the mischief complained of and all the circumstances thereof, and make report of their doings to this Assembly at their sessions in October next, and bind over such persons as they shall judge meet, to appear before the said Assembly and abide the order and determination thereof.

Upon the memorial of Timothy Horsford, shewing to this Assembly that in the late selling of the northern township in this Colony, which was sold at Hartford at vendue, he bought one right at one hundred and seventy pounds, and took a deed of the committee, and gave bonds for the payment of the money and for settlement, according to the act of Assembly, and that the rest of the bidders did not take deeds and give bonds, whereby he is prevented of settling and taking benefit of his purchase, &c., and prays for relief: Whereupon it is resolved, that the time of payment of the purchase money be deferred for the term of four years, and that the interest of the money be abated for that time: provided the said Horsford give sufficient security, to the acceptance of the committee that was appointed to sell said township, to pay the said purchase money.

Whereas Mary Seager, (the wife of Shadrach Seager,) of Wallingford in the county of New Haven, by her memorial to this Assembly hath made it evident that John Hoxsey and Ichabod Sheffield, both of South Kingstown in the Colony of Rhode Island, brought their action against the said Shadrach Segar at the county court holden by adjournment at New Haven upon the last Tuesday of January, 1739-40, and that the

said persons got judgment against said Shadrach for a considerable sum, notwithstanding the said Shadrach was out of this Colony at the time when the writ of attachment went out and when his estate was by the constable of Wallingford seized and secured to answer in said action, and that said Shadrach was also out of the government when judgment was obtained as aforesaid; which judgment was given upon default, without any continuance, as the law in such case hath provided; and also that for some time before the commencing of said action, and ever since, the said Shadrach was fallen into distraction, and not capable of taking care of his own affairs; and the said Mary did further declare, that her bed and much of her wearing apparel, and all other necessaries for keeping house, were seized and taken away from her, and that the same were posted and likely to be sold in a few days, altho' much of the debt or demand was paid; and thereupon the said memorialist prayed that the said judgment of said [14] adjourned court might be reversed, and she might have || her wearing apparel, bed, and necessaries for house-keeping, be allowed her, and that the remainder of said estate [be] safely kept by the said constable until the county court to be holden at New Haven in November next, and that some suitable person might be appointed to represent the said Shadrach, &c., as per her memorial on file appears: Resolved by this Assembly, that the bed, wearing apparel and necessary household utensils of the memorialist be forthwith returned to her by the said constable, for her use and comfort, and the said constable do not proceed to make sale and disposition of the residue of said estate at the said suit of said Hoxsey and Sheffield, taken as abovesaid, but that he safely hold and keep the same until the county court to be holden at said New Haven in November next, and that said judgment be reversed, and the same is hereby reversed with all the proceedings thereon, and that a new hearing and tryal of said action at said county court be granted in favour of said Shadrach, and that some suitable person be by the said county court appointed to represent, appear and defend in said suit, for and in behalf of the said Shadrach, the said court being duly certified of the continuance of the said Segar under the incapacity aforesaid.

Upon the memorial of John Edwards, and others, of the parish of Stratfield in Fairfield county, representing that they cannot conveniently attend the publick worship of God at their society meeting house in the winter and part of the spring season, and that their society school house (which the said parish oblige them to keep, maintain, and also to help

support the school therein kept,) is so situated as that they can have no advantage thereby, and praying to be relieved in the premises: It is resolved and granted by this Assembly, that the memorialists and their associates shall, and are hereby freed and exempted from paying anything to the support of the said parish school and school house, and that they may keep a school among themselves and have their share of the country money to support the school; and shall and are hereby freed and exempted from paying the ministerial charges of said society that shall and may arise in said society for the term of three months and an half yearly, for the term of five years from this time: that is, from the first day of December to the middle of March, yearly, during said five years; and that the memorialists and their associates shall be all those that live in said parish east of the line dividing between the township of Stratford and the township of Fairfield, and north of a line drawn from the easternmost line of said parish to the said dividend line, leaving David Hubbell and John Edwards, jun^r, on the north of said line, amongst them, in case they improve an approved orthodox minister to carry on the publick worship of God amongst them.

Upon the memorial of the Reverend Mr. Ebenezer Wyman of Union, agent in behalf of the inhabitants of Union, and Isaac Shelden and Joseph Gilbert, jun^r, both of Hartford, agents in behalf of the proprietors of said Union, praying that the said inhabitants and proprietors may be enabled to recover the taxes laid upon the lands in said Union by the [15] acts of this || Assembly in October, 1734, and October, 1735, of those of the proprietors of said land on which said tax was laid who live out of this Colony, for the reasons set forth in their memorial on file, &c.: It is thereupon resolved and enacted, and be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that Messrs. Isaac Shelden, of Hartford, and William Ward and Paul Langdon, of Union aforesaid, or any two of them, shall be appointed, and they are hereby fully authorized, impowered and appointed, at a publick vendue in the town of Union aforesaid, to sell, to the highest bidder, so much of the land or lands of each of the proprietors of said Union, lying in said Union, and who do not live or reside in this Colony, as may be sufficient to pay the tax or taxes of each of such non-resident proprietor or proprietors yet remaining unpaid, or so much thereof as shall remain unpaid at the time of such sale, with the incident necessary charges thereon arising for such sale &c.; and that the said Shelden, Ward and Langdon, or any two of them, shall make and exe-

cute to the person or persons, who shall be purchasers at such vendue or vendues, proper deeds or instruments of conveyance to them, their heirs and assigns forever, which instruments of conveyance shall be effectual in the law for the said purchasers to hold such land or lands so sold to them, &c., as aforesaid, against such proprietor or proprietors whose land or lands shall be so sold, and their heirs and assigns, to all intents and purposes. Provided always, that such non-resident proprietor or proprietors be notified by a copy of this act, at least one full month before the time set for such vendue and sale of his or their land.

Upon the memorial of James Wright, administrator on the estate of James Elderkin of Killingsworth, deceased, shewing that the debts due from the said deceas'd surmount the whole of the personal and real estate of said deceas'd, and that there is some part of the land of said deceased mortgaged to the Governour and Company of this Colony for fifty pounds taken by the said Elderkin upon loan, with interest also due on the said fifty pounds; praying that he may obtain a release of said mortgaged land, &c., and liberty to sell the real estate of said deceas'd for the payment of the said debts, &c., as by his memorial on file: Resolved by this Assembly, that upon the memorialist's giving bond with sufficient surety to the Governour and Company of this Colony, to the acceptance of Colo. Samuel Lynde of Saybrook, for the payment of said fifty pounds together with the lawful interest which is already due by bonds for the same, within the space of one year next after the 26th day of May instant, then the memorialist shall obtain a release from the said mortgage of all the land mortgaged as aforesaid. And it is further resolved, that the debts due to the Governour and Company aforesaid being first paid or secured, as aforesaid, and the said mortgaged land released, the memorialist, with Mr. Jonathan Lane of Killingsworth, [16] by and with the advice || and direction of the court of probate for the district of Guilford, proceed to make sale of the real estate of the said deceased, for the use and purpose aforesaid, and to pass proper deeds and instruments of conveyance of the same to the person or persons purchasing the same or any part thereof.

Upon the memorial of Caleb Hall, of Wallingford, representing that a considerable quantity of sheep's wool was ordered to be kept in custody of said memorialist until November next, taken at the suit of John Hoxsey and Ichabod Sheffield against Shadrach Segar, which wool is in great hazard of being greatly damnified, if not wholly lost; praying for liberty to dispose thereof: Resolved by this Assembly, that

the memorialist shall and hereby hath liberty granted to him, to make sale of said wool for the purposes aforesaid, and that the money obtained upon the sale of the said wool be safely kept in the custody of the memorialist, and by him be produced upon the tryal of said case at the county court to be holden at New Haven in November next, in lieu of said wool.

Upon the memorial of Joseph Ayers, jun^r, and sundry others of the inhabitants of the west society in the town of Norwich, praying for relief against a vote of the said society in their meeting holden the second day of April last, wherein they voted to make addition to their meeting house, and their proceedings thereon: Whereupon it is ordered, that the said memorial be continued to the session of this Assembly in October next; and it is hereby ordered, that the committee that said society have appointed to make said addition, and that said society do forthwith desist making and preparing to make the said addition as voted, or in any other manner, until the rising of this Assembly in October next; and that they take notice thereof as they will answer the contempt. And it is resolved, that a copy of this act being left with any one of the committee of said society be sufficient notice hereof.

Upon the memorial of the inhabitants of the town of Coventry, praying this Assembly to appoint a committee to repair to said town, to view, &c., and hear all concerned, and to divide them into two distinct societies: Whereupon it is resolved, that Colo. Thomas Wells, Capt. Henry Allyn, and Capt. Martyn Kellogg, be a committee to repair to the said town of Coventry and view their circumstances and hear all concerned, and, if they judge fit, to divide them into two societies, and make their report thereon to this Assembly in October next. And the same committee are hereby further directed, to take into their consideration the prayer of Nathaniel Kingsbury and others of Coventry, praying to this Assembly for liberty to pay parish dues to Bolton, and to be excused from paying the same to Coventry, and report their opinion thereon to this Assembly in October next.

Upon the memorial of Stephen Brush and others, inhabitants of a tract of land called New Fairfield, praying to this Assembly for town privileges: Whereupon it is resolved by this Assembly, that the inhabitants of said tract of land called New Fairfield have all the privileges that other towns [17] in this Colony have, and the same is hereby || granted unto them. And the bounds of their town shall be as followeth, (*viz.*) Southerly on Danbury and Ridgefield, westerly on the Colony line, easterly on New Milford, northerly on country land; and that the town shall be called New Fairfield;

and that they warn and hold their first meeting by warrant from the next justice of the peace, directing the meeting to be warned and holden for choosing town officers, which warrant such justice shall grant on the motion of any two or three of the principal inhabitants of said town; and such justice shall lead the inhabitants to the choice of a moderator, after which they shall proceed to choose all other proper town officers.

Upon the memorial of the inhabitants of the town of Kent: Resolved by this Assembly, that Capt. John Buel of Litchfield, Mr. Ebenezer Hickcox of Danbury, and Justice Nathaniel Skinner of Sharon, be a committee to repair to said Kent, view their circumstances, and state a place for the building a meeting house there, and make report to this Assembly in October next. It is also resolved by this Assembly, that the overplus of the land tax, granted by this Assembly in October last, in said town, above what is necessary for the support of a gospel minister in said town, shall be improved for the building a meeting house in said town for the publick worship of God.

Upon the memorial of Jabez Fitch, of Canterbury in the county of Windham, representing to this Assembly that he had undertaken to build and finish a bridge over Quinnabaug River, for the benefit of travellers &c., at the cost of £210 0s. 0d., and that the subscriptions that have been given amounted to £134 9s. 0d., so that there remained for the memorialist to pay, £75 11s. 0d.; and praying this Assembly to enact that said bridge be made a toll bridge and the fare stated, whereby the memorialist may get what he has expended for the benefit of the publick, &c., as per the memorial on file, dated October the 10th, 1739: Resolved by this Assembly, that the memorialist have liberty to demand toll of the inhabitants of the towns of Plainfield and Canterbury, exclusive of such persons in said towns as have already contributed in money towards the building said bridge; and that the toll for man and horse be six pence, a team one shilling, a single person two pence, for horses and neat cattle each four pence, for sheep and swine each one penny; and that the same continue until this Assembly order otherwise.

Upon the memorial of Thomas Selden of the parish of Middle-Haddam, living within the bounds of the town of Haddam, shewing that he with his farm is by a mistake included within the parish aforesaid, &c., as on file: This Assembly, taking into consideration the circumstances of said Selden, have resolved, that the said Selden, with his family and farm where

he now dwells, be dismissed and released from being of the said parish and all parish charges therein, and that he be returned to the society of Haddam to which he did lately belong.

[18] Upon the report of Hezekiah Huntington, Esqr, Simon Lothrop and Samuel Backus, a committee appointed by this Assembly last October, to repair to the great river between New London and Norwich, to view the same and find out the most convenient place for a ferry: This Assembly resolve, that the place of said ferry over the great river between New London and Norwich shall be near where John Hurlburt of Groton now keeps his boat, (*viz* :) from a point of land where the highway or road that is laid out through the farm of Mr. Ralph Stoddard in Groton comes to the water on the east, to a point of land in Mr. John Comstock's field on the west side of said river; and that the fare of said ferry shall be, in the months of December, January and February, for man, horse and load, twelve pence money, and six pence for each single person; and in the other months of the year, the fare of said ferry shall be eight pence for man, horse and load, and four pence for each single person.

Upon the memorial of Mathew McUre and Mary McUre, executrix to the last will and testament of Abraham Brooker, late of Killingworth, deceas'd, shewing to this Assembly that the debts due from the said Brooker's estate surmount the personal estate of said deceased the sum of £453 9s. 9d., and praying this Assembly to appoint some meet person to sell so much of the real estate of said deceas'd as may be sufficient to pay the debts aforesaid: Resolved by this Assembly, that Mr. Elnathan Stephens and Mr. John Lane, of said Killingsworth, be appointed, and they are hereby fully authorized and impowered, by and with the direction of the court of probate in Guilford, to sell so much of the real estate of the said Abraham Brooker, deceas'd, as will amount to the sum of £453 9s. 9d. money, with the charges arising thereon, to enable the memorialist to pay the debts aforesaid.

Upon the memorial and request of the proprietors of the township of Cornwall: Resolved and enacted by this Assembly, that the proprietors, inhabitants of the said township of Cornwall, be constituted, erected, made and imbodyed, and they, with the other lawful inhabitants thereof, are hereby constituted, erected, made and imbodyed, into a town, by the name of the town of Cornwall; and that they and such others as from time to time become inhabitants thereof, and their successors, shall be invested with, have, exercise and enjoy,

the authorities, powers and privileges, and be under the regulations, that other towns in this Colony usually have and are under by the laws of this government; and that the brand for and to be used by said town shall be these figures, (*viz.*) two CC. And, that they may the better proceed in managing the affairs of said town, George Holloway, of said town, is hereby authorized to appoint and warn the first meeting of said inhabitants, to be in said place in the month of July next, and then to chuse selectmen, town clerk and treasurer. Liberty is also by this Assembly granted to said inhabitants, to call and settle a gospel minister among them, according to the laws, usages and customs of this Colony; and also that a tax of four pence per acre upon three hundred acres of land laid and granted to be laid out upon each of the fifty particular private rights for three years, the first year's tax to be paid by the first of August next, and the others yearly, for the building a meeting house and support of a minister in said town; and the same tax is hereby granted to be levied and collected of each of the proprietors of the said fifty private rights, for the purpose aforesaid; and the selectmen for the time being are hereby appointed and authorized to levy, collect and improve the said tax for the purpose aforesaid.

Upon the memorial of the town and proprietors of the town of Canaan: This Assembly doth appoint Messrs. Nathaniel Skinner and Jonathan Dunham, of Sharon, and Mr. Samuel Lewiss of Kent, to be a committee to repair to the town of Canaan, view the situation thereof with the circumstances of the settlers and inhabitants, and affix and ascertain the place whereon the said town shall build their meeting house for the worship of God, and make report to this Assembly in their present or next session for their establishment. And this Assembly doth further order and grant, that there shall be laid upon the lands, and collected of the proprietors of the same, a tax of £3 10s. 0d., upon each right, (exclusive of the publick lands,) *per annum*, for three years next, to be improved for the defraying the ministerial charges in said town and the building a meeting house there.

Upon the memorial of Joseph Tuttle, jun^r, Thomas Lamb, Benjamin White, Eleazer Whittlesey, James Bebee and John Bebee, all purchasers and proprietors of the township of Salisbury, representing as in said memorial, and praying this Assembly to forbid any process or the taking or demanding any interest on certain bonds by them, respectively, given to secure the payment for their several purchases within said township, &c., as per their memorial on file at large appears: Resolved by this Assembly, that no process, summons or at-

tachment shall go forth against the memorialists on their said bonds, until after the 15th day of March next, which will be March, 1740-41; and also that the interest which on said bonds may arise until the 15th of March, 1740-41, shall not ever be demandable or recoverable in the law.

Upon the memorial of Samuel Gruman of Norwalk, administrator on the estate of John Rockwell late of Norwalk, deceased, shewing to this Assembly that the debts due from the said estate surmount the moveable part of said estate the sum of one hundred and eight pounds four shillings and nine pence, and praying for liberty to sell so much of the lands of the said deceas'd's estate as will be necessary to answer the samè with the charges arising thereon, allowing what was formerly sold by order of this Assembly by said Gruman and Abigail Rockwell, administratrix on said estate, (now deceas'd,) in part thereof, as per his memorial on file may appear: Resolved by this Assembly, that the memorialist and Nathan Betts, of said Norwalk, be impowered, and they are hereby authorized and fully impowered, to make sale and disposition of so much of the lands of the said deceas'd John Rockwell, in addition to what the said Gruman and said Abigail Rockwell have formerly sold, in the whole to answer the said 108*l.* 4*s.* 9*d.*, with the necessary charges arising thereon, taking the direction of the court of probates in the district of Fairfield therein.

[20] Upon the memorial of Obadiah Johnson jun^r, of Canterbury, as guardian to the heirs of Jacob Johnson, late of said Canterbury, deceas'd, shewing to this Assembly that the said deceased, in his life time, purchased of Timothy Pierce jun^r, of Plainfield, a right of land in the town of Canaan, subjecting him under the acts of Assembly to settle the same, &c., and soon after the purchasing, as aforesaid, the said Jacob dyed, and the delay that was made in settling the deceased's estate, and appointing guardian for the children of the deceas'd, run out the time that was set for settling the same lot as the act of Assembly directed; praying for relief for the heirs of said deceas'd: Whereupon it is resolved by this Assembly, that if the said guardian shall repair to the committee that was appointed to sell that town, within two months from the rising of this Assembly, and give bond to said committee, to their acceptance, that he will for and in behalf of the said heirs settle the same lot in form as was directed in the former act of Assembly, and that within the space of two years next coming, and within that time comply with the said former act in all things not already complied with, the same

right, purchased as aforesaid, shall be and belong to said heirs as it would have done if no such delay had happened.

Upon the memorial of John Griswold, Esq^r, and Messrs. Joseph Lee and Mathew Mervin, selectmen of the town of Lyme, shewing to this Assembly that a certain female, called Martha Miller, of said town, who is an idiot and without any means of subsistence to be had from her father, (who is now living,) is lately fallen under the care of the said selectmen, who have drawn out of the treasury of said town the sum of eight pounds money, which has been expended for her support and comfort; and further shewing that there is in said town about two acres of land which belongs to the said female by descent from her mother, who is deceased, and that the said land being uncultivated affords nothing for her support; and praying this Court to authorize and empower some suitable person or persons to make sale of said land for the payment of the disbursement aforesaid: Resolved by this Assembly, that John Griswold and Richard Lord, Esq^{rs}, of said Lyme, be a committee fully empowered to make sale of said two acres of land, and the money to be so raised to be improved for the aforesaid purpose; they taking the consent of Jacob Miller, the father to said idiot.

Upon the memorial of the Trustees of Yale College, shewing to this Assembly that the said college being destitute of a rector, the said trustees have made choice of the Reverend Mr. Thomas Clapp, pastor of the church in the first society in Windham, to be Rector of said College, and upon his acceptance of the rectorate of said college and removal thereto, the said society, by their committee, moved to the said trustees for a recompence for their temporal damages sustained by his removal from them; and the said trustees praying this Assembly, in behalf of said society, to allow said society the sum of three hundred and ten pounds for the satisfaction of their temporal damages: Whereupon this Assembly grants to said society liberty to draw three hundred and ten pounds, in bills of credit, out of the treasury of this Colony, as a full satisfaction for their temporal damages.

[21] On the memorial of Richard Lord, Esq^r, shewing to this Assembly that in March, 1739, he exhibited an information to the superiour court, then sitting at Norwich, against Samuel Fox of New London, for said Fox's uttering a false and counterfeit bill in imitation of the five pound bills of this Colony, knowing the same to be counterfeit, and that thereupon the said Fox forfeited into the publick treasury the sum of one hundred pounds; and praying that a reward for said service

might be ordered him out of the publick treasury: This Assembly grants to the said Richard Lord, Esqr, the sum of ten pounds for the service aforesaid, and the Treasurer is hereby ordered to pay it accordingly.

Upon the memorial of John Tinker of New London, administrator on the estate of Daniel Harris, late of New London, deceased, shewing to this Assembly that the debts due from the estate of said deceas'd surmounted the personal estate in the sum of £32, praying liberty for the sale of so much of the real estate of said deceased as shall amount to said sum: Resolved by this Assembly, that so much of the real estate of said deceas'd be sold, to the highest bidder, as shall be sufficient for the satisfying and payment of the aforesaid sum of £32 0s. 0d. and costs of such sale; and that the aforementioned John Tinker be appointed to make sale thereof, taking the direction of the judge of the court of probate in and for the district of New London in his proceedings therein.

Upon the memorial of Elizabeth Wells, representing to this Assembly the distressed condition of one of her children, which for a considerable time has languished under a grievous wound in his thigh, and that she has involved herself in debt very considerably by applying herself to a surgeon for his relief, and that she has not anything whereby to discharge herself from said debt, and asking the compassionate regards of this Court and some provision for her relief: Whereupon it is resolved by this Assembly, that the memorialist have liberty, and liberty is hereby granted to her, to ask the contributions of the several congregations in the towns of Hartford, Hebron, Colchester and East Haddam, and what money may be contributed shall, by the ministers of the congregations, be delivered to the said Elizabeth Wells, to be improved for the purpose aforementioned.

Upon the petition of the town of Sharon: It is resolved by this Assembly, that there be levied a tax of four pence per acre on all the lands already laid out in the said town, as also on the division that they are now laying out, for each year during the space of four years, for the defraying the publick charge of said town; the one half thereof to be paid in each year, at such time as the inhabitants of said town shall order, and the other half at the end of each year; always provided, that the minister's lands in said town, and all publick lands, be excepted from said tax. And it is further resolved by this Assembly, that Major John Bostwick of New Milford, Mr. Sam^l Lewiss and Mr. John Mills, of Kent, be a committee to view their circumstances and hear all parties, to repair to

the said town of Sharon and fix a place where the inhabitants shall build a meeting house, on the motion of said inhabitants after they shall have voted as the law directs to build a meeting house, and to make report of their doings to the Assembly in October next.

[22] *Resolved by this Assembly*, That the brand for the horse-kind in the town of Sharon shall be two ∞ , and that the brand for the horse-kind in the town of Newfairfield shall be NF.

Upon the memorial of Nathaniel Stanly, Esqr, Mr. John Austin, and many others, proprietors of the lands in the town of New Hartford, and upon the memorial of Martin Smith, Stephen Kelsey, Jonathan Marsh and many others, inhabitants and proprietors of the said town, praying that all the lands now laid out in said town may be taxed at three pence on the acre for one year, said tax to be to help defray the charge of building the meeting house in said town, &c., as by the memorials on file: This Assembly grants the prayers of the memorialists, and that all the lands already laid out in said town be taxed for the space of one year at three pence per acre; which tax shall by the collectors be paid into the hands of the committee for the building said meeting house, to be improved by them to help defray the charges of building the same.

Upon the memorial of the inhabitants of the parish of Bethlem, by their agent Hezekiah Hooker of said parish, praying this Assembly for a committee to affix a place for said inhabitants to build a meeting house upon: Resolved by this Assembly, that Colo. Benjamin Hall, Mr. John Southmaid and Mr. Stephen Hopkins, be a committee to repair to said Bethlem and view the circumstances thereof, and hear all concerned in the premises, and affix and ascertain the place for said inhabitants to build a meeting house upon, and make report to this Assembly in October next.

Upon the memorial of the parish of Midle-Haddam: Resolved by this Assembly, that all the lands laid out in the limits of said parish shall be taxed at four pence per acre; which tax shall be collected and levied by such collectors as by said parish shall be appointed for that purpose, for the space of two years next, and no longer, and shall be paid into the hands of the committee for the building a meeting house in said parish, and for no other purpose or intent.

Upon the memorial of John Bate of Sharon, shewing the poor and distressing circumstances he is under, by being frozen to that degree that he has lost his toes and is rendered a

cripple, &c., to the impoverishing of him, &c., with other distresses of his family; praying for relief, as per his memorial on file: Resolved by this Assembly, that the memorialist have the liberty of a brief, to ask the charitable contributions of the several societies in the towns of Fairfield, Stratford, Norwalk and Standford, for his relief; and that the money gathered by such contributions be deposited in the hands of the selectmen of Sharon, to be improved for the use and benefit of the memorialist and his family.

Upon the memorial of Doctor Samuel Walter, of Saybrook, in the county of New London, praying this Assembly to grant him liberty and lycence to practice physick and surgery in this Colony, &c.: Resolved by this Assembly, that the said Samuel Walter, doctor of physick and surgeon, shall have free liberty and allowance, and lycence is hereby to him granted, to practice in the business aforesaid.

[23] Whereas Captain Nathaniel Saltonstall was, by the honourable the Governour and Council, appointed Captain of the Fort at New London, and ordered to enlist men for the defence of that port, &c., and hath laid before this Assembly an account of his doings and charges, &c., and by this Assembly hath been allowed the sum of £190 7s. 4d.: Resolved by this Assembly, that the Treasurer shall be ordered, and he is hereby ordered, to pay out of the Colony treasury to the said Capt. Saltonstall the sum of £190 7s. 4d., to be by him disposed of to pay the charges aforesaid, according to the particulars in his accounts allowed as aforesaid.

The Additions to the Lists of Estate of the Several Towns in this Government hereafter mentioned, sent in to this Assembly, are as follow (viz:)

	<i>Single Addition.</i>			<i>Fourfold Assessment.</i>			
	£	s.	d.	£	s.	d.	
To Hartford,	1989	9	3	-	127	8	0
To Symsbury,	220	2	0	-			
To Canterbury,	420	15	0	-	336	0	0
To Norwalk,	1892	0	9	-			
To Danbury,	52	5	9	-			
To New Milford,	61	0	0	-	217	1	0
To Saybrook,	537	1	6	-			
To Lebanon,	870	8	0	-	570	16	0
To Farmington,	203	18	0	-	108	8	0
To Waterbury,	961	0	0	-			
To Norwich,	133	9	0	-	1260	15	0
To Groton,	958	6	0	-			
To Preston,	147	0	0	-	380	0	0
To Colchester,	1455	13	0	-			

To Windham,	684	0	6	-	-	-	-	-	-
To Killingworth,	216	8	3	-	-	-	-	-	-
To Woodbury,	563	10	6	-	-	-	-	-	-
To Stonington,	639	14	0	-	-	-	-	-	1099 15 0
To Haddam,	81	0	0	-	-	-	-	-	68 0 0
To Milford,	319	13	6	-	-	-	-	-	-
To East Haddam,	469	18	0	-	-	-	-	-	-
To Brandford,	920	1	8	-	-	-	-	-	184 4 0
To Fairfield,	407	9	9	-	-	-	-	-	325 16 0
To Mansfield,	180	10	0	-	-	-	-	-	415 0 0
To Wallingford,	1520	17	0	-	-	-	-	-	-
To Weathersfield,	302	14	6	-	-	-	-	-	134 0 0
To Greenwich,	935	12	0	-	-	-	-	-	-
To Derby,	230	11	0	-	-	-	-	-	56 0 0
To Windsor,	884	11	4	-	-	-	-	-	514 0 0
To Glassenbury,	156	15	0	-	-	-	-	-	300 0 0
To Hebron,	644	0	0	-	-	-	-	-	-
To Middletown,	593	2	0	-	-	-	-	-	-
To New Haven,	1432	13	0	-	-	-	-	-	417 4 0
To Guilford,	376	12	6	-	-	-	-	-	432 12 0

Upon the petition of Nathaniel Williams *vs.* Charles Hazelton, both of Killingworth in the county of New London, complaining of a judgment of the superiour court held in New London in September last past, recovered against him by said Hazelton in a plea of trespass on the statute, and thereupon praying for another tryal in said case, as per his petition on [24] file may more fully appear: || Resolved by this Assembly, that the said judgment complained of be set aside, and the same is hereby reversed and set aside; and that the said Nathaniel Williams shall have liberty of another tryal of said case at the superiour court to be held in New London on the fourth Tuesday of September next; and that the future cost only shall follow the final judgment that shall be given in said case, if the same be rendered in favour of the said Williams.

Upon the petition of James Dunlop, of Stratford in the county of Fairfield, *vs.* Ebenezer Beach, of Stratford in the county of Fairfield, administrator on the estate of Mary Smith, and Benjamin Cogshall and Elizabeth his wife and Sam^l Jones and Hannah his wife, all of Stratford aforesaid, shewing that his father, Mr. Archibald Dunlop, dyed seized and possessed of a considerable estate in lands and moveables, and that no settlement hath been made thereof or inventory exhibited, but that the said Elizabeth and Hannah, his two sisters, with the said administrator, hath had and got in their, or some of their, hands the moveable part of said estate and sundry writings belonging to said estate of considerable consequence, and

refuse to disclose the same, and yet challenge a share in the lands of said deccas'd; and thereupon praying for relief in the premises, he being without remedy at the common law; as by his petition on file more fully may appear: Resolved by this Assembly, that Andrew Burr, Esq^r, John Riggs, Esq^r, and Capt. John Burr, jun^r, be a committee, and they are hereby appointed and fully authorized a committee from this Court, to enquire into the matters in the said petition contained and all things relating thereto, by hearing and examining the parties and other witnesses under oath, if occasion be, and taking other evidence relating to the premises, and what they find in the premises report to this Assembly in October next. And that the same proceedings may be regular and effectual, the said committee are directed and impowered to appoint time and place of hearing, and give seasonable notice thereof to the parties concerned, and to call before them such witnesses as they may think proper, on the motion of any of the parties; that so this Assembly may be fully informed in the affairs aforesaid, in order to determine thereon according to equity and a good conscience.

Upon the petition of Thomas Forsdick, Nathaniel Saltonstall and Lucretia his wife, in right of Lucretia, all of New London, and Daniel Ely of Lyme and Ruhamah his wife, in right of Ruhamah, all of the county of New London, against Ralph Stoddard, jun^r, of Groton in said county, praying this Assembly to make null and void a certain judgment of the superiour court held in New London aforesaid in September last, in an action of partition brought by the said petitioners against the said Ralph Stoddard, of two certain tracts of land lying in said Groton, as appears by their writ dated the 30th day of January, 1738-9, which judgment was rendered in favour of the said Stoddard; and that they might have another tryal in the said cause before the superiour court to be held at New London in and for the county of New London in September next: Resolved by this Assembly, that the said judgment be and the same is hereby made null and void; and liberty is hereby granted to the said petitioners to have another tryal in said action before the superiour court, to be held in New London in and for the county of New London in September next; and that the whole costs shall follow said tryal.

[25] *Resolved by this Assembly*, That there be no further disbursements on the Battery already begun at New London than what hath been ordered by this Assembly heretofore, until advice be had from some engineer as hereafter in this act is directed. And the Hon^{ble} Jonathan Law, Esq^r, James

Wadsworth, Esq^r, and Samuel Lynde, Esq^r, are appointed a committee, fully authorized and impowered by this Assembly to send for an engineer, or person skilled in fortification, to come to New London and there to view the harbour, town and parts adjoining, and consider the circumstances and situation of the said harbour, &c., and to give his opinion and advice, what may be best further to be done for the present defence of the said town, harbour, and navigation that may be therein, and where a fortification or battery may be erected for the defence of the said harbour, &c., in the best manner for the future. And the said committee are directed, that if the said engineer shall advise to do anything further on the battery begun as aforesaid, for the present defence of the said harbour, &c., that thereupon the said committee shall take that matter into their consideration and direct the committee that were appointed in October last to mount the guns that are already sent for, in the said battery, together with the guns hereafter in this act ordered to be sent for, in the said battery, so soon as may conveniently be done after they are brought; and to do what the said engineer shall direct to be done to the said battery, or so much thereof as they shall judge proper. And the said committee are further directed to lay the advice of the said engineer, respecting the erecting another fortification or battery, before the Assembly in October next, for further direction, together with the advice of said engineer respecting the battery already begun, with what they shall think proper to direct the aforesaid committee to do, either in whole or in part, as the said engineer shall advise. And the aforesaid committee, *viz.* Messrs. Prentiss, Avery and Ledyard, are hereby ordered and impowered to send for, or procure in the best manner they can, ten pieces of cannon more than are already ordered to be provided, of such weight and sizes as they shall be directed by the committee first in this act appointed; and likewise to procure five barrels of powder and three hundred shot of suitable sizes for the cannon to be mounted in said battery as aforesaid, in addition to what is already ordered.

And it is further resolved, That Roger Wolcott, Esq^r, Nathaniel Stanly, Esq^r, Ozias Pitkin, Esq^r, William Pitkin, Esq^r, and Capt. John Marsh, be a Council of War, to assist his Honour the Governour in all emergent occasions, to prevent the expence and trouble of calling the General Assembly together in such case. And his Honour the Governour and the aforesaid Council of War are hereby impowered to provide a sloop or other vessel of force, in case of necessity, as they shall judge proper, for the defence of the harbour of New London, and our other sea-coasts, as they shall direct.

And Samuel Lynde, Esqr, Mr. Samuel Willard and Mr. Joseph Blague, are appointed a committee to repair the fortification of Saybrook, and mount the guns that are there; always provided the sum do not exceed the sum of one hundred pounds to be expended therein.

Upon the petition of James Babcock *v.* Joshua Babcock: The question was put, whether the prayer of the said petition should be granted, and resolved by this Assembly in the negative. *Cost allowed respondent is £6 2s. 0d. Ex. granted June 5th, 1740.*

[26] Upon the petition of James Hillhouse of New London *v.* Joshua Raymond, John Vibber, Jonathan Copp, Joseph Otis, Robert Denison and Peter Wickwire, inhabitants of the north parish in New London, and the rest of the inhabitants of said parish, on file: The question was put, whether the pleas offered in abatement of the said petition are sufficient, and resolved by this Assembly in the affirmative.

Upon the petition of William Whitmore of Middletown *v.* Noah Phelps of Middletown and James Pelton and James Foresyth and Nathaniel Bosworth, all of Middletown: The question was put, whether anything should be granted on said petition, and resolved by this Assembly in the negative. *Cost allowed respondents is £5 19s. 2d. Ex. granted June 19th, 1740.*

Upon the petition of Mathew Allyn, Esqr, Thomas Stoughton, of Windsor, proprietors of the common and undivided lands in the town of Windsor, and the rest of the proprietors of the said common and undivided lands, *vs.* Ebenezer Hurlburt, of Windsor: The question was put, whether the prayer of said petition should be granted, and resolved by this Assembly in the negative. *Cost allowed respondent is £3 0s. 10d. Ex. granted July 15th, 1740.*

Upon the petition of Thomas Stoughton, Eliakim Marshall, James Enno, &c., proprietors of the common and undivided land in the township of Windsor, *vs.* Roger Newberry, one of the proprietors of the common and undivided land in the township of Windsor, and the rest of the proprietors of said common and undivided lands, on file, &c.: The question was put, whether the pleas offered in abatement of the said petition by the respondents are sufficient, and resolved by this Assembly in the affirmative. *Cost allowed respondent is £3 0s. 10d.*

Upon the petition of Daniel Murwin of Durham *v.* Giles Hall of Middletown, one of the proprietors of the common and undivided lands in the town of Middletown, and the rest of the

proprietors of said common and undivided land, as on file, &c.: The question was put, whether the pleas offered in abatement of the said petition are sufficient, and resolved by this Assembly in the affirmative. *Cost allowed respondents is £3 3s. 4d.*

Joseph Rockwell, jun^r, of Windsor, being brought before this Assembly to answer the complaint of Jonathan Hall of Union, for that he, said Hall, being in the town of Windsor, in the peace of God and the King, and about his lawful business, the said Rockwell did inform the said Hall that he was an officer lawfully appointed and impowered to impress men for his Majesties service in his war with Spain; and that he, said Rockwell, did then and there impress the said Jonathan Hall, and shewed him a paper, which he said was a lawful writ, granted out and directed to him as an officer to impress men for his Majesties service, &c., as on file; which actions and doings of the said Rockwell by his examination and confession appear to this Assembly to be without warrant or any legal power, and therefore great misdemeanour: Whereupon this Assembly do amerce the said Joseph Rockwell, jun^r, in the sum of five pounds money, and order that the same be paid by him as a fine into the publick treasury of this Colony, and pay the costs of his prosecution, and also become bound [27] with surety to || the Treasurer of this Colony, in the sum of one hundred pounds, for his good behaviour during the pleasure of this Assembly. Accordingly the said Joseph Rockwell, jun^r, principal, and Samuel Stoughton of Windsor, surety, personally appeared and acknowledged themselves joyntly and severally bound in a recognizance of one hundred pounds money to the Treasurer of the Colony of Connecticut, that he, the said Joseph Rockwell, shall carry peaceable and good behaviour towards all his Majesties liege subjects during the pleasure of the General Assembly, and until by them he be discharged from this bond.

To the Honourable General Assembly, to be holden at Hartford May second Thursday, 1740:

Your committee humbly reports, that your Honours at your sessions in October last were pleased to appoint us to repair to Midle-Haddam and ascertain a place for said parish to build their meeting house upon for divine worship; that we have now repaired to said parish, notified all persons concerned and heard them thereon, and have affixed a place for that purpose, which is on the west side of the new highway, about seven or eight rods northeast from James Pelton's dwelling house, and on the southerly side of the widow

Burr's lot, where we have set up a stake over which said meeting house is to be set.

Thomas Wells, John Chester, Jonathan Hale, *Committee*.

The above report of the committee is accepted and approved by this Assembly.

This Assembly grants to his Honour the Governour the sum of two hundred pounds of the present currency, out of the Colony treasury, for the one half of his salary for this current year.

This Assembly grants to his Honour the Deputy Governour the sum of one hundred pounds of the present currency, out of the Colony treasury, for the one half of his salary the current year.

This Assembly grants unto Mr. Agent Wilks, for his salary this year, the sum of one hundred and fifty pounds, to be paid out of the interest money brought into the publick treasury, or out of the four thousand pounds now ordered to be stamped and put into the treasury.

This Assembly grants to Capt. John Whiting, Treasurer of this Colony, for the whole of his service as Treasurer the ensuing year, the sum of one hundred and twenty pounds, out of the Colony treasury.

This Assembly grants to the Secretary the sum of twenty pounds out of the Colony Treasury, for his salary the year 1739.

This Assembly grants to Mr. Green, the printer, the sum of thirty-five pounds out of the Colony treasury, for his half years salary.

This Assembly grants to Capt. John Whiting, Treasurer of this Colony, the sum of two hundred and ninety pounds out of the Colony treasury, for his past services, in addition to what hath been already granted for that purpose.

This Assembly do appoint Lt. Col. Samuel Hill to be Colonel of the Seventh Regiment in this Colony, and order that he be commissioned accordingly.

[28] This Assembly do appoint Capt. Samuel Willard to be Lieutenant Colonel of the Seventh Regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do desire his Honour the Governour and Council, by some proper way, to enquire into what special service Mr. John Read and Mr. Thomas Hancox, both of Boston, have done for this government, and to draw an order to the Treasurer for a reasonable sum for the said service and to send the money to said gentlemen.

An Act for Reviving and further Continuing an Act entituled An Act for the Encouragement of raising Hemp, making Canvass or Duck, and also for making fine Linen.

Whereas the said act was made in May, 1734, with this *proviso*, that it should continue in force only for five years, and this Assembly considering the profit and advantage that hath accrued to his Majesties people in this government by encouraging the raising of hemp, making canvass and fine linen, &c., and the benefit that may accrue from the further encouragement thereof, according to said act :

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said act, and every part and paragraph thereof, shall be in force, to all intents and purposes, for the space of five years next coming from the rising of this Assembly, and no longer.

An Act for Emitting Bills of Credit.

Whereas there is in the hands of Capt. John Whiting, Treasurer of this Colony, the sum of two hundred and two pounds thirteen shillings and six pence in good bills fit for further service, which were brought in by the rate granted October, 1738, and are lodged in the treasury for the further dispose of this Assembly :

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer shall be, and he is hereby, authorized and impowered to issue out and deliver the aforesaid sum of two hundred and two pounds thirteen shillings and six pence, towards the payment of the debts and the necessary charges of this Colony, according to such orders as shall be given him from time to time according to law.

An Act for Making and Emitting Bills of Publick Credit.

Forasmuch as the expences of this government are likely to be very great and heavy, by reason of the intended expedition directed by his Majesty against the Spanish West Indies, and the necessary preparations for a proper defence of our borders, sea-coasts and navigation; and also by reason of a great scarcity of a medium of exchange, the same bearing a very small proportion to the extent of the demand therefor in order to the carrying on the business and affairs in this Colony : Therefore,

[29] *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That there be forthwith struck, imprinted and stamped, a certain number of bills of credit on this Colony,

in suitable sums from one shilling to three pounds, which in the whole shall amount to the sum of thirty thousand pounds, and no more; which bills shall be stamped with such stamps as the Governour and Council shall direct, and signed by a committee of this Assembly. And the Honourable Joseph Talcott, Esqr, Nathaniel Stanly, Esqr, William Pitkin, Esqr, and George Wyllys, or any three of them, are appointed and impowered to sign the same. Which bills shall be of the following tenor, (*viz.*)

No. () This Bill by a Law of the Colony of Connecticut shall pass current within the same for Twenty Shillings in Value equal to Silver at Eight Shillings per Ounce, Troy weight, Sterling Alloy, in all Payments, and in the Treasury. Hartford, May 8th, 1740.

A }
B } Committee.
C }

And so, *mutatis mutandis*, for greater or lesser sums. And the said committee are hereby impowered and directed, to take care, with all convenient speed, to cause the said bills to be prepared, and to sign the same, and then deliver them into the hands of the Treasurer of this Colony, taking his receipt for the same. And the said committee shall be under a proper oath for the faithful performance of the said trust in them hereby reposed.

And it is further enacted by the authority aforesaid, That the Treasurer of this Colony shall issue forth and pay out of the publick treasury eight thousand pounds of the said bills, for and towards the payment of the publick debts of this Colony and other necessary charge and expence thereof, according to such orders as shall be given him from time to time, according to law. And the said bills shall be paid and pass out of the publick treasury at the value therein expressed equivalent to silver at eight shillings per ounce troy weight, as aforesaid, and shall be taken and accepted in all publick payments into the treasury at the advance of one shilling on the pound more.

And that, in order to enable this government for repayment and drawing in said eight thousand pounds again, this Assembly hereby grants a rate or tax of eight thousand four hundred pounds, as silver money at eight shillings per ounce as aforesaid, to be leyed and collected on polls and all other rateable estate within this Colony, within the term of five years next after the date of this act; the whole sum to be leyed and collected annually in five equal payments; and the Treasurer is hereby ordered and directed to send forth

his warrants, according to law, for the collecting the said several payments, at or before the first day of May annually. And liberty is hereby given and granted to any person, to pay his rate or tax in the bills of credit by this act emitted, in good silver at eight shillings per ounce troy weight sterling alloy as aforesaid, in gold equivalent thereto, or in bills of credit on this Colony of other emissions, according to their value at the time of payment compared with silver at the rate aforesaid.

And be it further enacted by the authority aforesaid, That the remainder of the said thirty thousand pounds, being twenty-[30] two thousand || pounds of the said bills, shall be loaned out to particular persons, freeholders and inhabitants in this Colony, on the terms and under the regulations in this act provided.

Be it therefore further enacted by the authority aforesaid, That the said twenty-two thousand pounds shall be loaned in each of the five counties, in some near proportion to such counties general list, and in some near proportion to each town according to their general list, if persons appear to take the same; and if not, then in any other county. And for that end there shall be a committee appointed in each county, who shall have the management of the said affair of loaning the said bills and taking security of the borrowers therefor; none of which shall borrow more than one hundred nor less than twenty-five pounds of said bills; which security shall be either double land security, to which the borrower shall have a clear title, and of which the said committee shall be well certified, or bonds for silver money as aforesaid double the sum borrowed, with two sufficient sureties; the said land redeemable and said bonds conditioned and avoydable by payment of the same sum borrowed, either in the bills by this act emitted, or silver at the rate aforesaid, or gold equivalent, or in any bills of credit of this or the neighbouring Colonies passing current in this Colony, according to their current value in silver at the rate aforesaid at the time of payment; or in good water-rotted hemp and well-wrought canvass or duck, raised and manufactured according to the directions of the law, entituled An Act for the encouragement of raising hemp, making canvass or duck, and also for making fine linen, at the current market price at the time of payment in silver as aforesaid, to be delivered at such place as shall by this Assembly be appointed; the one half in four years next after the date thereof, and the other half in eight years after the said date. And where bonds are taken there shall be two, (*viz.*) one for each half. All the securities to be taken in the

name of the Governour and Company of this Colony; the deeds thus taken to be recorded in the town where the land lyes, before accepted by said committee; and the loan or interest that such borrowers shall annually pay for the said bills shall be three pounds *per centum* in silver at the rate aforesaid, or gold equivalent; and they shall give bonds accordingly for the several annual payments of the same. All which deeds and bonds being given shall be lodged with the Secretary of this Colony by said committee, and then the said committee shall give an order to the Treasurer for so much of the said bills to be delivered to such person as he hath given security for, in the form aforesaid; which shall be a sufficient order for him to deliver and pay out the same sum therein mentioned.

And be it further enacted by the authority aforesaid, That the said bills by this act emitted, shall pass current in this Colony in all payments and in the treasury, equal to the value therein expressed, (excepting for the discharge of former contracts by specialty for silver only, and the bonds to be given [31] to this Colony for the interest of this emission, and || for payment of duties and impost that shall be ordered by this Assembly to be paid in silver or gold only;) and shall accordingly be accepted and received in the same proportion to other bills of credit passing in this Colony, as the said other bills bear to silver at the rate aforesaid at the respective times of payment.

This Assembly do appoint Nathaniel Stanly, Esqr, and Capt. John Marsh, for the county of Hartford; Joseph Whiting, Esqr, Mr. John Prout, for the county of New Haven; Mr. Jeremiah Miller, Mr. Thomas Forsdick, for the county of New London; Major Andrew Burr, Mr. Thaddeus Burr, for the county of Fairfield; Timothy Pierce, Esqr, Mr. John Crery, for the county of Windham, to be the committees of this Assembly in the said respective counties, to have the management of the affair of loaning out the bills of credit of the thirty thousand pounds ordered by this Assembly to be made and emitted, and taking security therefor, &c., according to the act of Assembly now passed, respecting the making and emitting of thirty thousand pounds in bills of credit on this Colony.

Whereas the business of this Assembly has drawn out their present sessions to such a length that all the members thereof cannot, without great inconvenience, stay to hear the records of the acts of this Assembly read off and compleated:

This Assembly do appoint Roger Wolcott, Nathaniel Stanly,

Ozias Pitkin, William Pitkin, Esq^{rs}, Capt. John Marsh, Mr. Joseph Buckingham, Mr. Elisha Williams, Colo. John Chester, Capt. Henry Allyn, Mr. Roger Newberry, Colo. Thomas Wells, Mr. Jonathan Hale, a committee, in the name of this Assembly, to attend his Honour the Governour to hear the records of the acts of this Assembly read off, and see them perfected and then signed by the Secretary as compleat.

The several Acts, Grants and Orders of this Assembly, as they stand entered in the pages of this book next preceding, were read off in the presence of his Honour the Governour and the committee abovenamed, and by them ordered to be signed by the Secretary as compleat.

GEORGE WYLLYS, Secetry.

[32] *Anno Regni Regis Georgii secundi Magnae Britanniae &c. decimo-quarto.*

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA, (BY SPECIAL ORDER OF HIS HONOUR THE GOVERNOUR,) ON TUESDAY THE 8TH DAY OF JULY, AND CONTINUED BY SEVERAL ADJOURNMENTS UNTIL THE ELEVENTH DAY OF THE SAME MONTH, ANNOQUE DOMINI 1740.*

Present:

The Honourable Joseph Talcott, Esq^r, Governour.

The Hon^{ble} Jonathan Law, Esq^r, Deputy Governour.

Roger Wolcott,	Samuel Lynde,	} Esq ^{rs} , Assistants.
James Wadsworth,	William Pitkin,	
Nathaniel Stanly,	Thomas Fitch,	
Joseph Whiting,	Ebenezer Silliman,	
Ozias Pitkin,	Jonathan Trumble,	
Timothy Pierce,	Hezekiah Huntington,	

Representatives or Deputies that attended at this Assembly are as follow, (viz:)

Capt. John Marsh, Mr. Jos. Buckingham, for Hartford.

Capt. Nath^l Saltonstall, Mr. Thomas Forsdick for New London.

Major Andrew Burr, for Fairfield.

Colo. John Chester, Mr. Elisha Williams, for Weathersfield.

Mr. Jonathan Lane, Mr. Elnathan Stephens, for Killingsworth.

Colo. William Preston, Capt. Andrew Hinman, for Woodbury.

Mr. Caleb Leet, Mr. Pelatiah Leet, for Guilford.

*The Journal of neither House is found.

- Capt. John Fowler, Mr. Robert Treat, for Milford.
 Capt. Theophilus Nickols, Mr. David Sherman, for Stratford.
 Capt. Leicester Grosvenour, for Pomfrett.
 Mr. Josiah Conant, Capt. Thomas Stores, for Mansfield.
 Colo. Thomas Welles, Mr. Jonathⁿ Hale, for Glassenbury.
 Capt. Isaae Dickerman, Mr. John Hitchcock, for New Haven.
 Colo. Jabez Huntington, Mr. Benjamin Bedlake, for Windham.
 Mr. Joshua Huntington, for Norwich.
 Major James Lockwood, Mr. Samuel Cluckstone, for Norwalk.
 Capt. John Bulkley, Capt. Israel Newton, for Colchester.
 Mr. Humphrey Avery, Mr. Dudley Woodbridge, for Groton.
 Capt. John Perry, Mr. James Bicknal, for Ashford.
 Capt. James Beebe, Mr. Thomas Benedict, for Danbury.
 Mr. Peter Buel, Mr. Nath^l Woodward, for Coventry.
 Mr. Joseph Palmer, for Stonington.
 Mr. John Griswould, Mr. Joseph Lee, for Lyme.
 Mr. Joseph Leavinz, Mr. John Dwight, for Killingly.
 [33] Colo. Samuel Willard, Mr. Jedadiah Chapman, for Saybrook.
 Mr. William Witter, Mr. Joseph Billings, for Preston.
 Mr. John Southmaid, for Waterbury.
 Mr. Abel Gun, Capt. Samuel Bassett, for Derby.
 Mr. Thomas Stephens, Mr. Thomas Pierce, for Plainfield.
 Major John Bostwick, Mr. Paul Welch, for New Milford.
 Colo. Jonathan Hoit, for Standford.
 Colo. Benja. Hall, Capt. Samuel Hall, for Wallingford.
 Mr. Ebenezer West, for Lebanon.
 Mr. James Benedict, Mr. Samuel Smith, for Ridgfield.
 Capt. John Russell, Capt. William Gold, for Brandford.
 Mr. Anthony Judd. Mr. John Hart, for Farmingtown.
 Capt. Elihu Chauncey, Mr. Robert Fairchild, for Durham.
 Mr. Hezekiah Brainard, for Haddam.
 Mr. James Case, Mr. Joseph Wilcox, for Symsbury.
 Colo. John Dyer, Mr. Solomon Pain, for Pomfrett.
 Capt. Henry Allyn, Mr. Roger Newberry, for Windsor.
 Capt. Joseph Phelps, for Hebron.
 Major Jabez Hamlin, Mr. Seth Wettmore, for Middletown.
 Mr. Isaac Spencer, for East Haddam.
 Capt. Nathaniel Peck, Mr. Jabez Mead, for Greenwich.
 Mr. Ebenezer Marsh, for Litchfield.
 Mr. Elisha Williams, Speaker, } of the House of Representatives.
 Mr. Andrew Burr, Clerk, }

An Act providing for the Support and Transportation of the Troops to be raised in this Colony for the intended Expedition against the Spanish West Indies, till their arrival at the General Rendezvous.

Whereas his Majesty has thought fit to declare war against Spain, and hath appointed an expedition against the territories of the Catholick King in the West Indies, and given his orders and instructions under his royal sign-manual, now laid before this Assembly by his Honour the Governour, for the raising such troops in this Colony as shall voluntarily enlist in the said service, to joyn the British troops at a general rendezvous, appointed to be in the West Indies: And whereas it appears by said instructions, that it is his Majesties expectation that this Assembly will provide victuals, transports and all other necessaries for the said troops to be raised in this Colony, except their cloaths, tents, arms, ammunition and pay, till their arrival at the place of the said general rendezvous: || Which important affair this Assembly being most willing to exert themselves to promote by a chearfull conformity to his Majesties said instructions: Therefore,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be provided, upon the proper cost and charge of this government, victuals, transports, and all other necessaries for said troops except their cloaths, tents, arms, ammunition and pay, till their arrival at the said general rendezvous. And, that such necessary provision may be speedily made, Hezekiah Huntington, Esqr, Major Andrew Burr and Major Jabez Hamlin, are hereby nominated and respectively appointed Commissaries of the said affair, who are hereby authorized and fully impowered to do the service aforesaid, always taking and acting conformable to such orders and instructions as shall or may be given them, and either of them, at any time, respecting the sorts and quantity of victuals and other necessaries, number or quantity of transports, time when and place where the same shall be prepared, the contracts made with and orders given masters, owners and pilots of such transports; and each of said commissaries' part of said general service, and such other things as may be necessary for the effecting the said services; by the Governour and Committee of War appointed by this Assembly at their sessions in May last, to whom the said commissaries are to apply for the same. And the Governour and committee aforesaid are directed and impowered to draw such sum or sums of money out of the publick treasury, as shall be necessary for the service aforesaid, and deliver the same, as occasion requires, to the said commissaries respectively, taking their receipts

therefor, who shall be accountable therefor to this Court, and the same render under oath, if required.

And it is further enacted by the authority aforesaid, That if by reasonable contracts and bargains the said preparations cannot be made, his Honour the Governour, Deputy Governour, and the Assistants of this Colony, to any one of whom the said commissaries are to apply, are authorized and directed to grant proper warrants to impress and take by force victuals, transports, and other necessaries that cannot otherwise reasonably be obtained for the service aforesaid.

Whereas, in pursuance of his Majesties former instructions to the Governour and Company of this Colony, his Honour the Governour issued forth a Proclamation, encouraging the enlisting of souldiers to go in the intended expedition against the Spanish West Indies, agreeable to which many persons have entered their names with the several captains to whose companies they belong, whose names have been returned to his Honour: And whereas his Majesties pleasure is now more particularly known by his Instructions, under his royal sign-manual, late arrived and now laid before this Assembly by his Honour: Therefore,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, [35] That another Proclamation be forthwith issued according to his Majesties instructions, the better and more particularly to make known his Majesties pleasure in the said affair, and the gracious encouragement he is pleased to give to such able-bodied effective men as shall inlist in the said service; and his Honour the Governour is hereby desired and advised to issue forth a proclamation accordingly.

And it is further enacted by the authority aforesaid, That some proper person in each of the counties in this government shall be appointed to take and enroll the names of such persons that have formerly entered their names as aforesaid, that he shall judge to be able-bodied effective men, and free to act and dispose of themselves and their service, and to beat up for other such like volunteers, if a sufficient number shall not appear out of those whose names are already entered as aforesaid. And the persons appointed for the said service in the several counties are as follow: For the county of Hartford, Major William Pitkin; for the county of New Haven, Capt. John Munson; for the county of New London, Colonel Gurdon Saltonstall; for the county of Fairfield, Major Andrew Burr; for the county of Windham, Colonel Jabez Huntington.

And, to the intent that all persons purposing to enlist in

the said service may have their election of the captains in whose companies they would enlist, his Honour the Governour is desired to publish, in some proper manner, the names of the captains and other commission officers he shall be advised to and accordingly intends to appoint for the said service. And his Honour the Governour, with the advice and recommendation of the Council, is desired and fully empowered to nominate and appoint such a number of captains and other officers as may be necessary for the troops raised in this Colony for the service aforesaid, according to his Majesties said instructions.

And it is further enacted by the authority aforesaid, That all other matters and things contained in his Majesties said instructions, not particularly provided for by this Assembly, be referred to his Honour the Governour and Committee of War appointed by this Assembly in May last; and they are hereby empowered to take all necessary care, and give such necessary orders from time to time, as occasion requires, to get in readiness and proper order the levies in this Colony, pay the bounty money formerly promised, and do all other things for the forming said troops and promoting and expediting the said affair, according to his Majesties instructions aforesaid.

Whereas this Assembly in its session in May last resolved that a sloop or other vessel of force should be provided and fitted out at the cost and charge of this government, and the [36] same was ordered to be done by the Council || of War, in case of greater necessity; and having intimations that sundry vessels inward bound and belonging to this government have lately been chased on this coast by vessels which are supposed to have been enemies and designed to take and make prizes of them, whereby our seafaring brethren and business are exposed and discouraged, and the people on the sea-coasts in fears of suffering loss of their estates, if not of their lives, every hour:

It is now resolved, That, under the present situation of affairs, its necessary that a sloop or vessel of about seventy, eighty, or one hundred tons, be forthwith provided and fitted out; and would hereby signify to the said Council of War, that it is the mind of this Assembly that no delay be suffered in that affair.

This Assembly do desire his Honour the Governour to send some meet person to Colonel Blakeney, to congratulate his arrival to America, in the name of this Assembly, and inform him what preparations we have made for the forwarding the intended expedition, to put him in mind that the commissions are not yet come to hand, the want of which may occasion a

delay of his Majesties troops to be raised in this Colony, and to desire him to inform us when it is probable the troops may imbarck and be in their passage to the general rendezvous in the West Indies; with a proper letter to Colonel Gooch.

An Act for Emitting Bills of Credit for Paying the publick Debts of this Colony and for exchanging old and torn Bills that are not fit for passing.

Be it 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, which in the whole shall amount to the sum of fifteen thousand pounds, and no more; which bills shall be printed and stamped in the same manner and form, and of the same tenor and date, and signed by the same committee under oath, as the four thousand pounds in bills of credit were, emitted by act of this Assembly held at Hartford in May last. And the said committee are hereby impowered to take care, as soon as may be, to imprint the said bills to the value of fifteen thousand pounds, as aforesaid, and to sign and deliver the same to the Treasurer of this Colony, taking his receipt for the same.

And be it further enacted by the authority aforesaid, That there shall be lodged in the hands of the said Treasurer the sum of five thousand pounds of said bills, to exchange for all true bills struck on any plates made before the year 1733, and such torn bills as are not fit for further service; and the remaining ten thousand pounds shall be by the Treasurer issued forth and emitted towards payment of the publick debts of the Colony, according to such orders as shall from time to time be given him 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.

[37] *And be it further enacted by the authority aforesaid,* That, as a fund and security for the repayment and drawing in the said ten thousand pounds of said bills to the treasury again, this Assembly grants a tax or rate of ten thousand five hundred 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, 1750; 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. Elizur Goodrich to be Captain of the second company or trainband in the

town of Weathersfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Goodrich to be Lieutenant of the second company or trainband in the town of Weathersfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Beckwith to be Ensign of the second company or trainband in the town of Lyme, and order that he be commissioned accordingly.

Upon the memorial of Ozias Pitkin, and William Pitkin, Esq^{rs}, in behalf of the society on the east side of the great river in Hartford, praying liberty of this Assembly to set up their new meeting house, now building, forward or eastward of their old meeting house: Resolved by this Assembly, that the said society have liberty, and liberty is hereby granted them, to erect and set up their new meeting house, now in building, on the fore side of their old meeting house; the north-west corner of said new house not to be more than three feet from the front of the present meeting house; which place is hereby appointed to be the place for the said society to set their new meeting [house] on; any act of this Assembly to the contrary notwithstanding.

Whereas this Assembly hath been drawn out to such a length that all the members thereof cannot, without great difficulty, stay to hear the records read off: This Assembly do appoint Nathaniel Stanly, Ozias Pitkin, William Pitkin, Esq^{rs}, Capt. John Marsh and Mr. Joseph Buckingham, a committee to attend his Honour the Governour, to hear the acts and orders of this Assembly read off, and then see them signed by the Secretary as compleat.

The several Acts of this Assembly, as they stand entered in the pages of this book next preceding, were read in the presence of his Honour the Governour and the committee above-named, and by them ordered to be signed by the Secretary as pleat.

GEORGE WYLLYS, Secretary.

[38] *Anno Regni Regis Georgii secundi decimo-quarto.*

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA, ON THE SECOND THURSDAY OF OCTOBER, (BEING THE NINTH DAY OF SAID MONTH,) AND CONTINUED BY SEVERAL ADJOURNMENTS UNTIL THE 31st DAY OF THE SAME MONTH, ANNO DOMINI 1740.*

Present:

The Honourable Joseph Talcott, Esquire, Governor.

The Hon^{ble} Jonathan Law, Esq^r, Deputy Governor.

Roger Wolcott,	William Pitkin,	} Esq ^{rs} , <i>Assistants</i> .
James Wadsworth,	Thomas Fitch,	
Nathaniel Stanly,	Ebenezer Silliman,	
Timothy Pierce,	Jonathan Trumble,	
Samuel Lynde,	Hezekiah Huntington,	

Representatives or Deputies who were returned to attend at this Assembly are as follow, (viz:)

Capt. John Marsh, Mr. Joseph Buckingham, for Hartford.

Mr. Nathan^l Saltonstal, Mr. Thomas Forsdick, for New London.

Colo. Jabez Huntington, Major Thomas Dyer, for Windham.

Mr. Elisha Williams, Colo. John Chester, for Weathersfield.

Mr. Joseph Strong, Mr. Peter Buel, for Coventry.

Colo. Thomas Welles, Mr. Jonathan Hale, for Glassenbury.

Capt. Henry Allyn, Mr. Roger Wolcott, jun^r, for Windsor.

Mr. Samuel Rose, Mr. Jonathan Butler, for Brandford.

Mr. Increase Billings, Mr. Joseph Denison, for Stonington.

Mr. Dudley Woodbridge, Col. Christopher Avery, for Groton.

Capt. James Bebee, Mr. Thomas Benedict, for Danbury.

Mr. John Humphrey, Mr. Joseph Wilcox, for Symsbury.

Capt. Caleb Cone. for Haddam.

Capt. Isaac Dickerman, Mr. John Hitchcock, for New Haven.

Major Andrew Burr, Capt. John Read, for Fairfield.

Mr. Joshua Huntington, Mr. Samuel Backus, for Norwich.

Mr. John Mitchel, Mr. Richard Brownson, for Woodbury.

Capt. William Wadsworth, Mr. Asahel Strong, for Farmington.

Major James Lockwood, Mr. Thomas Benedict, for Norwalk.

Mr. Josiah Conant, Capt. Thomas Stores, for Mansfield.

Mr. Ebenezer West, Mr. Gershom Clark, for Lebanon.

Capt. Theophilus Nickols, Mr. Joseph Blackleach, for Stratford.

* The Journal of the Lower House is not found.

Mr. John Griswold, Mr. Richard Lord, for Lyme.
 Colo. Samuel Willard, Mr. Jedadiah Chapman, for Saybrook.
 Mr. William Witter, Mr. Joseph Billings, for Preston.
 Mr. Isaac Spencer, for East Haddam.

[39] Mr. John Lane, Capt. Isaac Kelsey, for Killingsworth.
 Capt. Hezekiah Gaylord, Capt. Joseph Phelps, for Hebron.
 Capt. Elihu Chauncey, Mr. Nathan Camp, for Durham.
 Major Roger Newton, Capt. John Fowler, for Milford.
 Mr. William Marsh, Mr. Thomas Stephens, for Plainfield.
 Mr. Isaac Kendal, Mr. Peter Bicknal, for Ashford.
 Colo. Benjamin Hall, for Wallingford.

Capt. Noah Sabin, Mr. Jacob Dana, for Pomfrett.
 Colo. John Bulkley, Capt. Israel Newton, for Colchester.
 Mr. Boaz Stearns, Mr. John White, for Killingly.
 Colo. Samuel Hill, Capt. Timothy Stone, for Guilford.
 Mr. Abell Gun, Mr. Samuel Tomlinson, for Derby.
 Major John Bostwick, Capt. Theophilus Baldwin, for New
 Milford.

Mr. John Southmaid, Mr. Stephen Hopkins, for Waterbury.
 Capt. John Buel, Capt. John Bird, for Litchfield.
 Capt. George Phillips, Major Jabez Hamlin, for Middletown.
 Colo. Jonathan Hoit, Capt. Jonathan Maltby, for Standford.
 Mr. Robert Dixon, for Voluntown.

[Capt. John Fowler, Clerk of the House of Representatives.]

This Assembly do establish and confirm Robert Arnold to be Lieutenant of the first company or trainband in the town of Mansfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Theophilus Hall to be Ensign of the first company or trainband in the town of Mansfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Fitch to be Captain of the first company or trainband in the town of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Wales, jun^r, to be Lieutenant of the first company or trainband in the town of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Walden to be Ensign of the first company or trainband in the town of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elnathan Peet to be Captain of the Troop in the 4th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Brins-

mead to be Lieutenant of the Troop in the fourth regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Patterson to be Cornet of the Troop in the 4th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Hally to be Quarter-Master of the Troop in the 4th regiment in this Colony, and order that he be commissioned accordingly.

[40] This Assembly do establish and confirm Mr. Nathaniel Stilman to be Captain of the Troop in the sixth regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Wetmore to be Lieutenant of the Troop in the 6th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Griswold to be Cornet of the Troop in the 6th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elizur Talcott to be Quarter-Master of the Troop in the 6th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jabez Fitch to be Captain of the Troop in the 11th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Parkhurst to be Lieutenant of the Troop in the 11th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abiel Cheeney to be Cornet of the Troop in the 11th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Uriah Horner to be Quarter-Master of the Troop in the 11th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Dunham to be Captain of the company or trainband in the town of Sharon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Hutchinson to be Lieutenant of the company or trainband in the town of Sharon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Sprague

to be Ensign of the company or trainband in the town of Sharon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Comestock to be Lieutenant of the 3d company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Smith to be Lieutenant of the company or trainband in the parish of Southington in the town of Farmington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Selden to be Captain of the 3d company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Ely to be Lieutenant of the 3d company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan Jewett to be Ensign of the third company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Bartlett to be Ensign of the company or trainband at the parish of Goshen in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Fitch to be Lieutenant of the company or trainband at the parish of Goshen in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Brunson to be Captain of the first or south company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Knowles to be Lieutenant of the first or south company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

[41] This Assembly do establish and confirm Mr. Wait Hinman to be Ensign of the first or south company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benajah Williams to be Captain of the company or trainband in the town of Goshen, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Pettibone to be Lieutenant of the company or trainband in the

town of Goshen, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Hiccocks to be Ensign of the company or trainband in the town of Goshen, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Cluckstone to be Captain of the 2d company or trainband in the town of Norwalk, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Samuel Belden to be Ensign of the second company or trainband in the town of Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Whitney to be Captain of the company or trainband in the town of Canaan, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Seymour to be Lieutenant of the company or trainband in the town of Canaan, and order that he be commissioned accordingly.

This Assembly do establish and confirm Christopher Dutcher to be Ensign of the company or trainband in the town of Canaan, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Enno to be Lieutenant of the first company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Palmer, junr, to be Ensign of the 1st company or trainband in the town of Windsor, and order that he be commissioned accordingly.

On the memorial of Capt. John Silliman of Fairfield, shewing to this Assembly that he, the said Silliman, has for sundry years last past been collector of both town and country rate in the town of said Fairfield, and that he is now called into his Majesties service, and some considerable part of said rates remain still uncollected; praying this Assembly that Daniel Andrews of said Fairfield may by this Assembly be appointed and impowered in his stead to collect such part of said rate as remains uncollected: Resolved by this Assembly, that the said Daniel Andrews be impowered, in the stead of

the said Capt. John Silliman, and he is hereby fully authorized and impowered, to collect all that part of said rates that now remain uncollected of the several persons from whom the same is due ; and he is hereby vested with all the powers and authorities that collectors by law are vested with, to collect the same.

Upon the memorial of the inhabitants of Southington parish, in Farmingtoun, by their agent, Samuel Root of said parish, praying this Assembly that a certain number of families living on the west side of said parish might be annexed to said parish, and that the north line that divides said parish from the first society in said Farmingtoun should extend [42] eastward to the highway that runs || north and south on the east mountain, and also to extend westward to Waterbury line : Resolved by this Assembly, that the said families be annexed to said parish as prayed for, and that the abovedescribed north line extend to said highway eastward, and westward to said Waterbury line, including all the lands south of said line in said parish.

Whereas this Assembly at their session in May, *anno Domini*, 1733, did enact and order, that the money that should be raised by the sale of the seven towns in the western lands should be sequestered and set apart for the support of the schools in the several towns and parishes in this colony : And whereas this Assembly in October, *anno Domini* 1737, did enact and declare that if any town or parish in this Colony (that by law of said Colony are obliged to keep a school) should by their major vote sequester their part of the said money for the support of the gospel ministry, by the laws of this Colony established, that then this Assembly would not take the forfeiture of such money according to the import of the act first mentioned : And forasmuch as this Assembly are now informed that the said acts are differently understood, and are like so to be practiced upon to the dissatisfaction of many : Wherefore,

This Assembly do repeal and make void the said act of this Assembly made and passed in October, *anno Domini* 1737, and the said act is hereby repealed and made void.

Upon the petition of James Dunlop of Stratford, *vs.* Ebenezer Beach, administrator on the estate of Mary Smith, and Benjamin Cogswell and Elizabeth his wife, and Samuel Jones and Hannah his wife, preferred to this Assembly in their session in May last, and continued to this time for a return of the report of a committee then appointed to enquire into the matters in said petition contained : Resolved by this Assembly, that, inasmuch as one of the said committee hath been

unexpectedly called away on the publick service of this Colony, whereby they were defeated of hearing the parties and enquiring into the premises at a time by them appointed for that purpose: on the motion of the petitioners, and with the consent of the other parties, the said petition shall be continued to the session of this Assembly in May next, and that the same committee formerly appointed shall have the same power, and are ordered to take the directions in the act of May last respecting the premises, and to make return in May next.

Upon the petition of Charles Hazelton of Killingsworth, *vs.* William Fancher of Brandford, on file: The question was put, whether the pleas offered in abatement of said petition are sufficient, and resolved by this Assembly in the affirmative. *Cost allowed respondents is £2 12s. 6d.*

The town of Cornwall, by their agent George Holloway, represented to this Assembly that, by a vote of more than two-thirds of said town, it is thought convenient and necessary to build a house in said town for the worship of God; and praying this Assembly that a committee may be appointed to repair to said Cornwall and ascertain and fix the place for the building thereof: Granted by this Assembly, that Capt. Jonathan Dunham of Sharon, Messrs. John Mills and Samuel Lewiss of Kent, be and are hereby appointed a committee with full power to repair to said Cornwall, notifie the inhabitants, view the situation and circumstances, hear their pleas and allegations, and according to their best skill and judgment ascertain and affix the place where said town shall set their meeting house for divine worship, and make report of their doings to this Assembly in this, or their sessions in May next.

This Assembly do establish and confirm Mr. Joshua Huntington to be Lieutenant of the first company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Lothrop to be Ensign of the first company or trainband in the town of Norwich, and order that he be commissioned accordingly.

[43] Upon the petition of Anthony Demill of Standford, *vs.* Joseph Hayght of Greenwich: The question was put, whether anything prayed for in the same should be granted, and resolved by this Assembly in the negative.

Upon the memorial of the inhabitants of Goshen, praying for a tax to be raised on the lands that are already laid out

and the lands that are granted to be laid out in said Goshen: Resolved by this Assembly, that all the lands already laid out in said Goshen, and those lands that are granted to be laid out, be taxed at two pence per acre yearly, for the space of four years next ensuing, (exclusive of the college farm, and all other publick lands, and the lands added by sizing.) The money raised by said tax to be improved in building a meeting house, and for the support of the gospel ministry in said town. And the said town are hereby impowered to choose collectors from year to year, to collect said tax money; and the said collectors shall be under the same regulations, and have the same power, as town collectors are under and have by the laws of this Colony.

An Act for Taxing certain Lands in Torrington in the County of Hartford, thereby to enable the Inhabitants both to settle and support an Orthodox Gospel Minister there; and also to grant said Inhabitants Town Privileges.

Upon the memorial of the inhabitants of said Torrington, *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That all the lands taxed by this Assembly in October last past, lying in said town, shall be taxed, and the said land is hereby taxed for the space of three years next coming after the rising of this Assembly, at three pence per acre per year during said term; which money shall be collected by collectors chosen by the inhabitants of said town; and every such collector shall have the same power, and be under the same regulations as other collectors chosen to collect town or ministers rates in other towns in this Colony; and the collectors that may be chosen as aforesaid are accordingly authorized and fully impowered, annually during said term, to collect and gather said tax.

And forasmuch as the abovesaid tax, granted as abovesaid, may be likely to raise more money than will be needful to support the gospel ministry in that town: Therefore, to the end that the proprietors of Torrington be not put to any unnecessary charges,

Be it enacted, That the committee of said Torrington, that shall have the care of treating and agreeing with that gospel minister that shall settle in said Torrington, shall give a true account of the yearly salaries of such minister, during the said three years, unto Capt. Joseph Bird of Litchfield; and also the said committee or committees shall, in each year, pay into the hands of the said Capt. Joseph Bird all the overplus money that shall be levied by said tax more than paying such minister's yearly salary; and the said Joseph Bird shall take care

that the money so paid to him be put to the best improvement until the said inhabitants shall enter upon building a meeting house for publick worship in said town, and then all such money, with the just profit thereof, shall be repaid to the committee impowered by said inhabitants to build said house, and the money shall be accordingly improved in building said house.

Be it further enacted and declared, That the tax granted by this Assembly in October last, upon the aforesaid lands, shall be understood only to continue for one year, which is expired at the rising of this Assembly.

And forasmuch as the proprietors in said Torrington have [44] not, as is usual in new || towns, laid out any lot in said town for the minister that shall be settled there: Therefore, that the inhabitants of said town may be enabled to settle an orthodox gospel minister amongst them,

Be it further enacted by the authority aforesaid, That all the aforementioned lands lying in said Torrington be taxed, and the said lands are hereby taxed for the space of four years next coming after the rising of this Assembly; which tax shall be equally levyed upon all the said lands, in the whole to make the sum of five hundred pounds, and no more; which sum shall be improved for the settlement of an orthodox gospel minister in said town, and to no other use, and the same shall be collected by collectors to be chosen as aforesaid, in four equal parts, (*viz:*) one fourth part of said five hundred pounds per year during the said four years.

Be it further enacted, That the inhabitants of said Torrington shall have town privileges, and town privileges are hereby granted to the inhabitants of said town; and the said inhabitants are impowered to choose their own ordinary town officers and order their own prudential affairs, as other towns by law are enabled to do.

Whereas this Assembly, in their sessions in May last, upon the memorial of the inhabitants of the town of Coventry, appointed a committee to repair to said town, to view their circumstances, hear all concerned, and, if they should think best, to divide the town into two distinct parishes; and the said committee having been to said town, viewed and heard, as aforesaid, and reported that it is for the best good of said town to be divided as aforesaid, and have drawn a line so to divide them:

Whereupon it is resolved by this Assembly, That the said town of Coventry be divided into two ecclesiastical societies, and that the line so dividing them shall be as followeth, (*viz:*) To

begin at Willamantick river upon a north-east line from Nathaniel Lad, jun., his dwelling house, and from thence south-west to said Lad's house, and from thence further westerly to Ebenezer Brown's house, and from thence further westerly to Joseph Davice's house, and from thence to Hebron bounds at the end of one mile east from the southwest corner of Coventry bounds; said Nathaniel Lad, jun., and Joseph Davice, and their farms, to belong to the old or first society, and said Ebenezer Brown and his farm to belong to the new or second society.

And it is resolved, That all the inhabitants on the easterly and south-easterly side of said line, including said Lad and Davice, be a distinct society or parish by themselves, and that they have the same privileges in all respects that other societies in this Colony by law have, and that they be called the First Society.

And it is further resolved, That the inhabitants on the westerly and northwesterly side of said line, including said Brown, be a distinct society or parish by themselves, and that they have the same privileges in all respects that other societies in this Colony have by law granted to, them, and that they be called the Second Society.

Upon the humble motion, request and representation, of Thomas Fitch, George Wyllys and Robert Walker, jun., shewing their desire and design of undertaking to make and convert the iron wrought in this country into good steel, if they may be suitably encouraged therein; and that the same, if performed, will be of great advantage to this government in promoting the iron manufactory and preventing the great expence occasioned for the importation of steel for the use of the people of this government: Therefore, that all due encouragement be given to promote such profitable and useful manufactures in this Colony,

Be it enacted, resolved and granted by this Assembly, and they do hereby enact, resolve and grant, unto the said Thomas [45] || Fitch, George Wyllys, and Robert Walker, jun., their executors, administrators and assigns, the whole and sole liberty and privilege of making, manufacturing and converting iron into good steel, within the bounds and limits of this Colony, for and during the full term and time of fifteen years next after this Assembly; and that they, the said Fitch, Wyllys and Walker, their executors, administrators and assigns, shall have liberty to erect, build and set up any works, engines, furnaces or machines for the purpose aforesaid; and all other persons are hereby prohibited and debarred from doing or performing the said work of making steel or erecting any works,

engines or machines for that purpose, within the limits of this Colony, within the time aforesaid, without the special leave and licence of the said Fitch, Wylls and Walker, their executors, administrators and assigns; upon the penalty and forfeiture of two hundred pounds money, to be recovered by action, bill, plaint or information, by the said Fitch, Wylls and Walker, their executors, administrators and assigns, in any court of record in this Colony, of and from such person or persons as shall perform the said work of making steel as aforesaid, without leave as aforesaid. Always provided, and this act, grant and resolve is upon condition, that if the said Fitch, Wylls and Walker, their executors, administrators or assigns, shall neglect to begin and perform said work within two years after this date, and shall at any time after the said two years neglect to make half a tun of such steel in any one of the years within said term, that then this grant and act, and every part thereof, shall be void.

The Sums total of the Lists of Estate of the several Towns in this Colony following, sent in to this Assembly and accepted, (viz:)

	£	s.	d.		£	s.	d.
Hartford,	31079	10	0	New Haven,	41550	0	0
New London,	25920	0	0	Fairfield,	38135	2	9
Windham,	18745	14	11	Norwich,	41707	1	6
Killingsworth,	11132	15	5	Preston,	15469	10	6
Groton,	16380	2	0	Midletown,	32206	12	0
Guilford,	27757	18	6	Weathersfield,	27361	18	3
Durham,	9008	17	3	Farmington,	26490	18	7
East Haddam,	14114	14	0	Lyme,	19252	5	9
Hebron,	11296	1	0	Norwalk,	27145	3	1½
Lebanon,	31709	0	0	Canterbury,	10604	10	6
Haddam,	8423	14	3	Stonington,	24489	4	6
Danbury,	11187	16	0	Woodbury,	15923	4	4
Symsbury,	13888	15	0	Mansfield,	9137	5	9
Waterbury,	9446	9	0	Ashford,	7262	8	0
Killingly,	15977	15	0	Litchfield,	7289	16	0
Pomfret,	12286	0	0	Ridgfield,	7815	10	0
New Milford,	7978	10	3	Plainfield,	8548	4	0
Brandford,	19858	3	10	Milford,	24833	14	1
Standford,	23300	4	11	Derby,	8195	8	9
Coventry,	10001	5	0	Greenwich,	16313	17	0
Windsor,	28713	10	0	Glassenbury,	9182	0	0
Saybrook,	17516	16	1	Colchester,	16269	0	0
Stratford,	30256	4	3	Wallingford,	33011	13	2
Voluntown,	6945	14	0				

[46] This Assembly do order and direct the Treasurer of this Colony, Capt. John Whiting, to attend the Assembly on

Monday the 27th day of October instant, and bring with him a sufficiency of the bills of credit in his hands to defray the charges of this Assembly; and also the sum of twelve hundred pounds more, to answer such further orders as he may here receive according to law.

The Gentlemen nominated by the Votes of the Freemen of this Colony, (brought in to this Assembly,) to stand for Election in May next, are as follow, (viz:)

The Honourable Joseph Talcott, Esqr, the Honourable Jonathan Law, Esqr, Roger Wolcott, Esqr, James Wadsworth, Esqr, Nathaniel Stanly, Esqr, Joseph Whiting, Esqr, Ozias Pitkin, Esqr, Timothy Pierce, Esqr, Samuel Lynde, Esqr, William Pitkin, Esqr, Thomas Fitch, Esqr, Ebenezer Silliman, Esqr, Jonathan Trumble, Esqr, Hezekiah Huntington, Esqr, Colo. John Bulkley, Colo. Samuel Hill, Major Andrew Burr, Mr. Ebenezer West, Mr. John Griswould, Colo. Jabez Huntington.

An Act in Addition to the Law of this Colony intituled
An Act for the Punishing Deserters.

Whereas the transgressors of said act generally go unpunished, for want of a sufficient provision in said law for the prosecution thereof:

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the constables and grand-jurymen in the respective towns in this Colony shall diligently enquire after, and make presentment to some assistant or justice of the peace, of all such persons as are or shall be guilty of the breach of the said act; who are also required, upon such presentment, to grant due process against such offenders, in order to bring them to a proper tryal on such presentment. And the king's attorneys of the respective counties are hereby authorized and required to make enquiry after such offenders, and if not presented and informed against as aforesaid, to inform against them to the county court, who are hereby directed to issue forth due process against them, and them to apprehend and proceed against in due form of law.

Resolved by this Assembly, That Mr. Nathaniel Saltonstall shall be appointed, and he is hereby impowered and appointed, Captain and Gunner in Chief of the Fort or Battery in New London, who shall be commissioned by his Honour the Governour; and he is hereby impowered to take into his care the battery aforesaid, the store-house, and all the ordnance, ammunition and stores thereunto belonging, or that shall hereafter be provided for the same; and also to choose out and enlist twenty-four able effective men, who shall be under his

command and shall obey him as their captain; and he is hereby ordered and directed to appoint a clerk of said company, and to call them out one day in every month, at least, and instruct them in the use of their arms, and also in all other exercises in the said battery relating to the use of the ordnance there. And the said captain is hereby ordered and commanded to obey all such orders and directions as he shall from time to time receive from the Governour of this Colony for the time being, and shall be allowed and paid, for his service aforesaid, two pounds per month till the end of the sessions of this Assembly in May next. And the souldiers by him inlisted, as aforesaid, shall always be compleatly furnished with arms and ammunition as other souldiers obliged [47] to bear arms || by law are to be, and shall attend compleat in their arms on the days appointed by the captain for exercise, as aforesaid, under the same penalties appointed by law for souldiers non-appearance on training days and deficiency in arms, and shall, as a reward for their service, receive out of the Colony treasury five shillings each for every day they shall attend on the exercise aforesaid, and also be freed and dismissed from all other military services during the time of their being under the command of the captain aforesaid, (except watching and warding.) And the captain aforesaid is hereby impowered to send out his execution to recover said fines and penalties, which shall be directed to the clerk by him appointed, and by him executed as fully and absolutely as clerks of trainbands are enabled by law to do; which fines and penalties shall be employed or disposed of by the captain to pay a drummer by him appointed, and for the use of the company. And the said Captain Saltonstall shall give receipts for all the military stores he shall receive into his custody, which receipts shall be sent to and lodged with the Secretary of this Colony, and also shall render an account of the stores by him received, when thereunto called by the General Assembly. And all persons having any stores belonging to the said battery in said New London, are hereby ordered and directed to deliver them up to said Captain Saltonstall, upon giving his receipts as aforesaid.

This Assembly do establish and confirm Mr. John Baker to be Captain of the company or trainband in the western part of the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Hurlburt to be Lieutenant of the company or trainband in the western part of the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Henry Castle jun. to be Ensign of the company or trainband in the western part of the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Aaron Cook to be Ensign of the second company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Warner to be Lieutenant of the Company or trainband at Three Mile Hill in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Miller jun. to be Ensign of the company or trainband at Three Mile Hill in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Beecher to be Captain of the sixth company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Barnabas Baldwin to be Lieutenant of the 6th company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joel Northrop to be Ensign of the 6th company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Fairchild to be Captain of the first company or trainband in the town of Durham, and order that he be commissioned accordingly.

[48] This Assembly do establish and confirm Mr. Benjamin Hitchcock to be Captain of the third company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Elnathan Beach to be Lieutenant of the 3d company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Edward Parker to be Ensign of the 3d company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Black-

leach to be Captain of the company or trainband in the parish of Ripton in the town [of] Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonas Woorster to be Lieutenant of the company or trainband at the parish of Ripton in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan Bennet to be Ensign of the company or trainband at the parish of Ripton in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ephraim Peck to be Captain of the first company or trainband in the township of Newtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Griffin to be Lieutenant of the first company or trainband in the town of Newtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Caleb Baldwin to be Ensign of the first company or trainband in the town of Newtown, and order that he be commissioned accordingly.

Samuel Topliff of Willington, being recognized to appear before this Assembly to answer what shall be alledged against or enquired of him respecting the defacing and destroying the record of a certain deed from James Tuttle of Lebanon to Nathaniel Topliff of Dorchester in trust, &c., once entered upon and since, in a wrongful and clandestine manner, defaced or torn and cut out of Lebanon town records, and abide the order and determination of this Assembly respecting him thereon; and the said Samuel Topliff, now appearing before this Assembly, moved that he might be dismissed without a tryal upon or enquiry of him in the matter aforesaid, as per his memorial on file appears: Whereupon it is resolved by this Assembly, that the said Samuel Topliff be not brought to tryal on the merit of the cause aforesaid. But, inasmuch as there is great reason of suspicion of the said Samuel Topliff's being privy to the wrongful and clandestine cutting the said record out of the said Lebanon town book of records: It is therefore by this Assembly determined and resolved, that the said Samuel Topliff shall pay all the cost of the enquiry in the affair aforesaid, which is allowed and taxed to be £14 14s. 11d., and that he thereupon be dismissed; and on failure thereof, this Assembly declare the recognizance to be forfeited, and order a writ of *scire facias* to go forth thereon in due form of

law, signed by the Secretary, returnable to and tryable by this Assembly; and the king's attorney in the county of Hartford is directed to take care of and prosecute the same.

[49] Upon the memorial of the west parish in the town of Norwich, preferred by Mr. John Sabin their agent, praying this Assembly to appoint a committee to repair to said parish, hear all concerned, and determine whether it be best for said parish to build a new meeting house, and to grant further relief in the premises: Whereupon it is resolved by this Assembly, that Colo. John Bulkley, Mr. Elisha Pain and Capt. Israel Newton, be a committee to repair to said parish and to hear all persons concerned, and to determine whether it be best for said parish to build a new meeting house; and if they judge it for the best good of said parish to build as aforesaid, then they to hear all concerned with respect to the place where the same ought to be built, and thereupon to fix a place for to build the same in; and make report of their doings to this Assembly in May next for confirmation. And upon the said committee's determining that a meeting house be built, and appointing a place, as aforesaid, it shall be lawful for said parish to proceed to prepare to build, as they might if two-thirds of them had voted that they had need to build in manner and form as prayed for.

Upon the memorial of James Baldwin, Benjamin Everet, Jonathan Hough, and the rest of the northern inhabitants of the north society in Saybrook in the county of New London, at or near a place called Pattaquunk, praying this Assembly that they may be made one distinct and separate ecclesiastical society, bounded as followeth, (*viz.:*) the south line from the great bridge over the deep river in the country road a west line to Killingsworth bounds, and from said bridge easterly as said river runs to the great river, northerly by said river to Haddam bounds, and westerly by Haddam line to Killingsworth bounds, and thence southwardly by said line of Killingsworth till it meets said west line first mentioned from the said bridge; and that the unimproved lands in said society may be taxed towards defraying the parish charges: Granted by this Assembly, that they are and shall be made one separate and distinct ecclesiastical society, with all parish privileges, by the bounds above described, and by the name of Chester; and that, towards defraying the parish charges of said society, this Assembly grants a tax on all the hundred acre lots laid out east of the cedar swamp pond, unimproved, northward of the quarter line, of thirty-three shillings and four pence per lot, and on every hundred acre lot laid out west of said cedar swamp pond, sixteen shillings and ten pence per lot, unim-

proved, and so *pro rato*; and for all other unimproved lands in said parish four pence per acre yearly, excepting the three lots last laid out next Haddam, to be paid to and for the use aforesaid; which land tax is to continue for the space of four years.

Upon the petition of Jeremiah Phinney, of Bristol in the county of Bristol and Province of the Massachusetts Bay in New England, *vs.* John Shether of Killingworth in the county of New London, complaining of a judgment of the superior court held in Norwich in the county of New London in March last, against said Phinney in favour of said Shether, for the sum of four hundred and fifty pounds and cost, and praying for a rehearing of said cause: Resolved, that said Phinney hath hereby liberty granted to him, to have another tryal of said cause at the superior court to be held at Norwich in the county of New London on the fourth Tuesday of March next, and that the future cost follow the final judgment of said cause; provided he give bond with surety to the clerk of said superiour court, before the third day of the said superiour court's sitting, to prosecute said action in due form of law.

[50] Upon the memorial and representation of the Trustees of Yale College, and on the report of the committee appointed to consider the matters in said memorial set forth, now made and lying before this Assembly: Resolved by this Assembly, that the college house of the said college shall be repaired at the charge of this Colony as soon as may be; which repairs shall be by new shingling the roof, clap-boarding the back-side, ground-silling, if need be, and making necessary repairs of the windows, and in other parts where they are defective. And Mr. John Punderson and Mr. Daniel Edwards are hereby appointed to take care of and procure the said repairs to be made as reasonable as may be, and to render an account of their doings in that affair to this Assembly. And his Honour the Governour and Nathaniel Stanly, Esq^r, shall draw out of the publick treasury of this Colony such sums of bills of publick credit as they shall judge necessary for the purpose aforesaid, and deliver the same to said committee for the use aforesaid, taking their receipt therefor. And it is further resolved by this Assembly, that the other matters in the report aforesaid, respecting the building a new house for the entertainment of the students in said college, be referred to the consideration of this Assembly at their sessions in May next.

On the memorial of the Trustees of Yale College, shewing to this Assembly that, according to the grant of this Assembly at their sessions in New Haven, October 12th, 1732, they had

procured a survey of three hundred acres of land in each of the five new townships on the east side Ousatunnock river, (*viz:*) that in the township of Kent by Mr. Alexander Wolcott, dated September 20th, 1738; the other four by Mr. John Hitchcock, dated January 9th, 1737 $\frac{7}{8}$; and praying that the said surveys may be accepted, and that a patent for the lands therein contained may be granted: This Assembly do accept the surveys abovementioned, and order a patent for said lands be signed by the Governour and Secretary of this Colony, under the publick seal, pursuant to the grant and surveys abovementioned.

Upon the petition of Simon Lothrop and John Waterman, both of Norwich in the county of New London, representing that, upon the memorial of sundry persons, two certain new highways had been, by order of the county court held at said Norwich per adjournment in February, 1737 $\frac{2}{3}$, ordered, made and laid out in said Norwich: the first beginning at a meer-stone the southwest corner of Doct. Rogers his land, a little northward of John Waterman's dwelling house, and is at the north side of the highway that leads to the burying place, thence south about 42 degrees west two rods and six feet to a meer-stone, which is the southward side of the said highway, then south 44 degrees and an half east twenty-three rods to an apple tree, marked H, thence south 38 degrees and an half east 18 rods to a stone on the north end of a rock, thence east 33 degrees south 14 rods to a meer-stone at the west side of a small brook, the east bounds of said Waterman's land, thence south 44 degrees east four rods to a meer-stone, thence south 21 degrees and an half east twenty rods and an half to a black-oak tree marked one rod northward from the fresh river, thence east 29 degrees south twenty-two rods and eight links to an apple tree marked H, thence east twelve degrees south twelve rods to a meer-stone, thence south forty-eight degrees [51] and an half east 26 rods to a mere-stone || at the south-westerly side of the town street, a little to the northward of Benajah Leffingwell's dwelling house, extending north-eastward, two rods and six feet wide from one side to the other of said way, which said six feet is to be understood to include the foot-way laid out by town order and agreement for the town's use, August 28th, 1661; said highway lying partly on John Waterman's land and partly on Simon Lothrop's land, and partly on Benajah Leffingwell's land. The other highway to be three rods wide, beginning at a meer-stone the east side of the highway that leads to the old landing place near the southerly end thereof, thence south about eight degrees east fifty-five rods to a meer-stone, thence south 21 degrees

east 14 rods to Mr. Bliss his land, then the like course 14 rods to a meer-stone, thence south 48 degrees east 19 rods to a meer-stone, then south 37 degrees east twelve rods to a meer-stone four rods west of William Fountain's shop near the new landing place; said highway to extend three rods wide from one end to the other northeasterly of the abovementioned boundaries; said way lying partly upon Simon Lothrop's land and partly upon land of Benajah Bushnell, Daniel Tracy, Isaac Tracy and Samuel Bliss and Simon Tracy; and complaining that they were thereby much wronged and incommoded, &c.; and thereupon praying that the said doings of said county court, respecting said highways, may be set aside and made null and void, &c., as per their petition on file, dated October 7th, 1740: Resolved by this Assembly, that all the doings of the said county court respecting said two highways laid out as abovesaid shall be set aside, and the same are hereby set aside and made altogether null and void.

Upon the memorial of Charles Hazelton of Killingsworth, now in his Majesties goal in the county of New London, by virtue of an execution obtained by William Fancher against him, shewing that he preferred his petition to this Assembly for relief against the said execution, and that by reason of the abatement of the said petition he is defeated of the relief therein prayed for; and praying for some remedy till this Assembly in May next, &c.: Resolved by this Assembly, that on the said Hazelton's procuring and giving good and sufficient security to said keeper of the goal, that he, said Hazelton, shall either return by the last of May next to said goal again and deliver himself to the goaler aforesaid within the prison, to be held by said execution till discharged in due form of law, or pay the said execution if he fails thereof; and that if a new tryal shall be granted in said case, then to pay and answer the judgment that shall be given against him, said Hazelton, therein, that then the keeper of the goal aforesaid shall let the said Hazelton out of goal and go at large, the aforesaid execution notwithstanding.

Upon the petition of John Holmes, of Stonington in the county of New London, shewing to this Assembly that a commission was by this Assembly in May last granted to Rufus Minor of said Stonington, upon a false certificate given by Capt. Thomas Minor of said Stonington, certifying that said Rufus Minor was chosen Lieutenant of the trainband in said Stonington, called the south part of the second company in said town, when said Rufus Minor was not chosen by said company to said office; and praying for relief therein: Resolved by this Assembly, that said commission granted to said

Rufus Minor by order of this Assembly in May last, established [52] said Minor to be Lieutenant of said company or trainband, is hereby set aside and made null and void; and that his Honour the Governour give order to Ebenezer Avery of Groton, colonel of the regiment in which said company is, to lead said company to the choice of a lieutenant, and make return thereof to the General Assembly in May next.

Upon the petition of Peter Cross of Mansfield *vs.* Josiah Hart of Mansfield: The question was put, whether the prayer of said petition should be granted, and resolved by this Assembly in the negative. *Cost allow'd respondent £6 15s. 5d.* *Ex. granted May 28th, 1741.*

Upon the petition of John Richards of New London, Joseph Fowler of Lebanon, Joseph Rockwell, Jeremiah Diggins, Benjamin Griswold and James Rockwell, all of Windsor, James Crozier of Symsbury, John Ashley of Westfield, Asaph Leavitt of Suffield, Thomas Welles of Deerfield, Ebenezer Hinsdell and Mary Hinsdell, as they are administrators on the estate of Mahumen Hinsdell, deceased, praying for the reversal of a judgment of the superior court held at Windham in September last, given against them in an action wherein they were plaintiffs against Moses Dudley of Saybrook, as per writ dated June 18th, 1739, and praying for another tryal of said cause at the superior court to be holden at Windham in March next: Whereupon it is resolved by this Assembly, that the said judgment of said superior court be reversed, and the same is hereby reversed and set aside; and that the parties have another tryal of said cause at the superior court to be held at Windham in March next; and that if the judgment be in said tryal recovered in favour of said petitioners, the cost of the said tryal only to follow the same.

Upon the petition of John Lyon, of Rye, *vs.* John Brush, of Greenwich, now pending in this court: Resolved by this Assembly, that William Pitkin, Esq^r, Capt. John Read of Fairfield, and Mr. John Griswold, be appointed, and they are hereby appointed, a committee to hear the parties concerning the matters in said petition contained, and the things relating thereto, take the evidence, state the case as clear and short as may be, and lay the same, with their opinion thereon, before this Assembly at this present sessions, or to the sessions thereof in May next; and said committee are to appoint time and place for hearing the parties and give notice accordingly. Inasmuch as the committee aforementioned are not likely to make report to this Assembly: Resolved by this Assembly, that the aforementioned petition of John Lyon *vs.*

John Brush shall be continued, and it is hereby continued, to the sessions of this Assembly in May next.

Upon the report of the committee appointed in May last to set or fix a place for the inhabitants of the town of Sharon to build a meeting house in: It is resolved by this Assembly, that the consideration of said report be continued to this Assembly in May next, and that the same committee, (*viz*;) John Bostwick, Samuel Lewiss and John Mills, upon the desire of the inhabitants of said town of Sharon, repair to said town again and view the circumstances of the said town, and hear the pleas of the parties, and fix a place for them to set a meeting house on, and make report to this Assembly in May next.

Upon the petition of Daniel Merwin of Durham *vs.* the [53] proprietors || of the common land in Middletown, complaining of a judgment given against said Merwin at the superior court held in Hartford in March last, and praying that said judgment may be set aside, and that a rehearing of said cause may be granted to him, &c.: Resolved, that the said judgment given against said Merwin in favour of said proprietors shall be set aside, and that said Merwin hath hereby liberty granted to him to have a rehearing of said cause at the superior court to be held at Hartford the first Tuesday of March next, and that the future cost only follow final judgment.

Upon the memorial of Sarah Daley, of Killingly in the county of Windham, administratrix on the estate of Samuel Daley late of said Killingly, deceased, shewing to this Assembly that the debts due from said estate did surmount the moveable estate of the said Daley the sum of one hundred eighty-eight pounds six shillings and seven pence; thereupon praying to this Assembly for liberty to sell so much of the real estate of the deceased Samuel Daley as will procure the sum aforesaid: Resolved by this Assembly, that the said Sarah Daley be impowered, with the assistance of Mr. John Dwight of said Killingly, and they are hereby impowered, with the advice and direction of the court of probate in the county of Windham, to sell so much of the real estate of the deceas'd Samuel Daley as will procure the sum of one hundred eighty-eight pounds six shillings and seven pence, for the payment of the debts aforesaid with the necessary charges arising thereon, and to pass deed or deeds accordingly.

Upon the memorial of Ebenezer Munger, Josiah Cremp-ton, John Turner, John Turner, jr., and others, inhabitants of Guilford, shewing to this Assembly the great distance they

live from the place of publick worship in the parish to which they belong, &c., and praying that they may be annexed to the parish of East Guilford, and that a line may be fixed to include them therein, as in said memorial is expressed: Resolved by this Assembly, that Messrs. John Lane of Killingsworth, John Russell and William Gold of Brandford, be appointed, and they are hereby appointed a committee, at the cost of the memorialists, to repair to the place of their dwelling, to view and consider their circumstances and report their opinion upon the whole to the General Assembly to be holden in Hartford in May next.

Upon the memorial of Thomas Clark, Mathew Huntington, Ambros Blunt, Benjamin Johnson, William Thompson, Daniel Williams, Thomas Clark, jun., Samuel Smith, Thomas Rose and Stephen Johnson, inhabitants of the east society in Norwich, shewing to this Assembly that they live much nearer to the meeting house in the north society in Preston than they do to the east society meeting house in Norwich: Resolved by this Assembly, that the abovesaid Thomas Clark and Mathew Huntington, &c., be released from paying ministerial charges in the east society in Norwich, and that they be annexed to the north society in Preston, and that said persons shall pay all parish charges to the said society in Preston, equal with other parishioners there.

Upon the memorial of the town of New Fairfield, shewing that said town had voted that it was necessary to build a meeting house for divine worship in said town, and praying that a committee may be appointed to affix the place whereon to build a meeting house in said town: Resolved by this Assembly, that Capt. Thomas Tousey, Mr. John Northrop and Major John Bostwick, be appointed, and they are hereby appointed, a committee to repair to said New Fairfield, at the cost of the memorialists, and view the circumstances of said town, and affix the place whereon said town shall erect a meeting house for divine worship in said town, and make return to the Assembly in May next.

[54] Upon the memorial of John Comestock of New London, and Ralph Stoddard, jun., and John Hurlburt, both of Groton, shewing to this Assembly, that the Assembly, at their sessions in October last, appointed a committee to view the circumstances of the river between Norwich and New London, and to determine the best place to keep a ferry, who determined that the best place for a ferry was from a point of land where a highway that is laid open through Ralph Stoddard's land to said point, so across the river to a point of land in

said Comstock's field, and praying this Assembly to appoint them the keepers of said ferry: Resolved by this Assembly, that the petitioners, (*viz.*) John Comstock, Ralph Stoddard, jun. and John Hurlburt, are appointed the keepers of said ferry during this Court's pleasure; the said Hurlburt and said Stoddard jun. on the east side, and said Comstock on the west side: provided the highway above mentioned be kept open, and the pent-way in said Comstock's field to said ferry place be well provided with gates.

Upon the memorial of Noah Rockwell of Danbury, representing to this Assembly that his riding beast was impressed into his Majesties service; praying for relief: This Assembly grants to said Noah Rockwell six pounds money, to be paid out of the publick treasury of this Colony.

This Assembly do appoint Col. Benjamin Hall, Capt. Isaac Dickerman and Capt. John Fowler, a committee to review the circumstances of the inhabitants of the northwest part of the town of Derby, the southwest part of Waterbury and the southeast part of Woodbury, agreeable to an act of this Assembly made in May last, on the memorial of the said inhabitants praying to be made a distinct society, and make report of their doings to this Assembly in May next.

Upon the memorial of the inhabitants of New Fairfield, praying for a tax upon the unimproved land in said New Fairfield southward of the seven mile line across said town: Resolved by this Assembly, that there shall be, and there is hereby, a tax of four pence per acre laid upon all the unimproved lands in said town south of said seven mile line that is laid out or that is agreed to be laid out, for four years next coming; and Major Andrew Burr of Fairfield is hereby appointed to collect said tax, and improve the same towards building a meeting house and settling a minister in said New Fairfield.

Upon the report of a committee appointed by this Assembly in May last, to view the town of Kent and to affix the place for said town to build a meeting house on, who have reported to this Assembly that the most proper and suitable place to build a meeting house on in said Kent is in the highway of twelve rods wide between the two tier of home lots, the west side of the mountain at the west end of the home-lot of Daniel Comstock and at the east end of the home-lot of Abel Wright and near the highway that runs east, at such place said committee stuck down a stake: Resolved by this Assembly, that said report be accepted, and the same is hereby accepted and confirmed, and said town is hereby ordered to build a meeting house there accordingly.

An Act for printing and publishing an Act of Parliament of the sixth Year of her late Majesty Queen Anne, intituled An Act for ascertaining the Rate of Foreign Coins in her Majesties Plantations in America, and the Instructions from the Lords Justices of the Regency to the Governour and Company of this Colony, requiring the Observation and Execution of said Act.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said act of Parliament, intituled An Act for ascertaining the rates of foreign coins in her Majesties plantations in America, and the said instructions from the Lords Justices of the Regency to the Governour and Company of this Colony, [55] given || at Whitehall the twenty-first day of August, one thousand seven hundred and forty,* shall be printed and published with the acts of this Assembly; and the Secretary of this Colony is directed to transmit to Mr. Timothy Green, printer to the Governour and Company of this Colony, copies of the said act and instructions, for that purpose.

An Act to prevent the Passing of Bills, Notes, or any other Currency made or emitted on Private Credit.

Be it enacted by the Governour, Council and Representatives,

*The letter which inclosed the Instructions is in *Foreign Correspondence*, I, 157, but no copy of the Instructions themselves being found in our archives, they are here reproduced from the printed copy of the acts of this session.

BY THE LORDS JUSTICES.

*Jo. Cant. Wilmington P.
Hervey C. P. S.
Dorset
Grafton
Richmond Lenox & Aubigny
Bolton*

Instruction to the Governour and Company of his Majesty's Colony of Connecticut in New England in America, for the better observation of the act of the 6th of Queen Anne, for ascertaining the rates of foreign coins in America.

{ L. S. }

Given at Whitehall the 21st day of August, 1740, in the fourteenth year of his Majesty's reign.

Whereas an act of Parliament was passed in the sixth year of her late Majesty Queen Anne, intituled An Act for ascertaining the rates of foreign coins in her Majesty's Plantations in America: And whereas complaints have been made that the said [act] has not been observed as it ought to have been, in many of his Majesty's Colonies and Plantations in America, by means whereof many indirect practices have grown up, and various and illegal currencies have been introduced in several of the said Colonies and Plantations, contrary to the true intent and meaning of the said act, and to the prejudice of the trade of his Majesty's subjects: In consequence of which complaints, a humble address was presented the last sessions by the House of Commons to his Majesty, that he would be graciously pleased to require and command the respective Governours of his Colonies and Plantations in America, effectually to observe the said act of the sixth of Queen Anne.

It is therefore his Majesty's royal will and pleasure, and you are hereby strictly required and commanded, to take the most effectual care for the future, that the said act be punctually and *bona fide* observed and put in execution, according to the true intent and meaning thereof.

And to the end that his Majesty's commands herein may be fully made known to all his subjects within your government, and that none of them may pretend ignorance thereof:

You are hereby further required and commanded, to publish this Instruction in such manner as may best answer his Majesty's gracious intentions herein signified.

*J. C. W. P. D. B.
H. C. P. S.*

in General Court assembled, and by the authority of the same, That if any person or persons in this Colony shall utter, vend or pass any bills, notes or other currency whatsoever, which either have been or shall be made for a general currency or medium of trade, and emitted on the fund or credit of any private person or persons, society or company whatsoever, either in this or any of the neighbouring governments, such person or persons shall forfeit double the sum mentioned in such bills, notes, &c. ; the one half to him or them that shall prosecute the same to effect, and the other half to the town or county treasury, according as where such offence shall be prosecuted. And all grand-jurors and constables are hereby required to make due presentment of all breaches of this act. Provided, this act continue in force until the rising of this Assembly in May next, and no longer.

An Act for raising the Fare of Nehantick Ferry.

Ordered by this Assembly, That, for the future, the fare of Nehantick ferry, from the first of April to the last of November, shall be three pence for man, horse and load ; and from the last of November to the last of March shall be four pence ; and two pence for a single man all the year.

Messrs. Nathaniel Skinner, Jonathan Dunham and Samuel Lewiss, a committee appointed by this Assembly in May last to pitch upon a place in the town of Canaan, whereon the inhabitants of said town should build their meeting house for divine worship, now made report, that the most suitable and convenient place for setting said meeting house is in the highway called the Six Rod highway, that runs from the northern to the southern part of the said town of Canaan, being the first six rod highway laid out in said town, at the west end of the lot numbered twenty-nine, near the northwest corner of said lot, (which lot is in the second division,) between the end of said lot and the hill, where they have marked a small pine tree, &c., as on file : Which said report of said committee is accepted and approved by this Assembly.

This Assembly do order and direct the Treasurer of this Colony to deliver the sum of thirty-two pounds twelve shillings and six pence, bills of credit, into the hands of his Honour the Governour, who is desired to transmit the same unto Mr. Nickols of New York, post-master &c., to answer his demand upon this government for postage of a packet, and sending the same express to Hartford.

This Assembly grants to John Kingsly the sum of five pounds, towards his relief in paying for his board ever since

the 13th day of this instant October, and to defray his charges in returning home to his family.

Granted to Stephen Bayard, Esq^r, of the city of New York, the sum of twenty pounds, for his assistance and good service in procuring stores, &c., for the souldiers belonging to this government, when they were lately shipwrecked in their voyage to New York.

[56] *Resolved by this Assembly*, That the Treasurer of this Colony pay out of the publick treasury the sum of forty-six pounds five shillings and four pence, in bills of credit, to Major Andrew Burr, it being the full ballance of his allowance as commissary; and also the sum of thirty-two pounds five shillings and six pence, to Major Jabez Hamlin, it being the full ballance of his allowance as commissary.

This Assembly orders John Whiting, Treasurer, to pay unto Timothy Green, printer, the sum of thirty-five pounds, for his half years salary.

Resolved by this Assembly, That there be provided, at the charge of this government, a convenient council-table in the council-chamber at New Haven, with a conveniency for the Secretary to write on, and convenient seats for the gentlemen attorneys, and that Capt. Isaac Dickerman be a committee to procure the same to be done.

This Assembly grants to his Honour the Governour the sum of fifty-seven pounds and three shillings, in full for the remainder of his salary the current year, to be paid in new tenor bills emitted last May.

This Assembly grants to his Honour the Deputy Governour the sum of twenty-eight pounds eleven shillings and six pence, in new tenor bills emitted last May, in full for the remainder of his salary the current year.

Whereas this Assembly hath been drawn out to so great a length that all the members thereof cannot, without great inconvenience, stay to hear the records of the acts of this Assembly read off at this time, do, therefore, appoint Roger Wolcott, Esq^r, Nathaniel Stanly, Esq^r, William Pitkin, Esq^r, Capt. John Marsh, Mr. Joseph Buckingham, Mr. Elisha Williams, and Colo. John Chester, to be a committee, in the name of this Assembly, to attend his Honour the Governour at the council chamber in Hartford, to hear the records of the acts of this Assembly read off, and then the Secretary to sign them as perfect and compleat.

The several Acts, Grants and Orders of this Assembly, as they stand entered on the pages of this book next preceding, were read off in the presence of his Honour the Governour

and the committee abovenamed (except Nath^l Stanly, Esq^r, and Capt. John Marsh,) and by them ordered to be signed as compleat.

GEORGE WYLLYS, Secretary.

. *Anno Regni Regis Georgii secundi decimo-quarto.*

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUT, IN NEW ENGLAND IN AMERICA, (BY SPECIAL ORDER OF HIS HONOUR THE GOVERNOUR, ON WEDNESDAY THE 26TH DAY OF NOVEMBER, AND CONTINUED BY SEVERAL ADJOURNMENTS TO THE 3D DAY OF DECEMBER FOLLOWING, ANNOQUE DOMINI, 1740.*

Present :

The Honourable Joseph Talcott, Esquire, Governour.

The Hon^{ble} Jonathan Law, Esquire, Deputy Governour.

Roger Wolcott, Esq ^r ,	William Pitkin, Esq ^r ,	} <i>Assistants.</i>
James Wadsworth, Esq ^r ,	Thomas Fitch, Esq ^r ,	
Nathaniel Stanly, Esq ^r ,	Ebenezer Silliman, Esq ^r ,	
Timothy Pierce, Esq ^r ,	Jonathan Trumble, Esq ^r ,	
Samuel Lynde, Esq ^r ,	Hez. Huntington, Esq ^r ,	

Representatives or Deputies that attended at this Assembly are as follow, (viz :)

Capt. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Capt. Nath^l Saltonstall, Mr. Thomas Forsdick, for New London.
 Colo. Jabez Huntington, Major Thos. Dyer, for Windham.
 Mr. Elisha Williams, Colo. John Chester, for Weathersfield.
 Colo. Thomas Welles, Capt. Jonath. Hale, for Glassenbury.
 Capt. Henry Allyn, Mr. Roger Wolcott, jr., for Windsor.
 Mr. Samuel Rose, Mr. Samuel Butler, for Brandford.
 Mr. Increase Billings, Mr. Joseph Denison, for Stoningtown.
 Mr. Dudley Woodbridge, Colo. Christopher Avery, for Groton.
 Capt. James Beebe, Mr. Thomas Benedict, for Danbury.
 Mr. John Humphrey, Mr. Joseph Wilcox, for Symsbury.
 Mr. John Lane, Capt. Isaac Kelsey, for Killingworth.
 Capt. Hez^h Gaylord, Capt. Joseph Phelps, for Hebron.
 Capt. Caleb Cone, for Haddam.
 Capt. Isaac Dickerman, Mr. John Hitchcock, for New Haven.
 Major Andrew Burr, for Fairfield.
 Mr. Joshua Huntington, for Norwich.

* The Journal of neither House is found.

Mr. John Mitchell, Capt. Richard Brunson, for Woodbury.
 Capt. William Wadsworth, Mr. Asahel Strong, for Farming-
 town.

Major James Lockwood, Mr. Thomas Benedict, for Norwalk.
 Capt. Thomas Storrs, for Mansfield.

Mr. Ebenezer West, Mr. Gershom Clark, for Lebanon.

Capt. Theophilus Nickols, Capt. Jos. Blackleach, for Stratford.

Mr. John Griswold, Mr. Richard Lord, for Lyme.

Colo. Samuel Willard, Mr. Jedadiah Chapman, for Saybrook.

Mr. Joseph Billings, Mr. William Wittar, for Preston.

Mr. John Dwight, Mr. Boaz Starns, for Killingly.

Colo. Samuel Hill, Capt. Timothy Stone, for Guilford.

Mr. Isaac Spencer, for East Haddam.

[58] Capt. Elihu Chauncey, Mr. Nathan Camp, for Durham.

Major Roger Newton, Capt. John Fowler, for Milford.

Mr. William Marsh, Mr. Thomas Stephens, for Plainfield.

Mr. James Benedick, Mr. Daniel Chapman, for Ridgefield.

Mr. John Southmaid, Mr. Stephen Hopkins, for Waterbury.

Mr. Isaac Kendal, Mr. Peter Bicknal, for Ashford.

Capt. John Buel, Capt. Joseph Bird, for Litchfield.

Colo. Benja. Hall, for Wallingford.

Mr. Abell Gun, Mr. Sam^l Tomlinson, for Derby.

Major John Bostwick, Capt. Theoph. Baldwin, for New Mil-
 ford.

Mr. Solomon Pain, Mr. Jabez Fitch, for Canterbury.

Capt. George Phillips, Major Jabez Hamlin, for Middletown.

Capt. Noah Sabin, Mr. Jacob Dana, for Pomfrett.

Colo. Jonath. Hoit, Capt. Jonath. Maltbie, for Stanford.

Colo. John Bulkley, Capt. Israel Newton, for Colchester.

Mr. Robert Dixson, for Voluntown.

Mr. Elisha Williams, Speaker	} of the House of Repre-
Capt. John Fowler, Clerk	

This Assembly being met at this time (by special order and appointment of his Honour the Governour of this Colony, with the advice of the Council,) his Honour laid before them two letters lately received from the Right Honourable the Lords Commissioners for Trade and Plantations, one bearing date the 20th, and the other the 21st of May, 1740, containing the occasion of his Honour's calling the Assembly together at this present time, and recommended the matters contained in their Lordships' said letters to the consideration of this Assembly.

And thereupon it is resolved by this Assembly, in compliance with their Lordships' letter of the 21st of May aforesaid, That a printed book containing the laws of this government to this time, inclusive of the acts of this sessions of this Court, be pre-

pared and transmitted to their Lordships, by which they may best see the laws that have been made and are in force in this government.

And, in obedience to their Lordships' letter of the 20th of May aforesaid, requiring the Governour and Company of this Colony to prepare and transmit to them an account of the tenor and amount of the bills of credit which have been created and issued in this government, that are now outstanding, with the respective times when such bills, so outstanding, were issued, &c., and to send therewith our opinion, what will be the most easy and effectual manner of sinking and discharging all such bills of credit, with the least prejudice to the inhabitants of this government and interruption of the commerce of the Kingdom :

It is further resolved by this Assembly, That there shall be transmitted to their Lordships from the Governour and Company of this Colony, an answer to their said letter of the 20th of May aforesaid, signed by the Governour and Secretary, in the behalf of the Governour and Company of this Colony. And an answer being prepared accordingly is approved of, allowed, and ordered to be sent to their Lordships ; and is in the words following, *viz* :

[59] To the Right Honourable the Lords Commissioners for Trade and Plantations.

The Answer of the Governour and Company of the Colony of Connecticut to their Lordships' letters of the 20th and 21st of May last.

My Lords:

In compliance with yours of the 21st of May last, we have ordered a collection of the Laws of this Government to be prepared and transmitted to your Lordships, by which you will see the laws that have been made and are in force in this government.

And in obedience to your Lordships' order of the 20th of May aforesaid, we do hereby signify to and inform your Lordships, that, in pursuance of the royal order by us received in the sessions of this Assembly in October, *anno Dom.* 1739, an account of the bills emitted, and the respective times when such bills were emitted, and what were then outstanding, hath been already transmitted to your Lordships from the Governour of this Colony ; and since that, a duplicate and a triplicate of said account hath been sent ; to which account we beg leave to refer your Lordships for an account of the affair to that time.

We do further acquaint your Lordships, that about three thousand pounds of loaned bills were drawn in for interest for

the year 1740, and that the whole of the said loaned bills will be discharged by the year 1742: and that the bills then outstanding, that were issued to defray the charge of government, are near or quite sunk by the taxes of the years 1738 and 1739.

Your Lordships will see, by the laws herewith transmitted, the tenor of the several bills of credit issued in this government, and the amount of the old tenor bills in money of Great Britain by the account we conclude you have received from the Massachusetts, to which we humbly refer your Lordships as in the aforementioned accounts is expressed, and the amount of the new tenor bills is discovered by the form of the bill.

We do further acquaint your Lordships, that the emission of four thousand pounds, old tenor, and eight thousand pounds new tenor bills, in May last, and ten thousand pounds, bills of the old tenor, in July last, were all granted in compliance with his Majesties instructions to this government, respecting the expedition to the Spanish West Indies, and for the necessary defence of this government, without which it was impracticable for this government to answer his Majesties expectations.

And that the twenty-two thousand pounds new tenor bills, which were ordered to be loaned, to supply our want of a medium of exchange, is ordered to be paid in the one half in four and the other in eight years; and that the bills loaned and to be discharged by the year 1742, and the said twenty-two thousand pounds, are the only bills ever loaned by this government.

[60] We also signify to your Lordships, that the most easy and effectual manner of sinking and discharging said bills, according to your Lordships' letter, is, in our opinion, to sink and discharge the same in the manner provided in the several acts passed for the emission thereof, to which we refer your Lordships; by which your Lordships will see that the said bills will be gradually drawn in and sunk; which method, we think, will be least prejudicial to the inhabitants of this government, and interruption to the commerce of the Kingdom.

We do also further acquaint your Lordships, that the act of May last for the emission of thirty thousand pounds bills of a new tenor, which made it obligatory on all persons to take the said bills in payment of debts, dues, &c., was truly made with an honest and real intent, to prevent the said bills from depreciating, which we were the rather induced to by the example of our neighbouring government of New York, who we are informed by such an act in a great measure have

prevented their bills from discounting ; and we were not then in the least apprehensive that the inserting such a clause, in that act of May last, was any way inconsistent with or contrary to the act of the sixth year of her late Majesty Queen Anne, entitled *An Act for ascertaining the rates of foreign coins in her Majesties plantations in America*, having then had no intimations of his Majesties intentions, nor of the sense of the House of Commons on that occasion, and as soon as possible after the receipt of your Lordships' letters, we have repealed that clause of the act of May last which made it obligatory on all persons to take said bills in payment as aforesaid, as your Lordships will see by the act of this Court, passed at the present sessions, for repealing the said clause.

And, on the whole, we conclude your Lordships will be of opinion that we have not granted large and frequent emissions of paper currency ; and if compared with what some other Colonies have done, will appear to be a small proportion. And we do assure your Lordships, that we shall take effectual care, as much as in us lyes, to pay all due regards to his Majesties intentions, and to the sense of the House of Commons on this occasion. And we cannot omit to take notice of, and gratefully acknowledge, your Lordships' friendly admonition and advice to us, who are,

My Lords,

Your Lordships' most obedient and most humble servants,
JOSEPH TALCOTT.

Signed by order of the General Assembly
of the Colony of Connecticut,

GEORGE WYLLYS, Secret'ry.

[61] An Act for the Repealing Part of the Act passed by this Assembly in May last for the Emission of Thirty Thousand Pounds Bills of Publick Credit, entitled *An Act for Making and Emitting Bills of Publick Credit, and for the Amendment of some Part thereof.*

This Assembly being instructed from the Lords Justices of the Regency, that it is his Majesties royal will and pleasure that the act of Parliament made in the sixth year of her late Majesty Queen Anne, entitled *An Act for ascertaining the rates of foreign coins in her Majesties plantations in America*, should, for the future, be punctually and *bona fide* observed and put in execution ; and being also informed from the Lords Commissioners for Trade and Plantations, of the resolves of the House of Commons respecting the emissions of paper currencies in many of the British Colonies and plantations in America, and making it obligatory on all persons to take the same in payment of debts, &c. ; which shews how

much they apprehend the good intentions of the said act of the sixth of Queen Anne hath been frustrated, and the commerce of Great Britain affected, by the said emissions of paper currencies as aforesaid: On consideration whereof, this Assembly do apprehend, that that part of the said act of this Assembly, past in May last, which makes it obligatory on all persons to take the said bills in payment of debts, dues and demands, doth not comport with his Majesties said intentions and the sense of the House of Commons on that occasion.

Be it therefore enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the word or particle *and*, in the form of the bill ordered by said act of May last to be emitted, be repealed and made void, and the same is hereby repealed and made void, and the said bills shall be made conformable thereto. And the word or particle *and*, in the last paragraph of the said act of May last, that stands between the words *all payments*, and the words *in the treasury*, and also these words in the said last paragraph, (*viz:*) *former contracts by speciality for silver only and*, be repealed, and the same are hereby repealed and made void.

And be it further enacted by the authority aforesaid, That the bonds ordered by said act of May last to be taken to this government, either for principal loaned, or interest thereof, shall be taken for lawful money of this Colony, conditioned as in said act is provided. And the committee for the loaning the said bills in the respective counties are to take notice hereof and conform hereto in taking said bonds; anything in the said act to the contrary notwithstanding.

For the Support of the Credit of the Bills of the New
Tenour emitted in May last.

This Assembly do order and direct the Treasurer of this Colony to exchange for bills of the new tenour that may be brought in by the possessor, with bills of the old tenour of this or the neighbouring governments, at the rate of £250 *per cent.* more of the said bills of the old tenour for those of [62] the new tenour that may be brought to him, or so much *per cent.* as the old tenour bills aforesaid shall bear to the new tenour at the rate therein expressed. And he is hereby further directed, that he shall exchange the same during only the sessions of this Assembly in October next, and so during all the then future sessions of this Assembly.

An Act in Addition to the Law of this Colony passed in the tenth Year of the Reign of her late Majesty Queen Anne, entituled An Act for Establishing Superior Courts, &c., in the several Counties of this Colony.

Be it enacted by the Governor, Council and Representatives,

in General Court assembled, and by the authority of the same, That when any person or persons shall make suggestion to the superiour court of judicature over this Colony, or, in the vacation, to the chief judge, or to any two of the assisting judges of said court, that any other court held within this Colony do exceed their jurisdiction, or do hold plea of any matter, cause or thing, whereof by law such court hath no jurisdiction, that in every such case the said superiour court, chief judge, or two assisting judges, to whom such suggestion is made, shall be, and are hereby, impowered to grant a Writ of Prohibition to the court that hath taken or do take cognizance in any such case whereof they have no right to hold plea as aforesaid. And the said superiour court is hereby further impowered, from time to time, to proceed and give judgment in every such case according to the course of the common or statute law, as the nature of the case may require, as fully, absolutely and intirely as the court of *King's Bench*, in that part of Great Britain called England, by law may do. And the said superior court shall award costs as in other cases brought before them, and grant execution accordingly.

Upon consideration that this Assembly, at their sessions in May last, having resolved to build a vessel of war, and appointed a committee for that end, which committee now desiring to be excused from that service: This Assembly now appoints Capt. Giles Hall to procure or cause to be built, for the use and at the cost of this government, a strong, swift and large sloop, of about one hundred tons, every way compleatly finished and rigged. And said Giles Hall is to provide suitable carriage and swivel guns, powder and ball, and to take a sufficient number of the small arms, and any other suitable warlike instruments now at New London, under the care of this government and in the hands of Mrs. Mary Picket, and every other thing proper to equip a vessel of war, well to guard the navigation and sea-coast of this Colony. And the said Giles Hall is hereby impowered to draw out of the treasury of this Colony a suitable sum or sums of money for the end aforesaid, and to make all possible dispatch in the premises, and lay his accounts before this Assembly at their sessions in May next.

Resolved by this Assembly, That his Honour the Governor be desired to transmit to Francis Wilks, Esqr, Agent of this Colony, one of each of the several bills of exchange now lodged in the hands of the Secretary, with directions to him to get them accepted for payment; and that his Honour be desired, with the advice of the Council of War, to send to

him to purchase warlike stores, of such kinds and in such quantities as they shall direct : and further, to enable him to purchase and pay for them, his Honour the Governor is desired to endorse one of the said bills to be paid to the said agent or his order.

[63] This Assembly having received information that their Lordships of the Board of Trade have given their report in favour of granting a new commission of review by his Majesty, in the affair of the Mohegan Indians, and not knowing how soon a new commission may be granted and commissioners appointed, and a new tryal of that affair brought on : Therefore,

Resolved by this Assembly, That Thomas Fitch and Elisha Williams, Esq^{rs}, be a committee, who, upon the receipt of the new commission, or due notice of the appointment aforesaid, are hereby instructed to make the necessary preparations for the new tryal of that affair. And the agents who were appointed and authorized by this Assembly, in their sessions in May, 1738, are hereby further authorized and impowered to appear, and make the necessary defence on the behalf of the government, on that affair. And the Treasurer of this Colony is thereupon directed and ordered, (by order from the Governor and Assistants in the town of Hartford,) to deliver into the hands of the said agents, and to the aforesaid committee, what money shall be thought needful for the purposes aforesaid.

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

This Assembly grants a rate or tax of one half-penny on the pound on all the polls and rateable estate in this government ; to be paid into the publick treasury in old tenour bills of credit of this Colony, with the usual advance of twelve pence on the pound, or in true bills of credit of four signers of the Massachusetts Bay, or in true bills of credit of New York, without advance on them, or in silver money as it passeth in the country.

This Assembly do establish and confirm Mr. Samuel Buckingham to be Captain of the company or trainband at the north parish in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Wright to be Lieutenant of the company or trainband at the north parish in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly grants to his Honour the Governor the sum of fifty pounds, for the extraordinary charge he hath been at,

and service done for this government this present year, to be paid out of the publick treasury of this Colony.

This Assembly grants to his Honour the Deputy Governour twenty pounds, for his extraordinary services for the present year.

Considering the extraordinary difficulty in travelling to and from this Assembly at this time :

It is resolved by this Assembly, That the travel of both Assistants and Representatives for this sessions shall be double to what it used to be.

[64] *And it is further resolved by this Assembly,* That the debentures to be made up for the travel and wages of the several Assistants and Representatives at this Court, shall be made up and estimated in bills of the new tenour at the rate of 250 *per cent.* advance for those bills above what used to be allowed when made and estimated in bills of the old tenour. The Treasurer is also hereby ordered and directed to pay this Assembly their wages in bills of the new tenour.

This Assembly appoint Nathaniel Stanly, Esq^r, William Pitkin, Esq^r, Elisha Williams, Esq^r, Capt. John Mash and Mr. Joseph Buckingham, to be a committee to attend his Honour the Governour at the Council chamber in Hartford, to hear the records of this Assembly read off, and then the Secretary to sign the same as perfect and compleat.

The several Acts, Grants and Orders of this Assembly, as they stand entered on the pages of this book next preceding, were read off in the presence of his Honour the Governour, Nath^l. Stanly, Esq^r, Capt. John Marsh and Mr. Joseph Buckingham, of the committee abovenamed, and by them ordered to be signed as perfect as compleat.

GEORGE WYLLYS, Secretary.

[65] *Anno Regni Regis Georgii secundi decimo-quarto.*

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD IN HIS MAJESTY'S ENGLISH COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA, ON THE SECOND THURSDAY OF MAY, (BEING THE 14TH DAY OF SAID MONTH,) AND CONTINUED BY SEVERAL ADJOURNMENTS UNTIL THE 5TH DAY OF JUNE NEXT FOLLOWING, ANNOQUE DOMINI, 1741.*

Present :

The Honourable Joseph Talcott, Esquire, Governor.

*The Journal of neither House is found.

The Hon^{ble} Jonathan Law, Esq^r, Deputy Governor.
 Roger Wolcott, Esq^r, Samuel Lynde, Esq^r,
 James Wadsworth, Esq^r, William Pitkin, Esq^r,
 Nathaniel Stanly, Esq^r, Thomas Fitch, Esq^r,
 Joseph Whiting, Esq^r, Ebenezer Silliman, Esq^r,
 Ozias Pitkin, Esq^r, Jonathan Trumble, Esq^r,
 Timothy Pierce, Esq^r, Hezekiah Huntington, Esq^r, } *As-*
sist-
ants.

*Representatives or Deputies that were returned to attend at
 this Assembly are as follow, (viz.)*

Capt. John Marsh, Capt. Joseph Pitkin, for Hartford.
 Mr. John Richards, Capt. Daniel Coit, for New London.
 Colo. Jabez Huntington, Mr. Jonth Huntington, for Wind-
 ham.
 Mr. Ebenezer West, Mr. Ebenezer Gray, for Lebanon.
 Mr. Joseph Strong, Capt. Samuel Parker, for Coventry.
 Mr. Roger Wolcott, jr., Mr. Daniel Bissell, for Windsor.
 Capt. John Buel, Mr. Ebenezer Marsh, for Litchfield.
 Capt. James Bebee, Mr. Thomas Benedict, for Danbury.
 Mr. John Kesson, Mr. John Dickson, for Voluntown.
 Capt. Leicester Grosvenor, Capt. Noah Sabin, for Pomfrett.
 Major Roger Newton, Capt. John Fowler, for Milford.
 Capt. Thomas Storrs, Mr. Experience Porter, for Mansfield.
 Capt. Isaac Dickerman, Mr. John Hitchcock, for New Haven.
 Major Andrew Burr, Capt. Samuel Burr, for Fairfield.
 Mr. Joshua Huntington, Mr. Isaac Huntington, for Norwich.
 Capt. John Russell, Mr. Jonth. Butler, jun., for Branford.
 Mr. Elnathan Stephens, Mr. Joseph Wilcox, for Killings-
 worth.
 Mr. John Humphrey, Mr. John Case, for Symsbury.
 Mr. John Betts, Mr. John Belden, for Norwalk.
 Mr. Jabez Mead, Capt. Nathaniel Peck, for Greenwich.
 Capt. Theophilus Nickols, Capt. David Judson, for Stratford.
 Capt. Nath^l. Bostwick, Mr. Sam^l. Canfield, for New Milford.
 Mr. Anthony Judd, Mr. John Hart, for Farmington.
 Major Jabez Hamlin, Mr. Seth Wetmore, for Middletown.
 Colo. Sam^l Hill, Capt. Timo. Stone, for Guilford.
 [66] Mr. Hez^h Brainerd, for Haddam.
 Colo. John Bulkley, Capt. Israel Newton, for Colchester.
 Capt. Hez^h. Gaylord, Capt. Joseph Phelps, for Hebron.
 Capt. Elihu Chauncey, Capt. Robert Fairchild, for Durham.
 Mr. Shepard Fisk, Mr. Uriah Horsmer, for Killingly.
 Capt. Jabez Fitch, Colo. John Dyer, for Canterbury.
 Mr. John Southmaid, Mr. Stephen Hopkins, for Waterbury.
 Mr. Sam^l Tomlinson, Mr. Abell Gun, for Derby.
 Mr. Thomas Stephens, Mr. John Douglass, for Plainfield.
 Colo. Christopher Avery, Mr. Humphrey Avery, for Groton.

Colo. Samuel Willard, Mr. Jedadiah Chapman, for Saybrook.
 Mr. Isaac Spencer, for East Haddam.
 Capt. Stephen Lee, Major Dan^l Ely, for Lyme.
 Mr. John Breed, Mr. Simeon Minor, for Stonington.
 Mr. Noah Hinman, Mr. Kniel Mitchell, for Woodbury.
 Colo. Jonathan Hoit, Capt. Jonathan Maltbye, for Stanford.
 Mr. Elisha Williams, Colo. John Chester, for Weathersfield.
 Mr. Hezekiah Parkes, Mr. Joseph Billings, for Preston.
 Colo. Thomas Welles, Mr. Jonathan Hale, for Glassenbury.
 Mr. Isaac Kendal, Mr. James Bicknal, for Ashford.
 Colo. Benja. Hall, Capt. Samuel Hall, for Wallingford.
 Mr. James Benedict, for Ridgefield.

Mr. Elisha Williams, Speaker, } of the House of Repre-
 Capt. John Russell, Clerk, } sentatives.

This day being appointed by the royal charter and the laws of this Colony for the election of the publick officers of this corporation, (*viz* :) Governor, Deputy Governor, Assistants, Treasurer, and Secretary,—proclamation was made, and the freemen proceeded to give in their votes to persons appointed by the Governor, Council and Representatives, to receive, sort and count them ; which persons were, Joseph Whiting, Esq^r, Ozias Pitkin, Esq^r, Timothy Pierce, Esq^r, Samuel Lynde, Esq^r, William Pitkin, Esq^r, Ebenezer Silliman, Esq^r, Hezekiah Huntington, Esq^r, Colo. John Chester, Mr. Roger Wolcott, jun., Colo. Benjamin Hall, Capt. John Fowler, Mr. John Richards, Colo. Samuel Willard, Capt. Samuel Burr, Capt. David Judson, and Capt. Jabez Fitch, and Mr. Ebenezer Gray. And the freemen's votes being brought in, sorted and counted,

The Honourable Joseph Talcott, Esquire, was chosen Governor of this Colony for the year ensuing ; and the Governor's oath, and the oath required by act of Parliament relating to trade and navigation, were administred to him in the presence of the Assembly.

The Honourable Jonathan Law, Esquire, was chosen Deputy Governour of this Colony for the year ensuing, and the Deputy Governor's [oath] was administred to him in the presence of the Assembly.

Roger Wolcott, Esq ^r ,	Samuel Lynde, Esq ^r ,
James Wadsworth, Esq ^r ,	William Pitkin, Esq ^r ,
Nath ^l Stanly, Esq ^r ,	Thomas Fitch, Esq ^r ,
Joseph Whiting, Esq ^r ,	Ebenezer Silliman, Esq ^r ,
Ozias Pitkin, Esq ^r ,	Jonath. Trumble, Esq ^r ,
Timothy Pierce, Esq ^r ,	Hez ^h Huntington, Esq ^r ,

were chosen Assistants for the year ensuing, and had the Assistant's oath, provided by law, administred to them by his Honour the Governor accordingly.

[67] John Whiting, Esqr, was chosen Treasurer of this Colony for the year ensuing.

George Wyllys was chosen Secretary of this Colony for the year ensuing, and had the Secretary's oath, provided by law, administred by his Honour the Governor to him in the presence of the Assembly.

This Assembly do appoint the Honourable Jonathan Law, Esqr, to be Chief Judge of the Superior Courts in this Colony for the year ensuing.

This Assembly do appoint Roger Wolcott, Esqr, James Wadsworth, Esqr, Joseph Whiting, Esqr, Elisha Williams, Esqr, to be Judges of the Superior Courts in this Colony the year ensuing.

This Assembly do appoint William Pitkin, Esqr, to be Judge of the County Courts in and for the county of Hartford for the year ensuing.

This Assembly do appoint Roger Newton, Esqr, to be Judge of the County Courts in and for the county of New Haven for the year ensuing.

This Assembly do appoint Samuel Lynde, Esqr, to be Judge of the County Courts in and for the county of New London for the year ensuing.

This Assembly do appoint John Burr, Esqr, to be Judge of the County Courts in the county of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esqr, to be Judge of the County Courts in and for the county of Windham for the year ensuing.

This Assembly do appoint the Honourable Joseph Talcott, Esqr, to be Judge of the Courts of Probate in the county of Hartford for the year ensuing.

This Assembly do appoint Joseph Whiting, Esqr, to be Judge of the Courts of Probate in the district of New Haven for the year ensuing.

This Assembly do appoint John Richards, Esqr, to be Judge of the Courts of Probate in the district of New London for the year ensuing.

This Assembly do appoint John Burr, Esqr, to be Judge of the Courts of Probate in the district of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esqr, to be Judge of the Courts of Probate in the district of Windham for the year ensuing.

This Assembly do appoint Samuel Hill, Esqr, to be Judge of the Courts of Probate in the district of Guilford for the year ensuing.

This Assembly do appoint Joseph Minor, Esqr, to be Judge of the Courts of Probate in the district of Woodbury for the year ensuing.

This Assembly do appoint Jonathan Hoit, Esqr, to be Judge of the Courts of Probate in the district of Standford for the year ensuing.

This Assembly do appoint John Marsh, Thomas Welles, John Chester, Henry Allyn, Esqrs, to be Justices of the Peace and Quorum in and for the county of Hartford for the year ensuing.

This Assembly do appoint John Hooker, Samuel Mather, David Goodrich, William Wadsworth, Hezekiah Wyllys, Elisha Williams, Giles Hall, Jabez Hamlin, Joseph White, Thomas Hart, Thomas Hart,* John Humphrey, Samuel Griswold, Hezekiah Brainerd, Sam^l Olmstead, John Bulkley, Nathaniel Foot, Israel Newton, Jonathan Hale, Benjamin Skinner, Joseph Phelps, Samuel Chapman, John Buel, Joseph Bird, Joseph Buckingham, David Whitney, Samuel Lewiss, Roger Wolcott jr., Isaac Spencer, Zebulon West and John Merrick, Esqrs, to be Justices of the Peace in and for the county of Hartford for the year ensuing.

[68] This Assembly do appoint Samuel Eells, John Riggs, John Russell, Samuel Hill, and Isaac Dickerman, Esqrs, to be Justices of the Peace and Quorum in and for the county of New Haven for the year ensuing.

This Assembly do appoint Samuel Bishop, James Hooker, Roger Newton, Theophilus Yale, Samuel Gun, Andrew Ward, Samuel Hall, John Bostwick, Benjamin Hall, Timothy Hopkins, Thomas Clark, John Prout, William Gould, Roger Brownson, Benjamin Hand, Samuel Bassett, John Southmaid, Samuel Hopson, Nath^l Skinner, and Elihu Chauncey, Esqrs, to be Justices of the Peace in and for the county of New Haven for the year ensuing.

This Assembly do appoint Joshua Hempstead, John Griswold, Christopher Avery, Richard Lord, Isaac Huntington, Esqrs, to be Justices of Peace and Quorum in and for the county of New London for the year ensuing.

This Assembly do appoint Abraham Pierson, David Buel, John Lane, Samuel Willard, Joseph Blague, Nathaniel Clark, Jedediah Chapman, Thomas Lee, Daniel Ely, John Richards,

* In the original bill, *Civil Officers &c.*, III, 6, the title of Capt. is prefixed to this second Thomas Hart.

Jeremiah Miller, Joshua Raymond, Jabez Hide, Jabez Perkins, Joshua Huntington, John Cook, Jedadiah Tracy, Hezekiah Park, James Avery, Humphrey Avery, Luke Perkins, John Ledyard, Theophilus Baldwin, Joseph Palmer, Increase Billings, John Whiting, Joseph Denison, Simeon Minor, Daniel Coit, Gurdon Saltonstall and Isaac Tracy, Esq^{rs}, Justices of the Peace in and for the county of New London for the year ensuing.

This Assembly do appoint Edmund Lewiss, Andrew Burr, John Thompson, Jonathan Hoit, William Preston, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Fairfield the year ensuing.

This Assembly do appoint John Burr, Joseph Platt, Samuel Handford, John Grigory, Joseph Minor, James Bebee, Samuel Hoit, Thomas Tousey, James Lockwood, Jonathan Maltbie, Ebenezer Mead, Nathaniel Peck, James Reynolds, Theophilus Nickols, Ephraim Curtiss, Joseph Blackleach, James Benedict, Thomas Benedict, Ebenezer Smith, Benjamin Hecock, John Read, Noah Hinman, Job Sherman, Samuel Burr, Samuel Sherwood, to be Justices of the Peace in and for the county of Fairfield for the year ensuing.

This Assembly do appoint Ebenezer West, Jonathan Huntington, Elisha Pain, and Shubael Conant, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Windham for the year ensuing.

This Assembly do appoint Joseph Strong, John Woodward, Joseph Leavinz, Peter Buel, Leicester Grosvenor, Joseph Cadey, John Crary, Thomas Stores, Ebenezer Wales, Ebenezer Dow, Jacob Dana, Thomas Tiffany, Joseph Fowler, Thomas Steadman, and Isaac Kendal, Esq^{rs}, to be Justices of the Peace in and for the county of Windham for the year ensuing.

This Assembly do appoint Capt. Ebenezer Gray, Mr. Gershom Clark, Mr. Nathaniel Huntington, and Colo. John Dyer, to be Justices of the Peace in and for the county of Windham for the year ensuing.

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

This Assembly do establish and confirm Mr. Uriah Horsmer to be Lieutenant of the second company or trainband in the town of Killingly, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Treat to be Lieutenant of the 1st company or trainband in the town of Milford, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Timothy Parsons to be Lieutenant of the first company or trainband in the town of Durham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Gernsey to be Ensign of the first company or trainband in the town of Durham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abraham Bartlett to be Lieutenant of the second company or trainband in the town of Durham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Whiting to be Captain of the fourth company or trainband in the town of Stonington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Elsworth to be Captain of the seventh company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Hubbard to be Lieutenant of the seventh company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Smith to be Ensign of the seventh company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Avery, jun., to be Ensign of the 1st company or trainband in the town of Groton, and order that he [be] commissioned accordingly.

This Assembly do establish and confirm Mr. Ralph Stoddard, jun., to be Lieutenant of the second company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Allyn to be Ensign of the second company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Walker,

jun., to be Lieutenant of the north company or trainband in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Peet to be Captain of the company or trainband at the parish of Unity in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Beach to be Lieutenant of the company or trainband in the parish of Unity in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Nickols to be Ensign of the company or trainband in the parish of Unity in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Punder-son, jun., of New Haven, to be Ensign of the first company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Sherman to be Captain of the 4th company or trainband in the town of New Haven, and order that he be commissioned accordingly.

[70] This Assembly do establish and confirm Mr. Ebenezer Gray to be Captain of the south company or trainband in the first society in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elisha Andrews to be Ensign of the second company or trainband in the town of Glassenbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Stephens to be Captain of the first company or trainband in the town of Plainfield, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Samuel Rowland to be Captain of the second company or trainband in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Dimon to be Lieutenant of the second company or trainband in the

town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Beers to be Ensign of the second company or trainband in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Bingham to be Captain of the second company or trainband in the town of Windham, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Samuel Cook to be Ensign of the second company or trainband in the town of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Hickcox to be Lieutenant of the first company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Benedict to be Captain of the first company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Starr to be Ensign of the first company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Bissell to be Cornet of the Troop in the 1st regiment in the Colony of Connecticut, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Wadsworth to be Quarter Master of the Troop in the first regiment of this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Caleb Hide to be Captain of the north company or trainband in the first society in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Clark to be Lieutenant of the north company or trainband in the first society in the town of Lebanon, and order that he be commissioned accordingly.

[71] This Assembly do establish and confirm Mr. Joseph Marsh, jun., to be Ensign of the north company or trainband in the first society in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Avery to be Captain of the first company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Witar to be Lieutenant of the first company or trainband in the town of Preston, and order that he be commissioned accordingly.

Ordered by this Assembly, That Jonathan Trumble, Esq^r, and Mr. Ebenezer Gray return the thanks of the Assembly to the Reverend Mr. Solomon Williams, for his sermon delivered before the Assembly on the 14th instant, and desire a copy thereof, that it may be printed.

This Assembly do appoint Joseph Whiting, Esq^r, Jonathan Trumble, Esq^r, Mr. John Richards, Mr. Jonathan Hale, Capt. Robert Fairchild, Mr. John Belden, Capt. Ebenezer Gray, and Major Jabez Hamlin, to be Auditors to audit the Colony accounts with the Treasurer, and make report, &c.

Ordered by this Assembly. That the Treasurer of this Colony exchange the halved and quartered bills of credit of this Colony above the denomination of three shillings, that shall be brought to him by any person during the sessions of this Assembly, and no longer.

Upon the prayer of Atchetoset, an Indian native, representing to this Assembly that himself and family do desire to be instructed in the christian religion, and that his children may be taught to read, and that thereby they may with greater ease understand the principles of said religion; and further setting forth, that he is unable to be at the costs of schooling his children and for sustaining them with food at the same time; and thereupon praying for some relief from this Assembly: Whereupon this Assembly do desire his Honour the Governor to encourage the said Atchetosett in his good purposes; and accordingly that his Honour direct and appoint the Reverend Mr. Anthony Stoddard and Lt. Colonel Preston, to take care that the said Indian be instructed according to his desire, and that his children be schooled and taught the principles of the christian religion, and victualled; and that twenty pounds of the money raised by contribution and in the hands of Nathaniel Stanly, Esq^r, be improved in the said service; and that his Honour be desired to inform the said Mr. Stoddard and Lt. Colonel Preston thereof, that they may be forward with the

affair; and that upon due proof that the said persons appointed as abovesaid have gone forward in the said affair, that the Governor be desired to send the said sum (or so much thereof as may be then expended) to them, that such charge may be defrayed.

Upon the memorial of Daniel Mix, of Wallingford in New Haven county, administrator on the estate of Ruth Mix, late of Wallingford, deceas'd, shewing to this Assembly that the debts due from the estate of the said deceas'd surmount the moveable estate the sum of £134 14s. 0d., and praying for liberty to sell land, &c.: Granted by this Assembly liberty to sell so much of the lands of the said deceas'd as to enable the said administrator to pay the aforesaid debts with the necessary charges arising on the sale of said lands. And Thomas Yale of said Wallingford is hereby authorized to make sale of the same, taking the advice of the court of probate in the district of New Haven.

[72] This Assembly being informed of the broken and confused circumstances that the parish of Northberry in Waterbury are at present under in all their publick affairs, not having any regular society meeting or officer, and that the said society may not be further involved in difficulties and ruined: It is resolved by this Assembly, that Colo. Benjamin Hall, and Capt. John Riggs of Derby, be a committee to repair to said society, with full power to warn said society to meet together, and to lead and conduct said society in the choice of proper officers for the same, and to advise and direct them where they shall meet on the sabbath, for publick worship in said society, and for what term of time; and the said society, and all the inhabitants thereof, are hereby required to conform themselves to the advice and direction of said committee in every respect, on pain of incurring the great displeasure of this Assembly. And the said committee are directed to view the circumstances of the said society, and hear the parties concerned in the premises, and give them their opinion, what is best to be done with respect to getting a place affixed for them to build a meeting house upon, and at what time; and to make report of their opinion on the whole of the premises to this Assembly in October next.

The Additions to the Lists of Estate of the several Towns in this Government hereafter mentioned, sent in to this Assembly, are as follow, (viz:)

	<i>Single Addition.</i>			<i>Fourfold Assessment.</i>		
	£	s.	d.	£	s.	d.
To Stanford,	675	10	6	-	-	8 0 0
To Greenwich,	1761	6	0	-	-	-

To Colchester,	1664	0	0	-	-	-			
To New London,	1983	6	0	-	-	-			
To Lyme,	1298	2	0	-	-	-	80	16	0
To Canterbury,	751	9	0	-	-	-			
To Saybrook,	202	6	6	-	-	-			
To Hebron,	24	0	0	-	-	-			
To Derby,	86	3	3	-	-	-			
To Ashford,	463	15	0	-	-	-			
To Windsor,	879	18	0	-	-	-	1503	12	0
To Stonington,	1845	8	6	-	-	-			
To Groton,	516	5	6	-	-	-			
To Norwalk,	317	12	0	-	-	-			
To Waterbury,	1105	0	0	-	-	-			
To Woodbury,	474	0	0	-	-	-			
To Guilford,	31	1	6	-	-	-	150	8	0
To Plainfield,	942	9	0	-	-	-			
To New Milford,	534	8	0	-	-	-			
To East Haddam,	31	10	0	-	-	-	188	0	0
To Norwich,	176	13	6	-	-	-	719	2	0
To Brandford,	42	0	0	-	-	-	202	4	0
To Windham,	403	9	0	-	-	-	8	0	0
To Hartford,	12	14	3	-	-	-	680	3	0
To Mansfield,	1022	17	0	-	-	-			
To New Haven,	1223	19	6	-	-	-	1054	2	0
To Haddam,	226	0	6	-	-	-			
To Coventry,	344	12	0	-	-	-			
To Milford,	237	2	6	-	-	-	27	4	0
To Preston,	233	0	0	-	-	-	426	0	0
To Weathersfield,	915	18	0	-	-	-	72	8	0
To Wallingford,	1366	2	6	-	-	-			
To Killingworth,	395	12	6	-	-	-	238	8	0
To Stratford,	410	16	6	-	-	-			
To Glassenbury,	661	14	6	-	-	-			
To Middletown,	939	13	0	-	-	-	144	0	0

[73] This Assembly do establish and confirm Mr. Joseph Craft to be Captain of the second company or trainband in the town of Pomfrett, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Joseph Dana to be Ensign of the second company or trainband in the town of Pomfrett, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Meiggs to be Ensign of [the] company or trainband at the parish of East Guilford in the town of Guilford, and order that he be commissioned accordingly.

Upon the memorial of Joseph Phelps of Symsbury, shewing to this Assembly that he hath lately had several bills of credit of this Colony consumed in the flames, and praying that he may receive the sum consumed, as aforesaid, out of the publick treasury of this Colony: This Assembly do hereby order and direct the Treasurer of this Colony to pay unto the said Joseph Phelps the sum of six pounds fourteen shillings and six pence out of the publick treasury of this Colony, it being the sum consumed as aforesaid.

This Assembly do establish and confirm Mr. Stephen Upson to be Lieutenant of the _____ company or trainband in the town of Waterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Judd to be Ensign of the _____ company or trainband in the town of Waterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Cowles to be Captain of the first company or trainband at the parish of Kensington in the town of Farmingtoun, and order that he be commissioned accordingly.

This Assembly do establish Mr. Samuel Langton to be Lieutenant of the first company or trainband at the parish of Kensington in the town of Farmingtoun, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Hart to be Ensign of the first company or trainband at the parish of Kensington in the town of Farmingtoun, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Dart to [be] Captain of the company or trainband at the parish of Middle-Haddam in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Sherman to be Lieutenant of the company or trainband at the parish of Stratfield, in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Sherwood to be Ensign of the company or trainband in the parish of Stratfield in the town of Fairfield, and order that he be commissioned accordingly.

On the memorial of Capt. John Whiting, Treasurer: Granted the sum of one penny on the pound old tenour bills, for his trouble in loaning out the last bank-money.

[74] Granted to Mr. Timothy Green, printer, the sum of forty pounds, for his half year's salary: consideration being had to his services being extraordinary the last year.

Granted to Mr. Timothy Green, printer, the sum of sixty-five pounds, for printing, cutting, and carrying to Hartford, the nineteen thousand pounds bills of credit ordered to be struck, &c., (four thousand pounds thereof) by the General Assembly in May last, and (fifteen thousand pounds thereof) by the General Assembly at their special sessions in July last.

An Act to prevent the Exportation of Grain, Flower and Bread out of this Colony in a Time of Scarcity.

Whereas the exportation of wheat and other sorts of grain and flower out of this Colony in a time of great scarcity may reduce many of our inhabitants greatly to suffer or perish with famine: Which to prevent,

Be it enacted, That his Honour the Governor, by and with the advice of the Council, be desired and impowered, from time to time as occasion shall be, to issue out his proclamation, therein to prohibit and forbid the transporting, or shipping on board for transportation, out of this Colony any wheat or other sort of grain and bread or flower, for the time set in such proclamation.

Always provided, Such proclamation shall not extend to hinder any wheat or other grain or flower being put on board any of his Majesty's ships of war, or other ship or vessel in his Majesty's service, or to necessary stores for any privateers or merchant ship or vessel belonging to his Majesty's subjects; such bills of stores always to be allowed by some assistant or justice of the peace, consideration being had to the number of men, and the length of the voyage intended.

And it is further provided, That such proclamation or prohibition be not extended more than twenty days after the opening the General Assembly that shall be next after the date of such proclamation.

And be it further enacted, That, upon the publishing any such proclamation, all masters of ships or vessels in any of our rivers, ports, harbours or creeks, shall forthwith land all sorts of grain, bread or flower, that they have on board for transportation contrary to said proclamation, or give in a true invoice to some naval officer, assistant or justice of the peace, of the grain and flower they have on board, and become bound, with two sufficient sureties, to the Treasurer of this Colony,

in a penal sum to five times the value of the grain and bread and flower they have on board (excepting the King's ships, and stores as above excepted;) such penal sum to be forfeited upon condition such grain or flower shall not be landed in some place in this Colony expressly mentioned in the condition of such bond, for the use of the inhabitants thereof. And if the master of any ship or vessel shall refuse or neglect to conform himself accordingly, it shall be lawful for an assistant or justice of the peace, and they are hereby ordered in such case, by their warrant to the constable or water-bailiff, to seize, unbend and land the sails of such vessels, and them in safe custody to keep, until the master conform to the order aforesaid and pay all costs occasioned by his defect: the costs to be allowed by such assistant or justice.

[75] *Be it further enacted*, That if any ship or vessel, after || such proclamation made, shall receive on board any grain, bread or flower, contrary to such prohibition, and without or until the master of such ship or vessel shall give bond, as aforesaid, that the same shall be landed in some place in this Colony for the use of the inhabitants thereof, such grain and flower shall be forfeited, the one-half to the informer that shall prosecute his information to effect, and the other half to the publick treasury of this Colony. And when any person shall inform any assistant or justice of the peace that grain or flower is shipped on board any vessel contrary to such prohibition, and give sufficient bond to such authority to prosecute his complaint and answer all damages if he make not his plea good, such assistant or justice shall issue forth his warrant to the constable, or water-bailiff, to search such ship or vessel for such grain or flower, and upon finding the same to land and safely secure to a tryal; and such informer shall forthwith libel against such grain or flower to the judge of the county court in the county where the seizure was made; and in such case the judge before whom the libel is made shall speedily call a special court, in some place in the county, to try said cause, at which court all parties concerned, as far as they are known, shall be cited to appear; and such court is ordered and directed to hear, consider and determine such cause, from which judgment no appeal or review shall be granted.

This Assembly do order the Treasurer of this Colony to pay Christopher Avery the sum of one hundred twenty-two pounds one shilling and ten pence, being the full ballance of the account of said Avery, Thomas Prentice and John Ledyard, laid before this Assembly, respecting cannon for the battery at New London.

On the memorial of the agent of the town of Willington, praying that the lands within the said township may be further taxed, and that all due authority may be granted to the collectors of the last land tax, for the gathering the same, as well of the proprietors non-residents in this Colony, as of others; and that like authority may be granted to the collectors of the tax prayed for at this time:

Resolved by this Assembly, That a tax of eight shillings, in bills of credit of the old tenour, shall be annually laid and assessed on each hundred acres of land in said township, for the space of seven years from the date hereof, to be annually collected and improved for the support of the gospel ministry there. And the collectors of the respective annual taxes, who shall be chosen yearly to that service, shall be, and are hereby, impowered to levy and collect the tax hereby granted for those several years for which they are chosen collectors; and they are directed to collect and pay the same to the selectmen of the said town for the time being, for the use aforesaid; to be annually paid by the first of May.

And whereas many of the claimers and owners of the said lands live out of this Colony, whereby the collecting this tax is rendered difficult, and the same has proved a difficulty in the gathering of the tax which was last granted on the lands in said township for four years now expired, for which no remedy hath hitherto been granted said township:

[76] *Resolved by this Assembly,* That the collectors aforesaid, or some suitable person by him or them appointed, shall annually notify and warn said claimers, twenty days before the time of payment aforesaid, and shew them a copy of this act; and if after they shall be so warned, they shall neglect and refuse to make payment of said tax to said collectors within twenty days, that then it shall be in the power of any two of the selectmen of said town of Willington to extend or lease so much of the aforesaid lands belonging to said claimers refusing to make payment as aforesaid, and for so long a time, as will answer said tax and all charges for extending and leasing the same; which land shall be extended or leased at a publick vendue to the highest bidder, after there hath been a notification in writing under said selectmen's hands in said town of Willington, shewing the time and place thereof; and the lease well executed by said selectmen shall be a good and effectual title in the law to him that shall so have and receive said lease, and to his heirs and assigns, for holding the same during the term in said lease. And if any person living in this Colony shall, after seasonable notice given him by said collectors, refuse to make payment of said tax, he or they so

refusing shall be proceeded against as is already by law provided for the collectors of the town rates. And Nathaniel Parker and William Glazier, that were collectors of the two last taxes granted in favour of Mr. Daniel Fuller, are hereby empowered and directed to collect the several sums which are yet behind in their tax bills, and in the tax bills of Benjamin Newcomb now removed to Kent, and that are now in the hands of the selectmen, in the same manner and form. And the selectmen for the time being are invested with the same power and authority as heretofore in this act is provided for the collectors of the other tax herein granted. And the time of payment of the remainder of the tax granted in favour of Mr. Fuller shall be the first of July next after the date hereof.

An Act for Regulating the Militia.

Whereas for the honour and service of his Majesty, and for the security of this his Majesty's Colony against any violence or invasion whatsoever, it is necessary that due care be taken that the inhabitants thereof be armed, trained, and in a suitable posture and readiness for the ends aforesaid: And that every person may know his duty, and be obliged to perform the same,

1. *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That all male persons, from sixteen years of age to fifty, shall bear arms and duly attend all musters and military exercises of the respective troops and companies where they are enlisted or do belong. (except assistants, justices of the peace, the Secretary, church officers, the rector, tutors and students at the collegiate school, masters of art, allowed physicians and surgeons, representatives or deputies for the time being, school-masters, attorneys at law, one miller to each grist-mill, constant herdsmen, and mariners || who make it their constant business to go to sea, sheriffs, constables, constant ferrymen, lame persons or otherwise disabled in body, producing certificate thereof from two able physicians or surgeons to the acceptance of the two chief officers of the company whereto the persons seeking dismissal appertain, or of the chief officer of the regiment to which such company belongs, Indians and negroes; and every person listed in any troop or company shall so continue and attend all duty in such troop or company, or otherwise suffer the penalty by law provided, until orderly dismissed, or removed out of the town or precinct; and in case of removal into the precinct of another company in the same town, to produce a certificate under the hand of the chief officer of the company in the precinct where he is removed, that he is listed there.

2. That every listed souldier and other house-holder (except troopers) shall always be provided with, and have in continual readiness, a well-fixed firelock, the barrel not less than three feet and an half long, or other good fire-arms to the satisfaction of the commission officers of the company to which he doth belong, or in the limits of which he dwells, a good sword or cutlass, a worm, primer and priming wire, fit for his gun, a cartridge-box, one pound of good powder, four pounds of bullets fit for his gun, and twelve flints, on penalty of ten shillings for want of such arms and ammunition as is hereby required, and three shillings for each defect: and the like sum or sums for every four weeks he shall remain unprovided.

3. That every trooper shall be always provided with a good serviceable horse, not less than fourteen hands high, to the acceptance of the two chief commission officers of the troop to which he belongs, covered with a good saddle with housing and other proper furniture thereto, bitt, bridle and holsters, and furnished with a carbine, the barrel not less than two feet and half long, with a belt and swivel, a case of good pistols, a sword or cutlass, a flask or cartridge-box, one pound of good powder, three pounds of sizeable bullets, twenty flints, a good pair of boots and spurs, on penalty of fifteen shillings for want of such horse as is hereby ordered, and three shillings for each other defect, and the like sum for every six weeks he shall remain unprovided; and that each trooper list his horse, and shall not dispose thereof without the consent of the chief officer, on the penalty of five pounds. And for non-appearance at the time and place appointed for exercise, every listed trooper shall pay a fine of twelve shillings for each days neglect.

4. That each company or troop shall choose some suitable person to be clerk, who shall be sworn to a faithful discharge of his office before some assistant or justice of the peace, in the words following, (*viz* :)

You do swear truly to perform the office of a clerk of the military company under the command of A. B. to the utmost of your skill and power, in all things appertaining to said office, according to law: So help you God.

And every clerk so chosen and sworn shall give his attendance in the field, with his sword by his side, on every of the muster or training days by his captain or chief officer appointed, to call over the roll of the souldiers || and to take notice of their defects, by their absence or otherwise. And every such clerk shall take an exact list of all the souldiers within his limits, twice in every year at least, and deliver to the captain or chief officer of the company of which

he is clerk a true copy of such list twice in every year, if thereto required, and also deliver a true and exact account of the number of officers and souldiers contained in his list to the colonel or chief officer of the regiment to which said company belongs, under his hand and test as clerk, sometime in the month of September annually, and oftner if by such chief officer required, on penalty of forfeiting the sum of twenty shillings for every such neglect, to the use of the company or troop to which he belongs; which fine shall be levied by distress and sale of the offender's goods, by warrant from the chief officers of said company or troop directed to the constable of the town in which said clerk dwells. And every such clerk is hereby authorized and required to execute all lawful warrants by his superior officers to him directed, for the levying any fine or fines on delinquents together with the necessary charges arising thereon, being by virtue of such warrants as fully impowered thereto as constables are in other cases, and shall have the same fees, and shall account for such fines to the chief officer of the company whereto he belongs.

5. That in every trainband where there are sixty-four souldiers besides officers, there shall be a captain, lieutenant, ensign and four sergeants; and where there are thirty-two souldiers, there shall be a lieutenant and ensign and two sergeants; and where there are but twenty-four souldiers, there shall be but two sergeants; which officers the respective companies shall have liberty to nominate. And all such as are obliged by law to keep arms shall be notified of and have liberty to vote in the choice of such commission officers. And all commission officers shall be established by the General Court. And when there shall be in any company a sufficient number of souldiers for two companies, and where there are two companies that have a sufficient number of souldiers for three companies, the colonel or chief officer of the regiment to which such company or companies belong, shall, with the advice of the commission officers of such company or companies, establish a line or lines by which said company or companies shall be divided, and to which the power of the chief officer in each division shall extend.

6. That the chief commission officer of each company and troop shall appoint the days of training and trooping, and the souldiers shall have three days warning, which warning shall be given by the clerks of the respective bands and troops, or by some other person appointed by the chief officer of the company or troop, or in some other way agreed on by such bands or troops. And the days of training and trooping shall be in some or either of the months of March, April, May,

September, October or November. And every centinel shall appear compleat in his arms on every such day, as on days appointed for viewing arms, and under the same penalty for every defect.

7. That every captain or chief officer of any company or troop shall be obliged (on penalty of five pounds, to be dis-[79] trained by warrant from the chief officer of || each regiment directed to either of the constables of the town in which such captain or chief officer dwells, and paid into the treasury of said town,) to draw forth his company or troop, or cause them to be drawn forth, four days in a year, to exercise them in the use of arms, shooting at marks and other military exercises. And every person liable to train, having been duly warned and not appearing and attending the same, shall for each days neglect pay a fine of six shillings, (except such person shall within twelve days make an excuse to the satisfaction of the chief officer of the company to which he belongs, for his not appearing according to warning given him.)

8. That if any commission officer of any military company or troop shall lay down his placé or give in his commission, without liberty from the captain-general, and if any sergeant of foot or corporal of troop, or clerk of either troop or foot, shall lay down his place, without liberty from the colonel or chief officer of the regiment whereto such sergeant, corporal or clerk doth belong, every such officer shall be listed in the roll of the company in the limits whereof he resides, and do all duties and services as private centinels are by law required to do.

9. That all such persons that are not fifty years of age, who have been sergeants of foot or corporals of troop in any company or troop in this Colony, or such as have been in either of said offices in any war, who shall dwell in the limits of any other company than that in which they have sustained such offices, shall be, and hereby are, freed from doing duty as private centinels, and shall be required only to be present to attend the exercise in such place or office as they have before served in. And if any such officer shall refuse or neglect to be present on days of exercise, when required, and to attend the duty of his office, he shall be liable to the same fine as others that sustain the same office in any particular companies are liable to.

10. That the chief officer of every troop shall cause the arms and ammunition of all under his command, and the chief officer of every company of foot shall cause the arms and ammunition of all under his command, and also of all others dwelling within the limits of his company, to be viewed

on the first Monday of May annually, by requiring such persons to bring forth their arms and ammunition at a certain place and hour by such officer appointed; and if any person belonging to or in the limits of any foot company shall not appear, being thereto required and duly warned, he shall pay as a fine for non-appearance, six shillings, and for deficiency in arms and ammunition, ten shillings; and every trooper shall pay as a fine for non-appearance twelve shillings, and for deficiency in arms and ammunition ten shillings; except such person shall appear, within twelve days after the day appointed for viewing arms, and make a satisfactory excuse for his non-appearance on said day, and also shew his arms and ammunition to the chief officer of the company to which he belongs or in the limits whereof he resides, and avouch them to be his own, and that they had not been, by any person whatsoever, carried forth to be viewed upon or after said day. And every captain or chief officer of any company or [80] troop that shall neglect or refuse to view, or || cause to be viewed, the arms and ammunition of all under his command or within the limits of his company, as above required, shall forfeit and pay the sum of five pounds money for each neglect, to be levied and disposed of in the same manner as the penalty in this act provided for captains not attending on regimental musters.

11. That if any lieutenant, cornet, ensign or quarter-master of any company or troop, shall neglect or refuse to appear on any muster-day or day of exercise by the captain of such company or troop appointed, and attend the duty of his post, he shall pay for each day's neglect fifteen shillings money, the distress therefor to be granted by the colonel or chief officer of the regiment to which such company or troop doth belong, unless such excuse be made within twelve days as such colonel or chief officer shall think it reasonable that distress should not be granted. And every sergeant of the foot and corporal of the troop, that shall neglect to appear and attend the duty of his place, shall for each days neglect pay a fine of twelve shillings, the distress therefor to be granted by the two chief officers of such company or troop, unless excuse be made within twelve days after such muster-day, to the satisfaction of said two chief officers.

12. That there may be one troop of horse in each regiment, not exceeding sixty-four men including officers; and where there is no troop already formed, the chief officers of such regiment shall have liberty to form a troop. And in any regiment where there is but part of a troop, said officers shall have liberty to fill up such troop to the number afore-

said, and to lead or cause such troops, so formed or filled up, to be led to the choice of officers proper and necessary, and make return thereof to the General Assembly. And the respective troops in this Colony are hereby impowered, two-thirds at least of such troops agreeing, to pass votes for the regulating said troops with respect to the colour of their cloathing, and to impose fines, not exceeding twenty shillings per day, on such as neglect or refuse to comply with such votes; and such fines shall be levyed in the same manner, and disposed of and improved for the same uses, as other fines and penalties in said troops by law are.

13. That there shall be in each regiment, from time to time appointed by the General Assembly, a colonel, lieutenant colonel and major, who shall be commissioned by the Governor for the time being. That the colonel or chief officer of each regiment, as often as he shall see cause, shall require the captain or chief officer of each company in his regiment to meet, at such time and place as he shall appoint, to confer with them and give in charge such orders as shall by them, or the major part of them, be judged meet, for the better ordering military affairs and promoting military discipline in said regiment.

14. That the colonel or chief military officer of each regiment is hereby authorized and required to muster together the several companies in his regiment, or such a number of them as he shall judge proper, once in four years, for regimental exercise; which musters the several captains or chief officers of said companies are required to attend with their companies, on penalty of five pounds, which said penalties shall be distrained by warrant from the chief officer of said regiment, directed to either of the constables of the town in which said captain dwells, and be paid into the treasury of said town.

[81] 15. That the colonel or chief officer of each regiment shall be, and is hereby, impowered and authorized, upon any alarm, invasion, or notice of the appearance of an enemy, either by sea or land, to assemble in martial array and put in war-like posture the whole militia of the regiment under his command, or such part of them as he shall think needful, and being so armed, to lead, conduct and employ them, as well within the regiment whereto they belong as in any other adjacent place in this Colony, for the assisting, succouring and relieving any of his Majesty's subjects, forts, towns or places that shall be assaulted by an enemy, or in danger thereof, and with them by force of arms to encounter, repel, pursue, kill and destroy, such enemy, or any of them, by any fitting ways,

enterprizes or means whatsoever. And the colonel or chief officer of any regiment, so taking to arms or leading forth any party of men, shall forthwith post away the intelligence and occasion thereof to the captain-general or commander in chief for the time being, and shall attend and observe such directions and orders as he shall receive from him.

• 16. That when any town or place in this Colony shall be assaulted by Indians, or any other enemy, it shall be lawful for and in the power of the chief commission officer or officers of the company or companies in such place so assaulted, to call forth all the souldiers under his or their command, and to martial order and dispose them in the best manner to defend the place assaulted, and to encounter, repel, pursue and destroy the enemy, and, if need so require, to assist a neighbour town when assaulted as aforesaid. And that such officer or officers so taking to arms shall forthwith dispatch notice to his or their superior officer of his or their motion and the occasion thereof, and observe such commands and orders as he or they shall receive from him.

17. That the chief officers of each regiment shall order the correcting and punishing disorders and contempt on days of regimental exercises, and the two chief officers of any company or troop shall order the correcting and punishing disorders and contempt on training days or on a military watch; the punishment not being greater than laying neck and heels, riding the wooden horse, or twenty shillings fine.

18. That all fines, penalties and forfeitures, arising by virtue of this act or any breach thereof, shall be leyed on the goods or chattels of the respective delinquents if upwards of twenty-one years of age, and on the goods or chattels of the parents, masters or guardians of such delinquents as have not arrived at the age of twenty-one years, and shall be for the use of the respective companies or troops to which the persons fined do belong, (except such fines as are otherwise disposed of in this act:) that is to say, for the procuring and maintaining trumpets, colours, banners and halberts, and for paying drummers and trumpeters, or other charge of said company, by direction of the commission officers of such company; and where there are not fines sufficient to provide halberts and colours and to pay drummers, what is wanting shall be had out of the town [82] treasury. And every person || chosen by any company for their drummer, upon his accepting said service shall provide himself a good drum, and constantly attend service when required, on penalty of ten shillings fine for each day's neglect, to be leyed by warrant from the two chief officers of the

company to which such drummer belongs; and shall be paid for each day's service six shillings.

And whereas the providing a sufficient stock of ammunition or military stores for the Colony, as also for the several towns within the same, is necessary for the defence thereof,

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 for the time being shall, at all times hereafter, at the publick charge of this Colony, procure, keep and maintain, a magazine of powder and shot, to be ready for the use of the Colony as occasion may call for the same; and the said Treasurer is hereby ordered and directed to take direction from time to time of the Governor and Council, respecting the quantity and proportion of said stores of ammunition.

And it is further enacted by the authority aforesaid, That the selectmen of the several towns in this Colony, and they are hereby ordered and directed to provide, keep, and to renew from time to time as occasion shall require, a sufficient stock of ammunition or military stores in the several towns in this Colony to which they do respectively belong, which shall not be less than fifty pounds of good powder, two hundred weight of bullets and three hundred flints, for every sixty listed souldiers, and after that proportion for all the listed souldiers in each town, whether they be more or less. And the selectmen of any town that are not able (upon information made to the colonel or chief officer of the regiment to which such town doth belong) to make it appear to said colonel or chief officer of such regiment, that they are provided with such stock of ammunition as aforesaid, within three months after the publication hereof, shall pay a fine of five pounds lawful money, one-third part of which fine shall be to him that shall inform against them, the remainder shall be laid out and improved towards the procuring such stores; which said penalty shall be distrained by warrant signed by said colonel or chief officer of said regiment, directed to the sheriff of the county in which such town is, his deputy, or either of the constables of said town, and shall be accordingly collected and paid into the hands of said colonel or chief officer aforesaid, for the purposes aforesaid.

And it is further enacted by the authority aforesaid, That the selectmen of any town, as aforesaid, shall incur the same penalty for every three months that they shall remain unprovided as aforesaid, to be levyed and improved as aforesaid.

And, forasmuch as it may be necessary for the better defence of the Colony, or any parts thereof exposed to invasion

&c., that watches and wards be kept up at times and places within the same,

[83] *Be it therefore further enacted by the authority aforesaid, ||* That when and so often as the authority and selectmen in any town in this Colony, or the major part of them, shall judge it necessary or highly convenient for the safety of such town, to have watches and wards therein, they are hereby authorized and empowered, by warrant to command the constable, or some other meet person by them appointed, to warn such a number of men to appear at such time and place in said town as they shall think necessary; and all and every such person or persons that shall be notified to watch or ward as aforesaid, shall appear at the time and place, with a good fire-lock and sword, a quarter of a pound of powder, and one pound of bullets fit for his gun, and observe such directions as shall be given by order of said authority and selectmen, who are hereby empowered to give such orders and directions relating to the regulating such watching and warding, and the continuance thereof, as they shall judge needful. And if any person or persons, being warned as aforesaid, or in any other manner which the authority and selectmen shall agree and conclude upon, shall neglect or refuse to attend at time and place, armed and furnished as aforesaid, or to observe the orders to them given by the constable or any other person appointed by the authority and selectmen as aforesaid, shall for every such neglect or offence pay a fine of ten shillings, which by warrant from an assistant or justice of the peace shall be levied by the constable, and disposed of for the use of said watch.

And it is further enacted, That all laws heretofore made respecting military affairs, (excepting an act entitled An Act relating to alarms,* and an act entitled An Act for encouraging military skill &c.,† and an act entitled An Act to enable selectmen to assess the inhabitants;‡ and also an act entitled An Act for the better regulating the militia, &c., made and passed by the General Assembly in the 13th year of his present Majesty's reign,§) shall be repealed, and they are hereby repealed and made void.

An Act in Addition to the Law of this Colony entitled An Act for the Encouragement and better Supporting the Schools that by Law ought to be kept in the several Towns and Parishes in this Colony.

Whereas by the said act it is ordered that the money given for the several towns lately laid out in the Western Lands, so

* In the Revision of 1702, and reprint of 1715, p. 5.

† Passed Oct. 1708. Vol. v., 85.

‡ Passed Oct. 1708. Vol. v., 73.

§ *Ante*, p. 277.

called, shall be disposed of and improved for the support of the schools that ought to be kept in the several towns and parishes in this Colony that made and computed a list in the year of our Lord one thousand seven hundred and thirty-two, in proportion to such list; by means whereof, together with other provision made for the support of schools, there is a considerable estate and interest sequestered for the support of the schools in this Colony: To the end, therefore, that the said moneys, bonds and other estates, granted, sequestered and given for the support and maintenance of schools, may be the better and more effectually improved for the purpose aforesaid,

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the selectmen of such towns wherein there is but one [84] ecclesiastical society, and the society committee || of such societies where there are more than one in any town, for the time being, or a committee by such town or society appointed for that purpose, shall be and are hereby impowered and directed to take and receive such bonds and moneys as shall be divided and set out to such town or society for the purpose aforesaid, and give their receipts thereof, to be lodged in the Secretary's office of this Colony; and of their improvement thereof shall from time to time be accountable to the town or society by whom they are or shall be appointed; and such town or society shall be accountable for the same unto and before this Assembly when thereto required, and be liable to be dealt with for their misuse thereof, according to the direction and declaration in the act aforesaid. And such selectmen and committee are hereby authorized and impowered, to use and improve such bonds and moneys as they shall receive pursuant to the act aforesaid, and to take and receive into their care and custody all other estates, lands or interests, that have been given, granted, sequestered, or do belong to the school in such towns or societies, or shall hereafter belong thereto, for the support thereof, and shall use, improve and dispose of the interest, increase, profits or rents arising upon any such moneys, lands or interests, for the support of a school in each of such towns and ecclesiastical societies; which shall be disposed of either to the school-master or such committee for the purposes aforesaid.

And, that the said selectmen or society committee for the time being, or a committee by such town or society appointed for that purpose, may be the better enabled to do the service aforesaid,

Be it further enacted by the authority aforesaid, That they,

or the major part of them, shall be, and they are hereby, empowered and authorized, to lease all such lands and real estates, and loan such moneys, as do or shall appertain to such school, and is or shall be given for the use aforesaid, and to commence and prosecute such suit or suits as may be necessary for the recovery and obtaining such lands, moneys or other estates, and to take leases, bonds or other securities to themselves and their successors, for the use of such schools, which leases, bonds or other securities, the said selectmen or committees, as aforesaid, who take the same, and their successors, *viz.* the selectmen and committees as aforesaid, for the time being, as successors of those in whose name the same are taken and they succeed, shall have full power and authority to prosecute as fully as though taken in their own name; and the said selectmen and committees are ordered and directed to lodge the said bonds, leases and other securities with the town or society clerk of such town or society, who is directed to keep an account thereof, and hold the same under the directions of the selectmen and committees for the purpose aforesaid; and such selectmen and committees shall render their accounts of their improvement of such estate and interest, unto such town and society when thereto required.

Provided nevertheless, That this act shall not extend to any particular grants formerly made for the benefit of any school or schools in any town or parish in this Colony by particular persons, where the grantor in said grant hath committed the care, oversight and improvement of such estate, so by him given, to particular persons, with particular directions for a constant succession in said trust; neither shall it extend to any estates or profits wherewith any particular towns or parishes are endowed by grants from particular persons for the [85] support || of schools as aforesaid, where this Assembly hath heretofore interposed and committed the disposition of the profits of such estate to a committee in a continual succession; anything contained in this act to the contrary notwithstanding.

Whereas it is represented to this Assembly, that some of the lands mortgaged to the Governor and Company of this Colony, pursuant to the act of this Assembly passed in May, *anno Dom.* 1733, entitled *An Act for the loan of bills of credit*, redeemable at or before the first day of this instant May, are not yet redeemed, and that some of the mortgagers thereof have paid since the said first of May, and others stand ready to pay into the treasury the respective sums in the condition of the mortgage deeds mentioned, and cannot obtain releases of the said lands:

Be it therefore enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the Governor and Secretary of this Colony be, and they are hereby, authorized and impowered to make and execute, in the name of the Governor and Company aforesaid, proper releases of such lands to such mortgagers as have paid into the publick treasury the sums mentioned in the condition of their mortgage deeds, since the said first of May, and to all such as shall pay in the same, with the interest thereof from the said first of May, before the entry thereon or final judgment be obtained therefor, as fully as they were impowered to make such releases before the said first of May by virtue of the act aforesaid.

And it is further enacted, That all such releases as have been made by the Governor and Secretary to any such mortgagers since the said first of May, shall be good and valid. And the Secretary is directed to prepare and lay before this Assembly, at their sessions in October next, an account of such mortgages as shall not be paid and redeemed as aforesaid at or before said sessions. And the Treasurer of this Colony is hereby authorized and impowered, by himself or some person or persons by him substituted, (whom he is hereby fully authorized and impowered to substitute,) in the name of the Governor and Company aforesaid, to take and receive possession of all such lands as the mortgagers thereof shall offer to deliver into the seizin and possession of the said Governor and Company; and also to sue for the surrendry of such lands as the mortgagers thereof shall not redeem by paying principal and interest thereof at or before the said session, and to proceed therein to final judgment and execution thereon, taking such directions as may or shall be given him by this Assembly at their sessions aforesaid.

An Act for printing and publishing an Act of Parliament of the 13th Year of his present Majesty's Reign, entituled An Act for the effectual securing and encouraging the Trade of his Majesty's British Subjects to America, and for Encouragement of Seamen to enter into his Majesty's Service.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the abovementioned act* shall be printed and published with the acts of this Assembly; and the Secretary of this Colony is directed to transmit to Mr. Timothy Green, printer to the Governor and Company of this Colony, a copy of said act for that purpose.

[86] Whereas at a Council held at St. James's the 29th of

* 13 Geo. ii. cap. 4.

January, 1740, his Majesty was pleased to declare his royal pleasure, that in all publick service where the royal family is appointed to be prayed for, the following form and order should be observed, (*viz.*) *Their Royal Highnesses Frederick Prince of Wales, the Princess of Wales, the Duke, the Princesses, the Issue of the Prince and Princess of Wales, and all the Royal Family*: And to the end that the same form and order may be observed in this his Majesty's Colony of Connecticut, his Majesty has been pleased to order the Governor and Company of this Colony to cause the same to be forthwith published in all churches and other places of divine worship within this Colony, and take care that obedience be paid thereto accordingly :

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That obedience be paid to his Majesty's order aforesaid, and that a copy of this act be forthwith printed and sent to the several churches and places of divine worship, and there published accordingly.

An Act for Regulating Fees.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That, for the future, there shall be allowed and paid out of the Colony treasury in bills of credit on this Colony, of the new tenour, to the chief judge of the superior court ten shillings *per diem*, and to the assisting judges of said court eight shillings *per diem*, during their attendance on the service of said court.

And that, for the future, there shall be allowed and paid out of the county treasuries in this Colony, to each judge of the county courts seven shillings *per diem*, and to each justice of the quorum five shillings *per diem*, in said new tenour bills, during their attendance on the service of said courts.

That there shall be paid out of the Colony treasury in said bills, to each assistant six shillings *per diem*, and to each representative four shillings *per diem*, for each day's attendance at the General Assembly, and two pence per mile for their travel to and from said Assembly.

That the juries that attend at the superior and county courts shall be allowed, in said bills, for the tryal of each action, twelve shillings.

That each sheriff, deputy sheriff, or constable, shall have, for serving each summons by reading the same four pence, for serving by a copy, six pence; for serving an attachment, eight pence; for travel, if above one mile, two [pence] per mile out; for taking bail or bond, six pence.

That the respective goalers be allowed for commitment and discharge of each prisoner one shilling and six pence; for dieting each prisoner, two shillings and four pence per week.

That each evidence summoned to attend at any court shall be allowed two pence per mile for their travel to court, and one shilling and six pence per day for their attendance.

That each assistant and justice of the peace shall be allowed for tryal of each action, two shillings; for each judgment on confession, eight pence; for each judgment on default, one shilling.

That each county surveyour shall be allowed for each day's service five shillings per day and his keeping.

[87] That the respective town-clerks shall be allowed the one-half of the fees mentioned in an act entituled An Act concerning town clerks office and duty.

And that all the before-mentioned fees be paid in bills of credit of the new tenour, emitted by act of this Assembly in May last, or in bills of credit that pass current in this Colony equivalent thereto; any usage or custom to the contrary notwithstanding.

An Act for reviving one certain Law of this Colony made and passed by this Assembly in October Anno Domini, 1740, entituled An Act to prevent the Passing of Bills, Notes or any other Currency made or emitted on private Credit; which Law was to continue in Force until the End of this Assembly, and no longer, which Time is now near expired.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid law shall be revived, and the said law is hereby revived, and shall remain in full force until this Court shall order otherwise.

An Act for the Distribution of the Bonds and Money given and paid for the Townships in the Western Lands, so called.

Whereas by the act of this Assembly, at their sessions held in Hartford in May, in the year one thousand seven hundred and thirty-three, entituled An Act for the encouragement and better supporting the schools that by law ought to be kept in the several towns and parishes in this Colony, it was ordered, that the several towns then lately laid out in the western lands should be disposed of, and that the money that should be given therefor should be improved for the support of the aforesaid schools: And whereas, in pursuance of said act, six of the said towns have been disposed of and sold, for which bonds have been given to the Governor and Company of this Colony, amounting to a considerable sum, on several of which the money due thereby has been paid: And, that there may be a

division and distribution of the said money paid, and the said bonds as yet due and unpaid, to the several towns and parishes in this Colony, to whom it belongs according to said act:

Resolved and enacted by this Assembly, That Joseph Whiting, Esqr, Jonathan Trumble, Esqr, Capt. Joseph Pitkin, Mr. John Richards, and Major Andrew Burr, be a committee, and they are hereby appointed a committee in behalf of this Assembly, to divide and distribute said bonds and money to the said towns and parishes mentioned in said act, to be improved for the support of the schools that by law ought to be kept in them, according to the act aforesaid; in doing of which, the said committee are hereby ordered and directed to receive the account of the sum total of the lists of each town in this Colony, where there is but one ecclesiastical society, which made and computed lists in the year of our Lord one thousand seven hundred and thirty-two; and each ecclesiastical society in this Colony, where there are more than one in any town, which was made and computed in the said year. And the said towns and parishes are directed to send to said committee at New Haven, during the sessions of this Assembly in October next, an account of the sum total of such list, well avouched under the hand of the town-clerk of the town where it was made, or [88] by other evidence to the satisfaction of said committee. And the said committee, having received the whole of said lists that are attainable, shall proceed to divide the said bonds and money in proportion to such list, making an account thereof, and entering on each bond what town or society the same shall belong unto, and if divided to two, a note of that also to be made, having regard to the debtor's conveniency, as much as may be, in paying or renewing said bonds. And the said committee are ordered and directed to take and receive of the Treasurer such bonds and money, who is ordered to deliver the same, taking their receipt; and having received the same, and proportioned them as aforesaid, shall deliver the same to the selectmen of such town and committee of such parish, to be improved for the purpose aforesaid, taking their respective receipts therefor, which they are ordered to lodge in the hands of the Secretary of this Colony, to lye in his office. And if it shall so happen that any of the said bonds shall be found insufficient, by reason of insolvency or otherwise, that such losses shall be made up out of the publick treasury of this Colony, and shall be again made up to the said treasury by the sale of the township not yet sold.

And it is further resolved by this Assembly, That in case any debtor refuseth, after said bonds are divided, to pay his bond, or instead thereof to renew the same to the acceptance of such

selectmen or committee, they shall be liable to be sued thereon; and the King's attorneys in the respective counties are hereby authorized and impowered, in the name of the Governor and Company aforesaid, to prosecute the same in the respective counties which they are distributed and divided into, where they shall be tryed and determined. Provided, that the risque and losses that may happen after the first day of January, in the year 174 $\frac{2}{3}$, shall not be born by this government, but by the town or parish to whom the same bonds thus failing were divided and distributed. And the members of this Assembly are desired to notify the said towns and parishes to send to said committee an account of the sum total of the lists aforesaid.

Whereas upon the memorial of Timothy Worster, John Twitchel and John Towner, &c., dwelling in the north and northwest part of the township of Derby, Isaac Trowbridge, John Weed, Jonas Weed, Joseph Weed, Thomas and Joseph Osborn, dwelling in the southwest part of Waterbury woods, in the old society in said Waterbury, and Isaac Knowles, Joseph Towner, Eliphalet Bristol, John Tift and Aaron Bristol, dwelling in the southeast part of the township of Woodberry woods in the parish of Southberry, moving to the General Assembly holden at Hartford May, *anno Dom.* 1740, that they might become one entire, distinct ecclesiastical society, and praying for a committee, &c.; the said General Assembly did appoint a committee, who accordingly making their report to the General Assembly at New Haven in October last, and the same not being accepted; and the said General Assembly in October last appointing another committee, (*viz.*) Colo. Benjamin Hall, Capt. Isaac Dickerman and Capt. John Fowler, to view and report, &c.: And whereas the said last-mentioned committee have to this Assembly made their report, that according to the direction of said Assembly they have repaired to the abovesaid places, &c., and find and are of opinion, that [89] it is necessary and best that the said || inhabitants be made a distinct, separate ecclesiastical society, and that their bounds and limits be as followeth, (*viz.*) Beginning at the mouth of the four mile brook in Derby bounds, (*viz.*) where the brook emptieth itself into the great river, and to run as said brook runneth by said brook unto the bridge that is between the dwelling houses of Abel Gun and John Holbrook; and from said bridge by the highway that runneth between the land commonly called the Camps Mortgage and the land called Quakers Farm Purchase, unto the river called the Little river; and thence as the little river runneth to Naugatuck river; and thence northerly, by said Naugatuck river, that be-

ing the east bounds of said society, until it comes to the dividing line between the towns of Derby and Waterbury; thence turning westerly and running as the line runneth between the towns of Derby and Waterbury, as aforesaid, until it comes to the southeasterly boundary of Thomas and Joseph Osborn's farm in the bounds of Derby; and from thence to run northerly to the northeast corner boundary of Joseph Weed's farm in Waterbury town bounds; and from thence a northwesterly line to the northeast corner boundary of Isaac Trowbridge's farm in said Waterbury town bounds; and from thence to run westerly, in the line of said Trowbridge's farm, about sixty rods, to Woodberry town line; and thence to the northwest corner of Isaac Knowles's farm in the township of Woodberry; and from the northwest corner of said Knowles's farm a west line to the eight mile brook in the bounds of Woodberry; and then by the said brook, until it comes to the dividing line between the towns of Woodberry and Derby; and thence to run westerly in the line that divideth between the said towns of Woodberry and Derby, unto the great river; thence by the river southerly to the first mentioned boundary, (*viz.*) the mouth of four mile brook; as by said report on file, dated May the 7th, *anno Dom.* 1741.

It is thereupon resolved by this Assembly, That the abovesaid memorialists, inhabitants of Derby, Waterbury and Woodberry, situate and living within the bounds and limits above described, be and become together one entire, separate and distinct ecclesiastical society or parish, subsisting and known by the name of the parish of Oxford, and endowed with all powers and privileges wherewith other parishes within this government are by law endowed.

Upon the humble motion, request and representation, of Samuel Willard, Jabez Hamlin, Seth Wetmore, Elihu Chauncy and Robert Fairchild, shewing their desire and design of undertaking to make and manufacture *Potash*, if they may be suitably encouraged therein; and that the same, if performed, will be of great advantage to this government: Therefore, that all due encouragement may be given, to promote such profitable and useful manufactures in this Colony: Be it enacted, resolved and granted, by this Assembly, and they do hereby enact, resolve and grant, unto the said Samuel Willard, Jabez Hamlin, Seth Wetmore, Elihu Cnauncey and Robert Fairchild, their heirs, executors, administrators, assigns and associates, the whole and sole liberty and privilege of making and manufacturing potash within the bounds and limits of this Colony, for and during the full term of twenty years next [90] after this || Assembly; and that they, the said Willard,

Hamlin, Wetmore, Chauncey and Fairchild, their heirs, executors, administrators, assigns and associates, shall have liberty to erect, build and set up, any works, engines and machines for that purpose, within the limits of this Colony, within the term aforesaid; and all other persons are hereby prohibited and debarred from doing or performing the said purpose within the limits of this Colony, within the term aforesaid, without the special leave and licence of the said Willard, Hamlin, Wettmore, Chauncey and Fairchild, their heirs, executors, administrators, assigns and associates, upon the penalty and forfeiture of three hundred pounds, to be recovered by action, bill, plaint or information, of the said Willard, Hamlin, Wettmore, Chauncey and Fairchild, their heirs, executors, administrators, assigns and associates, in any court of record in this Colony, of and from such person or persons as shall perform the said work of making potash as aforesaid, without leave as aforesaid. Always provided, that this grant or patent is upon condition, that the abovesaid Willard, Hamlin, Wetmore, Chauncey and Fairchild, their heirs, executors, administrators, assigns and associates, shall make and manufacture two tons of good merchantable potash, fit for transportation, within the term of two years next after the rising of this Assembly, and two tons, annually, every year after, during the term aforesaid. Provided also, that the benefit of this grant and patent shall not extend to the said grantees in such county in this Colony where they shall not, in the space of five years next after the rising of this Assembly, set up and erect proper works for the manufacturing potash as aforesaid.

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

This Assembly do establish and confirm Mr. Caleb Chapman to be Lieutenant of the north company or trainband in the town of East Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Wait Cornwell to be Captain of the South Farm company or trainband in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Johnson to be Lieutenant of the South Farm company in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Starr to be Ensign of the South Farm company in the town of Middletown, and order that he be commissioned accordingly.

Considering the difficulties that have happened between the proprietors of the common and undivided lands in the town of Groton in the county of New London, and the Pequot Indians that live in the said town: This Assembly do appoint and fully empower Mr. John Richards and Capt. Daniel Coit, both of New London, to be the Overseers of the said Indians; and the said persons are desired to take care of the said Indians, and to direct them in the improvement of their lands in said Groton, and in all matters of difficulty.

[91] Upon the report of John Bostwick, Samuel Lewiss and John Mills, a committee appointed by this Assembly in October last, to state and fix a place in the town of Sharon for to build a meeting house on: Resolved by this Assembly, that a place in the main street of said town known by a stake and stones about it, standing between the two parts of the minister's home-lot divided by said street, (it being the place fixed by said committee,) shall be, and the same is hereby, fixed and determined to be the place that the inhabitants of said Sharon shall build their meeting house for divine worship upon.

Upon the petition of Nathaniel Bosworth, of Middletown, against William Whitmore, of said Middletown, praying this Assembly would set aside and make null and void a certain judgment of the superior court held in Hartford in March last, and execution thereon, with the proceedings therewith, upon an action brought by the said Whitmore against the said Bosworth, by his writ dated the 10th day of June, 1740, for the surrendry of about seventy-six and an half acres of land with an house standing thereon, with the appurtenances thereof; in which case the said superior court gave judgment in favour of the said Whitmore for the surrendry of said house and lands and his cost: It is enacted by this Assembly, that the said judgment of the superior court be reversed, set aside, and made null and void, and the same is hereby reversed, set aside, and made null and void, and the said Bosworth allowed another tryal in said case before the superior court to be holden at Hartford in September next; and that the future cost in said case follow the judgment.

On the representation made to this Assembly by some of the inhabitants of the town of Stafford, shewing the difficulties that arise among them, occasioned by the choice of their selectmen and other town officers on the 2d day of December last:

It is now resolved by this Assembly, That the town-clerk,

selectmen and other town officers, which were chosen by those who met and first made their choice of said officers, be and remain in their respective offices till their annual meeting to be held in said Stafford in December next. And if by the said selectmen, or any two of them, it shall be thought needful to have a town meeting or meetings in said town the current year, upon application by them made to William Pitkin, Esqr, (shewing the occasion or necessity of such meeting,) who is hereby authorized and fully impowered, as he shall think fit, to direct the warning of such meeting, and at such meeting to preside their moderator, with full power to dissolve or adjourn such meeting as he shall think best. And the said William Pitkin, Esqr, is hereby authorized and fully impowered to direct the warning of the inhabitants of the said town of Stafford to attend their annual town-meeting, to be held in said town some time in the month of December next, at such time and place as he shall appoint, and there as their moderator to lead said meeting to the choice of town officers, and such other business as shall be thought needful.

And it is further resolved, That all town-meetings hereafter held in said Stafford the current year, other than such as shall be directed to by the said William Pitkin, Esqr, shall be held void and of none effect.

[92] Upon the petition of John Lyon, of Rye in the county of Westchester and Province of New York, *vs.* John Brush, of Greenwich in the county of Fairfield and Colony of Connecticut, complaining of an act of this Assembly, past at their sessions held in New Haven on the 13th day of October, *A. Dom.* 1737, wherein it is declared and decreed that a certain deed, conveying the said Brush's housing and lands to said Lyon, bearing date September 30th, 1734, put into the hands of one Bush to lye as security, &c., was wrongfully delivered up; and that, therefore, the said deed was and should be void and of none effect, and should not be admitted in evidence in any court; and praying for a reversal of the act and decree aforesaid, for that he was not in debt to the said Brush, but that the said Brush was in debt to him, and for security thereof gave the deed aforesaid; as by his petition more fully appears: And it now appearing to this Assembly, that the said act and decree was founded on a mistake, in that the said Brush was in debt to the said Lyon in a considerable sum, which to secure to said Lyon, he gave the deed aforesaid, in the form aforesaid:

It is therefore resolved and decreed by this Assembly, That the said act and decree of this Assembly, passed and made at their sessions in October, 1737, aforesaid, declaring and de-

creeing said deed to be void, shall be repealed, set aside and reversed, and the same is hereby repealed, set aside, reversed and made void. And it is hereby resolved, ordered and decreed, that the said deed, given by the said Brush to the said Lyon, dated September 30th, 1734, shall be, and the same is hereby decreed and declared to be, as good and effectual, to all intents and purposes, as it was before the making and passing the said decree for vacating the same; anything in the said act, declaration or decree, in any wise to the contrary notwithstanding; and that the said Lyon shall recover his cost, allowed to be ninety pounds and two pence money. *Ex. granted Oct. 21st, 1741, for said cost.*

Upon the petition of John Reynolds, jun^r, of Weathersfield in the county of Hartford, *vs.* Charles Bulkley, of Colchester in said county, complaining of a judgment of the superior court, held in Hartford on the first Tuesday of March last, against the petitioner, in favour of the said Bulkley, on a writ brought by the petitioner against the said Bulkley, for his not returning an execution according to the direction therein given, and that in said judgment of said superior court there is error; and thereupon praying for a reversal of the said judgment and another tryal of said case, as per his petition on file more at large appeareth: This Assembly, having heard the parties and considered the case, are of opinion, that the judgment aforesaid is erroneous: And thereupon, it is resolved by this Assembly, that the said judgment shall be reversed, and the same is hereby reversed, adnulled and made void, and another tryal of said case is granted to the petitioner, at the superior court to be held in Hartford on the first Tuesday of September next; and that the whole cost follow the judgment that shall be given in said case.

On the petition of Josiah Loomiss, jun., of Symsbury, representing that in a tryal at the superior court in September last, at Hartford, of an action by him prosecuted against James Crozier of said Symsbury, he, being not allowed his oath to his book in said tryal, lost the sum demanded, and had judgment rendered against him in favour of said Crozier for the recovery of cost &c.; and praying for reversal of said judgment and liberty of a new tryal of said case at the next [93] || superior court in Hartford, as per petition on file, dated May the 9th, 1741: Resolved by this Assembly, that the said judgment be reversed, and the same is hereby reversed, with all the proceedings thereon; and that the said petitioner be allowed another tryal of said case at the superior court to be holden at Hartford in September next; and that the whole cost shall follow the said tryal.

Whereas the inhabitants of that part of Woodberry called Shippauge, and the inhabitants of the western part of the north purchase in Woodberry aforesaid, have respectively prayed this Assembly to be made a distinct ecclesiastical society: This Assembly do appoint and fully empower Messrs. Benja. Hall, John Southmaid and Stephen Hopkins, to be a committee to repair to said Woodberry and hear the committee of the first society in Woodberry, and the respective parties that pray to be set off and made distinct societies; and upon their view, to consider their circumstances and the circumstances of said first society; and if the said committee shall think it necessary that there be one or two parishes made in the said town, then the said committee, having first heard all persons concerned, shall determine and affix the line of such society or societies so to be made, and report their whole doings to this Assembly in October next. To be done at the charge of the petitioners and said first society.

Upon the memorial of Jonathan Riley, of Weathersfield, administrator on the estate of David Riley, late of said Weathersfield, deceas'd, praying liberty to sell some part of the real estate of the said David Riley, to pay debts with: This Assembly grants liberty to the said Jonathan Riley, with the advice of the judge of the court of probate for the county of Hartford, to sell of the said real estate to the value of thirty-six pounds seven shillings, money, for the purpose aforesaid.

On the memorial of Elnathan Hall, of Stratfield in the town and county of Fairfield in the Colony of Connecticut, shewing to this Assembly that the said memorialist made and executed a deed of mortgage of sixteen acres of land to the Governor and Company of said Colony, lying in said Stratfield; being bounded as by deed may fully appear, bearing date May the 9th, 1737; which deed was executed with design to release a mortgage deed given by one Ebenezer French of said Stratfield to the aforesaid Governor and Company, but was not accepted in lieu thereof; and that the said memorialist hath not received anything in consideration of said deed; and praying this Assembly would appoint and empower his Honour the Governor and Secretary of the Colony aforesaid, at the charge of the memorialist, to execute a deed of release of the said sixteen acres of land unto your memorialist, that so he, the said Elnathan Hall, may be quietly seized thereof: This Assembly do appoint and empower his Honour the Governor and Secretary aforesaid, to give a deed of release of the said sixteen acres unto him, the said Elnathan Hall, and his heirs, &c.

Upon the memorial of Jemima Peck of Lyme, administratrix on the estate of William Peck, late deceased, shewing to this [94] Assembly that the debts of the estate || of said deceased amount to the sum of £117 17s. 3d. more than the moveable estate of said decess'd ; praying that liberty might be granted to sell such a part of the real estate of said deceased, to pay the aforesaid debts, &c. : This Assembly grants liberty to Benjamin Peck of said Lyme, with the advice of the court of probate within the county of New London, to sell so much of the real estate of the said deceased as will amount to the sum of £117 17s. 3d. with the necessary charges thereon arising, and the same deliver to the aforesaid administratrix, to pay the aforesaid debts.

Whereas this Assembly, in their sessions in October last, did appoint Messrs. Jonathan Dunham, Samuel Lewiss and John Mills, to be a committee to repair to the town of Cornwall, and to view the circumstances of the place, the situation of the inhabitants, &c., and to affix a place for said inhabitants to build a meeting house on ; and said committee having complied with said appointment, and making report to this Assembly, that according to their best judgment they have set up a stake at a certain place in said Cornwall, and laid stones about it, which is on the westward side of a highway that runs northward and southward, and is about twenty rods north of Mr. George Holloway's frame, at the south end of a hill, the same to be the place whereon said meeting house is to stand : This Assembly doth accept the report of said committee, and do accordingly order and appoint that the said place by them affixed shall be the place whereon said meeting house shall be built.

Upon the memorial of Peter Pratt of Sharon, clerk : Resolved by this Assembly, that Joseph Whiting, Esqr, and Capt. Isaac Dickerman be directed, and they are hereby directed, to take a bond of the memorialist, with sufficient surety, to the Governor and Company of this Colony, in the room of a bond given by John Gould and Samuel Palmer for a right of land in said Sharon ; including in said bond to be given all that is due on said Palmer and Gould's bond ; and having taken the same, lodge it with the Treasurer instead of the other bond taken up as aforesaid.

Upon the memorial of Samuel Canfield, agent for the town of New Milford, shewing to this Assembly that Messrs. Samuel Brunson, Daniel Boardman, John Bostwick and Zachariah Ferriss, and sundry others, inhabitants of the town of New Milford, did purchase of Roger Wolcott, Esqr, Colo. William

Whiting and Capt. Thomas Seymour, &c., one certain tract of land joyning to the north bounds of said New Milford, being in length east and west six miles, and north and south one mile and half; being bounded south on the north bounds of said New Milford township, west on the great river, north on the land called Fairweather's Grant, east on the land commonly called Warramauge's Reserve; and about four years last past the said Samuel Brunson and Daniel Boardman, &c., obtained a patent from the Governor and Company for the same; and that the said land is not included in any town bounds whatsoever; praying this Assembly to annex the land aforesaid to the town of New Milford aforesaid: Resolved by this Assembly, that the said land be annexed, and the same is hereby annexed, to the township of New Milford aforesaid, and that for the future the same shall be deemed a part of the town of New Milford.

[95] Upon the memorial of Samuel Gore and Elizabeth Braman, of Voluntown in the county of Windham, administrators on the estate of James Braman, late of said Voluntown, deceased, shewing to this Assembly that the debts due from the said deceased at the time of his death surmounted his moveable estate the sum of £138 19s. 2d.; thereupon praying that they may be impowered to sell so much of the deceased's lands, sufficient to raise said sum: Whereupon this Assembly do authorize and fully impower the said Samuel Gore and Elizabeth Braman, with the advice of the court of probate in the county of Windham, to sell so much of the real estate that belonged to the said deceased as will raise the said sum of £138 19s. 2d. with what may be necessary to defray the charges of such sale. And the said persons are to pay and answer the said debts with the money so raised, giving an account to the said court of probates of their whole doings upon the premises.

Upon the memorial of the inhabitants of Goshen: This Assembly appoint Messrs. William Marsh, Samuel Culver, and Isaac Bissel, jun., all of Litchfield, upon the cost of the inhabitants, to repair to said Goshen, and to view the circumstances of the town and people, and to hear the inhabitants upon the premises, and then to affix and ascertain a place for them to set their meeting house on for publick worship; and make report of their doings to this Assembly at their sessions in October next.

Upon the memorial of Benjamin Spencer, of Haddam in the county of Hartford, shewing to this Assembly that he conveyed to the Honourable Governor and Company of the

Colony of Connecticut fifty-eight acres of land in Haddam aforesaid, by a mortgage deed dated the 14th day of February, A. D. 1740-41, in consideration of the sum of twenty-five pounds in the new tenour bills of credit, which he was to have and receive of the Treasurer of said Colony, and that he hath not received the same, or any part thereof; and praying to this Assembly, that the Honourable the Governor and Secretary of said Colony may be impowered by this Assembly to reconvey the said land to the memorialist, by a deed of release by them executed, &c.: This Assembly enacts and grants, that the Hon^{ble} the Governor and Mr. Secretary be desired, and they are hereby impowered in behalf of the Governor and Company of this his Majesty's Colony of Connecticut, at the cost of the said Benjamin Spencer, to make and execute a deed of release of the premises, as described and bounded in the deed of mortgage above referred unto, to him, the said Spencer; and that by virtue thereof he shall be resealed of the same.

Upon the memorial of Samuel Hoit of Stamford, administrator on the estate of Nathan Sturgis late of said Stamford, deceased, shewing that the debts due from said estate surmount the personal estate the sum of fifty-two pounds two shillings and seven pence, and praying for liberty to sell so much of the real estate of said deceased as will answer the said sum and necessary charges arising thereon: This Assembly appoint and substitute the said administrator, and Mr. Jonas Weed, of said Stamford, to make sale of so much of the real estate of said deceased as will be sufficient to answer the said sum of £52 2s. 7d. with the necessary charges arising thereon, taking the direction of the court of probate in the district of Stamford therein.

[96] Upon the memorial of John Hill, Peter Yarrington, David Lamb, Daniel Meach, Ephraim Smith, Ezekiel Yarrington and Moses Meach, inhabitants of the north society of Stoningtoun in the county of New London, shewing to this Assembly that they, the memorialists, live in the northwest corner of the aforesaid society, and about seven miles distant from the house of publick worship in said society, and within one mile and seven score rods of the meeting house of publick worship in the south society in Preston in the county aforesaid; praying that the lands on which they now dwell, lying west-northwestward of a line from a meerstone in the north line of said Stoningtoun one mile and three-quarters distant from the northwest corner of said Stoningtoun, thence from said meerstone a straight line to a meerstone in the west line of said Stoningtoun one mile and three quarters distant from

said northwest corner, may be annexed to the said south society in Preston, and that said memorialists, and their successors that shall be dwellers on said lands, may be discharged from paying minister's rates in said north society in Stoningtown, and directed to pay their said rates to the said south society in Preston: This Assembly do thereupon annex the abovesaid lands to the said south society in Preston, and order that the said memorialists, and their successors dwelling on said lands, pay their parish charges there; and they are hereby discharged from paying parish charges in said north society in Stoningtown.

Upon the memorial of Capt. John Sabin, agent for the west society in Norwich, shewing that the committee appointed by this Assembly in October last, to view the circumstances of said society and determine whether it were best for the inhabitants thereof to build a new meeting house, and if they judged it necessary, then to affix a place, &c., by reason of the difficulty of the winter past and spring, were not called to attend that service till just before the sessions of this Assembly, and so the said committee were not able to accomplish the business and make report at this time; and praying that the same committee be invested with the same power, and have the same directions given them as in the act aforesaid: Resolved by this Assembly, that Colo. John Bulkley, Mr. Elisha Pain and Capt. Israel Newton, be a committee to repair to said parish and hear all persons concerned, and determine whether it be best for said parish to build a new meeting house; and in case they judge it necessary, then determine in what place the same ought to be erected; and make report of their doings in said affair to this Assembly in their sessions in October next. And its again resolved, that upon the said committees determining that a new meeting house be built, and appointing a place as aforesaid, it shall be lawful for said parish to proceed in preparing to build a meeting house, as they might do in case two-thirds of said inhabitants had voted that they had need to build.

Upon the memorial of the inhabitants of Sharon, shewing to this Assembly that it is needful that a tax be laid upon their lands, in order to raise money to support their minister [97] and to build their meeting house: || Resolved by this Assembly, that a tax of four pence on the acre on the last two hundred acre division granted to be laid out, be laid for the space of four years; and that the first year's tax be forthwith collected and paid to the selectmen of said town, to be improved to said use; and the rest in such manner and time as said inhabitants shall agree, provided it be annually done.

And the collectors of rates in said town are hereby impowered to levy and collect the same: and in doing it they shall have the same power and privileges, and be under the same restriction, that collectors of rates by laws of this Colony are. And an assistant or justice of the peace are hereby directed to grant distresses for collecting the same, whenever the collectors shall apply for the same. And always when said tax is collected, it shall be forthwith paid to the selectmen of said town for the time being, for said use.

Upon the memorial of the inhabitants of the town of New Milford, praying this Assembly that the bridge, which they are about to rebuild and repair across the great river, be a toll-bridge, and all persons pay for passing the same, saving only those that shall contribute to the repairing the same according to their rates raised for that purpose in said town upon their lists of estate in the year 1740: Resolved by this Assembly, that the said bridge, when built, shall be a toll-bridge the space of ten years only; and that the fare thereof be four pence for man, horse and load, nine pence for a team, and one penny per head for horses and cattle that shall be drove over; payable by all persons, saving and excepting only those that had a list in said town in the year 1740, and shall pay their rates and proportion thereon for the rebuilding said bridge when known and required, and all that hold under such persons, either by grant or lease, and those that act for such persons or upon their interest.

Upon the memorial of Eleazer Cary, Nathaniel Wales, jun., and John Fitch, jun., selectmen of the town of Windham, shewing to this Assembly, that this Assembly did, at their sessions holden at Hartford on the 2d Thursday of May, A. D. 1739, upon the memorial of Eleazer Cary &c., selectmen of said Windham, resolve, &c., and impower Mr. Isaac Burnap and Mr. Benjamin Bedlake, of said Windham, to sell one certain propriety of land belonging to one Jonathan Preston of said Windham, and that the said Burnap and Bedlake have since deceased, and have not made sale of the said land; and thereupon pray that this Assembly would impower them, the said memorialists, or some other meet persons, to sell the said lands: And thereupon it is resolved by this Assembly, that Messrs. Eleazer Cary, Nath^l Wales, jun., and John Fitch, jun., of said Windham, or any two of them, be impowered, and they are hereby impowered, to sell the said land of the said Jonathan Preston, and do in all respects as fully as the said Isaac Burnap and Benjamin Bedlake were impowered to do, by act of this Assembly holden at Hartford May, A. D. 1739, respect thereto being had.

Upon the memorial of Edward Higby, David Sage, Samuel Hart, &c., all of the northwest part of Middletown, praying this Assembly to set them off to be a distinct ecclesiastical society with parish privileges, and the bounds thereof to begin at the northwest corner of Middletown, and to run on the west line of Middletown half the whole breadth of said town, then eastward a parallel line with Weathersfield line two miles and an half, then northward a parallel line with Middletown center line to the Ferry river, then to Weathersfield bounds, or such other bounds as this Assembly shall think fit; praying for a committee to view the circumstances of said memorialists, and make report, &c.: Resolved by this Assembly, that Colo. Thomas Welles, Mr. Jonathan Hale, of Glassenbury, and Capt. Jonathan Hills of Hartford, be a committee to repair to said place, first giving notice to all parties concerned therein, and view the circumstances of said memorialists, and hear the parties concerned, and make report to this Assembly at their sessions at New Haven in October next, of their opinion thereon.

Upon the memorial of Robert Cogswell, of Haddam in the county of Hartford, shewing to this Assembly that he conveyed to the Hon^{ble} Governor and Company of the Colony of Connecticut thirty-five acres of land in Haddam aforesaid, by a mortgage deed dated the 13th day of February, A. D. 1741, in consideration of twenty-five pounds in the new tenour bills of credit, which he was to have and receive of the Treasurer of said Colony, and that he hath not received the same or any part thereof; and praying to this Assembly that the Hon^{ble} the Governor and Secretary of said Colony may be impowered by this Assembly to reconvey the said land to the memorialist by a deed of release by them executed, &c.: This Assembly enacts and grants, that the Hon^{ble} the Governor and Mr. Secretary Wyllys be desired, and they are hereby impowered, in behalf of the Governor and Company of this his Majesty's Colony of Connecticut, at the cost of said Cogswell, to make and execute a deed of release of the premises, as described and bounded in the deed of mortgage above referred unto, to him, the said Cogswell, and that by virtue thereof he shall be released of the same.

Upon the memorial of Ebenezer Arnold, of Haddam in the county of Hartford in this his Majesty's English Colony of Connecticut, shewing to this Assembly that he conveyed to the Hon^{ble} Governor and Company of the Colony aforesaid, two pieces or parcels of land, (*viz*:) one of twelve acres and the other of four acres, both pieces lying in Haddam aforesaid, by a mortgage deed dated the 18th day of Febru-

ary, 1740-41. in consideration of the sum of twenty-five pounds in the new tenour bills of credit which he was to have and receive of the Treasurer of said Colony, and that he hath not received the same, or any part thereof; and praying to this Assembly that the Hon^{ble} the Governor and Secretary of said Colony be impowered by this Assembly to reconvey the said pieces of land to the memorialist, by a deed of release by them executed, &c. : This Assembly enacts and grants, that the Honourable the Governor and Mr. Secretary be desired, and they are hereby impowered, in behalf of the Governor and Company aforesaid, at the cost of the said Arnold, to make and execute a deed of release of the premises, as described and bounded in the deed of mortgage above referred to, to him, the said Ebenezer Arnold; and that by virtue thereof he shall be reseized of the same.

[99] Upon the memorial of Peter Ripley and Josiah Ripley, of Windham, administrators on the estate of Jeremiah Ripley, late of said Windham, deceased, shewing to this Assembly that the said deceased dyed in debt the sum of £89 6s. 8d. more than what his goods and chattels would pay; and thereupon praying that this Assembly would impower them, the said administrators, to sell so much of the said deceas'd's lands as will be sufficient to pay the said £89 6s. 8d. with the necessary charges that may arise in selling the same: And thereupon this Assembly do appoint and impower the said administrators, or either of them, to sell so much of the lands or real estate of the said deceased, (but by and with direction of the court of probate in the county of Windham,) as shall be sufficient to pay the said £89 6s. 8d., and the incident charges.

Upon the memorial of William Blogget of Preston, administrator on the estate of Doctor William Blogget, late of said Preston, deceased, representing to this Assembly that the said deceased dyed in debt the sum of £255 3s. 2d. more than what his goods and chattels would pay and satisfy; and thereupon praying this Assembly to impower some meet person to sell so much of the real estate of the said deceased as may be sufficient to pay the said sum of £255 3s. 2d. by the advice of the court of probate in the county of New London: This Assembly do thereupon appoint Mr. John Douglass of Plainfield, with the advice and direction of the court of probate in said New London county, to make sale of so much of the lands of the said deceased as to pay the aforesaid sum of £255 3s. 2d. and charge arising about the same.

Upon the memorial of Jacob Hart of Stanford, administrator on the estate of Ebenezer Jessup, late of said Stanford,

deceased, shewing that the debts due from said estate surmount the personal estate of said deceased the sum of £759 17s. 2d., and praying for liberty to sell so much of the real estate of the said deceased as may be sufficient to pay the said sum and the necessary charges arising thereon: Resolved by this Assembly, that the memorialist have liberty to sell so much of the real estate of the said deceased as may be sufficient to answer the said £759 17s. 2d. and the necessary charges arising thereon; and Capt. Jonathan Maltbie of Stanford, and the said administrator, are hereby appointed and substituted to make sale of the same for the purpose aforesaid, taking the direction of the court of probate in the district of Stanford therein.

Upon the memorial of James Church, administrator on the estate of John Day, late of Hartford, deceased, shewing that the whole inventory of the said deceased's estate, real and personal, amounts to the sum of £62 18s. 2d., and that the debts due from the said deceased amount to £196 15s. 6d., praying liberty to sell the lands of said deceased, to make payment of the debts aforesaid as far as the same may extend: This Assembly grants to said James Church liberty, by and with the advice and direction of the court of probate of the county of Hartford, to sell so much of the real estate of the said John Day, deceased, as will be sufficient to pay the debts and the necessary charges arising on the sale thereof.

On the memorial of sundry of the inhabitants of the town of Lebanon, praying for a second Troop of Horse to be formed in the twelfth regiment, so as to include the memorialists: Resolved by this Assembly, that a second troop of horse may be erected and formed in the said twelfth regiment in this [100] Colony, || and to include the towns of Lebanon and Hebron, and to consist of a suitable number, not exceeding sixty-four men including officers, to be under the conduct and direction of the chief officers of said regiment. And the said chief officers are directed to form the said troop, including the memorialists and such others as shall enlist themselves out of the said towns of Lebanon and Hebron, and to lead, or cause such troop to be led, to the choice of officers, and make due return thereof to the General Assembly, that they may be commissioned.

Upon the memorial of Josiah Starr of Danbury, in behalf of himself and Samuel Starr, Comfort Starr and Ebenezer Knapp, all of said Danbury, shewing to this Assembly that they gave bonds, according to the acts of this Assembly, to secure the payment of £275 0s. 0d. of the new tenour bills

of credit with the interest thereof, to the Hon^{ble} the Governor and Company of the Colony of Connecticut, at the certain times and periods as in the act of Assembly for loaning out said bills is appointed, and that the said bonds are lodged in the Secretary's office, and that they received of the committee appointed to loan out said bills in the county of Fairfield four orders upon the Treasurer of said Colony, directing him to pay the several sums therein mentioned, amounting in the whole to the sum of £275 0s. 0d. as abovesaid, and that the Treasurer would not pay the same without the special direction of this Assembly: It is resolved by this Assembly, that the Treasurer be, and he is hereby, directed to pay the several sums mentioned in the orders aforesaid to the persons abovenamed, amounting in the whole to the sum aforesaid.

Upon the memorial of Benjamin Woodruff, Samuel Smedley, Josiah Strong, Samuel Strong, Thomas Peek, Ephraim Smedley and Henry Gibbs, all of Litchfield, moving to be annexed to the parish of Bethlehem &c., as per their memorial on file, dated May 10th, 1741: Resolved by this Assembly, that the several persons abovenamed, with their families, shall belong and be annexed to the parish of Bethlehem in the towship of Woodberry, and pay and satisfy their ministerial dues and taxes unto and towards the support of the minister of said parish; and also be freed and exempted from paying for and towards the support of the ministry in said Litchfield, for the present and until this Assembly shall order otherwise.

Upon consideration of the matters alledged in the memorial of Joseph Kinney, captain of the second company or trainband in the town of Preston, against Joseph Billings, ensign of the same company, respecting the conduct of him, the said ensign, towards his said captain, &c.: This Assembly is of opinion, that the said Ensign Joseph Billings hath so misbehaved, in reference to the matters charged against him in said memorial, as to render himself unworthy any longer to bear his commission of ensign as aforesaid; and therefore order, that the said second company or trainband in the town of Preston be led to the choice of an ensign in the room of him, the said Joseph Billings.

Upon the memorial of William Tiley of Hartford: This Assembly grants that the memorialist be lycenced to keep a publick house of entertainment &c. for the remaining part of the current year, and that the memorialist shall take out his lycence at the adjourned county court to be holden at Hartford on the 3d Tuesday of June next, which court is hereby

directed and ordered to grant him the same ; provided he give sufficient bond, according to law in such cases.

[101] Upon the memorial of John Stannard of Saybrook, representing that William Stannard of Stratford had obtained judgment against him for the sum of £175 0s. 0d. on default, before the county court at Fairfield in April last, and that said judgment was given in an action of which he never had notice, &c. ; and praying for relief, &c., as per his memorial on file, dated May, 1741 : Resolved by this Assembly, that the consideration of said petition be continued until the session of this Assembly in October next, and that execution on said judgment be suspended till the rising of that Assembly, and that the memorialist summon the said William Stannard to appear at this Assembly in October next, to answer to said memorial.

On the petition of Esther Griswold, of Windsor, *vs.* Timothy Thrall, of Windsor, executor of the last will and testament of William Thrall, late of Windsor, deceas'd, on file, &c. : The question was put, whether the matters of fact alledged in said petition are sufficient, and the respondent holden to make answer thereto, and resolved by this Assembly in the negative. *Cost allow'd the respondent is £2 13s. 4d. Ex. granted July 29th, 1741.*

On the petition of Ebenezer Kilbourn of Weathersfield, *vs.* John Hart of Farmington, and the rest of the inhabitants of Farmington, on file, &c. : The question was put, whether the pleas offered in bar of said petition are sufficient : Resolved by this Assembly in the affirmative. *Cost allow'd the respondents is £3 0s. 8d.*

On the petition of James Welles, John Fisk, of Haddam, Jabez Chapman, Daniel Brainerd, Bezaleel Brainerd, Samuel Ackley, Robert Chapman, jun., of East Haddam, Samuel Doty and James Harriss, of Saybrook, *vs.* Gershom Nott, of Weathersfield : The question was put, whether the prayer of said petition should be granted : Resolved by this Assembly in the negative. *Cost allowed respondent is £3 19s. 2d.*

On the petition of Timothy Mather, of Lyme, *vs.* Thomas Peet, of Stratford, on file, &c. : The question was put, whether the prayer of said petition should be granted : Resolved by this Assembly in the negative. *Cost allow'd respondent is £3 12s. 6d. Ex. granted November 9th, 1741.*

On the petition of Joseph Talman, of New London, *vs.* Godfrey Malbone, of Newport, &c., as on file : The question was put, whether the prayer thereof should be granted : Re-

solved by this Assembly in the negative. *Cost allow'd respondent is £3 7s. 0d.*

On the petition of Yelverton Perry, of Stratford, *vs.* Samuel Shelton, of Stratford, &c., as on file: The question was put, whether anything prayed for in the said petition should be granted: Resolved by this Assembly in the negative. *Cost allow'd respondent is £4 17s. 11d. Ex. granted September 8th, 1741.*

On the petition of Moses Dudley, of Saybrook, *vs.* John Richards, Jabez Huntington, Joseph Fowler, Joseph Rockwell, Jeremiah Diggins, Benjamin Griswold, James Rockwell, James Crozier, John Ashley, Asaph Leavit, Thomas Wells, Ebenezer Hinsdale, and Mary Hinsdale, administrators on the estate of Mahuman Hinsdale, deceased: The question was put, whether the prayer of said petition should be granted: Resolved by this Assembly in the negative. *Cost allow'd respondents is £4 10s. 0d. Ex. granted August 12th, 1741. Alias ex. granted Feb. 3d, 1741-2.*

On the petition of the Pequod Indians in the town of Groton, who petition by their overseers John Morgan and James Avery, *vs.* the proprietors of the common lands in said Groton, and John Dean, Nathaniel Brown, John Wood, Jacob Parks, Francis Tracy, Philip Gray and Elnathan Minor, all of said Groton, as on file: The question was put, whether the pleas offered in abatement of said petition are sufficient: Resolved in the affirmative

[102] Upon the memorial of Capt. Ebenezer Smith, William Markham, Josiah Brainerd, and others, inhabitants in Midle-Haddam, in that part called Haddam Neck, praying to this Assembly that they may be annexed to the sixth regiment, and united to the military company in the north part of said Midle-Haddam: Resolved by this Assembly, that the inhabitants of that part of Midle-Haddam, called Haddam Neck, be annexed to the military company in the north part of said Midle-Haddam, and shall for the future be accounted as part of the sixth regiment in this Colony.

We, your Honours' Committee, appointed to consider, draw up, and report to this Assembly, what may be proper to be passed as an act respecting the Sloop built at Middletown for the Colony's service, and the proper preparations necessary to fit said sloop for service when occasion requires: whereupon we beg leave to report our opinion as follows, *viz*:

1. That the said sloop be forthwith fitted and sailed to New London.

2. That this Assembly nominate a captain and lieutenant

to take the command of said sloop and commissioned by his Honour the Governour.

3. That it be left with his Honour the Governour, with the advice of the captain, to appoint such warrant officers as may be necessary for said sloop.

4. That said sloop be speedily manned with twenty men, including officers.

5. That the captain be purser of said sloop, with power to appoint his own steward.

6. That the captain be directed by the Governor, to instruct his under officers and sailors in the duties of their respective offices and services, that so they may the more readily teach and instruct such men as may be needful to be put on board said sloop for warlike service.

7. That if war shall be declared with France, or on information that our coast is infested with pirates or Spanish privateers, then the captain of said sloop shall man said sloop with (one hundred) men, by beating up for volunteers or impressing, as need may require, to repel the enemy coming near our coast, sending an account of his proceeding herein forthwith to the Governor, whose instructions the said captain is from time to time carefully to observe, and that his Honour the Governor be desired to give forth his orders accordingly.

8. That a suitable person in the town of New London be appointed a store-keeper for said sloop.

All which is humbly submitted by your humble servants,
 James Wadsworth, Sam^l Hill,
 Joseph Pitkin, Christopher Avery.

The above report of the committee is accepted and approved by this Assembly. And this Assembly do nominate and appoint Capt. George Phillipse, of Midletown, to be Captain, and Mr. David Worster, of New Haven, to be Lieutenant of the said sloop.

Resolved by this Assembly, That the captain of the Colony sloop *Defence* shall have seven shillings *per diem* for the time he shall continue in the service of the government, and the lieutenant shall have four shillings and six pence *per diem*, the warrant officers each two shillings and six pence *per diem*, each able sailor two shillings, and all others taken into service shall have one shilling and eight pence *per diem*, paid to each respectively during their continuance in service, and shall each be paid in bills of this Colony of the new tenour, or other bills of credit equivalent thereto.

[103] This Assembly grants to his Honour the Governor the sum of sixty pounds, to be paid in the new tenour bills, or in

other bills equivalent thereto, for his half year's salary the current year.

This Assembly grants to his Honour the Deputy Governour the sum of thirty pounds, to be paid in the new tenfour bills, or in other bills equivalent thereto, for his half year's salary the current year.

This Assembly grants the sum of two hundred and fifty pounds, to be paid out of the interest money, to our agent, Francis Wilks, Esqr, for his salary this year.

Resolved by this Assembly, That his Honour the Governor and Council of War be impowered, and they are hereby impowered, to draw out of the Colony treasury a sufficient sum or sums of money to purchase provisions for the Colony sloop, and deliver the same to the Captain of said sloop, taking his receipt therefor, who shall be obliged to render his account to his Honour the Governor and Council, when they shall see cause to demand the same.

Ordered, That the Treasurer of this Colony pay out of the publick treasury unto Mr. Isaac Ledyard, of New London, the sum of two pounds and six shillings, in full for the services and disbursements mentioned in his account on file.

Whereas the business of this Assembly has drawn out their present session to such a length that all the members thereof cannot, without great inconvenience, stay to hear the records of the acts of this Assembly read off and compleated: This Assembly do appoint Roger Wolcott, Nathaniel Stanly, Ozias Pitkin, William Pitkin, Esq^{rs}, Capt. John Marsh, Capt. Joseph Pitkin, Mr. Elisha Williams, Colo. John Chester, Mr. Roger Wolcott, jun., and Mr. Daniel Bissell, to be a committee to attend his Honour the Governor, to hear the acts and orders past at this Assembly read off, and then see them signed by the Secretary as compleat.

The several Acts, Grants and Orders of this Assembly, as they stand entered in the pages of this book next preceding, were read off in the presence of his Honour the Governor and all the committee above named, (except Mr. Elisha Williams,) and signed before them.

GEORGE WYLLYS, Secret'ry.

[104] *Anno Regni Regis Georgii secundi, decimo-quinto.*

Connecticut }
Colony: }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN IN HIS MAJESTY'S ENGLISH COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA, ON THE SECOND THURSDAY OF OCTOBER, (BEING THE 8TH DAY OF SAID MONTH,) AND CONTINUED BY SEVERAL ADJOURNMENTS UNTIL THE 23D DAY OF THE SAME MONTH, ANNOQUE DOMINI 1741.*

Present :

The Honourable Jonathan Law, Esq^r, Deputy Governor.

Roger Wolcott,	William Pitkin,	} Esq ^{rs} , <i>Assistants.</i>
James Wadsworth,	Thomas Fitch,	
Nathaniel Stanly,	Ebenezer Silliman,	
Joseph Whiting,	Hezekiah Huntington,	
Timothy Pierce,	Jonathan Trumble,	
Samuel Lynde,		

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

Capt. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Capt. Nath^l Saltonstall, Mr. Jerem^h Chapman, for New London.
 Capt. Eliezer Cary, Capt. John Fitch, for Windham.
 Mr. Thomas Hart, Mr. Asahel Strong, for Farmington.
 Mr. John Griswould, Capt. Stephen Lee, for Lyme.
 Capt. John Mead, Mr. David Lockwood, for Greenwich.
 Capt. Theophilus Baldwin, Mr. Samuel Canfield, for New Milford.
 Mr. John Humphrey, Mr. Joseph Case, for Symsbury.
 Mr. Nath^l Harrison, Mr. Jonathan Butler, for Brandford.
 Colo. Thomas Welles, Mr. Jonathan Hale, for Glassenbury.
 Capt. John Riggs, Capt. Samuel Basset, for Derby.
 Mr. James Benedict, Mr. Ebenezer Smith, for Ridgfield.
 Mr. John Southmaid, Mr. Joseph Lewis, for Waterbury.
 Mr. John Hitchcock, Capt. Jonath. Allyn, for New Haven.
 Major Andrew Burr, Capt. Sam^l Burr, for Fairfield.
 Mr. Joshua Huntington, Mr. Isaac Tracy, for Norwich.
 Colo. Jonathan Hoit, Capt. Jonth Maltbie, for Standford.
 Mr. Joseph Strong, Mr. Peter Buel, for Coventry.
 Mr. Ebenezer West, Mr. John Williams, for Lebanon.
 Colo. William Preston, Mr. Noah Hinman, for Woodbury.
 Capt. James Bebee, Mr. Nath^l Stephens, for Danbury.
 Capt. Samuel Mather, Capt. Henry Allyn, for Windsor.

*The Journal of neither House is found.

Capt. Joseph Phelps, Mr. Joseph Skinner, for Hebron.
 Major Jabez Hamlin, Mr. Seth Wetmore for Midletown.
 Capt. Joseph Addams, Mr. Solomon Tracy, for Canterbury.
 Mr. Samuel Danielson, Mr. Urian Horsmer, for Killingly.
 [105] Mr. John Betts, Mr. Samuel Fitch, for Norwalk.
 Mr. Nathaniel Brown, Mr. Samuel Morgan, for Preston.
 Capt. William Williams, Mr. Ebenezer Avery, for Groton.
 Mr. Hez^h Brainerd, for Haddam.
 Mr. Nathan Camp, Capt. Elisha Chauncey, for Durham.
 Mr. Robert Treat, Capt. John Fowler, for Milford.
 Colo. Shubael Conant, Mr. Experience Porter, for Mansfield.
 Mr. Ephraim Kingsbury, Capt. Dan^l Lawrence, for Plainfield.
 Mr. Robert Dickson, Mr. John Kesson, for Voluntown.
 Mr. Nathaniel Clark, Mr. Jedadiah Chapman, for Saybrook.
 Mr. John Lane, Mr. Nathaniel Parmely, for Killingsworth.
 Mr. Amos Cheesbrough, Mr. Joseph Denison, for Stonington.
 Mr. Stephen Horsmer, for East Haddam.
 Mr. Ebenezer Marsh, Mr. Samuel Culver, for Litchfield.
 Colo. Samuel Hill, Capt. Timothy Stone, for Guilford.
 Capt. Theophilus Nickols, Capt. Joseph Blackleach, for Stratford.
 Colo. Benja. Hall, Capt. Samuel Hall, for Wallingford.
 Colo. John Bulkley, Capt. Israel Newton, for Colchester.
 Major Andrew Burr, Speaker } of the House of Representatives.
 Capt. John Fowler, Clerk }

This Assembly do establish and confirm Mr. Mathew Marvin to be Lieutenant of the first company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Wadkins to be Lieutenant of the company or trainband in the town of Ashford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Walker to be Ensign of the company or trainband in the town of Ashford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Smith to be Lieutenant of the west company or trainband in the town of Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ezra Camp to be Ensign of the west company or trainband in the town of Milford, and order that he be commissioned accordingly.

Upon the prayer of the inhabitants of Oxford parish, shew-

ing this Assembly that they had voted, as the law directs, that it was necessary to build a meeting house in said parish, and praying for a committee to affix the place, &c.: Resolved by this Assembly, that Mr. John Hitchcock, Capt. Isaac Dickerman and Captain James Talmage, be a committee to repair to the said Oxford parish, and view the circumstances, and hear all parties concerned fully on the premises, and affix a place for the parishioners to build a meeting house upon; and make report of their doings to this Assembly in their present sessions, or in May next.

[106] This Assembly do establish and confirm Mr. Nathaniel Stephens to be Captain of the 6th company or trainband in the 7th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Janna Meiggs to be Lieutenant of the 6th company or trainband in the 7th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abraham Brooks to be Ensign of the 11th company or trainband in the 7th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly being informed of the death of the Honourable Joseph Talcott, Esq^r, Governor of this Colony: It is resolved, that the Assembly will proceed (as soon as may be) to elect a Governor of this Colony, to serve in that office until the annual election in May next, in the room of the said Hon^{ble} Governor Talcott, late deceased.*

The Honourable Jonathan Law, Esq^r, is by this Assembly elected and chosen Governor of this Colony until the annual election in May next; † and the Governor's oath, and the oath required by act of Parliament, relating to trade and navigation, were administered to his Honour the Governor in the presence of the Honourable the Members of the Council and House of Representatives.

*At the time of his death, October 11th, 1741, Governor Talcott had nearly completed the seventy-second year of his age, having been born in Hartford November 11th or 16th, 1669. He was the fourth son, but the eldest who survived his father, of Lt. Col. John Talcott by his first wife Helena Wakeman. Governor Talcott was twice married: first, to Abigail, daughter of Ensign George Clark, of Milford. She died March 24, 1704. By her he had three sons, the second of whom, Joseph, was Treasurer of Connecticut, 1755-1769. He married, secondly, Eunice, widow of ——— Wakeman and daughter of Col. Matthew Howell of Southampton, L. I. She was born Aug. 18, 1678, and died, as mentioned in the note at p. 186, May 25, 1738. He had by her two sons and four daughters. All the nine children of Governor Talcott married, and most of them left descendants. As he was the first governor of Connecticut born within its limits, so he occupied the chair longer than any who have succeeded him, and longer than any of his predecessors, except John Winthrop.

†The election of Governor and Deputy Governor at this time was by the concurrent action of both Houses, and was first made in the Lower House.

Resolved by this Assembly, That Capt. John Marsh, Capt. John Whiting and Mr. James Church, make the necessary provision, at the expence of this government, for the honourable interment of the late Honourable Governor Talcott, at Hartford, and lay an account of the same before this Assembly.

Resolved by this Assembly, That Capt. George Phillips, commander of the sloop *Defence*, do, and he is hereby directed to attend and perform on board said sloop, (beginning about four of the clock after-noon, the 13th day of October instant,) the proper ceremonies and tokens of mourning on account of the death of the Honourable Joseph Talcott, Esqr, deceased, late Governor of this Colony, to be interred about the same time; and also the proper ceremonies and tokens of rejoicing in honour of the Honourable Jonathan Law, Esqr, this day proclaimed Governor in the room of said deceased.

Resolved by this Assembly, That there be a sufficient quantity of powder prepared for the cannon on the green, and that they be fired in due form and order at four of the clock after-noon, in token of mourning on the account of the death of the Honourable Joseph Talcott, Esqr, our late Governor; and also the proper tokens and ceremonies of rejoicing on account of the choice of the Honourable Jonathan Law, Esqr, Governor; and that Colonel Joseph Whiting be desired to order the performance of that affair.

The Honourable Roger Wolcott, Esqr, is by this Assembly elected and chosen Deputy Governor of this Colony, until the annual election in May next, and the Deputy Governor's oath, prescribed by law, was administred to him in the presence of his Honour the Governor and Council.

[107] This Assembly do establish and confirm Mr. Daniel St. John, junr, to be Ensign of the second company or trainband in the town of Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Atwater to be Captain of the north-east company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Royce to be Lieutenant of the north-east company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Beadle to be Ensign of the north-east company or trainband

in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Leonard to be Captain of the second company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Andrew Lester to be Ensign of the second company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elnathan Beach to be Captain of the sixth company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Cook to be Lieutenant of the sixth company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hotchkins to be Ensign of the sixth company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Fitch to be Captain of the second Troop in the 12th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Amos Spafford to be Lieutenant of the second Troop of Horse in the 12th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Robinson, jun., to be Cornet of the second Troop of Horse in the 12th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Dan Throop to be Quarter Master of the second Troop of Horse in the 12th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Hulls to be Lieutenant of the third company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

[108] This Assembly do establish and confirm Mr. Samuel Murdock to be Captain of the Troop of Horse in the fifth regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Porter to be Lieutenant of the Troop of Horse in the fifth regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Amos Allyn to be Cornet of the Troop of Horse in the fifth regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Kingsley to be Quarter Master of the Troop of Horse in the 5th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Increase Mosely to be Lieutenant of the 5th company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Baker to be Ensign of the 5th company or trainband in the town of Woodbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abraham Waterhouse to be Captain of the 13th company or trainband in the 7th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Ward to be Lieutenant of the 13th company or trainband in the 7th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Moses Baldwin to be Ensign of the 13th company or trainband in the 7th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Mr. Daniel Edwards to be a Justice of the Peace in and for the county of New Haven, until the first day of June next.

This Assembly do appoint Mr. Samuel Canfield to be a Justice of the Peace in and for the county of New Haven, until the first day of June next.

The Gentlemen nominated by the Votes of the Freemen of this Colony (bro't in to this Assembly,) to stand for Election in May next, are as follow, viz:

The Honourable Jonathan Law, Esq^r,

The Hon^{ble} Roger Wolcott, Esq^r,

James Wadsworth, Esq^r, Ozias Pitkin, Esq^r,

Nath^l Stanly, Esq^r, Timothy Pierce, Esq^r,

Joseph Whiting, Esq^r, Samuel Lynde, Esq^r,

William Pitkin, Esq ^r ,	Colo. John Bulkley,
Thomas Fitch, Esq ^r ,	Mr. John Griswold,
Ebenezer Silliman, Esq ^r ,	Colo. John Chester,
Jonath. Trumble, Esq ^r ,	Major Andrew Burr,
Hez ^h Huntington, Esq ^r ,	Colo. Samuel Hill,
Roger Newton, Esq ^r ,	Mr. Elisha Williams.

Resolved by this Assembly, That Capt. John Whiting, Treasurer of this Colony, be ordered, and is hereby ordered and directed, to convey the bonds and money in his hands, given for the sale of the six townships in the western lands in said Colony, to this Assembly now sitting in New Haven, on Monday the 19th day of instant October, 1741; and also that he bring with him a sufficient sum of money to pay off the members of this Assembly.

[109] This Assembly do hereby appoint, authorize and empower, Hez^h Huntington, Esq^r, and Jabez Hamlin, Esq^r, or either of them, to demand, receive and settle accompts with each of the masters of the three transport vessels which carried the troops from this Colony to the West Indies on his Majesty's service, (*viz* :) Capt. John Shaw, Capt. Nathaniel Shaw, and Capt. John Kieth, respecting the stores and provisions laid in by this Colony for the said troops, more than was expended by them or needful for their transportation, and to receive from the said masters what shall be found in their hands, and lay the accompts before this Assembly in May next; and in case that they, or either of them, shall refuse to give such account to the said committee on demand thereof, that the said committee shall commence and prosecute to effect the proper suit or suits in law for the recovery thereof, against any or either of them that shall so refuse.

Whereas the town of Plainfield did neglect to send in to this Assembly a list of all the polls and rateable estate, according as the law directs: *Resolved by this Assembly*, that the town of Plainfield be doomed in the grand list for the year 1741, ten thousand five hundred pounds; and that the Treasurer of this Colony be directed to send out his warrant to the constable of Plainfield, to collect and gather all the tax or rate ordered by this Assembly thereon; and that the town of Plainfield receive their proportion of school-money accordingly.

Upon the memorial of Christopher Peak, agent for the town of Union, shewing this Assembly that this Assembly did, at their sessions in October, 1738, grant a tax of two pence per acre on all the lands in said Union for the support of the gospel in that place, for four years then next coming, and ordered that said town should choose collectors at their annual town-

meeting, to collect the same; also shewing to this Assembly that there is non-resident proprietors of said land that live out of this Colony, that own near four thousand acres of said land, and many of them have not paid said tax that is now due, and some refusing to pay the same, and no provision as yet made for the collectors to recover the money due on said tax of the non-resident proprietors out of the government, as aforesaid: It is resolved by this Assembly, that the collectors that have been chosen by said town to gather the tax that is now due, or some suitable person by him or them appointed, notify and warn the claimers of such lands that live out this Colony, and shew them a copy of this act; and if, after they shall be so warned, they, or any one of them, shall neglect and refuse to pay said tax to said collector or collectors, within twenty days after such notice given, that then it shall be in the power of any two of the selectmen of said town of Union to extend or lease so much of the lands of said non-resident proprietors that so neglect and refuse, for so long a time as will answer said tax and all charges for extending and leasing the same; which land shall be extended at a publick vendue to the highest bidder, after there hath been a notification in writing under the selectmen's hands set up in said town of Union upon the sign-post at least twenty days before the time of extending such lands, shewing the time and place thereof. And a lease well executed by said selectmen shall be a good [110] title in the law to him or them that shall || so hire and receive said lease, and to him, his heirs and assignes, for holding the same during the term in said lease or leases. And it is further provided, that the like method shall be taken for the recovery of such money on said tax as is not yet due, after the same is become due, of such non-resident proprietors, upon their neglect or refusing as aforesaid.

An Act in Addition to and Alteration of an Act past in this Assembly in May last, entituled An Act for the Distribution of the Bonds and Money given and paid for the Townships in the Western Lands.

This Assembly observing that sundry difficulties have attended the method directed to in the abovesaid act, and the lists of the several parishes are not sent in to the committee, as by said act was directed:

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That Joseph Whiting, Esqr, Jonathan Trumble, Esqr, Colo. Thomas Welles, Mr. Joshua Huntington, and Capt. Theophilus Nickols, be a committee to take an account of the sums total of the lists of the several towns who computed lists *anno Dom.* 1732, as well those entered on the publick records as those

towns whose totals are not there entered; and said committee shall proportion said bonds and money among the several towns according to their respective lists, and divide said bonds and money, as is directed in said act; and the said committee shall deliver the bonds and money to the representatives or agents of the respective towns, in proportion to their lists, taking receipts for the same, and lodge said receipts with the Secretary.

And it is further enacted, That the said representatives and agents are hereby ordered to deliver said bonds and money to the selectmen or the school committee (if there be any such) in those towns that are but one parish, and to the respective society committees in those towns where there are more than one parish, in proportion to the list of each parish as computed *anno Dom.* 1732, taking receipts of such selectmen or committees for the respective sums delivered to them, to be improved for the support of such school or schools in such town or parish as are by law to be there kept, pursuant to an act of this Assembly entituled An Act for the encouragement and better support of schools that by law ought to be kept in the several towns and parishes in this Colony, and return such receipts to the Secretary on or before the first of June next; upon the receipt whereof the Secretary shall deliver up such representatives' or agents' receipts lodged with him as abovesaid. And if any dispute shall arise between parishes in any town, respecting the proportion that each parish shall have, and the committees of such parishes cannot agree to adjust the same, it shall be the duty of the representatives of such town to call in the assistance of two justices of the peace dwelling in some of the next neighbouring towns in the same county, who shall give notice of time and place to the committees of the respective parishes that they may be heard, and such justices shall determine by their discretion the proportion of each parish; the charges whereof shall be paid out of the money in such representatives hands, in such proportion and quantity as said justices shall allow, which shall be again repaid, for the use of the schools, out of such society treasury by their committee, as the justices shall determine. And furthermore, that if it [111] shall hereafter appear that || any town or towns have made their list in the year 1732, and have not sent them in to this Assembly, nor received their part of the money or bonds aforesaid in the distribution now to be made: upon the same being made evident to this Assembly, such towns shall be allowed their proportion, according to such lists, out of the moneys to be raised upon the sale of the township yet unsold.

Upon the memorial of the inhabitants of the west part of

the north purchase in Woodberry, therein setting forth the difficult circumstances which they labour under respecting the maintaining of the gospel ministry among them, by reason that a great part of the proprietors of said parish are non-residents, &c.; therein praying that all the lots in said purchase may be taxed for the space of four years next to come: Resolved by this Assembly, that all the lots in the west part of the north purchase shall be taxed at thirty shillings per lot for each year, during the space of four years, as prayed for; and that the money which shall annually be raised thereby shall be duly applied towards the support of the gospel ministry in said society. And Benjamin Ingraham, jun., of said place, is hereby empowered to collect and gather the same for the purpose aforesaid, and is hereby invested with as full power as other collectors in such cases are.

Upon the memorial of the inhabitants of the west part of the north purchase in Woodberry in Fairfield county, praying this Assembly that the report of Colo. Benjamin Hall, John Southmaid, Esq^r, and Mr. Stephen Hopkins, appointed by this Court to view their circumstances, relating to their being made a distinct, separate and ecclesiastical society, and affix their bounds, may be accepted and confirmed according to their said committee's report, and that they may be made a distinct parish with parish privileges: Resolved by this Assembly, that said inhabitants are and shall be one distinct and separate ecclesiastical society and parish, as described in the return of said committee, and are accordingly bounded out as in said committee's report, and shall be a parish with all parish privileges, by the name of *Judeah*; and all the inhabitants and land in the bounds described in said committee's return to be and belong to said parish of *Judeah*. The bounds are as follows, (*viz*:) Beginning at Colo. Johnson's line at New Milford bounds, and from thence running eastward in said line until it comes to the line dividing between Bethlem and the west part of the north purchase, and thence to extend north to the north line of said purchase, and thence westward to New Milford line, and thence southward to the first mentioned place at the end of Colo. Johnson's line at New Milford bounds.

Upon the memorial of the first society of Killingly, praying that a committee may be appointed to affix and ascertain the place where said society shall build a meeting house for divine worship: This Assembly do appoint Jonathⁿ Trumble, Esq^r, Mr. Jonathan Huntington and Mr. Ebenezer Wales, to be a committee to repair to the said first society in Killingly, and view the circumstances of said society, and hear the parties there, and to affix and ascertain the place where said society

shall build their meeting house, and make report of their doings to this Assembly at their sessions in May next.

Upon the memorial of the inhabitants of the parish of Bethlem in Woodbury, praying this Assembly for a committee to affix a place for said parish to build a meeting house upon, &c.: Resolved by this Assembly, that Colo. Benjamin Hall, Capt. John Riggs and Mr. John Southmaid, be a committee to repair to the said parish of Bethlem, and view their circumstances, and hear the parties on the premises, and affix a place for the said petitioners to build a meeting [house] upon, and make report of their doings to this Assembly when they shall have affixed the place.

[112] Upon the memorial of the inhabitants of the parish of Northberry in the township of Waterbury, therein shewing and praying for a committee to be appointed by this Assembly, to repair to said parish and view their circumstances, hear their pleas and allegations, and affix and ascertain the place where the inhabitants shall build a meeting house for divine worship, &c.: Resolved by this Assembly, that Capt. John Riggs and Capt. John Fowler be a committee to repair to said parish, and view their circumstances, hear the pleas and allegations of said inhabitants, and affix and ascertain the place where the said inhabitants shall build a meeting house for divine worship; and report their opinion thereon to this Assembly at their sessions in May next. The charge of said committee to be defrayed by the inhabitants of said parish.

Upon the memorial of Joseph Wilcox, shewing to this Assembly that Mindwel Wilcox is, by reason of sickness and age, rendered *non compos mentis*, and is also become indebted for medicines, tendance, &c., the sum of seventy-one pounds money; and praying to this Assembly for liberty to make sale of so much of the real estate of the said Mindwell Wilcox as shall procure the said sum: Resolved by this Assembly, that the said Joseph Wilcox be impowered, and he is hereby fully impowered, to make sale of so much of the real estate of the said Mindwel Wilcox as shall procure the aforesaid sum with the necessary charges arising thereon, and to improve the same for the payment of said debts.

Upon the memorial of David Whitney, agent for the inhabitants of the town of Canaan, complaining to this Assembly that the place affixed by the committee appointed in May, 1740, and established by this Court in October last, to be the place where the inhabitants of said town should build an house for divine worship, is not the most suitable place therefor; and praying that the same committee may be appointed

to review the circumstances of said town, and determine the most suitable place to build a meeting house upon: Resolved by this Assembly, that Messrs. Nathaniel Skinner, Jonathan Dunham and Samuel Lewiss, be a committee for the purpose aforesaid, who are, at the desire and charge of said inhabitants, to review the said town and the circumstances of the people, and affix a place for building a meeting house upon, and make report at this Assembly at this time, or in May next.

Upon the memorial of the inhabitants of the parish of Bethlem in Woodberry, praying this Assembly for a tax on the lands in the said parish, &c.: Resolved by this Assembly, that a tax of thirty shillings upon each right of land within the said parish, be raised, for the space of four years next coming, and the same shall be improved for the building a meeting house in said parish; and Caleb Lewis, of said parish, is hereby empowered to collect the same for the purpose aforesaid, and shall deliver the moneys so collected unto the committee of the said parish; and the said collector is hereby vested with the same power as other collectors by law are.

Upon the memorial of Capt. Benjamin Holt of Wallingford, praying for a sum of money to be granted to him out of the treasury, for his entertaining some souldiers in their march from Hartford to New Haven on August 9th, 1740: Forasmuch as the papers and accounts referring to the charges that have arisen respecting that affair are at Hartford, therefore, it is resolved by this Assembly, that Nathl Stanly and John Marsh, Esqrs, be a committee to adjust said Holt's account; and if the said gentlemen shall find any thing due to the said memorialist, they shall, by an order under their hands, direct the Colony Treasurer to pay the same.

[113] Upon the petition of Samuel Welles, of Hartford, against George Chartres, of said Hartford, praying this Assembly to set aside a judgment of the superior court held at Hartford in September last, given against him in a case wherein he sued said Chartres for the surrendry of about three quarters of an acre of land, by his writ dated April 2d, 1740; and that there may be a new tryal of said case in the superior court to be holden at Hartford in March next, for the reasons assigned: Whereupon, it is resolved by this Assembly, that the said judgment of said superior court be set aside, and the same is hereby set aside and made void, with all the proceedings thereon; and that there be a new tryal of said cause in the superior court to be held at Hartford in March next; and that the whole cost in said case follow the said tryal.

Upon the memorial of Elizabeth Russell, of New Haven in New Haven county, administratrix on the estate of Nicholas Russell, late said of New Haven, deceas'd, shewing to this Assembly that the personal estate of the said Nicholas, deceased, is not sufficient to answer the debts due from said estate; and praying this Assembly, that she may, by and with the advice of the honourable judge of probates in New Haven district, be impowered to sell so much of the real estate of said deceas'd as is necessary to discharge said debts of said deceased: Resolved by this Assembly, that, by and with the advice of the said judge of probates, the said administratrix is and shall be authorized and fully impowered to sell so much of the real estate of the said deceased as shall be sufficient to discharge the residue of said debts due from said deceased's estate, and the necessary charges arising thereby.

Upon the memorial of the inhabitants of New Fairfield in the county of Fairfield, by their agent, Ebenezer Stephens, of said New Fairfield, praying this Assembly to appoint them a committee to state and ascertain a place in said New Fairfield where to build a meeting house for divine worship: Resolved by this Assembly, that Joseph Blackleach and Theophilus Nichols, Esq^{rs}, of Stratford, and Mr. Samuel Canfield of New Milford, be a committee, at the charge of the memorialists, to repair to said New Fairfield, notify the inhabitants, hear their pleas and allegations, view their circumstances, affix and ascertain a place where to build a meeting house on in said New Fairfield, for divine worship, and make return thereof to this Assembly at their sessions at Hartford in May next.

Upon the memorial of Anne Moodey of Farmington, shewing to this Assembly that her husband, Ebenezer Moodey, has been more than one year absent on a voyage from Barbadoes to New England, so that it looks doubtful said Ebenezer is lost at sea, and not likely to return; and thereupon praying that conservators may be appointed to take care of the estate of said Ebenezer in his absence: Thereupon this Assembly doth appoint and fully impower the said Anne Moodey and Mr. Joseph Hart of Farmington conservators of said estate, to take care of and preserve the same, and to pay all just debts due from said Ebenezer, and in the name of the said Ebenezer to sue for, and recover and receive, all debts due to the said Ebenezer, and him to represent in all courts until the return of said Ebenezer, or that administration may be lawfully granted upon said estate as being the estate of a person deceased.

Upon the report of Capt. Isaac Dickerman, Mr. James Tal-

mage and Mr. John Hitchcock, appointed by this Assembly to affix the place for the inhabitants of the parish of Oxford to build their meeting house upon, &c., the said committee having viewed their circumstances, and have set down a stake and laid stones to the same, at the south end of the hill, commonly called Jack's Hill, and near the highway that runs on the east side the little river, on land belonging to Ephraim Washbourn, which said place the said committee report to be the most convenient place for the said inhabitants to build a meeting house upon: Resolved by this Assembly, that the abovesaid place be the place for the said inhabitants to build their meeting house upon; and the said inhabitants are hereby ordered to build a meeting house at the said place accordingly.

[114] Upon the memorial of the inhabitants of the township of Salisbury, praying for town privileges, and liberty to imbody in church estate: Resolved and enacted by this Assembly, that the inhabitants of the said township of Salisbury be, and they are hereby, erected, constituted, made and imbodyed into a town, by the name of the town of Salisbury; and that they and such others as shall become inhabitants thereof, and their successors, shall have, exercise and enjoy, the authorities, powers and privileges, and be under the regulations that the other towns in this Colony, by the laws of this Colony, have, exercise, enjoy and are under; and that the brand for said town be the same as is provided for Weatauge, *viz.* this figure, +. And liberty is hereby granted to the inhabitants of said town to imbody into church estate according to the laws of this government. And liberty is also hereby granted to the inhabitants of said town, to meet and assemble in the month of November next, for the electing proper town officers for said town; which being done, the said officers shall be esteemed as lawfully elected, and shall continue the year next ensuing as thô elected in the month of December next. And this Assembly authorizes and appoints Mr. Benjamin White of said town, to warn the said inhabitants to meet and assemble, at some place by him to be appointed in said town, sometime in November or December next, for the purposes aforesaid.

Upon the memorial of Clement Minor of Stoningtoun, administrator on the estate of Benjamin Minor, deceased, shewing to this Assembly that the debts due from said estate doth amount to the sum of £734 16s. 10d. more than the personal estate of the deceased, allowing the charges of administration and necessaries for the widow; and praying for liberty to sell so much of the lands of the deceased as to pay said debts with the cost and charges thereof: Whereupon it

is resolved by this Assembly, that Simeon Minor and Nehemiah Palmer, of said Stoningtown, be appointed, and they are hereby appointed and directed, by and with the direction of the judge of the probate, to sell so much of the lands of said deceased as to pay the said £734 16s. 10d. with all charges thereon.

Upon the memorial of Stephen Prentiss and others of the inhabitants of the Neck and Nahantick society in New London for school privileges, praying that they may be divided into two societies for school privileges, for the reasons assigned: Whereupon it is resolved by this Assembly, that the said society be divided into two societies for school privileges, and that the dividing line between them shall be as followeth, (*viz.*:) Beginning at the head of Vuhiog river, and then running easterly by the Neck brook, so called, as far as the society called the Neck and Nahantick society goes. And it is further enacted, that each society, divided as aforesaid, shall have all powers and privileges for the managing their school affairs as other societies in this Colony for ecclesiastical affairs have granted by law to them.

Upon the prayer of Capt. Richard Durfey of New London, respecting the fare of Nahantick ferry, praying that the same may be raised, for the reasons assigned: Whereupon it is resolved, that the fare of said ferry shall be six pence for man, horse and load, in the months of December, January and February, and four pence for the same the rest of the year, during the pleasure of this Court.

This Assembly orders the Treasurer of this Colony to pay to Capt. George Phillips, commander of the sloop Defence, the sum of one hundred and fourteen pounds and nine shillings new tenour bills, for wages due to himself and men on board said sloop. And this Assembly do hereby appoint Nathaniel Stanly, Esq^r, and Capt. John Marsh, a committee to settle accounts with said Capt. Phillips when he is discharged from said sloop, respecting said wages, and to give him an order on the Treasurer for the payment of the ballance of his account, when settled.

[115] *Resolved by this Assembly*, That Capt. George Phillips, commander of the sloop Defence, do forthwith discharge such of the hands that are on board said vessel, as he thinks proper; and that he, with the rest of the men, with the first fair wind, sail the said sloop unto New London; and that the said vessel be by him laid up in the harbour there, in some secure place; and that the arms and warlike stores, sails, provisions, &c., belonging to said sloop, be well secured, either in said vessel

or some other safe place, as the said captain shall think proper; upon which the said Phillips shall dismiss all his hands, and the said Phillips shall then commit said sloop unto Colonel Gurdon Saltonstall, who is hereby directed, in proper seasons, to try the pumps of said vessel, and take the necessary care of the same while she is so laid up; and the said vessel shall continue in said harbour as aforesaid, until the order of this Assembly or of the Governor and Council, who may send forth the said sloop if they see cause; and the officers of the said vessel shall thereupon be fully discharged, until by the authority aforesaid they be called to act in their posts according to their former commissions.

The Sums total of the Lists of Estate of the several Towns in this Colony following, sent in to this Assembly and accepted, (viz:)

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford,	31959	0	6	New Haven,	41895	2	9
New London,				Fairfield,	39050	9	6
Windham,	17684	8	6	Norwich,	42970	4	3
Mansfield,	9553	17	9	Farmington,	27053	12	0
Hebron,	10841	4	0	Greenwich,	15378	16	0
East Haddam,	13922	12	0	Glassenbury,	9708	0	0
Coventry,	10526	4	6	Killingly,	15150	0	0
Symsbury,	12925	17	0	Standford,	24212	7	3
Haddam,	8269	8	9	Preston,	15600	19	4
Norwalk,	24986	3	7	Ridgfield,	7664	1	0
Woodberry,	15324	7	3	Canterbury,	11472	4	9
Groton,	17975	7	2	Pomfrett,	12644	0	0
Durham,	9641	0	7	Windsor,	29027	11	0
Seybrook,	17320	2	6	Litchfield,	6447	19	6
Danbury,	11282	11	10	New Milford,	8487	17	3
Killingworth,	11150	19	5	Stonington,	24589	5	3
Guilford,	27491	17	8	Ashford,	7803	12	0
Lyme,	17075	10	0	Weathersfield,	24126	17	0
Lebanon,	28831	0	0	Milford,	24663	5	9
Waterbury,	9491	5	0	Midletown,	34604	19	0
Derby,	8084	5	0	Brandford,	19594	16	0½
Colchester,	18215	15	6	Voluntown,	6338	12	6
Stratford,	32545	16	6	Wallingford,	31812	3	1

This Assembly do appoint the Honourable Roger Wolcott, Esqr, to be Chief Judge of the Superior Courts in this Colony, until the annual election in May next.

This Assembly do appoint William Pitkin, Esqr, to be a Judge of the Superior Courts in this Colony, until the annual election in May next.

[116] This Assembly do establish and confirm Mr. Charles

Bulkley to be Captain of the first Troop of Horse in the 12th Regiment in this Colony, and ordered to be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Wright to be Cornet of the first Troop of Horse in the 12th regiment in this Colony, and ordered to be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Jarvis to be Captain of the Troop of Horse in the 9th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Knapp to be Lieutenant of the Troop of Horse in the 9th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel St. John to be Cornet of the Troop of Horse in the 9th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Scudder to be Quarter Master of the Troop of Horse in the 9th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Lewis to be Captain of the second company or trainband in Kensington parish, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Patterson to be Lieutenant of the second company or trainband in Kensington parish, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Dewey to be Ensign of the second company or trainband in the parish of Kensington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jabez Chapman to be Captain of the south company or trainband in the town of East Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Cone to be Lieutenant of the south company or trainband in the town of East Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Henry Champion to be Ensign of the south company or trainband in the

town of East Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Copp to be Ensign of the company or trainband at the north parish in the town of New London, and order that he be commissioned accordingly.

This Assembly do appoint Capt. Ebenezer Stephens to be a Justice of the Peace in and for the county of Fairfield, until the first day of June next.

An Act in Addition to an Act entituled An Act to prevent the Exportation of Grain, Flower and Bread, out of this Colony in a time of Scarcity.

Whereas in said act there is only a liberty given to any person to complain of and prosecute any breach of said act, provided he shall give sufficient bond to prosecute his complaint to effect: but it is not made the duty of any officer or [117] officers to complain of or prosecute any || breach of said act: And whereas the obligations by said act laid on the authority, to proceed *ex officio*, are limited to that grain, flower or bread that shall be shipped before the publication of such proclamation as in said act is ordered and directed for the prohibiting the transportation of grain, &c.: Which inconveniences to prevent,

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That when any grain, flower or bread, shall be shipped on board any ship or vessel in any of our ports, harbours or creeks, contrary to the true intent and meaning of said act, it shall be, and is hereby made and declared to be, the duty of all constables and grand jurors, to complain or make presentment of the same to some assistant or justice of the peace; which said assistant or justice, to whom said complaint shall be made, shall proceed thereupon as in and by said act they are directed to proceed when any person shall complain of any breach of said act and give bond to prosecute his complaint to effect.

And it is further enacted by the authority aforesaid, That when any assistant or justice of the peace shall have any notice of any grain, flower or bread, being shipped on board of any ship or vessel after any such proclamation shall be made and published, as aforesaid, it shall be lawful for any such assistant or justice, and they are hereby ordered, by their warrant directed to the constable or water-bailiff, to search in any such ship or vessel for any grain, flower or bread, shipped as aforesaid, contrary to the true intent and meaning of said act; and the officer, upon finding any grain, flower or bread, ship-

ped as aforesaid, he is hereby required to seize, land and safely secure the same to a tryal.

And it is further enacted by the authority aforesaid, That when any officer shall, by virtue of any warrant to him directed by any assistant or justice of the peace proceeding *ex officio*, or upon the complaint of any constable or grand-juror, seize any grain, flower or bread, shipped as aforesaid, he shall speedily make return of his doing thereof unto that assistant or justice that signed such warrant; which said assistant or justice shall speedily certify such process to the king's attorney in the county where such seizure is made; which said attorney shall, as soon as may be. libel against such grain, flower or bread, to the judge of the county court of the same county; which said judge is hereby ordered to proceed in the same manner as in the last paragraph of said act is directed; from which judgment no appeal or review shall be granted. And all penalties and forfeitures that shall be made and declared by the proceeding in manner and form aforesaid, shall be paid into the treasury of this Colony. And said court are hereby ordered and impowered to grant unto the said king's attorney a sufficient and reasonable allowance for his service in the affair, to be paid out of the treasury of this Colony.

Whereas heretofore, at the session of this General Court, held in New Haven in October, *anno Dom.* 1740, John Richards, of New London in the county of New London. Esqr, and Margaret Douglass and William Douglass, of said New London, executors of the last will and testament of Richard Douglass late of said New London, deceased, exhibited their petition and complaint unto this Court, against John Winthrop, of New London aforesaid, Esqr, administrator on the estate of Major General Wait Winthrop, Esqr, late of Boston, deceased, therein setting forth, that the said Major General Wait Winthrop, one of the executors of the last will and testament [118] || of the Honourable Fitz John Winthrop, Esqr, in order to satisfy a judgment of court recovered by the selectmen and committee of the town of New London against the executors of said will, for the use of the ministry in said town, gave his certain obligatory bond, under his hand and seal well executed, bearing date the 13th day of July, *anno Dom.* 1709, unto Robert Lattimer, James Rogers and Joshua Hempstead, appointed to receive the same for the use of said town, by which he bound himself, his heirs, executors and administrators, to pay to the said Lattimer, &c., the full sum of six hundred pounds lawful money of New England, conditioned that if the said Wait Winthrop, his heirs, executors or administrators, should have well and truly paid unto the said Robert

Lattimer, &c., the just sum of seven hundred and fifty ounces, troy weight, of silver money, together with forty-five ounces troy of the like silver money for the interest, at or before the 13th day of July next ensuing the date of said bond, then the same was to have been void, and not else; and that the said Wait Winthrop died in the year 1717, intestate, and the administration of his estate was committed to the said John Winthrop, Esq^r.; and that afterwards, by the judgment and decree of the superior court of this Colony, the said John Winthrop's letters of administration were vacated, and the administration of said estate was committed to Thomas Leechmere, of Boston, Esq^r, who upon application to this Assembly, on the 12th of May, 1726, obtained power and authority to sell so much of the real estate of the said Wait Winthrop, Esq^r, as would be sufficient to discharge the debts due from said estate; and that, pursuant to said power and authority, said Leechmere sold to the said John Richards and Richard Douglass three hundred and seven acres of land in the said town of New London, part of the real estate of said deceased, by his deed dated October 27th, 1726, in order to pay the debts due by the bond aforesaid, &c.; and that the said Richards and the said Richard Douglass purchased the said bond of the said town of New London, and gave their own security instead thereof, and gave the said bond in exchange for the said deed of three hundred and seven acres of land to said Leechmere, the interest only being paid to that time, and also paid the said Leechmere ninety pounds more in current money of this Colony, and that the said Leechmere blotted out the signing and broke off the seal of said bond; and that afterwards, (*viz.*) on the 15th day of February, 1727, by a decree of the King in Council, the said Leechmere's letter of administration was reversed, and the said act of Assembly and things dependent thereon, and that the said John Winthrop's letters of administration were judged and ordered to be and continue in force as at first, and that the said John Winthrop should be put into the seizin and possession of the said land sold as aforesaid, which in obedience to his Majesty's decree, by order of this Assembly, was accordingly done; that thereupon the said Leechmere delivered to said Richards, &c., the said bond thus obliterated: And thereupon the petitioners in said petition complain, that the said John Winthrop, taking advantage of the transaction aforesaid, hath not paid said bond, and yet refuseth to pay them the debt aforesaid, although he, before the King and Council, in his complaint confessed the same to be due, and hath taken the benefit of the

said: for relief wherein the complainants humbly prayed the aid and assistance of this Court, according to equity and a good conscience. And the said John Winthrop's attorney, viz. his wife, Madam Anne Winthrop of said New London, being duly served with the said petition, the same was continued to the sessions of this Court in Hartford in May last. At which time the same coming on to be heard in the presence of counsel learned on both sides, the substance of the complainants' petition appeared to be as is before recited, and was also acknowledged and allowed to be so by the defendant's answer thereunto, which was only verbally made thereunto. Whereupon, and upon debating the matter and hearing what was alledged by counsel on both sides, this Court did think fit to declare, and (the matters being by this Court continued to this present sessions,) this Court do now (on further hearing the parties) declare, they are of opinion that the said John Richards and Richard Douglass having fully satisfied the inhabitants of the said town of New London, for the debt due by the said bond, (and the said original debt remaining unpaid, and it having then been the ancient and constant usage and practice of this government, to order the sale of the lands of deceased debtors to pay their just debts, when personal estate was wanting for that purpose,) they ought not to lose, and the defendant to take, the benefit of the payment made by the said Richards and Douglass to the inhabitants of the said town of New London: but that the said original debt, with the lawful interest thereof, he, the said John Winthrop, administrator as aforesaid, out of the estate of the said Wait Winthrop, Esq^r, deceased, ought in equity and good conscience to pay and satisfy to the complainants.

Whereupon this Court do order and decree, That the said complainants shall recover against the defendant, of the estate of the said deceased Wait Winthrop, Esq^r, the said principal original debt with the lawful interest thereof, (*viz.*) the sum of five hundred sixty-two pounds ten shillings lawful money of New England, and their cost of prosecution, allowed to be thirteen pounds thirteen shillings and four pence.

And this Court do further order and decree, That execution go forth against the defendant, and take and dispose of the goods or estate of the said deceased Wait Winthrop, Esq^r, in the hands of the said defendant as administrator aforesaid, and thereof to pay and satisfy unto the said petitioners the aforesaid sums; and the Secretary of this Colony is hereby ordered to grant the said execution accordingly.
Execution granted February 2d, 174½.

Whereas James Dunlop, of Stratford in Fairfield county,

brought his petition to this Assembly in their sessions at Hartford in May, 1740, against Ebenezer Beach, administrator on the estate of Mary Smith *alias* Dunlop, and Benjamin Cogshall and Elizabeth his wife, Samuel Jones and Hannah his wife, all of said Stratford, complaining that his father Mr. Archibald Dunlop, late of said Stratford, deceased, dyed seized and possessed of a considerable estate, which came into the hands of the said Mary Smith *alias* Dunlop, as ad-[120] ministratrix on said estate, but that || there never was any settlement or distribution made thereof; and that at her, the said Mary's decease, there was remaining a considerable part of said estate, some of which had gotten into the hands of the said Elizabeth and Hannah, sisters to him, the said James, and that he had not his share thereof; praying this Assembly to grant him relief according to equity and a good conscience; which petition came by continuance to this Assembly in their present sessions, wherein, upon the report of the committee appointed in said case to hear and report to this Assembly, and upon the full hearing of the parties thereon, it appears to this Assembly, that the said Archibald Dunlop died seized and possessed of a considerable estate, which came into the hands of the said Mary Smith *alias* Dunlop, as administratrix as aforesaid; and that, after the decease of the said Mary, there remained of said estate to the value of seventy-nine pounds fourteen shillings, one-half whereof lay in a certain house and homelot in said Stratford, which hath been disposed of to the only use and benefit of the said two daughters, (*viz.*) Elizabeth and Hannah, and the other half lay in a certain tract of land lying in said Stratford at a place called the White Hills, containing by estimation one hundred and thirty-one acres, bounded south and west on highway, east on Stratford river, and north on land formerly belonging to Samuel and John Walker; and that there never hath been any settlement or distribution of said estate of said Archibald Dunlop; wherefore the said James Dunlop in equity is intituled to and ought to have the above-described one hundred thirty-one acres, which is no more than his portion and share of his said father Mr. Archibald Dunlop's estate: Whereupon it is resolved, enacted, ordered and decreed, by this Assembly, that the said James Dunlop shall have and hold the said hundred and thirty-one acres of land at the White Hills, to him, his heirs and assigns, as his part and share of his said father's estate.

Upon the petition of James Wells and John Fisk, of Had-dam, and others, against Gershom Nott, of Weathersfield, complaining to this Assembly of the award of certain audit-

ors, John Ledyard, Gurdon Saltonstall and Joseph Coit, in an action of account had by the said Wells, &c., against said Nott before the superior court held in Hartford in March, 1739-40, by their writ dated the 14th day of March, 1738-9, demanding an account of a certain briganteen and cargo received of the plaintiffs by the defendant, to carry to the West Indies and dispose of and make return thereof to the plaintiffs, worth £2600; which said auditors were appointed by the said superior court, and awarded in said case that the plaintiffs were indebted to the defendant £5 4s. 7d.; and complaining also of the judgment of the superior court held in Hartford in Sept. 1740, upon the award of said auditors, judging that the defendant should recover of the plaintiffs the said £5 4s. 7d. Barbadoes money, with cost, taxed at £33 5s. 0d.; praying this Assembly to reverse and set aside the said judgment of the said superior court in said case, in Hartford in said September, upon the award of said auditors: It is resolved and enacted by this Assembly, that the final judgment of the superior court in said case should be reversed, set aside and made void, and the same is hereby reversed, set aside and made void, in all the parts thereof; and the plaintiffs are allowed another tryal in said case at the superior court to be held in Hartford in March next: and that all the cost from the beginning shall follow the said final tryal.

[121] Upon the petition of Samuel Monroe, of Worcester in Dutchess county in the Province of New York, *vs.* Reuben Negro, resident in Weathersfield: The question was put, whether the prayer of said petition should be granted, and resolved by this Assembly in the negative. *Cost allowed respondent is £2 17s. 6d.*

Upon the petition of Samuel Baker of Brandford *vs.* Nathaniel Buel of Killingsworth, on file: The question was put, whether the prayer of said petition should be granted, and resolved by this Assembly in the negative. *Cost allow'd to the respondent is £4 18s. 0d. Ex. granted December 2d, 1741.*

On the memorial of the reverend Trustees of Yale College in New Haven: This Assembly grants that there shall be paid out of the publick treasury of this Colony to the treasurer of said college, for the use of the same, the sum of thirty pounds in bills of credit of the new tenour, or other bills equivalent thereunto, for the term of three years next coming, in addition to the standing allowance made to the said college.

Upon the memorial of the Trustees of Yale College and the report of the committee thereupon, which was read and

accepted: Ordered, that there be erected on the back-side of the rector's house a small kitchen of about sixteen feet square, beside the chimney place, and one story high, and that such repairs as are necessary be made about the rector's house, and that there be erected a good and decent new fence about the yard before the rector's house, and from thence by the street northward to the corner; and Messrs. Daniel Edwards and Samuel Mix, of New Haven, are appointed hereby to take care of and procure the said work to be done in the best and most convenient manner, and as reasonably as may be, and to render an account of their doings in that affair to this Assembly; and Nathaniel Stanly, Esq^r, and Capt. John Marsh, are hereby ordered to draw out of the publick treasury of this Colony such sums of bills of credit as they shall judge necessary for the purpose aforesaid, and deliver the same to the said committee, for the use aforesaid, taking their receipt therefor.

Upon the report of the committee appointed by this Assembly to pitch upon a place for the setting up a meeting house in the west parish of Norwich: It is now resolved by this Assembly, that the inhabitants of said parish shall set up and finish a meeting house on the same hill where their meeting house now stands: the southwesterly corner of the said house to be built shall be affixed about twenty foot west of an old chestnut stub, that is about forty feet from the southwest corner of the old meeting house; and the said inhabitants are hereby ordered to conform themselves to this resolve, and that they therein attend the direction of the law.

On the memorial of Messrs. John Riggs, Samuel Bassett, &c., shewing to this Court that the bridges heretofore erected over the river, called Naugatuck river, in Derby, have been demolished and carried away by floods and ice, &c., and praying liberty for themselves and such as will joyn with them, to build a bridge over said river at the place where the former bridges were built, &c.: This Assembly grants liberty to the memorialists and such other persons as shall see cause to joyn with them, to build a bridge over the river aforesaid at the place aforesaid, or as near it as may be convenient, for all persons to pass and repass over said river; and that the toll or fare for all persons, except the inhabitants of Derby, shall be six pence for man, horse and load, and three pence for each person, and for each team one shilling; and that the fare aforesaid shall be taken in old tenour bills of all persons except the inhabitants of said Derby, until this Assembly shall order otherwise.

[122] Upon the memorial of Capt. Stephen Lee, shewing to this Court that he was, in June last, sent on an express from New London to Hartford, to inform his Honour the late Governor Talcott of some enemies supposed to be landed on Long Island; and praying for some allowance therein: This Court grants to the memorialist the sum of six pounds old tenour bills, to be paid him out of the publick treasury of this Colony.

Upon the memorial of Thomas Mathews, of the first society of Waterbury, praying this Assembly that he and his lands, &c., be annexed unto the parish of Westberry in said Waterbury, &c.: Resolved by this Assembly, that the said Thomas Mathews, and all his lands, be annexed unto the said parish of Westberry accordingly.

Upon the memorial of John Norton of Guilford, one of the members of the 4th society for the publick worship of God in said Guilford, praying that he might be dismissed from said fourth society and joyned to the first society: This Assembly do grant and order, that the said John Norton be dismissed and released from the said fourth society; and he, the said Norton, is hereby dismissed, released and freed therefrom, and from paying any taxes and rates therein that shall for the future arise; and is hereby joyned to and made a member of said first society.

Upon the report of the committee appointed to fix the place for the inhabitants of the town of Goshen to build a meeting house on for divine worship: Resolved by this Assembly, that a place in the minister's lot in said town, northward from the place where his frame stands, where is a stake set up by the said committee to ascertain the place, be the place where the said inhabitants shall build their meeting house for divine worship upon.

Whereas several of the reverend ministers in this Colony have informed this Court, that it is proposed by many ministers in this Colony, in order to maintain a good harmony and agreement among the ministers and churches, and to prevent and heal divisions in the land, to have a General Consociation of the churches in this Colony, consisting of three ministers and three messengers from each particular consociation, to be convened at Guilford on the 24th day of November next; and proposing to this Assembly to be at the charge and expence thereof:

Whereupon this Assembly, considering the unhappy misunderstandings and divisions subsisting in this Colony, whereby the peace of our churches is much threatened; and this Assem-

bly hoping that such a general convention may issue in the accommodation of divisions, settling peace, love and charity, and promoting the true interest of vital religion, for which there seems to be so general a concern among the people of this land : Therefore, if the particular consociations aforesaid think proper to, and do accordingly send their several delegates as aforesaid, and they meet as is above proposed, resolved, that the charge and expence for entertainment of such a general convention at Guilford shall be born by this government. And this Assembly appoints Colonel Samuel Hill to make the necessary provision for the support of the members of said general consociation, during their continuance at Guilford aforesaid, for the purpose aforesaid, and lay the accounts thereof before this Assembly in May next.

Whereas there is laid before this Court a letter from General Wentworth and instructions to Capts. Hopkins and Winslow, dated from the camp in the isle of *Cuba*, August 12th, 1741, respecting the levying of souldiers for recruiting his Majesty's forces there ; as also a letter from his Grace the Duke of Newcastle, directing our compliance with such a request from the general, in case it should be made :

[123] || *It is therefore enacted and resolved by this Assembly,* That the said recruiting officers, by themselves or orders, shall have liberty, and the same is hereby granted unto them, to inlist such able-bodied effective men as shall voluntarily offer themselves for recruiting the aforesaid forces, according to the instructions aforesaid. And that the said recruiting officers may be the better able to proceed in making the said levies, this Court grants to said Capt. Winslow or order the sum of twenty pounds, and that there shall be drawn out of the treasury bills of publick credit equivalent to four pounds sterling for each man that the said recruiting officers shall inlist in and of this Colony, according to the instructions aforesaid, of which the aforesaid sum now ordered to be at present advanced shall be accounted as part, and deducted out of the same.

And it is further resolved by this Assembly, That the said souldiers so inlisted shall be transported to the isle of *Cuba* at the charge and by the order of this government: provided the number be not less than fifty nor more than two hundred. And if the said recruiting officers shall inlist such volunteers according to said instructions, his Honour the Governor is desired and empowered to give orders on the Treasurer for the said officers to draw out the aforesaid sums for each man thus inlisted. And if the number of fifty or upwards shall be so inlisted, the Governor and Council are

impowered and desired to make the necessary provision, and give the necessary orders, for the transportation and support of such souldiers after their embarkation till their arrival at the island of Cuba. And his Honour the Governor is desired to issue forth a Proclamation, acquainting his Majesty's subjects in this Colony of the encouragement his Majesty has graciously been pleased to give to such as shall inlist for the purpose aforesaid: and also to take and receive proper draughts on the Right Honourable Henry Pelham, Esq^r, Pay-master-general of his Majesty's forces, for the reimbursement of the said sums advanced, agreeable to said instructions.

Resolved by this Assembly, That in making the necessary preparations for the transportation of the recruits from this Colony, his Honour the Governor, with the advice and consent of his Council, be desired (if they shall think best) to make use of our Colony sloop *The Defence*, for the performance of that service, and to improve her on a cruise in the West Indies, on such terms and with so many men as they shall judge proper, or in any other method which they shall think best.

Whereas there is in the hands of Francis Wilks, Esq^r, Agent of this Colony, three bills of exchange drawn in favour of this government upon the Right Hon^{ble} Henry Pelham, Esq^r, Pay-master-general &c., amounting to the sum of six hundred sixty-seven pounds three shillings sterling, which this Assembly are informed are accepted: It is therefore resolved by this Assembly, that Messrs. John Whiting and George Wyllys be appointed, and they are hereby appointed and impowered, to sell and dispose of six hundred pounds of the said bills for gold, silver, or current bills of publick credit, to the best advantage. And that the person or persons who shall purchase the said six hundred pounds may be enabled to take the benefit thereof, his Honour the Governor is desired to order and direct the said Francis Wilks, Esq^r, to receive of the said pay-master-general the said six hundred sixty-seven [124] pounds three shillings, and six hundred pounds || thereof to pay to such person or persons as shall make purchase thereof as aforesaid, or to their order; and further, to direct our said agent to accept of so much of the residue as is sufficient to answer the ballance of the Colony's account with him, and that he keep what remains in his hands, till further order from this Assembly,

An Act appointing a Court of Probate in the County of Hartford, and for limiting the District thereof.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the towns of East Haddam, Haddam, Colchester and

Hebron, including the parish of Midle-Haddam, all in the county of Hartford, be one entire district for holding a court of probate, and shall be known by the name of the District of East Haddam; and said court shall be held by one judge and a clerk, with powers and privileges as the other courts of probate in this Colony have. And in all cases where the law allows of appeals, they shall be made to the superior court to be holden at Hartford.

This Assembly appoints Colonel John Bulkley to be Judge of the Court of Probates in the district of East Haddam.

This Assembly do appoint John Whiting, Esqr, to be Colonel of the first regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Joseph Pitkin, Esqr, to be Lieutenant Colonel of the first regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Henry Allyn, Esqr, to be Major of the first regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Ebenezer Marsh, Esqr, to be Major of the 13th regiment in this Colony, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. John Hutchins to be Cornet of the Troop in the third regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Slue-man, jun., to be Quarter-Master of the Troop in the third regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do appoint Joseph Buckingham, Esqr, to be Judge of the Courts of Probate for the district of Hartford, until the first day of June next.

This Assembly appoint Nathaniel Stanly, Esqr, Capt. John Marsh and Mr. John Austin, to receive and adjust accounts with Capt. Giles Hall, respecting the building and equipping the sloop *Defence*, and make report to this Assembly in May next.

Whereas this Assembly, at their sessions in October last, resolved that there should be provided, at the charge of this government, a convenient council-table at the council-cham-

ber in New Haven, a conveniency for the Secretary to write on, and convenient seats for the gentlemen attorneys that attend this Court, and appointed Capt. Isaac Dickerman to procure the same to be done, which as yet he hath not done: Therefore, this Assembly appoints Colo. Joseph Whiting to procure the said conveniences, together with proper accommodations for the Secretary's office, and lay his accounts before this Court in May next.

[125] Whereas his Honour the late Governor Talcott, with the Secretary of this Colony for the time being, was impowered to release and discharge the mortgages that were made to the Governor and Company, for the money loaned out of the publick treasury, upon payment of principal and interest, &c.: And forasmuch as his Honour the present Governor of this Colony is at such a distance from the Secretary and Treasurer, as that the discharges and releases in such cases cannot be obtained without much cost and charge: Resolved by this Assembly, that Nathaniel Stanly, Esqr, with the Secretary, be impowered, and they are hereby impowered, to give discharges and releases to the mortgagers aforesaid, in the same manner as the Governor and Secretary were impowered and authorized to do by the act of this Assembly.

Whereas the Honourable Joseph Talcott, Esqr, deceased, and Nathaniel Stanly, Esqr, were by this Assembly impowered to draw out of the publick treasury what money should be needful for the repairs of the college, and deliver the same to the committee appointed to repair the same: This Assembly do now appoint Mr. John Hitchcock to be joyned with Nathaniel Stanly, Esqr, to make up accounts with Mr. John Ponderson and Mr. Daniel Edwards, concerning what hath been expended, and to give order for what money shall be found due, and further needful to finish said repairs.

Resolved by this Assembly, That there shall be paid out of the publick treasury, for wages to the officers and souldiers of the two troops detached to New London by special order of the Governor and Council of War, in June last, as followeth, (*viz:*)

To a captain,	20s.	} <i>per diem</i> , exclusive of Sabbath day.
To a lieutenant,	15s.	
To a cornet,	13s.	
To a quarter-master,	12s.	
To a corporal and clerk,	11s.	
To each private centinel,	10s.	

And Colo. Nathaniel Stanly and Capt. John Marsh are appointed a committee to receive, examine and adjust the

accounts that may be laid before them of the time the said troops were upon service, and of the charges expended for their subsistence during the same; and then said committee are directed and impowered to draw an order upon the Colony Treasurer for the payment of such sum or sums as they shall allow pursuant hereunto.

This Assembly grants a rate of one penny on the pound on all the polls and rateable estate in this government, to be paid into the publick treasury in bills of credit of this Colony with the usual advance of twelve pence on the pound; or in true bills of credit of four signers of the Massachusetts Bay, or in true bills of credit of New York, without advance on them; or in silver money, as it passeth in the country.

Resolved by this Assembly, That the town of New London, for their neglect of sending in their list to this Assembly, as the law requires, be doomed the sum of thirty thousand pounds; and the said town shall receive their school-money accordingly.

[126] *Ordered by this Assembly,* That Mr. John Whiting, Treasurer of this Colony, pay and deliver the sum of sixty-nine pounds twelve shillings and five pence, out of the Colony treasury, to Mr. James Church, to be by him improved for the payment of the expences of the funeral of the late Honourable Governor Taleott at Hartford, according to the account thereof now laid before the Assembly.

This Assembly grants to the Honourable Jonathan Law, Esqr, Governor, the sum of sixty pounds, for his half year's salary this current year, to be paid in new tenour bills, or equivalent in bills of the old tenour.

This Assembly grants unto the Hon^{ble} Roger Wolcott, Esqr, Deputy Governor, the sum of thirty pounds, for his half year's salary this current year, to be paid in new tenour bills, or equivalent in bills of the old tenour.

This Assembly grants to Mr. Secretary Wyllys, for his salary for the year 1740, the sum of six pounds in bills of the new tenour; and for his salary this current year, the sum of six pounds in new tenour bills, or in bills of the old tenour equivalent thereto.

This Assembly grants to Mr. Timothy Green, printer, the sum of ten pounds in bills of the new tenour, or in bills of the old tenour equivalent, for his last half year's salary.

Whereas this Assembly hath been drawn out to such a length that all the members thereof cannot, without great inconvenience, stay to hear the records read off: This Assem-

bly do appoint Colonel Joseph Whiting, Capt. Jonth Allyn, Mr. John Hitchcock, Capt. John Fowler, Mr. Robert Treat, a committee to attend his Honour the Governor, to hear the acts and records of this Assembly read off, and then to be signed by the Secretary as perfect and compleat.

The several Acts, Grants and Orders of this Assembly, as they stand entered on the pages of this book next preceding, were read off in the presence of the committee abovenamed, and by them ordered to be signed as compleat.

GEORGE WYLLYS, Secret'y.

[127] *Anno Regni Regis Georgii secundi Magnæ Britannicæ, &c., decimo-quinto.*

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD IN HIS MAJESTY'S ENGLISH COLONY OF CONNECTICUT, IN NEW ENGLAND IN AMERICA, ON THE SECOND THURSDAY OF MAY, (BEING THE 13TH DAY OF SAID MONTH,) AND CONTINUED BY SEVERAL ADJOURNMENTS UNTIL THE THIRD DAY OF JUNE FOLLOWING, ANNOQUE DOMINI 1742.*

Present:

The Honourable Jonathan Law, Esq^r, Governor.

The Hon^{ble} Roger Wolcott, Esq^r, Deputy Governor.

Nathaniel Stanly,	William Pitkin,	} Esq ^{rs} , Assistants.
Joseph Whiting,	Thomas Fitch,	
Ozias Pitkin,	Ebenezer Silliman,	
Timothy Pierce,	Jonathan Trumble,	
Samuel Lynde,	Hezekiah Huntington,	

Representatives or Deputies that attended at the Assembly are as follow, (viz:)

Colo. Joseph Pitkin, Mr. Joseph Buckingham, for Hartford.

Mr. John Richards, Mr. Jeremiah Miller for New London.

Capt. Eleazer Crary, Capt. John Fitch, for Windham.

Mr. Samuel Minor, Mr. Daniel Curtiss, for Woodbury.

Mr. Asahel Strong, Mr. Hezekiah Lee, for Farmington.

Capt. John Fowler, Mr. Robert Treat, for Milford.

Mr. Isaac Kendal, Mr. Robert Knowlton, for Ashford.

Mr. Ebenezer Holbrook, Mr. Samuel Sumner, for Pomfrett.

Colo. John Bulkley, Capt. Israel Newton, for Colchester.

Capt. James Beebe, Mr. Thomas Benedict, for Danberry.

* The Journal of neither House is found.

Mr. Joseph Palmer, Mr. Increase Billings, for Stonington.
 Capt. Joseph Addams, Colo. John Dyer, for Canterbury.
 Mr. Nathaniel Brown, Mr. Samuel Morgan, for Preston.
 Mr. Samuel Canfield, Mr. Nath^l Bostwick, for New Milford.
 Colo. Benjamin Hall, Capt. Samuel Hall, for Wallingford.
 Mr. John Lane, Mr. Joseph Wilcox, for Killingsworth.
 Capt. Jonathan Allyn, Mr. John Hitchcock, for New Haven.
 Major Andrew Burr, Capt. Samuel Burr, for Fairfield.
 Mr. Joshua Huntington, Mr. Isaac Huntington, for Norwich.
 Mr. Joseph Strong, Mr. Peter Buel, for Coventry.
 Mr. John Griswold, Mr. Richard Lord, for Lyme.
 Mr. Joseph Leavinze, Mr. Urian Horsmer, for Killingly.
 Colo. Jonathan Hoit, for Standford.
 Capt. John Fisk, for Haddam.
 Mr. John Humphrey, Mr. Joseph Wilcox, for Symsbury.
 Capt. Thomas Storrs, Mr. Samuel Pierce, for Mansfield.
 Capt. Elihu Chauncey, Mr. Nathan Camp, for Durham.
 Capt. Thomas Stephens, Mr. William Marsh, for Plainfield.
 Capt. Joseph Phelps, Mr. Benjamin Skinner, for Hebron.
 Mr. John Betts, Mr. Samuel Fitch, for Norwalk.
 Major Ebenezer Marsh, Capt. Joseph Griswold, for Litchfield.
 Colo. John Chester, Mr. Elisha Williams, for Weathersfield.
 Mr. Jedediah Chapman, Mr. Nathaniel Clark, for Saybrook.
 [128] Colo. Samuel Hill, Mr. Benjamin Hand, for Guilford.
 Mr. John Southmaid, Capt. Samuel Heacocks, for Waterbury.
 Colo. Christopher Avery, Mr. John Ledyard, for Groton.
 Mr. Robert Dixon, Mr. Charles Campbell, for Voluntown.
 Mr. Gershom Clark, Capt. Ebenezer Gray, for Lebanon.
 Major Jabez Hamlin, Mr. Seth Wetmore, for Middletown.
 Mr. James Benedict, Capt. Daniel Olmstead, for Ridgefield.
 Capt. Theophilus Nickols, Mr. Joseph Booth, for Stratford.
 Colo. Thomas Wells, Mr. Jonathan Hale, for Glassenbury.
 Mr. Jabez Mead, Capt. Nath^l Peck, for Greenwich.
 Capt. Samuel Mather, Major Henry Allyn, for Windsor.
 Mr. Stephen Horsmer, jun. for East Haddam.

Major Andrew Burr, Speaker } of the House of Repre-
 Capt. John Fowler, Clerk } sentatives.

This day being appointed by the royal charter and the laws of this Colony for the election of the publick officers of this corporation, (*viz.*) Governor, Deputy Governor, Assistants, Treasurer, and Secretary, proclamation was made, and the freemen proceeded to bring in their votes to persons appointed by the Governor, Council and Representatives, to receive, sort and count them; which persons were, Nathamel Stanly, Esq^r, Joseph Whiting, Esq^r, Timothy Pierce, Esq^r, Samuel Lynde, Esq^r, William Pitkin, Esq^r, Thomas Fitch, Esq^r, Eben-

ezer Silliman, Esqr, Jonathan Trumble, Esqr, Mr. Joseph Buckingham, Colo. Thomas Welles, Colo. Benjamin Hall, Capt. John Fowler, Mr. John Richards, Mr. Joshua Huntington, Colo. Jonathan Hoit, Capt. Samnel Burr, Capt. Ebenezer Gray, and Capt. John Fitch. And the freemen's votes being brought in, sorted and counted,

The Honourable Jonathan Law, Esquire, was chosen Governor of this Colony for the year ensuing; and the Governor's oath, and the oath required by act of Parliament relating to trade and navigation, were administred to him in the presence of the Assembly.

The Honourable Roger Wolcott, Esquire, was chosen Deputy Governor of this Colony for the year ensuing, and the Deputy Governor's oath was administred to him in the presence of the Assembly.

James Wadsworth, Esqr,	William Pitkin, Esqr,
Nathaniel Stanly, Esqr,	Thomas Fitch, Esqr,
Joseph Whiting, Esqr,	Roger Newton, Esqr,
Ozias Pitkin, Esqr,	Ebenezer Silliman, Esqr,
Timothy Pierce, Esqr,	Jonathan Trumble, Esqr,
Samuel Lynde, Esqr,	Hezekiah Huntington, Esqr,

were chosen Assistants for the year ensuing, and had the Assistant's oath, provided by law, administred to them by his Honour the Governor.

George Wyllys was chosen Secretary of this Colony for the year ensuing, and had the Secretary's oath, provided by law, administred to him by his Honour the Governor.

[129] This Assembly do appoint the Honourable Roger Wolcott, Esqr, to be Chief Judge of the Superior Court in this Colony the year ensuing.

This Assembly do appoint James Wadsworth, Esqr, Joseph Whiting, Esqr, William Pitkin, Esqr, Elisha Williams, Esqr, to be Judges of the Superior Court in this Colony the year ensuing.

This Assembly do appoint William Pitkin, Esqr, to be Judge of the County Court in the county of Hartford the year ensuing.

This Assembly do appoint Roger Newton, Esqr, to be Judge of the County Court in the county of New Haven the year ensuing.

This Assembly do appoint Samuel Lynde, Esqr, to be Judge of the County Court in the county of New London the year ensuing.

This Assembly do appoint John Burr, Esqr, to be Judge of County Court in the county of Fairfield the year ensuing.

This Assembly do appoint Timothy Pierce, Esqr, to be Judge of the County Courts in the county of Windham the year ensuing.

This Assembly do appoint Joseph Buckingham, Esqr, to be Judge of the Court of Probate in the district of Hartford the year ensuing.

This Assembly do appoint Joseph Whiting, Esqr, to be Judge of the Court of Probate in the district of New Haven the year ensuing.

This Assembly do appoint John Richards, Esqr, to be Judge of the Court of Probate in the district of New London the year ensuing.

This Assembly do appoint John Burr, Esqr, to be Judge of the Court of Probate in the district of Fairfield the year ensuing.

This Assembly do appoint Timothy Pierce, Esqr, to be Judge of the Court of Probate in the district of Windham the year ensuing.

This Assembly do appoint John Bulkley, Esqr, to be Judge of the Court of Probate in the district of East Haddam the year ensuing.

This Assembly do appoint Samuel Hill, Esqr, to be Judge of the Court of Probate in the district of Guilford the year ensuing.

This Assembly do appoint Jonathan Hoit, Esqr, to be Judge of the Court of Probate in the district of Stamford the year ensuing.

This Assembly do appoint Joseph Minor, Esqr, to be Judge of the Court of Probate in the district of Woodbury the year ensuing.

This Assembly do appoint John Marsh, Thomas Welles, John Chester, Henry Allyn, Esqrs, Justices of the Peace and Quorum in and for the county of Hartford the year ensuing.

This Assembly do appoint John Hooker, Samuel Mather, David Goodrich, Elisha Williams, Joseph Buckingham, John Bulkley, Roger Wolcott, jun., Jabez Hamlin, Giles Hall, Joseph White, William Wadsworth, Thomas Hart, Thomas Hart, Jonathan Hale, Hezekiah Brainerd, Samuel Olmstead, Israel Newton, Nathaniel Foot, John Humphrey, Benjamin Skinner, Joseph Phelps, Samuel Chapman, Zebulon West, John Buel, David Whitney, Samuel Lewiss, Stephen Horsmer, jun., John Bissell, Thomas Pitkin, Joseph Talcott, George Wyllys, Joseph Bird, Asahel Strong, Joseph Wilcox, 2d, Esqrs, to be Justices of the Peace in and for the county of Hartford the year ensuing.

This Assembly do appoint Samuel Eells, James Hooker, Samuel Bishop, Andrew Ward, Theophilus Yale, John Russell, Samuel Gun, Samuel Hall, William Gold, Isaac Dickerman, Timothy Hopkins, Thomas Clark, Roger Brownson, [130] || Samuel Bassett, Samuel Hopson, Benjamin Hand, Samuel Canfield, Nathaniel Skinner, Elihu Chauncey, Elihu Hall, Nath^l Bostwick, John Fowler, Robert Treat, John Hubbard, Samuel Hickey, Esq^{rs}, to be Justices of the Peace in and for the county of New Haven the year ensuing.

This Assembly do appoint John Riggs, Samuel Hill, Benja. Hall, and John Southmaid, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of New Haven for the year ensuing.

This Assembly do appoint Joshua Hempstead, John Griswold, Christopher Avery, Richard Lord, and Isaac Huntington, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of New London for the year ensuing.

This Assembly do appoint Jeremiah Miller, John Richards, Joshua Raymond, Gurdon Saltonstall, Daniel Coit, Jabez Hide, Joshua Huntington, Isaac Tracey, John Cook, Jedadiah Tracey, Hezekiah Park, Theophilus Baldwin, Increase Billings, Joseph Palmer, Joseph Denison, John Whiting, Simeon Minor, Humphrey Avery, Luke Perkins, John Ledyard, Thomas Lee, Daniel Ely, Samuel Willard, Joseph Blague, Nathaniel Clark, Jedadiah Chapman, Abraham Pierson, John Lane, Esq^{rs}, to be Justices of the Peace in and for the county of New London for the year ensuing.

This Assembly do appoint Edmund Lewiss, Andrew Burr, John Thompson, Jonathan Hoit, William Preston, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Fairfield for the year ensuing.

This Assembly do appoint John Burr, Joseph Platt, Joseph Minor, John Grigory, Samuel Hanford, James Bebee, Samuel Hoit, Jonathan Maltbie, Nathaniel Peck, Ebenezer Mead, James Benedict, Thomas Benedict, James Lockwood, Benjamin Heacock, Ebenezer Smith, Ephraim Curtiss, Theophilus Nickols, Joseph Blackleach, Job Sherman, Thomas Tousey, Noah Hinman, Samuel Sherwood, John Read, Ebenezer Stephens, and John Betts, Esq^{rs}, to be Justices of the Peace in and for the county of Fairfield the year ensuing.

This Assembly do appoint Ebenezer West, Jonathan Huntington, and Shubael Conant, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Windham the year ensuing.

This Assembly do appoint Joseph Strong, Joseph Leavinze,

John Woodward, Peter Buel, Leicester Grosvenour, Joseph Cadey, jun., Thomas Storrs, John Crerey, Ebenezer Wales, Joseph Fowler, Thomas Tiffany, Jacob Dana, Ebenezer Gray, Nathaniel Huntington, John Dyer, Gershom Clark, Isaac Kendal, Thomas Stedman, Esqrs, to be Justices of the Peace in and for the county of Windham the year ensuing.

Ordered by this Assembly, That Joseph Whiting, Esqr, and Capt. Jonathan Allyn, return the thanks of the Assembly to the Reverend Mr. Isaac Stiles, for his sermon delivered before the Assembly on the 13th instant, and desire a copy thereof, that it may be printed.

This Assembly do establish and confirm Mr. John Lewis to be Ensign of the 2d company or trainband in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan Bennett to be Lieutenant of the third company or trainband in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Adams to be Ensign of the 3d company or trainband in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Brown to be Captain of the 3d company or trainband in the town of Killingly, and order that he be commissioned accordingly.

[131] This Assembly do establish and confirm Mr. Henry Green to be Lieutenant of the 3d company or trainband in the town of Killingly, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Whitmore to be Ensign of the 3d company or trainband in the town of Killingly, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Talcott to be Lieutenant of the company or trainband in the town of Bolton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joel White to be Ensign of the company or trainband in the town of Bolton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Barns to be Captain of the company or trainband at the parish of Southington in the town of Farmington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Woodruff to be Ensign of the company or trainband in the parish of Kensington in the town of Farmingtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Peter Farnum to be Lieutenant of the seventh company or trainband in the seventh regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Buel to be Ensign of the 7th company or trainband in the 7th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Fisk to be Quarter-Master of the Troop in the 11th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Obadiah Wheeler to be Captain of the 2d company or trainband in the town of Newtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Glover to be Lieutenant of the 2d company or trainband in the town of Newtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Summers to be Ensign of the 2d company or trainband in the town of Newtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Taylor, jun., to be Ensign of the 1st company or trainband in the town of Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Belden to be Captain of the first company or trainband in the town of Weathersfield and the 1st company in the 6th regiment, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Robbins to be Lieutenant of the first company or trainband in the town of Weathersfield and the 1st company in the 6th regiment, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Belden to be Ensign of the first company or trainband in the town of Weathersfield and the 1st company in the 6th regiment, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Bartlett to be Lieutenant of the company or trainband in the par-

ish of Goshen in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Caleb Chappel to be Ensign of the company or trainband in the parish of Goshen in the town of Lebanon, and order that he be commissioned accordingly.

[132] This Assembly do establish and confirm Mr. Jasper Peck to be Ensign of the first company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abel Wright to be Captain of the company or trainband in the town of Kent, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Storrs to be Ensign of the company or trainband in the first society in the town of Mansfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Barnes to be Captain of the second company or trainband in the north parish in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Good-year to be Lieutenant of the second company or trainband in the north parish of the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abraham Bassett to be Ensign of the 2d company or trainband in the north parish in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Pierpont to be Ensign of the 1st company or trainband in the north parish in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Punder-son, jun., to be Captain of the first company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abraham Dickerman to be Ensign of the first company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Elsworth to be Captain of the second company or trainband in

the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Holmes to be Lieutenant of the south part of the second company or trainband in the town of Stonington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Williams to be Captain of the second company or trainband in the town of Mansfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Baldwin to be Lieutenant of the second company or trainband in the town of Mansfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Dimmuck to be Ensign of the 2d company or trainband in the town of Mansfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elnathan Stephens to be Captain of the 4th company or trainband in the 7th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Merrels to be Lieutenant of the 4th company or trainband in the 7th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jacob Hide to be Captain of the 7th company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Ayers to be Lieutenant of the 7th company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Philmore to be Ensign of the 7th company or trainband in the town of Norwich, and order that he be commissioned accordingly.

[133] This Assembly do establish and confirm Mr. Ezra Camp to be Lieutenant of the westernmost company or trainband in the town of Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Henry Peck to be Ensign of the westernmost company or trainband in the town of Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Case 2d to be Ensign of the 4th company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Winchell to be Lieutenant of the 3d company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Owen to be Ensign of the 3d company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Samuel Wadsworth to be Lieutenant of the 1st company or trainband in the town of Farmington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Hooker to be Ensign of the first company or trainband in the town of Farmington, and order that he be commissioned accordingly.

Resolved by this Assembly, That gold equivalent to silver at eight shillings per ounce troy weight sterling alloy, being five pounds seventeen shillings and six pence per ounce troy weight, it shall therefore be accordingly received and accepted by the Treasurer into the treasury of this Colony, in all payments.

Resolved by this Assembly, That it is necessary that the Treasurer of this Colony have a major part of the votes sent to the Assembly by the freemen at the election, in order to his being chosen Treasurer by said votes; and that whensoever it shall so happen, that any officer appointed to be chosen by the freemen is not chosen by the major part of the votes brought in by the several deputies or constables, as the law directs, the Assembly ought to proceed to the choice of such officer, as an Assembly.

This Assembly do appoint Colo. John Whiting to be Treasurer of this Colony the year ensuing; who had the treasurer's oath, prescribed by law, administred to him by his Honour the Governor.

This Assembly do appoint Jonathan Trumble, Hezekiah Huntington, Esq^{rs}, Colo. Thomas Wells, Mr. Jonathan Hale, Mr. Robert Treat, Mr. John Richards, Capt. Samuel Burr,

and Capt. Ebenezer Gray, to be Auditors, to audit the Colony accounts with the Treasurer.

An Act for the providing a Commission and Oath for the Judges of the Superior Court, and Seals for the respective Courts in this Colony.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That, for the future, the persons, from time to time appointed by this Assembly to be Judges of the superior court over this Colony, shall be constituted, authorized and impowered to perform and execute their office of judges of said court, according to the laws of this Colony, by a commission under the seal of this Colony, signed by the Governor and Secretary of this Colony for the time being; which commission shall be a sufficient warrant and authority to the said judges to perform and execute the office aforesaid.

And it is further enacted by the authority aforesaid, That the said judges, appointed and commissioned as aforesaid, before they actually execute their said office, shall take the following oath, (*viz:*)

[134] You —— being appointed judges of the superior court over this Colony for the year ensuing, do swear by the name of the ever-living God, that as judges of the said court you will indifferently minister justice to all men, according to law, without respect of persons, take no bribe, give no counsel in any matter that shall come before you, nor deny right to any: but well and truly perform your office of judges as aforesaid, according to your best skill and judgment: So help you God.

Which oath the said judges shall take before the Governor of this Colony, Deputy Governor, or two Assistants, for the time being, who are hereby authorized and impowered to administer the same.

Be it further enacted by the authority aforesaid, That the said superior court, and the several and respective county courts and courts of probate in this Colony, shall have a proper seal belonging to each of the respective courts, to serve and use for all causes, matters, things and affairs, proper for the said courts, respectively; each of which courts are hereby impowered to procure their respective seals, and the same being so procured shall be lodged with the clerks of the respective courts, for the use of such courts, to be improved by their direction.

An Act for regulating Abuses and correcting Disorders in Ecclesiastical Affairs.

Whereas this Assembly did, by their act made in the seventh year of the reign of her late Majesty Queen Anne, establish

and confirm a confession of faith, and an agreement for ecclesiastical discipline, made at Saybrook, *anno Dom.* 1708, by the reverend elders and the messengers delegated by the churches in this Colony for that purpose, under which establishment his Majesty's subjects inhabiting in this Colony have enjoyed great peace and quietness, till of late sundry persons have been guilty of disorderly and irregular practices: whereupon this Assembly, in October last, did direct to the calling of a general consociation, to sit at Guilford in November last, which said consociation was convened accordingly; at which convention it was endeavoured to prevent the growing disorders amongst the ministers that have been ordained or licenced by the associations in this government to preach, and likewise to prevent divisions and disorder among the churches and ecclesiastical societies settled by order of this Assembly: Notwithstanding which, divers of the ministers, ordained as aforesaid, and others licenced to preach by some of the associations allowed by law, have taken upon them, without any lawful call, to go into parishes immediately under the care of other ministers, and there to preach to and teach the people; and also sundry persons, some of whom are very illiterate, and have no ecclesiastical character or any authority whatsoever to preach or teach, have taken upon them publickly to teach and exhort the people in matters of religion, both as to doctrine and practice; which practices have a tendency to make divisions and contentions among the people in this Colony, and to destroy the ecclesiastical constitution established by the laws of this government, and likewise to hinder the growth and increase of vital piety and godliness in these churches, and also to introduce unqualified persons into the ministry, and more especially where one association doth intermeddle with the affairs that by the platform and agreement abovesaid, made at Saybrook aforesaid, are properly within the province and jurisdiction of another association, as to the licencing persons to preach, and ordaining ministers: Therefore,

1. *Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same,* That if any ordained minister, or other person licenced as aforesaid to preach, shall enter into any parish not immediately under his charge, and shall there preach or exhort the people, shall be denied and secluded the benefit of any law of [135] this Colony made for the support and encouragement || of the gospel ministry, except such ordained minister or licenced person shall be expressly invited and desired so to enter into such other parish and there to preach and exhort

the people, either by the settled minister and the major part of the church of said parish, or, in case there be no settled minister, then by the church or society within such parish.

2. *And it is further enacted by the authority aforesaid,* That if any association of ministers shall undertake to examine or licence any candidate for the gospel ministry, or assume to themselves the decision of any controversy, or as an association to counsel and advise in any affair that by the platform or agreement abovementioned, made at Saybrook aforesaid, is properly within the province and jurisdiction of any other association, then and in such case, every member that shall be present in such association so licencing, deciding or counseling, shall be, each and every of them, denied and secluded the benefit of any law in this Colony made for the support and encouragement of the gospel ministry.

3. *And it is further enacted by the authority aforesaid,* That if any minister or ministers, contrary to the true intent and meaning of this act, shall presume to preach in any parish not under his immediate care and charge, the minister of the parish where he shall so offend, or the civil authority, or any two of the committee of such parish, shall give information thereof in writing, under their hands, to the clerk of the parish or society where such offending minister doth belong, which clerk shall receive such information, and lodge and keep the same on file in his office; and no assistant or justice of the peace in this Colony shall sign any warrant for the collecting any minister's rate, without first receiving a certificate from the clerk of the society or parish where such rate is to be collected, that no such information as is abovementioned hath been received by him or lodged in his office.

4. *And it is further enacted by the authority aforesaid,* That if any person whatsoever, that is not a settled and ordained minister, shall go into any parish and (without the express desire and invitation of the settled minister of such parish (if any there be) and the major part of the church, or if there be no such settled minister, without the express desire of the church or congregation within such parish,) publicly preach and exhort the people, shall for every such offence, upon complaint made thereof to any assistant or justice of the peace, be bound to his peaceable and good behaviour until the next county court in that county where the offence shall be committed, by said assistant or justice of the peace, in the penal sum of one hundred pounds lawful money, that he or they will not again offend in the like kind; and the said county court may, if they see meet, further bind the person or persons offending as aforesaid to their peaceable and good behaviour during the pleasure of said court.

5. *And it is further enacted by the authority aforesaid,* That if any foreigner, or stranger that is not an inhabitant within this Colony, including as well such persons that have no ecclesiastical character or licence to preach as such as have received ordination or licence to preach by any association or presbytery, shall presume to preach, teach or publickly to exhort, in any town or society within this Colony, without the desire and licence of the settled minister and the major part of the church of such town or society, or at the call and desire of the church and inhabitants of such town or society, provided that it so happen that there is no settled minister there, that every such preacher, teacher or exhorter, shall be sent (as a vagrant person) by warrant from any one assistant or justice of the peace, from constable to constable, out of the bounds of this Colony.

An Act for ascertaining and regulating the Coins and Currencies, and for directing Processes and Judgments in this Colony.

Whereas the Governor and Company of this Colony, by instructions from the Lords Justices of the Regency, given at [136] White Hall the twenty-first day || of August, *anno Dom.* 1740, were informed, that it was his Majesty's royal will and pleasure, and were thereby strictly required and commanded to take the most effectual care for the future, that the act of Parliament passed in the sixth year of her late Majesty Queen Anne, entituled An Act for ascertaining the rates of foreign coins in her Majesty's plantations in America, should be punctually and *bona fide* observed and put in execution, according to the true intent and meaning thereof; and in compliance therewith, by order of this Assembly at their sessions in October, *anno Dom.* 1740, the said act of Parliament with the said instructions are printed, and have been published with the acts of this Assembly: Notwithstanding which, the currencies in this government continue very unstable, and thereby many difficulties and inconveniences arise: For remedy whereof,

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That coin'd silver of sterling alloy shall pass current in this Colony at the rate of six shillings and eight pence per ounce troy weight, in all business, trade and dealings; and that the same be, and shall be accounted, deemed and taken to be, lawful money of and in this Colony; and that all silver coins that do or may pass current in this Colony shall stand regulated thereby, and be taken and received in proportion to their fineness, whether of the same or of a baser alloy; and

that such bills of publick credit on this Colony that now are or may hereafter be emitted, shall also be regulated in their currency by the said standard, according to their current value, to be by this Assembly from time to time declared.

And be it further enacted by the authority aforesaid, That after the first day of January next, all bargains, contracts, accounts and dealings whatsoever, (where not otherwise specially exprest,) shall be taken, deemed and understood, to be made, contracted, entered and reckoned, in money at the value aforesaid, and shall be answered and discharged by the payment of such sum or sums as are in said bargains, contracts, accounts and dealings, either exprest or understood, in the said silver coins of the value aforesaid, at the rate aforesaid, or in bills of publick credit equivalent thereto, regulated and declared as aforesaid.

Be it further enacted by the authority aforesaid, That all processes and suits brought for the recovery of any debt or damage, after the said first of January next, (suits on bonds and penal bills, or contracts taken for other specie or species of coin or currencies excepted,) shall be brought for the recovery of lawful money, by which shall be understood the money aforesaid of the value aforesaid; and the court and jury in assessing damage, and the court in making up judgment in such cases, shall consider the value of the currency expressed or understood by the parties contracting or dealing, at the time of doing the same, and find and give the same value in lawful money aforesaid.

An Act for the more speedy doing Justice and preventing the Multiplicity of Law-Suits.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That in any process or action wherein the debt, damage or other matter in demand, doth not exceed in value the sum of forty shillings coined silver sterling alloy, at the rate of six shillings and eight pence per ounce troy weight, may be heard, tryed and determined by any one assistant or justice of the peace, who are hereby impowered to do the same within the limits of their authority, (except only where title of land is concerned.) And when the debt, damage or other matter in demand, doth not exceed the sum of twenty shillings; or if it be due by bond, bill or note for money or bills of publick credit only, avouched by two witnesses, and doth not in value [137] exceed the sum of forty shillings money || of the value aforesaid, no appeal shall be allowed from the judgment given thereon.

Be it further enacted by the authority aforesaid, That any one

assistant or justice of the peace shall have full power, and they are hereby authorized and impowered, to take and accept a confession and acknowledgment of any debt from a debtor to his creditor, either upon or without an antecedent process, as the parties shall agree; which confession shall be made only by the person of the debtor himself; and on such confession, so made, the assistant or justice shall make a record thereof, and thereon grant out execution in due form of law; and if it so happen that such executions shall be levied on the lands of any such person confessing as aforesaid, according to the laws directing the levying executions on lands, shall be returned to and recorded in the office of the clerk of the county court in the same county where such land lyeth, and being so done and recorded shall be good evidence of a title to such creditor or creditors for whom it shall be taken as aforesaid, their heirs and assigns. Provided, no confession shall be made or taken in the manner aforesaid for more than the value of twenty pounds in money, as aforesaid.

And be it further enacted by the authority aforesaid, That when any action wherein the title of land is not concerned, is brought to any of the county courts in this Colony, wherein the debt, damage or other matter in demand, doth not exceed the value of ten pounds money of the value aforesaid, and judgment thereon shall be given, no appeal from such judgment shall be allowed.

And it is further enacted by the authority aforesaid, That no sheriff, under-sheriff, sheriff's deputy, or constable, shall be allowed to draw or fill up any writ, process or declaration, in any case whatsoever, nor appear in any court as an attorney for and in the behalf of any other person or persons whatsoever. And if it shall appear in any case, that the writ, process or declaration was drawn or filled up by any sheriff, under-sheriff, deputy or constable, (their own cases only excepted,) the same shall abate and be dismissed; any law, usage or custom to the contrary in anywise notwithstanding.

Provided, That this act do not take place until the first day of July next.

An Act to enlarge the Bounds of the District for holding a Court of Probate, called the District of East Haddam.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That all the lands in the town of Middletown that lye on the south side of the river called Salmon River shall be, and they are hereby, annexed to the aforesaid district of East Haddam.


An Act stating the Fare of the Ferry over the East River in New Haven.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the fare of the ferry over the east river in New Haven, for the future, shall be two pence for each person, horse and load, one penny for each single person or horse, one penny half-penny for each ox or cow or other neat cattle, one half-penny for sheep or swine per head, in new tenour bills or an equivalent thereto in old tenour bills, and no more; any law, usage or custom to the contrary notwithstanding. And if any ferryman of said ferry shall presume to take any more, he shall suffer the penalties of the law in such case provided. Nothing herein to be extended to those exempted by law from paying ferriage, nor to the inhabitants of the town of New Haven.

An Act for advancing and determining the Fare of the Ferry at Saybrook, called Saybrook Ferry.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, [138] That for the future || the fare of said ferry shall be, for man, horse and load, one shilling, and for a single horse, nine pence, and for a single man, six pence; and that during the months of November, December, January, February and March, the fare of said ferry shall be, for man, horse and load, one shilling and six pence, and for a single horse, one shilling, and for a single man, nine pence, and no more, in bills of the old tenour; provided the ferryman at said ferry for the time being shall, at some convenient place on the west side of said ferry, keep and maintain in good and sufficient repair a wharf for the good accommodation of travellers over said ferry; any law, usage or custom to the contrary notwithstanding.

An Act for appointing the Brand for Horses in the Town of Torrington.

It is ordered and enacted by this Court, That the brand for horses in the town of Torrington shall be the following figure, (*viz:*) .

Whereas his Honour the Governor has laid before this Assembly a letter from General Wentworth and instructions to Capt. Prescott from said General Wentworth, referred to in said letter, both dated Kingston, Jamaica, 2d February, *anno Dom.* 1741-2, respecting the levying of souldiers for the recruiting his Majesty's forces under the said general's command: On consideration of which,

Resolved by this Assembly, That Capt. Prescott have full liberty, and the same is hereby given him, to inlist such able-bodied men as shall voluntarily offer themselves to inlist for

the purpose aforesaid in this Colony, agreeable to the instructions aforesaid. And, the better to enable the said Captain Prescott to begin and carry on his levying recruits in this Colony, this Assembly do hereby grant to his Honour the Governor liberty to draw so much money out of the publick treasury as may be sufficient to make the sum of four pounds sterling for each souldier that the said Capt. Prescott shall inlist as aforesaid. And his Honour the Governor is desired to give the said Capt. Prescott credit such sum or sums of money as his Honour shall judge necessary, not exceeding thirty pounds, to enable the said Capt. Prescott to begin the said recruits; which sum or sums shall be accounted part of the said four pounds sterling, and deducted on account. And the Governor and Council are desired and impowered, to make the necessary provision and give the necessary orders for the transportation of such souldiers so inlisted, at the charge of this government, from their embarkation until their arrival at Kingston, in order to their joyning the army, wherever they shall be, under the command of the said General Wentworth; provided they do not provide for the transportation of more than two hundred, nor less than fifty inlisted souldiers. And his Honour the Governor is desired to draw on the Right Honourable Henry Pelham, Esqr, Pay-Master-General of his Majesty's forces, for the payment of such sums as he shall advance to the said Capt. Prescott, as abovesaid, and also issue forth a proclamation, to acquaint his Majesty's subjects in this Colony of the encouragements given to such as shall inlist for the purpose aforesaid.

Whereas there hath been laid before this Assembly a letter from General Wentworth, and instructions to Capt. Prescott, dated at Jamaica, February 2d, 1741-2, respecting the levying souldiers for recruiting his Majesty's forces in the West Indies, and accordingly liberty hath been granted to the said Capt. Prescott, to enlist souldiers in this Colony, &c.: And that suitable provision may be made for the transportation and support of such souldiers as shall be raised according to the act of this Assembly:

Resolved by this Assembly, That his Honour the Governor and Council be impowered, and they are hereby desired and impowered, to make the necessary provision and give the [139] necessary orders for the transportation || and support of such souldiers after their embarkation till their arrival at the island of Jamaica.

Whereas by order of the General Assembly, holden at New Haven in October last, the Colony sloop, called the *Defence*,

was to be laid up in the harbour of New London, and there to remain under the care of Colo. Gurdon Saltonstall, until this Assembly or his Honour the Governor and his Council should order otherwise: Resolved by this Assembly, that his Honour the Governor and Council be desired, with all possible expedition, to cause the said sloop to be refitted, and manned with so many officers and able-bodied men as may be judged necessary, for the safety and defence of our sea-coasts; and that the said sloop, when sufficiently equipped, may be ordered to cruise from the capes of Virginia to Cape Cod, or elsewhere, for a short space of time, as may be thought proper.

This Assembly do hereby nominate, constitute, authorize and appoint, the Honourable Roger Wolcott, Esqr, James Wadsworth, Thomas Fitch, John Bulkley, Joseph Fowler, Esqrs, or any three of them, Agents of the Governor and Company of the English Colony of Connecticut in New England in America, and in their name and behalf to appear before any court or courts, or before any judge or judges, minister or ministers of the law, and them, the constituents, to represent, and in their name and behalf to answer, plead, implead, prosecute, defend and appeal, in any suit, cause, quarrel, matter, action and thing whatsoever, wherein the Governor and Company aforesaid are or may be concerned, and an attorney or attorneys under them to make, substitute and improve, for the purpose aforesaid. And, that the said agents may have a more ample evidence of their appointment, this Assembly desire and impower his Honour the Governor of this Colony, in the name of the Governor and Company aforesaid, under the publick seal of this Colony, to grant unto the said agents a publick instrument of procuracy accordingly.

This Assembly, being informed that his Majesty has ordered a commission for the review of the matters contained in a judgment formerly given on the complaint of Owaneco, respecting lands claimed by the sachem of the Mohegan Indians, and not knowing how soon the Governor and Company of this Colony may be cited by the Commissioners to answer in said matter, do resolve and order, that the agents by this Court appointed to defend, do make all necessary provision and preparation, according to their best discretion, for our defence in that affair; and that they apply to and improve some one or more gentlemen of the law, if attainable, of good repute, in any of the neighbouring governments, to assist them in that affair. And the said agents are hereby impowered to draw, by their proper orders on the Treasurer of this

Colony, such sum or sums of money as they shall have occasion for in the premises, and to lay their account thereof, as soon as may be, before this Assembly.

Whereas Mr. Thomas Tousey hath shewed to this Assembly that he is under a necessity to take a voyage to Great Britain, on a suit brought against him by Mr. Samuel Clark of Milford, as heir at law, to recover an estate in lands from the said Mr. Tousey, that has been settled upon him according to the ancient laws and customs of this Colony; and shewing that it is difficult for him at this time to advance money sufficient for that purpose, and praying help from this Assembly: This Assembly considering that almost all the inheritances in this Colony are depending upon the settlement of intestate estates according to our ancient laws and customs, which if they should be over-ruled and made void would reduce the inhabitants to the utmost ruin and confusion, and that in this new country it is necessary, for the subduing and peopling the same, the estates shall be allowed to descend to and be divided among the co-heirs: It is therefore ordered and resolved, that the said Mr. Thomas Tousey draw the sum of five hundred pounds, in bills of the new tenour, out of the [140] treasury of this Colony, to enable him to || defend in said suit; always provided, the said Tousey shall deliver to Nathaniel Stanly, and John Marsh, Esqrs, who are hereby in the name of this government appointed to receive the same, sufficient security, either in lands or bonds with surety, for the repayment of the said sum into the publick treasury within the space of four years from the rising of this Assembly; and thereupon the said committee are ordered to put forth their orders to the Treasurer to deliver said sum to the said Tousey. Always provided, that the aforesaid committee make provision for the repayment of said sum into the publick treasury, with the lawful interest, at the expiration of two years, if not improved for the purposes aforesaid.

Whereas it is represented to this Assembly, that some of the lands mortgaged to the Governor and Company of this Colony, pursuant to the act of this Assembly passed in May, *anno Dom.* 1733, entituled An Act for the loan of bills of credit, redeemable at or before the first day of this instant May, are not yet redeemed; and that some of the mortgagers now stand ready to pay into the treasury the respective sums in the condition of their mortgage deeds mentioned, and cannot obtain a release of the said lands:

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That Nathaniel Stanly, Esqr, and the Secretary of this Colony be,

and they are hereby, authorized and impowered to make and execute, in the name of the Governor and Company aforesaid, proper releases of such lands to such mortgagers as have paid or shall pay into the publick treasury of this Colony the sums mentioned in the condition of their mortgage deeds since the first day of May instant, and to all such as shall pay in the same with the interest thereof from the said first of May, before the entry thereon, or final judgment be obtained therefor, as fully as the Governor and Secretary were impowered to make such releases before the said first of May, by virtue of said act.

And it is further enacted, That all such releases as have been made by Nathaniel Stanly, Esqr, and the Secretary of this Colony, to any such mortgagers, since the first day of May instant, shall be good and valid. And the Secretary is directed to prepare and lay before this Assembly, at their sessions in October next, an account of such mortgages as shall not be paid and redeemed as aforesaid at or before said sessions. And the Treasurer of this Colony is hereby authorized and impowered, by himself or some person or persons by him substituted, (whom he is hereby fully authorized and impowered to substitute), in the name of the Governor and Company aforesaid, to take and receive possession of all such lands as the mortgagers thereof shall offer to deliver into the seizin and possession of the said Governor and Company; and also to sue for the surrendry of such lands as the mortgagers thereof shall not redeem, by paying principal and interest thereof at or before the said session, and to proceed thereon to final judgment and execution thereon, taking such directions as may or shall be given him by this Assembly at their sessions aforesaid.

An Act ordering the Discharge of such Persons as bring in the Loan Money received of this Government of the last Emission, and directing how such Money may go forth again out of the Colony Treasury.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That any person or persons that have taken any of the bills of credit of the last emission, on loan, shall, upon their being at the cost thereof, paying the principal and interest into the treasury, be discharged from their bonds or mortgages by the committee hereafter appointed, upon such borrowers producing a receipt from the Treasurer that the sum borrowed with the interest is paid, and the bonds given for interest [141] shall be delivered up || to the borrowers; and what money shall be brought in to said treasury, before the time the bonds and mortgages are expired, the respective committees

in the several counties, already appointed, shall let the same out again to the end of the term, and not longer, to some person of the same town that brought in, if any appear to take the same, if not, to any other person of any town in said county, taking the same security as was provided in the act for loaning out the same. And that Nathaniel Stanly, Esqr, with the Secretary of this Colony, are hereby impowered to discharge said mortgages and bonds.

This Assembly grants unto Daniel Hall, of Norwich in the county of New London, the privilege of having and keeping a ferry over the river against said Hall's dwelling house in said Norwich. The ferry-boat to put off from said Hall's wharf and land on the other side of said river, at the town's landing place in said Norwich. The fare of said ferry to be three pence for man and horse, two pence for one single man or woman; when more, one penny for each person; to be paid in new tenour bills or equivalent in the old tenour. The above privilege is granted for the space of ten years to come without molestation, namely upon this condition, that the said Hall provide a good pent-way, with gates, thro' his own land and Capt. John Leffingwell's, to come into New London road near said Leffingwell's house; and also provide a good ferry boat; all to be at said Hall's cost.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the Hon^{ble} Roger Wolcott, Esqr, Thomas Fitch and Jonathan Trumble, Esqrs, be a committee with full power to inspect the laws made and passed by this Assembly, and the same to revise and put into a form fit for the press; in which work said committee shall make no alteration in those laws and acts that relate to the freeholds of his Majesty's subjects of this Colony, but the same shall remain as heretofore: but those acts and laws that relate only to manner or method of proceeding in civil cases, or criminal matters, or other things that relate to the government of his Majesty's subjects here, and are provided for by later acts, which have superseded, the more ancient ones are to be omitted and not put into the laws to be revised as aforesaid. And the said committee shall lay their doings before this Assembly in October next.

Resolved by this Assembly, That Nathaniel Stanly, Esq, and Mr. Joseph Buckingham, be a committee to examine the receipts which are or shall be offered to the Secretary under the hands of the committees of the towns and parishes within this Colony, of the money and bonds divided for the use of the

schools in the respective towns and parishes on whose behalf such committees received the same; and upon finding such receipts to answer the intent of the act of this Assembly relating to the dividing the said money and bonds, and signifying their approbation thereof, the Secretary is hereby directed to record the same; which receipts, so approved and recorded, shall be a sufficient discharge of those persons who gave their receipts to the committee last October, empowered by the General Assembly to distribute the money and bonds arising upon the sale of the western townships, so far as they shall amount towards the sum total of such receipts whereto they have relation.

Whereas by an act of this Assembly, entitled An Act for the making and emitting bills of publick credit, made in May, 1740, the bonds which were to be taken by the respective committees for the principal and interest of the bills of credit therein ordered to be loaned out, were by said act directed and ordered to be lodged with the Secretary of this Colony: Ordered by this Assembly, that the Secretary from time to time, as the said bonds so lodged with him become payable, shall deliver them into the hands of the Treasurer, taking his receipt therefor.

[142] Whereas by a special act of this Assembly, in their sessions in May, 1732, it was resolved, that the inhabitants that then lived or thereafter should live within a certain tract of land in Farmingtoun bounded and described as in the said act, (excepting what is since annexed to the parish of Wintonberry.) together with a particular parcel of land therein lying, belonging to any inhabitants of Hartford, should be assessed to the support of the gospel ministry in the west parish of Hartford, and be discharged from paying any taxes for the support of the gospel ministry in Farmingtoun: and the said parish being about to build a new meeting house there, and that the said inhabitants of said lands may be taxed and rated for the building said meeting house, and freed from such charge at any time in the town of Farmingtoun: Therefore it is resolved by this Assembly, that the said inhabitants be assessed to the building a meeting house within the said west parish of Hartford, as well as to the support of a minister there, and be accordingly discharged therefrom at Farmingtoun.

The Additions to the Lists of Estate of the several Towns in this Government hereafter mentioned sent in to this Assembly, are as follow, (viz.)

	<i>Single additions.</i>			<i>Fourfold assessments.</i>		
	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Hartford,	1459	0	6	-	-	735 0 0
To Greenwich,	1723	18	3			
To East Haddam,	22	0	0	-		140 0 0
To Weathersfield,	307	19	6			19 0 0
To Norwich,	281	8	6	-	-	1780 11 0
Overcharged in the sum total of the grand list in October last the sum of £813 1s. 6d.						
To Stonington,	193	5	0	-	-	
To Killingworth,	152	12	0	-	-	646 2 0
To Pomfrett,	68	0	0			
To Woodberry,	719	17	0	-	-	111 0 0
To Waterbury,	387	10	0	-	-	
To Groton,	201	17	6	-	-	133 12 0
To Danbury,	181	5	0	-	-	
To Wallingford,	434	0	0	-	-	443 0 0
To New Haven,	1709	17	0	-	-	754 4 0
To Windham,	2057	13	0	-	-	
To Windsor,	636	2	0	-	-	464 6 0
To Lebanon,	645	17	0	-	-	1152 0 0
To Saybrook,	250	12	0	-	-	36 0 0
To Norwalk,	2089	3	3	-		
To Lyme,	827	9	0			
To Farmington,	759	15	0	-	-	214 0 0
To Coventry,	409	16	0	-	-	
To Haddam,	66	1	0			
To Preston,	600	15	6	-	-	
To Brandford,	260	13	6			
To Fairfield,	597	11	0	-	-	1950 15 0
To Middletown,						
To Killingly,	574	0	0			
To Hebron,	433	4	0	-		
To Standford,	210	9	0	-	-	272 8 0
To Guilford,	621	16	0	-		
To Mansfield,	976	17	0	-		

This Assembly, being informed that there is a tract of land not disposed of by this Court, situate between the north bounds of Wallingford and south bounds of Farmington, and bounded on the east with Middletown west line as lately established, and bounded on the west with the lands sold and disposed of by this Court to particular persons, do now appoint Ebenezer Silliman and Andrew Burr, Esq^{rs}, and Col. Joseph Pitkin, to be a committee, at the charge of this Colony, to make enquiry

thereinto, and make report of what they find, together with the circumstances thereof, to this Court in October next.

[143] This Assembly do appoint Elihu Chauncey, Esq^r, to be Major of the tenth regiment in this Colony, and order that he be commissioned accordingly.

Whereas this Assembly in October last did direct to a general consociation at Guilford, and it was then determined that the charge thereof at said Guilford should be defrayed out of the publick treasury, and thereupon did direct Colo. Samuel Hill to take care of that affair and lay the account thereof before this Assembly, which he hath now done, and the same amounts to £32 11s. 3d.: Whereupon it is resolved, that the Colony Treasurer shall deliver unto the said Colo. Hill the sum of £32 11s. 3d. in bills of the old tenour, and the same shall be improved to answer the said charge.

Ordered by this Assembly, That the Treasurer of this Colony pay out of the publick treasury unto Capt. Nathaniel Saltonstall the sum of eighty-five pounds fifteen shillings bills of credit old tenour, in full ballance of his account to this time, for his services and disbursements respecting the fort or battery at New London.

This Assembly do appoint and authorize Capt. John Read to collect the tax granted on the unimproved lands in New Fairfield, in the room of Andrew Burr, Esq^r, who resigns that office and trust.

Upon the petition of Richard Bill, of Boston, in the county of Suffolk in the Province of the Massachusetts Bay, Esq^r, *vs.* Urian Horsmer, of Killingly in the county of Windham, and the proprietors of the common and undivided land in and of the said town of Killingly, complaining of a judgment of the superior court held in Windham, rendered in favour of said Horsmer against him, on a suit bro't by him, said Bill, against said Horsmer, for the surrendry of about ten acres of land in that part of Killingly aforesaid called Thompson parish, being part of a large tract containing about four hundred acres, in the tryal of which case the jury missed the law; and also complaining that, althô the said four hundred acres was granted by this Assembly, and thereupon surveyed, and by mean conveyances came to him, said Bill; and that this Assembly by their grant in May 9th, 1728, granted to the proprietors of Killingly the lands north of the old reputed Colony line, commonly called Woodward and Saffery's line, to the line settled in the year 1713, between which lines the said four hundred acres lyeth, excepting out of said grant, among other things, such lands as were holden by the grants of this Court, and

thereon surveyed and laid out, and also on condition that the proprietors of Killingly do not molest or disturb any of the claimers &c. on that part of the land which lyeth southward of the said old reputed line; which grant was made in addition to a former grant made to said proprietors, in the year 1708, which old grant bounds north by the Colony line, at about eight or nine miles distance from Plainfield, which additional grant the said proprietors accepted with the exceptions and on conditions aforesaid: yet the copy of the said old grant, made *anno Dom.* 1708, was given in evidence in said tryal, under pretence the same comprehended all the lands mentioned in the said additional grant, whereby the jury were misled, &c. Therefore the said Bill prays for a reversal of the said judgment, and liberty of a new tryal, and that the said old grant may not be given in evidence in the tryal about lands northward of the said old line, called Woodward and Saffery's line, as by his petition more fully may appear.

Resolved by this Assembly, That the said judgment of the superior court, held in Windham aforesaid, be reversed, and the same is hereby reversed, made null and void, and the petitioner is allowed another tryal of the said case at the superior court to be held in Windham aforesaid on the third Tuesday of September next, and that the whole cost follow the judgment.

And it is also further resolved, That, inasmuch as the said grant, made *anno Dom.* 1708, was and ought to be understood [144] to bound north || on the said old reputed line, called Woodward and Saffry's line, and the said proprietors accepted the said additional grant with exceptions and on conditions as aforesaid, the said proprietors, and all holding or claiming under them, ought to be estopped from making use of the said old grant in tryals of lands above the said old line. And, therefore, the said Horsmer, the proprietors of said Killingly, and all holding under them, are hereby prohibited and forbid giving the said old grant, made 1708, or a copy thereof, or any title derived therefrom, in evidence in the tryal of the abovesaid case, or in any other case for the tryal of the title of the lands within the limits of the said additional grant.

Upon the petition of Aaron Fish, of Groton in New London county, praying liberty of another tryal in an action wherein he demands of Samuel Fish, of Preston in said county, surrendry of about eighty-five acres of land and ten pounds damages, and wherein final judgment was rendered against him in favour of the said Samuel Fish, at the superior court held at Windham in September last: Resolved by this

Assembly, that the petitioner have liberty of another tryal of said case at the superior court to be holden at Windham in September next, he first paying down to the petitionee the former cost as taxed by said superior court, and that the future cost only follow the tryal so by him to be had.

On the petition of Joseph Cadey, one of the proprietors of the common and undivided land in Killingly, and the rest of the proprietors of said common land, &c., *vs.* Joseph Thompson, Esq^r, of Inner Temple, London, &c., as on file: The question was put, whether the prayer thereof should be granted: Resolved by this Assembly in the negative. *Cost allowed respondent is £4 1s. 6d. Ex. granted June 21st, 1742.*

On the petition of John Bacon, and others therein named, of Midletown, *vs.* Samuel Hall, Esq^r, one of the proprietors of the common and undivided lands in the town of Wallingford, and the rest of said proprietors, &c., as on file: The question was put, whether the prayer of said petition should be granted: Resolved by this Assembly in the negative.

On the petition of Daniel Baldwin, of Wallingford, *vs.* John Way, of Wallingford, as on file: The question was put, whether anything prayed for in the said petition should be granted: Resolved by this Assembly in the negative.

Henry King, of Midletown, shewing to this Assembly that at their sessions at New Haven in October last, upon his memorial shewing to said Assembly that he exhibited a complaint to Jabez Hamlin, Esq^r, justice of the peace, against one William Baxter of West Chester in the Province of New York, for altering and putting off a two-and-six-pence bill of the Province of New York, and shewing that the said Baxter was bound over to the superior court, and that he had forfeited his bonds, and praying for twenty pounds as a premium for his information, &c., and that said Assembly did grant him said twenty pounds, and ordered that a bill should be drawn in form, and that the same was neglected to be done: Resolved by this Assembly, that the said Henry King have paid to him twenty pounds out of the publick treasury in bills of the old tenour, and the Treasurer is hereby ordered to pay the same to said King.

On the memorial of the inhabitants of the town of Salisbury, praying for a tax on all the unimproved land laid out in said town, &c., as per said memorial on file, dated May 19th, 1742: Resolved by this Assembly, that a tax of one penny half-penny be laid on all the unimproved lands laid out in said town, for and during the space of four years commencing

from the rising of this Assembly ; that the non-resident proprietors be at the cost of collecting the same of such non-residents ; that Mr. John Read of Stamford be a collector to collect, and when collected the same to deliver into the hands of Thomas Fitch, Esqr, of Norwalk, to [be] by him paid out and applied for and towards the support and settlement of a gospel minister in said town, as there shall be occasion.

[145] Upon consideration of the petition of Samuel Morriss, living eastwardly of Woodstock, within Thompson parish in Windham county, praying to be exempted from paying country and parish taxes, for the reasons assigned: Resolved by this Assembly, that the said Samuel Morriss, or his heirs, while living on the farm where he now dwells, shall be freed and exempted from paying country taxes, and one-half of all parish taxes to said parish, during the pleasure of this Assembly : provided the said Samuel Morriss, and his heirs that shall live on said farm during that time, shall maintain, make and keep in good repair, a good and sufficient bridge over the river easterly of his house where the bridge now is, and also allow a free road through his said farm over said bridge where it is now used or shall hereafter be found convenient. And the said parish, and all the officers thereof, are hereby required to yield obedience to this act.

Upon the memorial of William Smith of Stratford, representing to this Assembly that Thomas Hill, Esqr, sheriff of Fairfield county, obtained a judgment against him for one hundred pounds debt with cost of suit, upon a bail-bond given to said sheriff for one William Bennet of said Stratford, by order of the superior court, which said one hundred pounds was by said sheriff to be paid into the treasury of this Colony by order of the said superior court, and that the said cost of suit hath already been paid ; praying this Assembly for an abatement of said one hundred pounds, as by said memorial on file appears : This Assembly doth abate the said judgment down to forty pounds, and doth release the remainder thereof ; and that upon the payment of forty pounds in old tenour bills into the treasury of this Colony, within two months from this time, the said judgment and the execution thereon shall be fully answered and satisfied, and the memorialist and the said sheriff discharged from any further duty thereon to be had ; any order thereon to the contrary notwithstanding.

Upon the representation of John Curtiss, shewing to this Assembly his distress under several executions for use-money due to the publick treasury of this Colony from the New London Society, &c., praying that a committee be appointed to

view, value and receive, the conveyance of so much of his real estate as shall be sufficient to satisfy the executions that are against him in the premises: Resolved by this Assembly, that Samuel Lynde, Jonathan Trumble and John Richards, Esq^{rs}, be a committee fully authorized and impowered on the behalf of the Colony, to view such real estate as may be offered to them by the said John Curtiss, and apprise and value the estate so presented to them, and thereupon to take a deed of conveyance to the Governor and Company of this Colony, duly executed, for so much of said Curtiss's estate as shall fully answer and satisfy said executions and the charges on them arisen, and the charges of this committee's attendance and performance of said affair; and the said committee are thereupon fully authorized and impowered to discharge the said executions; and they are hereby directed further, to get the deed so executed recorded in the proper office where by law it should be done, and thereon to deliver it into the hands of the Secretary, and to draw on the Treasurer to pay what charges may be arisen thereon and secured in such deed. And furthermore, the said committee are impowered and directed that, in case the said Curtiss shall refuse, neglect or delay to shew, set out and convey such real estate to the Governor and Company, in manner and form as above in this act is proposed, for the discharge of the said executions, then the said committee shall call forth the sheriff and proceed to take the said Curtiss's estate in the due form and method of the law for the levying executions on real estates.

On the memorial of the west society in the town of Hartford, shewing to this Assembly that said society have already voted, by a majority of more than two-third parts of the voters there, that it is necessary for said parish to build a meeting house for divine worship, praying this Assembly to appoint a committee to repair to said parish and fix a place for building a meeting house upon: Resolved by this Assembly, that Colo. Jun^o. Chester, Major Henry Allyn and Capt. Elizur Goodrich, be a committee, at the cost of the memorialists, to repair to said parish, hear the memorialists, or any of them, view their situation, and fix and ascertain a place in said parish for the memorialists to build a meeting house on, and make return of their doings to this Assembly in their present sessions.

[146] Upon the memorials of the inhabitants of Sharon, Goshen, Canaan, Kent, Salisbury, Cornwall, praying relief respecting their purchase money: Resolved by this Assembly, that Nathaniel Stanly, Ozias Pitkin, Esq^{rs}, and Capt. John Marsh, be a committee to whom such persons as are inhabitants of said towns may repair for relief; and the committee of the

town or society, who have right to demand the money due either by bonds on which suits have or have not been brought, being first notified by such person or persons who want relief, which committee being so duly notified of the time and place of the said committee's meeting, the said committee shall proceed to determine which of said persons may and ought to have relief; and thereupon such person who shall propose and have liberty to give new security, either in lieu of the bond by him given as aforesaid or of judgment thereon recovered, where it has so happened that the bond hath been sued out, upon his paying down the interest due for the purchase money and all costs thereon arisen, shall have liberty to renew his bond with surety; and thereupon the said committee are directed to consider and determine whether the sureties proposed be sufficient, and upon their determining them to be sufficient, the committee of the town or society to which the same shall belong shall take the new bonds proposed with the sureties directed to by the government's committee, conditioned for the payment of the principal sum at or before the first day of October, *anno Dom.* 1745, together with distinct obligations for the payment of the yearly interest thereon as the same shall become due; and in case any of the said bonds shall not prove recoverable at the end of said term, then the same shall be paid and discharged out of the Colony treasury.

Upon the memorial of the town of Sharon, shewing their distressed circumstances and necessities, by reason of extraordinary sickness the last year, and praying for some relief: Resolved by this Assembly, that Nathaniel Stanly, Esqr, and Capt. John Marsh, be a committee fully authorized and empowered to give relief, as they shall judge proper, to such poor and needy persons in that town who shall apply to them for it, and draw upon the Treasurer of this Colony to pay out of the publick treasury such sum or sums to such person or persons as they shall judge necessary, for their relief: provided they do not draw for more than the sum of two hundred pounds in old tenour bills in the whole.

Ordered by this Assembly, That the Treasurer of this Colony pay out of the publick treasury unto Samuel Avery of New London the sum of fifty pounds old tenour, in full discharge for his services done for this Colony, as prayed for.

Upon the memorial of Peter Pratt and others, agents of Sharon, and the Indians living at or near said Sharon, &c., praying for a committee to examine the claims of said Indians and purchases that have been made in said Sharon and Sal-

isbury, &c.: It is resolved by this Assembly, that Thomas Fitch, Esq^r, Mr. Daniel Edwards and Mr. Robert Walker, or any two of them, be a committee to repair to said Sharon to hear, examine and enquire into the claims made by the said Indians or any others within the said towns of Sharon and Salisbury, and the purchases that have been made by Thomas Lamb and others within the said townships; and further enquire what may be necessary to be done in order to settle and accommodate the differences that are or may be likely to arise on the premises; and make their report to this Assembly at their sessions in October next.

Upon the memorial of John Humphrey of Symsbury, and the rest of the inhabitants of said town, shewing to this Assembly that the adjourned county court of the county of Hartford, at their sessions in June, 1741, did order that a highway should be laid from the dwelling house of Joshua Case in said Symsbury east about half a mile, through a tier [147] of lots in Symsbury, and so continue the said highway || eastward to a highway near the dwelling house of Zebulon Horskins in Windsor, and accordingly ordered a jury to be impannelled to lay out the same, who made return of their doings to said court, which was accepted; and complaining against the doings of the said jury, and praying that their doings may be set aside: Resolved by this Assembly, that the doings of the said jury be set aside and made void, upon the memorialists paying the cost of said jury; and that thereupon the county court in the county of Hartford order that another jury be impannelled to lay out a highway at or near the place aforesaid, and assess damages, according to law.

On the memorial of Samuel Hull of Fairfield, executor on the last will of Josiah Hull late of Standford, deceased, shewing to this Assembly that the debts due from the estate of the deceased surmount the moveable estate of the said deceased the sum of £384 2s. 3d., praying that liberty may be granted to the memorialist to sell so much of the real estate of the said deceased as will make the aforesaid sum of £384 2s. 3d. and the necessary charges arising thereon: Resolved by this Assembly, that the said Samuel Hull be empowered, and he is hereby authorized and impowred, to make sale of so much of the real estate of Josiah Hull, late of Standford, deceased, as will make the sum of £384 2s. 3d. money, with the necessary charges arising thereon, taking the advice of the court of probate in the district of Standford.

Upon the memorial of Messrs. Jabez Hamlin and Seth Wetmore, agents for the town of Midletown, praying this

Assembly to state the fare of the ferry over Connecticut River in Middletown near the ship-yard in the town-plat, which is under the care of said town: Resolved by this Assembly, that the fare of said ferry be nine pence for man, horse and load, and three pence for a single person, in bills of credit of the old tenour or an equivalent in new tenour bills, at all times in the year said ferry is passable, and no more; any usage or custom to the contrary notwithstanding.

Upon the memorial of John Abbee, administrator on the estate of Benjamin Bedlake late of Windham, deceased, shewing to this Assembly that the debts due from the said deceased's estate amount to the sum of £1010 12s. 8d. more than what the whole of his moveable estate is inventoried at, and praying for liberty to make sale of so much of the land of the said Bedlake as shall amount to the sum abovesaid, to be improved for payment of the debts aforesaid: This Assembly grants liberty to the memorialist to make sale of so much of the lands of said Benjamin Bedlake, deceased, as shall be sufficient to raise the sum abovesaid for the purpose aforesaid, and the necessary charges arising thereon; he, the said administrator, in the management of said affair taking the advice and being under the direction of the court of probate in the county of Windham.

Upon the memorial of the inhabitants of the northern part of the town of New Fairfield, moving that the said town might be divided into two separate and distinct parishes, in such manner and proportion as in said memorial is set forth, and that the place mentioned in the report of the committee, who were in October last appointed, and now returned to this Assembly, might be established for the place whereon to build a meeting house for the southern parish; and also, that on such division first allowed and granted, a committee might be appointed to ascertain the most suitable place whereon to build a meeting house in the northern parish or society, and to make return, &c.; as per their memorial on file: Resolved by this Assembly, that the said town of New Fairfield be, and the same hereby is, divided into two separate and distinct parishes or societies, each of which shall and may have and exercise and enjoy all the powers and privileges which other parishes in this government have; and that the line dividant between them be a line draw across said town from east [148] to || west, at the distance of five miles from the south line and parallel therewith; and that the place in said report mentioned and described, to be the place whereupon to build a meeting house for and within said southern parish, and that

said parish therein proceed as by law in such case provided ; and further, that Capt. Theophilus Nickols, Messrs. Samuel Canfield and Nathaniel Bostwick, be, and they are hereby appointed to be, a committee to repair to and upon the said northern parish, and on due observation and enquiry to fix and ascertain the most suitable and convenient place whereon to build a meeting house for and within said north parish, and to run the line between said parishes as above directed, and make return of their doings to this Assembly in their sessions at New Haven in October next.

Upon the memorial of the inhabitants of the second society of the town of Coventry, shewing to this Assembly that they are under difficulties, by reason that they cannot get two-thirds of their voters in their meetings to vote to build a meeting house, as is provided by law, in order to their applying to the Assembly to have a committee appointed to affix a place to set a meeting house on ; and shewing that the major part of the voters in their meeting have voted to build ; and praying for relief : Whereupon it is resolved, that a committee be appointed, and Colo. Thomas Wells, Capt. Ebenezer Gray and Colo. Shubael Conant, are hereby appointed a committee to repair to said society and, at their charge, to affix a place for a meeting house, and to make report of their doings to this Assembly in October next ; and in the mean time said society may proceed to do anything proper in preparing to build, as they might have done if two-thirds of them had voted to build ; anything in the law referred to notwithstanding.

Upon the memorial of Ednah Smith of Norwich, shewing to this Assembly that her husband, Joshua Smith, late of Norwich, deceased, mortgaged twenty-four acres of land in said Norwich to the Governor and Company of this Colony, as by his deed thereof, dated the 21st day of August, 1733, defeazable upon the payment of fifty pounds money on or before the first day of May, 1741, which time is expired, and her husband before the expiration of said time did undertake to go in the Spanish expedition, and there dyed, and she left a desolate widow, &c. ; praying this Assembly to grant that time may be allowed for the redemption of the mortgaged premises : Resolved by this Assembly, that there be allowed the term of three years next ensuing, for the redemption of the said mortgaged premises, without paying the interest arising on said mortgage : provided that at or before the expiration of said term the said sum of fifty pounds be duly paid into the public treasury for the discharge thereof.

Upon the memorial of Samuel Gore and Elizabeth Bray-

man, administrators on the estate of James Brayman of Voluntown, deceased, shewing to this Assembly that the debts and charges due from the estate of said Brayman amounts to the sum of £1059 11s. 6d., and the inventoried moveable estate of said deceased amounts to the sum of £333 2s. 7d.; then there is £726 8s. 11d. of debts and charges that surmount said deceased's moveable estate inventoried, as appears on record; said administrators moving to this Assembly that they, or some other meet person, may be authorized to make sale of so much of the real estate of the deceased as to defray the debts and the necessary charges thereon: Whereupon this Assembly doth authorize and appoint the said Samuel Gore and John Crary to make sale of so much of the real estate of the said James Brayman, deceased, as to make the sum of £726 8s. 11d., and pay said debts with the necessary charges arising thereon, taking the advice of the court of probate for the county of Windham therein.

Cost allowed Uriah Loomiss and Odiah Loomis, of Windsor, *vs.* James Enno, agent for and in the behalf of Union, for their attendance, &c., to answer the memorial of the said Enno, &c., is £2 12s. 6d. *Ex. granted Sept. 8th, 1742.*

[149] Upon the memorial of the inhabitants of Judeah parish in Woodbury, shewing this Assembly that the said inhabitants had unanimously voted to build a meeting house in said parish, and also had unanimously agreed to set said house in the 3d tier of lots in the said parish and near to the middle of said lot north and south, and about sixty or sixty-five rods from the east side of said lot near to the center of said parish, where is a stake and a large heap of stones, and praying this Assembly to establish and confirm the said place for the said inhabitants to build a meeting house upon, &c.: Resolved by this Assembly, that the above described place be, and the same is hereby, established and confirmed to be the place for the said inhabitants to build a meeting house upon accordingly.

Upon the memorial of the inhabitants of the town of Stafford, praying for a tax upon the unimproved lands in said town, to be improved for and towards the settlement and support of a minister, &c., as per said memorial on file: Resolved by this Assembly, that there shall be a tax of five shillings upon the hundred acres laid upon all the unimproved land which is surveyed and laid out in said town, to be applied for and towards the settlement and support of a minister of the gospel in said town, for and during the term of four years commencing from the time of settlement of such minister, to be delivered into the hands of William Pitkin, Esq^r, of Hart-

ford, for the purpose abovesaid, by the collector or collectors thereof, whom they, the said inhabitants of Stafford, are hereby empowered from time to time to choose and appoint to collect the same.

Upon the memorial of Chickens, an Indian sachem living at the parish of Reading in the county of Fairfield, representing that in a conveyance of a certain tract of land, in said memorial referred to, he had made a saving and reservation of so much thereof as he and his children, &c., should need for their personal improvement, &c., and alledging that he and his family, being grown numerous, have personal need of more lands than as ever yet have been set out for their use; and thereupon praying that a committee might be appointed to enquire into the premises, and to report to this Assembly in October next what and how much lands appear necessary and just to be set out to the memorialist and his family, &c., in compliance with the reservation abovesaid: Resolved by this Assembly, that Roger Newton, Esqr, Messrs. John Fowler and Robert Treat, all of Milford, or any two of them, be, and they hereby are, appointed to be a committee to and for the purposes abovementioned, at the cost of the memorialist.

On the memorial of Caleb Jones and Mary his wife, late Mary How, both of Wallingford, said Mary executrix of the last will and testament of Zachariah How late of said Wallingford, deceased, shewing that the debts and charges surmount the personal estate £238 16s. 11d., praying liberty to sell land for the purpose aforesaid: Resolved, that the memorialists shall and may, and they are hereby authorized to sell so much of the land belonging to the estate of said deceased to satisfy said debts and incident charges thereon: always taking the direction of the court of probates in New Haven county in the premises.

Upon the memorial of David Sage, Samuel Hart and others, of Middletown, praying to be a distinct society, &c., and of Thomas Hart and others of the parish of Kensington, praying that there be a committee to view the circumstances of the parish aforesaid and of that part of Middletown praying to be a distinct society, &c.: It is resolved by this Assembly, that Colo. Joseph Pitkin, Messrs. Joseph Buckingham and John Edwards, be a committee, at the cost of the memorialists, to repair to the said parish of Kensington and Middletown, and view the whole circumstances of the parish of Kensington and of that part of said Middletown prayed for to be a society, (first notifying all parties concerned,) and make their report to this Assembly in their sessions in October next, giving their opinion in the premises.

[150] Whereas there is laid before this Assembly one bond from William Roberts and Samuel Roberts for £205 15s. 0*d.*, and due thereon for interest £27 17s. 0*d.*, the whole being £233 12s. 0*d.* money arising or becoming due for the sale of the western lands and ordered for the support of the schools in this Colony: This Assembly order £168 6s. 0*d.* thereof to be to the town of Stafford for their part of said money, and delivered to Wm. Pitkin, agent for said town. And it is further ordered and directed, that the said William Pitkin take the said bond into his care, and secure the remaining part of the money due on said bond, being £65 6s. 0*d.*, to be paid into the Colony treasury for the use for which it is ordered.

Upon the memorial of the inhabitants of the parish of Chester, in Saybrook, praying to this Assembly for liberty to imbody into church estate, and also for a committee to affix a place for them to build a meeting house on: This Assembly grants liberty to said parish to imbody into church estate; and Messrs. John Lane, Nathaniel Lynd and John Tulley, are appointed a committee, at the cost of the memorialists, to repair to said society, and view their circumstances, and affix a place for them to build a meeting house on, and make report to this Assembly, at their sessions in October next, of their doings in the premises.

Upon the memorial of John Bostwick and Roger Brownson, and the rest of the inhabitants of New Milford, praying to this Assembly for an addition to be made to the fare or toll of the bridge built over the great river in said New Milford: This Assembly grants that the fare or toll for passing over said bridge shall be for man, horse and load, six pence, and for each single person three pence, in old tenour, to be collected and improved to the use according to their former grant.

Upon the memorial of Christopher Holmes and others, praying for a distinct ecclesiastical society to be set off, part out of the northwest corner of Lyme and part out of the first society of East Haddam, at the south end of said East Haddam, and praying for a committee to view their circumstances, &c.: It is resolved by this Assembly, that James Wadsworth, Jabez Hamlin and John Richards, Esq^{rs}, be a committee to repair to said places, (first notifying all parties concerned,) to view the circumstances of the inhabitants there, and make report to this Assembly in October next, and give their opinion on the premises.

Upon the memorial of Jacob Hart of Standford, administrator on the estate of Ebenezer Jessup late of said Standford, deceased, shewing to this Assembly that the debts due from

said estate surmount the personal estate of said deceased, and the sum that the lands of said deceased were formerly ordered to be sold to answer, the sum of forty-two pounds ten shillings and six pence; and praying for liberty to sell so much more of the real estate of said deceased as may be sufficient to answer the same: Resolved by this Assembly, that the memorialist have liberty to sell so much more of the real estate of said deceased as may be sufficient to answer the said £42 10s. 6d. with the necessary charges arising thereon, taking the direction of the court of probate in the district of Standford therein. And Capt. Jonathan Maltbie, of Stanford, and the memorialist, are hereby appointed and substituted to make sale of the said real estate accordingly.

Upon the memorial of Aaron Fuller, of Ashford in the county of Windham, setting forth that the term of time allowed him by this Assembly for the payment of the sum of two hundred and fifty-eight pounds some shillings, which sum was due from your memorialist's father and brother for lands purchased of the government some time since, is now expired, and that he hath duly paid the interest, and is now prepared to pay one hundred pounds of the principal sum and the interest; and praying that his mortgage deed to the Governor and Company may not be put in suit within the space of one year: Resolved by this Assembly, that upon the memorialists paying into the treasury of this Colony the sum of one hundred pounds money of the principal and the whole interest to this time, that the said memorialist shall have the liberty of one year to pay said mortgage in.

[151] This Assembly, taking into their consideration the state of some of the Indian natives living near unto the borders of the town of New Milford, and at a place called Potatuck, near the borders of the town of Woodberry, and being desirous to encourage the disposition there seems to be in them to be instructed in the principles of the christian religion, have resolved and granted, that the Treasurer of this Colony shall deliver out of the publick treasury of this Colony the sum of twenty pounds, in bills of credit of the old tenour, unto the Rev^d Mr. Daniel Boardman and Mr. Samuel Canfield, who are hereby appointed to receive the same and improve it for the support of the said Indians when at school or attending on the ministry of the word in the town of New Milford; and that the sum of twenty-five pounds be also delivered out of the Colony treasury unto the Reverend Mr. Anthony Stoddard and Rev^d Mr. Elisha Kent, who shall receive and improve the same for the instruction and christianizing the Indians at the place called Potatuck; and that the

said gentlemen lay the account of their disbursements before the General Assembly in October next.

Upon the memorial of the south or first society in Killingly, praying that a committee be appointed to review the circumstances of said society, and affix and ascertain the place where said society shall build their meeting house, &c.: Resolved by this Assembly, that Deacon Eleazer Cary, of Windham, and Josiah Conant, Esqr, and Deacon Experience Porter, both of Mansfield, be a committee to repair to the said first society in Killingly, and to review the circumstances of said society, and to hear the parties there, and to affix and ascertain the place where the said society shall build their meeting house, best to accommodate the whole of said society for divine worship, and make report of their doings to the session of this Assembly in October next.

Upon the memorial of Nathaniel Curtiss and Daniel Porter, of Stratford, administrators on the estate of Isaac Curtiss late of said Stratford, deceased, representing to this Assembly that the debts due from said estate surmount the personal estate the sum of fifty-eight pounds eight shillings and ten pence, praying that so much of the real estate of said deceased might be sold as to answer said debts: This Court grants to the said Nathaniel Curtiss and Daniel Porter power and authority, under the direction and by the advice of the court of probate for the district of Fairfield, to sell so much of the deceased's lands as shall answer the said debts and the incident charges.

Upon the memorial of Theophilus Yale and Joshua Atwater, of Wallingford in New Haven county, shewing to this Assembly that the said Atwater borrowed of this government the sum of £450 0s. 0d. money, and shewing to this Assembly that the memorialist is not able to pay more than £150 0s. 0d. of said bond with the interest of the whole to this time, and praying for a longer time to pay said money in: Granted by this Assembly, that the said memorialists have liberty of the space of three years longer to pay said money in: provided they pay at this time all to the sum of three hundred pounds, and shall pay in unto the Treasurer of this Colony for the time being the sum of one hundred pounds yearly, with the interest of the whole of said sum at each year's end.

Upon the memorial of Mary Andruss of Wallingford, administratrix on the estate of Thomas Andruss late of said Wallingford, deceased, shewing this Assembly that the debts due from the estate of the said deceased surmount the movea-

ble estate the sum of £187 14s. 0*d.* and praying for liberty to sell lands to pay the said debts &c. : Granted by this Assembly liberty to the said administratrix, with Colo. Benjamin Hall, to sell so much of the real estate of the said deceased, taking the advice of the court of probate in New Haven, as to enable the said administratrix to pay the said debts with charges arising on the sale of the said lands.

Upon the memorial of Isaac Parmeley of Guilford, praying to be discharged from the fourth ecclesiastical society in Guilford, and annexed to the first society in said Guilford: This Assembly grants and orders, that said Isaac Parmeley be discharged, and he is hereby discharged, from the said fourth society, and annexed to the said first society.

Ordered by this Assembly, That the Secretary of this Colony make out a precept, directed to the Sheriff of the county of Hartford or his deputy, to arrest the bodies of James Davenport and Benja. Pumroy, wheresoever they may be in this Colony, and them forthwith bring before the General Assembly now sitting, to answer to such matters and things as are objected and complained of against them before this Assembly; and also to summon such evidences as may have any knowledge of the said matters complained of as aforesaid.

[152] Upon the memorial of John Williams, jun., of Stonington, shewing to this Assembly that he gave his bonds for twenty-five pounds to the Governor and Company, and had an order from the committee in New London county to the Treasurer, bearing date March 3*d.*, 1740-1, to deliver the sum of £25 of the loan money emitted by said Assembly, May, 1740; and the said memorialist shewing said order to the Treasurer, the Treasurer refused to deliver said sum, declaring that New London county had had all their part; and the bonds aforesaid being lodged in the Secretary's office, the memorialist praying this Assembly to order the Secretary to deliver up said bonds: Resolved by this Assembly, that the Secretary of this Colony deliver up the aforesaid bonds to the said John Williams, jun.

Upon the memorial of Rachell Cadwell, administratrix on the estate of Aaron Cadwell, late of Hartford, deceased, praying for liberty to sell of the lands of the said deceased sufficient to answer the debts, &c. : Resolved by this Assembly, that the said Rachel Cadwell, administratrix as aforesaid, together with John Butler, jun., of Hartford, (who is hereby joyned with the said administratrix to that purpose,) have liberty and full power to sell and make disposition according to law of so much of the real estate of the said deceased

as will amount to the said sum of £78 3s. 1*d.* as also the necessary charges arising on such sale, taking the advice of the court of probate in the district of Hartford therein.

To the Honourable General Assembly sitting at Hartford, May, A. D. 1742.

We, being appointed a committee on the memorial of the west society in the town of Hartford, to repair to said society, view their situation &c., and fix a place for said society to build a meeting house on, did, on the 19th day of said May, repair to said society, view, &c., and fixed a stake for the southeast corner of said house about 13 feet eastward of the northeast corner of the present meeting house in said society, which appeared to be to the satisfaction of the inhabitants of said society present, who with the rest of said inhabitants were notified to be present on said day.

John Chester, }
Henry Allyn, }
Elizur Goodrich. }

The above report read and approved by this Assembly, and the said society are ordered to build a meeting house on said place.

Forasmuch as Capt. Blackleach and Mr. Samuel Addams, both of Stratford, have made complaint to this Assembly of great disorder, &c., which have lately happened in Stratford, by occasion of one James Davenport and others convening great numbers of people together in several parts of said town, which complaint this Assembly thought proper to enquire into, thereby to prevent any growing disorders in this Colony thereupon, having heard the evidences produced by the King's Attorney to prove said complaint, and also the witnesses produced by the said Davenport on his behalf, and the matters conceded by him, and the things alledged in his own defence; and this Court further observing the behaviour, conduct, language and deportment of said Davenport in the time of his tryal, and what happened in the evening after the matter was in hearing and not gone through with: after consideration of which: This Assembly is of opinion, that the things alledged and the behaviour, conduct and doctrines advanced and taught by the said James Davenport, do and have a natural tendency to disturb and destroy the peace and order of this government. Yet it further appears to this Assembly, that the said Davenport is under the influences of enthusiastical impressions and impulses, and thereby disturbed in the rational faculties of his mind, and therefore to be pitied and compassionated, and not to be treated as otherwise he might be. And

this Assembly considering that the settled place of his abode is in the town of Southold on Long Island, whereto it is best he should be removed: Thereupon it is ordered by this Assembly, that the said Davenport be forthwith transported out of this Colony to Long Island, to the place from whence he came and wherein he is settled; and the Governor and Council are desired to take effectual care that this order be duly executed.

[153] Whereas Mr. Benjamin Pumroy was informed against to this Assembly by Capt. Blackleach and Mr. Samuel Addams, for disorders committed by him with Mr. James Davenport at the town of Stratford, and having heard the evidence produced against him and his own defence: This Assembly is of opinion, that the evidence produced against said Pumroy are not sufficient to make out anything material against him; and thereupon this Assembly order that he be dismissed.

This Assembly grants to the Honourable Jonathan Law, Esq^r, Governor, the sum of sixty pounds, for his half years salary this current year, to be paid in new tenour bills or equivalent in the old tenour bills.

This Assembly grants to the Honourable Roger Wolcott, Esq^r, Deputy Governor, the sum of thirty pounds, for his half year's salary this current year, to be paid in new tenour bills or equivalent in old tenour bills.

This Assembly grants to be paid out of the Colony treasury to our Agent, Francis Wilks, Esq^r, for his salary the current year, the sum of two hundred and fifty pounds in bills of credit of the old tenour, or an equivalent in the bills of the new tenour.

Resolved by this Assembly, That Nathaniel Stanly, Esq^r, be directed to draw out of the Colony treasury the Agent's salary of the current year, and send it to Mr. John Edwards of Boston, taking his receipt therefor, that it may be forwarded as soon as may be to Mr. Agent Wilks.

This Assembly grants to Colo. John Whiting, Treasurer of this Colony, the sum of thirty-five pounds, for his salary the current year, to be paid to him in new tenour bills or equivalent in the old tenour bills.

This Assembly grants to Mr. Secretary Wyllys, for his salary the current year, the sum of six pounds, to be paid in new tenour bills or in old tenour bills equivalent.

This Assembly grants to Mr. Timothy Green, printer, for his half years salary the current year, the sum of twelve pounds in new tenour bills or equivalent in old tenour bills.

This Assembly grants to Mr. Timothy Green, printer, the sum of twenty-eight pounds in addition to what hath heretofore been given him for printing of the nineteen thousand pounds in the year 1740, to be paid in old tenour bills or equivalent in the new tenour bills.

Whereas the business of this Assembly has drawn out their present sessions to such a length that all the members thereof cannot, without great inconvenience, stay to hear the records of the acts of this Assembly read off and compleated: This Assembly do appoint Nathaniel Stanly, Ozias Pitkin, William Pitkin, Esq^{rs}, Colo. Joseph Pitkin, Mr. Joseph Buckingham, Mr. Elisha Williams, Colo. John Chester, Capt. Samuel Mather, Major Henry Allyn, to be a committee to attend his Honour the Deputy Governor, to hear the acts and orders past at this Assembly read off, and then signed by the Secretary as compleat.

The whole Record of the several Acts, Grants, and Orders of this Assembly, as they stand entered in the pages of this book next preceding, were read off in the presence of his Honour the Deputy Governor and the committee abovenamed, and by them ordered to be signed as perfect and compleat.

Test. GEORGE WYLLYS, Secret'y.

[154] *Anno Regni Regis Georgii secundi decimo-sexto.*

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN, IN HIS MAJESTY'S ENGLISH COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA, ON THE SECOND THURSDAY OF OCTOBER, (BEING THE 14TH DAY OF SAID MONTH,) AND CONTINUED BY SEVERAL ADJOURNMENTS UNTIL THE 29TH DAY OF THE SAME MONTH, ANNOQUE DOMINI, 1742.*

Present:

The Honourable Jonathan Law, Esquire, Governor.

The Hon^{ble} Roger Wolcott, Esq^r, Deputy Governor.

James Wadsworth, Esq ^r ,	William Pitkin, Esq ^r ,
Nathaniel Stanly, Esq ^r ,	Thomas Fitch, Esq ^r ,
Joseph Whiting, Esq ^r ,	Roger Newton, Esq ^r ,
Timothy Pierce, Esq ^r ,	Ebenezer Silliman, Esq ^r ,
Samuel Lynde, Esq ^r ,	Jonathan Trumble, Esq ^r ,
	Hezekiah Huntington, Esq ^r .

*The Journal of neither House is found.

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

- Capt. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Mr. Joshua Raymond, Capt. Robert Denison, for New London.
 Colo. Jabez Huntington, Capt. Eleazer Crary, for Windham.
 Major Henry Allyn, Mr. Daniel Bissell, for Windsor.
 Colo. Jonathan Hoit, Capt. Jonathan Maltbie, for Standford.
 Major Ebenezer Marsh, Mr. Jacob Griswould, for Litchfield.
 Capt. Stephen Lee, Major Daniel Ely, for Lyme.
 Mr. Ebenezer Holebrook, Mr. Samuel Summer, for Pomfrett.
 Capt. John Perry, Mr. Robert Knowlton, for Ashford.
 Colo. Thomas Welles, Mr. Jonathan Hale, for Glassenbury.
 Major James Lockwood, Mr. Samuel Fitch, for Norwalk.
 Mr. Samuel Canfield, Mr. Nathaniel Bostwick, for New Milford.
 Mr. Noah Hinman, Mr. Samuel Minor, for Woodbury.
 Mr. Jedadiah Chapman, Mr. Nathaniel Clark, for Saybrook.
 Mr. Elihu Chauncey, Capt. Robert Fairchild, for Durham.
 Capt. Jonathan Allyn, Mr. John Hitchcock, for New Haven.
 Major Andrew Burr, Capt. Samuel Burr, for Fairfield.
 Capt. Simon Lothrop, Mr. Joseph Kingsbury, for Norwich.
 Mr. John Hart, Mr. Asahel Strong, for Farmingtown.
 Mr. Joseph Strong, Mr. Peter Buel, for Coventry.
 Capt. John Fowler, Mr. Robert Treat, for Milford.
 Mr. Joseph Leavinze, Mr. John Clough, for Killingly.
 Colo. John Bulkley, Capt. Nathaniel Foot, for Colchester.
 Mr. Nathaniel Harrison, Mr. Robert Foot, for Brandford.
 Capt. Joseph Phelps, Mr. Joseph Skinner, for Hebron.
 Capt. Thomas Storrs, Mr. William Johnson, for Mansfield.
 Mr. Gershom Clark, Mr. Eliakim Tupper, for Lebanon.
 Mr. Hezekiah Brainerd, Mr. Thomas Brooks, for Haddam.
 Colo. John Dyer, Capt. Joseph Addams, for Canterbury.
 Capt. John Avery, Capt. Samuel Coit, for Preston.
 [155] Mr. Robert Dixson, Mr. Charles Campbell, for Voluntown.
 Colo. Christopher Avery, Mr. John Ledyard, for Groton.
 Mr. Noadiah Brainerd, for East Haddam.
 Capt. John Whiting, Mr. Joseph Denison, for Stonington.
 Colo. John Chester, Mr. Elisha Williams, for Weathersfield.
 Mr. James Benedict, Mr. Samuel Smith, for Ridgfield.
 Capt. James Bebee, Mr. Thomas Benedict, for Danbury.
 Capt. Theophilus Nickols, Capt. Joseph Blackleach, for Stratford.
 Mr. John Humphrey, Mr. Joseph Wilcox, for Symsbury.
 Capt. Thomas Stephens, Mr. John Douglass, for Plainfield.
 Colo. Samuel Hill, Mr. Benjamin Hand, for Guilford.

Capt. John Mead, for Greenwich.

Mr. Abel Gun, Mr. Joseph Hull, for Derby.

Major Jabez Hamlin, Mr. Seth Wetmore, for Middletown.

Mr. John Lane, Mr. Jonth. Lane, for Killingsworth.

Colo. Benjamin Hall, Capt. Samuel Hall, for Wallingford.

Mr. John Southmaid, Capt. Sam^l Heacox, for Waterbury.

Major Andrew Burr, Speaker, } of the House of Repre-
 Capt. John Fowler, Clerk, } sentatives.

This Assembly do establish and confirm Mr. John Ferris to be Captain of the company or trainband in the parish of Standwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen White to be Lieutenant of the company or trainband at the parish of Standwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Walker to be Captain of the first company or trainband in the town of Woodberry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elisha Stoddard to be Lieutenant of the 1st company or trainband in the town of Woodberry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Zadock Hurd to be Ensign of the first company or trainband in the town of Woodberry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Buel to be Captain of the first company or trainband in the town of Hebron, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Starr to be Captain of the company or trainband in Middletown, (called the South Farm company,) and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Johnson to be Ensign of the company or trainband in Middletown, (called the South Farm company,) and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Holland to be Captain of the company or trainband part in the town Canterbury, part in Pomfret, part in Mortlake, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Henry Bacon to be Ensign of the company or trainband part in the town of

Canterbury, part in Pomfret, part in Mortlake, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Cook to be Captain of the south company or trainband in the south part of New Cheshire parish, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr John Hodgkins to be Lieutenant of the south company or trainband in the south part of New Cheshire parish, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Caleb Mathews, jun., to be Ensign of the south company or trainband in the south part of New Cheshire parish, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Henry Castle to be Lieutenant of the 3d company or trainband in the town of Woodberry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Tilley Blachley to be Ensign of the 3d company or trainband in the town of Woodberry, and order that he be commissioned accordingly.

[156] This Assembly do establish and confirm Mr. Daniel Lawrence to be Lieutenant of the company or trainband in the town of Canaan, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Lothrop to be Lieutenant of the 1st company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Peter Huntington to be Ensign of the 1st company or trainband in the town of Norwich, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Olmstead to be Captain of the company or trainband in the town of Ridgfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Hoyt to be Lieutenant of the company or trainband in the town of Ridgfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Gilbert to be Ensign of the company or trainband in the town of Ridgfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Campbell to be Ensign of the south company or trainband in the town of Voluntown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Dixon to be Captain of the north company or trainband in the town of Voluntown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Park to be Lieutenant of the north company or trainband in the town of Voluntown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Park to be Ensign of the north company or trainband in the town of Voluntown, and order that he be commissioned accordingly.

Upon the memorial of Barnabas Baldwin, agent in behalf of the society of Amity, praying this Assembly to have liberty to imbody into church estate: This Assembly grants liberty to said society to imbody into church estate, with the advice and approbation of the neighbouring churches.

Whereas his Honour the Governor hath laid before this Assembly a copy of an act of Assembly in the Colony of Rhode Island, appointing a committee to joyn a committee to be appointed by this Colony, to erect a large monument at Warwick south-west corner, in the line dividing between this Colony and that of Rhode Island, in the same place that was settled and agreed upon by the committees appointed by both said Colonies some years past; as also a letter from the Honourable William Green, Esqr, informing that the committee from said Colony of Rhode Island will attend that service at Warwick aforesaid, on the 24th day of November next: Resolved by this Assembly, that the Honourable Roger Wolcott, Esqr, James Wadsworth and Timothy Pierce, Esqrs, or any two of them, be a committee to joyn the committee from the Colony of Rhode Island, for the service aforesaid. And they are hereby directed to take with them Mr. Humphrey Avery, as a surveyour to assist them in that service.

This Assembly do establish and confirm Mr. Macock Ward to be Captain of the 2d company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Aaron Cook to be Lieutenant of the 2d company or trainband in the town

of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Eliakim Hall to be Ensign of the second company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elisha Andrews to be Lieutenant of the second company or trainband in the town of Glassenbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Holister to be Ensign of the second company or trainband in the town of Glassenbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Hartshorn to be Quarter-Master of the Troop in the 3d regiment in this Colony, and order that he be commissioned accordingly.

[157] This Assembly do appoint Mr. John Beach to be a Justice of the Peace in and for the county of Hartford for the current year.

The Gentlemen nominated by the Votes of Freemen of this Colony, (bro't in to this Assembly,) to stand for Election in May next, are as follow, (viz:)

The Honourable Jonathan Law, Esq^r,

The Hon^{ble} Roger Wolcott, Esq^r,

James Wadsworth, Esq^r,

Nath^l Stanly, Esq^r,

Joseph Whiting, Esq^r,

Ozias Pitkin, Esq^r,

Timothy Pierce, Esq^r,

Samuel Lynde, Esq^r,

William Pitkin, Esq^r,

Thomas Fitch, Esq^r,

Roger Newton, Esq^r,

Ebenezer Silliman, Esq^r,

Jonathan Trumble, Esq^r,

Hezekiah Huntington, Esq^r,

Colo. John Bulkley,

Major Andrew Burr,

Colo. John Chester,

Colo. Samuel Hill,

Mr. John Griswold,

Mr. Elisha Williams.

An Act in Addition to a Law entituled An Act directing proceeding against Forceable Entry and Detainer.

Whereas in said act no direction is given for proceeding in those cases wherein the sheriff is a party concerned: For remedy whereof,

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That when it shall so happen that the sberiff is either party, or shall stand in the relation of father or son, by nature or marriage, or of a brother in the like kind, uncle or nephew,

landlord or tenant, to either of the parties, then and in such case, either of the constables in the town where the facts are said to be done shall have all the powers and authorities that the sheriffs by law are vested with; any law, usage or custom to the contrary notwithstanding.

This Assembly do order and direct the Treasurer of this Colony, Colo. John Whiting, to attend the Assembly on Tuesday the 26th day of October instant, and bring with him a sufficiency of the bills of credit in his hands to defray the charges of this Assembly.

Upon the memorial of the north parish in the township of New Fairfield, by their agent Jonathan Morgan, praying this Assembly to grant a tax on all the lands laid out in said parish, to enable said parish to build a meeting house in said parish for divine service: This Assembly grant that a tax be levied on all the lands laid out in said parish and granted to be laid out, of four pence per acre yearly; and the acres to be computed according to the grant of said division; and the tax to continue for four years next coming. And also, this Assembly do appoint Ephraim Hubbel of said parish to be the collector, with full power to gather said tax.

On the memorial of Mehitabel Tyler, administratrix on the estate of Joseph Tyler, late of Wallingford, deceased, shewing that the debts and charges upon said estate surmount the personal estate of said deceased £104 18s. 0d., praying for liberty to sell so much of the land of said deceased as will be sufficient to pay said debts: Resolved by this Assembly, that the memorialist may, and hereby is authorized to make sale of so much of the said lands as will raise the said sum of £104 18s. 0d., she first taking the direction of the court of probates in New Haven in said county in the premises.

Upon the memorial of Esther Hill, administratrix on the estate of Isaac Hill, late of Wallingford, deceased, shewing this Assembly that the debts due from said estate surmount the moveable estate the sum of £287 9s. 8d., and praying for liberty to sell lands, &c.: Granted by this Assembly liberty to the said administratrix, to sell so much of the lands of the said deceased, taking the advice of the court of probates in the district of New Haven, as to enable the said administratrix to pay the aforesaid debts with the necessary charges arising on the sale of said lands.

[158] Upon the report of Samuel Lynde, Jonathan Trumble and John Richards, a committee appointed at the sessions of this Assembly in May last, and empowered in behalf of the Colony, to view such real estate as should be offered by John

Curtiss of New London, and apprise and take security of so much as might be sufficient to answer the executions which the Colony had against the said John Curtiss, &c., shewing how far they had proceeded, and that they had need of further instructions and authority to proceed to the full accomplishment of the affair in the best manner that might be: Resolved by this Assembly, that the said committee be fully authorized and impowered to take bond with good and sufficient surety or sureties, as they shall judge best, of such able person or persons as shall appear to give security for the remainder of what is due to the Colony on the abovementioned executions, together with what is due to the Colony on a mortgage from said Curtiss of some part of his farm at New London; and such bond or bonds to be payable to the Governor and Company in the space of four years after the date thereof; together with good bonds for the yearly payment of the interest; which they are directed to lodge in the hands of the Secretary, and thereupon the mortgage aforesaid to be duly discharged in the common and ordinary method thereof; and the said committee to discharge the remainder of said executions. And the said committee are further impowered and authorized to take the care and oversight of the house and lands in the town of New London which they have taken of John Curtiss in behalf of the Colony, and do what they shall judge necessary for rendering the house profitable to the Colony, either for the sale or letting thereof to the best advantage. And they are fully authorized and impowered to make sale thereof, or to let the same out on rent for such term as they shall judge best, and as a committee in the name of the Governor and Company, duly to execute a deed of conveyance, lease or leases, which shall be necessary, and to take securities to the Governor and Company of this Colony accordingly.

Upon the petition of Jonathan Riley, Stephen Riley and Josiah Griswold, all of Weathersfield in the county of Hartford, *vs.* William Warner, jun., of said Weathersfield, complaining of a judgment of the superior court in September, A. D. 1741, on an obligatory bond from the petitioners for the payment of five hundred pounds to the petitionee, dated 27th of May, A. D. 1740, and conditioned for their executing a deed of conveyance of five acres and three quarters of land, lying in the parish of Stepney in said town, with the house and barn thereon, to the petitionee at or before the 1st of July then next; shewing that by extraordinary providence they were prevented a hearing before said court to shew reasons wherefore the said obligation should be chancered; and now praying that the said judgment of the superior court may be

set aside, and the petitioners have liberty to be heard in chancery on said bond before the superior court at Hartford in March next; as by the petition on file may more fully appear, reference thereunto being had: Resolved by this Assembly, that the petitioners, on their paying all the lawful costs already arisen by the said judgment and doings thereon, to the petitionee, shall thereupon have liberty to be heard on the action on the said bond before the superior court at Hartford in March next; and the costs of this Assembly, and other future cost, to follow the final judgment.

On the memorial of Eleazer Beacher, of New Milford in the Colony of Connecticut, administrator on the estate of Joseph Ovit, of said New Milford, deceased, shewing to this Assembly that it is just and necessary, and praying for liberty to sell so much of the real estate of said deceased as will amount to the sum of £42 1s. 1d. to answer the debts due from said estate, and for bringing up a young child left by said deceased: This Court do authorize and fully empower said Beacher, with the advice of the court of probate for the district of Woodberry, to sell so much of the lands of said deceased as will amount to the sum of forty-two pounds one shilling and one penny with the incident charges that shall arise thereon.

[159] Upon the memorial of Lydia Bishop, widow of Caleb Bishop, late of Guilford, deceased, shewing to this Assembly that Lydia Bishop, daughter of said deceased, has been for some time past deprived of her reason, and thereby rendered incapable of providing for herself, and is destitute of personal estate sufficient to support her while she continues under such incapacity; and thereupon prays that some suitable persons may be appointed to sell so much of the lands of said Lydia the second, as may be sufficient for her support during her indisposition: This Assembly appoints and fully empowers Messrs. Samuel Hill and Ebenezer Bishop, of said Guilford, from time to time as there may be occasion, to sell so much of the lands of the said Lydia Bishop the second, as may be needful for her comfortable support during the time she shall remain incapable of taking care of and providing for herself.

Upon the memorial of Daniel Hurd, jun., of Killingsworth, shewing this Assembly that he had lost his hearing wholly, by sickness, and praying that his head might be for the future freed from publick taxes, &c.: This Assembly grants that the said Hurd be freed, and he is hereby freed, from paying taxes for his head accordingly.

This Assembly do establish and confirm Mr. Jonathan Allen to be Lieutenant of the fourth company or trainband in the

town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jacob Whitmore to be Ensign of the fourth company or trainband in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Cleaveland, to be Ensign of the 2d company or trainband in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Foot to be Captain of the 2d company or trainband in the town of Brandford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Morgan to be Ensign of the first company or trainband in the town of Preston, and order that he be commissioned accordingly.

On the petition of William Ely, jun., of Lyme, *vs.* Samuel Ely, Elisha Sheldon and Elizabeth his wife, of Lyme: The question was put, whether the pleas offered by the respondents in abatement of the said petition, as on file, are sufficient: Resolved by this Assembly in the affirmative. *Cost, £3 18s. 9d. Ex. granted May 18th, 1743.*

Upon the memorial of Mr. Stephen Heaton, John Beach, &c., inhabitants of the town of Goshen, representing that they were disappointed and prevented setting their meeting house on a certain spot by the committee in their report in October last ascertained and described by a stake by them to that purpose set down, and praying that the said house may be ordered to be erected about four rods distant and eastward from said stake, as per their memorial on file, dated October 14th, 1742: Resolved by this Assembly, that the said meeting house be erected, and the committee by the inhabitants of said town appointed, or to be appointed, to that purpose are hereby ordered and directed to take care that the said meeting house be erected, about four rods distant and eastward from the said stake by the said committee erected as aforesaid.

Whereas this Assembly, at their sessions in May last, upon the memorial of David Sage, Jonathan Edwards, Samuel Hart, and others of Middletown, praying to be a distinct society, &c., and of Thomas Hart &c., of the parish of Kensington, praying that a committee might be appointed and directed to inspect the circumstances of said parish, and also

that part of said Middletown praying to be a society as aforesaid, did thereupon appoint Messrs. Joseph Pitkin, Joseph Buckingham and John Edwards, a committee to inspect as aforesaid, and report their opinion in the whole of the premises to this Assembly now sitting; which committee, upon viewing as aforesaid, not then drawing up their report in said affair, have not united in a report in the premises, but have failed thereof according to their instructions in the premises given them by said Assembly in May last: On consideration whereof,

It is now resolved by this Assembly, That Ebenezer Silliman, Esq^r, Capt. John Fowler and Capt. Theophilus Nickols, be a [160] committee, at the cost of the || memorialists, to repair to said parish of Kensington and Middletown, and view the whole circumstances of the parish of Kensington and that part of Middletown prayed for to be a society, (first notifying all parties concerned,) and make their report to this Assembly in May next, giving their opinion in the premises.

Upon the memorial of Isaac Willey, Stephen Scovel, John Comestock and others, members of the first society in East Haddam and the third society in Lyme, preferred to this Assembly in May last, and the report of the committee thereon to this Assembly in their present sessions, proposing that the memorialists be formed into a distinct society for carrying on the worship of God among themselves, according to the bounds and limits therein specified: This Assembly do enact, decree and order, that the said Isaac Willey, Stephen Scovel, John Comestock, and the rest of the inhabitants of the parish hereafter described, be, and they are hereby, imbodyed and made one distinct ecclesiastical society, by the name of *Hadlyme*; and that the bounds thereof be as follows, (*viz* :) Beginning at a white oak tree standing by the great river, being accounted the bounds between Lyme and East Haddam, thence running southwardly to William Clemons (including Mr. Selden's farm by the river,) thence eastward from said Clemons's house unto the house where Consider Tiffany now lives, including that house, thence running northeasterly to the southeast corner of James Moss's farm, thence running northerly by said Moss's land to the reputed bounds of East Haddam; then beginning at said white oak tree by the river, from thence extending one mile and three quarters north by the river, and from the extreme of that extent easterly to James Booge's house, including said house, thence easterly to Elijah Ackley's house, including said house, from thence east unto the line of Millington parish, and from thence southerly by said Millington line unto the line between said East Haddam

and Lyme, and by the last mentioned line unto Moss's land aforesaid.

Upon the petition of Samuel Lewis, of Farmingtown, in Hartford county, praying for another tryal in an action wherein Isaac Dickerman of New Haven was plaintiff and the said Samuel Lewiss defendant, wherein judgment had been rendered against him by default, at an adjourned county court held at New Haven on the last Monday of April, 1741, as set forth in his petition on file, dated October 13th, 1742: Resolved by this Assembly, that the petitioner have liberty of another tryal of said action at the county court to be holden at New Haven in and for New Haven county on the second Tuesday of November next, he first paying down to the petitionee the cost taxed at the former court; and that the future cost only follow the judgment in said case to be given.

Upon the petition of Thomas Starke, Samuel Lord, &c., shewing to this Assembly that Charles Hazelton of Killingsworth brought his action against Amaziah Bush and Elizabeth his wife, at the county court holden at New London on the second Tuesday of June, A. D. 1742, pretending that certain parcels of land, mentioned in said Hazelton's writ, were holden by the said Bush and his said wife and they were then in possession thereof, whereas the petitioners were then seized and in actual possession of all those lands, and that they were never advised of the said suit, nor knew nothing thereof; and that the same suit was in a very deceitful and collusive manner contrived between said Hazelton and Bush, thereby to disseize the petitioners of their respective freeholds; and that accordingly the said Bush did not appear in said court, whereupon his default was entered: but the court being informed by some friends that said action was brought with an intent to wrong the tenants in possession, so that no judgment was entered up against the said Bush and his wife: Whereupon this Assembly do order and direct, that if the county court, to be holden in New London county in November next, be not fully satisfied by the said Hazelton that the said Bush and his wife were in the possession of the said lands when the said suit was commenced, that the same be dismissed by the said court.

[161] Upon the memorial of Edward Aldridge, of Uxbridge in the Province of the Massachusetts Bay, and Jonathan Richardson, late of Providence, *alias* Gloucester, in the Colony of Rhode Island, now both in the common goal in the county of Hartford and lately convicted of uttering counter-

feit bills of publick credit on the Colony of Rhode Island, knowing them to be such, and sentenced, among other penalties, to a perpetual confinement to a work-house and not to depart without the special licence of this Court; praying this Court to grant them liberty to depart out of said goal on their paying cost &c.: Resolved by this Assembly, that upon the said Aldridge and Richardson's paying into the treasury of this Colony the cost taxed against them, respectively, by the superior court, and the cost of their imprisonment and support there till released, and the premium paid by this government to the informer against them, which is forty pounds, they, the said Aldridge and Richardson, shall be released from said goal, and they are hereby released and have liberty to depart out of this Colony. Always provided, that if the said Aldridge and Richardson, or either of them, shall at any time, ten days after their release as aforesaid, be ever found within the limits of this Colony, they shall be liable to be apprehended and sent to a work-house, where they shall continue under the care of a master till death; anything in this resolve and grant of a release to them, as aforesaid, notwithstanding.

Upon the memorial of Sarah Martyn, of Boston in the county of Suffolk, shewing to this Assembly that one Joseph Wittar, formerly of Preston in New London county, did by his deed, dated August 3d, 1733, give and grant unto the Governor and Company of this Colony 140 acres of land, lying in Preston aforesaid, bounded as in said deed, for the consideration of seven hundred pounds, which deed was to be avoided and made void by his, or his heirs, executors or administrators, paying to the Treasurer of this Colony the sum of seven hundred pounds, either in silver at twenty shillings per ounce troy weight, or in true bills of publick credit of this Colony, on or before the first day of May, 1741; shewing also, that by two judgments of the county court held at New London in June, *anno Dom.* 1737, she recovered judgment against said Wittar for the sum of £620 16s. 6d. in the whole, and that on the 7th day of January after she had executions on said judgments levied on the said lands; and praying that she may have leave to redeem said land from said mortgage deed, and that the same may be released to her, on her paying what is due on said deed: Whereupon it is resolved, that upon the said Sarah Martyn, or her attorneys, going and offering to pay to the Treasurer of this Colony the said seven hundred pounds, in silver as in said deed, or in true bills of this Colony, as also the interest of said sum from the first day of May, 1741, to the time she shall offer to pay

the same; provided that within six months he shall receive the same and give a receipt that he hath received the said sum in full; and that upon the said Sarah Martyn or her attorneys producing such receipt and delivering the same to Nathaniel Stanly and George Wyllys, Esq^{rs}, they shall, and hereby are enabled to give a deed of release of all the right of this Colony in said land to said Sarah and her heirs, under the seal of this Colony, and signed by their names; and the same shall be always received as good evidence for the passing all the said Colony's right in said land to her and her heirs.

Upon the memorial of Joshua Henshaw of Boston, shewing to this Assembly that four hundred acres of land, formerly granted by this Assembly to Humphrey Davye and his wife Sarah, and afterwards ordered by this Assembly to be laid out by one of the county surveyours to Humphrey Davye their only son, was accordingly laid out by Mr. John Plumb, surveyour of the county of New London, east of Woodstock, at a place called Quinnetusset; and shewing the same four hundred acres is derived from the said Humphrey the son, [162] by sundry mean conveyances || to the memorialist and his wife Elizabeth, (*viz.*) one half to the said Joshua and the other half to him, said Joshua, and his said wife Elizabeth joyntly; and thereupon praying for a patent accordingly: Resolved by this Assembly, that the memorialist and his said wife shall have a patent for the said four hundred acres, bounded according to the survey thereof made by the said John Plumb, dated New London March 23d, 1715-16, according to the proportion above set forth, signed by the Governor and Secretary of this Colony, as the law directs.

Upon the memorial of Benjamin Boardman, of Sharon, and Deborah, his wife, shewing to this Assembly the distressed state and circumstances of one Francis Colver, a minor, and son of Daniel Colver, late of Litchfield, deceased, and the great expence they have been and are necessarily exposed to in taking care of him, and praying that so much of the lands of the said Francis Colver, in the town of Litchfield, may be sold to defray the same: This Assembly grants liberty, that so much of the real estate of the said Francis Culver may be disposed of as shall be sufficient to answer the charges that have already or hereafter may be expended for the relief and support of the said Francis Colver. And Nathaniel Skinner, Esq^r, of Sharon, is hereby fully authorized and empowered to make sale of the same and improve the money for the purpose aforesaid, he taking the advice of the court of probate in the district to which he belongs.

Upon the memorial of Thomas Williams and Samuel Williams, of New London, and Jonathan Williams, of Groton, shewing to this Assembly that their mother, Mrs. Joanna Rogers of New London, by reason of her great age is so impaired in her understanding that she is unable to act for herself; as also that her late husband, Mr. Samuel Rogers, late of said New London, now deceased, did by his last will leave an estate for the support of the said Joanna, and that the same is in the hands of some persons that will not suffer it to be used for her support; and praying that some meet person may be by this Assembly appointed to act in the name and behalf of the said Joanna: Whereupon it is resolved by this Assembly, that Ebenezer Williams of New London, son of the said Joanna Rogers, shall be, and he hereby is, appointed as attorney to the said Joanna Rogers, in her name and for her use to sue for and recover into his hands any sum or sums of money or other estate that is due or belonging to her, and the same being recovered, to be disposed of for the support of the said Joanna; and he, the said Ebenezer Williams, shall have full power in the name of the said Joanna, to appear in any court or courts, and any action in her name and to her use to prosecute, and receipts or discharges in her name to give, upon receipt of any money for her use, as fully and amply, to all intents, as she might or could do if she had the use of her reason and understanding.

Upon the memorial of Capt. Isaac Dickerman, administrator upon the estate of Nathaniel Wooden, late of New Haven, deceased, shewing to this Assembly that the debts due from said estate surmount the moveable estate the sum of two hundred twenty-eight pounds nine shillings; praying for liberty to sell so much of the lands of the said deceased as to make the aforesaid sum with the necessary charges arising thereon: Resolved by this Assembly, that the said Isaac Dickerman be impowered, and he is hereby impowered, by and with the advice of the court of probate in New Haven, to sell so much of the lands of the said deceased as to make the said sum of two hundred twenty-eight pounds nine shillings with the necessary charges arising thereon.

Upon the memorial of Capt. Ebenezer Beacher, agent for the society of Amity, praying to this Assembly that their military bounds may be set: Resolved by this Assembly, that the bounds of said society shall be the bounds of their military company, and the souldiers therein shall conform themselves to military orders within said society accordingly.

[163] Upon the memorial of Ebenezer Barnes, Joseph

Gaylord, and sundry other persons that are settled on the second, third, fourth, fifth and sixth divisions of land in the town of Farmington, that lye west of the reserved lands (so called) in said town, shewing the great difficulties they are under to attend the publick worship of God in the society to which they do belong, in the winter season; and praying for liberty to hire preaching among themselves for the winter season annually: This Assembly grants to the memorialists and such other persons as shall settle on the divisions of land abovesaid, within the limits following, (*viz.*) beginning at the south end of said divisions, and thence to extend north five miles, liberty of hiring some orthodox and suitably qualified person to preach to them for the space of six months annually; said term to begin on the first of November; with all such rights and privileges as are allowed by law to other such societies in this Colony.

Upon the memorial of Anna Clark, praying for liberty to sell land, shewing to this Assembly that the debts due from the estate of Ebenezer Clark, deceased, surmount the moveable estate the sum of £354 6s. 10*d.*: This Assembly grants liberty with full power to the said Anna Clark, with Stephen Thompson of New Haven, to sell so much of the real estate of the said deceased as may answer the said debts and the necessary charges arising thereon, taking the direction of the court of probate for the district of New Haven therein.

Upon the memorial of Samuel Spaulding of Plainfield, administrator on the estate of Anne Lovejoy of said Plainfield, deceased, shewing that there is £13 3s. 3*d.* due from the estate of the said Anne Lovejoy more than the moveable estate of the said Anne Lovejoy amounts to, and praying this Assembly that the memorialist, with some meet person, have liberty to sell so much of the deceased's lands as to pay the said sum of £13 3s. 3*d.* with the necessary charges arising thereon: Resolved by this Assembly, that the said Samuel Spaulding and Mr. John Crary be substituted, with the advice of the court of probate in the district of Windham, and they are hereby substituted and fully impowered, to sell so much of the land of the said Anne Lovejoy as will be sufficient to pay the said sum of £13 3s. 3*d.* and the charges of selling the same. An Act relating to, and for the better regulating Schools of Learning.*

Whereas by sundry acts and laws of this Assembly, they

* This act was designed to put down an institution of the New Lights or separates, at New London, known as *The Shepherd's Tent*, which was conducted by Rev. Timothy Allen, (who had been dismissed from West Haven in May, 1742,) and was designed as an academy for educating young men to become exhorters, teachers and ministers. *Caulkins' History of New London*, 453.

have founded, erected, endowed and provided for the maintenance of a college at New Haven, and inferiour schools of learning in every town or parish, for the education and instruction of the youth of this Colony, which have (by the blessing of God) been very serviceable to promote useful learning and christian knowledge, and, more especially, to train up a learned and orthodox ministry for the supply of our churches: And inasmuch as the well ordering of such publick schools is of great importance to the publick weal, this Assembly, by one act entituled An Act for the encouragement and better improvement of town schools, (page 197,*) did order and provide, that the civil authority and selectmen in every town should be visitors, to inspect the state of such schools, and to enquire into the qualifications of the masters of them and the proficiency of the children, to give such directions as they shall think needful to render such schools most serviceable to increase that knowledge, civility and religion, which is designed in the erecting of them; and in case those visitors shall apprehend that any such schools are so ordered as not to be likely to attain those good ends proposed, they shall lay the state thereof before this Assembly, who shall give such orders thereupon as they shall think proper; as by the said act may more fully appear: And whereas the erecting of any other schools, which are not under the establishment and inspection aforesaid, may tend to train up youth in ill principles and practices, and introduce such disorders as may be of fatal consequence to the publick peace and weal of this Colony: Which to prevent,

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That no particular persons whatsoever shall presume of themselves to erect, establish, set || up, keep or maintain, any college, seminary of learning, or any publick school whatsoever, for the instruction of young persons, other than such as are erected and established or allowed by the laws of this Colony, without special lycence or liberty first had and obtained of this Assembly.

And be it enacted by the authority aforesaid, That if any person shall presume to act as a master, tutor, teacher or instructor, in any unlawful school or seminary of learning erected as aforesaid, he shall suffer the penalty of five pounds lawful money per month for every month he shall continue to act as aforesaid. And every grand-jury, within any county where such school or seminary of learning is erected, shall

* Passed Oct. 1714. Vol. v. 462.

make presentment of all breaches of this act to the next assistant, justice of the peace, or county court.

And be it further enacted by the authority aforesaid, That the civil authority and selectmen in each town, or the major part of them, shall inspect and visit all such unlawful schools or seminaries of learning, erected as aforesaid, and shall proceed with all such scholars, students or residents in such school, and all such as harbour, board or entertain them, according to the laws of this Colony respecting transient persons or inmates residing in any town without the approbation of the selectmen.

And be it further enacted by the authority aforesaid, That if any student or resident in such school shall pretend that he is bound as by indenture an apprentice to learn any manual art or trade, and the said civil authority or selectmen shall suspect that such indenture was given only as a colour to reside in said town contrary to law, that then it shall be in the power of the said civil authority to examine all the parties to such indenture under oath, in all such questions which they shall think proper, relating to the true intention of such indenture and their practice thereon; and if it shall appear to the said authority or selectmen, or the major part of them, that such indenture was given upon a fraudulent design, as aforesaid, that then such authority shall proceed as if no such indenture had been made.

And be it further enacted by the authority aforesaid, That no person that has not been educated or graduated in Yale College, or Harvard College in Cambridge, or some other allowed foreign protestant college or university, shall take the benefit of the laws of this government respecting the settlement and support of ministers.

Always provided, Nothing in this act be construed to forbid or prevent any society allowed by law in this Colony to keep a school, by a major vote in such society to order more parish schools than one to be kept therein, and appoint the school or schools to be kept in more places than one in such society.

This Act to continue in force for the space of four years from the rising of this Assembly, and no longer.

Upon the report of the committee appointed by this Assembly in May last to inquire into the Indian claims and sales made of lands in the towns of Sharon and Salisbury, &c., and now made to this Court: Resolved by this Assembly, that a committee be appointed, and Mr. Daniel Edwards of Hartford is hereby appointed a committee, to agree with and purchase of those Indians that have a claim to about two miles square at the north-east corner of the township of Salisbury,

the said two mile square, more or less, to the Governor and Company of this Colony, for the use of the purchasers of said township; and also to procure and deliver to an Indian called Tossaunee two blankets, or equivalent thereto, in consideration of his resigning his claim in said Salisbury; also to take care that the proprietors of the township of Sharon secure and settle, in a proper manner, fifty acres of land, at the north-west corner of Sharon, unto the Indians living there, where they now live. In consideration of which, the said committee is hereby impowered and authorized to give a deed of conveyance, in the name of the Governor and Company of this Colony, to the said proprietors of Sharon, of one hundred acres of land at the south end of said Sharon, in an equal breadth across the said town adjoining thereto, they making the purchase of the native right, if not yet done. And also to take some care to agree with the Reverend Mr. Peter Pratt, to endeavour to instruct the said Indians in the christian religion, till May next. And the said committee is hereby impowered to draw the sum of twenty pounds bills of the new tenour, or equivalent in old tenour, out of the publick treasury, for said purpose; and lay his account of his proceeding in the premises before this Court in May next.

Resolved by this Assembly, That Capt. David Worster, commander of the sloop *Defence*, do forthwith discharge such of the hands that are on board said vessel as he thinks proper, and that he with the rest of the men, with the first fair wind, sail the said sloop unto New London, and that the said vessel be by him laid up in the harbour there in some secure place, and that the arms and warlike stores, sails, provisions, &c., belonging to said sloop, be well secured, either in said vessel or some other safe place as the said captain shall think proper; upon which the said Worster shall dismiss all his hands; and the said Worster shall then commit the said sloop unto Colo. Gurdon Saltonstall, who is hereby desired, in proper seasons, to try the pumps of said vessel and take the necessary care of the same, while she is so laid up; and the said vessel shall continue in said harbour as aforesaid until the order of this Assembly or of the Governor and Council, who may, and are desired and impowered to send for the said sloop early in the spring, or at any time that they shall apprehend it needful. And the officers of said vessel shall be dismissed after the laying up the said vessel as afore-directed, until by the authority aforesaid they be called to act in their posts according to their former commissions.

Upon the memorial of Joseph Leavinz, Isaac Cutler, and sundry others, inhabitants of the first society in the town of

Killingly, shewing that they are greatly aggrieved by the doings of a committee appointed by this Assembly to affix a place for the building a meeting house on in said society, and praying that the state and circumstances of said society may be viewed and considered by another committee, who may be directed to consider whether it may not be best to divide said society, and declare to this Assembly where a line of partition ought to run: Resolved by this Assembly, that Colo. John Bulkley, Major Thomas Dyer and Capt. Gideon Cobb, be a committee for the purpose aforesaid, who are to repair to said society, hear all parties concerned, and make report of their opinion on the premises to the General Assembly to be holden at Hartford in May next, on the cost and charge of the memorialists.

Upon the memorial of Eunice Russell, administratrix on the estate of Abell Russell, late of Farmington, deceased, shewing this Assembly that the debts due from said estate surmount the moveable estate the sum of £487 11s. 0d. and praying liberty to sell lands, &c.: Granted by this Assembly liberty to the said administratrix and Mr. Samuel Newell of said Farmington, to sell so much of the lands of the said deceased, taking the advice of the court of probates in the district of Hartford, as to enable the said administratrix to pay said debts, with the incident charges arising on the sale of said lands.

Upon the memorial of Ebenezer Stiles and others, of the second society in Coventry, praying that a committee be again appointed to affix a place for the said society to build a meeting house on: Resolved by this Assembly, that a committee be anew appointed, and Roger Wolcott, jun., and Jonathan Huntington, Esq^{rs}, and Mr. James Church, be a committee to repair to said society and hear all parties concerned, and affix a place for said society to build a meeting house on, and that at the cost of said society, and to make report of their doings to the Assembly in May next.

An Act appointing a Court of Probate to be held at Litchfield.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, [166] That there shall be a court of probate || held at Litchfield, for the towns of Litchfield, Kent, Sharon, Salisbury, Canaan, Goshen, Torrington, and Harwinton, to be held by one judge and clerk, with powers and privileges as the other courts of probate have in this Colony. And, in cases where the law allows liberty of appeal, appeal shall be made to the superior court in the county of Hartford, where matters in

controversy shall happen to be in the county of Hartford; and likewise, where matters in controversy shall happen to be in the county of New Haven, appeals shall be made to the superior court in the county of New Haven. And the same shall be called by the name of the District of Litchfield.

It being represented to this Assembly, that it may be necessary that the county court in the county of Hartford have power to remove the persons now in the work-house in Hartford from said work-house to the common goal in the county of Hartford :

It is now enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the county court in the county of Hartford have power, and power and authority is hereby given to the said court, to remove John Williams, Sarah Frazier, and all others now in the said work-house, to the common goal in the county of Hartford; the said Sarah Frazier to be kept as a prisoner, according to the judgment of court against her; the said John Williams and others there to be kept, impoyed, disciplined and provided for, in all respects according to the laws made and provided for regulating of said work-house.

An Act providing that the Laws of this Colony be revised, &c.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the Hon^{ble} Roger Wolcott, Esq^r, Thomas Fitch, Jonathan Trumble and John Bulkley, Esq^{rs}, be a committee fully authorized, and they are hereby fully impowered, to inspect the acts or laws made and passed by this Assembly; and having revised the same, to put them into a form fitting for the press. In effecting whereof, the said committee are directed to take care, that no alteration be made in those acts and laws that relate to and secure the freeholds of his Majesty's subjects in this Colony, but that the same shall remain as heretofore: but those acts and laws that relate only to manner or method of proceeding in civil or criminal causes, or other things that relate to the government of his Majesty's subjects here, and are provided for by later acts, which have superseded, the more ancient ones are to be omitted and not put into the laws to be printed on such revisal. And the said committee shall lay their doings before the General Assembly in May or October next.

An Act in Addition to an Act for the further directing Sheriffs and Constables in the Execution of their Office.

Be it enacted by the Governor, Council and Representatives,

in General Court assembled, and by the authority of the same, That whensoever any sheriff or constable shall be sued for their not executing any writ of execution delivered to him to be executed, there shall be no appeal or review allowed in any such cause; any law, usage or custom to the contrary notwithstanding. Always provided, that a receipt in writing be demanded or received of such officer at the time of the delivery of such writ, as the law directs in that case.

[167] This Assembly do nominate and appoint Eliakim Palmer, Esqr, of London, to be Agent at the Court of Great Britain for and in behalf of the Governor and Company of this Colony of Connecticut; and the said Eliakim Palmer is hereby fully authorized and impowered, in the name and behalf of the Governor and Company of this his Majesty's Colony aforesaid, to appear before his Majesty, or any of his Courts at Westminster, or other Court in Great Britain, then and there to manage, act and defend, in any matter or thing wherein this Colony may be concerned; and order that a proper instrument of procuracy, or letter of attorney, be accordingly made out, under the publick seal of this Colony, and signed by the Governor and Secretary, which shall be sent to the said Eliakim Palmer, Esqr, as soon as opportunity will permit.

Whereas this Assembly is now informed by Capt. Thomas Tousey, that he is cited to appear before his Majesty in Council, to answer unto Mr. Samuel Clark who is admitted an appeal before the King in Council in a case lately tryed and determined in this Colony, wherein the said Clark demands certain lands in this Colony as heir at law according to the course of descents by the rules of the common law in England, which lands the said Tousey is said to be in the possession of: And whereas the well discussing those points of law, which the said Clark insists upon in order to his maintaining his demand, is of great consequence to this Colony: Resolved by this Assembly, that Eliakim Palmer, Esqr, who is appointed by this Assembly Agent for this Colony in Great Britain, be directed to take into his custody and care all the papers, instructions and other writings concerning the affairs of this Colony, lately in the care of our late agent, Francis Wilks, Esqr, deceased, and that he apply to Messrs. Parris and Sharp, solicitors, if free and not engaged otherwise, to obtain their or one of their assistance, or other counsel learned in the law, to assist and defend the said Thomas Tousey against the said Samuel Clark in the case aforesaid, in the most vigorous and best manner they possibly can. And his Honour the Governor is desired to write to such person or persons as are concerned in the af-

fairs of the late Francis Wilks, Esqr, to deliver to our present agent the papers, instructions and other writings aforesaid, and to transmit this act, with such other instructions or directions to our present agent as he may think proper to intimate to him, as matters worthy of observation in the management of said case.

Resolved by this Assembly, That the agents already appointed to transact in the affair with respect to the controversy between this Colony and the Mohegan Indians, (*viz:*) The Hon^{ble} Roger Wolcott, James Wadsworth and Thomas Fitch, Esqrs, Colo. John Bulkley and Major Joseph Fowler, shall have full power, and are hereby impowered, to accommodate said controversy by agreement with any person or persons who may any way transact in that affair, if they think best, as well as to manage that affair in any court whatsoever.

Upon the memorial of John Griswold, Daniel Ely and John Lee, selectmen for the town of Lyme, shewing to this Assembly that William Borden, jun., of said Lyme, a lad of about fourteen years old, being a cripple and at the charge of said town, praying of this Assembly to appoint some suitable person or persons to sell £17 10s. 0d worth of the real estate of said Borden, to pay the charge already expended: This Assembly do appoint Mr. John Griswold of Lyme, to sell so much of the lands of the said William Borden, jun., as shall amount to the sum of £17 10s. 0d. to pay the aforesaid sum with the charge and cost of selling said land.

[168] Upon the memorial of Margaret Chenevard, administratrix on the estate of John Michael Chenevard, late of Hartford, deceased, shewing to this Assembly that the debts due from said estate surmount the moveable part of said estate the sum of £466 17s. 3d., and praying for liberty to sell so much of the real estate of said deceased as may be sufficient to answer the same: Resolved by this Assembly, that the memorialist have liberty to sell and dispose of so much of the real estate of said deceased as may be necessary to answer the said sum of £466 17s. 3d. and the necessary charges arising thereon; and Mr. James Church, of Hartford, and the memorialist, are hereby impowered to make sale of said land accordingly, taking the direction of the court of probate in the district of Hartford therein.

The Sums total of the Lists of Estate of the several Towns in this Colony, hereafter mentioned, sent in to this Assembly and accepted, are as follow, (*viz:*)

	£	s.	d.		£	s.	d.
Hartford,	30583	2	7	Haddam,	8171	13	7
New Haven,	41092	19	9½	Killingly,	15188	0	0

New London,	27494	4	9	Lyme,	19415	6	1
Fairfield,	37716	9	6	Norwalk,	25826	14	2
Windham,	18872	10	7	Groton,	18232	10	0
Norwich,	43879	4	5	Durham,	9594	2	1
Farmingtown,	27198	6	9	Voluntown,	6761	0	0
Standford,	23305	11	7½	Windsor,	29219	12	3
Glassenbury,	9836	4	0	Waterbury,	10174	3	0
Guilford,	28623	10	9¾	Ashford,	7628	5	0
Stonington,	24003	14	5	Colchester,	16590	8	0
Coventry,	10341	19	0	Ridgefield,	7765	7	0
Woodberry,	15616	13	3	Greenwich,	16155	6	3
Killingsworth,	11208	11	5	East Haddam,	14076	1	0
Weathersfield,	24206	3	3	Plainfield,	10014	2	0
Preston,	15331	4	6	Derby,	8490	7	0
Lebanon,	29471	9	0	Brandford,	20187	7	11
Mansfield,	10200	0	0	Danbury,	10834	15	5
Canterbury,	11037	13	6	Midletown,	34543	6	0
Litchfield,	7081	9	0	Symsbury,	12354	18	0
Hebron,	11171	16	0	Milford,	23020	5	7
New Milford,	7969	10	0	Wallingford,	31727	13	2
Pomfrett,	12553	0	0	Stratford,	31773	7	6
Say Brook,	17074	0	1				

[169] This Assembly do establish and confirm Mr. Ebenezer Grant to be Captain of the north company or trainband on the east side of Connecticut River in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Stiles, jun., to be Lieutenant of the north company or trainband on the east side of Connecticut River in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Moses Fish to be Lieutenant of the 3d company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Christopher Stark to be Ensign of the 3d company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Fenn to be Captain of the Troop in the 2d regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Edward Allen to be Lieutenant of the Troop in the 2d regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Eells Cornet of the Troop in the 2d regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Tuttle, jun., to be Quarter-Master of the Troop in the 2d regiment in this Colony, and order that he be commissioned accordingly.

Upon advice from the Reverend Mr. Addams, that the Indian school house at Monheagen stands in great need of repairs: Resolved by this Assembly, that a sum not exceeding £12 0s. 0d. be drawn out of the publick treasury and put into the hands of Joshua Huntington of Norwich, to be improved in repairing said house; and he is directed to lay the account of his disbursements before this Assembly in May next.

This Assembly grants a rate of one penny on the pound on all the polls and rateable estate in this Colony, to be paid into the treasury in bills of credit of said Colony of the old tenour, or equivalent in the new, with the usual advance of twelve pence on the pound; or in good bills of credit of the Massachusetts Bay, or in bills of credit of New York, without advance on them; or in silver money as it passeth in the country.

Resolved by this Assembly, That the Treasurer of this Colony be directed to receive of Capt. George Wyllys the money which he hath in his hands belonging to this Colony; and the said Wyllys is accordingly directed to deliver the same to the Treasurer, taking his receipt therefor.

This Assembly do appoint Mr. Ebenezer Marsh to be Judge of the Court of Probate in the district of Litchfield.

This Assembly do appoint Mr. Erastus Wolcott of Windsor to be Surveyor of Lands for the county of Hartford.

This Assembly do appoint Major Ebenezer Marsh Justice of the Peace for the county of Hartford this current year.

This Assembly do appoint Captain Stephen Lee to be a Justice of the Peace for the county of New London this current year.

This Assembly grants to the Honourable Jonathan Law, Esqr, Governor, for his half years salary, the sum of sixty pounds, to be paid in new tenour bills or equivalent in old tenour bills.

This Assembly grants to the Honourable Roger Wolcott, Esqr, Deputy Governor, for his half years salary, the sum of thirty pounds, to be paid in new tenour bills or equivalent in the old tenour bills.

[170] This Assembly grants unto the Honourable Jonathan Law, Esqr, in addition to the sixty pounds heretofore granted for his half years salary, the sum of ten pounds, to be paid in new tenour bills.

And to the Hon^{ble} Roger Wolcott, Esqr, in addition to the

thirty pounds heretofore granted for his half years salary, the sum of five pounds, to be paid in new tenour bills.

This Assembly grants unto Mr. Timothy Green, printer, for his last half years salary, the sum of fourteen pounds, to be paid in new tenour bills.

This Assembly do appoint James Wadsworth, Joseph Whiting and Roger Newton, Esq^{rs}, Capt. Jonathan Allen, Mr. John Hitchcock, Colo. Benjamin Hall, Capt. Samuel Hall, Capt. John Fowler, Mr. Robert Treat, Mr. Nathaniel Harrison and Mr. Robert Foot, to be a committee to attend his Honour the Governor, to hear the records of the acts and doings of this Assembly read off, and then the same to be signed by the Secretary as compleat.

The whole record of the several Acts, Grants and Orders of this Assembly, as they stand entered in the pages of this book next preceding, were read off in the presence of his Honour the Governor and the committee above named.

Test. GEORGE WYLLYS, Secret'y.

[171] *Anno Regni Regis Georgii secundi decimo-sexto.*

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD IN HIS MAJESTY'S ENGLISH COLONY OF CONNECTICUT, IN NEW ENGLAND IN AMERICA, ON THURSDAY THE 12TH DAY OF MAY, AND CONTINUED BY SEVERAL ADJOURNMENTS UNTIL THE 27TH DAY OF THE SAME MONTH, ANNOQUE DOMINI 1743.*

Present :

The Honourable Jonathan Law, Esquire, Governor.

The Hon^{ble} Roger Wolcott, Esq^r, Deputy Governor.

James Wadsworth, Esq ^r ,	Thomas Fitch, Esq ^r ,	} <i>Assistants.</i>
Nathaniel Stanly, Esq ^r ,	Roger Newton, Esq ^r ,	
Ozias Pitkin, Esq ^r ,	Ebenezer Silliman, Esq ^r ,	
Timothy Pierce, Esq ^r ,	Jonathan Trumble, Esq ^r ,	
Samuel Lynde, Esq ^r ,	Hezekiah Huntington, Esq ^r ,	
William Pitkin, Esq ^r ,		

Representatives or Deputies that attended at the Assembly are as follow, (viz :)

Capt. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Mr. Jeremiah Miller, Mr. John Richards, for New London.
 Capt. Eliezer Cary, Mr. Jonathan Huntington, for Windham.
 Colo. John Bulkley, Capt. Nathaniel Foot, for Colchester.

* The Journal of neither House is found.

Mr. Joseph Strong, Capt. Samuel Parker, for Coventry.
 Major Elihu Chauncey, Capt. Robert Fairchild, for Durham.
 Capt. John Fowler, Mr. Robert Treat, for Milford.
 Mr. Joseph Denison, Mr. Simeon Minor, for Stonington.
 Mr. James Benedict, Capt. Daniel Olmstead, for Ridgefield.
 Capt. Joseph Phelps, Mr. Benjamin Skinner, for Hebron.
 Mr. Samuel Morgan, Capt. Samuel Coit, for Preston.
 Mr. John Southmaid, Capt. Samuel Hickey, for Waterbury.
 Colo. Samuel Hill, Mr. Benjamin Hand, for Guilford.
 Major Ebenezer Marsh, Capt. John Bird, for Litchfield.
 Mr. Hezekiah Brainerd, Mr. Thomas Brooks, for Haddam.
 Capt. Christopher Avery, Mr. John Ledyard, for Groton.
 Mr. Gershom Clark, Mr. John Williams, for Lebanon.
 Capt. Jonathan Allyn, Mr. John Hitchcock, for New Haven.
 Major Andrew Burr, Capt. Samuel Burr, for Fairfield.
 Mr. Joshua Huntington, Capt. Simon Lothrop, for Norwich.
 Mr. John Griswold, Mr. Richard Lord, for Lyme.
 Colo. Jonathan Hoit, Mr. Jonathan Bates, for Stamford.
 Mr. Joseph Leavinze, Mr. Urian Horsmer, for Killingly.
 Mr. John Betts, Mr. Samuel Fitch, for Norwalk.
 Mr. John Humphrey, Mr. Joseph Wilcoxson, for Symsbury.
 Mr. Robert Knowlton, Mr. William Wadkins, for Ashford.
 Colo. William Preston, Mr. Noah Hinman, for Woodberry.
 Capt. Thomas Stores, Mr. William Johnson, for Mansfield.
 Capt. Robert Foot, Mr. Nathaniel Harrison, for Branford.
 Mr. Ebenezer Holbrook, Mr. Samuel Sumner, for Pomfrett.
 Capt. John Mead, Capt. John Ferris, for Greenwich.
 Colo. Thomas Welles, Capt. Jonathan Hale, for Glassenbury.
 Colo. John Dyer, Capt. Joseph Addams, for Canterbury.
 Major Jabez Hamlin, Mr. Seth Wetmore, for Middletown.
 [172] Capt. Jedediah Chapman, Mr. Nathaniel Clark, for Say-
 brook.
 Capt. Thomas Stephens, Mr. William Marsh, for Plainfield.
 Mr. John Lane, Capt. John Stephens, for Killingworth.
 Capt. James Bebee, Mr. Thomas Benedict, for Danbury.
 Capt. Theophilus Nickols, Capt. Joseph Blackleach, for Strat-
 ford.
 Capt. John Riggs, Capt. Samuel Bassett, for Derby.
 Mr. Noadiah Brainerd, for East Haddam.
 Mr. Samuel Canfield, Mr. Paul Welch, for New Milford.
 Mr. John Hart, Mr. Thomas Hart, for Farmington.
 Capt. Robert Dixon, Mr. Charles Campbell, for Voluntown.
 Colo. Benjamin Hall, Capt. Meacock Ward, for Wallingford.
 Colo. John Chester, Mr. Elisha Williams, for Weathersfield.
 Capt. Samuel Mather, Mr. Daniel Bissell, for Windsor.
 Major Andrew Burr, Speaker } of the House of Repre-
 Capt. John Fowler, Clerk } sentatives.

This day being appointed by the royal charter and the laws of this Colony for the election of the publick officers of this corporation, *viz.*: Governor, Deputy Governor, Assistants, Treasurer, and Secretary,—proclamation was made, and the freemen proceeded to bring in their votes to persons appointed by the Governor, Council and Representatives, to receive, sort and count them, (which persons were: Nathaniel Stanly, Esq^r, Ozias Pitkin, Esq^r, Timothy Pierce, Esq^r, Samuel Lynde, Esq^r, William Pitkin, Esq^r, Thomas Fitch, Esq^r, Roger Newton, Esq^r, Ebenezer Silliman, Esq^r, Jonathan Trumble, Esq^r, Hez^h Huntington, Esq^r, Colo. Thomas Welles, Mr. Joseph Buckingham, Colo. Benjamin Hall, Mr. Robert Treat, Mr. Richard Lord, Mr. John Richards, Capt. Theophilus Nickols, Colo. Jonathan Hoit, Colo. John Dyer, and Capt. Thomas Stores,) who were sworn to a faithful discharge of that trust. And the freemen's votes being brought in, sorted and counted,

The Honourable Jonathan Law, Esquire, was chosen Governor of this Colony for the year ensuing; and the Governor's oath, prescribed by the law of this Colony, and the oath required by act of Parliament, relating to trade and navigation, were administred to him by his Honour the Deputy Governor in the presence of the Assembly.

The Honourable Roger Wolcott, Esq^r, was chosen Deputy Governor of this Colony for the year ensuing, and was sworn by his Honour the Governor, according to law, in the presence of the Assembly.

James Wadsworth, Esq^r,
Nathaniel Stanly, Esq^r,
Joseph Whiting, Esq^r,
Ozias Pitkin, Esq^r,
Timothy Pierce, Esq^r,
Samuel Lynde, Esq^r,

William Pitkin, Esq^r,
Thomas Fitch, Esq^r,
Roger Newton, Esq^r,
Ebenezer Silliman, Esq^r,
Jonathan Trumble, Esq^r,
John Bulkley, Esq^r,*

were chosen Assistants for the year ensuing, and had the Assistant's oath, provided by law, administred to them by his Honour the Governor.

John Whiting, Esq^r, was chosen Treasurer of this Colony for the year ensuing, and had the Treasurers's oath, provided by law, administred to him by his Honour the Governor.

[173] George Wvllvs was chosen Secretary of this Colony for the year ensuing, and had the Secretary's oath, provided by law, administred to him by his Honour the Governor in the presence of the Assembly.

* Deacon Hezekiah Huntington, now left out of the Council, was a favorer of the New Lights. Mr. Bulkley, chosen in his place, was not a friend to that cause. *Backus, Abridgment, 171.*

This Assembly do appoint the Honourable Roger Wolcott, Esqr, to be Chief Judge of the Superior Courts in this Colony the year ensuing.

This Assembly do appoint James Wadsworth, Esqr, Joseph Whiting, Esqr, William Pitkin, Esqr, Ebenezer Silliman, Esqr, to be Judges of the Superior Courts in this Colony the year ensuing.

This Assembly do appoint William Pitkin, Esqr, to be Judge of the County Courts in the county of Hartford the year ensuing.

This Assembly do appoint Roger Newton, Esqr, to be Judge of the County Courts in and for the county of New Haven the year ensuing.

This Assembly do appoint Samuel Lynde, Esqr, to be Judge of the County Courts in and for the county of New London the year ensuing.

This Assembly do appoint John Burr, Esqr, to be Judge of the County Courts in and for the county of Fairfield the year ensuing.

This Assembly do appoint Timothy Pierce, Esqr, to be Judge of the County Courts in and for the county of Windham the year ensuing.

This Assembly do appoint Joseph Buckingham, Esqr, to be Judge of the Courts of Probate in the district of Hartford the year ensuing.

This Assembly do appoint Joseph Whiting, Esqr, to be Judge of the Courts of Probate in the district of New Haven the year ensuing.

This Assembly do appoint John Richards, Esqr, to be Judge of the Courts of Probate in the district of New London for the year ensuing.

This Assembly do appoint John Burr, Esqr, to be Judge of the Court of Probate in the district of Fairfield the year ensuing.

This Assembly do appoint Timothy Pierce, Esqr, to be Judge of the Court of Probate in the district of Windham the year ensuing.

This Assembly do appoint Samuel Hill, Esqr, to be Judge of the Court of Probate in the district of Guilford the year ensuing.

This Assembly do appoint Joseph Minor, Esqr, to be Judge of the Court of Probate in the district of Woodberry the year ensuing.

This Assembly do appoint Jonathan Hoit, Esq^r, to be Judge of the Court of Probate in the district of Standford the year ensuing.

This Assembly do appoint John Bulkley, Esq^r, to be Judge of the Court of Probate in the district of East Haddam the year ensuing.

This Assembly do appoint Ebenezer Marsh, Esq^r, to be the Judge of the Court of Probate in the district of Litchfield the year ensuing.

This Assembly do appoint John Marsh, Thomas Welles, John Chester, and Henry Allyn, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Hartford the year ensuing.

This Assembly do appoint Joseph Buckingham, Ebenezer Marsh, George Wyllys, Joseph Talcott, Samuel Mather, Roger Wolcott, jun., Elisha Williams, David Goodrich, John Hooker, William Wadsworth, Thomas Hart, Giles Hall, Jabez Hamlin, Joseph White, Hezekiah Brainerd, Samuel Olmstead, Stephen Horsmer, jun., Nathaniel Foot, Israel Newton, Benjamin Skinner, Joseph Phelps, Jonathan Hale, Thomas Pitkin, Samuel Chapman, Zebulon West, John Humphrey, Joseph Wilcoxson, John Buel, John Beach, David Whitney, John Hart, John Bissell, Esq^{rs}, to be Justices of the Peace in and for the county of Hartford the year ensuing.

[174] This Assembly do appoint Samuel Hill, Benjamin Hall, John Southmaid and John Fowler, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of New Haven the year ensuing.

This Assembly do appoint Samuel Bishop, Benjamin Hand, Theophilus Yale, Andrew Ward, Samuel Gun, John Riggs, Samuel Hall, Isaac Dickerman, John Russell, William Gold, Samuel Bassett, Roger Brownson, Elihu Chauncey, Robert Treat, Samuel Heacox, Samuel Canfield, Nathaniel Bostwick, Elihu Hall, John Hubbard, Samuel Hopson, Nathaniel Skinner, John Woodward, Jonathan Russell, Esq^{rs}, to be Justices of the Peace in and for the county of New Haven the year ensuing.

This Assembly do appoint Joshua Hempstead, John Griswold, and Isaac Huntington, and Jeremiah Miller, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of New London the year ensuing.

This Assembly do appoint Abraham Pierson, John Lane, Jedediah Chapman, Nathaniel Clark, Richard Lord, Thomas Lee, Daniel Ely, John Richards, Dan^l Coit, Gurdon Saltonstall, Christopher Avery, Humphrey Avery, Luke Perkins,

John Ledyard, Joseph Palmer, Theophilus Baldwin, John Whiting, Joseph Denison, Simeon Minor, Jedediah Tracey, Jabez Hild, Hezekiah Huntington, Joshua Huntington, Samuel Lothrop, Stephen Lee, Samuel Morgan, Nathaniel Brown, Esq^{rs}, to be Justices of the Peace in and for the county of New London the year ensuing.

This Assembly do appoint Edmund Lewiss, Andrew Burr, John Thompson, Jonathan Hoit and William Preston, Esq^{rs}., to be Justices of the Peace and Quorum in and for the county of Fairfield the year ensuing.

This Assembly do appoint John Burr, Joseph Minor, James Beebe, Samuel Hanford, Samuel Hoit, Ephraim Curtiss, Thomas Tousey, James Benedict, Nathaniel Peck, Ebenezer Mead, Jonathan Maltbie, Benjamin Hiccox, Joseph Blackleach, Noah Hinman, Theophilus Nickols, John Read, Thomas Benedict, Job Sherman, John Betts, Ebenezer Smith, Samuel Sherwood, Ebenezer Stephens, and Robert Walker, Esq^{rs}, to be Justices of the Peace in and for the county of Fairfield the year ensuing.

This Assembly do appoint Ebenezer West, Jonathan Huntington and Shubael Conant, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Windham the year ensuing.

This Assembly do appoint Joseph Strong, John Woodward, Joseph Leavinz, Peter Buel, Leicester Grosvenor, Joseph Cadey, Thomas Stores, John Crary, Ebenezer Wales, Thomas Tiffany, John Dyer, Joseph Fowler, Gershom Clark, Ebenezer Gray, Nathaniel Huntington, Thomas Steadman, Ebenezer Holbrook, and Ebenezer Dow, Esq^{rs}, to be Justices of Peace in and for the county of Windham the year ensuing.

Ordered, That Nathaniel Stanly, Esq^r, and Mr. Joseph Buckingham, return the thanks of this Assembly to the Reverend Mr. Stephen Steel, for his sermon delivered before the Assembly on the 12th instant, and desire a copy thereof, that it may be printed.

This Assembly do appoint Ebenezer Silliman, Esq^r, Jonathan Trumble, Esq^r, Colo. Tho^s Wells, Maj. Jabez Hamlin, Mr. John Hiccock, Mr. John Richards, Mr. Samuel Fitch, and Mr. Jonathan Huntington, Auditors to audit the Treasurer's accounts with this Colony; and that, in addition to the instructions usually given them, they are directed to state an account current with the Treasurer, therein bringing the several ballances of the particular accounts into one general account, shewing the ballance on the whole; and that they take an account of him of what bonds are yet remaining in his

hands for the interest money due to the Colony, for the two first emissions of bills of credit on loan, and what judgments of court there are against any persons in favour of the Governor [175] nor and Company, || which are not yet satisfied ; and that they be further directed, to go to the Secretary and take an account from him of the mortgages yet in his hands for the emissions, which are not yet released and discharged, and lay the same before this Assembly.

This Assembly do appoint Mr. Joseph Tuttle, jun., to be Captain of the company or trainband in the parish of East Haven, and order that he be commissioned accordingly.

An Act in Addition to an Act directing how the Bonds given for the Western Lands should be put in Suit.

Whereas by said act the said bonds were ordered to be distributed into the several towns and societies in this government, and the King's attorneys in the several counties were directed and impowered to put in suit the bonds distributed to the several towns and societies in the counties to which they respectively belonged, but no provision made to secure the publick from costs that may arise on such suits :

Resolved by this Assembly, That, for the future, no writ shall be granted by any assistant, justice of the peace, or clerk of courts, unless the person praying out said writ give sufficient bond to answer all costs arising on said suit. And when any such writ is returned to any county courts, wherein it is not certified that bond is given and by whom, the writ shall abate, unless the person at whose request the writ was granted, or some other person in his behalf, shall appear in court and give bond as aforesaid, in which case the action shall proceed. And in case the defendant in any such suit shall obtain judgment for his cost, the said cost shall be awarded against the person giving bond as aforesaid.

This Assembly appoints Nathaniel Stanly and Ozias Pitkin, Esq^{rs}, to procure a release from John Sutlieff to the Governor and Company of this Colony of all his right and title in and unto all that land which he, said Sutlieff, has mortgaged to the Governor and Company, and that as soon as may be after he, said Sutlieff, shall be released out of the goal in Hartford county, where he is now detained.

Whereas, by order of the Governor and Council, at New Haven in October last, the Colony sloop, called the Defence, was to be laid up in the harbour at New London, there to remain till further orders : Ordered and resolved by this Assembly, that his Honour the Governor and Council be desired to

take the care of ordering and directing the whole matter respecting the said sloop, the refitting and manning thereof, (if they shall judge necessary,) with so many officers and able-bodied men as may be judged necessary for the safety and defence of our sea-coasts ; and to do and direct whatsoever from time to time shall be found necessary respecting said sloop.

Upon the memorial of Joshua Uncas, Samuel Uncas, Zachariah Johnson and Simon Chawchoy, Mohegan Indians, appointed by the sachem and tribe of said Indians, to prefer said memorial, shewing that on the first day of July, *A. Dom.* 1742, the sachem Ben Uncas made choice of (*viz.:*) Old Wambaneage, Old Jo Pye, Joshua Uncas, Zachariah Johnson [176] son, Joshua Aukum, John Uncas, || Simon Chawchoy, Samuel Pye, Samson Aukum, Ephraim Johnson and John Wamboneage, all of said tribe, to be members of his, the said sachem's, council, to advise and assist him in all affairs and matters relating to the said tribe ; and shewing the said tribe do approve of the said choice ; and thereupon requesting this Assembly to approve and confirm the said councillors, exclusive of Joshua Aukum, who is since deceased : This Assembly do hereby declare their approbation of the said choice, and do confirm and establish the said councillors yet living to be council to the said sachem, to advise and counsel him in the conducting and managing the affairs of said tribe, according to ancient usage and customs of said tribe, for the good and peace of the same.

Whereas there remains in the hands of the executors of our late Agent, Francis Wilks, Esqr, the sum of £67 3s. 0d. sterling : Resolved by this Assembly, that our present Agent, Eliakim Palmer, Esqr, be directed, and he is hereby directed and impowered, in behalf of this Colony, to adjust and settle accounts with the executors aforesaid, and to receive of them the ballance due to this Colony, and improve it in the Colony service as occasion shall require. And his Honour the Governor is desired and impowered to draw an order on the executors aforesaid, to pay to Mr. Agent Palmer the ballance that shall be found due upon the settlement of the account as aforesaid.

Resolved by this Assembly, That his Honour the Governor be desired to procure and send over to Eliakim Palmer, Esqr, our Agent, a collection of our laws, and such other papers &c. as he shall think needful for the service of this Colony.

This Assembly, taking into consideration the present state of the fort or battery in the town of New London, do now

appoint Mr. Titus Hurlbut of New London, and he is hereby appointed and impowered, to be Captain and Gunner in Chief of the Fort or Battery in New London, who shall be commissioned by his Honour the Governor; and he is hereby impowered to take into his care the battery aforesaid, the store-house, and all the ordnance, ammunition and stores thereunto belonging, or that shall hereafter be provided for the same. And his Honour the Governor, with the Council, is hereby impowered, if they judge needful, at any time and from time to time, to give order or orders to the said Capt. Hurlbut to inlist any suitable number of men, as also to appoint other officers and commission them. And the said captain and other officers that may be appointed, and men that may be inlisted, shall be freed from attending military exercises under any other officers during the time they shall be so commissioned and stand inlisted as aforesaid; which officers and souldiers shall be subject to and regulated by the laws of this Colony as other military companies are. And the said Capt. Hurlbut shall give receipts for all the warlike stores he shall receive into his custody, which receipts shall [177] be sent to and lodged with the Secretary of this Colony; || and also shall render an account for the stores by him received from time to time, when thereunto called by the General Assembly. And further, Jeremiah Miller, Esq^r, of New London, is desired, and hereby impowered, to demand and receive all the stores &c. belonging to the said fort, of any person or persons in whose custody they may be, and deliver the same to the said captain, and take his receipt or receipts for the same, and lodge them with the Secretary as aforesaid.

Upon the report of Samuel Lynde, Jonathan Trumble and John Richards, a committee appointed to take care of John Curtisses debts to this Colony: Resolved by this Assembly, that the said committee be impowered, and they are hereby directed and impowered, to expend the rent they shall receive for the Colony's house at New London for one year or more, not exceeding £100 0s. 0d. old tenour, towards finishing the wharf or repairing the house, as they shall think most for the interest of this Colony.

Ordered by this Assembly; That the Treasurer of this Colony be, and is hereby, directed, to deliver to the committee appointed to transact the affair before the Commissioners in the controversy between the Governor and Company and the sachem and chief heads of the Mohegan Indians, so much of the gold which he was heretofore ordered to purchase for the Colony's use as they shall think necessary, to pay off the commissioners and other persons which they shall employ from

New York in that affair, which it may be proper for the Colony to pay, and take their receipt therefor.

This Assembly do appoint Jonathan Trumble, Esqr, and Colo. Thomas Welles, to be a committee to receive of the Secretary the mortgages yet in his hands for the first emission of loan-money, which are not yet released, and deliver the same into the hands of the Treasurer, taking his receipt therefor, and to make a further adjustment of accounts with the Treasurer of this Colony, and to enquire into the accounts of the first emission of loan-money, and to state two distinct accounts thereon, the first shewing what money hath been received on account of the principal of said emission and what is now due to the Colony on said mortgages, and the other shewing what money hath been received on account of the interest of said emission and what is due to the Colony either by bonds or judgments of court thereon; and that they also state the account of the last emission of loan-money of the new tenour, in two distinct accounts, the one for the principal sum loaned, and the other for the interest of said emission which is to be paid in silver or gold only; and also to pass the ballance due to the Colony on the account of said last emission in new tenour as stated in the audit in the year 1742, being the sum of £6671 4s. 8d. in new tenour bills, to the Colony's credit, in the account of the quick stock; and that they receive of the Treasurer the gold which he purchased for the Colony's use, and account with him for it at the rate it was purchased, and take his receipt therefor; and that they also enquire into the account of what money the Treasurer hath received for impost, and take his receipt therefor, and lodge the several receipts in the hands of the Secretary, and lay the account of their doings before this Assembly in October next.

[178] Whereas this Assembly is informed by Mr. Luke Perkins of Groton, one of the justices of the peace in the county of New London, that Mr. John Owen, of the first society in Groton in said county, minister in said society, at divers times within the month of April last, in a publick assembly of the people of that society, from the pulpit did utter, speak, publish and declare, divers false words and sentences, unjustly reproaching and scandalizing the laws and ruling part of this government, and did broach sundry seditious principles, tending to bring the authority and laws of this government into contempt and reproach: And whereas this Assembly are of opinion that the representation made of the said Mr. John Owen's behaviour relating to the matters aforesaid are worthy the special notice of this Assembly:

Thereupon it is hereby resolved, that the Secretary of this Colony issue forth a writ, directed to the sheriff of the county of New London or his deputy, commanding him to apprehend the said Mr. John Owen, and him cause to appear before this Assembly, at their sessions in October next at New Haven, to answer to such matters as shall then be alledged against him, relating to the matters aforesaid or any other matters of like nature, on his Majesty's behalf. And the King's Attorney of the county of New Haven is hereby directed to inform against and prosecute the said Mr. John Owen before this Assembly at the time aforesaid. And that the Secretary also send forth a summons, to summons said Luke Perkins, and Dudley Woodbridge, and such others as he may be informed can give evidence in the case, to appear before this Assembly at the time and place aforesaid, to give their evidence relating to the matters aforesaid.

This Assembly do hereby nominate, constitute, authorize and appoint, the Honourable Roger Wolcott, Esqr, James Wadsworth, Thomas Fitch, John Bulkley and Joseph Fowler, Esqrs, or any three of them, Agents of the Governor and Company of his Majesty's English Colony of Connecticut in New England in America, and in their name to appear before any of his Majesty's Commissioners, by his Majesty commissioned to review, hear and determine, a complaint formerly made by Oeneco, Sachem of Mohegan, and judgment given thereon by Joseph Dudley, Esqr, and others; and them, the constituents, to represent, and in their name and behalf to answer, plead, implead, prosecute, defend, and appeal to his Majesty in Council, if need be, from the judgment given thereon; and an attorney or attorneys under them to make, substitute and improve, for the purpose aforesaid. And, that the said agents may have a more ample evidence of their appointment, this Assembly desire and impower his Honour the Governor of this Colony, in the name of the Governor and Company aforesaid, under the publick seal of this Colony, to grant unto the said agents a publick instrument of procuracy accordingly.*

Ordered by this Assembly, That the Treasurer of this Colony pay out of the publick treasury, to Daniel Edwards of Hartford, for sundry services and disbursements respecting the affairs of the Indian claims of part of Salisbury and Sharon, and his transacting with them in the government's behalf, &c., the sum of twenty-nine pounds twelve shillings old currency.

*The Court of Commissioners was opened at Greenwich, May 4th, and adjourned to meet at Norwich, June 28th, 1743. The proceedings may be seen in the book of which the title is given in a note at page 206.

[179] An Act providing Relief against the evil and dangerous Designs of Foreigners and Suspected Persons.*

Whereas this Assembly is informed that there are several strangers, which it is supposed are not the subjects of our Sovereign Lord the King, but are foreigners, stragling about in this Colony upon evil and dangerous designs, endeavouring to sow and spread false and dangerous doctrines of religion among us, to stir up discord among the people, to promote seditious designs against the government, to alienate and estrange the minds of the Indians from us, or to spy out our country: And whereas there is danger many times arising from foreign ships or other vessels coming to spy out our coasts, or in some clandestine manner to carry on an unlawful trade: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all such foreigners or suspected persons as abovesaid, and all such captains of ships, masters of vessels, or sea-faring men, suspected as aforesaid, may be taken up and carried before the Governour of this Colony and such other of the civil authority as his Honour shall think proper to call to his assistance, before whom any such suspected person, as aforesaid, may be examined. And the Governour, with the advice of the authority aforesaid, is authorized and impowered to take and use such means and methods as may be proper, to prevent the mischiefs and dangers which may arise from such foreigners or suspected persons, and secure his Majesty's interest in this Colony.

And it is further enacted, That any assistant or justice of the peace, who is informed and hath good reason to think there is any such suspected person residing near him, may (*ex officio*) enquire after, take up and send such person before the Governour, as aforesaid.

This Assembly observing the growing difficulties in this Colony through the misunderstanding of the law entitled

* This act had in contemplation the Moravians, who had established a mission among the Indians at Sharon and Kent.

The bill seems to have been drawn by Jonathan Trumble, and was based on a report made to the Assembly by Messrs. James Wadsworth, Elisha Chauncey, John Ledyard and Joseph Blackleach; in which report they say, "that the common rumor is, that one of those foreigners have told the Indians that his majesty's subjects in these plantations will be destroyed by the Europeans settled on the southwest and the north, joynd with the Flatheads on the west. And we are also told that the school set up by this government among the said Indians, westward of Kent, was discouraged and put by thro' the influence of one of said foreigners, and that the Indians are more and more estranged from his majesty's subjects by their means. And, upon the whole, we fear his majesty's interest may be greatly indangered by the said foreigners." *War*, IV., 126, 127.

An Act for the ease of such as soberly dissent from the way of worship and ministry established by the laws of this government,* made in favour of such as do soberly dissent from the way of worship and ministry established in this Colony: And notwithstanding this Assembly have resolved, that those commonly called Presbyterians or Congregationalists should not take benefit by said law: yet some of the parishes established by the laws of this Colony, through the said misunderstanding, have been greatly damnified, and by indirect means divided and parted, without any sufficient reason for the same; for that those which have gone from such parishes were of the same opinion with such as could not take benefit by said law: Which mischief to prevent,

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the said law, entituled An Act for the ease of such as do soberly dissent, &c., shall be repealed and made void, and the same is hereby repealed and made void.

And be it further enacted, That, for the future, that if any of his Majesty's good subjects, being protestants, inhabitants of this Colony, that shall soberly dissent from the way of worship and ministry established by the laws of this Colony, that such [180] persons may apply themselves to this Assembly || for relief, where they shall be heard. And such persons as have any distinguishing character, by which they may be known from the presbyterians or congregationalists, and from the consociated churches established by the laws of this Colony, may expect the indulgence of this Assembly, having first before this Assembly taken the oaths and subscribed the declaration provided in the Act of Parliament in cases of the like nature.

An Act for ascertaining the Brand for Horses in the
Town of New Hartford.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the brand for horses, &c., in the town of New Hartford shall be *NH*.

Upon the memorial of Tabitha Atwater, widow, of New Haven, shewing that her son, Samuel Atwater of said New Haven, is an idiot, and weak in body, and uncapable to support himself; therefore the said Tabitha had expended much of her own substance, to support the said idiot; and that her said son had a considerable estate in lands; and forasmuch as said lands are not under such circumstances as by their improvement would maintain the said Samuel, therefore the

* Passed May, 1708. Vol. V. 50.

said Tabitha prayeth that she, with Jonathan Atwater, of said New Haven, the brother of the said idiot, may be empowered to sell so much of the said Samuel's land as may defray the charges the said Tabitha hath already been at, as aforesaid; and likewise, to defray future charges that may arise in reference to the premises: Be it therefore enacted by the Governor, Council and Representatives, in General Court Assembled, and by the authority of the same, that the said idiot shall be supported out of his own estate, and that the said Tabitha and Jonathan Atwater shall, from time to time, sell such parts of the said Samuel Atwater's lands as may be necessary, to defray the said charges that are past and that may arise in the maintenance of the said idiot. Always provided, that before any of said land be sold, the account of the charges shall be laid before the judge of the probate in the district of New Haven, and be by him allowed. And that there may be no waste of the said idiot's estate, and that he may be well maintained, this Assembly doth order and direct the said Tabitha that, some time in the month of August yearly, she lay the accounts and charges in reference to the maintenance of her said son, before the said judge, who is to allow the same according to his best discretion; and thereupon the said Tabitha and Jonathan shall proceed to raise such sum and sums so allowed out of the said idiot's land, by selling the same, or part thereof, to the highest bidder; and what lands the said Tabitha and Jonathan Atwaters shall so sell, they shall give and pass deeds thereof to the purchaser or purchasers.

[181] Upon the memorial of Thankfull Cooper, administratrix on the estate of Doctor Ebenezer Cooper, late of Wallingford, deceased, shewing this Assembly that the debts due from said estate surmounts the moveable estate the sum of two hundred twenty-six pounds eighteen shillings and a penny; and praying for liberty to sell lands, &c.: Granted by this Assembly liberty unto the said administratrix, with Capt. Samuel Hall of Wallingford, to make sale of so much of the lands of the said deceased, taking the advice of the court of probates in the district of New Haven, as to enable her to pay the aforesaid debts with the necessary charges arising on the sale of said land.

Upon the memorial of the inhabitants of the town of Union in the county of Windham, praying to this Assembly in May, 1743, that all the land in said town may be taxed with two pence upon an acre, to be improved for the support of the gospel ministry in said town, and to continue for four years next ensuing: This Assembly doth grant a tax of two pence an

acre, old tenour, on all the land in said town of Union, to be improved in the use aforesaid, and that the collector of the town rate in said town, for the time being, shall be fully empowered to collect said tax as they shall become due to said town from time to time, and deliver the same to the selectmen of said town, for the use aforesaid.

Upon the memorial of Deacon Thomas Hart, Samuel Seymour, Hezekiah Hart and others, inhabitants of the parish Kensingtown, setting forth the great disorder and confusions in said parish, praying for relief: Resolved by this Assembly, that the said Deacon Hart, Samuel Thompson, or Nathaniel Hart, of said Kensingtown, shall warn all the inhabitants of said society that have right to vote in parish meetings, to meet on the 6th day of June next, at ten of the clock in the forenoon, at the meeting house in said parish, then and there to transact in such affairs as may relate to the said society. And this Assembly do appoint and fully empower Mr. Joseph Buckingham of Hartford, to conduct and lead said meeting as their moderator. And the said moderator is hereby directed to lead said meeting in all such matters and things as he shall think proper, that so peace and order, if possible, may be restored to said society, and those people conducted in a proper method to the gaining a suitable person to settle with or supply the place of their aged and infirm minister, who hath acquainted that parish that he is not able to serve them longer. To be done at the costs of said parish.

Upon the memorial of Wait Henman, administrator on the estate of Joseph Barker, late of Woodbury, deceased, shewing this Assembly that the debts due from the estate of said deceased surmounts the moveable estate, and shewing that there is one quarter of an acre of land belonging to said estate, and praying for liberty to sell the same: Granted by this Assembly liberty to the said Wait Henman to sell said quarter of an acre of land, taking the advice of the court of probate in the district of Woodbury, so as to enable said administrator to pay said debts and charges arising on the sale of said land, so far as that will go.

[182] An Act for regulating Fees, Fines, Penalties, Ferriages, &c.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the establishment of the fees belonging to the several officers in this Colony be as follows:

	£	s.	d.
Assistants Fees.			
For attending the General Assembly, <i>per diem</i> ,	0	6	0
For travel per mile out, - - -	0	0	4

Representatives Fees.

For attending the General Assembly, <i>per diem</i> ,	0	4	0
For travel per mile out, - - - - -	0	0	4

Superiour Courts Fees.

Chief judge, <i>per diem</i> , - - - - -	0	10	0
Assistant judges, <i>per diem</i> , - - - - -	0	7	6
Trying each action, - - - - -	0	10	0
Each default or confession, - - - - -	0	5	0
To the jury, - - - - -	0	12	0

Clerk of the Superiour Courts Fees.

Entering each action and judgment, - - - - -	0	2	0
Filing each individual testimony, - - - - -	0	0	2
Each execution, - - - - -	0	1	6
Entering judgment acknowledged, - - - - -	0	1	0
Copy of each testimony, - - - - -	0	0	4

County Courts Fees.

Chief judge, <i>per diem</i> , - - - - -	0	6	6
Justices of the quorum, <i>per diem</i> , - - - - -	0	4	6
Trying of each action, whereof to the jury 12s.	0	18	0
Each judgment on default or confession, - - - - -	0	3	0
For a licence to each tavern-keeper, whereof to the clerk 1s. - - - - -	0	3	0

Clerk of County Court Fees.

Entering every action, - - - - -	0	0	3
Entering every judgment, - - - - -	0	1	0
For attachment, summons and execution, and other things proper to him, as in the assist- ants and justices fees, - - - - -			

Court of Probates Fees.

Granting administration, (to the judge,) - - - - -	0	1	6
Receiving and probate of every will and the in- ventory of fifty pounds, or under, (whereof to the clerk 9d.) - - - - -	0	2	0
Receiving and probate of every will and inven- tory of above fifty pounds, (whereof to the clerk 1s.) - - - - -	0	3	0
Each <i>quietus</i> , (whereof to the clerk 6d.) - - - - -	0	1	0
Recording every will and inventory of fifty pound or under, - - - - -	0	2	6
Recording every will and inventory of above fifty pounds and not exceeding one hundred pounds, - - - - -	0	3	0
Also six pence per hundred for every hundred pounds after the first hundred, and half so much for copy of the same, - - - - -			
Each bond for administration, and each letter of administration, - - - - -	0	1	0

Every citation, - - - -	0	0	4
[183] Making out a commission, receiving and examining the claims of creditors to insolvent estates, and registering the same, -	0	1	0
Registering the commissioners report per page, for each page twenty-eight lines ten words in a line, - - - -	0	0	6
Entering an order upon the administrator to pay out the estate in proportion unto the several creditors returned by the commissioners, - - - -	0	0	6
Allowing of accounts settling and dividing intestate estates, - - - -	0	1	6
Appointing guardian and taking bond, -	0	1	0
Assistants and Justices Fees.			
Attachment or summons for action, -	0	0	6
When bond is given,	0	0	9
A warrant for witnesses, - - - -	0	0	4
Entry and tryal of an action, - - -	0	2	0
Every execution, - - - -	0	1	0
Every warrant for criminals, - - -	0	1	0
Bond for appeal, - - - -	0	0	6
Copy of evidence, the least, - - - -	0	0	4
Copies of judgments, - - - -	0	0	6
Every recognizance, - - - -	0	0	6
Judgment on confession or default, - - -	0	1	0
Affidavits taken out of court, each, - -	0	0	6
Acknowledging a deed or mortgage or other instrument, - - - -	0	0	6
Secretarys Fees.			
Recording laws and orders of publick concernment in the Colony records, each, -	0	1	0
Affixing the Colony seal, each time, - -	0	1	0
Each military commission, - - - -	0	1	0
Each commission for the justices in each county,	0	5	0
Commission for the judges of the superiour court,	0	3	0
Commission for the judges of the county court and court of probates, each, - -	0	1	6
Each petition or memorial to the General Assembly, - - - -	0	1	6
To the General Assembly, for every petition, -	1	0	0
Sheriff and Constables Fees.			
Serving every summons, - - - -	0	0	4
If by copy,	0	0	6
Serving every attachment, - - - -	0	0	6
Bail bond, - - - -	0	0	8

Levying every execution not exceeding five pounds, - - - - -	0	2	0
Levying every execution more than five pounds and not exceeding ten pounds, - - - - -	0	3	0
Levying every execution more than ten pounds and not exceeding twenty pounds, - - - - -	0	5	0
Levying every execution more than twenty pounds and not exceeding forty pounds, - - - - -	0	7	6
For any greater sums than forty pounds he shall be allowed after the rate of two shillings more advanced on every twenty pounds above the sum of forty pounds which shall be levied by the said execution, and the above-said fees on executions shall be taken in the same currency that is to be levied by each respective execution. - - - - -			
Attending at justices court when obliged to attend, for each action tryed, - - - - -	0	1	0
Each mile travel out, - - - - -	0	0	1½
Sheriff attending the General Assembly, superior court or county court. <i>per diem</i> , - - - - -	0	3	6
[184] Constable for the like servive, <i>per diem</i> , - - - - -	0	3	0
Fees for plaintiff, defendant or evidences attending any court, <i>per diem</i> , - - - - -	0	1	6
Travel for plaintiff, defendant or evidence, to any court, per mile, - - - - -	0	0	1½
Fees for a jury employed in laying out high-ways shall be for every juror, <i>per diem</i> , - - - - -	0	3	0
And the sheriff attending on said jury, <i>per diem</i> ,	0	4	0

And be it further enacted by the authority aforesaid, That all fees and allowances by this act not provided for, and all fines, forfeitures and penalties, and the fares of the respective ferries in this Colony, shall be paid in bills of publick credit of the old currency, excepting where some other currency is by statute expressly ordered and provided for, until this Assembly shall order otherwise.

Resolved by this Assembly, That the military company or companies within the parish of Oxford, which lyes partly within the bounds of the town of Woodbury, in Fairfield county, and partly within the bounds of the towns of Derby and Waterbury, in New Haven county, be annexed to the second regiment within this Colony.

Upon the memorial of Rachel Cadwell, administratrix on the estate of Aaron Cadwell, late of Hartford, deceased, shewing to this Assembly that there is an addition of debts

due from said estate, amounting to the sum of £21 0s. 4d. praying for liberty to sell of the lands of the said deceased sufficient to answer said debts, &c.: Resolved by this Assembly, that the said Rachel Cadwell, administratrix as abovesaid, together with John Butler junior of Hartford, who is hereby joynd with the said administratrix to that purpose, have liberty and full power to sell and make disposition according to law, of so much of the real estate of the said deceased as will amount to the sum of £21 0s. 4d. with the necessary charges arising on such sale, taking the advice of the court of probates in the district of Hartford therein.

Upon the memorial of the Nehantick Indians, complaining of trespasses &c. on their lands in said Nehantick, and praying this Assembly to appoint a committee of judicious and disinterested men, to repair to said Nehantick and notify all persons having any claims to any right of herbage in said Indian lands to appear before said committee and lay before them their evidence to any right of herbage in said Indian lands: Resolved by this Assembly, that Samuel Lynde, Jedediah Chapman and John Tully, Esq^{rs}, be a committee to repair to said Nehantick and notify said claimers to any right in said Indian lands to appear before them, and consider their evidences and hear them thereon, and make report to this Assembly at their sessions in October next, what right said claimers have in said lands and how it ought to be improved, and whether said claimers trespass on said Indian rights.

Upon the memorial of the society of Chester, in Saybrook, shewing to this Assembly that they did, in their sessions in October, 1740, grant them to be a distinct ecclesiastical society, and also grant to them a tax on their unimproved lands for the defraying their parish charges: but did not appoint and empower any person to gather and collect said tax: This Assembly grants power to Capt. Abraham Waterhouse of said parish to gather and collect said tax for the purpose abovesaid, and deliver in the same to the committee of said parish.

[185] The Additions to the Lists of Estate of the several Towns in this Government hereafter mentioned, sent in to this Assembly, are as follow, (viz:)

	<i>Single Additions.</i>			<i>Fourfold Assessments.</i>		
	£	s.	d.	£	s.	d.
To Colchester,	1049	12	0	-	-	43 12 0
To Guilford,	243	10	0	-	-	977 1 4
To New London,	862	10	0	-	-	
To Windham,	508	12	6	-	-	12 0 0
To Lebanon,	162	13	0	-	-	873 18 0

To Lyme,	778	0	0	-	-	-	-	-	-
To Waterbury,	158	0	0	-	-	-	-	-	-
To Farmington,	501	13	3	-	-	-	-	90	0
To Fairfield,	261	16	6	-	-	-	-	446	14
To Saybrook,	242	11	0	-	-	-	-	12	0
To Standford,	418	19	9	-	-	-	-	192	10
To East Haddam,	285	0	0	-	-	-	-	-	-
To Groton,	251	5	0	-	-	-	-	-	-
To Pomfrett,	155	0	0	-	-	-	-	-	-
To New Haven,	2151	10	9	-	-	-	-	2512	0
To Norwich,	283	9	6	-	-	-	-	2636	4
To Preston,	609	4	0	-	-	-	-	-	-
To Brandford,	431	12	6	-	-	-	-	866	0
To Greenwich,				-	-	-	-	857	13
To Derby,	196	7	6	-	-	-	-	-	-
To Haddam,	216	4	3	-	-	-	-	-	-
To Wallingford,	1801	8	6	-	-	-	-	-	-
To Norwalk,	740	6	0	-	-	-	-	305	16
To Windsor,	1416	8	9	-	-	-	-	52	0
To Weathersfield,	306	1	0	-	-	-	-	32	0
To Hartford,	1343	18	6	-	-	-	-	412	7
To Canterbury,	731	16	0	-	-	-	-	-	-
To Stratford,	20	0	0	-	-	-	-	188	0
To Coventry,	151	0	0	-	-	-	-	248	0
To Hebron,	534	19	0	-	-	-	-	-	-
To Killingworth,	354	11	0	-	-	-	-	818	6
To Danbury,	176	17	9	-	-	-	-	-	-

Upon the memorial of James Walker, of Stratford in Fairfield county, shewing to this Assembly that he, the said Walker, lives in the utmost northwest limits of the first society in said Stratford, so that he is under great difficulty of attending the publick worship of God in said first society, and is so situated as that he can with much greater ease and conveniency attend the publick worship of God in the parish of Unity in said Stratford; praying this Assembly that he may be annexed to said parish of Unity: Resolved by this Assembly, that the said James Walker be annexed to said parish of Unity; and for the future the line dividing between said first society in said Stratford and said Unity parish shall so run as to take the present dwelling house and homestead of the said James Walker in said parish of Unity.

Upon the memorial of Jonathan Pettitt, of Sharon, and John Pettitt, administrators on the estate of Samuel Pettitt, late of Stanford, deceased, representing that the debts due from said estate surmounts the sum of the chattels and credits to the

sum of £127 1s. 10*d.*, and thereupon praying for a liberty to sell so much of the real estate of said deceased as may suffice to pay and answer said debts with the incidental charges, &c., as per their memorial on file, dated May 12th, 1743: Resolved by this Assembly, that the said administrators be allowed, and they are hereby allowed and empowered, to make sale and disposition of such and so much of the lands or real estate of the said deceased as to pay and discharge the said debts with incidental charges, and accordingly apply the money thereby raised to that purpose.

[186] Upon the memorial of Capt. David Worster, late commander of the sloop Defence, representing that, over and above his commissions as captain, he also sustained and discharged the office and duty of purser of said sloop, &c., and also that he had expended a considerable time in attending on settlement of his accounts, paying off the men, &c., for all which he hath had no allowance: thereupon prays to be considered in the premises, and allowed what is reasonable, &c., as per his memorial on file, dated May 19th, 1743: Resolved by this Assembly, that the memorialist be allowed, in satisfaction for his time and trouble, &c., aforesaid, the sum of twenty pounds sixteen shillings and six pence in bills of the old currency. And the Treasurer of this Colony is hereby ordered to pay the same out of the publick treasury accordingly.

Upon the memorial of Daniel Edwards, of Hartford, and Samuel Mix, of New Haven, a committee heretofore appointed for the repair of the rector's house at New Haven, &c., shewing that, by some oversight, nothing had been allowed for their services, and praying to be remembered respecting that matter, &c., as per their memorial on file, dated May 6th, 1743: Resolved by this Assembly, that the memorialists be allowed for their trouble and service in the affairs abovesaid, the sum of twelve pounds in bills of the old currency. And the Treasurer of this Colony is hereby ordered to pay the said sum out of the publick treasury accordingly.

Upon the memorial of John Webster, Samuel Root, Robert Cook, and sundry others, inhabitants of the parish of Southington in the town of Farmington in Hartford county, representing that at a meeting of said society, warned only in general terms, without signifying anything uncommon or extraordinary to be acted or done, holden at said parish on the 6th of December last, and by sundry adjournments on the 21st and 22d of said December, among other things new and unexpected, it was voted, that after and as soon as the council, they proposed to have there on that occasion, should dismiss Mr. Cur-

tiss, their minister, in such case there should be a rate to pay him two hundred pounds and to pay the charge of such council: that such dismissal never happening, yet one Samuel Andruss of said parish, being at said meeting chosen collector, by virtue of a certain distress signed by Thomas Hart, justice of the peace, did distrain of the memorialists, among others of said inhabitants, sundry sums of money, which were particularly annexed to their respective names inserted in a certain list without authority made and to said distress annexed; and praying the said collector be inhibited further to execute said distress, and directed to return the moneys by virtue thereof taken; as per their memorial on file, dated May 19th, 1743: Resolved by this Assembly, that the said collector be inhibited, and he, the said collector, hereby is inhibited and forbidden, further to proceed on said acts or precept, and is also ordered and directed to pay and return the several sums of money by said distress taken, to the respective persons from whom so distrained, on their demand.

Whereas on the memorial of Capt. Chickens, an Indian sachem living in the parish of Reading in Fairfield county, at the General Assembly of this Colony exhibited in May last, representing that in and by one certain deed of conveyance of a certain tract of land in said memorial referred to, he has saved and reserved so much thereof as he and his children, &c., should need for their improvement, &c., and moving for lands to be admeasured to him, &c., Roger Newton, John Fowler and Robert Treat, all of Milford, Esq^{rs}, were appointed [187] ed || a committee, and to make return to the Assembly in October then next: And whereas it happening that said committee have not, as yet, been called forth upon said business, and the time limited and their making return being elapsed, the said Chickens now moving that the said committee might be anew appointed to enquire into the matters in said memorial alledged or referred to, to repair to and view said lands in said conveyance contained, and what and how much of said lands, by virtue of said reserve, ought, under the present circumstances of said Chickens's family, to be admeasured out, and admeasure out the same by proper meets and bounds, &c.: Resolved by this Assembly, that the said committee, or any two of them, be anew appointed to proceed on said business, and make report in the premises to this Assembly in October next.

Upon the memorial of Peter Tyler, John Baldwin and others, some inhabitants of Branford, some of Wallingford and some of Guilford, representing their situation to be such as

that they might most commodiously be formed together into a parish distinct from the several parishes whereto they belong, and moving for a committee to view, report, &c., as per said memorial on file, dated May, 2d Thursday, A. D. 1743: Resolved by this Assembly, that a committee be granted as prayed for. And John Hubbard, Esqr, and Messrs. Samuel Mix and John Hitchcock, all of New Haven, or any two of them, are hereby appointed a committee, at the charge of the memorialists, to repair to and view the land in said memorial referred to, and the circumstances of the memorialists; and of what they find and judge in the premises to make report to this Assembly in their sessions at New Haven in October next.

Upon the memorial of Thomas Pierce, praying that an execution obtained by the memorialist against the Governor and Company may be satisfied out of the treasury of this Colony: Ordered, that the Treasurer of this Colony pay out to the memorialist the sum of eleven shillings and seven pence in lawful money, and 2s. more old tenour for the writ, and see the said execution endorsed satisfied in full.

Upon the memorial of the west school society in New London in the county of New London, therein shewing that, for the reasons therein offered, they might be established into two distinct school societies, and that the dividing line to be as the society have agreed and voted, (*viz:*) a line from James Douglasses house to Robert Waterhouses house, from thence to William Waterhouses, and from thence a west line as far as the society extends, and from the aforesaid James Douglasses an east line as far as the society extends; and that the persons and houses abovementioned do belong to the south part of the society when divided, and all the persons and families northward of said line do belong to the north part of said society when divided, &c.: Resolved by this Assembly, that the said west school society be divided into two distinct school societies by the bounds and lines aforesaid, with the same privileges that were granted to the said society by this Assembly when first erected.

On the memorial of David Miller, of Middletown in the county of Hartford, praying for the reversal of a judgment given for the forfeiture of a bond of recognizance given by said Miller the second Tuesday of April last for his appearing at the county court held in Hartford in the said month of April last, to answer to the presentment of one of the grand-[188] jurors || of the county of Hartford, for breach of the peace, &c.: Resolved by this Assembly, that the said David Miller have liberty, at any time till within six days before the

sitting of the adjourned county court to be holden in Hartford on the 3d Tuesday of June next, to appear before George Wyllys, Esqr, clerk of the county court in the county of Hartford, and pay the full cost taxed against him in said April court, and enter into a recognizance in form for twenty pounds lawful money, for appearing at the adjourned county court to be holden at Hartford on the third Tuesday of June next, to answer to the presentment of the aforesaid grandjuror, as on the files of the said county court: which clerk is hereby fully impowered to take the said bond of recognizance. And on the said Miller's complying with this act as aforesaid, then the judgment of the said county court shall be set aside and made void, otherwise not; any thing in this act to the contrary notwithstanding.

Upon the memorial of Benjamin Stephens, Ebenezer Bostwick, and other inhabitants and dwellers in the northeast corner of Danbury township and in the north part of the township of Newtown and in the south part of the township of New Milford, praying for a committee to view their circumstances in respect to their being set off and made a distinct ecclesiastical society, or having liberty for a winter parish, &c.: Resolved by this Assembly, that Colonel William Preston, Mr. Noah Hinman and Captain Thomas Knowles, all of Woodbury, be a committee to repair to the memorialists abode, at their cost, and after notifying all parties, and having heard their pleas and viewed their circumstances, in respect to their being a distinct ecclesiastical society or having liberty to hire preaching in the extreme season in the year; and if said committee think proper, to draw the line in each town for the bounds to said society; and make report of their opinion and doings thereon to this Assembly in October next.

Upon the memorial of George Holmes, agent for the parish of New Salem in Colchester, &c., therein praying for a tax to be laid on all the unimproved lands in said parish, to be made and collected for the space of four years next coming, to be improved for the support of the gospel in said parish: Resolved by this Assembly, that all the unimproved lands in the parish aforesaid be taxed, for the space of four years next coming, at an half-penny lawful money per acre annually during said space, and the money so levyed and collected annually to be applied towards the support of the gospel ministry in said parish; and that the said George Holmes is appointed to gather and collect the same, and make up accounts annually with the committee of said parish.

Upon the memorial of Zachariah Paddock and others,

members of the second society of Mansfield. praying this Assembly to appoint a committee to fix a place for a meeting house in said society: Resolved. that Colonel Jonathan Trumble of Lebanon, Colonel John Dyer of Canterbury, and Joshua Huntington of Norwich, Esq^{rs}. be a committee to view the circumstances of said society, hear the members thereof, and fix a place for a meeting house in and for said society, and make report thereof to this Assembly in October next.

[189] To the Honourable General Assembly sitting at Hartford, May instant.

Whereas your Honours, in your present sessions, appointed us, the subscribers hereunto, a committee to repair unto the first society in Stratford, to view their circumstances and hear the parties and affix a place for the inhabitants of said parish to build a meeting house upon, and make report, &c.,* we beg leave to report on the premises as followeth: Having repaired to said parish, did, on the 23d and 24th days of this instant, view their said circumstances and hear all parties concerned fully on the premises; and having weighed and considered the same, have set up a stake with stones laid about it on the meeting house hill, (so called,) westerly from their meeting house, where their timber now lyes; which said place, we are humbly of opinion, under all the circumstances of said parish, is the most convenient place for the inhabitants of said parish to build their meeting house upon. All which is submitted to your Honours by your obedient, humble servants.

Dated Stratford, May the 24th,
Ann. Domini 1743.

Benjamin Hall, }
Robert Treat, } Com^{tee}.
John Hubbard, }

Which report is accepted and approved by this Assembly.

Upon the memorial of Samuel Sturgis, one of the constables of Fairfield, to gather the country rate, shewing to this Assembly that he made up accounts with the Treasurer for the year 1740, and paid him the rate upon Reading list, who are exempted, which amounts to twelve pounds sixteen shillings and two pence: and praying for relief: This Assembly do order Colonel John Whiting, Treasurer, to repay back to said Sturgis the sum of twelve pounds sixteen shillings and two pence old tenour.

Upon the memorial of Nathaniel Gove, junior, of Lebanon, representing to this Assembly that the memorialist gave a deed of two pieces of land lying in said Lebanon, containing in the whole thirty-two acres, to one Jedediah Thompson of

*The order appointing them is found on page 542, *post*.

Stonington, by which deed the said Thompson was to hold said land only as a pledge and his security for one hundred and eight pounds money, which the said Thompson was security for with the memorialist to one John Denisson, and that the memorialist had paid the said hundred and eight pounds, and according to his contract upon which said deed was given, he ought to have the said land reconveyed to him again : but the said Thompson being deceased, and his heirs being infants, a reconveyance by them could not be made ; praying this Assembly to appoint some proper person to reconvey said land, and that the same might be a bar to the heirs of said Thompson : And it appearing to this Assembly that the said Jedediah Thompson became bound to the said John Denisson as surety with the memorialist for the sum of one hundred and eight pounds money, and to save the said Thompson harmless from the said obligation the memorialist gave a deed of sale of two pieces of land lying in said Lebanon, the one containing about twenty-nine acres, bounded southerly on the highway that leads to Hartford, easterly on Nathaniel Blisses land and John Huntington's land, northerly on a highway that S. Hutchinson sold to Benjamin Brewster and Capt. Joseph Marsh, westerly on land belonging to the father of the memorialist ; the other piece containing about three acres, bounded southerly on the highway last mentioned, easterly, northerly and westerly on land of Jonathan Curtiss partly, and partly on land of the father of the memorialist ; which deed [190] is dated the first day of July, 1734, || and that the memorialist himself paid and answered said obligation to said Denison, and the said Thompson was saved harmless therefrom, and therefore in equity the memorialist ought to have said land reconveyed to him, and that the said Thompson is deceased, and his heirs to whom his real estate is descended are minors and uncapable to reconvey said land : In consideration whereof, this Assembly appoint, empower and authorize, Joseph Cheesbrough and Thankfull Cheesbrough of said Stonington, to make and execute a deed of said lands, in behalf of the heirs of the said Thompson, to the memorialist, his heirs, &c. ; which deed, so executed, shall by a good and valid conveyance of the right that the said Thompson had by his deed from the memorialist ; and that the heirs and legal representatives of the said Thompson, and all pretending to claim under them, shall by said deed be barred from recovering and holding said land.

Upon the memorial of Joseph Leavinz and Isaac Cutler, agents for the first society in the town of Killingly, shewing this Assembly that they did, in their sessions in October last,

appoint a committee to repair to said society and view the circumstances, and consider whether it were not best to divide said society, and, if thought best, to describe a line of partition, &c. ; and shewing that said committee were providentially hindered of attending said business ; and therefore now praying that the same committee may be appointed with the same power and authority as formerly : Granted by this Assembly, that the said committee repair to said society and view their circumstances as prayed for, and report to this Assembly their opinion, at their sessions in October next, what is best to be done in the premises.

Upon the memorial of John Griswold, Richard Lord and John Lee, selectmen for the town of Lyme, shewing to this Assembly that William Borden, junior, of said Lyme, a minor about sixteen years old, is fallen under lameness and not able to do anything for his own support, and is cast upon, and hath for some considerable time been maintained by, said town, by which said town have been exposed to considerable charge ; and shewing that said Borden hath no means of support, saving about ten acres of land ; and praying this Assembly to appoint some suitable person or persons to make sale of so much of said Borden's land as shall be sufficient to pay said town what they have already expended, and also to sell from time to time for the support of said Borden as occasion shall require : This Assembly do appoint Mr. John Griswold, of said Lyme, to sell so much of the lands of the said William Borden, junior, as shall be sufficient to pay the charges already arisen, and also to sell from time to time as occasion shall require, to be improved for the purpose aforesaid.

Upon the memorial of Nathaniel Kingsbury, Nathaniel Locmiss and Ebenezer Leach, of Coventry in the county of Windham, and Ephraim Sprague and John Doggitt, of Lebanon in said county, and Joseph Swetland, Obadiah Newcomb, of Hebron in the county of Hartford, &c., praying this Assembly that there may be a distinct ecclesiastical society made up, part out of the first and second societies in Coventry, and part out of the second society in Lebanon, and part out [191] || of the town of Hebron, or a committee appointed to repair to said place, view the same, hear the parties, and make report, as appeareth by their memorial : Resolved by this Assembly, that John Marsh, Esqr, Joseph Buckingham, Esqr, and Colonel John Whiting, of Hartford, be a committee to repair to said place and view the circumstances of said memorialists, and make report to this Assembly in October next, whether it may be convenient for a distinct society to be made up out of said places, as prayed for.

Upon the memorial of John Parker and Isaac Jones, both of Saybrook, administrators on the estate of Nathaniel Parker late of said Saybrook, deceased, representing that the moveable part of the said estate is not sufficient to answer the debts, praying liberty to sell the real estate to pay the debts: Resolved, that the said John Parker and Isaac Jones, administrators, have liberty to sell the real estate of the said Nathaniel Parker not under mortgage to the Governor and Company, to pay the debts due from said estate together with the necessary charges arising on the sale thereof, taking the advice of the court of probate in the district of Guilford.

Upon the memorial of Sarah Sluman of Norwich, administratrix on the estate of Thomas Sluman, junior, late of said Norwich, deceased, representing that the debts due from said estate surmounted the moveable part of said estate the sum of £199 12s. 8d., praying liberty and authority to sell land to answer said debts: This Assembly appoints the said Sarah Sluman and Jabez Hide, of said Norwich, Esqr, by and with the advice of the court of probate for the district of New London county, to sell so much of the lands belonging to the estate of said Thomas as will answer said debts and charges of such conveyance.

Upon the memorial of Joseph Down, of Fairfield in the Colony of Connecticut, shewing to this Assembly that in the year 1733, on borrowing of said Colony the sum of fifty pounds, he gave a mortgage deed of seven acres of land, bounded on the north-east with land of Samuel Squire, on north-west and south-west upon the land of Joseph Wheeler, and on the south-east by common land; and in the year 1741, on paying said sum he obtained a deed of release of said land, and that the same was lost before he could have any advantage of it, and praying for relief: This Assembly do desire and empower Nathaniel Stanly, Esqr, and George Wyllys, Secretary, to make and execute a deed of release of said land, at the charge of said memorialist.

Upon the memorial of the inhabitants of that part of Woodbury called Shippauge, praying this Assembly to be made a distinct ecclesiastical society with those lines and bounds made by Messrs. Benja. Hall, John Southmaid and Stephen Hopkins, which are as follows: Begining at the west end of David Hurd's now dwelling house, excluding said house, from thence running east until it intersect a line drawn north and south two mile and half west of the meeting house in the first society in said Woodbury, and from thence in said line northward unto a line called Colonel Johnson's Line, and

from said Hurd's house running a south line to the north side line of Southberry parish, and from thence west in said line to New Milford bounds, and from thence north in the line of said New Milford unto a white oak tree, being the ancient north-west bounds of said Woodbury at the west end of Colonel Johnson's line, and from thence east in said line until it intersects the line drawn at the extent of two miles and half [192] west of said first society meeting house : || Granted by this Assembly, that the said inhabitants, within said limits, be, and they are hereby, made one distinct ecclesiastical society, with the powers and privileges of other ecclesiastical societies in this Colony, and shall be call'd and known by the name of Roxbury.

Upon the memorial of Samuel Willard, of Saybrook in the county of New London, Jabez Hamlin, Seth Wetmore, of Middletown in Hartford county, Elihu Chauncey and Robert Fairchild, of Durham in the county of New Haven, shewing to this Assembly that upon their memorial to this Assembly in May, A. D. 1741, this Assembly granted to said memorialists the sole liberty of making and manufacturing potash within this Colony, on condition they made two tun of said potash by the rising of the Assembly this present sessions ; thereupon praying that, on their making said two tun by the last of May next, they might not forfeit said grant : Resolved by this Assembly, that, upon the said memorialists, or their associates, making two tun of potash by the last of May next with what they have already made, that the said grant made &c. in May, 1741, shall be and remain in all the parts thereof good and valid, as if the said two tun had been made by the time in said grant limited.

Upon the memorial of Thomas Wells, administrator on the estate of Joseph Farnsworth, late of Hartford, deceased, shewing to this Assembly that said estate is insolvent, praying for liberty to sell the land of said deceased, &c. : Resolved by this Assembly, that the said Thomas Welles, administrator as abovesaid, have liberty and full power to make sale of the real estate of the said deceased, that so the creditors may have their just proportion thereof as the law directs ; taking the advice of the court of probates in the district of Hartford therein.

Upon the memorial of the parish called Hadlyme, shewing to this Assembly that they are unanimously agreed upon the place for building a meeting house for divine worship, and praying this Assembly to establish and confirm the place by them agreed for the building a meeting house upon : Resolved

by this Assembly, that the place for building a meeting house for divine worship in the parish of Hadlyme shall be at the place agreed upon by said parish, *viz*: on the first hill or rise of land west from Mr. Job Beckwith's house, in the highway; and the said parish are hereby ordered and directed to build their meeting house at the place aforesaid.

Resolved by this Assembly, That all the meetings of the proprietors of Torrington since the month of October, 1740, and the doings therein and their practices thereon, shall be made null, and they are hereby made null and void; and that the said proprietors of Torrington shall for the future hold their meetings in the town of Torrington.

[193] Upon the prayer of Mary Daviss, of Norwich in the county of New London, executrix to the last will and testament of Mr. John Daviss, late of Norwich, deceased, shewing to this Assembly the moveable estate left in her hands is not sufficient to pay the debts due from said estate to the sum of sixty pounds one shilling and nine pence, and that she may be, with some suitable person, impowered to sell so much of the lands as to pay said sum of £60 1s. 9d. old tenour bills: This Assembly do grant that the said Mary, with Nathaniel Gideons, junior, be impowered and, taking the advice of the court of probates in the county of New London, sell so much of the land of the said John Daviss, deceased, as to pay the said sum of sixty pounds one shilling and nine pence and the costs that shall arise on the sale of said lands.

Upon the memorial of the inhabitants of the parish of Bethlehem, in Woodbury in Fairfield county, shewing to this Assembly that the General Assembly, in October, 1741, granted a tax of 30s. on every right of land in said parish, to be improved in building a house in said parish for divine worship, and to continue for four years, &c., and appointed one Caleb Lewiss, of said parish, to collect the same, &c., and that the said Lewiss has since moved from said parish, whereby said parish are under a great disadvantage in gathering said tax; having therefore prayed to this Assembly that they would appoint some suitable person to collect the remainder of said tax, &c.: This Assembly do appoint Joseph Clark, of said parish, with full power to collect and receive the remainder of said tax, as it shall become due, and be accountable for the same to the committee of said parish, who are to improve the same for the use aforesaid.

Upon the memorial of Mary Cooley, administratrix on the estate of Asahel Cooley late of Wallingford, deceased, shewing this Assembly that the debts due from the estate of the

said deceased surmounts the moveable estate the sum of £152 19s. 0*d.* and praying for liberty to sell lands to pay said debts, &c.: Granted liberty to the said administratrix, with Mr. Elihu Hall of said Wallingford, to make sale of so much of the lands of the said deceased, taking the advice of the court of probates in the district of New Haven, as to enable said administratrix to pay said debts with the necessary charges arising on the sale of said lands.

Upon the memorial of Pelatiah Mills, of Windsor, shewing to this Assembly that one Edward Pierce, formerly of Symsbury, about forty years since dyed seized and possessed of about twenty-five acres of land situate in Symsbury aforesaid near the limits of the parish of Wintonbury, and that the said Pierce dyed leaving no heirs that by law could inherit said estate, whereby the same is escheated to this Colony; praying that a committee may be appointed, at the cost of the memorialist, to enquire into the state and circumstances of the estate of said Pierce, deceased; and that on this Assembly finding the same to have escheated as aforesaid, it may be given to the use and benefit of the school in the parish of Wintonbury: Resolved by this Assembly, that Messrs. John Humphrey and Mr. Pelatiah Mills be a committee, and they are hereby impowered to inquire into the state and circumstances of the estate of said Pierce, deceased, by all proper ways and means, at the cost of said memorialist, and make report to this Assembly at their sessions in October next.

[194] Upon the memorial of Elizabeth Andruss of New Haven, administratrix on the estate of Timothy Andrus late of said New Haven, deceased, shewing this Assembly that the debts due from said estate surmount the whole estate the sum of £13 4s. 4*d.* and praying liberty to sell all the land of the said deceased, &c.: Granted by this Assembly liberty to said administratrix to sell all the lands of the said deceased, taking the advice of the judge of probate in the district of New Haven, as to enable said administratrix to pay the debts due from said estate, &c., with the charge arising on the sale of said land.

Upon the memorial of Jacob Johnson, administrator on the estate of Caleb Hendrick late of said Wallingford, deceased, shewing this Assembly that the debts due from the estate of the said deceased surmount the whole estate of the said deceased the sum of £28 4s. 5*d.*, and praying for liberty to sell the lands of the said deceased, &c.: Granted by this Assembly liberty to said administrator to sell all the lands of the

said deceased, taking the advice of the court of probates in the district of New Haven, so as to enable him to pay said debts with the necessary charges arising on the sale of said lands, so far as that will go.

Upon the memorial of John Clark, Stephen Griffith, Hezekiah Rust, Samuel Wadsworth, Jonathan Bailey, David Bailey, John Bevin, junior, Joseph Parke, Ebenezer Clark, Jabez Clark, William Clark, Shubael Lewiss, Josiah Cook, Isaac Smith, William Norkitt, William Norkitt, junior, Daniel Young, Ezra Andrew, James Johnson, Caleb Johnson, William Bevin, Seth Knowles, Isaac Williams, John Markham and Thomas Lewiss, all of Middletown in Hartford county, shewing to this Assembly that they live very remote from the place of publick worship in the third society in Middletown, whereunto they belong, praying that upon their hiring an approved minister to preach to them six months in a year they should be released from paying towards the minister's salary of said society one-half of their rate or taxes that shall be taxed against them on that account: Resolved by this Assembly, that the said Clark, &c., for this current year, and annually, on their procuring an orthodox minister to preach to them six months in a year, they be released, and are hereby released, from paying to said society one half of what might otherwise be taxed against them by said society for their minister's salary.

Upon the prayer of Isaac Trowbridge, of Oxford parish in the county of New Haven, in behalf of himself and the rest of the inhabitants of said parish, praying this Assembly that they may be allowed to imbody into a church estate and be impowered and enabled to settle a minister according to the establishment of the churches in this government, &c.: Whereupon it is granted by this Assembly, that the said parish of Oxford, by and with the consent and approbation of the neighbouring churches, may imbody into church estate, and are hereby allowed and impowered to proceed to and settle a minister according to the establishment of the churches in this government.

[195] Upon the memorial of the inhabitants of Harwinton, by their agent Samuel Phelps, praying that all the lands within the said township be taxed, &c.: Resolved by this Assembly, that a tax of two pence per acre, old tenour, shall be assessed and levied upon all the lands within the said town of Harwinton, annually, for the space of two years next after the rising of this Assembly; and that the collector of said town for the time being shall collect the same and deliver it

into the hands of such committee or committees from time to time as said town shall appoint for that purpose, and be by them improved for the finishing their meeting house and supporting the gospel ministry in said town.

Upon the memorial of the inhabitants of the parish of Oxford, being part in the town of Derby and Waterbury in New Haven county, and part in the town of Woodbury in the county of Fairfield, by their agent, Isaac Trowbridge of said parish, praying this Assembly to grant a tax of one penny lawful money on every acre of unimproved land in said parish for four years next, to be improved towards the finishing a meeting house in said parish for the worship of God, and towards the defraying of their ministerial charges in procuring and settling a minister in said parish: This Assembly grants a tax of one penny lawful money on every acre of the unimproved land in said society or parish of Oxford lying within the bounds of said Derby and Waterbury, and one half-penny per acre like money on every acre of unimproved land in the township of said Woodbury in said parish of Oxford, yearly, for the space of four years next, to be accounted according to the standard or pattern by which the lands were laid out, to be improved for the uses abovesaid; and Mr. James Wheeler of said parish of Oxford is appointed and impowered to collect and gather the above granted tax.

Upon the memorial of the first society of Stratford, by their agents, Messrs. Theophilus Nickols, Robert Walker and Daniel Porter, all of said Stratford, praying this Assembly for the appointment of a committee to affix a place for said society to build a meeting house upon, &c.: Resolved by this Assembly, that Colonel Benjamin Hall, Mr. Robert Treat and Capt. John Hubbard, be a committee to repair to said first society in Stratford, and view their circumstances, and hear the parties concerned in the premises, and affix a place for the inhabitants of said society to build a meeting house upon, and make report of their doings to this Assembly in their present sessions, or at their sessions in October next.

Upon the petition of Ann Selden of East Haddam, widow and relict of Joseph Selden, deceased, and Hephisibah Selden and the rest of the heirs of said Joseph, against Samuel Selden of Lyme, shewing that they are obstructed and hindred in fishing in the fishing cove in said Lyme by the said Samuel, who pretends to take the sole benefit of fishing in said cove to himself, by virtue of a certain act of this Assembly made on the 10th day of May, 1722: Resolved, that the said cove shall be under the same regulations and restrictions as Windsor Ferry River and Quinebaugue River are by an act

[196] of this Assembly, intituled An Act to prevent || nuisances by hedges, weirs, &c., in rivers, made in the first year of King George the first; anything in said act made in May, 1722, contained notwithstanding.

Upon the petition of Joseph Tibbals of Durham, praying for liberty of a new tryal in an action commenced against him by Moses Bidwell of Middletown, and on which final judgment was rendered against him at the superiour court at Hartford in September last in favour of said Bidwell, as per said petition on file, dated May 2d, 1743: Resolved by this Assembly, that the petitioner have a new tryal of said case before the superiour court to be holden at Hartford in September next, and that the future cost only follow such tryal.

Upon the petition of Samuel Sturgis of Fairfield, administrator on the estate of Elizabeth Sturgis, late wife of the said Samuel, against Jonathan Sturgis of said Fairfield, the only surviving executor of the last will and testament of Jonathan Sturgis late of said Fairfield, deceased, and against the said surviving Jonathan and Andrew Burr, Esq^r, of said Fairfield, as they are administrators on the estate of David Sturgis late of Fairfield aforesaid, deceased, father of the said Elizabeth and son and legatee of the said Jonathan, deceased; representing to this Assembly that the said David Sturgis's part and portion of his said father's moveable estate, amounting to a large sum, hath come into and is now in the hands of the said Jonathan, executor as aforesaid, and that he will not render the same, or any account thereof, to the said Samuel, who is the proper person in law to receive the same; and also that the estate of the said David came to and is in the hands of the said administrators, and that they refuse to deliver the same to the said Samuel, administrator, or any account thereof; praying this Assembly for a committee to hear, examine and adjust the accounts and matters relating to said estates, so far as belongs to the petitioner, and determine what is just in the affair, and return their doings thereon to this Assembly: This Assembly grants a committee to hear and adjust said accounts, and do appoint, impower and order Colonel Jonathan Hoit of Stanford, John Fowler of Milford, and Theophilus Nickols of Stratford, Esq^{rs}, a committee to hear, examine and adjust the accounts respecting the said David Sturgis part and portion of his said fathers estate, and also respecting the said Davids estate in the hands of the said administrators, and report their doings thereon to this Assembly in October next.

This Assembly do establish and confirm Mr. Jacob Loo-

miss to be Captain of the south company or trainband in the town of Colchester, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Azariah Loomiss to be Lieutenant of the south company or trainband in the town of Colchester, and order that he be commissioned accordingly.

[197] This Assembly do establish and confirm Mr. John Smith to be Ensign of the south company or trainband in the town of Colchester, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Hezekiah Lee to be Captain of the first company or trainband in the town of Farmington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. George Stocken to be Lieutenant of the company or trainband of the parish of Middlehaddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Rich to be Ensign of the company or trainband in the parish of Midle-Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ithiel Russell to be Lieutenant of the second company or trainband in the town of Brandford, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. Henry Bacon to be Lieutenant of the company or trainband part of Pomfret, part of Canterbury and Mortlake, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Zachariah Spaulden to be Ensign of the company or trainband part of Pomfrett, part of Canterbury and Mortlake, and order that he be commissioned accordingly.

This Assembly do establish and confirm Joseph Worster to be Lieutenant of the Troop of the fourth regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Hezekiah

Treadwell to be Cornet of the Troop of the fourth regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Sherwood to be Quarter-Master of the Troop of the fourth regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Zachariah Waldo to be Lieutenant of the second company or trainband in the town of Pomfrett, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jedediah Chapman to be Captain of the tenth company or trainband in the seventh regiment in the Colony of Connecticut, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Francis Bushnell to be Lieutenant of the tenth company or trainband being in the seventh regiment in the Colony of Connecticut, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Bradley to be Ensign of the company or trainband of the parish of Greenfield, and order that he be commissioned accordingly.

[198] This Assembly do establish and confirm Mr. John Clark the 3d to be Captain of the first company or trainband in the town of Middletown, on the east side of the great river, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Siliman to be Lieutenant of the first company or trainband in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abraham Morehouse to be Ensign of the first company or trainband in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mathew Marvin to be Captain of the company or trainband in the parish of Wilton, in Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Johnson to be Lieutenant of the south company or trainband in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Ward to be Ensign of the south company or trainband in the town

of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Wright to be Captain of the first company or trainband in the town of Colchester, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Kellogg to be Lieutenant of the first company or trainband in the town of Colchester, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Chamberlin to be Ensign of the first company or trainband in the town of Colchester, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Holcomb to be Lieutenant of the first company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Israel Knapp to be Captain of the east company or trainband in Horsneck, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Hale to be Captain of the first company or trainband in the town of Glassenbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abner Mosley to be Lieutenant of the first company or trainband in the town of Glassenbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Lord to be Ensign of the first company in the 7th regiment in this Colony, and order that he be commissioned accordingly.

[199] This Assembly do establish and confirm Mr. Stephen Upson to be Captain of the trainband or company in the first society in Waterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Judd to be Lieutenant of the company or trainband of the first society in Waterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Southmayd to be Ensign of the company or trainband of the first society in Waterbury, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonadab Bassett to be Lieutenant of the company or trainband in the parish of Unity, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Kilbourn to be Ensign of the first company or trainband in the town of Litchfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Dibble, of the parish of Standwich in the town of Greenwich, to be Ensign of the company or trainband there, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Eliasaph Meriman to be Captain of the first company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elnathan Street to be Lieutenant of the first company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Miles to be Ensign of the first company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hubbard to be Captain of the first company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Caleb Allyn to be Ensign of the first company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Mieggs to be Lieutenant of the sixth company or trainband in the 7th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Bishop to be Ensign of the sixth company or trainband in the 7th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Woodruff to be Lieutenant of the company or trainband in the parish of Southington, and order that he be commissioned accordingly.

[200] This Assembly do establish and confirm Mr. Jared Lee to be Ensign of the company or trainband in the parish of Southington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Beach to be Captain of the company or trainband in the parish of Goshen, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Moses Lyman of the parish of Goshen to be Ensign of the company or trainband there, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Seymour to be Lieutenant of the company or trainband in the parish of Canaan, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Eliphalet Seley to be Ensign of the company or trainband in the parish of Canaan, and order that he be commissioned accordingly.

Upon the memorial of Timothy Hatch, Nathaniel Berry, Abraham Raymond, and the rest of the inhabitants of the town of Kent in the county of Hartford, praying that the Colony land lying west of the said town of Kent, may be annexed to the said town of Kent, and the inhabitants on said land to be under the same privileges, regulations, &c., with them: Resolved by this Assembly, that all the lands aforementioned, lying west of the said town of Kent, and inhabitants thereon, shall be, and are hereby, annexed to the town of Kent, and shall pay their rates and taxes towards the support of the gospel ministry and for all other necessary charges of said town, and to have the privileges equal with other the inhabitants of said town, and be under the same regulations with them; so that it be understood that the fee and property of the said lands be noways altered and changed hereby.

Whereas Roger Bidwell, of Hartford, being brought before this Assembly, to answer to an information of Roger Wolcott, junior, Esq^r, attorney to our sovereign lord the King, exhibited to this Assembly, charging the said Bidwell of being guilty of making and publishing a false, scandalous, infamous libel against Ozias Pitkin, William Pitkin, Esq^{rs}, and the Reverend Mr. Samuel Woodbridge, in particular, with the government of this Colony in general, as by said information on file, dated May the 12th, 1743, fully appears: to which information the said Roger Bidwell appeared and pleaded guilty: Whereupon it is resolved by this Assembly, that the said Roger Bidwell shall for his offence be deprived of giving his vote in any public meeting, and of giving verdict or sentence in any civil cause, and also become bound in a recognizance of one hundred pounds lawful money to the Treasurer of this Colony, conditioned that he shall be of peaceable and good behaviour towards all his Majesty's good subjects during the pleasure of

this Assembly, and pay cost of prosecution, allowed to be £2 17s. 8d., and stand committed until this sentence be fulfilled.

[201] *Memorandum.* That the said Roger Bidwell personally appeared before this Assembly, and acknowledged himself justly indebted to the Treasurer of this Colony in the sum of one hundred pounds lawful money, &c., to be levied on his goods and chattels, &c. The condition of the above obligation is such, that if the above bounden Roger Bidwell shall carry peaceable and good behaviour towards all his Majesty's subjects during the pleasure of this Assembly, that then the above obligation to be void and of none effect; otherwise to stand and remain in full force and virtue.

On the petition of John Dennie, of Boston, &c., *vs.* Joseph Hawley of Fairfield, on file: The question was put, whether the prayer of the said petition should be granted: Resolved by this Assembly in the negative. *Cost allowed respondent is £1 2s. 4d. lawful money.*

On the petition of Seth Paine, of Stafford, *vs.* Ames Walbridge of Stafford, as on file: The question was put, whether anything prayed for in said petition should be granted: Resolved by this Assembly in the negative.

On the petition of Abner Armstrong and Abial his wife, both of Norwich, *vs.* Joseph Ford of Canterbury, on file: The question was put, whether the prayer of the said petition should be granted: Resolved by this Assembly in the negative. *Cost allowed respondent is £0 12s. 9d. lawful money. Ex. granted, January 13th, 1743.*

On the petition of Joseph Addams and Deliverance Brown, both of Canterbury, and the rest of the inhabitants of the town of Canterbury, by their agents, &c., *vs.* the inhabitants of the town of Windham, on file: The question was put, whether the pleas offered by the respondents in abatement of the said petition are sufficient: Resolved by this Assembly in the affirmative.

This Assembly do appoint Capt. Timothy Hatch to be a Justice of the Peace in and for the county of Hartford for the year ensuing.

This Assembly do appoint Mr. John Cook to be a Justice of the Peace in and for the county of New London the year ensuing.

This Assembly do appoint Mr. Samuel Addams to be a Justice of the Peace in and for the county of Fairfield the year ensuing.

This Assembly do appoint Mr. John Tulley to be a Justice

of the Peace in and for the county of New London the year ensuing.

This Assembly grants unto the Honourable Jonathan Law, Esq^r, Governor, for his half years salary, in new tenour bills the sum of seventy pounds.

This Assembly grants unto the Honourable Roger Wolcott, Esq^r, Deputy Governor, the sum of thirty-five pounds, to be paid in new tenour bills, for his half years salary.

This Assembly grants unto Colonel John Whiting, Treasurer, for his salary the current year, the sum of thirty-five pounds new tenour bills.

[202] This Assembly grants to Capt. George Wyllys, Secretary, for his salary the current year, the sum of six pounds new tenour bills.

This Assembly grants to Mr. Timothy Green, printer, the sum of fifteen pounds in new tenour bills, for his half years salary.

This Assembly grants to the Honourable Jonathan Law, Esq^r, Governor, for his extraordinary service for this government, the sum of ten pounds new tenour bills.

Whereas the business of this Assembly has drawn out their present sessions to such a length that all the members thereof cannot, without great inconveniency, stay to hear the records of the acts of this Assembly read off and compleated: This Assembly do appoint Nathaniel Stanly, Ozias Pitkin, William Pitkin, Esq^{rs}, Capt. John Marsh, Mr. Joseph Buckingham, Mr. Elisha Williams, Colonel John Chester, to be a committee to attend his Honour the Deputy Governor, to hear the acts and orders past at this Assembly read off, and then signed by the Secretary as compleat.

The several Acts and Orders of this Assembly, as they stand entered on the pages of this book, were read off in the presence of his Honour the Deputy Governor and the committee abovenamed, and by them ordered to be signed by the Secretary as compleat.

Test. GEORGE WYLLYS, Secret'y.

[203] *Anno Regni Regis Georgii secundi decimo-septimo.*

Connecticut }
Colony. }

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN IN HIS MAJESTY'S ENGLISH COLONY OF CONNECTICUT IN NEW ENGLAND IN AMERICA, ON THE SECOND THURSDAY OF OCTOBER, (BEING THE THIRTEENTH DAY OF SAID MONTH,) AND CONTINUED BY SEVERAL ADJOURNMENTS UNTIL THE 2D DAY OF NOVEMBER NEXT FOLLOWING, ANNOQUE DOMINI 1743.*

Present:

The Honourable Jonathan Law, Esquire, Governor.

The Hon^{ble} Roger Wolcott, Esq^r, Deputy Governor.

James Wadsworth, Esq ^r ,	William Pitkin, Esq ^r ,	} <i>Assistants.</i>
Nathaniel Stanly, Esq ^r ,	Thomas Fitch, Esq ^r ,	
Joseph Whiting, Esq ^r ,	Roger Newton, Esq ^r ,	
Timothy Pierce, Esq ^r ,	Ebenezer Silliman, Esq ^r ,	
Samuel Lynde, Esq ^r ,	Jonath ⁿ Trumble, Esq ^r ,	
	John Bulkley, Esq ^r ,	

Representatives or Deputies that attended at the Assembly are as follow, (viz:)

Capt. John Marsh, Mr. Joseph Buckingham, for Hartford.
 Mr. Jeremiah Miller, Mr. John Richards, for New London.
 Colo. Jabez Huntington, Mr. Jonathⁿ Huntington, for Windham.
 Mr. Elisha Williams, Capt. Martin Kellogg, for Weathersfield.
 Capt. Thomas Stores, Mr. Samuel Pierce, for Mansfield.
 Colo. Jonathan Hoit, Mr. Jonathan Betts, for Standford.
 Capt. James Beebe, Mr. Thomas Benedict, for Danbury.
 Capt. John Fowler, Mr. Robert Treat, for Milford.
 Mr. Humphrey Avery, Mr. John Ledyard, for Groton.
 Mr. Ebenezer Holebrook, Mr. Samuel Sumner, for Pomfrett.
 Colo. Thomas Welles, Capt. Jonathan Hale, for Glassenbury.
 Major Ebenezer Marsh, Capt. Joseph Bird, for Litchfield.
 Mr. Robert Knowlton, Mr. William Watkins, for Ashford.
 Mr. Gershom Clark, Mr. John Williams, for Lebanon.
 Colo. John Dyer, Capt. Joseph Addams, for Canterbury.
 Mr. Joseph Denison, Mr. Simeon Minor, for Stonington.
 Mr. John Hart, Mr. Thomas Hart, for Farmington.
 Mr. John Hitchcock, Capt. Jonathan Allyn, for New Haven.
 Major Andrew Burr, Capt. Samuel Burr, for Fairfield.
 Colo. Hez^b Huntington, Mr. Joshua Huntington, for Norwich.
 Mr. Joseph Leavinze, Major Hezekiah Sabin, for Killingly.
 Capt. Hezekiah Gaylord, Mr. William Buel, for Hebron.

*The Journal of neither House is found.

Mr. Jonathan Lane, Mr. Joseph Wilcox, for Killingworth.
 Mr. Jedadiah Chapman, Mr. Andrew Lord, for Saybrook.
 Colo. William Preston, Mr. Noah Hinman, for Woodberry.
 Mr. Jabez Mead, Capt. John Mead, for Greenwich.
 Colo. Samuel Hill, Mr. Benjamin Hand, for Guilford.
 Mr. Nath^l Harrison, Mr. Jonathan Russell, for Brandford.
 Mr. Samuel Canfield, Capt. Nath^l Bostwick, for New Milford.
 Capt. John Riggs, Mr. Abell Gun, for Derby.
 Capt. John Lee, Mr. Richard Lord, for Lyme.
 Mr. John Humphrey, Mr. Joseph Wilcoxson, for Symsbury.
 Mr. John Dixon, Mr. Charles Campbell, for Voluntown.
 Capt. Nathaniel Foot, Mr. Epaphras Lord, for Colchester.
 [204] Mr. Joseph Strong, Capt. Samuel Parker, for Coventry.
 Mr. Hezekiah Brainerd, for Haddam.
 Mr. James Benedict, Capt. Daniel Olmstead, for Ridgefield.
 Colo. Benjamin Hall, Capt. Elihu Hall, for Wallingford.
 Mr. John Southmaid, Capt. Stephen Upson, for Waterbury.
 Capt. John Avery, Mr. Nathaniel Brown, for Preston.
 Major Elihu Chauncey, Mr. Nathan Camp, for Durham.
 Mr. Noadiah Brainerd, for East Haddam.
 Capt. Theophilus Nickols, Capt. Joseph Blackleach, for Stratford.

Capt. Thomas Stephens, Mr. Thomas Pierce, for Plainfield.
 Major Henry Allyn, Mr. Roger Wolcott, for Windsor.
 Major Jabez Hamlin, Mr. Seth Wetmore; for Middletown.

Major Andrew Burr, Speaker, { of the House of Represent-
 Capt. John Fowler, Clerk, } atives.

The Gentlemen nominated by the Votes of the Freemen of this Colony, to stand for Election in May next, are as follow, (viz:)

The Honourable Jonathan Law, Esq^r, the Hon^{ble} Roger Wolcott, Esq^r, James Wadsworth, Esq^r, Nath^l Stanly, Esq^r, Joseph Whiting, Esq^r, Ozias Pitkin, Esq^r, Timothy Pierce, Esq^r, Samuel Lynde, Esq^r, William Pitkin, Esq^r, Thomas Fitch, Esq^r, Roger Newton, Esq^r, Ebenezer Silliman, Esq^r, Jonathan Trumble, Esq^r, John Bulkley, Esq^r, Hezekiah Huntington, Esq^r, Major Andrew Burr, Colo. John Chester, Mr. Elisha Williams, Colo. Samuel Hill, Mr. John Griswold.

This Assembly do establish and confirm Mr. Joseph Huit to be Captain of the second company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Denison to be Lieutenant of the second company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Wadsworth to be Captain of the second company or trainband in

the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Cleaveland to be Lieutenant of the second company or trainband in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Buswell to be Ensign of the second company or trainband in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Stephens to be Captain of the second company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Bostwick to be Lieutenant of the second company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Bostwick to be Captain of the first company or trainband in the town of New Milford, and order that he be commissioned accordingly.

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

This Assembly do establish and confirm Mr. David Noble to be Ensign of the first company or trainband in the town of New Milford, and order that he be commissioned accordingly.

[205] Upon the memorial of the Trustees of Yale College: This Assembly do hereby grant unto the trustees aforesaid, for the use of said college, in lieu of all former grants to them or for its support, such sum in bills of publick credit, to be paid out of the publick treasury in two equal payments in October and May annually, as shall (according to the curreney such bills have in this Colony at the time of payment,) be equivalent to one hundred pounds lawful money of this Colony. This grant to continue during the pleasure of this Assembly.

This Assembly do establish and confirm Mr. Nathaniel Bostwick to be Captain of the 2d company or trainband in the town of New Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Hine to be Lieutenant of the second company or trainband in the town

of New Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Warner to be Ensign of the second company or trainband in the town of New Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Beebe to be Ensign of the company or trainband at the parish of Millington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Gershom Breed to be Ensign of the third company or trainband in the town of Stonington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elihu Hall to be Captain of the Troop in the tenth regiment of this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Miles to be Lieutenant of the Troop in the 10th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Eliakim Hall to be Cornet of the Troop in the 10th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Caleb Johnson to be Quarter-Master of the Troop in the 10th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do order and direct the Treasurer of this Colony, Colonel John Whiting, to attend the Assembly on the 22d day of October instant, and bring with him a sufficiency of the bills of credit in his hands to defray the charges of this Assembly and the charges of the Commissioners' Court, and also bring with him the sum or value of two hundred and fifty ounces of silver, in gold or silver, for the especial service of this government.

An Act for Repealing one certain Paragraph in the Law entitled An Act relating to Horses.

This Assembly observing the growing misuse that is made of the sixth paragraph in said statute, wherein it is enacted that if any horse or horse-kind which is stolen shall be at any time sold without being entered in the brander's book, (as in and by said law is required,) such sale shall not in any wise alter or change the right or property of such horse or horse-kind, but the right owner or owners of such horse or horse-kind, his or their executors or administrators, may seize and recover the same wheresoever the same shall be found, such sale notwithstanding:

Be it enacted by the Governor, Council and Representatives,

in General Court assembled, and by the authority of the same,
That the above-recited paragraph of said statute be repealed,
and the same is hereby repealed and made void accordingly.

This Assembly do establish and confirm Mr. Ebenezer Hitchcock to be Captain of the first company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Starr to be Lieutenant of the first company or trainband in the town of Danbury, and order that he be commissioned accordingly.

[206] This Assembly do establish and confirm Mr. Daniel Benedict to be Ensign of the first company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Harrison to be Captain of the first company or trainband in the town of Brandford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Johnson to be Lieutenant of the first company or trainband in the town of Brandford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Linsley, jun., to be Ensign of the first company or trainband in the town of Brandford, and order that he be commissioned accordingly.

Whereas Luke Perkins, Esqr, of Groton in the county of New London, exhibited an information to this Assembly at their sessions in May last, against Mr. John Owen, minister of the first society in said Groton, setting forth that the said Mr. Owen did, at divers times within the month of April then last past, at a publick assembly of the people of that society, from the pulpit, utter, speak, publish and declare, divers false words and sentences, unjustly reproaching and scandalizing the laws and ruling part of this government, and did broach sundry seditious principles, tending to bring the authority and laws of this government into contempt: And whereas this Assembly, being then of opinion that the representation made of the said Mr. Owen's conduct and behaviour, relating to the matters aforesaid, were worthy the special notice of this Assembly, did thereupon resolve, that the Secretary of this Colony should issue forth a writ directed to the sheriff of the county of New London, for the apprehending and bringing before this Assembly, at their now present session, the said Mr. John

Owen, to answer to such matters as should be alledged against him relating to the matters aforesaid, or any other matters of the like nature, in his Majesty's behalf, and that the King's attorney in the county of New Haven should inform against and prosecute the said Mr. Owen before this Assembly: And whereas the Secretary omitted sending forth his writ till near the present sessions, and now this Assembly is informed that the said Mr. Owen is gone out of the government: It is thereupon resolved by this Assembly, that the Secretary send forth his writ, directed to the sheriff of New London county, requiring him to bring the said Mr. John Owen before this Assembly at their session in Hartford in May next. And Daniel Edwards, Esqr, is directed to inform against and prosecute him, the said Mr. Owen, for the matters aforesaid. And the Secretary is also directed to send forth a summons for said Luke Perkins and Dudley Woodbridge, and such others as he may be informed can give evidence in the case aforesaid.

Upon the memorial of Peter Tyler and Samuel Harrington, living in the north bounds of Brandford, in behalf of themselves and others in part of said Brandford, Wallingford and part of Guilford, representing to this Assembly that, at the General Assembly held at Hartford in May last, they appointed Messrs. John Hubbard, Esqr, Samuel Mix and John Hitchcock, all of New Haven, to repair to the north part of Brandford and view the circumstances of the inhabitants abovesaid, to see if it would be commodious to form them into a society or parish distinct from the several parishes to which they belong, and said committee not having had leisure to attend said service, nor likely soon to attend the same, moved this Assembly that others might be appointed in their room, to repair to said place, view, and make report, &c.: Resolved by this Assembly, that Capt. Isaac Dickerman, Capt. Andrew Tuthil, and Mr. Caleb Hodgkiss, be a committee to repair to said place, to view the circumstances of the land and inhabitants referred to in the memorial preferred to this Assembly in May last, abovementioned, at the cost of the memorialists, hear the parties concerned, and make report to this Assembly or to the Assembly in May next, what they find and judge in the premises.

[207] This Assembly do establish and confirm Mr. Joseph Platt, jun., to be Lieutenant of the first company or trainband in the town of Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Raymond to be Captain of the company or trainband in the parish of Middlesex, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Bell to be Lieutenant of the company or trainband in the parish of Middlesex, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Bates, jun., to be Ensign of the company or trainband in the parish of Middlesex, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Andrew Lord to be Lieutenant of the first company or trainband in the seventh regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Weed to be Captain of the first company or trainband in Standford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Waterbury to be Lieutenant of the first company or trainband in the town of Standford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Holly, jun., to be Ensign of the first company or trainband in the town of Stanford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Russel to be Captain of the company or trainband in the town of Derby, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Gideon Johnson to be Lieutenant of the company or trainband in the town of Derby, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Moses Hawkins to be Ensign of the company or trainband in the town of Derby, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Horsmer to be Cornet of the Troop in the 12th regiment of this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Chamberlain to be Quarter-Master of the Troop in the 12th regiment in this Colony, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Roger Wolcott, jun., to be Captain of the third company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Grant to be Lieutenant of the 3d company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Gideon Wolcott to be Ensign of the 3d company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Seward to be Ensign of the 5th company or trainband in the seventh regiment in this Colony, and order that he be commissioned accordingly.

This Assembly establish and confirm Mr. Increase Moseley to be Captain of the 5th company or trainband in the town of Woodberry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Baker to be Lieutenant of the 5th company or trainband in the town of Woodberry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Friend Weeks to be Ensign of the 5th company or trainband in the town of Woodberry, and order that he be commissioned accordingly.

[208] On the petition of James Tilley of New London, *vs.* Thomas Forsdick of New London: The question was put, whether anything prayed for in the said petition should be granted: Resolved by this Assembly in the negative.

On the petition of Thomas Stephens of Standford *vs.* Obadiah Seeley, jun., of Standford, as on file: The question was put, whether the prayer of said petition should be granted: Resolved in the negative.

Upon the memorial of Jacob Wildman, administrator upon the estate of John Neal, late resident of Danbury, deceased, shewing to this Assembly that the whole inventory of said deceased's estate consisteth altogether in real estate, amounting to the sum of twenty pounds lawful money, and the debts due from said estate amounts to the sum of twenty pounds fourteen shillings and eight pence lawful money; praying this Assembly for liberty to sell so much of said lands as will make the said sum of twenty pounds fourteen shillings and eight pence, in order to enable him to pay said debts: Whereupon this Assembly do appoint and empower the said administrator, taking advice of the court of probate within the district of Fairfield, to make sale of said lands, or so much thereof as will make the said sum of twenty pounds fourteen shillings and eight pence lawful money, together with the necessary charge arising thereon.

On the petition of Thomas Seymour and John Seymour, jun., of Hartford, *vs.* Joseph Buckingham, Esqr, of Hartford, &c.: Granted, that the petitioners have liberty to be heard again by the superior court to be holden at Hartford in and for the

county of Hartford in March next, on the chancery of the administration bond to the just damages that the parties shall make to appear to have happened by the (part) default of the administrator; and the said superior court is directed, authorized and empowered, to hear the parties on chancery, &c., to call in all parties interested or concerned, to examine them under oath, (if need be,) and thereon to render judgment in chancery accordingly, (the former judgment notwithstanding;) and further, that a *scire facias* may be taken out upon any further breach or neglect of performance of any other condition in the said bond, according to the law in page 439,* entitled An Act directing the rendering judgment on bonds conditioned for securing damages which may happen at several times.

On the petition of Noadiah Dickingson and Abigail his wife, of Weathersfield, *vs.* Joseph Buckingham, Esqr, of Hartford, &c.: Granted, that the petitioners have liberty to be heard again by the superior court to be holden at Hartford in and for the county of Hartford in March next, on the chancery of the administration bond to the just damages that the parties shall make appear to have happened by the (part) default of the administrators; and the said superior court is directed, authorized and empowered, to hear the parties on chancery, &c., to call in all the parties interested or concerned, to examine them under oath, (if need be,) and thereon to render judgment in chancery accordingly, the former judgment notwithstanding; and further, that a *scire facias* may be taken out upon any further breach or neglect of performance of any other condition in the said bond, according to the law in page 439, entitled An Act directing the rendering judgment on bonds conditioned for securing damages which may happen at several times.

Upon the memorial of Richard Osborn and Daniel Chapman of Ridgefield, administrators on the estate of Peter Cooley, late of Ridgefield, deceased, with the will annexed, shewing that the debts due from said estate surmount the personal estate of said deceased the sum of two hundred seventy-eight pounds ten shillings and a penny, and praying for liberty and authority to sell so much of the real estate of said deceased as will be sufficient to answer the same with the charges arising thereon: Resolved by this Assembly, that the memorialists have liberty to sell so much of the real estate of said deceased [209] ceased || as will be sufficient to answer the said two hundred seventy-eight pounds ten shillings and one penny old tenour, with the charges arising thereon; and the memorial-

* *Ante*, page 16.

ists are hereby authorized and substituted to make sale of the said real estate for the purpose aforesaid, taking the direction of the court of probate in and for the district of Standford therein.

Upon the memorial of Justus Bush of Greenwich, administrator on the estate of Nathaniel Worden, late of Greenwich, deceased, shewing that the debts surmount the personal estate of said deceased the sum of one hundred seventy-one pounds ten shillings and nine pence farthing, and praying for liberty to sell so much of the real estate of said deceased as will answer the same, &c.: Resolved by this Assembly, that the memorialist have liberty to sell so much of the real estate of said deceased as will be sufficient to answer the said one hundred and seventy-one pounds ten shillings and nine pence farthing old tenour, with the charges arising thereon; and the memorialist is hereby authorized and substituted to make sale thereof accordingly, for the purpose aforesaid, taking the direction of the court of probate in and for the district of Stanford therein.

Upon the prayer of the town of Canaan in the county of Hartford, by their agent, Samuel Beebe, praying for a land tax for the support of their minister and the finishing their meeting house, as per the memorial on file, dated October 17th, 1743: Whereupon it is resolved by this Assembly, that every particular right of land, (the college, school, and ministerial rights excepted,) shall be taxed at ten shillings lawful money, to be collected yearly for three years next, to be put into the hands of the selectmen of said town for the time being, to be improved towards paying their minister and building and finishing their meeting house; and their annual town collectors of said Canaan is hereby impowered with all the authority that other collectors by law have to collect the same.

On the memorial of Anne Winthrop of New London, as she is attorney to her husband, John Winthrop of said New London, Esq^r, now residing in London in Great Britain, *vs.* George Richards, Esq^r, of New London, sheriff, &c.: The question was put, whether the pleas offered in abatement of the same are sufficient: Resolved by this Assembly in the affirmative. *Cost allow'd respondent is £1 0s. 8d. lawful money.*

Ordered by this Assembly, That the Treasurer deliver into the hands of any or either of the agents for the Colony in the affair of the Mohegan Indians, two hundred and fifty ounces troy weight of silver in the Spanish dollars brought into the treasury for the interest of the last emission on loan, taking a receipt therefor. And further, this Assembly doth approve

of the Treasurer's delivery of one hundred pounds sterling money heretofore delivered by him to the said agents, and that it be accounted for with him accordingly.

Ordered by this Assembly, That the Treasurer of this Colony pay out of the treasury unto Jabez Whittlesey the sum of one pound twelve shillings and six pence old tenour, to answer a certain bill of cost recovered by the said Whittlesey against the Governor and Company of this Colony, at the county court for the county of Hartford, in April, A. D. 1743.

Upon the petition of Jabez Fitch of Canterbury, and the rest of the inhabitants of said Canterbury, shewing to this Assembly that the inhabitants of Windham had, at the superior court held at Windham in March last, recovered a judgment against said Fitch and the rest of the inhabitants of said Canterbury, for supporting one Robert Colborn of said Windham, alledging that he was one of the poor inhabitants of said Canterbury and by them wrongfully cast upon said Windham; the petitioner alledging that their counsel mistook their plea, so that the point in controversy between the said towns had never been tryed; further shewing, that they had paid near £100 old currency, recovered by said Windham [210] inhabitants in said superior court; praying that, if judgment should be rendered in their favour, the superior court may be enabled to give judgment that the petitioner should recover back from the petitionee the whole sum that has by force of said judgment been taken from them, and praying for another tryal of said cause: Resolved by this Assembly, that the petitioners have another tryal of their said cause at the superior court to be held at Windham in March next; and if the petitioners shall obtain judgment in their favour, the said superior court shall render judgment that the petitioners shall recover back the whole sum that has by force of said judgment been taken from them, (except the former cost;) and that the future cost only follow said judgment.

On the petition of John Denison of Stoningtown *vs.* Jonathan Richardson of Stoningtown, as on file: The question was put, whether the pleas offered by the respondent in bar of the said petition are sufficient: Resolved by this Assembly in the affirmative.

Upon the memorial of Mary Cooley, administratrix on the estate of Asahel Cooley, late of Wallingford, deceased, shewing that sundry debts &c. were omitted, amounting to £41 8s. 3d. old currency, more than the order of the Assembly in May last did enable said administratrix to sell land for the payment thereof, as per her memorial on file appears, praying

liberty to sell as abovesaid: Resolved by this Assembly, that the said administratrix, with Elihu Hall of said Wallingford, shall, and are hereby enabled to sell so much of said deceas'd's real estate that shall make £41 8s. 3d. old currency, in addition to the order of said Assembly in May last therein, and incident charges arising on said sale, taking the direction of the court of probate in New Haven in the premises.

Upon the memorial of the town of Salisbury in the county of New Haven, by their agent Samuel Bellows of said Salisbury, praying a land tax: It is resolved by this Assembly, that each respective right in said Salisbury, (the college, school, and ministerial rights excepted,) shall be taxed at six pounds upon each right annually, for the space of three years next coming, and all the country grants in said town at four pence for every acre laid out, unimproved, in said town, annually for the same term, in bills of credit old tenour; the said grants to be computed according to their several original surveys; which tax shall be in lieu of any former tax granted by the Assembly. The money to be annually collected by Josiah Stoddard of said Salisbury, who is fully hereby impowered, as fully as collectors by law appointed. And the moneys so collected shall annually be put into the hand of said town treasurer, to be improved as needed by the inhabitants for settling and support of an orthodox minister amongst them, and for the building of a meeting house in said town.

On the memorial of Hezekiah Rue and Thankful his wife, executrix of the last will and testament of Joseph Plumb, late of Farmingtown, deceased, shewing that the debts of said deceased surmount the moveable estate the sum of £51 17s. 11d. in old tenour, praying that some suitable person may be impowered to sell so much of said deceased's lands as shall answer the same: Resolved by this Assembly, that Mr. Joseph Gaylord, of said Farmingtown, shall, and is hereby enabled to make sale of so much of said deceased's real estate as shall raise the said sum of £51 17s. 11d. in old tenour, for the purpose aforesaid, together with incident charges arising on said sale, taking the direction of the court of probate in the county of Hartford in the premises.

Ordered by this Assembly, That the Treasurer of this Colony pay out of the publick treasury to Samuel Lynde, Esqr, Messrs. Jedediah Chapman and John Tully, the sum of four pounds sixteen shillings old tenour, in full satisfaction for their service mentioned in their account now laid before and allowed by the Assembly.

[211] Upon the memorial of Elnathan Rowley, administrator to the estate of Josiah Gillett, jun., late of Colchester, deceased, shewing to this Assembly that the debts due from said estate already found out is twenty-eight pounds seven shillings and six pence old tenour more than the inventory, for payment of which he, the said administrator, hath nothing in his hands: Resolved by this Assembly, that Elnathan Rowley, administrator to said estate, be impowered, and is hereby impowered, to sell so much of the deceased's lands as shall be sufficient to pay the debts due from said estate with the incident charges arising thereupon, taking the advice of the judge of the court of probate in the district of East Haddam.

Upon the memorial of Ruth Coleman, administratrix on the estate of Ebenezer Coleman, late of Hebron, deceased, shewing to this Court that the debts due from said estate surmounted the sum of the personal estate the sum of £133 14s. 10d. old tenour, and praying liberty to sell so much lands to pay said debts with the incident charges arising thereon: Resolved by this Assembly, that Ruth Coleman, administratrix on said estate, be and is hereby impowered, (with the advice of the judge of the court of probate of the district of East Haddam,) to sell so much of the lands of the said Ebenezer Coleman, deceased, as amounts to the sum of £133 14s. 10d. old tenour, and to defray the incident charges arising thereupon.

The Sums total of the Lists of Estate of the several Towns in this Colony hereafter mentioned, sent in to this Assembly and accepted, are as follow, (viz:)

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Hartford,	33025	2	0	New Haven,	43787	5	2½
Fairfield,	39618	16	3	New London,	27102	9	9
Lyme,	17653	6	10	Durham,	9550	1	2
Woodberry,	17943	5	5	Pomfrett,	12637	0	0
Norwalk,	27561	3	8	Windham,	19912	4	5
Symsbury,	13521	17	0	Glassenbury,	10412	11	0
Stonington,	25144	4	1	Guilford,	28179	2	10
Norwich,	43696	8	7	Killingsworth,	11539	14	6
Killingly,	16034	0	0	New Milford,	8621	12	10
Weathersfield,	23556	19	3	Lebanon,	28781	17	9
Canterbury,	12468	12	0	Saybrook,	17428	14	3
Hebron,	12293	9	0	Greenwich,	17432	9	0
Ridgfield,	7840	13	6	Litchfield,	8102	14	0
Plainfield,	8634	5	4	Haddam,	8601	3	3
Colchester,	17540	14	0	East Haddam,	14641	12	0
Ashford,	7876	17	0	Mansfield,	10589	5	3

Voluntown,	6780	0	0	Preston.	16062	0	0
Farmingtoun,	28322	0	5	Standford,	20263	9	2
Wallingford,	32272	7	6	Waterbury,	10693	0	6
Coventry,	10092	1	0	Windsor,	29676	1	2
Derby,	8449	1	0	Danbury,	11936	19	6
Brandford,	19781	8	1	Groton,	18290	8	0
Stratford,	32000	0	0	Milford,	24409	0	1
Midletoun,	35069	18	0				

On the memorial of Jared Lee, executor to the last will and testament of James Lee, late of Farmingtoun, deceased, shewing that the debts of said deceased surmount the moveable estate the sum of £79 2s. 4d. in old tenour, praying that the memorialist may be impowered to sell so much of said deceased's lands as shall answer the same: Resolved by this Assembly, that the memorialist shall, and hereby is enabled to make sale of so much of said deceased's real estate as shall raise the said sum of £79 2s. 4d. in old tenour, for the purpose aforesaid, together with incident charges arising on said sale, taking the direction of the court of probate in the county of Hartford in the premises.

[212] Upon the memorial of John Clark, administrator on the estate of Josiah Gillett, late of Colchester, deceased, shewing to this Assembly that the debts due from said estate amounts to the sum of twenty and five pounds eighteen shillings in old tenour bills, &c., that the deceased left no personal estate, and praying to this Assembly for liberty to sell so much of the lands as to pay the same with the incident charges arising thereupon: Resolved by this Assembly, that John Clark, administrator on said estate, be impowered, and hereby is impowered, to sell so much of the lands of said Josiah Gillett, deceased, as shall amount to the sum of £25 18s. 0d. in bills of credit old tenour, with so much as to defray the incident charges arising thereupon, taking the advice of the judge of the court of probates in the district of East Haddam.

This Assembly do establish and confirm Mr. Henry Brace to be Lieutenant of the 4th company or trainband in the town of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Seymour to be Ensign of the 4th company or trainband in the town of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jeremiah Goodrich to be Lieutenant of the first company or trainband

on the east side of Connecticut River in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Clark to be Ensign of the first company or trainband on the east side of Connecticut River in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ezekiel Royce to be Captain of the 4th company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Robinson to be Lieutenant of the 4th company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Mirriam to be Ensign of the 4th company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Amos Porter to be Lieutenant of the northwest company or trainband in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Sage to be Ensign of the northwest company or trainband in the town of Middletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Wait Hinman to be Captain of the south company or trainband in the town of Woodberry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Hiccox to be Lieutenant of the south company or trainband in the town of Woodberry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Down to be Ensign of the south company or trainband in the town of Woodberry, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Lumm to be Captain of the company or trainband in the parish of Oxford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Riggs to be Lieutenant of the company or trainband in the parish of Oxford, and order that he be commissioned accordingly.

[213] This Assembly do establish and confirm Mr. John Chatfield to be Ensign of the company or trainband in the parish of Oxford, and order that he be commissioned accordingly.

Upon the memorial of John Munger and Josiah Munger of Guilford, and Jonathan Munger of Woodberry, shewing to this Assembly that Rachel Munger of said Guilford, their sister, is a person uncapable to help herself, by reason of a disorder in body and mind, and that they have been at the cost and charges of her maintenance about ten years, and all her personal estate is spent already, and about thirty pounds more the memorialists have expended for her support, and that she is likely to be a charge to them as long as she shall live; and, there being land given her by her father's last will and testament for her support, praying for liberty to sell the real estate of the said Rachel, for her support and maintenance during her life: Resolved by this Assembly, that the memorialists have liberty to sell the real estate of the said Rachel, taking the advice of the court of probate in the district of Guilford, to be improved for her maintenance as long as she shall live.

Whereas this Assembly, in its sessions at Hartford in May last, granted a tax of one half-penny lawful money on the acre on all the unimproved lands in the parish of New Salem, being partly in Colchester and partly in Lyme, to be improved for the support of the gospel ministry in said parish, and the same being complained of to this Assembly, as too great a burden to the owners of lands there: In consideration whereof, Resolved by this Assembly, that the one half of said tax be abated, and the same is hereby abated accordingly; and all persons impowered to collect said tax are to take notice hereof and conform themselves accordingly.

Ordered by this Assembly, That the Secretary of this Colony make out a precept to the proper officers, to arrest the body of Mr. Benjamin Pumroy of Hebron, clerk, wheresoever he may be in this Colony, and him bring before the General Assembly of this Colony, to answer to such matters and things as are objected and complained of against him on his Majesty's behalf before the Assembly.

Upon the memorial of Abraham Stone, John Hill and Daniel Norton, of Guilford, praying to be discharged from the fourth society in said Guilford, and reunited to the first society in said Guilford: This Assembly grants that the said memorialists be discharged from the said fourth society, and annexed to the said first society.

Upon the memorial of Jacob Tullar, administrator on the estate of John Tullar, late of Symsbury, deceased, shewing to this Assembly that the debts due from the said estate do surmount the personal estate of the said deceased the sum of £65 19s. 3d. in old tenour bills, and praying this Assembly to grant liberty to sell so much of the real estate of the said deceased as shall be sufficient for the payment of said debts, &c.: This Assembly grants liberty to the said administrator to make sale of so much of the land of said deceased as shall be sufficient for the payment of the said debts with the necessary charges arising thereon, taking the direction of the court of probate in the district of Hartford.

Whereas the Lords Justices have signified to his Honour the Governor, the prospect of a war with France, and directed that this Colony be put into the best posture of defence,

It is therefore resolved by this Assembly, That his Honour the Governor (with the advice of the Council) be impowered, and he is hereby impowered and desired, to cause the bottom of the sloop Defence to be forthwith graved, and upon credible information of a war with France, as early as possible in the spring, to cause the said sloop to be fitted for service and furnished with a sufficiency of warlike stores; appoint a captain and such other officers as are necessary, and commissionate them; cause a number of men, not exceeding one hundred, to be shipped and inlisted; and to give such directions to || said captain, from time to time, as the circumstances of the case shall require; and to appoint some suitable person or persons to procure provisions sufficient for said sloop.

And, for a further security to the port of New London, Jeremiah Miller and John Richards, Esq^{rs}, are appointed a committee to procure three guns, two of them twelve-pounders, and one four-pounder, with ammunition sufficient for them; and, in case of a war with France, to cause the said guns to be planted in the most convenient place on the west side of said harbour, at or near Harriss's Point, and to cause a breast work to be built for the security of those who manage the said guns, and the King's colours to be provided, and a beacon erected in the most convenient place near said battery: always provided, that the charge to the government exceed not the sum of five hundred pounds old tenour.

And, for the better securing the frontiers of this Colony, his Honour the Deputy Governor, with Nathaniel Stanly, Ozias Pitkin and William Pitkin, Esq^{rs}, Capt. John Marsh and Mr. Joseph Buckingham, or the major part of them, are appointed a Committee of War, with full power to send such

a number of men as they shall judge necessary for the defence of our frontier towns, and into the county of Hampshire in case of an invasion, and to give directions for erecting garrisons in our frontier towns, in case they judge it necessary.

And it is further provided, That in case the neighbouring governments should unite in an endeavour to settle a peace or friendship with the Indians, the Governor and Council of this Colony are desired and impowered to send some proper person or persons, in behalf of this Colony, to unite with them in such an affair, and to furnish them with money to answer this government's proportion therein, and that the Governor give such person or persons a proper commission for said service.

And, that none of the towns in this government may be deficient in their stock of ammunition, the colonels of the several regiments in this Colony are hereby directed to demand of the selectmen of the several towns in their respective regiments an account how such towns are provided with ammunition, and to take proper care that each town that is defective be speedily provided with a stock of ammunition according to law; and that it be recommended to the Captain General, that he order the colonels of the several regiments in this Colony to exercise their regiments according to Colonel Bland's military discipline, and that the respective captains in each regiment conform themselves to the same.

Whereas Samuel Sturgis of Fairfield, administrator on the estate of Elizabeth Sturgis, late wife of the said Samuel, brought his petition to the General Assembly in May last, against Jonathan Sturgis of said Fairfield, the only surviving executor of the last will and testament of Jonathan Sturgis late of Fairfield, deceased, and against the surviving Jonathan, and Andrew Burr of Fairfield, Esq^r, as they are administrators on the estate of David Sturgis late of said Fairfield, deceased, father of the said Elizabeth and son and legatee of the said deceased Jonathan, representing that the said David Sturgis's part and portion of his said father's moveable estate, amounting to a large sum, hath come to and is in the hands of the said Jonathan as executor as aforesaid, and that he would not render any account thereof to the said Samuel, who is the proper person to receive the same; and also, that the estate of the said David came to and is in the hands of the said administrators, and that they refuse to deliver the same to the said Samuel, administrator, or any account thereof; praying for a committee to hear, examine and adjust the said accounts and matters relating to said estate, so far as belongs

to the petitioner, and determine what is just in the affair: whereupon said Assembly appointed Jonathan Hoit of Stand-[215] ford, || John Fowler of Milford, and Theophilus Nickols of Stratford, a committee to perform as above-said; who report to this Assembly, that the said Jonathan Sturgis, as executor as aforesaid, is indebted and ought to pay unto the said Samuel Sturgis, as administrator as aforesaid, as a residuary legacy due to the said David Sturgis, the sum of sixty-one pounds eight shillings and four pence, money, according to his father's inventory price; and also on the estate of David Sturgis, as administrator, the said Jonathan is indebted unto the said Samuel Sturgis, as administrator as aforesaid, the sum of thirty-four pounds eleven shillings and nine pence money at inventory price, which inventory of the said Jonathan's estate, as by the said report referred to, was in money, and taken and exhibited on the 3d day of June, A. D. 1713, the price or value thereof being at the rate of silver at eight shillings per ounce, which amounts to the sum of fifty-one pounds three shillings and seven pence lawful money; and the inventory of the said David Sturgis's estate, as referred to in said report, was taken on the 22d day of January, 172½, at the price or value of money at the rate of silver at sixteen shillings per ounce, which amounts to the sum of fourteen pounds eight shillings and four pence lawful money: Whereupon this Assembly do decree and order the said Jonathan Sturgis to pay unto the said Samuel Sturgis, as administrator on the estate of Elizabeth Sturgis, deceased, the sum of sixty-five pounds eleven shillings and eleven pence lawful money, and cost taxed at seventeen pounds nine pence lawful money, and that execution go forth accordingly from the Secretary of this Colony. *Exⁿ granted November 1st, 1743.*

An Act in Addition to one Law of this Colony entituled
An Act for regulating Abuses and correcting
Disorders in Ecclesiastical Affairs.

Whereas in the last paragraph of said act it is provided and enacted, 'that if any foreigner or stranger, that is not an inhabitant in this Colony, including as well such persons that have no ecclesiastical character or lycence to preach as such as have received ordination or lycence to preach by any association or presbytery, shall presume to preach, teach or publickly to exhort, in any town or society within this Colony, without the desire and lycence of the settled minister and the major part of the church of such town or society, or at the call and desire of the church and inhabitants of such town or society, provided that it so happen that there is no settled minister there, that every such preacher, teacher or

‘exhorter, shall be sent (as a vagrant person) by warrant from ‘any one assistant or justice of the peace, from constable to ‘constable out of the bounds of this Colony:’ And it being found by experience that, for want of further provision, the good ends proposed are defeated; and some persons that, pursuant to the aforesaid law, have been taken and carried out of the bounds of this Colony, have immediately returned again, and by preaching and exhorting as aforesaid have greatly disquieted and disturbed the people: Which for the future to prevent,

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That when it shall so happen that any person that is a foreigner or stranger, and not an inhabitant in this Colony, shall at any time after he has been, by order of authority as aforesaid, transported out of the bounds of this Colony, return into the same again, and shall in any town or society in this Colony preach, teach or exhort, contrary to the true intent and meaning of the aforesaid law, it shall be the duty of any one assistant or justice of the peace, that shall be informed thereof, to cause such person to be apprehended and brought before him, and if he shall be found guilty, to give judgment that such person shall become bound in the penal sum of one hundred pounds lawful money, to his peaceable and good behaviour until the next county court in the county where the offence shall be committed, and that such person will not offend again in like manner; and also, that such offender shall pay down the cost of his transportation. And the county court may, if they see cause, further bind such offender to his peaceable and good behaviour during the pleasure of said court.*

An Act in Addition to and for Explanation of the Law intituled An Act for the better Ordering of Idle and Poor Persons.

Whereas in said law there is no special direction given for a rule to the selectmen to proceed by, when they shall judge it [216] necessary to take into their care the person or estate || of any such idle person, nor to make certain their doings therein, nor any sufficient provision to preserve the estate of such person, taken by the direction of said law, from perishing in the hands of such selectmen or their successors, which may occasion great wrong and injustice to such person or his heirs: Which to prevent,

Be it enacted by the Governor, Council and Representatives,

* Rev. Samuel Finley, of New Jersey, afterwards president of Princeton College, for preaching in Milford, contrary to the act of May, 1742, had been accordingly sent out of the Colony, but returned again and preached in New Haven; an account of which was laid before the Assembly, and occasioned this law. *Backus, Abridgment, 172.*

in General Court assembled, and by the authority of the same, That when and so often as the selectmen in any town in this Colony, or the major part of them, shall find any person that through idleness and bad husbandry are like to be reduced to poverty and want, they are hereby directed to make application to the next assistant or justice of the peace, and inform him thereof; which said assistant or justice is hereby directed, at the request of such selectmen, to issue forth his warrant, directed to the sheriff of the county, his deputy, or either of the constables of said town, commanding them to take the body of such person and bring him before such assistant or justice, in order that such person may be dealt with according to the direction of said law. And in case such idle person, who shall be so informed against, shall abscond, so that he cannot be taken bodily, then and in such case the sheriff, his deputy, or constable, shall serve such warrant by leaving a true and attested copy thereof at the usual or last place of his abode.

And it is further enacted by the authority aforesaid, That the selectmen, or the major part of them, after and upon the proceeding above directed to. are hereby directed and impowered, by and with the advice of said assistant or justice, to take such person and his family, if any he has, and him or them dispose of in service, as they shall judge best.

And it is further enacted by the authority aforesaid, That when any selectmen shall have taken into their care any idle person or persons (agreeable to the directions in this act provided) and disposed of him or them as aforesaid, the said selectmen for the time being are authorized and fully impowered, by and with the advice of said assistant or justice of the peace, to take into their hands, and to improve by themselves or any by or under them, all the lands, goods, chattels and credits of any such idle person, for the best good and benefit of such person or his heirs.

Provided, The said selectmen shall make certain their doings upon such estate, by forthwith setting up a certificate thereof in writing, under the hands of the said authority and selectmen, on the sign-post or some other publick place in said town, and lodge a copy thereof in the town clerk's office of said town.

Provided also, The said selectmen, within ten days after the taking of such estate into their hands, shall make a true and perfect inventory of all and singular the goods, chattels and credits of any and every such idle person as shall come into their hands, with a just estimate of the true worth and value of every article thereof, by the apprizement of two indifferent

persons, freeholders, under oath, being thereunto appointed by said assistant or justice; which schedule or inventory, taken as aforesaid, shall be lodged in the town clerk's office in such town where such person shall be taken as aforesaid.

And it is further enacted by the authority aforesaid, That all such persons as shall be taken, and whose estate shall be disposed of according to the directions of this act, shall be disabled to make any act or deed binding upon his person or estate, as minors under guardians by law are.

An Act in Addition to an Act intituled An Act to encourage the Destroying of Wolves, &c.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That if any person or persons shall kill or destroy any grown wolf or wolves within the bounds of any town in this government, such person or persons shall receive out of the publick treasury the sum of six pounds ten shillings old tenour, and no more; and thirty shillings, and no more, out of the treasury of the town within the bounds whereof such wolf shall be killed, as a reward for killing the same; and half so much out of each of the aforesaid treasuries for every wolf's whelp that shall be killed as aforesaid.

This Assembly do appoint Mr. Christopher Avery, jun., of Groton, to be a Justice of the Peace in and for the county of New London till the first day of June next.

[217] On the memorial of Samuel Wells and others of Farmingtoun, therein shewing that they were by an act of this Assembly annexed to the west society in Hartford, so far as related to ministerial charges and building meeting houses &c., and praying to be released from all society charges in said Farmingtoun: Resolved by this Assembly, that all the inhabitants that now do, or that hereafter shall live on that part of said Farmingtoun, which by the act aforesaid is annexed unto the west society in Hartford, and all those tracts or parcels of land within said part. belonging to any of the inhabitants of said Hartford, be, and hereby are, exempted from bearing any part of the society charges in the said town of Farmingtoun, and the same is hereby joyned and annexed unto the west society in Hartford, to all intents and purposes, so far as concerns their society privileges and charges.

On the memorial of the inhabitants of the town of Kent, by their agent Timothy Hatch, therein praying, for the reasons therein offered, that the unimproved lands in said town may be taxed for the space of four years next coming, &c.: Resolved by this Assembly, that the unimproved lands laid out in the township of Kent shall be taxed annually, for the

space of four years next coming, at two pence per acre old tenour money annually; and this Assembly do appoint and empower Mr. Nathaniel Berry of said Kent, to collect and gather the said sums, annually, and the same pay annually unto the selectmen of said Kent, to be applied towards building a meeting house for divine worship and paying the minister of said town his salary: Always to be understood, that the college farm, the ministry land, and school land in said town, is hereby exempted from the tax aforesaid.

On the petition of Daniel Bartholomew, &c., all of Harwington in the county of Hartford, *vs.* Timothy Waters of Lebanon, shewing that the said Waters brought an action of trespass for the sum of £80 0s. 0d. money, to Hartford county court in April last, and recovered judgment against them at said court thereon, and that bond of prosecution of an appeal was never entered by the clerk of said court, and that execution was thereon granted, as per their petition on file: Resolved by this Assembly, that the petitioners shall and may enter said action at the superior court to be held in said Hartford in March next, on their giving bond of prosecution to the clerk of said county court, and that execution on said judgment shall be, and hereby is, made void, and the whole cost follow the final judgment in said case.

On the memorial of John Crane, William Williams, and others of the 2d society in Mansfield, praying for a committee to view the circumstances of said society, and to affix a place for building a meeting house, and that said committee be at the cost of the memorialists: Resolved by this Assembly, that Colo. Joseph Pitkin, Joseph Buckingham, Esq^{rs}, and Mr. James Church, all of Hartford, shall be a committee to repair to said second society in Mansfield, to view the circumstances thereof, and to affix the place for building a meeting house in said society, and that said committee shall make report of their doings to the General Assembly in May next; and all at the cost of the memorialists.

On the memorial of the inhabitants of the first society of Killingly, shewing to this Assembly that the General Assembly held at Hartford, May, 1742, appointed Capt. Eleazer Cary, Josiah Conant and Experience Porter, a committee to repair to said society and view the same, and that they did repair to said society, view and heard the parties thereon, and did affix a place for said society to build a meeting house on, (*viz.*) at a certain stake set up by them, marked K, and a heap of stones laid to it, on a bare hill, a little more than a quarter of a mile southward of a house wherein Mr.

Nathaniel Collier dwells, which house belongs to Ephraim Waring, on the east side of a road in which the inhabitants that dwell in the southeasterly part of said society travel to the old meeting house ; which report was returned to this Assembly in October last, and then continued to the sessions of this Assembly in May last, where nothing was acted on the same ; praying that this Assembly would establish the same, and order that said society build a meeting house thereon accordingly : Resolved by this Assembly, that the report abovesaid be established, and the same is hereby established, and that said society proceed to building a meeting house on said place by them affixed accordingly.

[218] Upon the memorial of Thomas Fitch, George Wyllys, and Robert Walker, shewing to this Assembly that the General Assembly held at New Haven, 1740, granted to them and their assigns the sole liberty of making and converting iron into steel within this Colony for the space of fifteen years then next coming, on condition they should effect said work in two years from that time, and that the Reverend Timothy Woodbridge, late of Symsbury, deceased, was one of their assigns, on whom they principally depended for the skill in preparing the furnace and making the experiment ; and that, while they were thus preparing to make the experiment, before the same was compleated, said Mr. Woodbridge died, by which their design has been much retarded ; and praying that their grant may be revived and put in full force for the remaining part of said fifteen years, on the same conditions said grant was made, allowing one year longer to make the experiment : Resolved by this Assembly, that the said grant shall be revived and put in full force for the remaining part of said fifteen years, on the conditions, restrictions and regulations, that the same was at first granted ; and that they are hereby allowed one year from the rising of this Assembly, to make the experiment in, under the same conditions, restrictions and regulations, as the aforesaid two years was allowed.

Upon a report of Messrs. Jonathan Huntington, Roger Wolcott, jun., and James Church, a committee appointed by this Assembly, held at New Haven in October last, to affix a place for a meeting house to be built upon in the 2d society of Coventry, shewing to this Assembly that they heard all parties in the premises, and have affixed a place for said society to build upon, (*viz.*) the north side of the country road, at or near the south end of Mr. Peter Buel's land, about fifteen rods south of the center of said society, where they set a stake and heap of stones, which is to be included within the sills of said house ; which report is accepted and approved

by this Assembly: and thereupon, Resolved by this Assembly, that the place above described shall be the place to build a meeting house on for said society, and that said society proceed to build thereon accordingly.

On the memorial of William Chidester of Cornwall, praying for liberty to erect a ferry for transporting of travellers &c. over Ousatunnuck River from Cornwall to Sharon, near the memorialist's dwelling house, and that the fare may be stated: Resolved by this Assembly, that the memorialist shall and may set up a ferry over Ousatunnuck River from Cornwall to Sharon, near his dwelling house, and that the fare thereof shall be as followeth, (*viz.*) for each man, horse and load, three pence, and for each ox, cow, or horse, three pence, and for each single person one penny, and one half-penny for each sheep or swine, all in lawful money, and no more; and that said ferry shall be subject to the same regulations as other ferries by law are.

Whereas Doctr William Douglass of Boston, out of a generous regard to the good of the country, has, with considerable pains and expence, prepared a Map of New England, which he intends to publish, and the greater part of it is already compleated: but that part of it which is Connecticut is yet defective and imperfect; and he hath sent that part of it here, desiring some assistance for the correcting and perfecting of it: Ordered by this Assembly, that the present Deputies of the several towns, by themselves or such other meet person or persons as they shall desire or appoint, be hereby desired and directed to inspect the patents, perambulations, or other surveys which have been taken of their respective towns, and from thence draw a plan of their town, mentioning the course and distance of each line, so far as they can easily come at them, and in what manner the adjacent towns bound upon them, together with the principal rivers or other remarkable things in the said town, and bring or send such plans to this Assembly in May next; and no cost or charge hereby to be brought on the government.

[219] Upon the memorial of Capt. Pelatiah Mills, of the parish of Wintonbury, to this Assembly in May last, shewing that one Edward Pierce, formerly of Symsbury, dyed seized and possessed of about twenty-five acres of land lying in said Symsbury near the limits of the parish of Wintonbury, and that said Pierce dyed leaving no heirs that can by law inherit said estate, whereby the same is escheated to this Colony; and thereupon praying that this Assembly would grant the same to the inhabitants of Wintonbury, to be improved for the use of

the school in said society: Whereupon it is resolved by this Assembly, that the aforesaid lands shall belong to the inhabitants of said Wintonbury, and that the same shall be and remain for the use of the school in said society forever.

Upon the memorial of the inhabitants of the town of Hebron, shewing to this Assembly the great difficulty that they are under, by reason of the smallness of their meeting house, and also on the account of their misunderstanding, whether it be best for them to be divided into two or more societies or to be kept in one, as per petition appears; praying for help from this Assembly: Whereupon it is resolved, that Mr. Elisha Williams, Colo. John Chester and Colo. Joseph Pitkin, be a committee, and that they, at the cost of said town, repair to said town and hear all parties on the matters of difficulty set forth in said memorial, and view their circumstances, and determine whether they shall be divided into two or more societies, and if they shall determine that it is best to divide them into two or more societies, then to draw the line or lines proper for that purpose, and to appoint and fix a place for a meeting house in each society; and if said committee shall think it best for the town to keep altogether in one society, then to appoint a place to build a meeting house for said town. And the said committee are to make report to this Assembly in May next, for confirmation, as prayed for.

On the memorial of Jacob Griswold of Litchfield, praying for liberty of having two hundred and fifty pounds in bills of credit of the old tenour for the space of three years next coming, interest free: Resolved by this Assembly, that the memorialist shall and may have the sum of two hundred and fifty pounds in bills of credit of the old tenour for the space of three years next coming without paying interest therefor, upon said Griswold's giving security for repayment of said sum at the expiration of said three years. And Colo. Nathaniel Stanly and John Marsh, Esqrs, both of Hartford, are appointed a committee to take security for repayment of said sums of said Jacob Griswold to the Governor and Company of said Colony, and give said Griswold an order on the Treasurer of said Colony for receiving the same.

An Act for advancing the Fare of the Ferry over Connecticut River, called Chapman's Ferry.

Resolved by this Assembly, That the fare of said ferry, for the future, shall be two pence half-penny for each man, horse and load, and two pence for each horse, ox or any neat cattle, and one penny for a single person, all in lawful money, and no more; any law, usage or custom to the contrary notwithstanding.

An Act for advancing the Fare of Stratford Ferry.

Resolved by this Assembly, That for the future the fare of the ferry at Stratford, for man, horse and load, and also for a single horse, cow or ox, or other neat cattle, shall be two pence lawful money; and one penny, like money, for each single person.

On the memorial of Ephraim Andruss of New Hartford, praying for relief under the heavy burthen of cost occasioned by an abuse offered said Andruss's wife: *Resolved by this Assembly,* that said Andruss may and shall have thirty pounds in bills of credit of the old tenour paid out of the Colony treasury; and said Treasurer is hereby directed to pay the same accordingly.

This Assembly grants a rate of two pence old tenour, to be levied and raised on each pound on all the polls and rateable estate sent in to this Assembly, for the defraying of the incident charges of this Colony.

This Assembly do establish and confirm Mr. Caleb Hall, jun., to be Ensign of the 2d company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

[220] This Assembly do establish and confirm Mr. Samuel Peck to be Ensign of the 1st company or trainband in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Dudley Woodbridge to be Captain of the 1st company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Lemuel Roberts to be Lieutenant of the 1st company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Horskins to be Ensign of the first company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Beebe to be Lieutenant of the company or trainband in the town of Salisbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hutchinson to be Ensign of the company or trainband in the town of Salisbury, and order that he be commissioned accordingly.

Ordered by this Assembly, That the Treasurer of this Colony shall, and he is hereby directed to pay to the Agents of this

Colony in the controversy between the Governor and Company and the Mohegan Indians, for their time and service in said affair, the following sums, in bills of credit of the old tenour, (*viz:*)

To James Wadsworth, Esqr,	£96	7s.	6d.
To Thomas Fitch, Esqr,	144	3	11
To Jno. Bulkley, Esqr, .	85	4	9
To Major Jos. Fowler,	63	15	0

This Assembly being informed that an appeal is entered in the cause or controversy between the Governor and Company and the Moheag Indians: Whereupon this Assembly do desire and empower his Honour, Jonathan Law, Esqr, as soon as may be, to send unto our Agent in London, Eliakim Palmer, Esqr, all the papers and writings relating to that affair, with proper directions and instructions, that so that controversy may be brought to a good conclusion.

This Assembly grants unto Mr. Agent Palmer, Esqr, of London, the sum of two hundred and fifty pounds in bills of credit of the old tenour, for his salary for the year past; and his Honour the Governor is hereby desired to draw an order on the Treasurer of this Colony for payment thereof, and cause the same to be deposited in the hands of some proper person, in order to its being sent to Boston, to be there disposed of according to said agent's order.

Resolved by this Assembly, That the constables of each town in this Colony shall have allowed out of the Colony treasury, for their travel to make up accounts with the Treasurer, for the future, two pence per mile in lawful money, or an equivalence in bills of credit of the old tenour.

An Act for reviving and continuing an Act entituled
An Act for the better regulating Tryals
on Writs of Error.

Whereas the time limited for the continuation of said act is expired:

Resolved by this Assembly, That said act be revived, and it is hereby revived, and to continue of force until this Assembly shall order otherwise.

Whereas the honourable the judges of the superior court have informed this Assembly that one Barney, a negro servant to Jonathan Allyn of Midletown, was indicted by the grand jury in Hartford county, before said superior court in September last, for that he, said Barney, did feloniously mayhem the body of one Thomas Allyn, a minor son to the said Jonathan Allyn, by cutting out the testicles of the said Thomas, and that he, the said Barney, pleaded guilty to said indictment;

and praying the direction of this Assembly, what punishment [221] shall be || inflicted on the said Barney, there being no special provision in any law of this Colony for the punishment of such crimes:

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the judges of said superior court proceed, and they are hereby directed to proceed and cause such punishment to be inflicted on the said Barney as to justice appertains, according to their best skill and judgment. And the chief judge of said superior court is hereby authorized and impowered to call the said judges of said court, or so many of them as shall be needful to make a quorum, specially to meet at Hartford for the purpose aforesaid, at such time as he shall think best.*

Resolved by this Assembly, That his Honour the Governor be desired, and he is hereby desired, to give order to Mr. Agent Palmer to make use of the money belonging to this Colony, which he shall receive of the executors of Francis Wilks, Esqr, for the Colony's service, as occasion shall require.

This Assembly grants to the Honourable Jonathan Law, Esqr, Governor, for his last half years salary for the present year, the sum of seventy pounds new tenour.

This Assembly grants to the Honourable Roger Wolcott, Esqr, Deputy Governor, for his last half years salary for the present year, the sum of thirty-five pounds new tenour.

This Assembly grants unto Mr. Timothy Green, printer, for his last half years salary, the sum of fifteen pounds new tenour bills, and that an order be given to the Treasurer to pay the same.

This Assembly do appoint Joseph Whiting, Esqr, Roger Newton, Esqr, Mr. John Hitchcock, Capt. Jonathan Allyn, Capt. John Riggs, Capt. John Fowler, and Mr. Robert Treat, a committee to attend his Honour the Governor, to hear the records of the acts and doings of this Assembly read off, and see them signed by the Secretary as compleat.

* The sentence of the superior court, Nov. 15, 1743, was, "That, on the 16th day of November instant, he shall be carried to the gallows and there, with a rope about his neck, set on the gallows for the space of one hour, and from thence be returned to the whipping-post in this place, and there be whipt on his naked body to the number of thirty-nine lashes, and be branded on the forehead with the letter C on a hot iron, and thence be carried back to the common goal, whence being taken on the expiration of twenty-eight days he shall be again publickly whipt on the naked body with the number of stripes abovesaid, after which he shall be further committed to said goal, and there be in safe custody until twenty-eight days more shall be elapsed, at the expiration whereof he, the said Barney, shall be further punished by castration and having both his testicles cut out, and then be from said goal discharged." *Records Superior Court.*

The whole record of the several Acts, Grants and Orders of this Assembly, as they stand entered on the pages of this book next preceding, were read off in the presence of his Honour the Governor and the committee abovenamed, and signed.

A highly decorative cursive signature in black ink. The text reads "George Wyllis Secretary" in a fluid, flowing script. The signature ends with a large, ornate flourish consisting of several overlapping loops and a long, sweeping tail that curves back towards the center.

CORRIGENDUM.

Page 323, line 9 from bottom, for *Pomfret* read *Canterbury*. It was a slip of Secretary Wyllis' pen.

INDEX.

- Abatement, pleading in, before assistants and justices, 34.
- Abbee, John, 475: — Richard, 40, 67; committee, 12, 65, 99, 108; deputy for Windham, 78; justice, 30, 82; dead, 147.
- Abbott, Jonathan, may practice physic, 110: — Philip, ensign, 82; lieutenant, 229.
- Absent or absconding debtors, debts how collected from, 168.
- Ackley, Elijah, 495: — Samuel, 410.
- Adams, Rev. Eliphalet, 509: — Joseph, 549; deputy for Canterbury, 2, 27, 53, 79, 156, 188, 221, 415, 445, 486, 511, 551; justice, 30, 82, 159, 225, 289: — Pygan, ensign, 162; lieutenant, 236: — Samuel, 483: — Thomas, 77.
- Agent in England, see Palmer, Eliakim; Wilks, Francis.
- Aldridge, Edward, 496.
- Allen, Edward, lieutenant, 508: — Gideon, 104: — Jeremiah, 283: — Rev. Timothy, 500.
- Alling, Daniel, captain, 11: — Jonathan, 47, 61, 231, 238, 449; deputy for New Haven, 2, 26, 52, 78, 119, 188, 414, 445, 486, 511, 551.
- Allyn, Amos, cornet, 419: — Caleb, ensign, 547: — Ebenezer, ensign, 369: — Henry, 12, 30, 75, 96, 266, 303, 472, 483; deputy for Windsor, 2, 27, 53, 79, 119, 155, 222, 258, 285, 323, 329, 355, 414, 445, 486, 552; justice, 29, 81, 158, 224, 288, 367, 447, 514; major, 441: — Jonathan, 580; ensign, 88; lieutenant, 493: — Matthew, 207, 214, 253, 256, 315: — Robert, 24, 219; ensign, 3; captain, 260: — Samuel, 220: — Thomas, 580.
- Amity, in New Haven and Milford, parish formed, 201; meeting-house in, 213, 238; may embody as a church, 489; military company in, 499.
- Anderson, John, 75, 246.
- Andrew, Ezra, 541.
- Andrews, Daniel, 333: — Elisha, ensign, 37; lieutenant, 490.
- Andrus, Ephraim, 577: — Samuel, 531: — Thomas and Mary, 481: — Timothy and Elizabeth, 540.
- Appeals regulated, in suits on bills, 55, in small causes, 89, 168, in actions against sheriffs and constables, 505; writs of error, 193, 578.
- Armstrong, Abner and Abial, 549.
- Arnold, Ebenezer, 406: — Joseph, lieutenant, 4: — Nathaniel, 145: — Robert, ensign, 163; lieutenant, 330.
- Ashford, bounds of, 45.
- Ashley, John, 348, 411.
- Atchetoset, Indian, becomes Christian, 372.
- Attorneys, sheriffs nor constables may appear as, 459; for non-residents regulated, 168; exempt from military service, 379.
- Atwater, Caleb, 273: — Jonathan, 523: — Joshua, 213, 239, 251, 273; lieutenant, 203; captain, 417: — Samuel and Tabitha, 522.
- Auditors of treasurer's accounts appointed, 30, 85, 92, 173, 229, 289, 372, 453, 515.
- Austin, John, 111, 150, 210, 264, 289, 310, 441.
- Avery, Christopher, 242, 247, 262, 272, 275, 377, 412; captain, 3; lieutenant-colonel, 280; deputy for Groton, 27, 155, 221, 259, 329, 355, 364, 445, 486, 511; justice, 30, 81, 159, 224, 288, 367, 448, 514, 572: — Ebenezer, 244, 348; deputy for Groton, 155, 188, 415; colonel, 280; ensign, 369: — Edward, 207: — Humphrey, 151, 295, 489; deputy for Groton, 188, 285, 323, 364, 551; justice, 28, 81, 159, 224, 288, 368, 448, 514: — James, 411; deputy for Groton, 52, 119; justice, 30, 159, 224, 288, 368; lieutenant, 195: — John, deputy for Preston, 552; lieutenant, 227; captain, 372: — Nathaniel, 208: — Samuel, 473.
- Ayers, Joseph, 303: — Timothy, ensign, 160; lieutenant, 452.
- Babcock, James and Joshua, 315: — Nathaniel, ensign, 290.
- Backus, Joseph, 39, 47, 176, 253; justice, 29, 81, 159, 224, 288: — Josiah, 94: — Samuel, 253, 263, 305; deputy for Norwich, 188, 258, 329.
- Bacon, Henry, ensign, 487; lieutenant, 544: — John, 470.
- Bailey, David and Jonathan, 541.
- Baker, John, 233; lieutenant, 163, 558; captain, 341; ensign, 419: — Samuel, 436.
- Baldwin, Barnabas, 154, 201, 489; ensign,

- 264; lieutenant, 342: — Caleb, ensign, 343: — Daniel, 470: — David, lieutenant, 53: — James, 344: — John, 145, 531: — Moses, ensign, 419: — Nathan, 25, 175; auditor, 85; captain, 16, 229; deputy for Milford, 1, 26, 52, 78, 156: — Nathaniel, 22: — Samuel, 201: — Stephen, 212: — Theophilus, captain, 189; deputy for New Milford, 2, 27, 52, 258, 330, 356, 414, for Stonington, 2, 26, 52, 79; justice, 30, 81, 159, 224, 288, 368, 448, 515: — Thomas, lieutenant, 452: — Timothy, ensign, 226.
- Bannister, John, 149.
 Barker, Joseph, 524.
 Barlow, Samuel and Sarah, 9.
 Barnes, Benjamin, 144: — Ebenezer, 499; ensign, 129; captain, 449: — Samuel, captain, 451.
 Bartholomew, Daniel, 573.
 Bartlett, Abraham, lieutenant, 369: — John, 124, 142; captain, 121: — Joseph, ensign, 163: — Josiah, ensign, 332; lieutenant, 450.
 Bassett, Abraham, ensign, 451: — John, quarter-master, 162; cornet, 225: — Jonadab, lieutenant, 547: — Samuel, 177, 195, 437; deputy for Derby, 2, 27, 53, 119, 156, 189, 221, 258, 285, 323, 414, 511; justice, 224, 288, 367, 448, 514.
 Bate, James and Samuel, 146: — John, 310.
 Bates, Jonathan, deputy for Stamford, 2, 511; ensign, 557.
 Baxter, William, 470.
 Bayard, Stephen, 354.
 Beach, Ebenezer, 312, 334, 435: — Elnathan, lieutenant, 342; captain, 418: — John, 494; captain, 548; justice, 490, 514: — Josiah, ensign, 163; lieutenant, 370.
 Beadle, Nathaniel, ensign, 417.
 Beardsley, Nathan, 204.
 Beckwith, Job, 539: — John, ensign, 120: — Thomas, ensign, 328.
 Bedlake, Benjamin, 247, 405, 475; deputy for Windham, 285, 323; justice, 225, 289.
 Boebe, James, 241, 306; deputy for Danbury, 2, 26, 53, 119, 188, 221, 258, 285, 323, 329, 355, 364, 414, 444, 486, 511, 551; justice, 30, 82, 159, 225, 289, 368, 448, 515: — John, 306: — Samuel, 560; lieutenant, 120, 577: — William, ensign, 554.
 Beecher, Ebenezer, 153, 201, 213, 238, 499; lieutenant, 11; captain, 342: — Eleazer, 493.
 Beers, James, ensign, 371: — Josiah, 126.
 Belden, Ebenezer, ensign, 450: — Gideon and Elizabeth, 8: — John, auditor, 372; deputy for Norwalk, 364: — Jonathan, captain, 450: — Samuel, 8; ensign, 333.
 Bell, Jonathan, 63; ensign, 121; lieutenant, 557.
 Bellamy, John, 23, 271: — Matthew, 14.
 Bellows, Samuel, 562.
 Benedict, Daniel, 68; ensign, 555: — James, deputy for Ridgefield, 285, 323, 356, 365, 414, 445, 486, 511, 552; justice, 30, 82, 159, 225, 289, 368, 448, 515: — John, deputy for Danbury, 156, 258; lieutenant, 191; captain, 371: — Samuel, 239: — Thomas, 176, 241; deputy for Danbury, 26, 53, 78, 119, 156, 221, 285, 323, 329, 355, 364, 444, 486, 511, 551, for Norwalk, 78, 329, 356; justice, 159, 225, 289, 368, 448, 515; lieutenant, 225.
 Bennett, John, 116: — Joseph, 270: — Nathan, ensign, 343; lieutenant, 449: — Thomas, justice, 30, 82, 159: — William, 471.
 Berry, Nathaniel, 199, 548, 573; ensign, 294.
 Bethlehem, made a society, 265; meeting-house, 310, 424; some of Litchfield set to, 409; ecclesiastical tax, 425, 539.
 Betts, John, auditor, 229; deputy for Norwalk, 53, 221, 364, 415, 445, 511; justice, 448, 515: — Jonathan, deputy for Stamford, 551: — Nathan, 307: — Samuel, lieutenant, 192.
 Bevin, John and William, 541.
 Bicknell, James, deputy for Ashford, 189, 221, 285, 323, 365: — Peter, deputy for Ashford, 330, 356: — Zechariah, captain, 84; deputy for Ashford, 119.
 Bidwell, Moses, 543: — Roger, 548.
 Bigelow, John, lieutenant, 54.
 Bill, Richard, 468.
 Billings, Increase, 175; deputy for Stonington, 120, 156, 329, 355, 445; ensign, 120; justice, 159, 224, 288, 368, 448: — Joseph, deputy for Preston, 285, 323, 330, 356, 365; ensign, 409; justice, 258.
 Bills, appeals in suits on, 55.
 Bills of credit, counterfeited, 6; counterfeit how proceeded with, 281; emitted on private fund prohibited, 14, 352, 392; issued, 17, 50, 51, 72, 116, 117, 174, 255, 295, 318, 327; not to be divided, 34, 133; form of, 319, 359; to be exchanged, 76, 87, 175, 217, 230, 264, 360, 372; destroyed, 229; account of issues of, prepared, 264, 289, 357; loaned, 252, 320, 463, 464, 466, 519, 576; collection, &c., of loans, 389, 442, 463, 519; letter to Board of Trade concerning, 357; not legal tender, 359.
 Bingham, Samuel, lieutenant, 32; captain, 371.
 Birchard, John, 262.
 Bird, John, deputy for Litchfield, 330, 511: — Jonathan, ensign, 228: — Joseph, 336; captain, 53; deputy for Litchfield, 285, 356, 551; justice, 29, 81, 158, 224, 288, 367, 447.
 Birge, Daniel and Rebecca, 198.
 Bishop, Caleb, Ebenezer and Lydia, 493: — Daniel, ensign, 547: — Samuel, captain, 84; justice, 29, 81, 158, 224, 288, 367, 448, 514.
 Bissell, Daniel, captain, 371; deputy for Windsor, 364, 486, 511: — Isaac, 402: — John, 43, 62, 97, 199; captain, 191; justice, 81, 158, 224, 288, 447, 514.
 Blachly, Benjamin, lieutenant, 84: —

- Thomas, captain, 292: — Tilly, ensign, 488.
- Blackleach, Joseph, 426, 483, 521; deputy for Stratford, 2, 53, 78, 155, 188, 329, 356, 415, 486, 511, 552; justice, 82, 159, 225, 289, 368, 448, 515; lieutenant, 84; captain, 342: — Richard, 204.
- Blague, Joseph, 315; justice, 30, 81, 159, 224, 288, 367, 448.
- Blakely, Isaac, 144: — Moses, 265.
- Blakeney, Col., governor to congratulate, 326.
- Bland, Col., his military tactics adopted, 568.
- Bliss, John, 21, 116: — Nathaniel, 535: — Samuel, 347.
- Bloggett, William, 407.
- Blunt, Ambrose, 350.
- Board of Trade, letters received from, 21, 356, letter sent to, 357; report in favor of new trial in Mohegan case, 362.
- Boardman, Benjamin, 498: — Daniel, 480: — John, 149, 204, 401: — Richard, lieutenant, 33.
- Bonds and bills, suits brought on, 16, 55.
- Booge, James, 495.
- Booth, Joseph, 196; deputy for Stratford, 221, 445.
- Borden, William, 507, 536.
- Bostwick, Ebenezer, 533; lieutenant, 553: — John, 46, 309, 349, 350, 397, 401, 479; deputy for New Milford, 27, 52, 78, 119, 189, 221, 258, 285, 323, 330, 356; justice, 29, 81, 159, 224, 288, 367: — Joseph, lieutenant, 189; captain, 553: — Nathaniel, 476; deputy for New Milford, 156, 364, 445, 486; justice, 448, 514; captain, 553.
- Bosworth, Nathaniel, 315, 397.
- Boughton, Matthew, ensign, 259: — Samuel, ensign, 84; lieutenant, 228; captain, 259.
- Bours, Peter, 263.
- Brace, Henry, lieutenant, 564.
- Bradford, James, ensign, 3; lieutenant, 227.
- Bradley, Amos, 251: — Daniel, 251; ensign, 545.
- Brainerd, Bezaleel and Daniel, 410: — Gideon, ensign, 4: — Hezekiah, 176; deputy for Haddam, 53, 119, 156, 189, 286, 323, 364, 415, 486, 511, 552; justice, 158, 224, 288, 367, 447, 514: — James, deputy for Haddam, 27, 79: — Josiah, 411: — Nouthiah, deputy for East Haddam, 486, 511, 551.
- Brand-marks for cattle, &c., 15, 266, 267, 306, 310, 427, 460, 522.
- Branders, towns may choose six, 194; fees of, 169.
- Branford, meeting-house in, 198; winter privileges granted northern inhabitants, 145; new society asked for in north part of, 531, 556.
- Brayman, James and Elizabeth, 402, 476: — Nathaniel and Mehetabel, 128.
- Breck, Robert, 100.
- Breed, Gershom, ensign, 554: — John, captain, 31; deputy for Stonington, 2, 365: — Joseph, ensign, 261.
- Brewster, Benjamin, 535: — John, captain, 160: — Jonathan, lieutenant, 54: — Joseph, lieutenant, 3: — Oliver, 99.
- Bridges: in Canterbury, 304, Derby, 437, Killingly, 471, New Haven, 139, New Milford, 49, 405, 479, Norwich, 153, Symsbury, 125.
- Briggs, Daniel, captain, 164.
- Brigham, Elnathan, 115; deputy for Mansfield, 26: — Nathan, 100.
- Brinsnead, Daniel, cornet, 161; lieutenant, 330.
- Bristol, Aaron and Eliphalet, 394.
- Brockway, John, lieutenant, 190.
- Brooker, Abraham, 305.
- Brooks, Abraham, ensign, 416: — Henry, 179: — Thomas, deputy for Haddam, 486, 511.
- Brown, Daniel, lieutenant, 31; captain, 261: — Dehverance, lieutenant, 3; captain, 227; deputy for Canterbury, 119, 221, 258: — Ebenezer, 99, 338: — Gershom, 184, 217: — John, 59, 148, 149; deputy for Preston, 2; justice, 30: — Nathaniel, 411; captain, 449; deputy for Preston, 222, 259, 415, 445, 552; justice, 515: — Samuel, 213, 239.
- Brunson, John, lieutenant, 292: — Richard, lieutenant, 192; captain, 332; deputy for Woodbury, 329, 356: — Roger, 479; justice, 29, 81, 159, 224, 288, 367, 448, 514: — Samuel, 401.
- Brush, John, v. Lyon, 107, 152, 176, 208, 348, 398: — Stephen, 303.
- Buckingham, Joseph, 51, 118, 293, 465, 478, 495, 515, 524, 536, 558, 573; auditor, 92, 173, 289; deputy for Hartford, 1, 26, 78, 119, 155, 188, 221, 285, 322, 329, 355, 414, 444, 486, 510, 551; justice, 288, 367, 447, 513; probate judge, 441, 447, 514: — Samuel, lieutenant, 85; captain, 362; ensign, 369.
- Buel, David, 160; deputy for Killingworth, 1, 27, 156, 221, 259; justice, 30, 81, 159, 224, 288, 367; major, 280: — John, 304; deputy for Litchfield, 330, 356, 364; justice, 29, 81, 158, 224, 288, 367, 447, 514: — Nathaniel, 436: — Peter, 67, 574; deputy for Coventry, 1, 52, 188, 285, 323, 329, 414, 445, 486; justice, 30, 82, 159, 225, 289, 368, 449, 515: — Samuel, ensign, 121, 450: — Timothy, captain, 487: — William, ensign, 33; lieutenant, 292; deputy for Hebron, 551.
- Bulkley, Charles, 399; captain, 430: — John, 173; deputy for Colchester, 2, 27, 53, 78, 119, 156, 189, 258, 285, 323, 330, 356, 364, 415, 444, 486, 510; clerk of the lower house, 27; in nomination, 5, 58, 122, 195, 264, 340, 420, 490, 552; elected, 512; in court, 551; on committees, 12, 61, 68, 95, 108, 113, 115, 124, 147, 254, 344, 404, 504; captain, 34; colonel, 281; justice, 29, 81, 158, 224, 288, 367, 447; judge of probate court, 441, 447, 514; agent in the Mohegan case, 165, 237, 462, 507, 520, 578; to revise laws, 505.
- Bundy, Nathaniel, 74, 116.

- Bunnell, Israel, lieutenant, 148.
- Burnapp, Isaac, 247, 405; ensign, 32; deputy for Windham, 155.
- Burnham, Jonathan, 42, 43, 178: — Moses, 204: — Richard, lieutenant, 191.
- Burr, Andrew, 44, 93, 543, 568; deputy for Fairfield, 26, 78, 155, 188, 221, 258, 285, 322, 329, 355, 364, 414, 445, 486, 511, 551; clerk of the lower house, 189, 286, 323; speaker, 415, 445, 487, 511, 552; committee, 112, 127, 165, 172, 173, 178, 200, 213, 313, 321, 325, 351, 393, 467, 468; in nomination, 5, 58, 122, 195, 340, 420, 552; major, 279; commissary, 324, 354: — Elizabeth, 149, 204: — Isaac and Mary, 23: — John, 136, 173, 283, 313; in nomination, 5, 58, 122, 195, 264, 490; chosen assistant, 28, 80, 157, 222; in court, 1, 26, 52, 78, 118, 155, 188, 221, 258, 284; deputy for Fairfield, 119; colonel, 279; justice, 289, 368, 448, 515; judge, county court, 28, 80, 157, 223, 287, 366, 446, 513, probate court, 29, 80, 158, 223, 287, 366, 447, 513: — Peter, 62: — Samuel, 270; auditor, 453; deputy for Fairfield, 258, 364, 414, 445, 486, 511, 551; justice, 225, 289, 368: — Seth Samuel, 63, 66, 94, 97; captain, 195: — Stephen, lieutenant, 260: — Thaddeus, 321.
- Burritt, Ephraim, ensign, 54.
- Bush, Amaziah, 496: — Justus, 149, 560.
- Bushnell, Benajah, 112, 115, 124, 146, 284, 347; deputy for Norwich, 26; justice, 30, 81: — Daniel, ensign, 291: — Francis, lieutenant, 545: — Joshua, 176, 186; deputy for Saybrook, 156, 189; lieutenant, 292: — William, 257.
- Buswell, Thomas, ensign, 553.
- Butler, John, 482, 528: — Jonathan, deputy for Branford, 329, 364, 414; ensign, 82: — Samuel, deputy for Branford, 355; ensign, 235.
- Buttolph, George, 113.
- Cadey, Joseph, 283, 470; deputy for Killingly, 222; justice, 30, 82, 159, 225, 289, 368, 449, 515.
- Cadwell, Aaron and Rachel, 482, 527: — Edward, 96.
- Camp, Ezra, ensign, 415; lieutenant, 452: — Nathan, deputy for Durham, 2, 27, 53, 79, 259, 330, 356, 415, 445, 552.
- Campbell, Charles, deputy for Voluntown, 445, 486, 511, 551: — Robert, ensign, 489.
- Canaan, to be sold, 136; allowance for selling, 173; named, &c., 170; in Hartford county, 171; in Litchfield probate district, 504; town privileges granted to, 266; in distress, 472; meeting-house, 306, 353, 424; ecclesiastical tax, 560.
- Candey, Samuel, captain, 148.
- Caufield, Samuel, 401, 426, 476, 480; deputy for New Milford, 2, 364, 414, 445, 486, 511, 552; ensign, 189; justice, 419, 448, 514.
- Canterbury, bridge in, 304; doomed for tax, 147; Windham *v.*, 116, 549, 561.
- Canvass and duck, encouragement for manufacturing, 318, 320.
- Carrington, John, 177.
- Carter, Ebenezer, 69; captain, 148: — John, 69.
- Cary, Eleazer, 12, 40, 247, 405, 481, 573; auditor, 30; deputy for Windham, 26, 52, 414, 444, 486, 510: — John, 109.
- Case, Benajah, deputy for Symsbury, 6, 79, 119: — James, deputy for Symsbury, 2, 188, 221, 285, 323: — John, 75, 105; deputy for Symsbury, 364: — Joseph, deputy for Symsbury, 414; ensign, 453: — Joshua, 474.
- Castle, Henry, ensign, 342; lieutenant, 488.
- Chamberlain, Benjamin, ensign, 546: — Daniel, lieutenant, 291: — John, quartermaster, 557: — Joseph, 243: — quartermaster, 162.
- Champion, Henry, ensign, 430.
- Chandler, William, 256.
- Chapman, Caleb, lieutenant, 396: — Daniel, 248, 559; deputy for Ridgefield, 356: — Jabez, 273, 410; captain, 430: — Jeremiah, 20; deputy for New London, 258, 414: — Jedidiah, 528, auditor, 30, 229; deputy for Saybrook, 2, 26, 53, 78, 221, 285, 323, 330, 356, 365, 415, 445, 486, 511, 552; captain, 545; justice, 367, 448, 514: — Jeremiah, 20; deputy for New London, 258, 414: — John, 179: — Jonathan, 76: — Robert, 410: — Samuel, 49, 178, 246; justice, 81, 158, 224, 288, 367, 447, 514: — Simon, 44, 246.
- Chapman's ferry, fare of, 576.
- Chappel, Caleb, ensign, 451: — Joshua, 21.
- Chartres, George, 425.
- Chatfield, John, ensign, 566.
- Chatterton, Wait, 251.
- Chauncey, Elihu, 176, 395, 528; auditor, 85, 229; deputy for Durham, 53, 79, 119, 155, 189, 222, 285, 323, 330, 356, 364, 415, 445, 486, 511, 552; ensign, 121; captain, 190; major, 468; justice, 367, 448, 514.
- Cheeny, Abiel, cornet, 331.
- Cheesebrough, Amos, deputy for Stonington, 258, 415; ensign, 189; lieutenant, 292: — Joseph and Thankful, 535: — Nathan, 148, 149; captain, 162.
- Cheneverd, John Michael and Margaret, 507.
- Cheshire, meeting house in, 47, 61; some set to, from New Haven, 251.
- Chester made a society, 344; meeting-house, 479; ecclesiastical tax, 528.
- Chester, John, 51, 105, 143, 178, 251, 273, 274, 317, 472, 483, 576; auditor, 92, 173; captain, 190; lieutenant-colonel, 280; deputy for Wethersfield, 2, 26, 53, 79, 119, 156, 188, 221, 259, 285, 322, 329, 355, 365, 445, 486, 511, 552, for Groton, 52; justice, 29, 81, 158, 224, 288, 367, 447, 514; in nomination, 420, 490, 552.
- Chestnut Hill, in New Haven, inhabitants ask parish privileges, 154, 177; granted and named Amity, 201.

- Chickens, Indian, land reserved by, 66, 97, 478, 531.
- Chidester, William, ferry granted to, 575.
- Child, Penuel, deputy for Killingly, 258; ensign, 85.
- Christophers, Richard, in nomination, 5; settlement with estate of, 86, 92, 140.
- Church, James, 8, 96, 127, 172, 175, 293, 408, 417, 504, 507, 573, 574.
- Clap, Rev. Thomas, chosen rector of Yale College, 308.
- Clark, Anna, 500: — Ebenezer, 500, 541; ensign, 565: — George, 178: — Gershom, 151, 175, 212, 242, 298; deputy for Lebanon, 78, 329, 356, 445, 486, 511, 551; justice, 368, 419, 515: — Isaac, captain, 193: — Jabez, 541: — John, 541, 564; captain, 545: — Joseph, 539; captain, 85: — Nathaniel, deputy for Saybrook, 221, 259, 415, 445, 486, 511; justice, 30, 81, 159, 224, 288, 367, 448, 514: — Samuel, 175; v. Tousey, 463, 506: — Thomas, 350; deputy for Waterbury, 52; justice, 29, 81, 159, 224, 288, 367, 448: — Timothy, ensign, 120; lieutenant, 371: — William, 541.
- Cleveland, Henry, ensign, 227: — Timothy, ensign, 494; lieutenant, 553.
- Clemons, William, 495.
- Close, Solomon, lieutenant, 164.
- Clough, John, deputy for Killingly, 155, 486.
- Cluckstone, Samuel, lieutenant, 83; captain, 333; deputy for Norwalk, 258, 285, 323.
- Cobb, David, 213, 239, 251: — Gideon, 504; surveyor, 172.
- Codington, John and William, 59.
- Coe, Ebenezer, ensign, 291.
- Cogswell, Benjamin, 312, 334, 435: — Robert, 406.
- Coit, Daniel, 24, 69, 73, 219, 397; deputy for New London, 1, 26, 119, 155, 364; justice, 368, 448, 514: — Joseph, 436: — Samuel, deputy for Preston, 486, 511; captain, 261.
- Colborn, Robert, 561.
- Colchester, bounds, 24, 108; west parish in named Westchester, 264; in East Hadam probate district, 440; part of, with parts of Hebron and Glassenbury may hire minister, 49.
- Colefox, John, ensign, 236.
- Coleman, Ebenezer and Ruth, 563.
- Collier, Nathaniel, 574.
- Collins, Daniel, 59.
- Colton, Rev. Benjamin, preached election sermon, 85.
- Common-fields and fences regulated, 166.
- Comstock, Daniel, 351: — John, 305, 350, 405; lieutenant, 33, 332; ensign, 229: — Samuel, 124, 142; deputy for Norwalk, 189.
- Conant, Josiah, 48, 67, 99, 199, 481, 573; deputy for Munsfield, 26, 78, 155, 221, 259, 285, 323, 329; justice, 30, 82, 159, 225, 289: — Shubael, 476; deputy for Mansfield, 415; justice, 368, 448, 515; lieutenant-colonel, 280.
- Cone, Caleb, deputy for Haddam, 2, 221, 258, 329, 355: — Daniel, lieutenant, 430: — James, 46; lieutenant, 192: — Stephen, captain, 4.
- Confession of debt, justices may take, 458.
- Constables, may not fill up writs nor appear as attorneys, 459; allowance to for making up accounts with treasurer, 578.
- Cook, Aaron, ens gn, 342; lieutenant, 489: — Henry, 129: — John, deputy for Preston, 26, 78, 119, 156, 189; justice, 30, 81, 159, 224, 288, 368, 448, 549; lieutenant, 2: — Josiah, 541: — Robert, 530: — Samuel, ensign, 371; lieutenant, 418; captain, 488.
- Cooley, Asahel and Mary, 539, 561: — Peter, 559.
- Cooper, Ebenezer and Thankful, 523: — Stephen, 250.
- Copley, Matthew, 75.
- Copp, David, ensign, 431: — John, justice, 30: — Jonathan, 94, 315.
- Cornish, James, 100, 196, 249, 274; captain, 58: — Joseph, ensign, 83.
- Cornwall, to be sold, 136; allowance for selling, 173; named, &c., 170; in Hartford County, 171; granted town privileges, 305; in, distress, 472; meeting-house, 335, 401; ferry at, 575.
- Cornwall, Wait, ensign, 88; lieutenant, 261; captain, 396.
- Couch, Samuel, 66, 97, 196, 248; justice, 30, 82, 159, 225.
- County court to have a seal, 454.
- Coventry, vote of confirmed, 66; highways in, 67, 98; asks to be divided into two societies, 303, granted, 337; meeting-houses, 476, 504, 574; part of, and of Hebron and Lebanon, asks to be a society, 536.
- Cowles, Isaac, ensign, 31: — Samuel, captain, 375: — William, 257.
- Coye, Samuel and Lydia, 149.
- Craft, Joseph, captain, 374; deputy for Pomfret, 26, 78, 119, 258.
- Crane, Henry, 213, 238; deputy for Durham, 2, 27, 259; justice, 29, 81, 159, 224, 288: — John, 573.
- Crempton, Josiah, 349.
- Creery, John, 21, 321, 477, 500; deputy for Plainfield, 119; justice, 30, 82, 159, 225, 289, 368, 449, 515.
- Crocker, David, lieutenant, 31.
- Cross, Dorothy, 256: — Peter, 256, 348: — Stephen, 125.
- Crozier, James, 348, 399, 411.
- Culver, Daniel and Francis, 498: — Samuel, 402; deputy for Litchfield, 415.
- Curtiss, Daniel, ensign, 292; deputy for Woodbury, 444: — David, 144: — Ephraim, 63, 94, 154; deputy for Stratford, 2, 27; justice, 30, 82, 159, 225, 289, 368, 445, 515: — Isaac, 451: — Rev. Jeremiah, 530: — John, 24, 69, 73, 116, 149, 165, 219, 471, 491, 518: Jonathan, 535: — Josiah, 66: — Nathan, 204: — Nathaniel, 481: — Richard, 21: — Samuel, 21: — Thomas, deputy for Farmington, 1, for Wethersfield, 26.

- Cutler, Isaac, 234, 503, 535; deputy for Killingly, 53; captain, 228: — Samuel, ensign, 228.
- Daley, Samuel and Sarah, 349.
- Dana, Jacob, deputy for Pomfret, 221, 330, 356; justice, 225, 289, 368, 449: — Joseph, ensign, 374.
- Danbury, enlarged, 68; bounds, 241, 248; part of, and of Newtown and New Milford ask to be a society, 533.
- Daniels, John, deputy for Pomfret, 189.
- Danielson, Samuel, deputy for Killingly, 119, 415; lieutenant, 228.
- Darling, Samuel, 271.
- Dart, Ebenezer, captain, 375.
- Davenport, Humphrey, lieutenant, 192: — Rev. James, to be brought before the Assembly, 482; sent to Long Island, 484.
- Davis, Cornelius, 178: — John and Mary, 539: — Joseph, 338.
- Davy Humphrey, 498.
- Day, John, 408.
- Deal, Charles and Pity, 22.
- Dean, John, 59, 411.
- Debt, confession of, 458; how collected from absent or absconding debtor, 168.
- Deer, acts for preservation of, 150, 268.
- Dehortee, Dennis, 59.
- Delamore, Henry, 204.
- Demill, Anthony, 65, 335: — Peter, 65.
- Deming, Josiah, 65.
- Denurrers not allowed after pleading to issue, 166.
- Deuison, Daniel, 116; justice, 30, 81; ensign, 31, 195: — George, lieutenant, 58: — John, 535, 561; lieutenant, 58; captain, 292: — Joseph, deputy for Stonington, 189, 285, 329, 355, 415, 486, 511, 551; ensign, 290; justice, 288, 368, 448, 515: — Robert, 94, 146, 315; deputy for New London, 114, 486: — William, lieutenant, 552.
- Dennie, John, 549.
- Deputy governor, to be lieutenant-general, 279; chosen by assembly, 417.
- Derby, Waterbury and Woodbury, parts of, ask to be a society, 294, 351, granted, 394; toll-bridge in, 437.
- Dewey, Charles, 24; ensign, 292: — Daniel, ensign, 430.
- Dexter, Thomas and Zuriel, 233.
- Dibble, Jonathan, ensign, 547.
- Dickerman, Abraham, ensign, 451: — Isaac, 37, 66, 75, 173, 176, 394, 442, 496, 499; deputy for New Haven, 2, 26, 119, 155, 188, 221, 258, 285, 323, 329, 355, 364; committee, 15, 46, 50, 136, 146, 177, 202, 244, 283, 289, 351, 354, 401, 416, 426, 556; justice, 29, 81, 159, 224, 288, 367, 448, 514.
- Dickenson, Daniel, 44: — Noadiah and Abigail, 559.
- Diggins, Jeremiah, 348, 411.
- Dikeman, John, 180, 269.
- Dimock, Daniel, 182: — Timothy, 182; ensign, 452.
- Dimon, John, lieutenant, 370: — Moses, justice, 30.
- Disbrough, Thomas, 44.
- Dixon, John, 74, 141; deputy for Voluntown, 364, 552; purchases land, 7, 103: — Robert, captain, 459; deputy for Voluntown, 330, 356, 415, 445, 486, 511.
- Doggett, John, 536; ensign, 85.
- Dogs, act for protecting sheep from, 36.
- Dorrance, James, 8, 103.
- Doty, Samuel, 410.
- Douglas, James, 532: — John, 407; deputy for Plainfield, 258, 364, 486; lieutenant, 370: — Margaret, 17, 432: — Richard, heirs of, v. New London, 17; v. Wintthrop, 432: — William, 17, 432; proposes to publish map of New England, 575.
- Dow, Ebenezer, justice, 30, 82, 159, 225, 289, 368, 515.
- Dowde, John, 44.
- Dower, provision for setting out, 56.
- Down, Ebenezer, ensign, 565: — Joseph, 537.
- Downer, Andrew, 199.
- Duck, encouragement for manufacture of, 318, 320.
- Dudley, Joseph, 520: — Moses, 348, 411.
- Dunham, Jonathan, 270, 306, 335, 353, 401, 425; captain, 331.
- Dunlop, Archibald and James, 312, 334, 434.
- Durfey, Richard, 428.
- Durham, part of Haddam set to, for ecclesiastical purposes, 146.
- Dutcher, Christopher, ensign, 333.
- Duty on goods, 22, on liquors, 7, 57.
- Dwight, John, 349; deputy for Killingly, 2, 27, 52, 119, 188, 356; lieutenant, 85; captain, 368: — Joseph, deputy for Killingly, 285.
- Dyer, John, 534; deputy for Canterbury, 258, 285, 323, 364, 445, 486, 511, 551; lieutenant-colonel, 281; justice, 368, 449, 515: — Thomas, deputy for Windham, 1, 52, 329, 355; major, 280.
- Dyx, Mary, 208, 255.
- East Haddam, Twenty Mile island annexed to, 273; brand, 15; Lyme v., 25; meeting-houses in, 46, 76, 272, 316, 538; and Lyme, parts of, society asked for in, 479, granted and called Hadlyme, 495; and Middletown, parts of society asked for in, 218, granted and called Middle Haddam, 231; probate court established at, 440, district enlarged, 459.
- Eastbury, in Glassenbury, ecclesiastical tax in, 63; meeting-house, 65, 95.
- Eastman, Philip, 106; deputy for Ashford, 2, 52, 79, 119, 155, 189, 221, 259; justice, 30, 82.
- Eaton, Samuel, 184.
- Ecclesiastical affairs: avails of western lands may be appropriated for support of ministry, 123, repealed, 334; general consociation at Guilford, 438, 468; ministers restrained from preaching out of their own parishes, 454; proceedings against Davenport, 482, 484, against Owen, 519, 555, against Pomroy, 482, 484, 566; school of Separates put down,

- 500; who may take benefit of laws for support of ministry, 502; act for ease of sober dissenters revealed, 522; ministers sent out of the colony and returning, how dealt with, 569.
- Amity, society formed, 201; may embody, 489; meeting-house, 213, 238.
- Bethlehem, society formed, 265, 409; meeting-house, 310, 424; ecclesiastical tax, 425, 539.
- Branford, winter privileges granted northern inhabitants, 145; new society asked for in north part, 531, 556; meeting-house, 198.
- Canaan may embody in church estate, 267; meeting-house, 306, 353, 424; ecclesiastical tax, 560.
- Cheshire, meeting-house in, 47, 61.
- Chester, made a society, 344; meeting-house, 479; ecclesiastical tax, 528.
- Colchester, Glassenbury and Hebron, parts of, (Marlboro') may hire minister, 49.
- Conwall, may settle minister, &c., 305; meeting-house, 335, 401.
- Coventry asks to be divided, 303, granted, 337; meeting-houses, 66, 476, 504, 574; and Hebron and Lebanon, parts of, ask to be a society, 536.
- Danbury, parts of New Milford, Newtown and, ask to be a society, 533.
- Derby, parts of Waterbury, Woodbury and, ask to be a society, 294, 351, granted, 394.
- East Haddam, meeting-houses in, 46, 76, 272, 316, 538; and Lyme, parts of, society asked for in, 479, granted, 495; and Middletown, parts of, society asked for in, 218, granted, 231.
- Eastbury, ecclesiastical tax in, 63; meeting-house, 65, 95.
- Ellington made a society, 6, 7, meeting-house, 233, 249.
- Fairfield, meeting-house, west society, 124, 142.
- Farmington, winter privileges granted part of, 500.
- Goshen, meeting-house, 293, 402, 438, 494; ecclesiastical tax, 335.
- Guilford, meeting-houses, 111, 141, 217, 246; general consociation at, 438, 468.
- Hallyme made a society, 495; meeting-house, 538.
- Hartford, meeting-houses, 74, 110, 232, 247, 328, 466, 472, 482.
- Harwinton, may embody as church, 143; meeting-house, 178, 205, 245, 248; ecclesiastical tax, 541.
- Hebron, meeting-house, 12, 40, asks to be divided into societies, 185, 201, 243, 275, 576; parts of Glassenbury, Colchester and, may hire minister, 49; part of Colchester, Lebanon and, ask to be society, 536.
- Judea, made a society, 423; meeting-house, 477.
- Kensington in disorder, 524; parts of Middletown and, ask to be a society, 478, 494.
- Kent, ecclesiastical tax, 267, 572; meeting-house, 394, 351; Moravians at, 521.
- Killingly, meeting-house, 423, 481, 504, 536, 573.
- Killingworth, north society may embody, 112; meeting-house, 15, 40.
- Lebanon, purchase of bell, 269; parts of Coventry, Hebron and, society asked for in, 536.
- Lyme, meeting-house, 12, 61, 95; and East Haddam, society asked for from parts of, 479, granted, 495.
- Mansfield, north part ask to be a society, 46; bounds of societies, 115, 124; meeting-house, 534, 573.
- Middle Haddam, parish constituted, 231; meeting-house, 272, 316; ecclesiastical tax, 310.
- Middletown, and Haddam, parts of ask to be a society, 218, granted, 231; north-west part asks to be a society, 406, 478, 491; winter privileges granted part of, 541.
- Middlesex, made a society, &c., 144; meeting-house, 196, 231, 238.
- Milford and New Haven, parts of, ask to be a society, 154, 177, granted, 201.
- Millington, ecclesiastical tax, 153; meeting-house, 46, 76.
- New Concord, named, &c., 93; meeting-house, 151, 175, 212, 242, 262, 303, 344, 404, 437; may embody as church, 206; ecclesiastical tax, 181.
- New Fairfield, ecclesiastical tax, 351, 468, 491; meeting-house, 350, 426; divided into two societies, 475.
- New Hartford, may embody as a church, 210; ecclesiastical tax, 111, 150, 310; meeting-house, 249, 274.
- New Haven, bounds of north and east societies, 145; grant to west society, 25, 50; Chestnut Hill asks to be a society, 154, 177, granted, 201.
- New London, meeting-houses, 245, 247, 272; Shepherd's Tent, 500.
- New Milford, parts of Newtown, Danbury and, ask to be a society, 533.
- Newtown, parts of Danbury, New Milford and, ask to be a society, 533.
- Northbury, made a parish, 271; in disorder, 373, meeting-house, 424.
- North Haven, society enlarged, 250; meeting-house, 232, 250.
- Norwalk and Stamford, parts of, ask to be a society, 63, 94, granted, 144.
- Norwich, society asked for in west part * of, 65, granted, 93.
- Oxford, parish constituted, 394; may embody, &c., 541; meeting-house, 415, 427; ecclesiastical tax, 542.
- Preston, meeting-house, 111, 146.
- Reading, grant to, 176.
- Ripton, grant to, 71.
- Roxbury made a society, 537.
- Salem, ecclesiastical tax in, 241, 533, 566.
- Salisbury, may embody as church, 427; ecclesiastical tax, 470, 562.
- Salmon Brook, society constituted, 77; meeting-house, 251.

- Saybrook, Patecunk asks to be a society, 242, granted, 344.
- Sharon, may call minister, 270; ecclesiastical tax, 404; meeting-house, 309, 349, 397.
- Stafford, ecclesiastical tax, 48, 178, 477.
- Stamford, and Norwalk, parts of, ask to be a society, 63, 94, granted, 144.
- Stratfield, east part has winter privileges granted, 300.
- Stratford, grants to societies in, 71, 149; meeting-house, 534, 542; Davenport makes disturbance at, 483.
- Symsbury, divided into societies, 12, 48, 76; meeting-houses in, 127, 175, 251, 274; to pay Rev. T. Woodbridge, 75, 105.
- Torrington, ecclesiastical tax in, 266, 293, 336.
- Turkey Hills, asks to be made a society, 48; granted, 77; enlarged, 110; meeting-house in, 127, 175.
- Union, ecclesiastical tax in, 16, 196, 301, 420, 523; meeting-house, &c., 196, 249.
- Unity, grant to society of, 149.
- Waterbury, winter privileges granted part of, 74, 129, 197; society asked for in north-west part, 145, 177, granted, 195; society asked for in north-east part, 265, granted, 271; society asked for from parts of Derby, Woodbury and, 294, 351, granted, 394.
- West Haven, grant to, 25, 50, 244; may sell parsonage land, 244.
- We-tbury made a society, 195; meeting-house, &c., 232, 263.
- Willington, ecclesiastical tax in, 102, 378.
- Wilton, meeting-house in, 112, 127.
- Wintonbury, society constituted, 76; meeting-house, 96.
- Woodbury, winter privileges granted parts of, 211, 233, 237; north part asks to be a society, 45; north-east part made a society, 265; Shippaug asks to be a society, 400, granted, 423, 537; part of Derby, Waterbury and, ask to be a society, 294, 351, granted, 394.
- Edgcomb, Hannah, Samuel and Thomas, 204.
- Edwards, Daniel, 171, 249, 345, 437, 474, 502, 520, 530, 556: — John, 104, 127, 175, 300, 478, 484, 495: — Jonathan, 494.
- Eells, Samuel, 50, 135, 173, 225; in nomination, 5, 58, 122, 195, 263; chosen assistant, 28, 79, 157, 222; in court, 1, 26, 52, 78, 118, 155, 188, 221, 258, 284; colonel, 279; justice, 288, 367, 448; judge, county court, 28, 80, 86, superior court, 28, 80, 157, 223; land confirmed to, 22: — Samuel, jun., quarter-master, 225; cornet, 508.
- Eggleston, Henry, lieutenant, 88.
- Elderkin, James, 302.
- Election of governor, &c., must be by majority of freemen, 452.
- Election sermons, preached, 30, 85, 160, 225, 289, 372, 449, 515.
- Ellington, made a parish, 6; may embody, 7; meeting-house, 233, 249.
- Elliot, Aaron, county surveyor, 237: — Jared, preached election sermon, 160: — John, executors of, v. Fitch, 42, 62, 97.
- Ellsworth, Daniel, captain, 369: — David, captain, 451: — Jonathan, 23; executor of Elliot, 42, 62, 97.
- Elmer, Thomas and William, 209.
- Ely, Daniel, 313, 507; captain, 162; major, 279; deputy for Lyme, 2, 188, 365, 486; justice, 262, 288, 367, 448, 514: — Richard, deputy for Lyme, 119: — Samuel, 494: — William, 494; ensign, 162; lieutenant, 332.
- Embargo, laid on provisions, 87; acts relating to, 376, 431.
- Emmons, Samuel, 153.
- England, agents in, see Palmer, Wilks; instructions relative to currency, &c., to be printed, 352; acts of parliament to be printed, 390; letters to and from Board of Trade, 21, 357; order of prayers for royal family, 390.
- Eno, James, 23, 315, 477: — Samuel, lieutenant, 333.
- Equity, suits brought on bonds with conditions, 16; cases of Brush v. Lyon, Dunlop v. Beach, Richards, Douglas, &c., Sturgis v. Sturgis, Trowbridge, Atwater, &c.
- Estates, setting out widow's dower, 56; efforts for restoration of abrogated law of intestate estates, 283.
- Everett, Benjamin, 344.
- Fairchild, Nathan, Phebe, Obedience, 270: — Robert, 395, 538; auditor, 289, 372; deputy for Durham, 222, 285, 323, 364, 486, 511; lieutenant, 190; captain, 342: — Samuel, lieutenant, 126.
- Fairfield, v. Lockwood, 10, 116; Gray, Disbrough, &c., v., 44; meeting-house, west society, 124, 142.
- Fairweather's Purchase, 172, 200.
- Fancher, William, 335, 347.
- Fanton, Jonathan and Sarah, 271.
- Farley, John, lieutenant, 229.
- Farmington v. Wethersfield, 23, 68; Kilbourn v., 410; Indian children at school in, 38; enlarged, 205; some of, set to West Hartford, 466, 572; winter privileges granted part of, 500.
- Farnsworth, Joseph, 176, 538.
- Farnum, Peter, lieutenant, 121, 450.
- Fassett, Benjamin, lieutenant, 54.
- Fees of sundry officers, 35, 56, 169, 203, 391, 524.
- Fellows, John, 256.
- Fences and common-fields regulated, 166.
- Fenn, Benjamin, lieutenant, 225; captain, 508.
- Fenton, Francis, ensign, 229.
- Fergoe, Aaron, 94.
- Ferries: over Connecticut, granted to Middletown, 112, fare, 475, Chapman's, fare of, 576, Keenev's, fare of, 109, at Rocky Hill, fare of, 211, Saybrook, fare of, 460; over Ousatunne, granted to Y. Perry, 24, granted to W. Chidester, 575, granted to M. Hawkins, 109; at Oronoke, granted

- to S. Mallory, 150, Stratford, fare of, 66, 577; at New Haven, fare, 460; Niantic, fare, 353, 428; over Thames, in Norwich, granted to D. Hall, 465, between Norwich and New London, 68, 113, 173, 254, 263, 305, 356.
- Ferris, John, lieutenant, 164; captain, 487; deputy for Greenwich, 511: — Zachariah, 401.
- Field, David, 176.
- Fillmore, John, ensign, 452.
- Finch, Daniel, 144.
- Finley, Rev. Samuel, 570.
- Fish, Aaron and Samuel, 469: Moses, lieutenant, 508.
- Fishery in Selden's cove, 542.
- Fisk, John, 435; captain, 4; quarter-master, 450; deputy for Haddam, 445: — Shepard, 234; deputy for Killingly, 364.
- Fitch, Abner, 67: — Ebenezer, 42, 62, 97: — Jabez, 239, 561; auditor, 85; deputy for Canterbury, 2, 27, 53, 79, 156, 188, 356, 364; ensign, 193; captain, 331; bridge built by, 304: — James, ensign, 226; lieutenant, 332; captain, 418: — John, 405; captain, 330; deputy for Windham, 188, 221, 414, 444: — Samuel, auditor, 515; deputy for Norwalk, 27, 415, 445, 486, 511: — Thomas, 23, 69, 362; in nomination, 5, 58, 122, 195, 264, 340, 420, 490, 552; chosen assistant, 286, 365, 446, 512; in court, 1, 322, 329, 355, 364, 414, 444, 485, 510, 551; lieutenant-colonel, 280; justice, 30; agent in Mohegan case, 165, 462, 507, 520, 578; proposes to make steel, 338, 574; to revise laws, 465, 505.
- Foot, Daniel, 77: — Nathaniel, 244; captain, 54; deputy for Colchester, 156, 258, 486, 510, 552; justice, 29, 81, 158, 224, 288, 367, 447, 514: — Robert, captain, 494; deputy for Branford, 486, 511.
- Forcible entry, proceedings in, the sheriff a party, 490.
- Ford, Barnabas, 129: — James, 94: — Joseph, 549: — Nathan, 245.
- Foreign, goods, duty on, 22, ministers may be sent out of the colony, 457, 569; and suspected persons may be taken up and examined, 521.
- Foresyth, James, 315.
- Fosdick, Thomas, 313, 321, 558; deputy for New London, 285, 322, 329, 355.
- Fountain, William, 212, 347.
- Fowler, Ebenezer, 126: — John, 63, 94, 146, 177, 195, 232, 247, 351, 394, 424, 478, 495, 531, 543, 569; deputy for Milford, 119, 156, 189, 221, 258, 285, 323, 330, 356, 364, 415, 444, 486, 511, 551; clerk, lower house, 330, 356, 415, 445, 487, 552; speaker, 511; lieutenant, 13; captain, 226; justice, 448, 514: — Joseph, 268, 348, 411; agent in Mohegan case, 165, 462, 507, 520, 578; major, 281; justice, 289, 368, 449, 515.
- Fox, Samuel, 308.
- France, preparations for war with, 567.
- Francis, James, 143.
- Frazier, Sarah, 505.
- Freemen's meetings, in Hartford, New London and Windham Counties, 277; in all counties, 297.
- French, Ebenezer, 400.
- Fresneau, Andrew, 24.
- Frisbie, Jedidiah, 145.
- Frost, Stephen, ensign, 260, lieutenant, 291.
- Fuller, Aaron, 183, 480: — Rev. Daniel, 102, 379; Matthias, ensign, 204: — Moses, 178, 183: — Nathaniel, 51, 183: — Samuel, 76; ensign, 54: — Stephen, ensign, 229: — Thomas, lieutenant, 4.
- Fyler, Stephen, ensign, 89.
- Gager, Samuel, 212.
- Gains, Samuel and Simon, 176.
- Gallop, Isaac, 205: — John, 74, 141, 205, 256: — Joseph, captain, 58.
- Galpin, Samuel, ensign, 83.
- Gaoler's fees, 203.
- Gardner, Peregrine, 43, 68.
- Gates, Daniel, lieutenant, 291: — John, lieutenant, 261; captain, 291: — Joseph, deputy for Preston, 2: — Thomas, captain, 189.
- Gaylord, Hezekiah, deputy for Hebron, 52, 79, 119, 189, 221, 285, 330, 364, 551: — Joseph, 500, 562: — William, 178.
- Geer, Robert, 255; ensign, 190.
- General Assembly, pay of members, 35, 216, 363, 391, 524; lower house propose adjournment to Norwich, 165; committee to hear records read off, 51, 118, 154, 187, 284, 322, 328, 354, 413, 443, 510, 550, 579; members, when chosen, 277, 297; petitions to, regulated, 209; members exempt from military service, 379; election of governor, &c., by, 416, 453.
- Gibbs, Henry, 409.
- Gileons, Nathaniel, 539.
- Gifford, Samuel, 94.
- Gilbert, Benjamin, lieutenant, 148: — Joseph, 301: — Josiah, ensign, 488: — Mary, 250: — Nathaniel, lieutenant, 33, 191.
- Gillett, Aaron, 244: — Ephraim, 202: — Isaac, 110, 127: — Josiah, 563, 564: — Nathan, 11.
- Gilman, Samuel, 257.
- Glassenbury, parts of Colchester, Hebron and, (Marlboro') may hire minister, 49; see Eastbury.
- Glazier, William, 379.
- Glover, John, ensign, 229; lieutenant, 450.
- Goff, Reuben, 187.
- Gold, rate at which it shall pass, 453.
- Gold, Hezekiah and Samuel, 248: — John 401: — Nathan, 62: — Thomas, lieutenant, 226: — William, 177, 201, 213, 350; deputy for Branford, 27, 52, 119, 156, 189, 323; justice, 29, 81, 159, 224, 288, 367, 448, 514.
- Goodrich, David, 65, 101, 115, 176, 178; deputy for Wethersfield, 2, 53, 79, 119, 156, 188, 221; justice, 29, 81, 158, 224, 288, 367, 447, 514: — Elizur, 472, 483; captain, 327: — Jeremiah, lieutenant, 564: — Joseph, lieutenant, 328.

- Goodsell, Samuel, 145.
 Goodwin, Abraham, ensign, 53: — Daniel, ensign, 148.
 Goodyear, Andrew, Nathaniel and Theophilus, 250: — Thomas, lieutenant, 450.
 Gordon, James, 265.
 Gore, Samuel, 402, 476.
 Gorham, Joseph, 197.
 Goshen, to be sold, 135; named, &c., 170; in Hartford county, 171; in Litchfield probate district, 504; allowance for sale of, 173; town privileges granted to, 267; meeting-house, 293, 402, 438, 494; ecclesiastical tax, 335.
 Gove, Nathaniel, 534.
 Governor, to be captain-general, 277; elected by assembly, 416; and Council, powers of as to embargo, 87, 376, to military affairs, 326, to order the sloop *Defence*, 429, 516, 567, to transport soldiers to West Indies, 440, 461.
 Grannis, John, 232.
 Grant, Ebenezer, captain, 508: — Ephraim, ensign, 83: — Nathaniel, 249: — Thomas, ensign, 161; lieutenant, 557.
 Graves, John, ensign, 84.
 Gray, Ebenezer, 65, 372, 476; auditor, 372, 453; captain, 370; deputy for Lebanon, 364, 445; justice, 368, 449, 515: — Isaac, Jacob, Samuel, William, 44: — Philip, 411.
 Green, Henry, lieutenant, 449: — Timothy, 352, 390; grants to, 24, 75, 76, 117, 154, 187, 219, 236, 283, 317, 354, 376, 443, 484, 510, 550, 579: — William, 489.
 Greenwich, fails to return list, 6.
 Gregory, Benjamin, 182: — John, 241; deputy for Danbury, 2, 78, 188; justice, 30, 82, 159, 225, 289, 368, 448.
 Griffin, Samuel, lieutenant, 343.
 Griffith, Stephen, 541.
 Griswold, Benjamin, 348, 411; ensign, 164: Daniel, deputy for Killingworth, 1: — Esther, 410: — Isaac, 66: — Jacob, deputy for Litchfield, 486; loan made to, 576: — John, 61, 93, 111, 136, 140, 173, 247, 272, 308, 348, 507, 536; deputy for Lyme, 52, 156, 188, 221, 285, 323, 330, 356, 414, 445, 511; justice, 30, 81, 159, 224, 288, 367, 445, 514; in nomination, 340, 420, 490, 552: — Joseph, 240; deputy for Litchfield, 445: — Josiah, 492; cornet, 331; Matthew, ensign, 31; lieutenant, 61; captain, 259: — Samuel, justice, 158, 224, 288, 367.
 Grosvenor, Leicester, deputy for Pomfret, 285, 323, 364; justice, 30, 82, 159, 225, 289, 368, 449, 515.
 Groton, Pequots *v.*, 411.
 Gruman, Samuel, 184, 307.
 Guardians, appointment of, regulated, 5.
 Guernsey, Ebenezer, ensign, 369.
 Guilford, general consociation at, 438, 468; meeting-house, east society, 111, 141, 217, 246; some ask to be annexed to east society, 349; some set off from fourth society, 438, 452, 566.
 Gunn, Abel, 394; deputy for Derby, 285, 323, 330, 356, 364, 487, 552: — Jasper, 153, 201: — Samuel, justice, 29, 81, 159, 224, 288, 367, 448, 514.
 Haddam, parts of Middletown and, ask to be a society, 218, granted, 231; part of, set to Durham for ecclesiastical purposes, 146; doomed for taxes, 147; in East Haddam probate district, 440.
 Hadlyme constituted a society, 495; meeting-house, 538.
 Hale, Jonathan, 218, 273, 317, 406; deputy for Glassenbury, 27, 53, 79, 119, 156, 188, 222, 259, 285, 323, 329, 355, 365, 414, 445, 486, 511, 551; auditor, 85, 229, 289, 372, 453; justice, 224, 288, 367, 447, 514; lieutenant, 164; captain, 546: — Thomas, 231.
 Hall, Benjamin, 232, 245, 263, 310, 351, 373, 394, 400, 423, 424, 482, 534, 537; deputy for Wallingford, 2, 27, 52, 79, 119, 155, 188, 222, 259, 285, 323, 330, 356, 365, 415, 445, 487, 511, 552; justice, 29, 81, 159, 224, 288, 367, 448, 514; lieutenant-colonel, 281: — Caleb, 302; ensign, 577: — Daniel, ferry granted to, 465: — Eliakim, ensign, 490; cornet, 554: — Elihu, 176, 273, 540, 562; captain, 554; deputy for Wallingford, 552; justice, 448, 514: — Elnathan, 400: — Giles, 46, 73, 315; justice, 29, 81, 158, 224, 288, 367, 447, 514; to procure vessel of war to be built, 361, 441: — Hannah, 176: — John, 25, 176: — Jonathan, 316: — Samuel, 25, 213, 232, 238, 470, 523; captain, 203; deputy for Wallingford, 285, 323, 365, 415, 445, 487; justice, 29, 81, 159, 224, 288, 367, 448, 513: — Theophilus, ensign, 330: — Thomas, 15; justice, 81, 224.
 Hamlin, Jabez, 112, 142, 395, 420, 470, 474, 538; auditor, 85, 229, 372, 515; deputy for Middletown, 2, 27, 53, 79, 119, 156, 189, 221, 259, 285, 323, 330, 356, 364, 415, 445, 487, 511, 552; justice, 29, 81, 158, 224, 288, 367, 447, 514; major, 280; commissary, 324, 354: — Richard, captain, 33.
 Hancock, Thomas, 231, 317.
 Hand, Benjamin, deputy for Guilford, 445, 486, 511, 552; justice, 263, 288, 367, 448, 513.
 Hanford, Samuel, 66, 69, 97; deputy for Norwalk, 1, 27, 53, 78, 119; justice, 30, 82, 159, 225, 289, 368, 448, 515.
 Harrington, Samuel, 145, 556.
 Harris, Daniel, 309: — Gibson, lieutenant, 226: — James, 43, 254, 262, 410: — Samuel, 13.
 Harrison, Josiah, ensign, 544: — Nathaniel, captain, 555; deputy for Branford, 27, 414, 486, 511, 552: — Thomas, deputy for Branford, 2, 52, 79.
 Hart, Hezekiah, 524: — Jacob, 407, 479: — John, 205, 245, 410; deputy for Farmington, 52, 156, 189, 222, 259, 285, 323, 364, 486, 511, 551; justice, 514: — Joseph, 123, 426: — Josiah, 75, 348:

- Nathaniel, ensign, 375: — Samuel, 406, 478, 494; lieutenant, 82: — Stephen, land granted to, laid out, 123: — Thomas, 478, 494, 524, 531; deputy for Farmington, 259, 414, 511, 551; justice, 29, 81, 158, 288, 367, 447, 513.
- Hartford, state house, 8; western land divided with, 39, 214, 253; work-house at, 137, 172, 505; Hoccanum field, 104; meeting-house, first society, 74, 110, east society, 232, 247, 328, west society, 466, 472, 482; some set to, from Farmington, 466, 572; strays and lost goods, where posted, 90.
- Hartford County, spring election in, 277; Goshen, Canaan, Cornwall, Kent and Norfolk to belong to, 171.
- Hartland, claim to lands in, 100.
- Hartshorne, Ebenezer, quarter-master, 490.
- Harwinton, invested with town privileges, &c., 142; meeting-house in, 178, 205, 245, 248; ecclesiastical tax, 541; in Litchfield probate district, 504.
- Haskall, John, 185.
- Hatch, John, 198: — Timothy, 198, 548, 572; captain, 294; justice, 549.
- Hawkins, Joseph, 109: — Moses, ferry granted to 109; ensign, 557.
- Hawley, Daniel, deputy for Stratford, 53, 119, 221: — Joseph, 549; deputy for Farmington, 156: — Nathaniel, quarter-master, 331.
- Hays, George, 220: — Isaac, 212.
- Hayght, Joseph, 335.
- Hazelton, Charles, 44, 181, 215, 274, 312, 335, 347, 496.
- Heath, Ebenezer, 184.
- Heaton, Stephen, 494.
- Hebron, meeting-house in, 12, 40; bounds, 25, 108; asks to be made two societies, 185, 201, 243, 275, 576; parts of Colchester, Glassenbury and, may hire minister, 49; parts of Coventry, Lebanon and, ask to be a society, 536; in East Hadlam probate district, 441; v. Fitch, 23.
- Hemingway, Abraham, 145: — Rev. Jacob, preached election sermon, 289.
- Hempstead, John, ensign, 291: — Joshua, 18, 59, 204, 284, 432; probate judge, 29, 80; justice, 30, 81, 159, 224, 288, 367, 448, 514: — Stephen, ensign, 120.
- Hendrick, Caleb, 540.
- Henshaw, Joshua, 498.
- Herrick, Ephraim, ensign, 4: — Stephen, lieutenant, 122.
- Hewett, John, 94.
- Hickox, Benjamin, justice, 30, 82, 159, 225, 289, 368, 448, 515; lieutenant, 565: — Ebenezer, 304; ensign, 191; lieutenant, 371: — John, 294: — Joseph, ensign, 333: — Samuel, 232; captain, 148; deputy for Waterbury, 189, 445, 487, 511; justice, 448, 513: — Thomas, 267.
- Hile, Caleb, captain, 371: — Daniel, lieutenant, 160: — Eleazer, 94: — Jacob, lieutenant, 160; captain, 452: — Jabez, 106, 537; justice, 30, 81, 159, 224, 288, 368, 448, 515: — William, justice, 30, 81.
- Highy, Edward, 406.
- Highways, act for repairing of, 230; in Coventry, 67, 98, Killingworth, 240, Norwich, 346, Symsbury, 474, Wethersfield, 43, 106, 143, Wind-or, 298.
- Hillhouse, James, 25, 44, 47, 116, 204, 315.
- Hill, Isaac and Esther, 491: — John, 403, 566: — Samuel, 40, 176; deputy for Guilford, 2, 27, 53, 79, 119, 156, 221, 258, 330, 356, 364, 415, 445, 486, 511, 552; speaker, 27; on committees, 12, 15, 61, 95, 412, 439, 468, 493; justice, 29, 81, 158, 224, 288, 367, 448, 513; judge of probate, 287, 367, 447, 513; lieutenant-colonel, 280, colonel, 317; in nomination, 5, 58, 122, 195, 264, 340, 420, 490, 552.
- Hills, David, ensign, 191: — Jonathan, 6, 233, 249, 406; captain, 191.
- Hind, John, 202: — Stephen, 154.
- Hindman, Robert, 8, 103.
- Hine, James, lieutenant, 553.
- Hinman, Andrew, deputy for Woodbury, 27, 156, 258, 285, 322; grant of land to, 162: — Noah, 533; deputy for Woodbury, 2, 53, 78, 119, 221, 365, 414, 486, 511, 552; justice, 82, 159, 225, 289, 368, 418, 515: — Wait, 524; ensign, 332; captain, 565.
- Hinsdell, Mahumen and Mary, 348, 411.
- Hitchcock, Benjamin, captain, 342: — Caleb, 144: — Ebenezer, captain, 555: — John, 251, 416, 427, 442, 532, 556; auditor, 515; deputy for New Haven, 221, 258, 285, 323, 329, 355, 364, 414, 445, 486, 511, 551: — Matthias, 14: — Nathaniel, 144.
- Hoccanum field, 104.
- Hodgkins, John, lieutenant, 488.
- Hogs meadow purchase, 202.
- Hoit, Benjamin, ensign, 33; lieutenant, 488: — Jonathan, 112, 127, 175, 543, 569; deputy for Stamford, 2, 27, 53, 78, 119, 156, 189, 221, 259, 285, 323, 330, 356, 365, 414, 445, 486, 511, 551; probate judge, 29, 81, 158, 224, 287, 367, 447, 514; justice, 30, 82, 159, 225, 288, 368, 448, 515; colonel, 280: — Samuel, 403; justice, 30, 82, 159, 225, 289, 368, 448, 515.
- Holbrook, Ebenezer, deputy for Pomfret, 119, 155, 189, 258, 444, 486, 511, 551; justice, 515: — John, 394.
- Holcomb, David, lieutenant, 546: — John, ensign, 55: — Nathaniel, ensign, 161; captain, 260.
- Holland, Joseph, ensign, 54; captain, 487.
- Hollister, Gideon, lieutenant, 30: — Timothy, ensign, 490.
- Holloway, George, 306, 335, 401.
- Holly, John, ensign, 557.
- Holmes, Christopher, 479: — George, 533; ensign, 162: — John, 347; lieutenant, 452.
- Holt, Benjamin, 425; lieutenant, 9; captain, 296.

- Hooker, Hezekiah, captain, 236: — James, probate judge, 29, 81, 158, 223; justice, 29, 81, 158, 288, 367, 448: — John, justice, 29, 81, 158, 224, 288, 367, 447, 514: — Joseph, ensign, 453: — Nathaniel, 110, 172, 251, 274, 293.
- Hopkins, Stephen, 268, 310, 400, 423, 537; deputy for Waterbury, 2, 27, 52, 79, 119, 156, 258, 285, 330, 356, 364: — Timothy, deputy for Waterbury, 221; justice, 29, 81, 159, 224, 288, 367, 448: — Captain, 439.
- Hopson, Samuel, justice, 288, 367, 448, 514.
- Horses, act relating to stolen, repealed, 554.
- Horsford, Obadiah, 25: — Timothy, 11, 299.
- Horskins, Anthony, 142: — Joseph, ensign, 577: — Zebulon, 474.
- Hosmer, Robert, cornet, 557: — Stephen, deputy for East Haddam, 415, 445; justice, 447, 513: — Uriah, 468; deputy for Killingly, 364, 415, 445, 511; quartermaster, 331; lieutenant, 368.
- Hotchkiss, Caleb, 556: — Jacob, 251: — John, ensign, 418: — Stephen, 265, 271: — Thomas, captain, 84.
- Hough, Jonathan, 242, 344.
- Houghton, Jonas, 100.
- House of correction regulated, 137, 172, 505.
- How, Eleazer, 100: — Isaac, ensign, 209: — Sampson, 106: — Zechariah and Mary, 478.
- Howell, Matthew, 416.
- Hoxsey, John, 299, 302.
- Hubbard, Daniel, lieutenant, 259: — George, lieutenant, 34: — Isaac, lieutenant, 369: — John, 532, 534, 556; lieutenant, 161; captain, 547; justice, 448, 514.
- Hubbell, David, 301: — Ephraim, 491: — Richard, captain, 84.
- Huit, Joseph, captain, 552.
- Hull, Joseph, deputy for Derby, 487: — Josiah and Samuel, 474: — Nathaniel, ensign, 228.
- Hulls, Benjamin, 197: — Samuel, lieutenant, 418.
- Humphrey, John, 249, 274, 540; deputy for Symsbury, 2, 52, 119, 155, 188, 221, 258, 329, 355, 364, 414, 445, 511, 552; justice, 29, 81, 158, 224, 288, 367, 447, 514: — Samuel, 125.
- Hunt, John, 100.
- Huntington, Daniel, 237: — Hezekiah, 68, 113, 173, 206, 254, 263, 305, 420, 512; deputy for Norwich, 2, 26, 78, 119, 156, 188, 221, 258, 285, 551; in nomination, 264, 310, 420, 490, 552; chosen assistant, 286, 365, 446; in court, 322, 329, 355, 364, 414, 444, 485, 510; auditor, 289, 453; justice, 81, 159, 224, 515; lieutenant, 162; lieutenant-colonel, 279; commissary, 324: — Isaac, deputy for Norwich, 52, 364, 445; justice, 159, 224, 288, 367, 448, 514: — Jabez, 15, 325, 411; captain, 3; colonel, 280; deputy for Windham, 26, 78, 119, 155, 188, 221, 258, 285, 323, 329, 355, 364, 486, 551; in nomination, 340: — John, 47, 49, 535; justice, 29: — Jonathan, 136, 173, 299, 423, 504, 574; auditor, 515; deputy for Windham, 364, 510, 551; justice, 30, 82, 159, 225, 289, 368, 448, 515: — Joshua, 256, 421, 534; deputy for Norwich, 285, 323, 329, 355, 364, 414, 445, 511, 551; ensign, 193; lieutenant, 335; justice, 288, 368, 448, 515: — Matthew, 350: — Nathaniel, justice, 368, 449, 515: — Peter, ensign, 488: — Thomas, deputy for Mansfield, 2.
- Hurd, Daniel, 493: — David, 537: — Zadock, 487.
- Hurlburt, Daniel and Esther, 142: — Ebenezer, 110; proprietors of Windsor v., 207, 256, 315: — John, 45, 305, 350; Joseph, 233: — Joshua, ensign, 163; lieutenant, 341: — Stephen and Hannah, 5: — Titus, 113; commander of New London fort, 518.
- Hutchins, John, quarter-master, 190; cornet, 441: — Joshua, ensign, 261.
- Hutchinson, Edward, 23, 51: — John, ensign, 577: — Joshua, 205: — Samuel, 535; lieutenant, 120, 331.
- Idle poor, duty of selectmen concerning, 570; how disposed of, 137.
- Indians, provisions for educating, &c., 6, 37, 85, 93; above New Fairfield, 38; land reserved by Chickens, 66, 97, 478, 531; Ben Uncas becomes christian, 72; Mohegans complain of trespass, 93, 237; Mohegans propose to join with New London north society, 245; Atchetoset and family become christians, 372; Pequots at Groton, 411, overseers appointed for, 397; at Potatuck, provision for instructing, 480, 503; school-house at Mohegan to be repaired, 509; Mohegan council established, 517; Moravian mission among, noticed, 521; provision for settling peace with, in case of war with France, 568. See Mohegan.
- Ingalls, John, lieutenant, 374.
- Ingraham, Benjamin, 423: — Isaac, 145.
- Intestate estates: address to be made to the king, 283; loan made to Tousey, 463; colonial agent to aid Tousey against Clark, 506; provisions for setting out widow's dower, 56.
- Ives, Gideon, 25, 232: — Jonathan, 250: — Lazarus, 251.
- Jackson, Sarah, 44.
- Jacobs, Samuel, 144.
- Jarvis, Samuel, ensign, 226; captain, 430.
- Jessup, Ebenezer, 407, 479.
- Jewett, Nathan, ensign, 332.
- Johnson, Benjamin, 350: — Caleb, 541; quarter-master, 554: — Daniel, 94: — Ebenezer and Lydia, 7: — Gideon, 177; lieutenant, 557: — Isaac, 202, 213, 250: — Jacob, 307, 540; deputy for Wallingford, 27: — James, 541: — Joseph, ensign, 487; lieutenant,

- ant, 545: — Nathaniel, ensign, 261; lieutenant, 396, 555: — Obadiah, 307; deputy for Canterbury, 119; lieutenant, 260; captain, 291: — Stephen, 350: — Thomas, captain, 203; deputy for Middletown, 221, 259: — William, deputy for Mansfield, 486, 511: — Zechariah, 517.
- Jones, Caleb and Mary, 478: — Hannah, 312: — Isaac, 537; deputy for Colchester, 221: — Rachel, 70: — Samuel, 70, 312, 435.
- Judd, Anthony, deputy for Farmington, 27, 52, 119, 222, 285, 323, 364: — Ebenezer and Hannah, 64, 101: — John, ensign, 375; lieutenant, 546: — Thomas, justice, 29: — William, 9, 196; deputy for Waterbury, 27, 221, 258.
- Judea, in Woodbury, constituted a society, 423; meeting-house, 477.
- Judges, fees or pay of, 35, 92, 391, 525; to be commissioned and sworn, 454; to consider proper sentence for mayhem, 579.
- Judgment, confession of, 458.
- Judson, David, 257; captain, 192; deputy for Stratford, 364.
- Justices, jurisdiction of, 90, 458; pleading in abatement before, 34; exempt from militia duty, 379.
- Ka'e, Indian woman, special court to try, 122.
- Kating, Richard, 59.
- Keeler, Joseph, justice, 30.
- Keeney's ferry, fare of, 109.
- Keith, John, 420.
- Keillogg, Isaac, lieutenant, 54: — John, 217: — Martin, 236, 245, 248, 303; captain, 12; deputy for Wethersfield, 551: — Nathaniel, lieutenant, 546: — Samuel, 144.
- Kelsey, Ephraim, 128: — Isaac, captain, 228; deputy for Killingworth, 330, 355: — Stephen, 310.
- Kendal, Isaac, deputy for Ashford, 27, 52, 79, 330, 356, 365, 444; justice, 368, 449.
- Kensington, parts of Middletown and, ask to be a society, 478, 494; in disorder, 524.
- Kent, to be sold, 136; named, &c., 170; in Hartford county, 171; bounds, 172, 200, 215; allowance for sale of, 173; town privileges granted, 266; meeting house, 304, 351; in distress, 472; in Litchfield probate district, 504; enlarged, 548; ecclesiastical tax, 572; Indians at, 38, 480, 521.
- Kent, Rev. Elisha, 480.
- Kesson, John, deputy for Voluntown, 364, 415.
- Ketcham, Joseph, captain, 225.
- Kilbourn, Ebenezer, 143, 410: — Joseph, ensign, 547.
- Killam, Samuel, ensign, 160.
- Killingly, meeting-house, 423, 481, 504, 536, 573; bridge in, 471; Bill v., 468; v. J. Thompson, 283, 470.
- Killingworth, highways in, 240; north society may embody, 112; meeting-house north society, 15, 40.
- Kimberly, Thomas, 45.
- King: address to be made to, on law of intestate estates, 283; instructions from, as to rates of coins, 352, as to war, 296, 324; order of, prayers for royal family, 390.
- King, Henry, 470.
- Kingsbury, Ephraim, deputy for Plainfield, 2, 26, 53, 188, 415; ensign, 122: — Joseph, 199, 232, 247; deputy for Norwich, 156, 221, 486: — Nathaniel, 303, 536: — Samuel, 8, 48.
- Kingsley, John, 353: — Josiah, quartermaster, 419.
- Kinney, Jeremiah, 204; lieutenant, 291: — Joseph, 409.
- Kirtland, Philip, lieutenant, 33.
- Knapp, Ebenezer, 408: — Israel, captain, 546: — John, lieutenant, 430: — Samuel, lieutenant, 227.
- Knickerbocker, Lawrence, 180, 269.
- Knowles, Isaac, 394: — Samuel, ensign, 193; lieutenant, 332: — Seth, 541: — Thomas, 172, 533; captain, 11; deputy for Woodbury, 258; grant of land to, 102.
- Knowlton, Robert, deputy for Ashford, 259, 444, 486, 511, 551.
- Lad, Nathaniel, 338.
- Lamb, David, 403: — Thomas, 306; land purchased by, 63, 86, 194, 474.
- Lambert, David, ensign, 192.
- Lane, John, 111, 141, 217, 305, 350, 479; deputy for Killingworth, 27, 53, 79, 119, 188, 259, 330, 355, 415, 445, 487, 511; justice, 82, 159, 224, 288, 367, 448, 514: — Jonathan, 302; deputy for Killingworth, 119, 188, 221, 322, 487, 552.
- Langdon, Paul, 301: — Samuel, lieutenant, 375.
- Latham, Cary and Joseph, 244.
- Lattimore, Jonathan, ensign, 71; captain, 121: — Robert, 18, 432.
- Law, Jonathan, 59, 313, 363, 509, 550, 578; in nomination, 5, 58, 122, 195, 340, 419, 490, 552; chosen deputy governor, 28, 79, 157, 222, 286, 365, governor, 416, 446, 512; in court, 1, 26, 52, 78, 118, 155, 188, 220, 258, 284, 322, 329, 355, 364, 414, 444, 485, 510, 551; chief judge, 28, 80, 157, 223, 287; agent in Mohegan case, 165, 219.
- Lawful money, what, 352, 453, 457.
- Laws, to be sent to Board of Trade, 356, to colonial agent, 517; to be revised, 465, 505.
- Lawrence, Daniel, deputy for Plainfield, 119, 415; captain, 32; lieutenant, 488: — Isaac, ensign, 84; lieutenant, 227.
- Lazell, Joshua, 199.
- Leach, Ebenezer, 536.
- Leavinz, Esther, 234: — James, deputy for Killingly, 2, 27: — Joseph, 503, 535; deputy for Killingly, 79, 155, 222,

- 285, 323, 445, 486, 511, 551; justice, 30, 82, 159, 225, 289, 368, 448, 515.
- Leavitt, Asaph, 348, 411.
- Lebanon, vote of first society confirmed, 268; town-records mutilated, 298, 343; troop may be formed in, 408; Coventry, Hebron and, society asked for from parts of, 536.
- Lechmere, Thomas, Winthrop *v.*, referred to, 18, 283, 433.
- Ledyard, Isaac and Elizabeth, 86, 140, 413: — John, 275, 314, 377, 436, 521; deputy for Groton, 445, 486, 511, 551; justice, 81, 159, 224, 288, 368, 448, 515.
- Lee, Hezekiah, deputy for Farmington, 444; captain, 544: — Isaac, captain, 165: — Jared, 564; ensign, 547: — James, 564: — John, 507, 536; captain, 120; deputy for Lyme, 52, 156, 551: — Joseph, 308; deputy for Lyme, 221, 285, 323; lieutenant, 225: — Samuel, captain, 453: — Stephen, 438; deputy for Lyme, 26, 258, 365, 414, 486; justice, 509, 515: — Thomas, 38; justice, 30, 81, 159, 224, 288, 367, 448, 514.
- Leet, Caleb, deputy for Guilford, 285, 322: — Pelatiah, 175; deputy for Guilford, 2, 27, 156, 188, 221, 285, 322.
- Leffingwell, Benajah, 346: — John, 465: — Nathaniel, 46.
- Leonard, Ebenezer, captain, 418: — William, 234.
- Lewis, Caleb, 425, 539: — Edmund, 25, 64, 86, 102, 108; deputy for Stratford, 258; in nomination, 5, 58, 122, 195; elected assistant, 28, 80, 157; in court, 1, 26, 52, 78, 118, 155, 188, 221; committee, 107, 136, 154, 172, 173, 200, 214, 270; justice, 225; 288, 515; lieutenant-colonel, 279: — John, captain, 31; ensign, 449: — Jonathan, lieutenant, 165; captain, 430: — Joseph, deputy for Waterbury, 2, 79, 119, 189, 414: — Shubael and Thomas, 541.
- Lines, Ralph, 251.
- Linsley, John, ensign, 555.
- Listers, duty of, 55, 129.
- Lists, 13, 41, 69, 91, 123, 174, 198, 255, 275, 311, 339, 373, 429, 467, 507, 528, 563.
- Litchfield, doomed for taxes, 296; probate court established at, 504.
- Littlefield, Samuel and Sibill, 150.
- Loans, see Treasury.
- Lockwood, Daniel, 197: — David, deputy for Greenwich, 2, 221, 414: — James, deputy for Norwalk, 1, 156, 258, 285, 323, 329, 356, 486; captain, 83; major, 281; justice, 159, 225, 289, 368, 448: — John, 10: — Joseph, 116.
- Loomis, Azariah, lieutenant, 544: — Jacob, captain, 543: — Joseph, captain, 16: — Josiah, 399: — Nathaniel, 536: — Odiah and Sarah, 477.
- Lord, Andrew, deputy for Saybrook, 2, 78, 119, 552; lieutenant, 557: — Ephraim, deputy for Colchester, 552: — James ensign, 163: — Richard, 46, 111, 308, 536; deputy for Lyme, 2, 26, 78, 119, 330, 356, 445, 511, 551; justice, 30, 81, 159, 224, 288, 367, 448, 514: — Samuel, 496; ensign, 546.
- Lothrop, Benjamin and Israel, 94: — Ebenezer, ensign, 335; lieutenant, 488: — Elisha, ensign, 226: — John, lieutenant, 84; captain, 160: — Samuel, lieutenant, 84; captain, 227; justice, 515: — Simon, 47, 68, 112, 113, 146, 173, 254, 255, 263, 305, 346; captain, 162; deputy for Norwich, 2, 486, 511.
- Lovejoy, Anne, 500.
- Loveland, Elisha, 220.
- Lucey, Josiah and Sarah, 109.
- Lumm, John, captain, 565.
- Lyman, Ebenezer, 266, 293; deputy for Durham, 119: — Moses, ensign, 548.
- Lyme, meeting-house, 12, 61, 95; *v.* East Haddam, 25; and East Haddam, new society asked for from, 479, granted and called Hadlyme, 495.
- Lynde, Nathaniel, 479: — Samuel, in nomination, 5, 58, 122, 195, 264, 340, 419, 490, 552; chosen assistant, 28, 80, 157, 222, 286, 365, 446, 512; in court, 1, 26, 52, 78, 118, 155, 188, 221, 258, 284, 322, 329, 355, 364, 414, 444, 485, 510, 551; committee, 15, 86, 92, 93, 111, 136, 140, 141, 159, 173, 213, 217, 237, 247, 272, 302, 314, 315, 472, 491, 518, 528; auditor, 30, 229, 289; judge, county court, 28, 80, 157, 223, 287, 366, 446, 513; major, 39, colonel, 280.
- Lyon, Abel, deputy for Pomfret, 53: — John, Brush *v.* 107, 152, 176, 208, 348, 398: — Jonathan, ensign, 293: — Joseph, 64.
- Mackee, Robert, 265.
- McUre, Matthew and Mary, 305.
- Malbone, Godfrey, 410; asks for ferry, 68, 113.
- Mallary, Stephen, ferry granted to, 150.
- Maltby, Daniel, 145: — Jonathan, 112, 127, 408, 480; deputy for Stamford, 27, 53, 78, 119, 156, 189, 221, 259, 285, 330, 356, 365, 414, 486; auditor, 85; captain, 227; justice, 82, 159, 225, 289, 368, 448, 515: — Samuel, deputy for Branford, 221.
- Mannatuck Hill, 100.
- Manning, John, lieutenant, 371.
- Mansfield, north part asks to be a society, 46; bounds of societies, 115, 124; meeting-house, 534, 573.
- Mansfield, Josiah, 250.
- Manufactures: hemp, &c., 318, potash, 395, 538, steel, 338, 574.
- Map of New England, Dr. Douglas proposes to publish, 575.
- Markham, John, 541: — William, 411.
- Marlborough, may hire minister, 49.
- Marsh, Ebenezer, deputy for Litchfield, 285, 323, 364, 415, 445, 486, 511, 551; ensign, 161; major, 441; probate judge, 509, 514; justice, 509, 514: — John, deputy for Hartford, 1, 26, 52, 78, 119, 155, 188, 221, 258, 285, 322, 329, 355, 364, 414, 486, 510, 551; committee, 8,

- 12, 39, 47, 51, 65, 69, 85, 95, 118, 135, 206, 252, 321, 353, 417, 425, 428, 437, 441, 463, 472, 536, 576; justice, 29, 81, 158, 224, 288, 367, 447, 513; of council of war, 314, 567: — Rev. Jonathan, 210, 310; preached election sermon, 30: — Joseph, 535: — William, 175, 402; deputy for Plainfield, 26, 53, 78, 156, 330, 356, 445, 511.
- Marshall, Eliakim, 315.
- Martyn, Sarah, 497.
- Marvin, John, 127; deputy for Norwalk, 156: — Matthew, 308; lieutenant, 415, captain, 545: — Reynold, 244.
- Mason, John, 37, 206: — Samuel, 206; ensign, 59.
- Massachusetts boundary, 252, 469.
- Massapeng, ferry asked for near, 68, 113, 173, 254, 265, 305, 350.
- Mather, Joseph, lieutenant, 160; ensign, 372: — Samuel, 12; deputy for Windsor, 156, 188, 414, 445, 511; justice, 29, 81, 158, 224, 288, 367, 447, 514.
- Mathews, Abel, 251: — Caleb, ensign, 488: — Thomas, 438.
- May, Hezekiah, 65.
- Mayhem punished, 578.
- Meach, Daniel and Moses, 403: — John, 128.
- Mead, Ebenezer, deputy for Greenwich, 79, 156, 285, 323; captain, 163; justice, 30, 82, 159, 225, 289, 368, 448, 515: — Jabez, deputy for Greenwich, 188, 221, 259, 285, 364, 445, 552: — John, captain, 4; deputy for Greenwich, 414, 487, 511, 552.
- Meigs, Janna, 141, 246; justice, 29, 81, 159, 224; lieutenant, 416: — Josiah, ensign, 374; lieutenant, 547.
- Merrels, Benjamin, lieutenant, 452.
- Merriam, William, ensign, 565.
- Merrick, John, captain, 229; justice, 367.
- Merriman, Eliasaph, ensign, 9; lieutenant, 296; captain, 547: — George, John and Susanna, 114.
- Messenger, Daniel, 142.
- Middle-Haddam, parish constituted, 231; meeting-house, 272, 316; ecclesiastical tax, 310; military company, 411; in East Haddam probate district, 441.
- Middlesex, in Stamford and Norwalk, made a society, 144; meeting-house, 196, 231, 238.
- Middletown, *v.* Wallingford, 25, 60, 470; bounds, 97; strays and lost goods where posted, 90; ferry granted to, 112, 475; parts of Haddam and, ask to be a society 218, granted, 231; northwest part ask to be a society, 406, 478, 494; winter privileges granted part of, 541; part set to East Haddam probate district, 440, 459; Murwin *v.*, 315, 349.
- Miles, James, ensign, 547; lieutenant, 554: — Joseph, 213, 239: — Thomas, 232, 265, 271; major, 281.
- Milford, parts of New Haven and, ask to be a society, 154, 177; granted and called Amity, 201.
- Military affairs: penalty for officers and soldiers neglect of duty, 20, 141; men aged fifty exempted from service, 36; militia divided into regiments, 277; field officers appointed, 279, 317, 441, 468; general act regulating militia, 379; troops may be formed in Lebanon, 408; Col. Bland's tactics adopted, 568; defence of New London, 275, 313, 340, 442; expedition to Spanish West Indies, 295, 324, 354, 420; council of war appointed, 314, 567; J. Rockwell impresses one without authority, 316; punishment of deserters, 140; military stores to be provided, 361; enemy supposed to have landed on Long Island, 438; volunteers raised for recruiting army in W. I., 439, 460; preparations for war with France, 567.—See Sloop.
- Miller, Benjamin, ensign, 342: — David, 534: — Jeremiah, 86, 140, 219, 321, 518, 567; deputy for New London, 78, 188, 221, 444, 510, 551; justice, 30, 81, 159, 224, 288, 368, 448, 514: — Martha, 308: — Thomas, 104.
- Millington, in East Haddam, meeting-house, 46, 76; ecclesiastical tax, 153.
- Mills, Rev. Jedidiah, 71: — John, 216, 309, 335, 349, 397, 401; lieutenant, 294: — Pelatiah, 540, 575; captain, 160: — Peter, 77, 96.
- Minor, Benjamin and Clement, 427: — Elnathan and Stephen, 141: — Joseph, deputy for Woodbury, 27, 53, 188; probate judge, 29, 81, 158, 224, 267, 367, 447, 513; justice, 30, 82, 159, 225, 289, 368, 448, 515; colonel, 281: — Rufus, ensign, 190; lieutenant, 290, 347: — Samuel, deputy for Woodbury, 444, 486: — Simeon, 428; deputy for Stonington, 258, 365, 511, 551; justice, 368, 448, 515: — Thomas, 247; captain, 55.
- Mitchell, John, ensign, 11; lieutenant, 86; deputy for Woodbury, 329, 356: — Kneil, deputy for Woodbury, 365.
- Mix, Daniel and Ruth, 373: — Joseph, 231, 238; deputy for New Haven, 52, 78: — Samuel, 437, 530, 532, 556.
- Mohegan, Indian school-house to be repaired, 509; council established, 517.
- Mohegan case, agents appointed for, 165, 462, 520; agents may compromise, 507; report of committee on, 206; grants to agents, 237, 560, 577, to commissioners, 202, 219, 518; expences of commission, 254, 255, 554; provision for opening and adjourning court at New London, 297; Board of Trade report in favor of new trial, 362.
- Molthrop, Joseph, 144.
- Money, lawful, what, 352; rate at which gold shall pass, 453, silver, 457.
- Mouroe, John, 204: — Samuel, 436.
- Moodey, Ebenezer and Anne, 426.
- Moor, John, 265: — William, 127.
- Moravian mission noticed, 521.
- Morhouse, Abraham, ensign, 545: — Joshua, 238.

- Morgan, Abraham, ensign, 121: — James, 184, 217: — John, 411; ensign, 58; lieutenant, 190: — Jonathan, 491: — Samuel, deputy for Preston, 415, 445, 511; ensign, 494; justice, 515: — William, deputy for Groton, 119.
- Morris, Samuel, 185, 471: — Thomas, 250.
- Moseley, Abner, 218; ensign, 164; lieutenant, 546: — Increase, lieutenant, 419; captain, 558.
- Moses, Aaron, 62, 102: — Timothy, 77.
- Moss, James, 495.
- Mumford, Thomas, captain, 58.
- Munger, Ebenezer, 349: — John, Jonathan, Josiah and Rachel, 566.
- Munson, Israel, ensign, 83: — Joel, 250: — John, 325.
- Murdock, Samuel, cornet, 228; captain, 418.
- Murwin, Daniel, 315, 349.
- Nash, Thomas, 248.
- Neal, John, 558.
- Nevil, John, 110.
- New Canaan, John Kellogg set off from, 217.
- New Concord, in Norwich, named, &c., 93; meeting-house, 151, 175, 212, 242, 262, 303, 344, 404, 437; may imbody as church, 206; ecclesiastical tax, 181.
- New Dellaway, 181.
- New Fairfield, patent may be granted for, 62; powers of proprietors, 104; proprietors' clerk may record deeds, 194; town privileges granted, 303; brand, 310; meeting-house, 350, 426; ecclesiastical tax, 351, 468, 491; divided into two societies, 475.
- New Hartford, ecclesiastical tax, 111, 150, 310; town privileges granted, 210; meeting-house, 249, 274; Indian claims, 236; brand, 522.
- New Haven, grant to west society, 25, 50, 244; bounds of east and north societies, 145; Chestnut Hill asks to be a society, 154, 177, granted and called Amity, 201; some set off from first society, 250, 251, bridge in, 139; fare of ferry, 460; seats to be made in council-chamber, 202, 283, 354, 441.
- New London, *v.* Norwich, 284; Richards and Douglas *v.*, 17; fort at, 93, 275, 311, 313, 340, 468, 517, 567; meeting-house, north society, 245, first society, 247, 272; neglects to return list, 290, 443; Neck and Niantic school society divided, 428, 532; soldiers sent to, 442; Shepherd's Tent, 500; north society, see Hillhouse.
- New London county, spring election in, 277.
- New London Society, settlement of affairs of, 24, 69, 73, 234, 471.
- New Milford, enlarged, 401; bridge in, 49, 405, 479; parts of Danbury, Newtown and, ask to be a society, 533.
- New Salem, see Salem.
- New Scituate, 256.
- Newberry, Roger, 51, 62, 75, 102, 107, 118, 143, 214; deputy for Windsor, 2, 27, 53, 79, 119, 156, 188, 222, 258, 285, 323; auditor, 30, 92, 173; commissioner on Massachusetts boundary, 253.
- Newcomb, Obadiah, 536: — Thomas, lieutenant, 55.
- Newell, John, captain, 164: — Samuel, 504.
- Newman, Jonathan, ensign, 164.
- Newton, Fletcher, 202; ensign, 164; lieutenant, 226: — Israel, 344, 404; deputy for Colchester, 2, 27, 53, 78, 119, 189, 221, 285, 323, 330, 356, 364, 415, 444; justice, 29, 81, 158, 224, 288, 367, 447, 514: — Roger, 478, 531; deputy for Milford, 1, 52, 78, 330, 356, 364; speaker, 2; in nomination, 5, 58, 122, 195, 264, 420, 490, 552; chosen assistant, 28, 80, 157, 222, 446, 512; in court, 26, 118, 155, 188, 221, 258, 485, 510, 551; colonel, 279; judge, county court, 86, 157, 223, 287, 446, 513; justice, 288, 367.
- Newtown, parts of Danbury, New Milford and, ask to be a society, 533.
- Niantic Ferry, fare of, 353, 428; Indians, provision for educating children of, 38, lands, 528; school-society divided, 428, 532.
- Nichols, John, ensign, 370: — Joseph, 196; captain, 163: — Theophilus, 66, 95, 165, 270, 421, 426, 476, 495, 542, 543, 569; auditor, 30; deputy for Stratford, 27, 119, 155, 188, 258, 285, 323, 329, 356, 364, 415, 445, 486, 511, 532; captain, 261; justice, 159, 225, 289, 368, 448, 515: — Mr., post-master at N. Y., 353.
- Niles, John, 243.
- Noble, David, ensign, 553: — Stephen, deputy for New Milford, 78, 119, 156, 189, 221.
- Non-residents, attorneys for, names to be recorded, 168.
- Norfolk, to be sold, 135; named, &c., 169; in Hartford county, 171; sale deferred, 219; land bought by Hosford in, 299.
- Norkitt, William, 541.
- Norman, James, 46.
- North Haven, meeting-house, 232, 250; society enlarged, 250.
- Northbury, in Waterbury, made a parish, 271; in disorder, 373; meeting-house, 424.
- Northrop, Joel, 154, 201; ensign, 342: — John, 350.
- Northrop's farms, with part of New Haven, ask to be a society, 154.
- Norton, Daniel, 566: — John, 438.
- Norwalk, part of Stamford and, ask to be a society, 63, 94; granted and named Middlesex, 144.
- Norwich, ecclesiastical society asked for in west part, 65, granted and called New Concord, 93; bridge in, 153; ferry granted D. Hall, 465; highways in, 346; lower house propose to adjourn to, 165; some of, set off to Preston, 350; New London *v.*, 284.
- Nott, Gershom, 410, 435: — John, 44: — Jonathan, 208, 255.

- Noyes, Beleher, 100: — John, 183; deputy for Stonington, 120.
- Nye, Ebenezer, ensign, 32; lieutenant, 83.
- Oath of judges, 454.
- Occum, Joshua and Sampson, 517.
- Olcott, Benoni, 176.
- Olmsted, Daniel, captain, 33; deputy for Ridgefield, 445, 511, 552: — Richard, lieutenant, 33; captain, 488: — Samuel, captain, 192; deputy for East Haddam, 53; justice, 29, 81, 158, 224, 288, 367, 447, 514: — William, quarter-master, 34; lieutenant, 162.
- Oronoke, ferry at, 150.
- Osborne, Jeremiah, 202; ensign, 11: — John, 196: — Joseph and Thomas, 394: — Richard, 559.
- Otis, Joseph, 315: — Nathaniel, cornet, 34.
- Ovit, Joseph, 493.
- Oxford, parish constituted, 394; meeting-house, 415, 427, may embody as church, 541; ecclesiastical tax, 542; military company, 527.
- Packer, James, captain, 14; v. Groton, 14: — John, 15.
- Paddock, Zechariah, 533.
- Page, John and Moses, 145.
- Paine, Elisha, 344, 404; justice, 289, 368: — Seth, 549; deputy for Pomfret, 53, 221: — Solomon, deputy for Canterbury, 285, 323, 356; ensign, 291: — William, 250.
- Palmer, Benjamin, ensign, 192: — Christopher, ensign, 31: — Daniel, 141; deputy for Stonington, 79; justice, 29, 81, 159, 224: — Eliakim, 579; appointed colonial agent, 506; laws, &c., to be sent to, 517, 578: — Ichabod, 141; ensign, 120; lieutenant, 261: — John, ensign, 292, 333: — Joseph, deputy for Stonington, 26, 52, 156, 189, 221, 285, 323, 445; justice, 224, 288, 368, 448, 515: — Nehemiah, 428: — Samuel, 25, 401; deputy for Hebron, 156.
- Parden, Enos, 250.
- Park, Hezekiah, deputy for Preston, 26, 53, 119, 156, 259, 365; justice, 30, 81, 159, 224, 368, 448: — Jacob, 411: — Joseph, 541; lieutenant, 489: — Robert, ensign, 489.
- Parker, Edward, ensign, 342: — John, 537: — Nathaniel, 379, 537: — Samuel, deputy for Coventry, 26, 119, 156, 221, 259, 364, 511, 552.
- Parkhurst, John, lieutenant, 32; captain, 260: — Joseph, lieutenant, 331.
- Parliament, acts of, to be printed, 352, 390.
- Parmele, Isaac, 482: — Nathaniel, lieutenant, 228; deputy for Killingworth, 415.
- Parsons, Moses, deputy for Durham, 155: — Timothy, ensign, 191; lieutenant, 369.
- Patteunk asks to be a society, 242; granted and named Chester, 344.
- Patterson, John, ensign, 165; lieutenant, 430: — William, quarter-master, 161; cornet, 331.
- Paupers, provision for support of, 253; idle, disposed of, 570.
- Peak, Christopher, 420.
- Peck, Benjamin, 401; ensign, 160: — Ephraim, captain, 343: — Henry, ensign, 452: — Jasper, ensign, 451: — James, 213, 239: — Jeremiah, ensign, 16; lieutenant, 128: — Nathaniel, deputy for Greenwich, 26, 53, 79, 119, 188, 259, 285, 323, 364, 445; auditor, 289; justice, 30, 82, 159, 289, 368, 448, 515: — Samuel, 250; ensign, 577: — William and Jemima, 401.
- Peck, Thomas, 409.
- Peet, Elnathan, lieutenant, 161; captain, 330: — Thomas, 410: — William, lieutenant, 163; captain, 370.
- Pelham, Rt. Hon. Henry, 440, 461.
- Pelton, James, 315, 316.
- Pequots, see Indians.
- Perkins, Daniel, lieutenant, 83: — Jabez, ensign, 227; justice, 30, 81, 159, 224, 288, 368: — Luke, 93, 112, 146; deputy for Groton, 2, 78; justice, 80, 159, 224, 288, 368, 448, 514; lieutenant, 85; complains of Rev. J. Owen, 519, 555.
- Perry, John, 42, 97, 197, 250; deputy for Ashford, 2, 155, 285, 323, 486: — Yelverton, 411; ferry granted, to, 24.
- Pettibone, Samuel, deputy for Symsbury, 155; lieutenant, 58, 333.
- Pettis, Samuel, 94.
- Pettitt, John, Jonathan and Samuel, 529.
- Phelps, Ephraim, 127: — John, 40: — Joseph, 375; deputy for Hebron, 2, 27, 79, 119, 156, 189, 221, 259, 285, 323, 330, 355, 364, 415, 445, 486, 511, for Symsbury, 27, 79; justice, 158, 224, 288, 367, 447, 514; lieutenant, 82; captain, 292: — Josiah, 110: — Noah, 315: — Samuel, 541; ensign, 61: — Timothy, lieutenant, 32.
- Phillips v. Savage referred to, 283: — George, 112, 417; deputy for Middletown, 2, 27, 53, 79, 119, 156, 330, 356; captain of ship Defence, 412, 428.
- Philmore, John, ensign, 452.
- Phinney, Jeremiah, 345.
- Physicians licenced, 110, 311; freed from military service, 379.
- Pickett, John, 262: — Mary, 361.
- Pierce, Edward, 540, land of, given Wintonbury school, 575: — Samuel, deputy for Mansfield, 445, 551: — Thomas, deputy for Plainfield, 78, 285, 323, 552: — Timothy, 15, 21, 256, 307; in nomination, 5, 58, 122, 195, 264, 340, 418, 490, 552; elected assistant, 28, 80, 157, 222, 286, 365, 446, 512; in court, 1, 26, 52, 78, 118, 155, 188, 221, 258, 284, 322, 329, 355, 364, 414, 444, 485, 510, 551; committee, 136, 173, 321, on Rhode Island boundary, 295, 489; judge county court, 28, 80, 158, 223, 287, 366, 447, 513, probate court, 29, 81, 158, 223, 287, 366, 447, 513; colonel, 281.

- Pierpont, James, may build bridge, 139: — Joseph, ensign, 451.
- Pierson, Abraham, justice, 30, 81, 159, 224, 288, 367, 448, 514.
- Pitcher, Samuel, 233.
- Pitkin, Joseph, 65, 95, 233, 249, 264, 393, 412, 467, 478, 495, 573, 576; deputy for Hartford, 258, 364, 444; captain, 191; lieutenant-colonel, 441: — Ozias, 6, 328, 548; in nomination, 5, 58, 122, 195, 264, 340, 418, 490, 552; chosen assistant, 28, 80, 157, 222, 286, 365, 446, 512; in court, 26, 78, 155, 221, 284, 322, 364, 444, 510; auditor, 173; committee, 51, 105, 118, 252, 254, 283, 472; of council of war, 314, 567: — Thomas, 532; lieutenant, 88; captain, 228; justice, 447, 514: — William, 43, 176, 328, 479, 548; in nomination, 5, 58, 122, 195, 264, 340, 420, 490, 552; chosen assistant, 28, 80, 157, 222, 286, 365, 446, 512; in court, 1, 26, 52, 78, 118, 155, 188, 221, 258, 284, 322, 329, 355, 364, 414, 444, 485, 510, 551; auditor, 85, 173; committee, 47, 51, 62, 97, 185, 186, 201, 243, 275, 295, 325, 348, 398, 477; judge, county court, 28, 80, 157, 223, 287, 366, 446, 513, superior court, 429, 446, 513; major, 279; of council of war, 314, 567.
- Plainfield, Stoyel &c., v., 256; doomed for tax, 420.
- Platt, Joseph, 69; deputy for Norwalk, 119, 189, 221; justice, 30, 82, 159, 225, 289, 368, 448; lieutenant, 556.
- Pleading, in abatement before justices, 34; demurrers not allowed after pleading to issue, 166.
- Phumb, John, Joshua and Peter, 204: — Joseph, 175, 562.
- Pomroy, Rev. Benjamin, proceedings against, 482, 566.
- Pond, Phinehas, 145.
- Porter, Amos, lieutenant, 565: — Daniel, 481, 542; lieutenant, 226: — Experience, 65, 151, 175, 197, 212, 242, 250, 481, 573; deputy for Mansfield, 2, 52, 119, 189, 259, 364, 415: — John, lieutenant, 419: — Thomas, captain, 192; deputy for Coventry, 78.
- Potash, a company formed to manufacture, 395, 538.
- Potatuck, Indians at, to be instructed, 480; Moravian mission at, 521.
- Pratt, Nathaniel and Samuel, 114: — Peter, 401, 473, 503.
- Prentiss, John, 10: — Jonathan, 18: — Joseph, lieutenant, 121: — Stephen, 38, 428: — Thomas, 275, 377; justice, 30, 81, 159, 224, 288: — Valentine, ensign, 86.
- Prescott, Capt., 460.
- Preston, meeting house, 111, 146; some set to, from Norwich, 350, from Stonington, 403; and Voluntown bounds, 108, 147.
- Preston, John, 247: — Jonathan, 247, 405: — William, 232, 263, 372, 533; deputy for Woodbury, 2, 78, 119, 156, 188, 221, 285, 322, 414, 511, 552; justice, 30, 82, 159, 225, 288, 368, 448, 515; lieutenant-colonel, 281.
- Prindle, Jonathan, 196.
- Probate court, appointment of guardians by, 5; setting out widow's dower by, 56; copies of records of, to be sent to England, 263; to have seal, 454; established at East Haddam, 440, at Litchfield, 504.
- Prohibition, superior court may grant writs of, 360.
- Prout, John, 231, 238, 294; justice, 29, 81, 159, 224, 288, 367.
- Punderson, John, 15, 66, 75, 202, 206, 283, 345, 442; ensign, 370; captain, 451.
- Quakers Farm, 394.
- Quinetussett, 498.
- Randall, John, lieutenant, 261: — Matthew, ensign, 261.
- Runney, Joseph, lieutenant, 229.
- Raymond, Abraham, 548: — John, ensign, 83; lieutenant, 333; captain, 556: — Joshua, 25, 44, 47, 173, 204, 315; deputy for New London, 52, 155, 486; justice, 159, 224, 288, 368, 448; lieutenant, 160.
- Read, John, 348, 468, 471; captain, 259; deputy for Fairfield, 285, 329; grant to, 211, 317; justice, 30, 82, 159, 225, 289, 368, 448, 515: — Thomas, 63.
- Reading, grant to, 176; tax refunded, 534.
- Reynolds, James, deputy for Greenwich, 2, 26, 53, 119, 156; ensign, 261; justice, 30, 82, 159, 225, 289, 368: — John, 399.
- Rexford, Daniel, 251.
- Rhode Island, bounds with, 151, 294, 489.
- Rice, Benjamin, 100: — Dorothy, 256.
- Rich, Thomas, 544.
- Richards, George, 13, 560; lieutenant, 71; captain, 236: — John, 60, 219, 262, 348, 411, 567; deputy for New London, 26, 52, 78, 188, 221, 364, 444, 510, 551; clerk of lower house, 53; auditor, 85, 372, 453, 515; committee, 86, 92, 93, 136, 140, 165, 166, 173, 206, 237, 242, 246, 283, 393, 472, 479, 491, 518; judge of probate, 158, 223, 287, 366, 447, 513; justice, 30, 81, 159, 224, 288, 367, 448, 514; overseer of Pequots, 397; v. New London, 17; v. Winthrop, 432: — Samuel, 267: — Thomas, 64, 101, 145; ensign, 148; lieutenant, 292.
- Richardson, Jonathan, 496, 561.
- Ridgefield, and Danbury bounds, 241; doomed for tax, 296.
- Riggs, Ebenezer, lieutenant, 565: — John, 25, 202, 437; deputy for Derby, 2, 27, 53, 78, 119, 156, 189, 221, 258, 414, 511, 552; committee, 39, 46, 47, 95, 146, 177, 206, 214, 313, 373, 424; justice, 29, 81, 158, 224, 288, 367, 448, 514: — Joseph and Samuel, 202.
- Riley, David, 400: — Jonathan, 400, 492: — Stephen, 492.
- Ripley, Jeremiah, Josiah and Peter, 407: — Joshua, justice, 30, 82, 159.
- Ripton, in Stratford, grant to, 71.

- Rizley, Abigail, David, Elizabeth and Nathaniel, 44.
- Robbins, Jonathan, lieutenant, 450.
- Roberts, Lemuel, 77; lieutenant, 577: — Richard, 77: — Samuel and William, 479.
- Robinson, John, cornet, 418: — Josiah, lieutenant, 565: — Samuel, deputy for Guilford, 188; lieutenant, 3.
- Rockwell, Daniel, cornet, 120; lieutenant, 190: — Jabez, 243: — James, 348, 411: — John, 184, 243, 307: — Joseph, 316, 411: — Noah, 351.
- Rocky Hill, fare of ferry at, 211.
- Rogers, James, 18, 149, 432: — Joanna, 499: — Samuel, 499; lieutenant, 161: — William, 144.
- Root, Jonathan, 198: — Samuel, 334, 520.
- Rose, Samuel, deputy for Branford, 329, 355: — Thomas, 350.
- Rossiter, Theophilus, ensign, 121; captain, 226.
- Rowland, Samuel, captain, 370.
- Rowley, Ebenezer, quit-claim given to, 9: — Elnathan, 563: — John, ensign, 291: — Samuel, 21.
- Roxbury made a society, 537.
- Royce, Ezekiel, captain, 565: — Joseph, ensign, 203; lieutenant, 417.
- Rudd, Nathaniel, captain, 32; deputy for Windham, 119.
- Rude, John, 128.
- Rue, Hezekiah and Thankful, 562: — John, lieutenant, 205.
- Rumsey, Benjamin, ensign, 3.
- Russell, Abel and Eunice, 504: — Ithiel, lieutenant, 544: — John, 111, 141, 198, 350; deputy for Branford, 2, 79, 119, 221, 259, 323, 364; clerk, lower house, 2, 79, 120, 222, 259, 365; justice, 29, 81, 158, 224, 288, 367, 448, 514; lieutenant, 209: — Jonathan, deputy for Branford, 156, 189, 259, 552; justice, 514; lieutenant, 82: — Nicholas and Elizabeth, 426: — Timothy, captain, 557.
- Rust, Hezekiah, 541: — Samuel, ensign, 192.
- Sabin, Benjamin, deputy for Pomfret, 2: — Daniel, captain, 487: — Hezekiah, deputy for Killingly, 79, 551; captain, 85; major, 281: — John, 344, 404; deputy for Pomfret, 2, 26, 78, 155; captain, 160: — Noah, deputy for Pomfret, 285, 330, 356, 364.
- Sackett, Samuel, lieutenant, 61.
- Sadd, Thomas, ensign, 89.
- Sage, David, 406, 494; ensign, 565: — Ebenezer, 49: — John, ensign, 294.
- St. John, Daniel, ensign, 417: — Matthew, captain, 192: — Samuel, cornet, 430.
- Salaries granted, 50, 117, 154, 186, 235, 317, 354, 412, 443, 484, 509, 550.
- Salem, ecclesiastical tax in, 241, 533, 566.
- Salisbury, to be sold, 136; named, &c., 170; granted town privileges, 427; lands in, 63, 86, 171, 180, 249, 269, 306, 473, 502, 520; ecclesiastical tax, 470, 562; in dis-
- tress, 472; in Litchfield probate district, 504.
- Salmon Brook, 48; society constituted, 77; meeting-house, 251, 274.
- Saltonstall, Gurdon, 325, 429, 436, 462; colonel, 279; justice, 368, 448, 514: — Nathaniel, 311, 313, 503; deputy for New London, 258, 285, 322, 329, 355, 414; auditor, 289; commander of New London fort, 340, 468.
- Sanford, John, captain, 61; lieutenant, 396: — Lemuel, ensign, 259.
- Saunders, John, ensign, 33.
- Saxton, Captain Joseph, 141.
- Saybrook, doomed for tax, 59; special court held at, 122; defence of, 315; ferry, 460; Pattecnk asks to be a society, 242, granted and named Chester, 344.
- Scandalum magnatum, 548.
- Schools: avails of western lands appropriated for, 122, 334, 387, 392; reservations for in western towns, 134; private, not to be set up without licence, 500; society in New London divided, 428, 532; land granted to, in Wintonbury, 575; masters of, exempt from military service, 379.
- Scone, Joseph, 186.
- Scott, David, ensign, 292: — Edmund, 242: — Eleazer, 263.
- Scovel, John, lieutenant, 148: — Stephen, 495.
- Scudder, Isaac, quarter-master, 430.
- Seaberry, Benjamin, quarter-master, 55: lieutenant, 259.
- Seager, Shadrach and Mary, 299, 302.
- Seal, county, probate and superior courts, to have, 454.
- Seeley, Ebenezer, lieutenant, 148: — Eliphalet, ensign, 548: — Nathaniel, lay-out of land granted to, 64: — Obadiah, 558.
- Selden, Ann, Hephzibah, and Joseph, 542: — Samuel, 542; lieutenant, 162; captain, 332: — Thomas, 304.
- Selden's Cove, fishery in, 542.
- Selectmen, duty of, as to spendthrifts, 570.
- Seward, Daniel, ensign, 162: — David, ensign, 558: — Joseph, lieutenant, 121: — Nathaniel, ensign, 190.
- Sewers, act for keeping open, 72.
- Seymour, John, 96, 558: — Richard, lieutenant, 333: — Samuel, 524: — Thomas, 43, 62, 69, 97, 214, 253, 402, 558; ensign, 148; lieutenant, 548: — Timothy, ensign, 564: — Zachariah, 142.
- Sharon, to be sold, 136, 170; granted town privileges, 269; meeting-house, 309, 349, 397; Indian claims in, 194, 473, 502, 520; brand, 310; ecclesiastical tax, 404; in distress, 473; Indian mission at, 480, 521; in Litchfield probate district, 504; ferry between Cornwall and, 575.
- Shaw, John and Nathaniel, 420: — Jonathan, 239.
- Sheep, act for protection of, against dogs, 36.
- Sheffield, Ichabod, 299, 302.
- Shelden, Elisha, 494; captain, 120: — Isaac, 301.

- Shelton, Samuel, 411.
- Shepard, Isaac, deputy for Plainfield, 221; ensign, 260: — Samuel, lieutenant, 31.
- Shepaug asks to be a society, 400; granted, 423, 537.
- Shepherd's Tent, in New London, 500.
- Sheriff, may not draw or fill up writ, or appear as attorney, 459; in action against for not executing writ no appeal allowed, 505; proceedings in action of forcible entry when he is a party, 490; exempt from military service, 379.
- Sherman, David, 10, 95; deputy for Stratford, 78, 285, 323; lieutenant, 375: — Job, justice, 225, 289, 368, 448, 515: — Samuel, captain, 370.
- Sherwood, Daniel, 64; quarter-master, 545: — John, 64; ensign, 375: — Samuel, lieutenant, 3; justice, 368, 448, 515: — Thomas, 64.
- Shether, John, 345.
- Silliman, Ebenezer, 248, 289; deputy for Fairfield, 2, 26, 52, 78, 119, 155, 188, 221; speaker, 53, 79, 120, 155, 189; in nomination, 58, 122, 195, 264, 340, 420, 490, 552; chosen assistant, 222, 286, 365, 446, 512; in court, 258, 284, 322, 329, 355, 364, 414, 444, 485, 510, 551; committee, 73, 97, 107, 136, 173, 467, 495; county surveyor, 40; auditor, 229, 515; justice, 82, 159; judge superior court, 513: — John, 333; deputy for Fairfield, 2, 52: — Nathaniel, ensign, 195; lieutenant, 545.
- Silver, rate at which it shall pass, 457.
- Skinner, Benjamin, 12; deputy for Hebron, 2, 27, 52, 259, 445, 511; justice, 7, 29, 81, 158, 224, 288, 367, 447, 514: — John, 244: — Joseph, deputy for Hebron, 415, 486: — Nathaniel, 304, 306, 353, 425, 498; justice, 264, 288, 367, 448, 514.
- Slawson, Silas and Rose, 115.
- Sloop of war to be provided, 314, 326, 361, 441, orders concerning, 411, 428, 461, 503, 516, 530, 567.
- Sloss, John, 254.
- Slueman, Sarah, 537: — Thomas, 537; quarter-master, 441.
- Small causes, act concerning, 55; appeals in action for, 89.
- Smedley, Ephraim and Samuel, 409.
- Smith, Abel, 144: — Daniel, 146: — David, 256: — Ebenezer, 143, 218, 411; deputy for Ridgefield, 414; justice, 82, 159, 225, 289, 368, 448, 515: — Ednah, 476: — Ephraim, 403: — Hannah, 114: — Isaac, 541: — James, deputy for Symsbury, 27; lieutenant, 332: — John, ensign, 544: — Joseph, ensign, 31, 227; lieutenant, 227, 415: — Joshua, 476; quarter-master, 120; cornet, 190: — Martin, 210, 310: — Mary, 312, 334, 435: — Nathan, 114; ensign, 31: — Richard, ensign, 369: — Samuel, 25, 50, 181, 244, 350; captain, 209; deputy for Ridgefield, 285, 323, 486: — Stephen, 146: — Timothy, 220: — William, 126, 143, 471.
- Snow, Samuel, deputy for Ashford, 27.
- Southington, enlarged, 334; tax unlawfully collected in, 530.
- Southmaid, Daniel, ensign, 546: — John, 310, 400, 423, 424, 437; deputy for Waterbury, 285, 323, 330, 356, 364, 414, 445, 487, 511, 552; justice, 288, 367, 448, 514.
- Spafford, Amos, quarter-master, 260.
- Spain, war with, see Military Affairs.
- Sparks, Thomas, 220.
- Spaulding, Nathaniel, ensign, 32: — Samuel, 500: — Zechariah, ensign, 544.
- Spencer, Charles, 10: — Benjamin, 402: — Isaac, 25, 175; deputy for East Haddam, 2, 26, 78, 119, 156, 189, 221, 258, 323, 330, 356, 365: — Samuel, 218.
- Spendthrifts, duty of selectmen concerning, 570.
- Sperry, Daniel, 251: — Jonathan, 202, 283: — Joshua and Samuel, 202.
- Spirituoso liquors, acts for excise and impost on, 7, 57.
- Sprague, Ephraim, 536: — John, ensign, 331.
- Squire, Ephraim, 104: — Samuel, 537; lieutenant, 195.
- Stafford, ecclesiastical tax in, 48, 178, 477; town-meetings in, 397; grant to, 479.
- Stamford, part of Norwalk and, ask to be a society, 63, 94, granted, 144.
- Stanly, Nathaniel, 23, 39, 51, 69, 104, 150, 176, 214, 253, 310; in nomination, 5, 58, 122, 195, 263, 340, 419, 490, 552; chosen assistant, 28, 80, 157, 222, 286, 365, 446, 512; in court, 1, 26, 52, 78, 118, 155, 188, 221, 258, 284, 322, 329, 355, 365, 414, 444, 485, 510, 551; committee, 85, 87, 111, 135, 187, 210, 295, 319, 321, 345, 425, 428, 437, 441, 442, 463, 465, 472, 515, 516, 576; lieutenant-colonel, 279; of council of war, 314, 567.
- Stannard, John, 410: — William, 216, 410.
- Stanton, Samuel and Lois, 125, 183.
- Starke, Christopher, ensign, 508: — Thomas, 496.
- Starr, Comfort and Samuel, 408: — Daniel, ensign, 397; captain, 487: — Josiah, 239, 408; ensign, 371; lieutenant, 555.
- State House, to be repaired, 8.
- Stearns, Boaz, deputy for Killingly, 188, 258, 356, 330.
- Stedman, Thomas, ensign, 33; lieutenant, 82; justice, 368, 449, 515.
- Steel, Fitch, Walker and Wyllys propose to manufacture, 338, 574.
- Steel, John, lieutenant, 236: — Rev. Stephen, preached election sermon, 515.
- Stephens, Ebenezer, 426; captain, 191; justice, 431, 448, 515: — Elmathan, 305; captain, 452; deputy for Killingworth, 79, 322, 364: — John, captain, 441; deputy for Killingworth, 53: — Nathaniel, deputy for Danbury, 414; lieutenant, 290; captain, 416: — Thomas, 176, 558; deputy for Plainfield, 156, 188, 221, 258, 285, 323, 330, 356.

- 364, 445, 486, 511; lieutenant, 32, 259; ensign, 228; captain, 370, 553.
- Stiles, Ebenezer, 504: — Rev. Isaac, preached election sermon, 449: — John, lieutenant, 508: — Joseph, lieutenant, 89.
- Stillman, John, 65: — Nathaniel, captain, 332.
- Stocken, George, lieutenant, 544.
- Stoddard, Rev. Anthony, 372, 480: — Elisha, lieutenant, 487: — Josiah, 562: — Ralph, 305, 313, 350; ensign, 260; lieutenant, 369: — Robert, 207; asks for grant of ferry, 68, 113.
- Stone, Abraham, 566: — Timothy, 107; captain, 3; deputy for Guilford, 53, 79, 119, 258, 330, 356, 364, 415; annexed to first society, 147.
- Stonington, some set off to Preston from, 403.
- Storrs, Cordial, deputy for Mansfield, 119, 189, 221: — Samuel, ensign, 451: — Thomas, 176; deputy for Mansfield, 52, 78, 155, 285, 323, 329, 356, 364, 445, 486, 511, 551; justice, 159, 225, 289, 368, 449, 515.
- Stoughton, Benjamin, 265: — Daniel, 266, 293: — Samuel, 316: — Thomas, 207, 256, 315.
- Stow, Samuel, 49.
- Stoye, John, 7, 103, 182, 205, 256.
- Stratfield, eastern part has winter privileges, 300.
- Stratford, grants to societies in, 71, 149; Davenport &c. make disturbance at, 483; meeting-house, 534, 542; ferry at, 66, 577.
- Stratton, Joseph, 100.
- Strays and lost goods, where posted in certain towns, 90.
- Street, Elnathan, ensign, 296; lieutenant, 547.
- Strickland, David, 15.
- Strong, Asahel, deputy for Farmington, 329, 356, 414, 444, 486; justice, 447: — Jacob, 266, 293: — Joseph, 67, 197, 250; deputy for Coventry, 1, 26, 52, 119, 156, 188, 221, 259, 329, 364, 414, 445, 486, 511, 552; justice, 30, 82, 159, 225, 289, 368, 448, 515: — Josiah, 409: — Samuel, 42, 97, 409.
- Sturgis, Christopher, 45: — David, Elizabeth and Jonathan, 543, 568: — Nathan, 403: — Samuel, 534, 543, 568; surveyor, 289.
- Summers, Samuel, ensign, 450.
- Summer, Samuel, deputy for Pomfret, 444, 486, 511, 551.
- Superior court, when and where held, 91; may issue writs of prohibition, 361; to have seal &c., 454; special terms of, 122, 579.
- Surveyors appointed, 40, 172, 219, 237, 289; fees of, 56.
- Sutlief, John, 197, 265, 516.
- Swetland, Joseph, 536; captain, 54.
- Symsbury, divided into societies, 12, 48, 76; meeting-houses, 127, 175, 251, 274; to pay Rev. T. Woodbridge, 75, 105; and Windsor bounds, 41, 116; bridge in, 125; highways in, 474; land claimed by Hunt, &c. in, 100.
- Talcott, Benjamin, ensign, 89, lieutenant, 449: — Elizur, quarter-master, 331: — John, captain, 88: — Joseph, 214, 253, 319, 345, 362, 438, 442; in nomination, 5, 58, 122, 195, 263, 340; chosen governor, 27, 79, 157, 222, 286; in court, 1, 26, 52, 78, 155, 188, 220, 258, 284, 322, 329, 355, 363; ill, 118, 258; death of his wife, 186; his death, 416, grant for funeral, 443; probate judge, 28, 80, 158, 223, 287, 366, letter from to Board of Trade, 357: — Joseph, jr., 127, 175, 251, 274; justice, 447, 514: — Nathaniel, captain, 164: — Samuel, 176; ensign, 2.
- Talmage, James, 294, 416, 426.
- Talman, Joseph, 60, 410.
- Tavern-keepers regulated, 57, 276.
- Taxation, act regulating, 129; collection of taxes, 140; rates granted, 6, 57, 146, 218, 262, 296, 319, 327, 362, 443, 509, 577. See Lists.
- Taylor, Daniel and Theophilus, 68: — John, 21; ensign, 450.
- Terrill, Ezra, 233.
- Theft and burglary, jurisdiction of justice in cases of, 90.
- Thomas, Benjamin, 209: — Samuel and Lydia, 126.
- Thompson, Anthony, 250: — David and Abigail, 113: — Jedediah, 534: — John, 21, 124, 142, 149, 154, 257, 274; justice, 30, 82, 159, 225, 288, 368, 448, 515: — Joseph, 177, 201, 232, 263, 265, 271, 284, 470; ensign, 164: — Samuel; 524: — Stephen, 500: — William, 350.
- Thrall, John, 62, 102, 110, 298: — Timothy, 410: — William, 44, 410.
- Throop, Dan, quarter-master, 418: — William, cornet, 55; deputy for Lebanon, 2; justice, 30, 82.
- Tibbals, Joseph, 543.
- Tiffany, Thomas, 256; justice, 289, 368, 449, 515.
- Tift, John, 394.
- Tiley, William, 409.
- Tilley, James, 558.
- Tillotson, David, 208: — Joshua, 21: — Morris, captain, 32.
- Tinker, John, 309.
- Tomlinson, Samuel, deputy for Derby, 330, 356, 364.
- Toney, Betty, 257.
- Topliff, Nathaniel and Samuel, 298, 343.
- Torrington, ecclesiastical tax in, 226, 293, 336; granted town privileges, 338; brand, 460; in Litchfield probate district, 504; proprietor's meetings in, 539.
- Toto, Indian, 100.
- Tousey, Thomas, 350; Clark v, 463, 506; justice, 30, 82, 159, 225, 289, 368, 448, 515.
- Towler, John and Joseph, 394.
- Tracy, Daniel, 347; ensign, 163: — Francis, 411: — Isaac, 347; deputy

- for Norwich, 414; justice, 368, 448: — Jedidiah, deputy for Preston, 78, 189, 222; justice, 81, 159, 234, 288, 368, 448, 515: — Joseph, deputy for Norwich, 52, 78, 119: — Prince, 187: — Simon, 347: — Solomon, deputy for Canterbury, 415.
- Trade: duty on goods, 7, 22, 57; embargo, 87, 376, 431; act of parliament relating to, to be published, 390; Board of laws to be sent to, 356, letter sent to, 357, report in favor of new trial in Mohegan case, 362.
- Treadwell, Adoniram, patent granted to, 181: — Hezekiah, cornet, 545.
- Treasury, loans made from, 252, 320, 463, 464, 466, 519, 576; money due to, to be collected, 39, 216; bills of exchange to be sold, 440; allowance to constables for making up accounts, 578. See Auditors, Bills, Lists, Taxation, Whiting.
- Treat, Joseph, ensign, 226; lieutenant, 368: — Robert, 478, 531, 534; deputy for Milford, 26, 52, 78, 119, 189, 221, 258, 285, 323, 415, 444, 486, 511, 551; auditor, 30, 229, 289, 453; justice, 448, 514.
- Trowbridge, Daniel, 213, 239: — Isaac, 394, 541, 542: — John, 254.
- Truman, Joseph, 204.
- Trumble, Benoni, lieutenant, 54; captain, 290: — Jonathan, 521; deputy for Lebanon, 26, 53, 119, 156, 189, 222, 258, 255; clerk, 156; speaker, 222, 258; in nomination, 264, 340, 420, 490, 552; chosen assistant, 286, 365, 446, 512; in court, 322, 329, 355, 364, 414, 444, 485, 510, 551; committee, 151, 175, 212, 242, 246, 299, 372, 393, 421, 423, 472, 491, 518, 519, 534; auditor, 372, 453, 515; justice, 159, 225; lieutenant, 4; lieutenant-colonel, 281; to revise laws, 465, 505.
- Tubbs, Isaac, 111.
- Tuller, Jacob and John, 567.
- Tully, John, 479, 528, 562; justice, 549.
- Tupper, Eliakim, deputy for Lebanon, 486.
- Turkey Hills, asks to be made a society, 48, granted, 77, enlarged, 110; meeting-house, 127, 175.
- Turner, John, 251, 349.
- Turrel, Enos, 251.
- Tuttle, Andrew, 556; captain, 83: — Daniel, captain, 203: — Isaiah, ensign, 83: — James, 298, 343: — Joseph, 306; quarter-master, 509; captain, 516: — Nathaniel, 251.
- Twenty Mile Island annexed to East Had-
dam, 273.
- Twitchell, John, 394.
- Tyler, Elnathan, 145: — Joseph and Mehitable, 491: — Peter, 145, 531, 556.
- Uncas, Ben, 254, 262, 517; embraces christian religion, 72; provided with clothing, 166; affidavits to be taken relative to choice of, as sachem, 206; complaints by, 237; and Indians will join New London north society, 245: — Joshua and Samuel, 517.
- Union, ecclesiastical tax, 16, 196, 301, 420, 523; meeting-house, &c., 196, 249; Loomis v., 477.
- Unity, in Stratford, grant to, 149; J. Walker annexed to, 529.
- Upson, Stephen, lieutenant, 375; captain, 546; deputy for Waterbury, 552.
- Utley, James, captain, 82.
- Vandusen, Abraham, 180, 269.
- Vagabonds, how disposed of, 137.
- Vibber, John, 204, 315.
- Voluntown, enlarged, 230; sale of colony land near, 8, 103; and Preston bounds, 108, 147; Bundy &c., v., 74.
- Wadkins, William, deputy for Ashford, 511, 551; ensign, 84; lieutenant, 415.
- Wadsworth, Daniel, 74: — James, 25, 39, 40, 108, 521; in nomination, 5, 58, 122, 195, 263, 340, 419, 490, 552; chosen assistant, 28, 79, 157, 222, 286, 365, 446, 512; in court, 1, 26, 52, 78, 118, 188, 221, 258, 284, 322, 329, 355, 364, 414, 485, 510, 551; committee, 15, 48, 76, 93, 213, 237, 238, 246, 283, 412, 479; judge, superior court, 28, 80, 157, 223, 287, 366, 446, 513; commissioner on Rhode Island boundary, 151, 295, 489; agent in Mohegan case, 462, 507, 520, 578; colonel, 281: — James, jr., deputy for Durham, 189: — John, 99; quarter-master, 371: — Joseph, 99; captain, 552: — Samuel, 541; lieutenant, 453: — William, 38, 47, 51, 61, 205, 245, 249, 273; deputy for Farmington, 1, 27, 119, 189, 329, 356; justice, 29, 81, 158, 224, 288, 367, 447, 514.
- Wakeman, Helena, 416: — Joseph, justice, 289.
- Walbridge, Amos, 549; ensign, 122.
- Walden, Joseph, 199; ensign, 330.
- Waldo, Zechariah, lieutenant, 545.
- Wales, Ebenezer, 423; deputy for Windham, 258; justice, 159, 225, 289, 368, 449, 515: — Nathaniel, 405; deputy for Windham, 1; lieutenant, 330.
- Walker, Benjamin, ensign, 415: — James, 529: — Josiah, ensign, 53; lieutenant, 161: — Robert, 171, 249, 474, 542, 574; proposes to make steel, 338; ensign, 369; justice, 515: — Timothy, captain, 487.
- Wallingford, enlarged, 205; Middletown v., 25, 60, 97, 470; meeting-house in Cheshire, 47, 61.
- Walsworth, John, 150.
- Walter, Samuel, may practice medicine, 311.
- Wanton, John, 203, 206.
- Waramaug's Reserve, 39, 172, 200, 402; divided with Hartford and Windsor, 214, 253.
- Ward, Andrew, ensign, 55; lieutenant, 121; captain, 259; justice, 29, 81, 159, 224, 288, 367, 448, 514: — James, ensign, 55: — John, lieutenant, 419: — Maccok, deputy for Wallingford, 511; lieutenant, 203; captain, 489: — Samuel, ensign, 545: — William, 177, 201, 301.

- Waring, Ephraim, 574.
- Warner, Daniel, 43: — Ebenezer and Martha, 242; captain, 163: — John, ensign, 554: — Robert, 112: — Samuel, 112; lieutenant, 342: — William, 492.
- Warren, Joseph, deputy for Plainfield, 2; ensign, 32; lieutenant, 260.
- Washbourn, Ephraim, 427.
- Waterbury, part of, allowed winter privileges, 74, 129, 197; new society asked for in N. W. part, 145, 177, granted and named Westbury, 195; society asked for in N. E. part, 265, granted and named Northbury, 271; parts of Derby, Woodbury and, ask to be a society, 294, 351, granted and called Oxford, 394.
- Waterbury, David, lieutenant, 557.
- Waterhouse, Abraham, 242, 528; captain, 419: — Robert and William, 532.
- Waterman, John, 256, 346.
- Waters, Timothy, 573.
- Wattle, John, captain, 226.
- Way, John, 470.
- Weataug, 63, 86, 180. See Salisbury.
- Webster, Daniel, 111; captain, 54: — John, 144, 530.
- Weed, Daniel, lieutenant, 121: — Ebenezer, ensign, 227: — John, 394: — Jonas, 394, 403: — Joseph, 394: — Nathaniel, captain, 557.
- Weeks, Friend, ensign, 558.
- Welch, Paul, deputy for New Milford, 285, 323, 511; lieutenant, 553.
- Wells, Elizabeth, 309: — James, 435; justice, 29, 81: — Mary, 204: — Robert, ensign, 295: — Samuel, 104, 425, 572; lieutenant, 191: — Thomas, 6, 51, 100, 186, 348, 411, 538; deputy for Glassenbury, 2, 27, 53, 119, 156, 188, 222, 259, 285, 323, 329, 355, 365, 414, 445, 486, 511, 561; justice, 29, 81, 158, 224, 288, 367, 447, 514; auditor, 30, 92, 173, 289, 453, 515; committee, 42, 48, 60, 73, 76, 93, 97, 107, 108, 143, 147, 185, 201, 205, 218, 233, 243, 245, 248, 249, 273, 275, 304, 317, 406, 421, 476, 519; commissioner on Massachusetts boundary, 253; colonel, 280.
- Wentworth, General, letters received from, 439, 460.
- West, Ebenezer, 12, 15, 40; deputy for Lebanon, 2, 26, 53, 73, 78, 119, 156, 189, 222, 258, 285, 323, 329, 356, 364, 414; in nomination, 5, 58, 122, 195, 264, 340; committee, 47, 61, 67, 95, 97, 136, 173, 206, 232, 247, 299; justice, 30, 82, 159, 225, 289, 368, 448, 515: — Zebulon, justice, 367, 447, 514.
- West Haven, grant to, 25, 50, 244; may sell parsonage lands, 244.
- Westbury in Waterbury, made a society, 195; meeting-house, &c., 232, 263; T. Mathews annexed to, 438.
- Westchester, in Colchester, named, 264.
- Western lands, divided with Hartford and Windsor, 39, 214, 253; towns in, to be sold, 134, named, &c., 170; bonds received for, to be delivered to the secretary, 174; avails of, may be used for support of the ministry, 123, 334, appropriated to schools, 387, distribution of, 392, 421, 465, 479; Indian claims in, 180, 237; arms of inhabitants on, to be viewed, 273; collection of bonds given for, 516; Yale College to have patent for lands in, 346. See Waramaug.
- Wethersfield, highways in, 43, 106, 143; v. Farmington, 23, 68.
- Wetmore, Izrahiah, 112: — Josiah, lieutenant, 331: — Seth, 395, 474, 538; deputy for Middletown, 189, 285, 323, 364, 415, 445, 487, 511, 552.
- Wheeler, Caleb, ensign, 237: — James, 542: — Joseph, 537: — Obadiah, lieutenant, 229; captain, 450: — Thomas, 22; ensign, 55; lieutenant, 189; captain, 290.
- White, Benjamin, 306, 427: — Daniel, lieutenant, 228: — Joel, ensign, 449: — John, 218, 239, 251; deputy for Killingly; 330: — Jonathan, ensign, 54; lieutenant, 290: — Joseph, justice, 29, 81, 158, 224, 288, 367, 447, 514: — Stephen, lieutenant, 487: — William, 180.
- Whiting, John, 105, 252, 289, 440, 443, 536; chosen treasurer, 28, 80, 157, 223, 286, 366, 453, 512; to attend assembly, 11, 57, 126, 202, 264, 339, 420, 491, 554; captain, 369; colonel, 441; grants to, 317, 376, 550; justice, 263, 288, 368, 448, 515; deputy for Stonington, 486: — Joseph, 175; auditor, 30, 85, 92, 372; in nomination, 5, 58, 122, 195, 264, 340, 419, 490, 552; chosen assistant, 28, 80, 157, 222, 286, 365, 446, 512; in court, 1, 26, 52, 78, 118, 155, 188, 221, 258, 284, 322, 364, 414, 444, 485; committee, 50, 107, 135, 173, 206, 225, 244, 283, 289, 321, 393, 401, 417, 421, 442, 449; judge, superior court, 28, 80, 157, 223, 287, 366, 446, 513, probate court, 29, 80, 158, 223, 287, 366, 447, 513; lieutenant-colonel, 279: — William, 146, 206, 401; captain, 226; deputy for New London, 1.
- Whitmore, Jacob, ensign, 494: — Thomas, ensign, 449: — William, 315, 397.
- Whitney, David, 267, 424; captain, 32, 333; justice, 264, 288, 367, 447, 514: — William, has built bridge, 152.
- Whittlesey, Eleazer, 306: — Jabez, 561.
- Wickwire, Peter, 315.
- Wilcox, Hezekiah, 150: — Joseph, 424; deputy for Killingworth, 156, 364, 445, 552, for Symsbury, 258, 285, 323, 329, 355, 445, 486; justice, 447: — Mindwell, 424.
- Wilcoxson, Joseph, deputy for Symsbury, 511, 552; ensign, 261; justice, 514.
- Wildman, Jacob, 558.
- Wilks, Francis, salary granted, 37, 50, 117, 218, 236, 317, 412, 484; to be written to, 361, 440; dead, 506, 517, 579.
- Willard, Joseph, 252: — Josiah, ensign, 33; lieutenant, 295: — Samuel, 46, 147, 176, 315, 395, 538; deputy for Saybrook, 26, 53, 119, 156, 189, 259, 285, 323, 330, 356, 365; clerk, lower house,

- 156; captain, 163; lieutenant-colonel, 317; county surveyor, 219, 237.
- Willley, Isaac, 495.
- Williams, Benajah, 237, 267; captain, 332: — Daniel, 350: — Elisha, 362, 576; deputy for Wethersfield, 285, 322, 329, 353, 365, 445, 486, 511, 551; speaker, 286, 323, 356, 365; justice, 288, 367, 447, 514; judge, superior court, 287, 366, 446; in nomination, 420, 490, 552: — Isaac, 541: — John, 482, 505; deputy for Lebanon, 414, 511, 551, for Stonington, 221; captain, 3; major, 280: — Jonathan and Thomas, 499: — Mark, deputy for Preston, 53; captain, 3: — Nathaniel, 215, 274, 312: — Samuel, 499; captain, 11: — Rev. Solomon, preached election sermon, 372: — William, 573; deputy for Groton, 415; ensign, 191; lieutenant, 58; captain, 190, 452.
- Willington, ecclesiastical tax in, 102, 378.
- Wills, Abigail, 43.
- Wilson, Benjamin, 243: — Samuel, lieutenant, 4.
- Wilton, meeting-house in, 112, 127.
- Winchell, Robert, 110: — Thomas, lieutenant, 453.
- Windham, v. Canterbury, 116, 549, 561; grant to first society, 308.
- Windham county, spring election in, 277.
- Windsor, Ellington made a parish, 6; western lands divided with, 39, 214, 253; and Symbury bounds, 41, 116; part of, set to Wintonbury society, 76, 127, part to Turkey Hills society, 110; strays, &c., where posted, 90; highways in, 298; proprietors' meetings annulled, 180; proprietors v. Hurlburt, 207, 256, 315.
- Winslow, Captain, 439.
- Winston, John, freed from tax, 50.
- Winthrop, Anne, 434, 560: — John, Richards and Douglas v., 560; v. Lechmere, referred to, 18, 283, 433: — Wait, 18, 432.
- Wintonbury, society constituted, 76; bounds of, and meeting-house, 96; military company of, 127; grant to school, 575.
- Witter, Joseph, 497: — William, deputy for Preston, 285, 323, 330, 356; lieutenant, 372.
- Wolcott, Alexander, 213, 239, 346: — Erastus, surveyor, 509: — Gideon, ensign, 558: — Henry, 65, 95: — Mary, 23, 51: — Roger, 30, 39, 253, 401, 509, 550; in nomination, 5, 58, 122, 195, 263, 340, 419, 490, 552; chosen assistant, 28, 79, 157, 222, 286, 365, deputy governor, 417, 446, 511; in court, 1, 26, 52, 78, 118, 155, 188, 221, 258, 284, 322, 329, 355, 364, 414, 441, 485, 510, 551; committee, 48, 51, 76, 135, 185, 201, 206, 219, 243, 275; judge, superior court, 28, 80, 157, 223, 287, 366, chief judge, 429, 446, 513; commissioner on Rhode Island boundary, 151, 295, 489; agent in Mohegan case, 165, 220, 462, 507, 520; colonel, 279; of council of war, 314, 567; to revise laws, 465, 505: — Roger, jr., 504, 548, 574; deputy for Windsor, 329, 355, 364, 552; lieutenant, 161; captain, 557; justice, 367, 447, 514.
- Wolves, premium for destruction of, 36, 572.
- Wood, John, 411.
- Woodbridge, Abigail, 74: — Dudley, 115, 124, 242, 262, 520, 556; auditor, 85; captain, 577; deputy for Groton, 2, 27, 78, 221, 259, 285, 323, 329, 355: — Rev. John, 14: — Joseph, 13: — Samuel, 548: — Rev. Timothy, 24, 574; v. Symbury, 48, 75, 105; preached election sermon, 225.
- Woodbury, north part asks to be a society, 45; winter privileges granted part of, 211, 233, 237; north-east part made a society and named Bethlehem, 265; Shepang asks to be a society, 400; Judea constituted a society, 423; Roxbury made a parish, 537; parts of Derby, Waterbury and, ask to be a society, 294, 351, granted and called Oxford, 394.
- Wooden, Nathaniel, 499.
- Woodruff, Benjamin, 409: — David, ensign, 450, lieutenant, 547: — Nathaniel, lieutenant, 53; captain, 161.
- Woodward, John, justice, 30, 82, 159, 225, 289, 368, 449, 514, 515: — Nathaniel, deputy for Coventry, 285, 323.
- Wooster, David, lieutenant of sloop Defence, 412, commander, 503; grant to, 530: — Jonas, lieutenant, 343: — Joseph lieutenant, 544: — Timothy, 394.
- Worden, Nathaniel, 560.
- Work-house at Hartford, regulated, 137, 505.
- Wright, Abel, 125, 351; captain, 451: — Benjamin, 44, 128: — James, 44, 128; 302; lieutenant, 362: — Timothy, cornet, 430; captain, 546.
- Writs of error regulated, 193, 578; of prohibition, 360.
- Wyllys, George, 509, 537; captain, 164; committee, 295, 319, 440; elected secretary, 28, 80, 157, 223, 286, 366, 446, 512; grants to, 25, 77, 154, 186, 219, 317, 443, 484, 550; proposes to make steel, 338, 574; justice, 447, 514; autograph of, 580: — Hezekiah, justice, 29, 81, 158, 224, 288, 367.
- Wyman, Ebenezer, 301.
- Yale, Theophilus, 481; deputy for Wallingford, 2, 52, 79, 119, 155, 188, 222, 259; justice, 29, 81, 159, 224, 288, 367, 448, 514: — Thomas, 373.
- Yale College, grants to, 24, 203, 308, 436, 558; repaired, 15, 37, 66, 75, 206, 345, 437, 442, 530; Rev. T. Clap chosen rector, 308; officers and students freed from tax, 131, 133, from military service, 379; to have patent for western lands, 346.
- Yarrington, Ezekiel and Peter, 403.
- Yeomans, Jonathan, ensign, 34.
- Young, Daniel, 541.

